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DATE: 5 March 2018

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Vanessa Allen, Douglas Auld, Eric Bosshard, Katy Boughey,
Kevin Brooks, Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Charles Joel,
David Livett, Kate Lymer, Russell Mellor, Alexa Michael, Neil Reddin FCCA and
Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **TUESDAY 13 MARCH 2018 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON
25 JANUARY 2018 (Pages 1 - 26)**

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5 pm on Wednesday 7 March 2018.

5 PLANNING APPLICATION 17/04478/FULL1 - FLAMINGO PARK CLUB, SIDCUP BY PASS ROAD, CHISLEHURST BR7 6HL (Pages 27 - 84)

6 AUTHORITY MONITORING REPORT 2016/17 (Pages 85 - 142)

7 BROMLEY DRAFT LOCAL PLAN EXAMINATION - APPROVAL FOR MAIN MODIFICATIONS CONSULTATION (Pages 143 - 170)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.00 pm on 25 January 2018

Present:

Councillor Peter Dean (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Douglas Auld, Kevin Brooks, Nicky Dykes,
Simon Fawthrop, Samaris Huntington-Thresher, Charles Joel,
David Livett, Kate Lymer, Russell Mellor, Alexa Michael,
Neil Reddin FCCA, Catherine Rideout, Michael Rutherford,
Michael Turner and Angela Wilkins

Also Present:

Councillors Nicholas Bennett J.P., Peter Fortune, Ellie Harmer,
Ian F. Payne, Colin Smith and Diane Smith

45 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Vanessa Allen, Eric Bosshard, Katy Boughey and Lydia Buttinger; Councillors Angela Wilkins, Catherine Rideout, Michael Rutherford and Samaris Huntington-Thresher attended as their respective substitutes.

46 DECLARATIONS OF INTEREST

No declarations of interest were received.

47 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 16 NOVEMBER AND 13 DECEMBER 2017

RESOLVED that the Minutes of the meetings held on 16 November and 13 December 2017 be confirmed and signed as a correct record.

48 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Oral questions were received from Bromley residents, Rhian Kanat, Nancy Lenthorn and Andrew Ruck. A copy of these, together with the Chairman's response, is attached as Appendix A.

**49 PLANNING APPLICATION 17/02468/FULL1 - ST HUGHES
PLAYING FIELDS, BICKLEY ROAD, BICKLEY, BROMLEY**

Report DRR00000

Prior to the issue of a decision on the current planning application for St Hughes Playing Fields (17/02468/FULL1), Members were given the opportunity to consider new material planning considerations which had arisen since permission was granted for the application on 4 October 2017.

It was reported that contrary to that stated in the published agenda as Item 10, there was no Part 2 (Exempt) report for this Item.

The Chief Executive highlighted the Council's unique position in regard to the application. He fully recognised the concern that bringing this item back had raised both for the public and the Council. Given some of the questions, he considered that bringing it back to the meeting this evening, the timescales and the details required, meant the process (timewise) had been unavoidable and this was the earliest it could be submitted to Committee. The report itself was not published until Friday 19 January because the Council had been highly engaged with Counsel seeking legal advice about the Council's current position. He also recognised the issues this raised in totality for everyone but from his perspective as Chief Executive, in order to protect the Authority in the future, this needed to be reconsidered.

The reasons this had come back to Committee were set out in the report, particularly at paragraphs 3.3-3.8, and paragraph 5 on page 9 stated that Members having taken a decision on 4 October and given the material considerations raised by the Planning Inspector, there was no alternative but to bring the matter back to Members to see if these material considerations raised by the Planning Inspector's report would have a material impact on the decision that the Committee made on 4 October. That decision was made in good faith and Members did not have to re-run the whole of that planning debate. The reason the item was being considered this evening and the responsibility on Members, was to see if any items raised by the Planning Inspector would have a material impact on consideration of the decision made at that time. These were material considerations and the officers had put them into context in the report.

Officers had brought forward the report and the Planning Development Control Officer had circulated a planning update. It was clear from the update that whilst officers had recommended that Members could ratify the decision made on 4 October, obviously other decisions were open to Members in their normal decision-making.

Counsel had confirmed that although a Judicial Review had been lodged, it had no bearing on Members' current consideration.

At this point, the Chairman moved that Members consider this as an urgent report as it contained new planning considerations arising since the resolution

to grant planning permission for application 17/02468/FULL1 and offered Members an opportunity to take them into account prior to the issue of a decision. It was necessary to consider the report before the next meeting of the Development Control Committee as a statutory time limit for determination of the planning application had passed and it was important that any delay in issuing the decision was kept to a minimum.

Members agreed that this report be considered as an urgent matter for the reasons given above.

Representations in objection to the application were received from Mrs Lesley-Anne Avis on behalf of Bickley Residents' Group and Simon Ellis, Traffic Consultant, Odyssey.

Mrs Avis stated that the Planning Inspector had refused the applicant's appeal on the basis of serious highways safety concerns. It was now back before Members to consider (taking account of that decision) whether or not to grant or refuse planning permission. She suggested that because the second application had the same access arrangements and was materially the same as the first application, the Inspector's reasons for rejecting that proposal applied equally to the current proposal. It would therefore be unsafe and unreasonable for Members to do anything but follow the Inspector's decision and refuse the application.

Members had also been requested to consider alterations to layout and the addition of a condition for a 'no right turn' onto Bickley Road. Residents did not consider this would overcome the Inspector's reasons for dismissing the appeal. In any event, such a condition would have a serious material effect on the application such that Members may not consider that proposal without first consulting with members of the public for their views and without requesting further evidence from the Council's own traffic consultants as to the potential effect of the 'no right turn'.

Residents also considered that the proposed conditions failed to secure key undertakings and key assurances given by the applicant in its submissions. This was another reason for refusing the application.

Mr Ellis stated that the applicant's latest estimate was that 43% of the development traffic would turn right onto Bickley Road when exiting the site. Most of those vehicles would be returning home in a westerly direction along Widmore Road. The applicant's latest forecast was that when the school was fully operational in 2028, the a.m peak queue length in Bickley Road would be 67 vehicles and would result in a tailback well beyond the Bickley Road exit point and accordingly give rise to the same unacceptable traffic and road safety issues caused by vehicles exiting from the site to which the Inspector had referred.

The 'no right turn' proposal would make use of the on-site access road unattractive to those vehicles arriving from the West because on exit they would be routed eastwards. The few who may still use the on-site access

road would be tempted to perform a u-turn or three point turn on the busy Bickley Road as soon as they exited the site. If not, they would be delayed at the signal junction on Bickley Road, then at the junction of Pines Road with Chislehurst Road and then at the mini-roundabout junction at the end of Chislehurst Road as they attempt to travel westwards. The applicant's own traffic modelling analysis showed that all those junctions were already operating over capacity at peak times and they would become even more congested as a result of future traffic growth and the development traffic. With the additional diverted development traffic movements, the position would become worse still.

In practice, most of the development traffic arriving from the west would be unlikely to use the on-site access road. Instead, drivers would find it much quicker to drop off and pick up children in Chislehurst Road and Bickley Road and in roads west of the site which were already heavily parked.

It was beyond doubt that this was a new material planning consideration. Members had previously considered the second application in October 2017 where the potential for drop off and pick up on surrounding roads was presented based on unrestricted exit from the site in both directions and a no right turn proposal would result in a development scheme where the likelihood of drop-off and pick-up on surrounding roads would be significantly greater. In conclusion, the current proposal did not overcome the Inspector's reasons for dismissing the appeal. The proposal would still have a serious and unacceptable cumulative impact in terms of highway safety which conflicted with paragraph 32 of the NPPF and should be refused.

Councillor Dykes referred to Mr Ellis' assumptions about what people were likely or not likely to do i.e. make three point turns etc; these were not known facts. She asked if his assumptions took into consideration that it was known from the school's admission that many people lived within walking distance.

Mr Ellis said his assumptions were based on traffic levels on arrivals and departures submitted by the applicant.

Representations in support of the application were received from Mr Matthew Blythin, DHA Planning and Mr Ben Greene, Executive Head, Bullers Wood Trust.

Mr Blythin acknowledged that Members were now asked to consider if there was any sound reason to overturn the previous resolution to grant permission. Officers had considered the appeal decision diligently and sought external Counsel advice. The conclusion reached was that the resolution could be ratified and permission could be granted. He was very disappointed with the appeal decision not least because he believed it was fundamentally flawed. It submitted a host of material information, had no regard to the proposed opening hours, included a host of factual errors and was based upon observed traffic on a wholly unrepresentative day. These shortcomings had resulted in Judicial Review proceedings being launched on the basis of clear Counsel advice that the Inspector's decision was legally unsound.

Members were requested to consider what weight they could reasonably give to the appeal decision.

The Inspector identified one primary issue which was the potential problems facing right turning traffic onto Bickley Road. This was previously raised by Members and was already being developed by proposed conditions in the form of a 'no right turn' exit. This had been further refined with officers who confirmed it offered a suitable and enforceable solution to overcome the Inspector's concern. An independent road safety audit had raised no outstanding safety issues.

Members had previously expressed a preference for access and egress from Bickley Road only. The Inspector's decision was based on minimising highway conflicts on Bickley Road and a two-way access would exacerbate those concerns; by comparison, the proposed no right turn avoided them. Members had been informed that this was a fundamental change to the scheme however, it was not. Officers had confirmed, it brought forward a detailed design to be followed via condition and it would not give rise to an unacceptable volume in drop-off. The current proposal provided an unprecedented number in drop-off and significantly more than the original scheme.

Mr Greene referred to the boys school commitment to an earlier start and finish time to that of the girls school ensuring movement would be staggered between 40-50 minutes earlier at both ends of the day. This was part of the solution and in terms of school management, was one of many strands. The commitment to sustainable travel was embodied in the Home School Agreement. Drop-off outside the site would be actively discouraged. Staff would have before and after school duties, managing gates and monitoring local roads. Parents dropping off and collecting students outside the site would be challenged and members of the Leadership Team would follow this up directly with parents. The aim was to develop resilience and confidence in students and the key element was independent travel which would be woven through transition, curriculum programmes and a range of sustainable travel projects. This was carried out at the girls school which had outstanding status under the Stars Scheme demonstrating that travel by car has decreased year by year.

Offer day was one month away and there were 490 applications for 180 places, 260 of which were in the immediate vicinity of BR1, BR2 and BR7. 176 applicants lived within 1½ miles and 98 lived within a mile. So 176 of the applicants would live within a 22 minute walk to school. The site was approximately 200 metres from Bickley Station and ½ mile from Chislehurst Station. Moreover, the school was very close to five bus routes. Policy C7 in the Bromley UDP stated that applications for schools would be permitted provided they were located to maximise access other than by car.

This would be a local school for local boys close to a range of public transport options with site design doing all that was possible to mitigate concerns and a

Trust-wide commitment to sustainable transport and proactive management to build this ethos.

If Members were to reverse the decision, the 176 boys previously mentioned would need to travel further and would more likely be driven to school. Mr Greene was not aware of any other local school which opened at different times. Should the previous decision be reversed, the problem of finding school places in Bromley would not be resolved and would force more local boys onto roads travelling long distances to school which, in turn, would worsen congestion.

Ratifying the decision made on 4 October 2017 would offer life-changing prospects to generations of young people granting permission for an outstanding school providing the same fantastic opportunities to boys as was currently offered to girls.

Councillor Dykes asked whether the applicant's concern was raised with Council officers about the day chosen for the Inspector's site visit. It was confirmed that subsequent to the appeal decision being received this had been raised with officers.

Councillor Wilkins' understood that the current application's traffic flow figures were based on the best data to hand and asked if this had changed as it was now known where students would come from. Mr Blythin confirmed that offers had been refined and the figures had improved in terms of how many students were likely to walk to school. The highways a.m. peak did not readily coincide with the school peak which as the girls school showed in terms of the likely arrival time of pupils relative to the start of school would be significantly earlier than a.m. peak on the highways. The vast majority of pupils would travel by public transport or walk.

Councillor Turner asked why the applicant did not withdraw its appeal when approval was given in October 2017. Members were informed that the two applications were materially different schemes. The second application was validated and as the current report confirmed, Members were now given the opportunity to continue with the decision as before. The applicant did not have planning permission at that time but if they had been able to proceed they could have progressed with the scheme.

Councillor Fawthrop stated that the school wished to play a good role and work with the community but from day one there had been a lot of concerns from the local community in terms of traffic and access. He asked what the applicant had done to work with the community to resolve those issues. He was informed that the decision that the school operated earlier start times was taken very early in the process as a means of resolving the concerns raised together with the Travel Plan and the parent 'Walk To School' Charter. A series of consultation events had also been held and the applicant had been very conscious of the concerns raised by local residents. The addition of further drop-off places on the school site was also included in the second

application. The applicant wanted to continue to work with the local community to try and resolve any issues raised after the school had opened.

Councillor Brooks referred to the innovative idea of establishing earlier start times for the school and asked if there was a safe area for pupils who travelled to school with siblings who may start earlier. Members were informed the school would run a Breakfast Club to accommodate those children who may start at a later time to their sibling.

The Planning Development Control Officer reported that the Chief Executive had addressed Members regarding the full range of decision options available which were to ratify the previous decision to approve or they could defer or refuse the application. Any decision would require clear reasons to be agreed by the Committee prior to a vote being taken. He suggested any Member who put forward a motion should provide clear reasons for doing so. A Judicial Review had been lodged by Bullers Wood School against the Inspector's appeal decision. Members were advised there was no legal reason to defer consideration of the application based on the lodging of the Judicial Review. Details of a 'no right turn' option, including a road safety audit of the design, had been submitted by the applicant. Notwithstanding the potential impact of such a proposal as set out in the Committee report, the Council's Highway Engineer considered the design to be technically acceptable. Should Members consider it a requirement to overcome the Inspector's concerns about the Bickley Road egress, a specific condition requiring a no right turn arrangement was recommended rather than the more general wording currently in draft condition 16. He also advised that any resolution resulting in determination of the application should be referred to the Mayor of London and the Secretary of State so they could also consider the new material planning considerations prior to the issue of a decision. Any permission granted would be subject to conditions and a S106 Legal Agreement. A summary of late representations had been circulated to Members consisting of approximately 50 representations in support and 20 in objection.

Committee Member and Ward Member Councillor Lymer considered this distressing and stressful situation lay squarely at the feet of the ESFA and their agent, Kier. Having obtained permission, why did they not withdraw their appeal on the first application? Members were verbally led to believe they would and if they had, this situation would not have arisen. Despite Council officers repeatedly chasing them, they failed to respond to messages concerning the S106 payments. If they had responded before the Inspector's report was received, the permission would now be signed off. In summary, mismanagement by the ESFA and Kier caused the situation in which the Committee now found itself.

The Inspector's objections focused on highways safety. A 'no right turn' had been proposed by the applicant to tackle the Inspector's concerns about the previous proposal for cars to turn right onto Bickley Road. The Inspector's second main concern was the unattractiveness of the route to the school due to potential queueing to the site which would lead parents to pick up and drop

off on local roads, resulting in a severe lack of safety. A 'no right turn' out of the site would not resolve this problem but would, in fact, exacerbate the problem further. The Council's Highways Engineer reported the proposed 'no right turn' could have two more dangerous consequences. Drivers would either try to turn right anyway or to avoid a 1.2 - 1.5k journey in heavy traffic just to be able to turn back around into the direction they wished to go they would more likely drop their children in one of the surrounding roads which the Inspector clearly stated was severely unsafe. Therefore, the Inspector's safety concerns resulting from the consequences of parents being less likely to enter the site had become an even greater concern. The Inspector said that other drivers may also not want to use the through route due to the potential for delay and this too would lead to pupils being dropped off and picked up in the surrounding road network.

On Bickley Road, frequent vehicle stops and vehicles parking up and waiting would be incompatible with the strategic nature of the road and its peak queueing. Bickley Road was one of the main arteries travelling across South London and was one of the main roads on which commuters travelled to Bromley for work. The Inspector had stated the limited width of Chislehurst Road, the absence of any footway on one side and peak queueing would carry an unacceptable risk of pedestrian or vehicle conflict when vehicles stopped to drop off or pick up. This would lead to an unacceptable risk to the lives of children. The Inspector went on to say the proposal would have a severe and unacceptable impact on highways safety on both Bickley Road and Chislehurst Road.

On the day of the inspection, emergency roadworks were taking place. The planning report stated that a link between them and the traffic which was heavier that day could not be proven however, Councillor Lymer accepted it was reasonable to assume that traffic was heavier due to the roadworks. Roadworks occurred frequently and perhaps increased traffic even demonstrated what would happen to the road network if the school opened. Either way, with or without roadworks, junctions were overloaded and already over capacity. This was confirmed in the applicant's traffic report which forecast that when the school was fully operational, the morning peak queue length on Bickley Road would be 67 vehicles. In their usual manner DHA, the applicant's agent, sent Members a last minute report at 6 pm on 25 January 2018. The last minute nature of this injection was designed to deliberately prevent any meaningful response from residents and Members.

