

Decision Maker: **Development Control Committee**

Date: **30th June 2011**

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

Title: **DRAFT REPLACEMENT LONDON PLAN EIP PANEL REPORT SUMMARY**

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Chief Officer: Chief Planner Bob McQuillan

Ward: Boroughwide

1. Reason for report

The Draft Replacement London Plan (DLP) 2009 has been inspected by the Planning Inspectorate and found that it provides a sound basis for the planning of Greater London over the next 20 years. The Examination in Public (EiP) Panel report (May 2011), <http://www.london.gov.uk/london-plan-eip> contains recommendations on changes which should be made to the Draft Replacement London Plan. LB Bromley made responses to the original revised London Plan consultation followed by specific written statements for the EiP. This report summarises the recommendations put forward by LB Bromley and the subsequent responses or recommendations made by the EiP Panel to the Mayor.

2. **RECOMMENDATION**

Members note the report.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: N/A.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
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Staff

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

1. Legal Requirement: Statutory requirement. Draft Replacement London Plan 2009
 2. Call-in: Call-in is not applicable.
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Customer Impact

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

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1** The Draft Replacement London Plan (DRLP) 2009 has been inspected by the Planning Inspectorate and found that it provides a sound basis for the planning of Greater London over the next 20 years. Following representation received from the boroughs and interested parties the Examination in Public (EiP) took place in 2010. The EiP Panel report (May 2011) contains conclusions and recommendations on changes which should be made to the Draft Replacement London Plan. The Mayor has submitted the Replacement London Plan as he intends to publish it to the Secretary of State for ministerial approval. Following this and any direction received back from the Secretary of State, the Mayor will take a decision to publish (adopt) the London Plan. In accordance with regulation, the Mayor's detailed response to the panel's recommendations will be made public when he publishes the London Plan late 2011.
- 3.2** The new London Plan when adopted by the Mayor will replace the existing London Plan as part of the development plan for London as a whole. It will set the framework for preparing our own Local Development Framework which will in due course replace the existing Unitary Development Plan. Bromley's Core Strategy when finalised will be required to conform to the London Plan.
- 3.3** In 2010, LB Bromley made responses to the original revised London Plan consultation followed by specific written statements for the EiP covering policies on Opportunity Areas and Intensification Areas, Strategic Outer London Development Centres (SOLDCs), Increasing Housing Supply, Housing Choice and Gypsies and Travellers, and Parking. This report summarises the recommendations put forward by LB Bromley and the subsequent responses or recommendations made by the EiP Panel to the Mayor.

3.4 DRLP Policy 2.13 Opportunity Areas and Intensification Areas

This policy encourages boroughs to progress and implement planning frameworks to realise the potential of Opportunity and Intensification Areas across London. No areas within LB Bromley were identified on the locations map. LB Bromley requested that Bromley Town Centre (BTC) be included as an Opportunity Area in the London Plan.

This was on the basis that LB Bromley has committed, via the Bromley Town Centre Area Action Plan (2009), to promoting a more intensive form of development in the town centre. Over the lifetime of the BTC Area Action Plan this could amount to an additional 42,000 sqm of retail floorspace, 7,000 sqm of offices, 5,000 sqm of leisure space, 2,000 new homes and over 2,000 new jobs. Delivering these quantum will be subject to the provision of the appropriate physical and social infrastructure needed to support this level of growth.

EiP Panel recommendation

The Panel shared the Mayor's view that Bromley Town Centre should not be identified as an Opportunity Area because, with capacity for about 2,000 homes and 2,000 jobs, it does not meet the capacity threshold referred to in paragraph 2.55 (DRLP) i.e. accommodate at least 5,000 jobs or 2,500 new homes or a combination of the two, along with supporting facilities and infrastructure, and that it also falls below the figures that typify Intensification Areas.

3.5 DRLP Policy 2.16 Strategic Outer London Development Centres (SOLDCs)

LB Bromley welcomed Policy 2.16 as it is effectively a means to help outer London reach its full potential by identifying key strategic commercial areas. The Outer London Commission had highlighted business locations with specialist strengths which potentially or already function above the sub-regional level and generate growth significantly above the long term outer London trend. Biggin Hill was the only such area identified in Bromley. However, clarity was requested regarding the specific role of Biggin Hill (which was mentioned in the policy table of 'Strategic function(s) of greater than sub-regional importance' under 'Other transport

related functions', and assurance was sought that the designation does not entail intensification of the Airport itself.. Further consideration should be given as to whether additional locations would merit designation as SOLDCs.

EiP Panel recommendation

The policy is devised to highlight business locations with specialist strengths. The Panel clarified the inclusion of Biggin Hill in the table as "the reference to Biggin Hill does not trespass into aviation policy". The existing table shows the centres identified so far, and is to be regarded, according to the Mayor, only as a starting point to which further centres would be added as the process beds down.

3.6 DRLP Policy 3.3 Increasing housing supply and Table 3.1

The target figure of 565 per annum for LB Bromley in Table 3.1 (which showed the figure set for each borough) and Policy 3.3 was opposed as the target is set too high and is not realistically achievable. It is considered essential that the figure accurately reflects a reasonable estimate of development capacity and takes into account all existing and future constraints including Green Belt, Metropolitan Open Land and other open space local policies, residential character and garden land.

