

Decision Maker: DEVELOPMENT CONTROL COMMITTEE
EXECUTIVE

Date: Tuesday 13 March 2018
Wednesday 28 March 2018

Decision Type: Non-Urgent Executive Key

Title: BROMLEY DRAFT LOCAL PLAN EXAMINATION - APPROVAL
FOR MAIN MODIFICATIONS CONSULTATION

Contact Officer: Katie Ryde, Planner
Tel: 020 8313 4520 E-mail: Katie.Ryde@bromley.gov.uk

Chief Officer: Chief Planner

Ward: All Wards

1. Reason for report

The Council submitted the Draft Local Plan to the Secretary of State for examination by an independent Inspector in August 2017. This followed its approval by a meeting of the Council in June 2017. A series of public Hearings were held in December 2017, giving representors the opportunity to state their concerns directly to the Inspector. In order to address some of the issues raised at the Hearings, Officers have suggested some Main Modifications to the Draft Local Plan. In addition, the Inspector has suggested that the Council review the classification of Minor Modifications which were submitted alongside the Draft Local Plan, to establish whether any of these should now be considered as Main Modifications. Any Main Modifications proposed by the Council are subject to public consultation which requires approval from Executive.

2. **RECOMMENDATIONS**

(a) That Development Control Committee recommends to Executive the suggested Main Modifications to the Draft Local Plan set out in Appendix 1 and Appendix 2 for consultation.

That Executive

(b) approves the suggested Main Modifications to the Draft Local Plan set out in Appendix 1 and Appendix 2 for consultation and that the results of the consultation be forwarded to the Examination Inspector.

(c) Delegates authority to the Chief Planner in consultation with the Leader of the Council to approve the preparation of necessary further information and amendments to the Bromley Local Plan Proposed Submission Draft Local Plan during the public examination, in particular to carry out public consultation on proposed modifications to the Plan and the subsequent forwarding of the responses to the Examination Inspector.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
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Corporate Policy

1. Policy Status: New Policy: The Local Plan when adopted will form part of the statutory Development Plan for the Borough together with the Bromley Town Centre Area Action Plan and the London Plan. It will replace the saved policies of the Unitary Development Plan 2006
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning Strategy and Projects
 4. Total current budget for this head: £679.4m
 5. Source of funding: Existing Revenue Budget for 2017/18
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Personnel

1. Number of staff (current and additional): 12ftes
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: No implications
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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? Yes Ward Councillors have been engaged throughout the preparation of the Local Plan, informally and more formally including the five stages of consultation.
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

- 3.1 Following recommendations at Development Control Committee and Executive, Full Council on 26 June 2017 approved the submission of Bromley's Draft Local Plan (The Plan) to the Secretary of State for independent examination. A planning Inspector was subsequently appointed to consider whether The Plan is "sound" – that is, whether it is:
- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements,
 - **Justified** – the most appropriate strategy given the reasonable alternatives,
 - **Effective** – deliverable and based on joint working across boundaries, and
 - **Consistent with national policy** – to enable the delivery of sustainable development in accordance with the National Planning Policy Framework.
- 3.2 Having initially reviewed The Plan, the Inspector issued a set of key questions to which the Council, and those who had previously made representations, were able to respond. These questions formed the basis for public Hearing sessions which took place at the Civic Centre over seven days from 4th December 2017.
- 3.3 The Council has received some post hearing advice from the Inspector which is reflected in this report and is a background document.

Main Modifications

- 3.4 The Inspector examines the plan "as submitted" but can identify where Main Modifications may be needed in order to resolve problems that would otherwise make the plan unsound or not legally compliant. The Inspector must be satisfied that these Modifications have been subject to the requirements of public consultation and Sustainability Appraisal in order to accord with regulations and to ensure transparency.
- 3.5 Appendix 1 sets out suggested Main Modifications, and reasoning, to address some of the issues arising from the Inspector's comments and queries at the public Hearings. These include changes to:

Policy 1 – Housing Supply
Policy 2 – Affordable Housing
Policy 15 – Crystal Palace, Penge and Anerley Renewal Area
Policy 23 – Public Houses
Policy 85 – Office Clusters
Policy 108 – East Camp (Biggin Hill SOLDC)
Site 1 – Bromley Civic Centre
Site 3 – Hill Car Park
Site 10 – West of Bromley High Street, and
Appendix 10.1 – Housing Trajectory

It is considered that while these suggested changes affect the wording of some policies and supporting text, they do not fundamentally change the direction of those policies nor the overall strategy.

- 3.6 The Inspector also requested that the schedule of *Minor* Modifications (SD20) be reviewed so as to confirm only whether the modifications are classified as Main or Minor. SD 20, and the changes it contains, was approved by Full Council along with the Plan and other evidence

documents in June 2017. The suggested review has now been undertaken and the status of a number of *Minor* Modifications has been raised to *Main* – that is, it is now considered that they should be subject to consultation. These additional Main Modifications are included in the table in Appendix 2.

- 3.7 Advice from the Council’s legal team is that consultation on Main Modifications should not take place during the Purdah period for the forthcoming local elections, therefore it is proposed to start the consultation as soon as practical after the 3rd May. The consultation will run for six weeks and concerns only the Main Modifications – other elements of the plan are not under scrutiny in this exercise. The Inspector will consider the representations to the consultation and make a final decision as to whether the Modifications should be made, incorporating this into her final report.
- 3.8 A number of representors requested that the Inspector consider additional information, outside the time frame set for the submission of Hearing Statements. The Inspector did not accept all submissions but encouraged informal consideration by the Council where appropriate. As a result, four additional submissions were reviewed – from the Orpington and District Archaeological Society (ODAS), The Beckenham Society, Friends of Bromley Town Parks and Gardens and Bromley Civic Society. Part of the query by ODAS was resolved at a subsequent Hearing session and the remainder will be made through an agreed amendment to the Policies Map on adoption (the map is not subject to examination). In response to the Beckenham Society a number of points have been clarified and no changes to the Plan are proposed. A number of amendments have been suggested in response to concerns raised by Bromley Civic Society on Site Allocations in Bromley Town Centre and these are included in Appendix 1. Additional information collected by The Friends of Bromley Town Parks and Gardens with regard to additional Local Green Space designations was reviewed but the conclusion was that this did not alter the outcome of the original assessments, so no changes are proposed to the Plan.

4. POLICY IMPLICATIONS

The Local Plan, when adopted, will replace the Unitary Development Plan and be used alongside the Bromley Town Centre Area Action Plan and the London Plan for the purpose of determining planning applications in the Borough.

5. FINANCIAL IMPLICATIONS

There are no additional financial implications arising from the proposals in this report.

Non-Applicable Sections:	Impact on vulnerable adults and children Legal Procurement Personnel
Background Documents: (Access via Contact Officer)	Bromley Proposed Submission Draft Local Plan 2016 SD20 – Schedule of Minor Modifications submitted alongside the Draft Local Plan Correspondence from the Local Plan Inspector, March 2018