Members acknowledged the undisputed need for school paces in the Borough and the strong desire of parents for this school to exist. Since the start of this process Members had suggested the Widmore Centre as a viable alternative. This option had been reiterated to the Secretary of State for Education, Bickley's MP, the ESFA and Bullers Wood countless times but had been continually ignored.

Councillor Lymer moved not to ratify the previous decision on the grounds that the applicant had not resolved the severe safety concerns laid out in the Inspector's report. The Committee should not be willing to gamble with

children and road users' lives and should not be willing to cross fingers and hope that nothing catastrophic happened, especially when there was an alternative, more suitable site on the table.

Councillor Rideout stated this was not a suitable location for a school because of the limited access, road safety and congestion. She had supported refusal of the first application. Chislehurst Road had only one narrow pavement in that part of the road and the only entrance was on the opposite side forcing children to cross a very dangerous road. The road was also one of the routes to Bullers Wood Girls School where not only did parents drive their children to school but was also used by novice drivers as some of the 6th form girls and boys drove to school, thereby increasing the danger. This was a serious road safety issue which had never been dealt with adequately.

The exit to the school was next door to a garage where, most days, there was a very large transporter parked during the morning rush hour. Even the introduction of a 'no right turn' in Bickley Road would not solve the problem but would cause another at Bickley Point because Bickley Park School was at that junction.

Councillor Dykes asked if the planning department had been advised when the Inspector intended to visit the site and was informed that it would be normal process but officers would need to confirm with the Appeals Team who dealt with the matter. Councillor Dykes then asked if the date was not suitable i.e. because of emergency works etc. could the Inspector have been asked to visit on a different day. It was reported that if officers had any idea there would be particular unusual situations, they would have advised the Inspector of this. It could be deemed that on this occasion, officers were not aware of any emergency works in the area.

There was no difference between the current and previous applications. The perceived problem with right turning vehicles onto Bickley Road had been addressed by the applicant. Furthermore, there were no safety concerns with the design. The only remaining concern related to drop-off however, this consideration had been debated extensively before. It was also not a basis on which a decision should be changed. The evidence received about drop-off was based on a prediction which could not be relied upon and recent school data showed that students attending the school would have a 22 minute walk to the site; so that was the information which should be considered. It was important to note the Inspector was not concerned about the generation of the volume of traffic.

Councillor Dykes also questioned the credibility of the Inspector's report as it offered no reason or new considerations for not ratifying Members' decision. It was ridiculous that the Inspector's site visit happened on a day when there were quite significant roadworks in the area. The assertion that it gave him an idea of what traffic might be like was a falsehood because these were emergency Thames Water works, an emergency diesel spill and emergency gas works. The Council would never have agreed all those roadworks given

the extreme high impact on traffic. The Inspector therefore visited on a day that was extremely atypical.

The Inspector report did not acknowledge the school's early start and finish times which was a significant element of the scheme.

This Committee had made a decision to approve an amended scheme - one which was different to that considered by the Inspector. Not ratifying the decision would completely undermine the Committee especially as no reason was given by the Inspector. The only material consideration was that the Committee refused the Shaw Academy application only further exacerbating the need for school places.

Councillor Dykes moved that the decision made by the Committee in October 2017 be ratified on the basis that not doing so would undermine both the Local Authority and the credibility of this Committee which should be able to have confidence in its decisions. Not doing so would undermine democracy and undermine Members' role in the community and the decisions made. To backtrack on the democratic process would be shameful.

Councillor Reddin supported Councillor Dykes and emphasised that should the application be refused, the intended pupils would likely travel further to school thereby creating even more traffic. In terms of highways, events had overtaken the Inspector's report. A great deal of work had been undertaken with highways as per the condition added in October 2017. In particular, the issue of the 'no right turn' onto Bickley Road had been dealt with and the Council's Highways officers were satisfied. Members now knew the catchment area was likely to be less than 1.5 miles.

The Inspector's report was deeply flawed; he did not acknowledge his visit took place on a day when traffic was significantly impacted by emergency roadworks. He had also given the status of one of the major roads incorrectly. The school had an overarching duty of care and safety towards pupils. The idea that a school would deliberately put its pupils lives at risk was inconceivable.

Another material consideration was the refusal of the Shaw Academy application for 1 Westmoreland Road and the additional pressure that would put on the need for school places.

Councillor Reddin seconded Councillor Dykes' motion to ratify the Committee's previous decision to approve the application.

Councillor Michael referred to paragraph 3.8 on page 4 of the report which stated clearly "The Inspector's decision is considered to be a new material planning consideration which ought to be properly considered by the Local Planning Authority.". The Education Funding Agency and their contractor Kier had not been helpful. The two planning applications were essentially, the same. The second application did have a few 'tweaks' but was basically the same as the application dismissed by the Inspector on the grounds of traffic

and road safety. Much greater queueing would occur at the junction of Bickley Road and there were concerns regarding the safety and suitability of the Bickley Road egress from the site, the severe and cumulative impact of the increase in pick-up and drop-off of children on the surrounding roads and also conflict with the London Cycle Network designation for Chislehurst Road. The fact there were emergency works taking place on the day of the Inspector's site visit was telling. Emergency works by their very nature were unpredictable. Ward Members said there were alternative sites for this school so why put a new school at a site where it was clear there would be problems. The school was trying to resolve issues with the 'no right turn' onto Bickley Road but this was likely to make matters worse.

For the reasons mentioned above, Councillor Michael seconded the motion not to ratify the decision made on 4 October 2017.

Councillor Joel emphasised the Council's need to provide more schools due to growth in the Borough. Bromley had been charged with providing 641 dwellings each year and it had been suggested in the Draft Local Plan that this should be raised to 1,424 dwellings per annum. There was a huge demand for housing across the whole of London which would result in even more traffic in one form or another.

The comprehensive report before Members contained a considerable amount of repeated information. It was noted that under procedural background (item 3.5) that the Council had sought legal advice prior to the publication of the report.

The first application was refused by the Committee on 25 January 2017 and the decision notice issued on 31 January 2017 following which the applicant's agents lodged an appeal to the Planning Inspectorate. Having taken into consideration the points addressed on the previous refusal, a second application was submitted to the Council and subsequently approved by the Committee. At that meeting, Councillor Joel suggested that the egress of vehicles from the site onto Bickley Road should have a 'no right turn'. This was accepted by the applicant's agent and supported by the Committee and made a condition within the consents of approval.

Members' attention was drawn to paragraph 3 on page 110 of the report which stated "or concludes that the proposal has been amended following the previous reasons for refusal and that all relevant material considerations have been addressed."

Having previously supported approval to the second application, Councillor Joel could see no reason to change his previous decision.

He went on to advise that the possibility of vehicles turning right from the egress point was subject to design; it did not have to be a 90 degree angle turn but could be designed in a way that it forced cars into the desired flow of traffic. Unfortunately, the safety of children was a nationwide problem. The Council had a very competent Highways Safety Team and any problems or

incidents arising after the school was up and running would be inspected and dealt with in due course.

Councillor Rutherford knew the site very well and having travelled down Bickley Road at the school's proposed closing time, there was no significant traffic, despite the horrendous rainfall. Consideration should be given to the huge benefit that came from school places and thought should also be given to an appropriate alternative site for the school. The current site had two bus stops nearby and was within walking distance of two train stations. Given Bickley Road's status, it was not particularly busy. Although not perfect, this site was certainly the best option. Councillor Rutherford respected the concerns of local residents and all the hard work and campaigning the Ward Councillors for Bickley had undertaken. Whilst the Widmore Centre could have been an appropriate site at one point, planning permission had now been given to La Fontaine Academy to occupy that site.

Councillor Rutherford supported the proposal to ratify the Committee's previous decision. Should the decision not be ratified, then 176 school places would be taken away from pupils on the basis of the Planning Inspector's report which he considered to be questionable.

Councillor Mellor referred to paragraph 3 on page 108 of the report which stated his objections to the application considered on 4 October 2017. Having read the report and taken into account the comments raised by other Members regarding the material considerations raised by the Inspector, his objections remained the same. Councillor Mellor therefore did not support the recommendation to ratify the Committee's decision made on 4 October.

Councillor Brooks considered insufficient emphasis had been placed on the availability of local transport in the area. In other large planning applications Members always considered the local area and PTAL statistics. Councillor Brooks did not believe there would be a significant increase in vehicles as a result of the school being located at the site. If the application was refused, there would be an increase due to pupils having to travel further to school. Having a school at this site would be of great benefit to local children and the community. It was not a good day (roadworks wise) when the Inspector made his site visit so perhaps some of his judgements could be seen as flawed. The 'no right turn' proposal was acceptable. Councillor Brooks therefore supported the recommendation to ratify the previous decision.

Councillor Fawthrop thanked the public and Members who contacted him and was particularly impressed with the quality of the written responses from children. In terms of the application, Councillor Fawthrop had always questioned the access onto Chislehurst Road. The Minutes of the meeting held on 4 October (page 112), reflected his suggestion that an in/out access on Bickley Road would resolve 90% of the issues raised by the Planning Inspector. Bickley Road may or may not be busy however, it would be easier to have an in/out access there. Page 143 of the Inspector's report stated "on Chislehurst Road the absence of a footway would carry an unacceptable risk of pedestrian or vehicle conflict"; this was a material planning consideration.

Councillor Fawthrop could not, therefore, ratify the previous decision based on that consideration. A Governor at Bullers Wood had informed him that an in/out access would be welcomed on Bickley Road, so he could not understand why this had not been carried out.

In regard to Public Transport Accessibility Levels (PTALs), Transport for London assumed that people who live next to a train station would travel by train; similarly those living by bus stops would use the bus. PTALs were flawed because they were not based on where people wished to travel to and it was the destination point that was important. In this case, the destination was St Hughes Playing Field which was an issue. Councillor Fawthrop did not support the recommendation to ratify the previous decision but would vote in favour of a deferral to look again at the Bickley Road in/out access.

Councillor Wilkins stated that had the final Legal Agreements been signed before the appeal decision was known, this whole matter would have been completed. The Section 106 Agreements were awaiting signature and Members should bear this in mind. Given the school was due to open less than a year after permission was granted, she was surprised the process was not expedited and the documents signed. The Inspector arrived for his site visit on a day when due to unforeseen circumstances there was significant traffic build-up. This abnormality should also be taken into account. The matter currently before Members was the traffic concerns raised by the Inspector, in particular, the issue of vehicles turning right onto Bickley Road. Comments in regard to the risk to pedestrians on Chislehurst Road was mentioned by the Inspector in the context of much higher traffic figures from the school and also made on a day when there was an extreme level of traffic congestion. The establishment of a 'no right turn' would resolve the issues raised and the applicant was agreeable to this. The Inspector was also concerned that parents would drop children off in the surrounding side roads however, Members had already been assured that many children would not arrive by car. Of those that would, most were secondary school pupils who would not wish to be dropped off by the school gates so parents would make use of the side roads to avoid congestion. This school was needed more now than in October when the Westmoreland site proposal was still possible. Councillor Wilkins supported ratification of the previous decision and urged Members to act in the interests of the local community.

Councillor Livett stated the Council had been portrayed as careless to the well-being and ambition of local children and had instead, focused on the welfare of wealthy residents. The school was considered to be flexible and accommodating unlike the Council and its officers. He had nothing but admiration for the organisation of the applicant's campaign. Many of the supporting e-mails received made detailed and reasoned cases for the school and disputed the objections thereto. He appreciated the effort that was expended into producing correspondence. Councillor Livett found the current issue very difficult to decide. He recognised the benefit that a school on the site would bring to local children and he wanted to see a school built there however, he was not swayed by the wider traffic issues because the increase in pupil numbers led to more schools being needed which, in turn, generated

more traffic. The emotional pull of an application to build a new school was strong and the need was great. Whilst he did not find issue with the wider traffic implications, he had great concern about the immediate arrangements. When considering the first application, he made the point that he considered the entrance on Chislehurst Road was in the wrong place and suggested insufficient work had been carried out to provide both the entrance and egress onto Bickley Road. Such access arrangements had also been raised by Council officers during pre-planning meetings. Yet, notwithstanding the impression given to the public, the response from the applicant had been sparse. The disadvantages suggested by the applicant which were few, did not appear insurmountable. It was Councillor Livett's view that the applicant had not given adequate consideration to access arrangements and the current revisions to the proposed egress highlighted that point. He urged the developers to do more work on the Bickley Road access to address the Inspector's concerns set out in 3.181 and 3.183 on page 5 of the report. As much as he would like to see a school built at the site, he could not support the current design which he considered to be flawed.

Councillor Auld referred to the lack of meaningful dialogue entered into by the applicants with local Councillors. He was unaware how long the application had been discussed before the first application was submitted. If any meaningful discussion had taken place before that and heed had been taken of the knowledge and suggestions put forward by local Councillors, the decision would have been made perhaps in favour of the school last year. The appeal Inspector's decision to dismiss the appeal was one of the strongest material considerations Councillor Auld had faced in his years of dealing with planning matters. Over the years, Members had been advised that Inspector appeal decisions were material considerations and were virtually binding on the Council. If the application was refused this evening, a fresh appeal may be launched but it was doubtful another Inspector would come to a different decision. Whilst he was not against the building of new schools or the expansion of existing schools, Councillor Auld did not consider this was an appropriate site for this particular scheme. The safety of young people was of paramount consideration and in this regard, Councillor Auld did not support ratification of the previous decision.

Councillor Turner emphasised the need for a school in this area, in particular, the need for a single sexed boys school. The nearest boys school was Ravens Wood or Langley Boys both of which were over-subscribed. Not many secondary school boys would want to be dropped off at school by their parents. The area was better served than most having bus stops and two railway stations nearby. Most secondary schools were located on main roads which would always give rise to traffic issues. In regard to the emergency works, these could not be predicted. Councillor Turner supported the recommendation to ratify the previous decision.

In summing up, the Chairman noted the first motion received was from Councillor Dykes who moved that the previous decision be ratified; this was seconded by Councillor Reddin.

Councillor Lymer put forward a motion not to ratify the previous decision made on 4 October 2017; this was seconded by Councillor Michael.

Before the vote in favour of ratification was taken, a summary of the reasons for this was reported by the Legal Representative as follows:-

'The majority of the Development Control Committee decided that the application ought to be granted having debated the material planning considerations presented to them subject to suitable conditions and obligations. Members agreed with the analysis in the officers' report apart from the consideration of the highways issues that gave rise to the recommendation for refusal in respect of road and pedestrian safety and impact on the highway network. The clear need for school places as supported in Government planning policy combined with the allocation of the site for a school in the draft Bromley Local Plan and the lack of other policy objections were considered to be matters which argued strongly in favour of the proposal and which outweighed any potential harm in particular, as Government advice was that given the strong policy support for improving state education the Secretary of State would be minded to consider such a refusal or imposition of conditions to be unreasonable conduct unless it is supported by clear and cogent evidence. More specifically, the majority of the Committee felt that there was not the clear and cogent evidence required to refuse the application. Members also noted that Transport for London was happy with the application proposals in highways terms. Members did not agree that the transport impact would be severe as set out in the National Planning Policy Framework and felt that the highways objections raised in the report could be successfully mitigated against in the detailed design and using planning conditions and in the Section 106 Agreement. After the resolution to grant planning permission, an Inspector's decision concerning an appeal against refusal of planning permission for an earlier proposal had been published. Given the similarities in both applications, Members agreed that the Inspector's findings and judgements raised a new concern as to highways safety concerning the arrangements for egress from the site onto Bickley Road. The applicant proposed a 'no right turn' ban from the egress onto Bickley Road as a way forward to address this concern. Members agreed that such an arrangement would resolve the safety concern and that details of this could be submitted pursuant to a condition requiring approval of the details of the access road including the junction with Bickley Road and how these would be managed.'

Councillor Dykes agreed with the above statement but suggested including a stronger statement in regard to what she considered to be a 'flawed' report from the Inspector and that it brought forward no material considerations. The vote in favour of ratifying the previous decision fell at 7-9. Councillor Mellor's vote against ratification was noted.

Following a vote of 9-7, it was RESOLVED that having regard to the new material considerations, Members do not ratify the decision made by them at the Development Control Committee meeting on 4 October 2017. The Chief Planner's representative suggested a reason for refusal of the

application which would be as set out in the previous agenda set out on page 94 of the report, which was accepted.

The votes against not ratifying made by Councillors Brooks, Dykes, Joel, Reddin, Rutherford, Turner and Wilkins were noted.

50 MAYORAL COMMUNITY INFRASTRUCTURE LEVY (MCIL2) DRAFT CHARGING SCHEDULE CONSULTATION

Report DRR18/001

The Mayoral Community Infrastructure Levy (MCIL2) Draft Charging Schedule (DSC) public consultation towards Crossrail was due to end on 4 February 2018. The report considered by Members contained background detail and outlined points and concerns from the London Borough of Bromley's perspective, which enabled the suggested formal response attached as Appendix 1 to the report.

