

Decision Maker: **Development Control Committee**

Date: **31st August 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **ADOPTION OF THE BROMLEY TOWN CENTRE AREA ACTION PLAN**

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Ward: Bromley Town

1. REASON FOR THE REPORT

- 1.1 The final stage in the Local Development Framework process for the preparation of the Bromley Town Centre Area Action Plan (AAP) has now been completed. Having undergone a formal hearing during March/April 2010, the Council has now received the Inspector's final binding report. The Inspector has concluded that that with a limited number of changes the Area Action Plan satisfies the legal requirements and is sound.
- 1.2 This report presents a summary of the key recommendations of the Inspector's report and outlines the timetable for the formal adoption of the AAP as a Development Plan Document as part of the Local Development Framework.

2. RECOMMENDATION(S)

- 2.1 Members of Development Control Committee are asked to note
- the main recommendations of the Inspector's report and
 - the timetable for adoption as set out in paragraph 4.3

Corporate Policy

1. Policy Status: New policy. The AAP will be the Council's first Development Plan Document (DPD) in the Local Development Framework (LDF). As a DPD that has undergone a formal public examination, and has been found sound, once adopted as DPD it will be a material consideration in the determination of planning applications within the AAP area.
 2. BBB Priority: Vibrant Thriving Town Centres.
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Financial

1. Cost of proposal: N/A The sites identified in the AAP present opportunities for private sector investment of the type that resulted in the development of The Glades. While the Council may incur expenditure in assisting in site assembly it would only do so if it is assured that those costs will ultimately be met by the developer. There is also an opportunity for the Council to obtain capital receipts from the sale of its own land. The Council owns 6 of the 12 opportunity sites.
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: R & R
 4. Total current budget for this head: £n/a
 5. Source of funding: Consultancy costs have been met from the Planning Development Grant, Town Centre Improvement Fund, LABGI and the LPSA 1 reward funds.
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Staff

1. Number of staff (current and additional): n/a
 2. If from existing staff resources, number of staff hours: n/a
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Legal

1. Legal Requirement: Statutory requirement. The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 amend the 2004 regulations and prescribe the procedure for submission and adoption of the Area Action Plan.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): borough -wide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: NA

3. COMMENTARY

- 3.1 The Inspector has found the Area Action Plan sound and concluded that the Council's plans for strengthening Bromley Town Centre, through the promotion of a range of mixed use developments, are justified. Furthermore, he has been satisfied that the land use allocations on the Opportunity Sites provide appropriate opportunities for a range of new developments including shops, offices, dwellings and hotels. A copy of the Inspector's report is attached. The Inspector does recommend a number of changes and these are in addition to those changes agreed prior to and at the Examination Hearings. These are attached as Appendices A-C. In general these changes were agreed or suggested by the Council as a result of representations made or through discussions that were held during the examination sessions. The Inspector concludes that none of the changes alter the fundamental approach that the Council is proposing but help to build a stronger consensus about how the centre of Bromley should be improved. The Inspector concludes that *"..the Council's proposals are essentially sound and provide a good basis for the future planning of the Bromley Town Centre"*.

Inspector's Main Recommended Changes

- 3.2 **Opportunity Site A Bromley North Station.** The Inspector found it unrealistic to change the wording of the present policy, concluding that "Around 250" provided sufficient flexibility. He concluded that to change the policy to "At least 250 dwellings" would impose an unreasonable planning burden on the Council to accept a scheme without knowing whether in planning and design terms a particular number of units could be accommodated.
- 3.3 **Opportunity Site B Tweedy Road.** To guide the future development of this site the Inspector recommended modifications to the design criteria laid down in the Area Action Plan, to reflect the conservation area analysis provided by the recent appeal decision on this site.
- 3.4 **Opportunity Site G High Street.** The Inspector accepted that because of its size and location Opportunity Site G had the potential for redevelopment. However, he recommended that additional guidance was required to illustrate how comprehensive development could occur and how development of parts of the site would be related to the whole. The Inspector concluded that a Master Plan was necessary to supplement Policy OSG so that the Council could be satisfied that its comprehensive proposals are viable and achievable and that developers, land owners and residents are also fully aware of what is proposed and how it could be implemented. The masterplan will need to address the form of development which should take place and whether certain existing buildings need to be included, or excluded, from such redevelopment.
- 3.5 **Opportunity Site L DHSS Building.** The Inspector expressed concern at the extent of the safeguarding for junction improvements for public transport priority measures. Whilst, the Inspector acknowledged the need for such measures, he recommended the indication of safeguarding by means of a drawing a thick line along the roadside in the indicative diagram showing some form of improvements will be sufficient at this stage. The extent of any land take should eventually be determined dependent upon the details of a submitted scheme, in consultation with the Local Planning Authority.
- 3.6 **Conservation Area Appraisal and Management Plan.** The Inspector accepted that by the time of adoption of the AAP the Council would have prepared the Conservation Area Appraisal for consultation and it would be sufficiently advanced to form a basis for decisions affecting the Conservation Area. The Inspector recommended an additional criteria to Policy BCT17 Urban Design, which requires any development affecting the Conservation Area to be assessed on the basis of the emerging Conservation Area Appraisal.

4. POLICY IMPLICATIONS

- 4.1 The AAP sets out the policy framework for the future development of Bromley Town Centre. Proposals within the plan have taken into account national and regional planning policy and, as a spatial plan, other non-planning policies. The soundness and legal compliance of these proposals have now been tested by a Planning Inspector at Examination and been found sound.
- 4.2 The attainment of Vibrant and Thriving Town Centres is a key Council priority under “Building a Better Bromley” corporate policy and implementing the AAP is now crucial to strengthening the Town Centre’s position in the current economic climate and ensuring its future prosperity in the face of increasing competition.
- 4.3 The AAP once adopted as a statutory Local Development Framework Development Plan Document, will be used for the purposes of informing any future proposals for redevelopment in the area and will be a material consideration for the purposes of determining future planning applications, in conjunction with other relevant saved policies in the UDP. The proposed adoption timetable is as follows:

DC Committee 31st August October 2010
Executive 29th September 2010
Full Council 25th October 2010.

5. FINANCIAL IMPLICATIONS

- 5.1 Funding for the AAP programme has been met from the Planning Delivery Grant, Town Centre Improvement Fund, LABG1 and LPSA 1 reward funds.

6. LEGAL IMPLICATIONS

- 6.1 The Plan is a statutory document and has been prepared under the Planning and Compulsory Purchase Act 2004, and in accordance with The Town & Country Planning (Local Development) (England) Regulations 2004 as Amended by the Town & Country Planning (Local Development) (England) (Amendment) Regulations 2008.
- 6.2 Upon adoption of the plan, the Council must as soon as practicable, publish a Statutory Notice of Adoption (Planning and Compulsory Purchase Act 2004 Regulation 24(2) and 36 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008) indicating that the Council has resolved to adopt the plan. The adopted plan, along with the Inspector’s report, must also be published on the Council’s website and be made available for viewing at the Council’s main and planning receptions and all the Borough libraries. All parties who have previously requested to be informed of the AAP’s adoption must be notified.
- 6.3 Following adoption anyone may challenge the AAP under Section 113 of the Planning and Compulsory Purchase Act 2004 if they do not consider that the document is within the appropriate power or that a procedural requirement has not been complied with. Applications to the High Court must be made within a 6 week period from the date of adoption.

7. PERSONNEL IMPLICATIONS

NA

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Inspector's Report August 2010 Appendix 1 Changes already proposed and published Appendix 2 Changes arising from the Hearing Sessions Appendix 3 Inspector's recommended changes