A number of large sites included in the 2009 London SHLAA were identified as unlikely to come forward for development during the monitoring period 2011-2021 resulting in LBB proposing a new figure of 473 per annum. Further analysis submitted to the GLA proposed a further reduced target figure of 462 per annum (4620 ten year target) to be inserted into Table 3.1. The GLA published a Housing Technical Note (August 2010) that reduced the annual target for Bromley from 565 to 500.

EiP Panel recommendations

Panel recommendations refer to a 'minimum' monitoring benchmark of 34,900 dwellings per annum for London and introduce a range of 34,900-37,400 dwellings per annum (previously 34,900) to take into account increases in projected household formation and lower levels of net migration to surrounding regions. Any alterations to borough targets would be reflected through Early Alterations to the Plan.

Borough targets set out in Table 3.1 (Housing Technical Note, August 2010) are agreed. Importantly, borough Development Plan Documents (DPDs) only have to be in general conformity with the London Plan and it will be open to individual boroughs that have evidence to justify any different figures at Examinations of Core Strategies. To avoid any uncertainty and lack of impetus over securing sufficient provision boroughs will roll forward annual targets in Table 3.1 (500 units per annum for the Borough) expressing the rolling target as an indicative figure to be checked and adjusted against any revised housing targets.

3.7 DRLP Policy 3.5 Quality and design of housing developments and Paras 1.2.19 and 1.2.21 of the Housing Supplementary Planning Guidance (SPG) EiP Draft

Policy 3.5 seeks to secure new housing of the highest quality and protect and enhance residential neighbourhoods. Paragraphs 1.2.19-1.2.26 of the Housing SPG EiP Draft (August 2010) set out guidance on how boroughs and developers should consider development proposals on private garden land.

In the Housing SPG EiP Draft the definition of private garden land in paragraph 1.2.19 is not reflected in paragraph 1.2.21 which refers to presumptions against development on back gardens (rather than private garden land) and Policy 3.5 of the DRLP should be amended to refer to a presumption against development on private garden land.

EiP Panel recommendations

Policy 3.5 paragraph 3.28 should be modified to refer to the fact that the London SHLAA assumes a theoretical reduction of 90% in the historic level of garden development and therefore no strategic housing land availability obstacle to the formulation of DPD policies that seek to protect private or back gardens from housing development. A suitable evidence base is necessary at a local level to support such policies. The words “presumption against” are replaced with “policies to control” in the last sentence of Policy 3.5A.

Housing Supplementary Planning Guidance (SPG) EiP Draft - Table 3.2 Density Matrix

An LB Bromley objection was made to the inclusion of a minimum density of 35 units per ha within Table 3.2 of the SPG in light of previous amendments to PPS3 that removed the minimum density of 30 dwellings per hectare.

EiP Panel recommendations

The density of 35dph (0-1 PTAL column of the Matrix) should remain the appropriate indicative minimum benchmark in London. The importance of avoiding inefficient use of housing land is highlighted but that does not mean, in a policy sense, requiring that land be developed to its maximum physical capacity. The panel therefore recommends use of the word “optimising” and not “maximising” in Policy 3.4A and reference to “character” is also endorsed.

Housing Supplementary Planning Guidance (SPG) EiP Draft - Section 2 Quality and Design

LB Bromley considers that the use of standards as set out in Section 2 on Quality and Design in the Housing SPG EiP Draft is overly prescriptive and inappropriate for this type of document and also for the DRLP itself.

EiP Panel recommendations

Recommendations have not been made on the Housing SPG EiP Draft unless linked to changes in policy within the Plan. Table 3.3 showing minimum space standards in the DRLP is endorsed with some changes recommended that specify LDFs should incorporate minimum space standards that generally conform to Table 3.3. Reference to the standards in the text and the title should change from “minimum” to “indicative” and an additional row be added to Table 3.3 to provide for 1 bedroom/studio units with an indicative floorspace of 37sqm.

3.8 DRLP Policy 3.8 Housing Choice and Policy 3.9 Gypsies and Travellers

Draft Replacement London Plan Policy 3.9

The policy required LB Bromley to provide 58 Gypsy and Traveller pitches between 2007 and 2017. This figure far exceeded the requirements of all other London boroughs and LB Bromley objected strongly to this figure of 58 as it had to the Gypsy and Traveller Accommodation Needs Assessment (GTANA 2008) which was the evidence base used by the Greater London Authority in negotiating and drafting the London Plan policy. The GTANA had indicated a requirement of 119 additional pitches for Bromley (2007 – 2017) including a very significant proportion for those currently housed but with a psychological aversion to bricks and mortar. During the pre plan negotiations and throughout the draft London Plan consultation, Bromley has disputed the psychological aversion allowance and argued that capacity should be given more weight than need in determining allocations across the Capital.

March 2010 - Minor Alteration to Policy 3.9 issued.