It was suggested that the Council object to the proposed Charging Schedule due to:-

- the adverse impact on provision of local infrastructure such as education and health;
- the limited benefit to Bromley residents of Crossrail 2; and
- the impact on other transport projects.

Councillor Fawthrop referred to LBB v GLC 1981 (Fares Fair) which was overturned because benefits would not accrue into Bromley from a policy that was yet again top down centralisation and perhaps reference should be made to this in the Council's response.

RESOLVED that the approach to object to the Charging Schedule and the suggested response be endorsed.

51 BROMLEY'S RESPONSE TO THE DRAFT LONDON PLAN CONSULTATION

Report DRR18/002

The New Draft London Plan was released for public consultation in early December 2017. When adopted, the new Plan would replace the current London Plan (2016) and, as part of Bromley's Development Plan, would be used in decision making on planning applications along with the UDP/Local Plan and Bromley Town Centre Area Action Plan.

Members were requested to consider the key aspects of the Consultation Draft, together with officers' comments (attached as Appendix 1). Bromley's

response, based on these comments, would be prepared for Executive approval on 7 February and submitted before the deadline of Friday 2 March.

The Chairman highlighted key elements of the document namely the suggested increase in housing supply, removal of the minimum parking standards, the increase in affordable housing (by possibly 50% in some cases) and the potential removal of the Docklands Light Railway potential for Bromley.

Councillor Michael noted the Mayor's proposal to remove all mention of building on garden land and considered that as a Borough, this was something which should be guarded against. As far as she was aware, this was still a part of the National Planning Policy and as such suggested the Council request that reference to building on garden land be reinstated. The Chief Planner confirmed that garden land was excluded from the definition of previously developed land as a national matter. Were this eventually to become a London Plan policy, in most cases more weight would be given to the London Plan than the one at national level. This had been acknowledged as a problem in the report currently before Members.

Policy SD7 (paragraph 5, page 44 of the report), referred to Petts Wood and West Wickham being given "medium" potential for residential growth. Councillor Fawthrop queried how this had been determined within the draft London Plan as there was in fact, no potential at all for residential growth in the Petts Wood Area of Special Residential Character. Even on the Petts Wood west side there was little or no scope for growth. The Council's response should therefore be robust in pointing out that Petts Wood was an Area of Special Residential Character which was not suitable for residential development. Officers agreed to draft some wording and consult with Councillor Fawthrop on this matter.

In regard to Town Centres and Residential Use (page 43), Councillor Brooks emphasised the need for caution as the majority of the Borough's town centres operated as Business Improvement Districts (BIDs) and it was essential to ensure development did not abut onto retail areas and reduce footfall as this would result in the provision of smaller shops and in turn lead to less money being put into BIDs which would be seriously detrimental to the Borough's high streets. In this regard, a more robust policy was required.

Councillor Joel raised concerns with the proposed new housing provision target of 1,424 dwellings per annum. Whilst the erection of high rise blocks were being encouraged, he questioned where the majority of the required units could be accommodated. He also queried the definition of affordable housing.

Councillor Fawthrop agreed with the comment on page 49 of the report which supported a design-led approach to development sites. However, he suggested it be strengthened in terms of the context and character of designs. He was also disappointed with the response to Policy D9 - Basement Development (page 51). The Chief Planner and officers were fully aware of

negative issues arising from basements and the recommended comments should therefore be amended to say the Council was aware of negative issues and would initiate local restrictions in the near future.

Page 60 of the report alluded to a policy target for off-site or cash-in-lieu contributions of 50% affordable housing which was not viable and would undermine the policy and prevent homes being built. This should be robustly set out in the Council's comment.

Councillor Brooks emphasised the need to retain a good percentage of affordable housing within Bromley. He noted that whilst housing officers worked extremely hard to provide affordable homes, they were not always located within the Borough.

Councillor Joel alluded to the change of use from offices to residential units however, the Council needed to provide mixed developments which would ensure continued employment in areas. The conversion of large offices to small units for people in start-up businesses would be an option to consider.

Referring to the new policy on gypsy and traveller accommodation (page 69), Councillor Michael requested that the comment include the point that many people in this community were now living in settled accommodation and had been for many years. For those who did not, there was currently no shortage of pitches in the Borough.

Councillor Fawthrop suggested the comment in relation to Burial Space (page 74), include the Council's resistance to the development of mausoleums in the Borough as these were a waste of land.

Councillor Huntington-Thresher reiterated the concern regarding the lack of protection for garden land. She also made reference to infill development within the curtilage of a house (page 56, clause d) and (clause e) where the presumption meant approving small housing developments unless it would give rise to an unacceptable level of harm to residential privacy. The comments on page 57 to combat this was not strong enough as it suggested the benefits of additional housing would always outweigh the benefits of amenity space. As it stood, it could easily be argued that additional housing could be established in areas with a large amount of amenity space. She suggested a specific clause for garden land be included in the Plan. Councillor Rideout reported that gardens were reclassified 15 years ago as greenfield sites and were no longer known as brownfield sites which gave the Council the required protection from garden-grabbing; this was confirmed by the Chief Planner.

In relation to housing and density, Councillor Mellor highlighted certain cases where developments had yet to be built some three years after planning permission was granted. The applicant would then reapply for permission and again no building would materialise which resulted in the land being laid fallow for six years. Councillor Mellor suggested that the Chairman, through the

Leader, make representations to the Government and Members of Parliament requesting that developments be carried out within a much shorter timescale.

Councillor Joel queried the definition of 'the heat island effect' which was stated in the comment relating to Policy GG3 on page 39 of the report. The Planning Officer advised that the heat island effect was something which commonly happened around densely developed areas and agreed to provide Councillor Joel with further information.

The Chief Planner confirmed that in the majority of cases, the adopted London Plan policies could be given more weight than the National Planning Policy.

Councillor Dean confirmed the London Plan would start to influence the Council's decisions once it had been consulted upon, ratified and formalised towards the end of 2019.

Referring back to Policy SD7 (page 44), Councillor Fawthrop suggested the comment should state that the policy of 'one size fits all' top-down centralisation actually could not apply in conservation areas and areas of residential character.

The Chief Planner highlighted the very significant increase in the annual housing target, equating to annual development in the order of the Trinity Village (Blue Circle) development.

Councillor Brooks reported that as the Borough's wards were progressively built upon, it may become necessary to review ward boundaries.

RESOLVED that the key aspects of the New Draft London Plan be noted and with the incorporation of DCC Members' comments, be recommended to the Executive to form the basis of Bromley's formal response.

**52 DELEGATED ENFORCEMENT ACTION - JULY 2017 TO
SEPTEMBER 2017 AND OCTOBER 2017 TO DECEMBER 2017**

Report DRR 18/003

Members were provided with an update on enforcement action authorised under delegated authority for breaches of planning control.

RESOLVED that the report be noted.

**53 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006, AND THE FREEDOM OF
INFORMATION ACT 2000**

Not applicable.

**54 PLANNING APPLICATION 17/02468/FULL1 - ST HUGHES
PLAYING FIELDS, BICKLEY ROAD, BICKLEY, BROMLEY**

As indicated in the public section of the meeting, there were no part 2 items.

The meeting ended at 9.25 pm

Chairman

A

ORAL QUESTIONS RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY), RECEIVED FROM BROMLEY RESIDENT, ANDREW RUCK

Question 1

Why has it taken the Council until mid-January 2018 to decide that the application and the October approval needs to be ratified by the DCC when the Planning Inspectorate's report was issued on 11 December 2017?

Chairman's Response

The Council has taken legal advice and carefully considered in detail the appeal decision. Taking into account the Christmas break, the process from appeal decision issue to reporting to committee is not considered to have taken an undue period of time.

Question 2

Have Council Officers visited the site to see for themselves the total disparity between the traffic observed by the Planning Inspector on 15 November 2017 on what was clearly an extremely abnormal day in the afternoon peak and what is typically witnessed on the Widmore Road mini roundabout almost every other day of the year?

Chairman's Response

The comments regarding the traffic conditions on the day of the Inspector's site visit have been considered by the Council and comment is made on this point in the committee report.

Supplementary Question

Have Council officers visited the site to see for themselves whether the traffic was at odds with the Planning Inspector's report?

Chairman's Response

They are aware of the normal traffic conditions on this site and yes, I confirm they have been there.

Question 3

With Bullers Wood School For Boys' school place offer day scheduled for 22 February 2018, if the Committee agrees to ratify their October decision and follow the Officer's recommendation, will the Council give an undertaking to ensure that the subsequent reconsultation with the GLA and Secretary of

State is done extremely expeditiously and in a proactive manner, rather than just allowing these other authorities to take their usual time to deliberate?
Time is of the essence.

Chairman's Response

Yes, the Council is seeking to resolve this matter as quickly as possible and will act to minimise any delay to the issue of a decision following the committee meeting.

ORAL QUESTIONS RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY), RECEIVED FROM BROMLEY RESIDENT, NANCY LENGTHORN

Question 1

If Bullers Wood does not open in September 2018, will the Council breach its statutory duty to provide adequate school places?

Chairman's Response

The Council has contingency plans for ensuring it meets its statutory duty and will review these should a decision delay the school opening. The Council has been working with Bullers Wood to check that applicants have also submitted an on time secondary school application through the co-ordinated admissions process, in other words through an application to Bromley or another home Local Authority. We have proactively identified a small number of families who have only applied to Bullers Wood and are supporting them to make an application through Bromley or their home Local Authority if this is not Bromley.

Question 2

If Bullers Wood does not open in September 2018 (and yet its capacity is included in your plans for the provision of education in the borough), how will you accommodate the 180 local boys who would have attended the school?

Chairman's Response

The Council has contingency plans for ensuring it meets its statutory duty and will review these should a decision delay the school opening. The Council has been working with Bullers Wood to check that applicants have also submitted an on time secondary school application through the co-ordinated admissions process, in other words through an application to Bromley or another home Local Authority. We have proactively identified a small number of families who have only applied to Bullers Wood and are supporting them to make an application through Bromley or their home Local Authority if this is not Bromley.

Question 3

Can this Council clarify how a member of the public should proceed, if a FOI request has not been delivered on, has received no adequate feedback either way and has taken far in excess of the length of time set by the Government for a response?

Chairman's Response

The Council always endeavours to answer Freedom of Information requests within the statutory 20 working day limit. The Council does have an appeal

scheme for where requestors are not satisfied with the response they receive from the Council, although where the deadline has expired and no reply has been made the next stage is usually to ensure that a reply is made or an explanation given as to why the information cannot be provided. Where requestors are still not satisfied with the Council's response they can ask the Information Commissioner's Office to investigate.

DEVELOPMENT CONTROL COMMITTEE MEETING – 25 JANUARY 2018

ORAL QUESTIONS RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY), RECEIVED FROM BROMLEY RESIDENT, RHIAN KANAT

Question 1

As far as the Council is aware, have there been any applications made for judicial review of any of the decisions relating to the planning application for a school on the St Hughes playing fields site and if so by whom?

Chairman's Response

An application for judicial review has been lodged against the appeal decision by Bullers Wood School dated 22 January 2018 and papers served on the Council as defendant.

Question 2

Please could the Committee explain why this meeting was rescheduled from 18 January to 25 January?

Chairman's Response

The Committee meeting was rescheduled to 25 January to allow time for Officers to take advice and prepare the committee report for Item 5.

Supplementary Question

Was the impact of the uncertainty of the decision (bearing in mind timeframes) on the applicants to the school considered in that decision to defer by one week?

Chairman's Response

I am not able to answer this question as I am not the person who made that decision to postpone the meeting.

At this point, the Chief Executive confirmed that the impact on applicants to the school was considered.

Application No : 17/04478/FULL1

Ward:
Chislehurst

Address : Flamingo Park Club Sidcup By Pass
Road Chislehurst BR7 6HL

OS Grid Ref: E: 544788 N: 172119

Applicant : Cray Wanderers Football Club

Objections : YES

Description of Development:

Demolition of existing nightclub building and other buildings and structures and removal of existing hardstanding and construction of new football ground comprising clubhouse and stands (max height approx. 8.4m) with floodlit artificial playing pitch, external grass sports pitches and 42 no. dwellings (26x3 bed two storey terraced dwellings, 12x2 bed flats and 4x1 bed flats set within 4 two storey blocks) with associated access, parking and landscaping.

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
London City Airport Safeguarding
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 16

Proposal

The application proposes the demolition of an existing nightclub building and other buildings and structures and removal of existing hardstanding and construction of new football ground comprising clubhouse and stands (max height approx. 8.4m) with floodlit artificial playing pitch, external grass sports pitches and 42 no. dwellings (26x3 bed two storey terraced dwellings, 12x2 bed flats and 4x1 bed flats set within 4 two storey blocks) with associated access, parking and landscaping.

The proposed stadium would measure 8.42m in height, 6.12m to the eaves with three covered seating areas. The stadium measures 120m in width and 100m in length. The stadium is located adjacent to the western boundary of the site bordering Kemnal Road. The stadium itself would have capacity for 1300 spectators including 46 press box seats, 352 standard seats and 64 disabled seats.

The dwellings are sited to the south of the site and comprise 5 affordable rented properties and 37 shared ownership.

Adjoining the stadium on the northern side is a 2 storey club house building is proposed comprising:

At first floor:

- Toilets
- Servery
- Function room/club bar room
- Boardroom/museum
- Bar
- Large function room
- Kitchen

At ground:

- Toilets
- Plant room
- Changing rooms
- Referee rooms
- Reception
- Medical room
- Laundry
- Office
- Club shop
- Classrooms
- Bin store
- Bar store
- Turnstiles

The principal stadium elevation is on the northern side, punctuated with an array of single and double height windows, main entrances and indicative signage being proposed. The remaining elevations are modest in their design approach, with escape gates located to the west and east elevations and the away turnstiles accessed from the east.

The predominant material for the external surfaces of the stadium is steel cladding to the main elevations and roof. The windows are to be steel framed with a number of opaque windows to serve the changing rooms. The stadium is proposed with two double height entrances to the northern elevation with flat roof, white clad canopies extending from the elevation by 2.4m. 4 floodlights measuring 19m in height are proposed in each corner of the site. The main stadium is proposed to be open sided with a mono-pitch roof profile extending for 25m in length and covering the main stand. Three smaller sheltered areas measuring 4m in height and 19.8m in width are located within a centralised position along the east, south and west elevations. The ground design has been developed to achieve the minimum requirements of the National Ground Grading criteria, with Category D being applicable to the club and the division in which they play.

Three 11 a side pitches and three smaller pitches are located to the east of the site. It is the intention of the applicant that these pitches, along with the main stadium pitch will allow for community use of the site.

The proposal also includes the construction of 26no. terraced houses along with 16no. flats and associated resident parking (42 spaces including 4no. disabled spaces). The flats will be separated into four blocks adjacent to the terraced housing and arranged in a cul-de-sac style. All of the proposed residential buildings will be two storeys in height and of brick construction with tiled pitched roofs and canopy porches. The 42 affordable residential units have been identified as enabling development to fund development costs,

including the acquisition of the land. To this end, CWFC has been in discussion with Moat Registered Providers and received an offer to acquire this component of the scheme.

Vehicular access to the site would be via the existing access off the A20 and a new access road with mini roundabout is proposed within the site, running alongside the western side of the stadium leading to the residential blocks to the rear. A formal parking area for 141 cars (including 9no. disability spaces) is proposed to the north-west of the site. Overflow parking for approximately 128 cars will additionally be provided to the west and east of the main pitch, comprising reinforced grass.

The remainder of the site, save for the eastern playing fields, would be hard and soft landscaped around the curtilage of the stadium building along with tree planting and landscaping along the perimeter and between the residential units and the southern elevation of the stadium.

The application was supported by the following documents:

- Noise Assessment (Acoustica, 2017) – The assessment involved carrying out an ambient noise survey at the nearest existing, and proposed, residential properties during day, evening and night. Noise levels from the development have been predicted at the nearest residences from the use of the stadium during match days, the use of the proposed 5-a-side and 7-a-side and 11-a-side pitches, vehicle movements associated with the proposed car park and the use of the function room and mechanical plant. The report concludes that the stadium would not result in significant noise impacts during the daytime although minor impacts may arise during the use of the stadium for match day events during the evening. The minor impacts are not considered significant in the context of the existing/past use of the site and the limited number of times these noise levels will occur. The report also states that the site is exposed to low levels of road noise therefore no special noise mitigation measures are necessary for the proposed residential development in respect of road traffic noise. Noise levels from the function room will be below background noise levels and an overall noise limit has been determined for noise from mechanical services associated with the development. The report concludes that the new football stadium development will not result in any unacceptable adverse effect on the nearest residential and proposed residential properties by way of noise impact.
- Transport Assessment (Developmentally, September 2017) – The TA states that the site access forms a priority junction with the A20, which permits left turning vehicles into and out of the site. It is supplemented by the provision of a merge and diverge land of some 40-50m long. The existing access is to be retained. Personal injury accidents in the last three years are low. The proposal removes traffic generating uses from the site. Subject to some minor changes to accommodate the swept path of coaches, the site access is sufficient to cater for the anticipated level of trips. Residential car parking is provided at 1:1. The leisure uses of the site are served by on-site parking facilities with capacity for 141 parking spaces. Proposed overflow parking areas at the west and east of the proposed football stadium can accommodate car parking for matches that attract spectator numbers that are in excess of normal match attendance. Cycle parking meets London Plan standards. It is not considered that the quantum of trips generated by the proposed scheme is likely to result in any material impact to the transport network in the vicinity of the site. The report also states that a capacity assessment of the site access has shown that the site access will operate well within capacity for a typical football match, even allowing for full use of the adjacent pitches. A sensitivity test scenario which assumes that the stadium will be

fully occupied during an extraordinary match day even (1 in 20 years) has shown that some queueing will occur at the site access road which would be contained within the site and not on the public highway. A set of measures has been identified to mitigate this.

