

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 11 September 2018

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

Title: RESPONSES TO DRAFT LOCAL PLAN MAIN MODIFICATIONS CONSULTATION

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Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

The Council agreed proposed Main Modifications to the Draft Local Plan following public Hearings in December 2017 and a period of consultation took place between Friday 22nd June and Friday 10th August 2018. 16 responses were received from local interest groups, planning consultants and developers and statutory consultees. The responses will be sent to the Local Plan Inspector for her to consider in finalising her report on the Local Plan.

2. **RECOMMENDATION**

Members note the responses to the Draft Local Plan Main Modifications consultation and the anticipated next steps towards adoption of the Local Plan.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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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.
 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: N/A
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.667m
 5. Source of funding: Existing Revenue Budget for 2018/19
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Personnel

1. Number of staff (current and additional): 65.86ftes
 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? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

The Local Plan Examination

- 3.1 The Council submitted the Draft Local Plan to the Secretary of State for examination on 11th August 2017. The appointed Inspector held public Hearing sessions in December 2017 and then the Council drew up a schedule of proposed Main Modifications that it considers could help make the plan “sound” (see **Appendix 1**). The Inspector will consider these Modifications, and the responses to them, in preparing her report on the Local Plan.

The Main Modifications consultation

- 3.2 The Council consulted on the Main Modifications from Friday 22nd June and Friday 10th August 2018, following similar procedures undertaken for previous consultations on the stages of the Local Plan development. Emails and letters were sent to previously interested parties registered on the Local Plan database. The consultation document was available to comment on and download from the planning consultation portal and available to view at local libraries. In accordance with guidance, views were requested specifically about the proposed Modifications, not the entire plan.

Summary of responses

- 3.3 A total of 16 responses were received (see **Appendix 2**), including 58 comments in total. Modification MM001 on Draft Policy 1 – Housing Supply received the most comments (8 in total). Several of the comments were neutral – noting the consultation or stating that their previous comments still stand – and some were in support. The full responses will be published on the Council’s Examination web pages.

Key issues and responses

Housing Supply

- 3.4 A number of respondents raised issues in relation to housing supply, which are summarised as follows:
- The proposed Modifications relating to housing, including MM001 and MM002 do not address concerns previously raised about the Council’s approach to housing supply.
 - Recent s78 Appeals decisions demonstrate that the Council does not have a 5 Year Housing Land Supply and that site allocations are not deliverable or developable as stated in the housing trajectory
 - Objectively Assessed Housing Need is likely to increase using the Government’s new methodology and the housing supply strategy in the Local Plan will not meet this need.
 - The overall housing target should be higher in order to increase affordable housing
 - A full review of Green Belt and other protected areas should be undertaken to better evaluate the Borough’s capacity for additional housing

Biggin Hill Airport

- 3.5 Biggin Hill Airport Ltd (BHAL) raises a number of issues relating to Modification MM006 and the Main Modifications process generally. These are summarised as follows:

- MM006 does not address soundness issues concerning East Camp or the Biggin Hill Strategic Outer London Development Centre (SOLDC) as a whole. At the hearings, BHAL contended that the policy is supportive of growth but at odds with the retention of East Camp in the Green Belt. The Inspector acknowledged this contradiction but gave no indication that this should be resolved in the manner proposed by the Modifications.
- Further restricting development potential, as proposed by the Modification, contradicts the Council's assertion that the Local Plan makes adequate allowance for anticipated growth in the SOLDC.
- Restricting support for aviation development to existing buildings, not land, is also at odds with permitted development rights for airport development.
- BHAL question the process followed for the Main Modifications consultation. Modifications were proposed unilaterally and without adequate steer from the Inspector (in the form of any formal publication), reliant on an email response (examination document ID-5) which only includes points of clarity.
- Other comments made by the Inspector at the hearing have not been addressed. It was put to the Council that the restrictive nature of the proposed Green Belt release would mean directing significant resources to applications for "very special circumstances" for new Green Belt development.