This alteration produced a pitch requirement of 17 for LB Bromley and was welcomed, since it addressed both of the key objections LB Bromley had previously raised (above). Additionally LB Bromley made representations regarding the provision of transit sites and Travelling Showmen plots, which would be met sub regionally and would not fall equally on all boroughs. LB Bromley, which has a large travelling showpeople site where additional provision has recently been made, argued that where a borough met one of these needs for the sub region it should be exempt from the other.

September 2010 Minor Alteration to Policy 3.8 Housing Choice (Policy 3.9 deleted)

The Mayor published a further minor alteration deleting the pitch targets altogether and incorporating reference to C and travelling showpeople within Policy 3.8 "Housing Choice", making boroughs responsible *"for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs*. LB Bromley welcomed the removal of references to provision for those with a "psychological aversion" to living in bricks and mortar accommodation, but, argued strongly that the absence of a target effectively returns to a policy which seeks to meet needs where they arise without reference to capacity, would not be a strategic approach and would see responsibility falling heavily on the few boroughs, currently making provision, significantly LB Bromley.

EiP Panel recommendations

Agreed with LB Bromley's representations that:

- Gypsy and Traveller provision is a strategic London-wide issue.
- Sept 2010 alteration is not an appropriate solution
- March 2010 offers a better way forward in respect of the land : capacity ratio

The panel, in reaching its target had had some sympathy with

- The GLA equitable delivery argument that Gypsies and Travellers ought not to expect a better level of provision than is feasible for social housing generally (72.5% of identified need)
- The need for some allowance for psychological aversion

Given the two points above one reducing and one increasing the need, the panel settled on a London-wide figure which matched the minimum need of 268 pitches producing a target for LB Bromley of 29 pitches. Furthermore, the panel indicated that provision should be made through cooperation within the sub regional housing partnership groups. The panel noted that some sub regions had traditionally under provided and should bear a greater need, effectively reducing the South East group (including Bromley) such that the LB Bromley provision would be 19 pitches. In conclusion, LB Bromley's requirement lies somewhere in the range of 19 -29 pitches by 2017.

3.9 DRLP Policy 6.13 Parking

LB Bromley made representation to the GLA that parking standards for non-residential development are heavily dependent on PTALs (Public Transport Accessibility Levels). In outer London town centres, PTALs as currently applied may overestimate the connectivity between these centres and their catchment areas. Outer London authorities need the additional flexibility of PPS4, Policy EC18 to take account of this.

There is a need for a review of the PTAL system which although stated in the DRLP that the Transport for London (TfL) 'may do' was considered too vague, LB Bromley therefore suggested an amendment to paragraph 6.39 to read 'Transport for London (TfL) will be

asked to undertake a review of the PTAL system in consultation with Boroughs and other stakeholders' and amend para 6.1A in line with PPS4.

LB Bromley also suggested that attempting to limit residential parking in Outer London below expected levels of car ownership could be counter-productive, with the result being more on-street parking or conversion of front gardens. Residential parking standards should reflect PPS3 by allowing Local Planning Authorities to take account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently, therefore the parking table in the DRLP (p.161) should be amended.

EiP Panel recommendations

The EiP panel were not convinced that there is a need for greater flexibility in terms of retail standards than is already provided for by the regeneration caveat. The standards are those applicable in relation to individual developments and do not preclude provision of public parking to support town centres where appropriate. The panel do not think the ability to increase provision where PTALs are low would encourage out of centre development because the town centre policies in Chapters 2 and 4 would also be applicable. TfL confirmed that PTALs are regularly reviewed in collaboration with Boroughs, with the next review due in mid-September.

The Panel confirmed that it would be helpful to have in the Mayor's Housing SPG reference to PTAL level use in relation to residential development, therefore this should be added to the Notes to the Maximum Residential Housing Standards "the forthcoming SPG on housing will include a table setting out a matrix of residential parking standards that reflect PTAL levels".

On the issue of there being sufficient reflection of PPS4 guidance and the role of PTALs, the Panel were not convinced that there was any fundamental problem with the approach to setting maximum parking standards in the DRLP. The amendments to PPG13 (January 2011) weaken though do not remove national policy backing for such an approach. The amendments remove the guidance in PPG13 which required Councils to set maximum standards for parking spaces allowed in new residential developments. The Mayors approach does not preclude Boroughs from setting variant standards provided that they have had regard to the standards set within the Addendum to Policy 6.13 and can justify any variation on the basis of local evidence. Such evidence may point to a need for particular consideration to be given to an individual neighbourhood rather than for the whole of a Borough.

4 POLICY IMPLICATIONS

The Replacement London Plan when adopted by the Mayor will replace the existing London Plan as part of the development plan for London as a whole. It will set the framework for preparing our own Local Development Framework which will in due course replace the existing Unitary Development Plan. Bromley's Core Strategy will be required to conform to the Replacement London Plan.

Non-Applicable Sections:	Financial, Personnel and Legal
Background Documents: (Access via Contact Officer)	Draft Replacement London Plan 2009 Executive 9 th December 2009 and Development Control Committee 1 st December 2009:Response to the Draft Replacement London Plan