- Framework Travel Plan (Developmentally, September 2017) – It is stated within the travel plan that the overall aim of the document is to support and encourage residents/employees and visitors at the Site to utilise modes of travel that are sustainable both in terms of their impact on the available transport infrastructure and to the wider environment. The documents aim are to promote access to/from the application site via walking and cycling as the most sustainable modes of travel respectively, minimise the number of car journeys to and from the application site and to identify and highlight opportunities for sustainable travel within the context of local walking, cycling and public transport infrastructure. The document includes sections of objectives and targets, baseline transport positions, travel plan measures and monitoring and reviewing the travel plan.
- Community Access Statement (JBA Consulting, 2017) – The report provides a summary of the access the community will be provided with from the proposed development. The report notes that the development will return the recreational capacity of Flamingo Park back to the levels it once had. The site will establish a new home for the Cray Wanderers FC and provide well maintained recreational activities to be used by community schemes, youth teams and for private hire.
- Phase 1 Contamination Assessment (JBA Consulting, September 2017) – The report concludes that desk study research indicates limited potential for historical contamination sources to be present beneath the site. Potential off-site contamination sources are limited to the relatively new cemetery that was constructed south of the site. The reception of most concern was seen to be the secondary A aquifer situated beneath the site which is situated within a source protection zone however the report considers it unlikely to be any significant pathways between the potential contamination sources and receptors identified. Based on the available information it is concluded that the contamination risk associated with the development is considered to be 'very low' to 'moderate'.
- Daytime Bat Survey (Middlemarch Environmental, September 2015) – During the assessment of the pavilion and single storey outbuilding a number of features of potential interest to roosting bats were identified. Due to the height at which some of these features were present a full inspection could not be undertaken. As such the bat roosting potential of the pavilion and single storey outbuilding could not be confirmed. It was concluded that the pavilion has a moderate-high potential for roosting bats and the single storey outbuilding has a low potential. An oak tree that contained decaying holes was deemed to have moderate-high potential for roosting bats. The remaining outbuildings were fully inspected and no bat roost was identified.
- Nocturnal Emergence and Dawn Re-Entry Bat Surveys – Up to two species of bat were recorded during the nocturnal surveys; common pipistrelle and soprano pipistrelle. Low levels of bat activity were observed with commuting bats flying over the centre of the site. No bats were recorded emerging from the buildings or trees on site. No bats were recorded during the dawn survey. No bats were recorded re-entering the buildings or trees on site.

- Utilities Report (JBA Consulting, 2017) – The report concludes that the site has existing connection to all the major services and the focus of the enquiries were based around the feasibility of any upgrade of existing site supply as a result of the development. No matters were raised which would prohibit development.
- Statement of Community Impact (JBA Consulting, 2017) – The report states that it is clear that the football club is important to providing a social facility as well as its central role in supporting the local economy (the report lists employment and advertising capabilities). The lack of a permanent ground has damaged the success of the club in the past and as such requires a stadium for encouraging sport in the community and as a ‘focus for inspiring the regeneration of the Crays’. It is stated that the development will provide full and part time jobs as well as a sporting facility which will be affordable. The club has a ‘counselling school’ which is a registered charity and trains counsellors to work in the community. The report lays out social and health benefits of the development.
- Flood Risk Assessment (JBA Consulting, 2017) – The site is located within Flood Zone 1. According to Thames Water, a surface water sewer runs under the site. It is assumed that this is an extension of the Wyncham Stream which would be classified as a culverted ordinary watercourse at this location. The flood map for surface water shows that in some areas of the site there is a high risk of surface water flooding however it is stated that this could be over stated as the modelling does not account for the presence of the culvert. The proposed site layout has been designed to place the least vulnerable receptors in the areas of most at risk. However, site constraints have led to the plan including the main stadium facilities at medium risk of surface water flooding, and selected residential units are at a low to high risk of surface water flooding. It is stated that final flood site levels will be important for this development, firstly to raise thresholds above predicted flood level; secondly to avoid the displacement of flood water and thirdly so that the proposals can provide mitigation for potential loss of storage.
- Landscape and Visual Assessment (JBA Consulting, 2017) – The report states that whilst the development introduces new built form and vertical features into a relatively open area dominated by informal playing fields, the visual envelope of the proposed development is well-contained by landform, trees and buildings and largely limited to within 100-300m from the site. Longer range views will be generally restricted to glimpses from high ground to the north, such as Oxleas Wood, 4.1km from the site. The tallest proposed building-the residential accommodation-will be 8.56m above ground floor level which would not appear wholly out of scale with the surrounding urban fabric. The immediate site area is considered to be of low value and sensitivity, given the largely fragmented, utilitarian nature and proximity to the A20, although it has visual value as an open space in close proximity to residential areas.
- Flood Lighting Impact Assessment (JBA Consulting, 2017) – The report states that all existing and proposed residential units receive under the IPL recommended level of light intrusion. Due to the geometry of the apartments in relation to the floodlights, it is proposed not to include windows in the northern elevation of the new dwellings to avoid direct view of the lamps/reflectors.
- Archaeological Desk Based Assessment (Archaeology Collective, March 2017) – The application site has been shown to have moderate potential for prehistoric activity. The assessment suggests a low potential for activity from other periods apart from the foundations which are of a mid 18th-19th century entrance lodge to

Kemnal Manor House, which stood on the east side of the present entrance to the site. The possibility of encountering as yet, unknown archaeological remains of any period cannot be discounted. It is advised that an archaeological watching brief held on intrusive groundworks associated with the scheme would be sufficient to mitigate the effects of the proposals on any surviving archaeological remains.

- Alternative Site Assessment (JBA Consulting, 2017) – The report states that after a review of alternative sites, 20 sites were identified within the search parameters. No one site was found to be constraint free for development of a football stadium. The majority of the sites identified were constrained by development pressures, planning restrictions that would prevent the use of the site as a football stadium, availability, affordability and viability. In conclusion, of all the site sites considered within the assessment it was identified that Flamingo Park was the only suitable site that was available, had existing sport use and could support a financially viable stadium development proposal.
- Arboricultural Report (Chartwell Tree Consultants Ltd, September 2017) – 2 Category B, 12 category C and 3 category U trees are proposed to be removed. Tree G1 and T18 are sited outside the site boundaries and their removal will need to be discussed with the owners. The majority of the trees to be removed are sited within the area proposed to be residential with 5 further trees proposed to be removed to the north. The report states that the loss of the trees can be mitigated by good quality, heavy standard trees. The trees with preservation orders are not widely visible from the surrounding area so it is stated that these would not have a significant effect.
- Landscape Planting Schedule and Establishment Notes (JBA Consulting, 2017) – The report accompanies the submitted landscaping plan and details information regarding planting, tree planting, grass seeded areas and maintenance.
- Town Centre Impact Report (JBA Consulting, 2017) – The report states that given the proposed development does not consist of any A1 or A2 use, it is improbable that the retail sector and trade will suffer in the surrounding town centres as a result of diversion of custom for these types of service. The report goes on to say that there is a good provision of retail, business, sports and leisure facilities within the surrounding town centres. This includes a variety of D2 facilities but these are mostly limited to indoor leisure facilities with very little that are conducive to spectator sport activities. It is therefore considered that proposed development will bring substantially different offering from the existing provision of D2 elsewhere in the nearby town centres. The report concludes by saying that the proposed development will serve as an attractant to bring more people into the area, particularly on match days, which may lead to greater numbers of visitors to the surrounding town centres.
- Open Space Assessment (JBA Consulting, 2017) – It is noted within the report that Chislehurst Ward with the development situated within it is ranked 13th out of 22 wards within the London Borough of Bromley with less than 36% of households having good access to public open space and ranks 20th out of 22 wards for access to SLP public open spaces with less than 10% of households within the ward having good access to the type of open space that the proposal is seeking to introduce.
- Reptile Survey (Middlemarch Environmental, September 2015) – The report states that the majority of the site comprises low growing amenity grassland, buildings

and hardstanding. These areas provide poor habitats habitat for reptiles. A proportion of the southern half of the site contains habitat types of the most value for reptiles, with old spoil heaps and plant species. Small sections of grassland, tall vegetation and scrub are also located around the border and intermittently within the centre of the site. The site is likely to support potential prey for reptiles. There is potential connectivity to nearby green space to the south toward Kemnal Park Cemetery No species of reptile have been recorded on site during the surveys. The report concludes by stating that there are no impacts on species resulting from the proposed development.

- Preliminary Ecological Appraisal (JBA Consulting, 2017) – The report details mitigation measures that are required to be carried out and incorporating any mitigation requirements recommended after protected species surveys have been carried out, no significant adverse effects on any ecological receptors is predicted. Enhancement measures are proposed which will be expected to deliver a beneficial ecological impact. A biodiversity management plan is recommended to be conditioned.
- Energy Statement (Energy Report, October 2017) – In order to meet 35% below Part L of the 2013 Building Regulations requirements in respect of the residential development, improved levels of insulation and efficient heating is to be provided. To meet carbon zero standards, renewable installations on the non-domestic parts of the development are proposed. In respect of the non-domestic part of the development, a polycrystalline roof mounted PV arrays with ground source heat pump are proposed. The combination would result in a 51.6% reduction in CO2 emissions over the 2013 building regulations which exceeds the requirements of the London Plan Policy 5.2 which is equivalent to all domestic units being carbon zero.
- Ventilation Strategy Report (October 2017) – The report concludes that the ventilation systems proposed for the football club will comply with the recommendations of the acoustic report and where necessary will incorporate attenuation to meet these recommendations and ensure they do not effect nearby residential properties.
- Heritage Assessment (Heritage Collective, November 2017) – The heritage statement notes that the proposed development will result in a slight visual change to the surrounding environment but will preserve the heritage significance of Chislehurst Conservation Area. The report goes on to state that the revised layout, style of buildings and the soft and hard landscaping strategy will mitigate the effect of the new development. The development at Flamingo Park will not harm the rural context of the Conservation Area. It is noted that the new development will be screened by the buffer that sub-unit 15 provides and will preserve the character and appearance of the conservation area.
- Design and Access Statement (October 2017) and Planning Statement (DHA Planning, September 2017)- These are supporting documents detailing matters of history, amendments to the scheme, planning policy, site details, very special circumstances case, proposed development, consultation feedback (statement of community involvement), landscaping, appearance, environmental and alternatives. The DAS and planning statement are to be read in conjunction with all other submitted documentation.

Amended information was received on the 27th February 2018 which included:

- Amended Design and Access Statement – The report has been amended to include a new site layout plan and alternative site configurations
- Planning Update Document (Capita) – The document covers issues arising in respect of surface water drainage, energy and ecology. The document also includes an amended alternative site search which considers the domestic and non-domestic aspects of the development separately and also includes further considerations as to the visual impact of the development.
- Transport Note (Developmentally) – The note is in response to comments raised by LBB Highways Officer and LB Bexley objections to the scheme.
- Additional Submissions Statement (dha planning) – An overview document detailing a response to matters raised in the GLA Stage 1 comments including alternative site configurations, matters of previously developed land, alternative sports development, off-site residential capabilities, very special circumstances, affordable housing mix, design, parking, drainage, energy etc.
- Amended proposed site plan – The amended document removes one of the pedestrian accesses from Kemnal Road and introduces a security gate at the other only for use by the residents of the site. The proposed plan also introduces gates to the residential element of the scheme and proposes a change in hard surfacing material in respect of the car parking facilities to grasscrete
- Amended proposed floor plans for the flats – Introduction of a separate entranceway to the side of the blocks for the ground floor units and the movement of the principle bedroom to the rear.
- Amended proposed flat elevations – Revised plans to insert access to the ground floor flats on the flank elevations.
- Residents Pedestrian Route plan – To show access to the residential development by foot.
- Viability Response (Aspinall Verdi) - The report covers issues raised in the GLA Stage 1 response in respect of the BLV (Benchmark land value) no being based on the EUV (Existing use value), no value being given to the Sports Stadium, the affordable housing tenure not being policy compliant and an assessment as to the viability of a dual site option.
- Additional drainage information including a Greenfield runoff estimation (HR Wallingford)- The additional information concludes that it has not been possible to incorporate a fully above-ground attenuation solution (as outlined in the drainage strategy) due to pressures to retain as much playing surface as possible. Sport England are strongly opposed to loss of playing field. Therefore attenuation volumes have been sited below areas of parking and vehicle access to maximise the use of these areas and preserve as much playing field as possible. The proposed development represents a decrease in impermeable area on site and a significant increase in the volume of attenuation storage compared to the existing. The proposed development will have lower peak runoff rates than existing with all impermeable areas being attenuated to greenfield runoff-rate for all events

up to 1 in 100 AEP event including climate change. Appropriate exceedance routes have been designed in the event of system failure or exceedance event.

Location and Key Constraints

The 7.5 hectare (75,000sqm) site is located on the A20 Sidcup Bypass, which is part of the Transport for London Road Network (TLRN). The A20 is also the boundary between the Boroughs of Bromley and Bexley and a major arterial route linking London to Kent. The site is bounded to the north and east by the A20, to the south Kemnal Park Cemetery and Kemnal Road to the west, which is a private access road providing pedestrian access only. There is a gated pedestrian access to the site off Kemnal Road.

The site forms part of the Green Belt and is partly designated a Site of Interest for Nature Conservation (SINC). It is bordered to the south by the Chislehurst Conservation Area. The trees bordering the site to the south are included within a blanket Tree Preservation Order (TPO). The site also lies within an area of archaeological interest and is within Flood Zone 1.

The site represents the northern tip of a 'green wedge' that extends south to Chislehurst Common, much of which is designated Conservation Area. The surrounding areas are characterised by a mix of residential development on the opposite side of the A20, falling within the London Borough of Bexley to the north and the London Borough of Bromley to the east. Further open space lies to the south and to the west of the site is World of Golf. Vehicular access to the site is directly from the A20 and it is only accessible from the westbound carriageway. The site has poor connections for non-car modes of travel and is beyond a reasonable walking distance to any National Rail stations or bus routes. As such the site has a poor public transport accessibility level (PTAL) rating of 0 (on a scale of 0-6b where 6b is the most accessible).

The site is relatively flat with the exception of an approximately 2.5m level difference giving level access to both the lower ground and the ground floor of the existing club house. The site can be divided into three main areas: eastern grass fields, a hard surface of tarmac and gravel at the centre and western grass fields. There are several buildings which have the benefit of planning permission and/or lawful uses: the pavilion building, most recently used as a nightclub and containing 2 flats (1338m²); the smaller single storey pavilion – former bowling green pavilion (232 m²); the brick building (old groundsman's WC & tea room) (13m²) and the old rugby posts store (41m²). Historically, the site has also been used for fun fairs and boot fairs under temporary use permitted development. The use of the site for a more established fun fair use has recently been refused planning permission.

The site was once a popular sports ground with 4 pitches and good ancillary facilities used by a number of football teams, however, it has been allowed to fall into a poor state of repair and currently there are a number of unauthorised uses operating from the site including a van hire business, container storage, double glazing business, motor vehicle parking and scaffolding companies. The site is currently subject to enforcement investigation.