Other issues raised by BHAL in its response include:

- failure to modify the SOLDC boundary to include land north of East Camp (known as the "former tip site"), despite accepting that the CAA licence boundary for the airport includes this land;
- lack of response to discussions around land between South Camp and East Camp (identified as Area 4 on p196 of the Draft Local Plan), despite the evidence base describing the land as making no contribution to Green Belt purposes; and
- apparent limitations to development possible under permitted development rights reinforcing the need to deliver greater certainty through further Green Belt release (compounded by recent industry feedback suggesting uncertainty around capacity for operations to expand is a significant hurdle to new investment)

Responses from local interest groups

- 3.6 The Beckenham Society has raised concerns regarding the inability to comment other than on the modifications and the lack of a number of specific modifications they suggest. They are also concerned that the Council has not sought a specific Article 4 Direction to limit changes of use from offices to residential in the Beckenham High Street area.
- 3.7 The Bromley Civic Society makes representations with regard to the modifications on three sites
- Site 1 Bromley Civic Centre, related to protection of the Listed Building and public access
 - Site 3 Hill Car Park and Adjacent Lands relating to the cinema building,
 - Site 10 West of Bromley High St and land at Bromley South in relation to timing of the Masterplan and weight to be attached.
- Bromley Civic Society suggested different wording following the hearings (31st Dec 2017). The current representation offers further alternatives.
- 3.8 Friends of Bromley Town Parks and Gardens continued omission of Local Green Space designation which they propose for Valley Primary School Playing Fields and the Grounds of St Peter's and St Paul's Parish Church. During and subsequent to the Local Plan hearings December 2018 the friends group provided supplementary information which, when reviewed did not alter the Council's position. Friends of Bromley Town Parks and Gardens object to the outcome of the Councils review and absence of modification.

Orpington Field Club – Orpington Field Club supports many of the minor modifications. A few concerns have been highlighted and minor wording tweaks have been suggested to overcome these.

Responses from statutory consultees

- 3.9 The Environment Agency has responded with support. Transport for London welcome changes to draft Policies 28 and 31 however note that the remainder of their previous comments have not been addressed. Their previous objections therefore still stand. Natural England has advised that they do not wish to comment on the modifications.

Next steps

- 3.10 The Local Plan Inspector will consider the responses to the Main Modifications consultation. She should then produce a “fact check report” on the Local Plan for the Council to consider. The Planning Inspectorate advises that the local planning authority may not question the Inspector’s conclusions although it may seek clarification on any conclusions that are considered to be unclear. Once this has been completed and the Inspector has responded to any points raised, the final report will be submitted to the local planning authority who are required to publish it as soon as practicable. Should the Inspector find the Local Plan sound, as anticipated, it is likely that this will be subject to making changes advised in her final report.
- 3.11 The Council can confirm adoption of the plan by a full meeting of the local planning authority and then withdraw the Unitary Development Plan. Government guidance states that while the local planning authority is not legally required to adopt its Local Plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.

4. POLICY IMPLICATIONS

- 4.1 The Main Modifications, if recommended by the Inspector, will become part of the Local Plan on adoption. The Local Plan will replace the Unitary Development Plan and become part of the Council’s Development Plan, alongside the Bromley Town Centre Area Action Plan and the London Plan, for the purposes of determining planning applications.

5. FINANCIAL IMPLICATIONS

- 5.1 At this stage of the Local Plan process, the only expected costs will be for the publication and printing of the final plan, which will be contained within the specific budget of £32.4k.

<p>Non-Applicable Sections:</p>	<p>Impact on Vulnerable adults and children</p> <p>Personnel implications</p> <p>Legal Implications</p> <p>Procurement implications</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Proposed Submission Draft Local Plan November 2016 Link to Proposed Submission Draft Local plan</p> <p>Committee report agreeing Modifications Executive 28th March 2018 Link to Executive report 28th March 2018</p> <p>Main Modifications Consultation document July- Aug 2018 Link to Main Modifications consultation document</p>