There are also other sports facilities in the area including the Old Elthamians Sports Club to the south and World of Golf to the west.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections

- Concerns over the artificial nature of the pitch
- The hiring of the pitch will mean much movements of motor traffic by users at all hours of the day with so many alternatives available.
- Goals is on the same road about a mile away
- Perhaps a smaller artificial facility to be used exclusively for the Clubs needs would be better.
- The local infrastructure will not be able to cope with the influx of traffic generated by match activity
- The support noted within the documents for this proposal have not come from local residents but from locations ranging far and wide
- The new gate on Kemnal Road will encourage parking on residential streets
- We want to keep the Old Dock Labour Board Building as it holds many memories of when we, as a community of Dock Worker's families, gathered for lovely socials.
- No consideration has been given to Greenwich and Bexley Borough residents
- The development will affect the roads in Greenwich and Bexley
- This development is on Green Belt land and the development is not special enough to warrant being approved
- There will be parking and highways safety issues
- Concerns that the extra housing will be accessed via the inside land which will back up even more during peak times when the residents will try to join the already long queues
- The current attendance is low, they clearly want to increase this to the capacity as quickly as possible. If they make it to the top tier of non-league football, expectations would be having crowds of 2000 to 3000 per game, therefore another planning request. The site and infrastructure cannot support future success.
- On boot sale days the on street parking is an issue
- The area is within a low emission zone so with the potential large number of vehicles on match days or when the club house has a function is adding to the pollution
- There is a care home within 50m of the proposed stand as well as the fact it is in a residential area. There will be noise pollution from the match and also from the clubhouse. There is also the noise pollution/cars leaving the clubhouse late at night.
- The boot fairs will have to stop as there will be significantly less space for vehicle parking
- Night time events should not be permitted in order to avoid the risk of further public safety incidents
- Potential unacceptable impact upon Kemnal Park Cemetery and Memorial Gardens.
- Insufficient parking for the residential units
- Part time traffic lights should be installed on Kemnal Road at the junction with the A20 due to existing congestion.
- If alcohol is sold on site then there is a risk of people being above the blood alcohol levels when driving home
- Detrimental highway impact in respect of the access/exit to Kemnal Park Cemetery and Memorial Gardens
- Bus route congestion will be an issue
- Highways congestion on the A20 will be a problem
- The 162 bus is only permitted to be a single decker bus due to the narrowness of the residential street around the area and at weekends it only runs every 15 to 30 minutes. How does this cope with a few thousand people?

- People try and cross on the central reservation of the A20 which is dangerous for them and motorists
- The subversion of Green belt land is being driven by profit margins on commercial and residential space
- Potential litter problems

Support

- Good for the local area
- The site is a mess and Cray want to bring it alive
- This will be a place for children and family's to go
- The rejuvenation of the area is well overdue
- It will give people in the local vicinity the chance to support a football club with history
- Much needed development, mixing housing with sporting facilities
- This is a step in the right direction to combat the housing crisis prevalent in the Borough
- The stadium would bring new job opportunities
- The site will attract visitors and create facilities for people to rent and train on
- The development is good for the community
- The plan has been carefully and thoughtfully put together
- It will be good for the local schools
- Cray Wanderers need their own stadium
- With the history this club has it is our duty to help them exist
- We should be supporting grass roots football
- The development will give children an interest in sport
- The stadium will be an asset to the area
- It's location on a main road will mean that there will be none or little disturbance to residents.
- The site will be improved beyond all measure
- The development will be a social focal point and a good quality recreation opportunity.
- Cray Wanderers deserve a permanent home
- Affordable housing provision is a benefit
- It will bring the second oldest football club in the world back in to the heart of its original catchment area
- The current use of Flamingo park is as a base for travelling fairs which are a magnet for low level crime and anti-social behaviour. The noise and light pollution from this site can also effect local residents during these events This will stop this.
- Sport is important to develop young people as well as adults
- The current use of the site is terrible to the Green Belt
- The plans would restore the site to its a intended purpose
- Chislehurst and Bromley require more housing at a level the normal person can consider
- There is a compelling planning justification for the proposals
- Not enough high class sporting facilities in the area
- An excellent regeneration project
- Suggestions to add at least another two sets of changing rooms into the plans.

Local Groups

Comments have been received from the Cray Valley East Residents Panel and the Old Saint Paul's Cray Resident's Group who give their support to the scheme.

Kemnal Resident's Association commented stating that they are responsible for the maintenance of most of the southern, metalled part of Kemnal Road and seeks to safeguard and conserve its amenity and semi-rural character. KRA notes that the proposals for the site include 2 pedestrian accesses from this footpath to the site. While KRA support the proposals to improve the Flamingo Park site they are concerned about these 2 pedestrian accesses because they consider that they could attract people attending football matches or other events on the site to park their vehicles on the metalled part of Kemnal Road, where there is already considerable parking by residents and their visitors. Additional parking on event days would potentially cause conflict with residents/visitors for the limited roadside parking available as well as with pedestrians and walkers, and would detract from the character and environment of the road.

The Chislehurst Society have commented raising an observation to the proposals. In principle the Society would support an application seeking to restore the site to an active outdoor sports ground. The Society states that the applicant refers to bullet 2 of paragraph 89 of the NPPF to justify the football stadium and associated structures and to bullet 6 to justify the residential buildings providing 42 units. The proposition being that all this development thereby is not inappropriate development in the Green Belt. While this is reasonably well argued by the applicant there remains a further 'test' to be satisfied: the proposed development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The argument advanced by the applicant on this 'test' is less clear: the Society would look for assurances from the Chief Planner that he is satisfied that this test has been met. Notwithstanding the above, the Chislehurst Society consider the changes to the previously submitted scheme are positive improvements. The Society notes, and have concerns about, the intention to create two new pedestrian access points on to the Kemnal Road footpath: one near the north-west corner of the stadium, and the other near to the north-west corner of the proposed housing area. Kemnal Road is a private road open to motor traffic from Bromley Lane to Kemnal Stables. From the Stables to the A20 the 'road' is a footpath. These two pedestrian access ways may encourage participants and visitors to events and football games to use Kemnal Road as a parking area. The potential conflict with walkers, horses and domestic traffic on roads not designed with capacity to sustain such an increased use is a material planning consideration. The Society recommends both access ways be omitted. The Society would look for reassurances from the Chief Planner that the submitted viability appraisal is given rigorous scrutiny to ensure that the minimum housing is permitted on this Green Field site to 'enable' the core sporting scheme to be successfully completed.

Comments from Consultees

Environment Agency: No comments to make as the site falls within Flood Zone 1. The site lies above Source Protection Zone 2 & 3 however the submitted FRA states that any surface water will be directly discharged into the Thames Water sewer that runs beneath the site, therefore no risk of potential contamination to the groundwater beneath the site.

GLA Stage 1 Comments (Summary – full comments attached as Appendix 1):

Principle of development: The proposal represents inappropriate development in Green Belt and 'very special circumstances' have not been demonstrated to outweigh the harm caused to the Green Belt. The application is contrary to the NPPF, draft London Plan

Policy G2 and London Plan Policy 7.16 and is unacceptable in principle (paragraphs 19-37).

Affordable housing: 100% with a tenure split of 12% affordable rent and 88% shared ownership units. The tenure split must be amended to include a higher proportion of rented accommodation and full details of affordability must be provided in accordance with Policy H7 of the draft London Plan, the Mayor's Affordable Housing and Viability SPG and the London Plan Annual Monitoring Report. An early stage review will be required in accordance with Policy H7 of the draft London Plan (paragraphs 42-44).

Heritage, urban and inclusive design: The layout must be revised to minimise impact on Green Belt and its openness and residential quality improved to ensure direct access and privacy (paragraphs 46-53).

Sustainable development: The domestic element does not achieve any carbon savings from the incorporation of passive design, energy efficiency or low zero carbon measures. The applicant must incorporate measures aimed at achieving carbon reductions, in line with London Plan Policy 5.2 and draft London Plan Policy SI2 (paragraphs 54-58).

Transport: The applicant should consider a phased increase in car parking based on demand, and amend the site access layout to improve safety for pedestrians. A car park management plan, construction management plan, delivery and servicing plan and travel plan should be secured through the s106 agreement (paragraphs 59-65).

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan and draft London Plan and is unacceptable in principle for the reasons set out in paragraph 69 of this report.

Historic England (Archaeology): The planning application lies in an area of archaeological interest.

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding.

Sport England: Sport England raises no objection to this application which is considered to meet exception E5 of the policies relating to the Artificial Grass Pitch, grass pitches, a community use agreement, changing room and stadium. The Football Foundation, on behalf of The FA has confirmed that they support these proposals, providing the recommendations regarding design are taken into account. Conditions are recommended.

Secure by Design: No objection subject to conditions

Thames Water: No objection

Conservation Officer: The site is adjacent to the Conservation Area. The impact of views out of the Conservation Area would be minimal and very long distance. No significant views into the Conservation Area would be harmed, so I consider that the proposal is compliant with BE13.

Environmental Health Pollution: Initial comments were received from the Environmental Health (Pollution) Officer who states:

Air Quality.

An Air Quality Assessment has not been submitted with the Application. I would recommend that a full assessment be submitted before the Application is considered and that this demonstrates how the development satisfies the requirement in the London Plan to be Air Quality Neutral.

Contaminated Land.

I recognise that the Phase 1 Desk Study prepared by JBA Consulting finds no historical evidence of landfill material being imported to the site. It is however not uncommon for sports pitches to import material for the purposes of levelling and in many cases this has not been documented. I would therefore suggest that the following Condition be imposed:

If, during the course of ground disturbance, any contamination of the soil is suspected based on olfactory or visual evidence, work shall immediately stop in that area and the Local Planning Authority notified. Proposals for testing and remediation shall then be submitted to and approved in writing by the Local Planning Authority. Work shall not recommence in the contaminated area until all testing and remediation has been completed and approved in writing by the Local Planning Authority.

Noise

My primary concern regarding the noise is that the Noise Assessment prepared by Acoustica (ref 576-1-1v2) takes no account of the adjacent cemetery and I would therefore recommend that this is revised to take account not only of the impact on the chapel (which has a number of bi-fold doors and may be opened for large services) but also on the grave-side proceedings.

In addition to my concerns in the first paragraph above, the Noise Assessment is misleading in referring to BS4142 and suggesting that a rating Level of 3dB(A) below the existing background levels is acceptable. In Bromley this has never been the case and in order to prevent creeping background levels we have always tried to achieve 10dB(A) below background except where existing background noise levels are very low. That is not the case on this site and I would recommend that the Noise Assessment is also updated to take this requirement into consideration.

Lighting

The Lighting Assessment prepared by Abacus predicts a considerable overspill, particularly to the residential dwellings to the south. I would recommend that the consultants are encouraged to look at this again and reduce the levels outside of the arena. I also note that no access lighting is shown and so would recommend that the following Condition be imposed:

Details of any access lighting shall be submitted to and approved in writing by the local planning authority before the building(s) are occupied. Development shall be carried out in accordance with the approved details.

Demolition & Construction

I would recommend that a standard condition be imposed to require a Management Plan to include all aspects of demolition and construction.

Following the receipt of these comments an Air Quality Assessment has been submitted which was considered to be satisfactory.

Amended and additional information was submitted with regard to the flood lighting and acoustic impact upon the neighbouring cemetery. Whilst the Officer would agree to a detailed design condition in respect of the proposed flood lights, in light of the absence of information in respect of the potential noise impact of the neighbouring cemetery, the Officers recommends that the application is refused.

Drainage Engineer: - The greenfield run-off rate should be calculated based on the development area that is within the area served by the drainage network. In this case, the calculations should exclude the significant green areas (football pitches) which are not currently served by the drainage network. The proposed 123.9l/s based on 16.6l/s/ha is not acceptable knowing the high risk of flooding downstream alongside the Wyncham Stream.

On the other hand and regarding the football pitches, the applicant is required to provide an effective drainage system to prevent deterioration of the playing surface which we would like to see at this stage to be sure flood risk is not increased on site or third parties.

There are plenty of opportunities to increase the use of SUDS to reduce further the flow entering the culvert, as such, surface water strategy from the site (area site excluding the football pitches located east of the site) should reflect greenfield run-off rate typically 2 to 8l/s/ha.

The 5.04ha of the football pitches located east of the site should be included in the sw strategy, in order to comply with Sport England guidance, a designed drainage strategy must be produced to comply with the required standard which includes draining the pitches to make them practical for longer periods of time.

Amended drainage information was subsequently submitted which addressed the Drainage Officers concerns. No objections are made to the application subject to appropriate conditions.

Highways: The previous application was approved and subsequently withdrawn. The proposal is to provide a stadium, football pitches and associated facilities to locate Cray Wanderers FC on the site together with a total of 42 dwellings. This is an increase of 14 units over the previous application.

The site is directly accessed off the A20, which forms part of the Transport for London Road Network (TLRN) and is a 40 mph dual carriageway at this point. It is only accessible from the westbound carriageway and has poor connections for non-car modes of travel. The site has a 0 PTAL rating.

The majority of the current uses on the site, including the boot fairs and nightclub, would be removed leaving only personal training activities, the gym and the football pitches. A Transport Assessment (TA) was included as part of the application.

Residential

The proposal is for 26 x 3 bed terraced houses and 12 x 2 bed and 4 x 1 bed flats in 4 two storey blocks. The 28 flats in the previous application were all 2 bed units. There are 42 parking spaces proposed which equates to 1 space per unit with 4 additional visitor spaces. This is a reduction from 1.82 spaces per unit with the previous scheme. Given the PTAL level and that some of the units are 3 bed 42 spaces seems an under provision. The vast majority of trips are likely to be by car.

Discussion in the TA regarding the parking provision indicates it is based on local car ownership rates. Kemnal Road is disregarded due to the large properties but there are flatted developments within the road. I am not sure how particular properties are removed from the census database but the local car ownership is 1.16 vehicles per dwelling (equating to 49 spaces). The standards in the draft local plan would require a minimum of 55 spaces.

Given the layout of the site with the distance to the surrounding road network I would normally suggest that overspill parking would be on the internal road network but for the proposed Car Park Management Plan given in section 10 of the TA (comments below).

The swept path provided for the refuse collection vehicle is for a slightly smaller one (9.2m) than is used in Bromley (10.3m). The vehicles are going to have to reverse some distance to reach the flats and so Waste Services should be consulted to ensure they are happy with the storage and collection arrangements. The turning movements could be compromised by parked vehicles on street but this may be controlled by the Parking Management Plan.

Stadium

The proposal is for a football stadium with a capacity for up to 1,300 spectators, 3 additional 11 a-side pitches, a 7 a-side pitch and 2 x 5 a-side pitches. In para 2.8 of the TA looking at the comparison with the previous scheme only one 11 a side pitch is shown previously but there were also 3 then. The only change seems to be an additional 5 a side pitch with this revised scheme. There are 3 parking areas proposed, a permanent area with 141 car spaces and 5 coach bays and 2 temporary overflow areas with a total of around 128 spaces.

The TA indicates that the average gate is 124 spectators. Given the surveys of how the supporters are likely to travel to the site the permanent parking area is likely to be sufficient to accommodate the parking demand for the majority of matches. It is also likely to be sufficient to accommodate the demand for the situation where all the other pitches are in use at the same time. If the stadium and other pitches are in use at the same time the overspill parking may need to be used.

TfL suggested that the proposed car parking with the previous scheme was an overprovision and that it should be introduced in phases when the additional demand is established. The proposal now is to provide 71 spaces at the outset of the development with surveys to monitor the usage and provide additional spaces as required. From the figures supplied in the TA, if the Hire Pitches and stadium are in use at the same time the estimate is 107 vehicles (with the average gate) or 149 vehicles (with double the average gate). This is obviously well in excess of 71 spaces.

I understand that the stadium is required as part of the requirement to play in a particular league. The capacity is well above the normal attendance and the TA includes a scenario with full attendance at the site. There would appear to be 3 scenarios where this could occur, a one-off match against a team from a higher league, Cray Wanderers progress to higher leagues or another team shares or takes over the site. The likely impacts would be on the access where TfL would need to comment and on the parking provision. There needs to be a

mechanism to address this situation, perhaps in the Car Park Management Plan. If attendance significantly increases then certainly the other pitches should not be used on match days. There does not appear to be much scope to increase parking provision on the site. Other pitches could be used but due to potential damage this would be weather dependant.

Car Park Management Plan

A plan to manage the on-site car parking is given in section 10 of the TA. Vehicle gates are proposed on the access although it is suggested access will normally be unrestricted. One permit would be issued per residential unit with visitors vouchers if spaces are available. As there are only 4 visitor's spaces this implies once these are full no more visitors would be allowed.

Car parking vouchers would also be provided to users of the Football Pitch and Hire Pitches. Spectators would also be able to request parking vouchers for a fixed time period so I am not sure how that would work with people using the other facilities, the bar and function room, gym, boot camp etc, at the site.

Given the location of the site it would seem unlikely that anyone apart from those people living in or using the facilities at the site would want to park there. The Management Plan seems rather draconian and complicated to run / enforce. There should not be any charges for on-site parking as this is likely to deter people and encourage them to park outside the site.

Non-car access

I note the TA indicates the way PTALs are worked out it does not take account of the pedestrian link to Imperial Way. However if it did it would only raise it to 1a.

There appears limited scope for non-car trips to the site. The A20 forms a barrier to the north of the site and the nearest crossing facilities, a bridge, is about 520m to the west of the site entrance. There is a bus route in Imperial Way from which pedestrians can access the site via Registered Footpaths 33 and 35. There is a new pedestrian access proposed onto FP35 to the west of the site.

Access

Probably the main highway issue with the site is likely to be the access. The A20 is part of the TLRN and TfL is the highway authority. They did not raise any objection with the previous scheme and should be consulted regarding any issues on the A20.

Conclusion

The proposal is unlikely to have a significant effect on any roads in Bromley. A possible effect may be if, for whatever reasons - congestion getting to or from the main access or where the supporters live, it is more convenient to park in Imperial Way and walk to the site. However I cannot see how that potential could be measured. Also the current lack of hard surfacing on the path, lack of lighting and the bends do not make it conducive to increased usage and this is acknowledged in the TA.

There is limited scope for non-car access to the site. I would have concerns about any measures to limit car trips to the site which will result in people looking for off-site parking rather than using other modes. In particular there is the parking provision for the residential

units, the phased provision of the leisure use parking and the proposed measures in the Car Park Management Plan.

Amended highways information was submitted to address the concerns as raised by the Council's Highways Officer and Bexley Council. Whilst no comments are received from Bexley, the Highways Officer is content that the application can be sufficiently conditioned and as such raises no objections to the application.

Rights of Way Officer: Public Footpath 145 runs along the NW boundary of the application site and the applicant's attention is drawn to the need to safeguard the public using the route during the construction period. No objections subject to informative.

TfL:

Vehicular Site Access

It is proposed to retain the existing left in / left out vehicular access off the A20 Sidcup Bypass. Minor changes are proposed to the kerb alignment in order to accommodate coach movements. It is considered that the tapers will widen the access junction mouth and make things more difficult for pedestrians walking along the A21 southern footway and crossing the access. Therefore a suitable pedestrian-friendly crossing design, such as a raised table, should be investigated.

TfL require a planning condition to be imposed requiring the developer to enter into a section 278 Agreement under the Highways Act 1980, with TfL for any works on TfL's highway associated with the development. The full costs to implement and maintain the highway works will also need to be met by the applicant.

Should this application be granted planning permission, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004.

Trip generation and modal split

The trip generation assessment appears reasonable.

Highway Impact

A PICADY model has been produced to model the site access on a typical match day and match day with full stadium attendance. Whilst the results indicate that the site access will operate within practical capacity during a typical match day, the junction will exceed theoretical capacity during the full stadium attendance scenarios, however it is acknowledged that the queuing occurs within the site.

Car parking

183 formal car parking spaces are proposed on site, of these 42 spaces are proposed for the residential use and the remaining 141 spaces for the stadium. A further 128 overspill car parking spaces are proposed on site for the stadium use, and 5 coach parking spaces. The overall car parking provision represents a reduction to that proposed in the 2015 application which is welcomed by TfL. However, TfL would still recommend that the applicant considers a phased increase based on demand assessed through surveys and

balanced against other public transport provision, rather than the total 269 stadium spaces at the onset.

A car park management plan should be secured and approved by TfL to ensure that there are measures in place to minimise traffic congestion on match days.

Disabled car parking will be provided in accordance with London Plan standards for all uses. Electric Vehicle Charing Points (EVCP) including passive provision will also be provided in accordance with the London Plan standards.

Cycle Parking

The residential cycle parking provision will be provided in accordance with the London Plan, which is welcomed by TfL. Whilst it is acknowledged that cycling is unlikely to be a popular mode of transport for football supporters accessing the site, only 6 spaces are proposed for the stadium use and a further 6 spaces for the football pitches. The TA states that the locations for future provision will be safeguarded should the demand arise. TfL will request a section to be included within the S106 which states that should monitoring of the supporters cycle parking regularly identify high occupancy, then additional cycle parking provision will need to be provided.

TfL would advise that shower and locker facilities are also provided for those members of staff wishing to cycle to work. Visitor parking spaces should be located in an accessible area close to building entrances. All cycle parking spaces should be safe, secure and easily accessible from cycle routes and appropriate signage, should be provided.

Pedestrian and Cycle Access

Whilst a new pedestrian crossing at this location would be desirable to improve walking access from the north of the A20, TfL have investigated various options to improve pedestrian movement across the A20 within the vicinity of the site, including an at-grade crossing and a new temporary footbridge. At this stage none of these options are considered to be feasible due to limited pedestrian numbers, the high speed of the road, and high implementation costs.

Buses

The closest bus route to the site is the 162 on Imperial Way which is located beyond an acceptable walk distance (640m) south west of the site boundary. However, it is acknowledged that football supporters are more likely to walk longer distances to access a stadium (up to 30 minutes). Whilst stops for routes 233 and 321 are located closer to the site as the crow flies, this doesn't take account of the lack of permeability across the A20. It is considered that bus trips generated by the development can be accommodated within the existing bus network capacity. Therefore mitigation for bus service improvements will not be sought for this development.

The Club currently operates a 22-seater minibus that picks-up home fans from the Bull Pub in Sandy Lane, Cray. The Travel Plan states that a similar arrangement will be expanded to incorporate pick-up/drop-offs via local rail stations such as New Eltham and St. Marys Cray Stations. The expansion and frequency of this service should be secured by the s106.

Transport mitigation summary

A number of specific mitigation measures is summarised below:

- Development of a suitable pedestrian-friendly crossing design for the site access.
- A s278 agreement with TfL for highway works
- Car Park Management Plan to be secured through the s106
- Regular monitoring of leisure use cycle parking demand.
- The expansion and frequency of the Club shuttle bus to be secured through the s106
- Travel Plan to be secured, monitored, reviewed, and enforced through the s106
- A Delivery and Servicing Plan to be secured by condition
- A Construction Management Plan (CMP) to be secured by condition

Natural England: No Comments

London Borough of Bexley: The A20 Sidcup Bypass, which is a dual carriageway, forms part of the Transport for London Road Network (TLRN), for which Transport for London (TfL) are the Highway Authority. This road also lies within the London Borough of Bexley who are the Planning Authority. A planning application would therefore need to be made to Bexley for any alterations to the current access arrangements onto the A20.

However the level of car parking for the football stadium in this latest scheme has been reduced from 332 to 141 laid out spaces with 127 in an overspill area (268 in total).

The application is supported by a Transport Assessment (TA), the scope of which was agreed by Bromley and TfL. There have been no formal pre-application discussions with officers at Bexley although it had been suggested to the applicant that they engage with Bexley Highway Authority.

The TA purports to consider the trips arising from the existing site and proposed development in addition to considering access to the site by alternative modes of transport. However there are concerns that both the future transport impacts of the proposals have been underestimated and the scope of the network assessments are too limited.

Although the average match attendance is currently 124 supporters and it is stated from surveys it has been determined that approximately 50% of current supporters are car drivers. This would suggest that the car parking area is sufficient to support 242 travelling supported or 536 if the overspill area is taken into account.

The performance of the site access has been assessed based on 242 spectators and 1300 in terms of the site access capacity. CWFC currently play in the Isthmian League North. The ground grading requirements as set by the Football Association require their Category D to be met. This specifies that stadia must have a minimum capacity of 1,300 and there must also be potential to increase capacity to 1950 in the future. Should CWFC achieve promotion to the Isthmian Premier League, one level above where they presently play, they would be required to provide a Category C stadium, capable of accommodating 1,950 people, and have potential to increase this capacity to 3,000 in the future. It is noted that the application description is for a stadium with capacity for 1,300. It is considered, at a minimum, that the TA should assess the potential impact of 1950 supporters.

The assumptions relating to trip rates and parking demand are based on surveys of existing supporters attending the ground at Bromley, which is far more accessible by other

transport modes than the application site. It is therefore likely that the proposed modal share for cars has been underestimated.

The TA only considers the potential traffic impact at the site access onto the A20, although it is noted that the 'sensitivity test' for 1,300 attending supporters demonstrates the junction will operate above capacity with significant queues predicted to occur. However the safety implications of this are a matter for TfL.

No consideration of the assignment of development trips on the adjacent highway network both to and from the site is provided in the TA. Vehicles exiting the site and returning east on the A20 would need turn right at Five Ways junction and right again into Footscray Road before using one of the residential roads linking onto the A20. An assessment of the potential impact this development on Five Ways junction should also be provided, which has known capacity problems during busy periods. These issues could result in a material increase in vehicles using roads within Bexley Borough.

The TA recommends that the scheme, if permitted, is supported by a Travel Plan and Car Park Management Plan and suggests a 'framework' for these documents identifying the types of measures that could be included. If Bromley are minded to grant planning permission it is recommended the detail of these documents are agreed in consultation with both Bexley and TfL and included in a S106 Agreement. Provision should also be made in the Agreement for a financial contribution to Bexley to monitor and review any future parking impacts of the development on roads within Bexley Borough and to introduce traffic management measures if necessary.

In conclusion Bexley Highway Authority does not consider that the TA supporting this application is robust or fully considers the highway implications of the development. Significant on street parking issues in Bexley have been generated by the use of this site in the past, and there are concerns the level of parking provided in this scheme has not been fully justified and may be inadequate for future needs. No consideration of the impact of development trips on the wider highway network has been given and there could be material traffic impacts in Bexley Borough.

Tree Officer:

The site is free of any protective legislation applied to existing trees. The site is largely open land with the occasional self-seeded tree. The site is well screened by boundary vegetation. Kemnal Cemetery located to the south of the site is situated within the conservation area. Trees along the boundary of the neighbouring cemetery are subject to the protection of the conservation area legislation.

An Arboricultural Report has been submitted in support of the application and details the tree constraints associated with the development. The majority of trees within the site do not present a constraint and can be removed as part of the re-landscaping proposals. Some mature trees form part of the list of trees to be removed and some appear to be situated within the neighbouring land to the south.

This site is clearly an opportunity for development and has gained a great deal of support from residents. The Landscape Plan submitted in support of the application is highly detailed and includes a number of specimen trees. New trees range up to advanced size and will enable a level of instant impact upon completion. The re-stocking of the site will outweigh the facilitation removals. The Officer is satisfied with the diversity of species listed on the planting schedule and raises no objections subject to conditions.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling

- 5.10 Urban greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood risk assessment
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.16 Green Belt
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE13 Development Adjacent to a Conservation Area
- BE16 Ancient Monuments and Archaeology
- C1 Community Facilities
- C2 Community Facilities and Development
- ER7 Contaminated Land
- ER9 Ventilation
- ER10 Light Pollution
- G1 The Green Belt
- H1 Housing Supply
- H2 and H3 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- IMP1 Planning Obligations
- L1 Outdoor Recreation and Leisure
- L2 Public Rights of Way and Other Recreational Routes
- L6 Playing Fields
- NE2 Development and Nature Conservation Sites
- NE3 Nature Conservation and Development
- NE5 Protected Species
- NE7 Development and Trees
- NE13 Green Corridors
- T1 Transport Demand

T2 Assessment of Transport Effects
T3 Parking
T7 Cyclists
T8 Other Road Users
T9 and T10 Public Transport
T11 New Accesses
T12 Residential Roads
T15 Traffic Management
T16 Traffic Management and Sensitive Environments
T18 Road safety

Emerging Local Plan

1: Housing Supply
2: Provision of Affordable Housing
4: Housing Design
8: Side Space
20: Community Facilities
21: Opportunities for Community Facilities
26: Health & Wellbeing
30: Parking
31: Relieving Congestion
32: Road Safety
33: Access for All
34: Highway Infrastructure Provision
37: General Design of Development
42: Development Adjacent to a Conservation Area
46: Ancient Monuments and Archaeology
49: The Green Belt
54: South East London Green Chain
57: Outdoor Recreation and Leisure
58: Outdoor Sport, Recreation and Play
60: Public Rights of Way and Other Recreational Routes
69: Development and Nature Conservation Sites
73: Development and Trees
70: Wildlife Features
72: Protected Species
73: Development and Trees
77: Landscape Quality and Character
78: Green Corridors
79: Biodiversity and Access to Nature
115: Reducing Flood Risk
116: Sustainable Urban Drainage Systems (SUDS)
118: Contaminated Land
119: Noise Pollution
120: Air Quality
121: Ventilation and Odour Control
122: Light Pollution
123: Sustainable Design and Construction
124: Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
125: Delivery and Implementation of the Local Plan

Supplementary Planning Guidance

UDP

Affordable Housing Supplementary Planning Document (SPD)
Planning Obligations Supplementary Planning Document (SPD)
Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

London Plan

Housing (2016)
Providing for Children and Young People's Play and Informal Recreation (2012)
Accessible London: Achieving an Inclusive Environment (2014)
Sustainable Design and Construction (2014)
Mayor's Housing Standards Policy Transition Statement (2015)
Homes for Londoners (2017)
Culture and Night-Time Economy (2017)

Planning History

87/02961: Replacement plant and machinery stores. Permitted.

88/01261: Single storey extension to main clubhouse for use as indoor shooting range with structure and balustrading on roof. Refused.

90/01090: Single storey rear extension to clubhouse for use as indoor shooting range with balustrading on roof. Refused.

95/00113: Single storey rear extension to clubhouse for use as indoor shooting range. Refused.

98/00317: Detached single storey building for workshop and general storage. Permitted.

02/00828: Demolition of existing sports pavilion and associated buildings and structures; change of use of sports field and former parkland to use for human burials and disposal of ashes; erection of a building comprising a crematorium, chapels with associated facilities; associated access and parking areas, laying out of Garden of Remembrance (OUTLINE).Refused.

06/00371: Off-road buggy track with pit stop movable marshal control towers for use Monday to Sunday (inc) 10:00am to 10:00pm. Refused.

06/00373: Application for day market (Thursdays) open to public 8.30am to 3.30pm with car parking. Refused.

06/03704: use of land for sale and display of portable garden buildings (retrospective application). Refused.

07/02974: Use of land for sale and display of portable garden buildings and associated tree planting to boundaries. Refused.

09/00813: Use as motorcycle training area. Permitted.

09/03464: Use of ground floor and ladies toilets at first floor for mixed use comprising of

bar/dance floor for persons including (a) those already using Flamingo Park site (such as sportspersons, boot fair attendees etc) and (b) those using the site for unrelated scheduled social events limited to 20 Fridays and 37 Saturday per calendar year. Existing use/development is lawful.

09/03055: Single storey extension (to existing sports pavilion) (retrospective application). Permitted.

10/02156: Single storey extension to existing conservatory of nightclub and enlargement of existing terrace area. Permitted.

10/02890: Use of ground floor and ladies toilets at first floor for mixed use comprising of bar/dance floor from Thursday to Saturday every week and Sundays over bank holiday weekends. Permitted.

12/02615: Use of existing car park for storage of hire vehicles and erection of single storey associated office building. Refused.

14/03385: Use of part of existing car park for purposes of storing hire vehicles and erection of portable office building. Refused.

The most recent application and the most pertinent in this case is the recently withdrawn scheme for the demolition of existing buildings and erection of two/three storey football stadium (max height 11.3 metres/max capacity 1316) with ancillary kitchen, bar, function room, classrooms, museum, gym/physio rooms, offices, changing rooms and meeting rooms; detached single storey building for additional changing rooms; 2 community sports pitches; re-location of 3 existing football pitches and two 4 storey residential blocks comprising 28 two bedroom flats, with undercroft car parking, refuse and cycle storage; as well as overground parking for stadium for a total of 393 cars and bicycle parking with access from the A20 Sidcup By-Pass (reference 15/03053/FULL1)

The application was taken to Planning Committee with a recommendation for refusal. Despite this, Development Control Committee resolved to grant planning permission based on a case for very special circumstances. The Mayor subsequently directed refusal on the 15th June 2016 for the following reason:

Green Belt: The very special circumstances argument presented does not justify the proposed development, which is considered to be inappropriate, in the Green Belt, Whilst the benefits of the outdoor sports facilities to Cray Wanderers FC and the wider community are acknowledged, these benefits do not outweigh the significant harm that would be caused to the openness and character of the Green Belt. As such the proposals are contrary to the aims and objectives of the NPPF (2012), Policy 7.16 of the London Plan (2015) and Policy G1 of Bromley's Unitary Development Plan.

Further to this, on the 29th June 2016, the application was called-in by the Secretary of State under his powers in section 77 of the 1990 Act, directing that the application shall be referred to him instead of being dealt with by the Local Planning Authority.

The Applicant withdrew the application following the call-in to enter discussions with Bromley and the GLA in order that a revised scheme could be discussed.

As well as the development control history stated above, there is also an extensive enforcement history relating to this site for various unauthorised adverts, operational development and uses, including the erection of advertisement hoardings, several timber buildings to the front of the site, creation of a buggy track, use of outbuilding for residential

purposes, conversion of building into offices, use as a nightclub, operation of commercial marquee in excess of permitted days, fun fair, taxi driver training, fireworks business and siting of containers.

The following investigations are currently held in abeyance pending the outcome of this planning application:

- Change of use of a car park and motorcycle training area to a rental car (A2 Car Hire) operating from wood cabins erected on site;

- Use of the site as a funfair over and above 28 days.

- Change of Use to various Businesses including Cash For Your Clothes, Firework Sales, Skip Hire, Scaffolding Storage areas and Car holding spaces.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Principle of Development including whether development is appropriate in the Green Belt;
- The case for Green Belt 'very special circumstances' including sporting benefits, community benefits alternative site assessment and the need for the Enabling

Development;

- Scale, layout and design and visual impact
- Impact on nearby residential dwellings
- Parking and cycling provision and highways impacts
- Trees, ecology and landscaping
- Housing Issues
- Density
- Flooding and Drainage
- Archaeology
- Sustainability and Energy
- Pollution and Contamination
- Planning Obligations
- Environmental Impact Assessment

Resubmission

The application is a re-submission following the withdrawal of the previous scheme. The amendments to this scheme when compared to the previous application are:

- Change to the overall site layout, including positioning of the stadium, location and siting of the residential units and football pitches and the layout of access roads. The stadium is now proposed to be accessed from the north (previously the east), with residential units to the south of the stadium, accessed via a through road to the west.
- Reduction in the size of the proposed clubhouse (GIA) of 1223sqm (27%)
- Reduction in height of the proposed clubhouse from three to two storeys, equating to a reduction in height of 5.43m
- Reduction in the extent of the covered spectator viewing area

- Reduction in the scale of the proposed residential development from four storey plus under-croft to two storey development.
- Reduction in the amount of residential development by 1569sqm (33%) including the previously proposed undercrofts and 192sqm if excluding
- Changes in the types and mix of residential accommodation and increase in number of residential units from 28 to 42
- 100% affordable housing provision (previously none was proposed)
- Decreased parking provision from 332 spaces to 268 spaces (excluding residential and including overflow parking).
- Football pitches re-sited to the east of the site.
- Re-enforced grass where grasscrete was previously proposed to the overspill parking.
- 17 trees proposed to be removed compared to 22 previously

Principle

Section 9 (paragraphs 79-92) of the NPPF sets out the national Green Belt policy. The National Planning Policy Framework (2012) post dates the Bromley UDP (2006). The NPPF provides the up to date reference point for Green Belt policy.

In assessing the current application, several paragraphs of the NPPF are of relevance: -

Paragraph 79

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

So the Green Belt aim is to prevent urban sprawl by keeping land open. An essential characteristic of Green Belt is its 'openness'.

Paragraph 80 sets out the purposes of the Green Belt: -

Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Paragraph 80 in effect expands upon the aim of 'preventing urban sprawl'.

Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (Para.81, NPPF).

London Plan (2015) Policy 7.16 'Green Belt' notes that "*the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.*"

Under NPPF paragraph 87 states that: '*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

The NPPF goes on to expand upon 'very special circumstances' in paragraph 88:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

To be 'clearly outweighed' implies well beyond in balance.

The NPPF, at paragraph 89 sets out the following exceptions to what it considers *inappropriate* in Green Belt, it states that:

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry; (1)*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; (2)*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (3)*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (4)*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or (5)*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. (6)*

The construction of new buildings in the Green Belt is then, inappropriate unless it is included in one of the exceptions in NPPF paragraph 89 (or paragraph 90).

It is therefore relevant to consider whether the proposal is an exception under NPPF paragraph 89 as it includes new buildings. Of particular relevance to the current proposal are points (2) and (6). In each of these points (2) and (6) in paragraph 89 above, the term 'openness' is used and this merits some further explanation.

The concept of 'openness' refers to the absence of building, it is land that is not built on. The size of the buildings (in terms of footprint, floor space or building volume) put simply whether they are larger, is relevant to the assessment of a greater impact on 'openness' and whether there is an exception under paragraph 89.

By contrast, the visual impact is a further assessment. This relates to factors such as the aesthetic quality of the proposal and its prominence in the landscape. The visual impact of the proposal relates to the assessment of very special circumstances.

Table 1. Existing and Proposed Development Data (Using Applicant Figures)

	Buildings	GIA Sqm	Surfaces Sqm	GIA Sqm
Existing	Clubhouse	1338sqm	Existing tarmac/gravel car park	13,577sq,
	Outbuildings and Containers	625sqm		
	Total Existing	1298sqm		13,577sqm
Proposed	Clubhouse including stands	3174sqm	3G Pitch	7975sqm
	Clubhouse bike enclosures	50sqm	Permeable paving	2217sqm
	Residential properties	3194sqm	Permeable Asphalt	9034sqm
	Residential bike enclosures	60sqm		
	Bin stores	25sqm		
	Total Proposed	6503sqm		19,226sqm

Paragraph 89 refers to previously developed land and to openness. It is therefore necessary to consider both.

The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

Officers accept that the site contains a proportion of what can be defined as previously developed land and the site could be assessed in terms of NPPF paragraph 89 including point 6 therein. It is important also to note that there are some uses and development at the site which do not benefit from planning permission, and the site is currently subject to enforcement investigation.

The only buildings which appear to benefit from planning permission are the pavilion building (1338sqm GIA), most recently used as a nightclub and containing 2 flats; the smaller single storey former bowling green pavilion (232 sqm); the brick building (old groundsman’s WC & tea room) (13sqm) and the old rugby posts store (41sqm). This results in a total floor space of existing built development of 1624sqm (GIA) (1963sqm as asserted by the Applicant including industrial buildings not accounted for in the Council’s

calculations). These structures, along with the 13,577sqm gravel/tarmac hardstanding at the centre of the site, can therefore be considered as the built upon land (agreed as per the Applicants figures in respect of hard surfacing (p.15 of the DAS)).

Industrial outbuildings have been taken into account when calculating the Applicants existing floorspace however there is no planning history related to them and no evidence has been provided to demonstrate the period of their siting or why they should be taken into consideration as part of the overall GIA. The Council in their calculations have included all known lawful structures on the site.

The proposed stadium/ club house would have a footprint of 1587sqm (previously 1883sqm) and a total GIA of approx. 3175sqm (previously 4428sqm) set over two (previously three) storeys. The residential development would have a total GIA of 3194sqm. The hardstanding is proposed at 19,226sqm including the 3G pitch compared to 13,577sqm as existing. There is an overall reduction in height of the buildings on site of 5.43m.

Additionally, the ground grading requirements as set by the Football Association require their Category D to be met, this states that a minimum capacity of 1300 should be provided and there must also be potential to increase capacity to 1950 in the future. Should the club be promoted one league the Club would be required to provide a Category C stadium, capable of accommodating 1950 people and have the potential to expand to capacity for 3000. The Applicant confirms that should promotion be achieved that there would be no extensions to the clubhouse or stand itself, only minor works would be required to the shelters to increase them by 20% subject to planning. Whilst any future development proposals would be subject to planning and therefore considered on their own merits, Officers consider it reasonable to assume that the stadium must be capable of being extended in capacity and therefore size.

In conclusion, there is an increase in the size of development as proposed and the site includes previously developed land.

There is a clear increase in the floorspace between the existing buildings on the site and the proposed buildings on the site as is evident from the Table. They are materially larger. There is a link between the specific site and the wider Green Belt as substantial weight is given to any harm (para 88) in general. The loss of unbuilt land (the residential units and part of the stadium) are located on undeveloped land) and the increased size of the buildings are not consistent with preserving the openness of the Green Belt (NPPF paragraph 89 point 2, in relation to outdoor recreation). The development does have a greater impact on the openness of the Green Belt than the existing development (point 6 in relation to other development) and in each case, this also conflicts with the purposes of including land within the Green Belt. The Applicant acknowledges that the development is inappropriate in the Green Belt within the planning statement.

In the absence of falling into one of the exceptions in Paragraph 89, the proposal amounts to inappropriate development in terms of Green Belt national and local policy. It therefore should not be approved except in very special circumstances as by definition it is harmful to the Green Belt.

The Applicant within their submission notes that when considering the application in respect of the Green Belt '*substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'. However the Applicant goes on to state that whilst the purposes of including land in the Green Belt it is not determinative in this case in respect of concluding whether the

development is inappropriate or not, it does remain material to the wider consideration of the VSCs in informing the weight given to the Green Belt harm. The Applicant notes the reasons as to why land is included in the Green Belt concluding that the proposals would not significantly or materially conflict with the reasons for including the application site within the Green belt, representing a mitigating factor when balancing the case for VSCs against Green Belt and other harm, even when giving substantial weight. Officers do not agree with the approach taken by the Applicant in this regard, it is agreed by both parties that the development represents inappropriate development within the Green Belt and therefore the test as per paragraph 88 of the NPPF is engaged and *substantial weight* is to be given to any harm to the Green Belt. As per the test, the very special circumstances are to be assessed to consider whether they outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. Very limited weight is given to the points raised by the Applicant in analysing how the sites characteristics meet the purposes of including the land within the Green Belt given that the land is designated as Green Belt and any future development is to be assessed against such policy tests.

Very Special Circumstances

As set out above, the proposed development is considered inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential to harm the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

The applicant has accepted the development is inappropriate and has presented a case for very special circumstances focusing on 13 aspects: need, existing site condition, reinstatement and safeguarding of the site's historic sporting use, previously developed land, absence of alternatives, wider green belt context, significant benefits to sport, health and wellbeing, community and social benefits, cultural benefits, economic benefits, housing supply, enabling development and affordable housing. These will be addressed in turn.

Need

The Applicant states that the need for the principal sports element of the application proposals is acute and evident given that the ground sharing agreement with Bromley FC is soon to come to an end.

The GLA Stage 1 response in this regard states that whilst the limitations and uncertainty of the current ground sharing arrangement are recognised, this cannot be accepted as contributing towards 'very special circumstances' to justify inappropriate development in the Green Belt given that this need could be met at another site. The GLA Officers note that the Applicant has failed to explore alternative site options which make use of the previously developed land on the site for the stadium and developing a separate site for the enabling residential development. Additional information has been submitted by the Applicant since this time which states that there are viability concerns in this approach. The Applicant also states that should they develop the residential element on a separate site, they would need to undertake this first to release funds for the stadium development which would result in significant delay in implementing the stadium given that no site or planning has been secured for enabling development and would lead to additional financial risk. The Applicant states that adopting the dual site approach is also not feasible given that one of the primary reasons for working with Moat housing was to assist the cashflow, however it has not been explained why it would not be possible for the Applicant to work with Moat housing on a separate site which would also mitigate against any time delay.

Concern is also raised at the cost of purchasing a separate site however in the amended alternative site selection document, alternative sites have not been considered for the stadium use, only for the enabling development, therefore the ability to provide the development on multiple smaller sites has not been considered which may overcome this concern. Whilst the Applicant has also tested options for an alternative site layout which takes into account of the PDL element of the site, these have been discounted due to the Applicant considering that they would have a greater impact on the Green Belt and therefore the scheme must be considered on the basis of what is submitted which is considered to cause a substantial impact in terms of openness.

Further to this, Officers also remain concerned as to the search perimeters used in assessing the requirements for the site, particularly the distance from the Crays applied (4 miles/10 minutes drive). It is not unusual for a sports team to relocate considerable distances from their original fan base when in need of expansion and as such Officers consider that a much broader site search could have been undertaken.

Officers are therefore of the opinion that insufficient justification has been provided that more suitable alternative sites is not available and that very special circumstances have not been demonstrated in this regard.

Existing Site Condition

The applicant asserts that the expected aesthetic enhancements to the site that would result from proposed planting, landscaping, active management, new and high quality buildings, hardstanding and regularisation of the uses on the site should be considered a 'very special circumstance' to allow for the proposed inappropriate scheme. Officers consider that this is not a strong enough argument to justify that 'very special circumstances' exist. On the contrary, it is considered that the proposed football stadium, club facilities, residential development and all their associated infrastructure would have a significantly greater harmful impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Whilst Officers agree with the comments made by the GLA in respect of the enhancements creating a betterment to the visual amenity of the area, consideration must be given to the use of the site as a whole whereby a multitude of unlawful uses are taking place. These are now subject to an authorised planning enforcement notice which is waiting to be served for the removal and cease of operation of the uses within 3 months, as such Officers consider that improvements to the site in this regard are readily capable of being delivered in a manner which is not contrary to Green Belt policy.

Reinstatement and safeguarding of the site's historic sporting use

The Applicant states that the site's historic sport and recreation use will be maintained, expanded and secured for the future and is an appropriate use on the Green Belt.

Officers acknowledge the lack of use of the existing playing fields at Flamingo Park, and the absence of any regular league football being played over the past 4 years. However, whilst the re-provision of upgraded sporting facilities is supported by Officers, it is not considered that the proposal has been robustly considered in respect of how this is proposed. As previously discussed, the Applicant has failed to explore alternative site options for both the stadium and the residential element of the scheme in an appropriate search area therefore it cannot be considered that the proposed scheme with a residential element is the only option available for restoring or safeguarding the sites use as a sporting venue. Furthermore, whilst there is no current interest, the sports fields do still exist and this in itself would not preclude future use of this area in a sporting function, despite no current interest being had.

Previously developed land and wider Green Belt context

The Applicant states that the site includes significant areas of previously developed land and whilst the proposed layout includes a moving of the developed parts of the site, in essence the scheme involves the re-use of previously developed land when taken as a whole. The Applicant asserts that the benefits of the reconfiguration and the use of PDL is a sustainable form of development, weighing considerably in favour of the application.

Officers have considered matters of previously developed land elsewhere in the report, however it is reiterated that whilst it is acknowledged that there are elements of previously developed land on the site there is a clear increase in the floorspace between the existing buildings on the site and the proposed buildings on the site; they are materially larger. Furthermore, the majority of the development is on greenfield land, not previously developed land, therefore Officers do not agree with the assertion that 'in essence the scheme involves the re-use of previously developed land'. The loss of unbuilt land and the increased size of the buildings are not consistent with preserving the openness of the Green Belt, which is why alone the development is not considered appropriate under bullet point 6 of paragraph 89. The development does have a greater impact on the openness of the Green Belt than the existing development and as such, this is not considered to result in a very special circumstance.

Similarly, the sites location within the wider Green Belt context does not lend itself to a very special circumstance. In assessing applications for development in the Green Belt Officers do not consider the quality or location of the land in relation to surrounding urban form.

Absence of Alternatives

The alternative site assessment which was submitted as part of the application considers 20 alternative sites within 4 miles or 10 minutes travel time of 'The Crays'. The main reasons given for none of them being suitable relate to planning constraints, site availability, the presence in the Green Belt and site viability.

The GLA in assessing this very special circumstance considered that the approach to finding an alternative site is based on both the stadium and housing being provided on the same site, without any justification and therefore the alternative site such is not considered robust. As previously discussed by Officers, the Applicant submitted amended information following the publishing of the Stage 1 response that should they develop the residential element on a separate site, they would need to undertake this first to release funds for the stadium development which would result in significant delay in implementing the stadium given that no site or planning has been secured for enabling development and would lead to additional financial risk and time delays. The Applicant states that adopting the dual site approach is also not feasible given that one of the primary reasons for working with Moat housing was to assist the cash flow however it has not been explained why it would not be possible for the Applicant to work with Moat housing on a separate site which would also mitigate against any time delay. Concern is also raised at the cost of purchasing a separate site however in the amended alternative site selection document, alternative sites have not been considered for the stadium use, only for the enabling development, therefore the ability to provide the development on multiple smaller sites has not been considered which may overcome this concern.

As previously mentioned, Officers also remain concerned as to the search perimeters used in assessing the requirements for the site, particularly the distance from the Crays applied (4 miles/10 minutes drive). It is not unusual for a sports team to relocate considerable distances from their original fan base when in need of expansion and as such Officers consider that a much broader site search could have been undertaken.

Officers are therefore of the opinion that insufficient justification has been provided that more suitable alternative sites are not available and that very special circumstances have not been demonstrated in this regard.

Benefits to sport, health and wellbeing (including community, cultural and economic benefits)

The NPPF, at paragraph 73 recognises the important contribution that access to high quality open spaces and opportunities for sport and recreation can make to the health and wellbeing of communities and says that planning policies should be based on robust and up-to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss (Para.74, NPPF). Policy L1 of the UDP sets out the Council's position regarding proposals for outdoor Recreational uses on land designated as Green Belt. As well as needing to constitute appropriate development, proposals should aim to provide better access to the countryside; any activities relating to the use or development proposed should be small-scale and not adversely affect either the character or function of the designated area; and should be accessible by a choice of means of transport. Like the NPPF, policy L6 also resists the loss of playing fields or sports grounds except where a surplus has been revealed

The London Plan, at policy 3.19 '*Sports facilities*', states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported and the net loss of such facilities, including playing fields, will be resisted. It also supports multi-use facilities where possible. Additionally, the policy supports the use of floodlights where there is an identified need and no demonstrable harm to the local community or biodiversity but indicates that where sports facilities are proposed on existing open space, they will need to be considered carefully in light of policies on Green Belt and protecting open space

The Applicant states that in isolation, the sports, health and wellbeing benefits are significant however in the local context they become increasingly so, weighing in favour of the scheme particularly when noting the paucity in comparable provision within the local area.

The site has approximately 46,000sqm of playing fields (as previously confirmed by Sport England). The application proposes 46,411sqm of playing fields (Officers calculations) in the proposed development, including grass and artificial pitches, which equates to a

slightly higher level of provision. Sport England has raised no objections to the proposal given that the playing fields are to be provided in excess of the current provision and, on balance, the proposal would provide an indoor/outdoor sports facility which would be of sufficient benefit to the development of sport. The Football Association has also expressed support for the development.

Whilst Officers acknowledge the benefits of the proposal in re-providing the sporting function of the site, the benefits of the development could be achieved through the provision of facilities that are appropriate development and as such are not considered to be 'very special' in this case. The Applicant in the submission of amended information states that to their knowledge there is no indication that in the absence of the proposed development an alternative sports use would materialise and that the site has been empty for a number of years. However, whilst there is no current interest, the sports fields do still exist and this in itself would not preclude future use of this area in a sporting function, despite no current interest being had.

Furthermore, there are also concerns over the site's inaccessible location by means of transport other than the car, given the sites low PTAL rating of 0 and location beyond an acceptable walking distance to any National Rail or bus routes. This is in part mitigated by the submitted travel plan however whilst the Agent states that concerns over sustainable travel and accessibility would apply to any use at the site, Officers consider this to be a far more pertinent consideration in respect of sporting facilities, specifically stadiums which have the capacity to attract considerable footfall.

In respect of the community and social benefits, the NPPF says that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities and local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see (Para.69).

The Applicant has submitted a Community Access Statement and Community Impact Statement which details both the community access to the proposed development and details of the Club's community programmes. It is also noted that Cray Wanderers has a community programme including supporting facilities for the 1st team, 12 youth teams and the Coopers School Football Academy as well as coaching to 29 schools in the local community and holiday camps. It is stated that the current lack of a permanent home for the club has hindered their ability to successfully deliver the provision thus the proposal will strengthen their important part in delivering community facilities. It is also stated that the function rooms can also be used in conjunction with the nearby cemetery for wakes.

As with the previous application, significant support from both Bromley residents and those further afield has been received by Officers. Should the application be acceptable in all other respects the community access statement and community impact statement could be conditioned to be complied with, as well as the proposed conditions as laid out by Sport England in respect of the sporting offer.

Also of consideration is Policy C1 of the UDP which says that proposals for community facilities which meet the needs of an identified health, education, social, faith or other needs of particular communities will normally be permitted provided that it is accessible by members of the community it is intended to serve. The London Plan, at Policy 3.16 also requires that social infrastructure facilities (including recreation and sports and leisure facilities, see para.3.86) are accessible to all sections of the community (including older and disabled people) and be located within easy reach by walking, cycling and public transport.

Access to the proposal for the intended users of the development and the wider community is of concern given the site's poor public transport links and inaccessibility to pedestrians and cyclists. The applicant has acknowledged in their Open Space Assessment that the proposal would only have a small area of benefit for pedestrian users given the presence of the A20, and has limited benefits to the north within the 400m zone as defined by the London Plan for a LSP park. To the south it is acknowledged there is a footpath that leads from Imperial Way, however this is in a poor state of repair and virtually unusable at night. The Applicant has proposed to upgrade the pathway and remove two bollards which currently prevent wheelchair access (these are put in to prevent anti-social behaviour and their removal would not necessarily be agreed to by the Council), however this will be at considerable expense and would require the land owner's permission, therefore at present there is no wheelchair access from Imperial Way. There is a footbridge available over the A20 however this is located 630m to the north-west corner of the site. The transport assessment accompanying the application confirms the footpath width from the footbridge to the site entrance measures 1.7m-2.4m in width however the previous transport assessment submitted with the original application measures this between 1 and 2.4m which, in some places, is below the minimum width of paths for wheelchair users according to the 2002 Department for Transport best practice guidance on access to pedestrian and transport infrastructure, and below the minimum width for off carriageway bicycle paths.

Furthermore, the footpath features no tactile paving at the site entrance or the entrance to the golf range north-west of the site and no crash barriers. While the transport assessment concludes that the existing footway is adequate to accommodate pedestrian and wheelchair users of the proposed development and says that there is also scope for widening footpaths and installing crash barriers if desired (para 5.17 of the transport assessment), as it stands existing pedestrian access to the site is not considered convenient for future users of the site and, accordingly, Transport for London (TfL) have recommended that a pedestrian friendly crossing design for the site access is investigated including a raised table crossing. The applicant agrees that a new pedestrian crossing would be favourable and would accept a condition or obligation to this effect.

Again it is reiterated, that whilst the provision of the community facilities is welcomed by Officers and the benefits clearly understood, the facilities can be provided on the site in a manner which is considered appropriate development, and would not require the amount and scale of development proposed within this application.

The proposed shuttle bus service to the site from St Mary Cray on match days is welcomed and should be secured as part of a legal agreement, should the application be acceptable in all other respects. Nevertheless, the constraints of the site in relation to its accessibility via more sustainable transport modes is contrary to local and strategic policy and will have an impact on who will be able to take advantage of these facilities. Social exclusion rather than inclusion could ensue if local schools and disadvantaged groups are unable to easily access the new facility. The resulting community benefits of the proposal would therefore not outweigh the harm which would cause to the Green Belt by reason of inappropriateness.

In respect of cultural benefits the Applicant notes that Cray Wanderers FC are the second oldest football club in the world and the oldest in London. Given the cultural importance of football the Applicant states that it is imperative to secure the future of the Club is acute as it forms as an important part of the wider history of the local area. Officers are sympathetic to the situation Cray Wanderers find themselves in, however the site at Flamingo Park bears no significance to the uniqueness of the club and as such the location in itself is not key to maintaining the Club's history. The amended Alternative site assessment is

considered not to be robust and therefore Officers do not consider that this site is the only viable alternative in the absence of information to suggest otherwise.

Economic benefits have been put forward by the Applicant, namely that the proposal will deliver a long term secure future for the site that is financially viable. The Applicant also states that it will in turn support direct employment in the management and operation of the facility, however these numbers are unknown and have not been elaborated upon. Officers concur with the comments of the GLA in this regard in that *'sustainable economic benefits could be derived through the redevelopment of the site in a manner that appropriately addresses Green Belt policy'*.

Housing Supply and provision of Affordable Housing

The Applicant asserts that whilst the proposed housing is enabling development, necessary to deliver the sports facilities, it will have added benefit in making a contribution towards the achievement of the Borough's housing targets. It also states that it is noteworthy that the housing will deliver a mix of housing type and size to help deliver a mixed and balanced community.

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development, as per the points raised by the Applicant.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

London Plan Policy 3.4 Optimising housing potential seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

While these policies are considered to be pertinent to the justification for sustainable development on the site and support the application, compliance with them would not outweigh the harm identified above and the circumstances presented as being very special in relation to sustainable accommodation are not very special as to warrant an exception to Green Belt policy.

The Council has a five year housing land supply and therefore is considered to meet the housing targets as set within the London Plan. Nevertheless, the Planning Practice Guidance, Housing and economic land availability assessment, paragraph 34 specifies that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt. The GLA in their comments also state that *'The London Plan housing targets, however, are based on a Strategic Housing Land Availability Assessment (SHLAA), which was tested and endorsed at Examination in Public. A key principle of the SHLAA and London Plan is that the target, including affordable housing, can be met without the need to consider designated open space. Furthermore, notwithstanding an increase in its housing targets, the draft London Plan and supporting SHLAA is based on*

the same principle and therefore does not consider the use of Green Belt as necessary to meet these targets. Housing supply is therefore not considered to constitute 'very special circumstances'. Whilst the provision of additional housing is afforded some weight in the overall planning balance, given the Council are able to meet their housing targets this is considered to be of minimal benefit.

The application now proposes 100% affordable units, however the provision of affordable dwellings can be met without the need to consider designated open space and as such the over provision is not considered to amount to very special circumstances.

Enabling Development

The Applicant states that with specific regard to the proposed residential development, this is required financially to deliver the wider sports development and is the minimum required to do so.

The Council engaged an independent consultant to scrutinise the submitted viability statement. The consultant found that the 100% affordable housing option generates a loss of approximately £337,000. The loss identified within the independent assessment is approximately £209,000 greater than indicated in the Applicant's FVA on account of additional S.106 costs to be incurred that the Applicant has omitted. The consultant concludes that the minimum number of dwellings required to subsidise the development of the sports village would be 42, as indicated in Applicant's preferred option. Whilst there are discrepancies between the Council's and the applicant's findings it is considered that the principle and quantum of the proposed 'enabling' residential development is sufficiently justified for the site with the Applicant funding the proposed cost gap from potential cost savings through development and contributions from the Club's Directors and therefore the scheme effectively breaks even.

Nevertheless, whilst the residential development is considered the minimum possible amount to facilitate the development it is considered that the proposed football stadium, club facilities, residential development and all of the associated infrastructure would have a significantly greater harmful impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The benefits of the enabling development would not outweigh the harm which would be caused to the Green Belt by reasons of inappropriateness.

Considering all of the very special circumstances individually and collectively it is not accepted that the suggested very special circumstances cited above clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, including harm to openness. Based on the overall increase in proposed development, including both the residential aspect and stadium use with flood lights and hardstanding, Officers consider there to be a greater impact on openness and detrimental harm to the character of the Green Belt as a result of the development.

Out of town development

Policy S7 - Retail and Leisure Development Outside Existing Centres, requires retail proposals in out of centre locations to demonstrate the following criteria to be met:

(i) There is a need for the proposal

(ii) All potential sites within the town, district, local or neighbourhood centres and parades have been thoroughly assessed, followed by an assessment of edge of centre sites within easy walking distance of the primary shopping area; and

(iii) the applicant can demonstrate that they have been flexible about the format, scale, design, car park provision and the scope for disaggregation in the sequential search for sites

If the sequential test above is met the proposal will be expected to:

(iv) be easily accessible to host cycling or walking and is, or will be, well served by public transport.

(v) Not harm the vitality or viability of existing centres, either by itself or in conjunction with other proposals; and

(vi) the scale of the proposal will be appropriate to the size of the centre in which it is to be located.

Whilst it states within policy S7 that the Applicant needs to state why there is a 'need' for the proposal, this is not required within the NPPF. The NPPF instructs that weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It is therefore considered that there is no requirement for the Applicant to consider the need of the leisure use and as such is not considered necessary within the determination of this application.

A Town Centre Impact Report has been submitted which states that given the proposed development does not consist of any A1 or A2 use, it is improbable that the retail sector and trade will suffer in the surrounding town centres as a result of diversion of custom for these types of service. The report goes on to say that there is a good provision of retail, business, sports and leisure facilities within the surrounding town centres. This includes a variety of D2 facilities but these are mostly limited to indoor leisure facilities with very little that are conducive to spectator sport activities. It is therefore considered that the proposed development will bring substantially different offering from the existing provision of D2 elsewhere in the nearby town centres. The report concludes by saying that the proposed development will serve as an attractant to bring more people into the area, particularly on match days, which may lead to greater numbers of visitors to the surrounding town centres.

Officers do not consider that the development would impact detrimentally upon the vitality or viability of existing leisure uses within the surrounding area given the type of offer proposed within this application. Matters of accessibility and public transport capabilities have been considered elsewhere.

Design

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (Para's 56-57, NPPF).

Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development; respond to local character, reflect the identity of local surroundings and materials, while not preventing or

discouraging appropriate innovation; create safe and accessible environments; and ensure that development are visually attractive as a result of good architecture and appropriate landscaping (Para.58, NPPF).

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

The London Plan at policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people's access to social and community infrastructure (including green spaces). Development should enable people to live healthy, active lives, maximise the opportunities for community diversion, inclusion and cohesion and the design of new buildings and spaces should help reinforce the character, legibility, permeability and accessibility of the neighbourhood. Furthermore, buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass and contributes to a positive relationship between the urban structure and natural landscape features (policy 7.4, London Plan).

Consistent with this policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP) requires new developments to be imaginative and attractive to look at; complement the scale, form, layout and materials of adjacent buildings and areas; development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features; the space about buildings should provide opportunities to create attractive settings and security and crime prevention measures should be included in the design and layout of buildings and public areas. The emerging Draft Local Plan takes a similar stance.

The proposed football stadium and facilities would be located on the west side of the site, re-orientated from that as previously considered, with the main entrance to the stadium now located on the northern elevation. The residential area has also been re-located and now sits to the south of the site, accessed by vehicles along the western elevation of the stadium. The residential properties are not visible from the north, given their secluded location to the rear of the site. The retention of the open land to the eastern side of the site, over and above that which was provided within the original application, is welcomed however, as discussed above, the proliferation of built development across the remainder of the site would have a significant and harmful impact upon the openness of the site, of which no very special circumstances are considered to exist to outweigh.

Notwithstanding the Green Belt issues already highlighted, the stadium building has been reduced in height from that as previously considered and is now proposed at two storeys measuring 8.42m in height. The proposed stadium has been rotated from that as previously considered with the longer elevation now facing the A20 however the development is sited in a linear fashion (with the residential development located behind the stadium) therefore limiting the extent in which the development sprawls across the site horizontally. The stadium has been significantly reduced in height mitigating its substantial scale and massing however whilst the reduction in the scale of the stadium is considered a betterment, concern was previously raised as to the use of the palette of materials including aluminium cladding which was considered to emphasise the visual impact of the development which has not been sufficiently amended as part of this application. In this case, it is proposed that the primary facing material will be steel cladding of a green colour with off-white flashing also used in the projecting entranceways. The use of high quality, sympathetic materials including a green roof, in accordance with policy 5.11 of the London Plan, would be seen as more appropriate however comments received in respect of the

viability of this are noted. Details of the finishing materials could be considered by condition should permission be forthcoming.

A palette of white UPVC, LBC 'Heather' brickwork (with contrasting brickwork in a soldier course layout above windows to add interest), red tiling and block PVC rainwater goods are proposed for the residential blocks which is considered acceptable, the specifications of which would need to be agreed through condition, should the application be acceptable overall.

A planting scheme is referred to in the Landscape and Visual Impact Assessment, which is proposed to infill gaps in trees along the perimeter of the site, and plant trees around the car park. The applicant submits that the proposed tree planting in the green car park and around the northern boundary would help to break up the visual mass of the proposed football stadium, specifically when viewed from the properties along Footscray Road and pedestrians/motorists using the A20 and that the stadium would not project above the tree line (however the floodlights will be seen). The report states that the magnitude of change would be high and the effect is considered to be moderate-substantial at most at this location which is notable.

Whilst the Applicant concludes that the effect from the north would reduce over time though mitigation tree planting within the site the starting point with any development proposal should be to provide a high quality design response, rather than reliance upon screening to reduce the visibility and impact of a development in its local context. The proposed tree planting would itself result in a significant change to the open character of this site over time, as has been illustrated in the submitted visuals. This is particularly the case in respect of Viewpoint 1 (Footscray Road) where the effects of 5yrs+ mature screen planting alongside the northern site boundary is illustrated. The existing view currently allows for an open vista into the site and across the sports pitches, however, the presence of a line of coniferous type trees alongside the A20 would itself restrict the current views across the open land. Officers do agree however that the reduction in height of the stadium does go some way in alleviating concerns in this regard.

In respect to the design of the proposed residential dwellings, substantial amendments have been put forward removing the proposed flatted scheme to one of terraced dwellings with two storey flatted developments to the south. The layout of the residential units is uniformed in its appearance, with two rows of 6x 3b/4p terraced houses and two rows of 7x 3b/4p terraced houses with parking to the front with each individual access road gated. Two storey flats are sited to the south of each row of terraced properties with communal parking to the front. The dwellings are proposed in continuous blocks with a duo-pitched roof profile and the end property set back from the building line to add variation in its appearance. The dwellings and flats are more traditional in appearance and are more in keeping with the surrounding residential form than the flat roofed flatted blocks previously proposed, however their continuous frontages and uniformed siting does not contribute to a layout which is either visually interesting or imaginative, being led by the constraints of the site, specifically the requirement to site the dwellings to the rear of the stadium to reduce the visual impact on openness when viewed from the north.

Of particular concern to Officers is the overall layout of the development and the decision of the Applicant to site the residential blocks to the rear of the stadium, accessed only by one through road to the western elevation of the stadium. It is not considered that the layout of the site equates to a development that is either inclusive or of good design.

The units proposed are accessed adjacent to the football stadium and are of such a layout that they are effectively hidden from public view behind the stadium itself. The comments of the GLA Officer are also pertinent in this regard in that he states '*The residential*

element relates poorly to the context, with inadequate pedestrian and cycle links that will dissuade the use of sustainable transport modes and provide poor connections to surrounding local services and given the open Green Belt character of the site. GLA officers do not consider that an appropriate layout that secures suitable levels of residential quality can be provided on this site at this scale, alongside the sporting facilities'. Council Officer's agree with these comments, and would go so far to state that the layout proposed could give rise to significant well-being concerns by creating an isolated community as well as creating a poor sense of place given its remote, secluded, hidden setting and access arrangements. It is not considered that the potential use of the Club's shuttle bus at peak hours to move residents to and from the train station is adequate to overcome these concerns, and reinforces the issues raised previously with regard to the secluded inaccessible nature of the site.

The proximity of the residential element to the stadium also raises concern as to the visual impact of such a structure/use in close proximity to residential properties, and whilst there may not be any daylight/sunlight concerns, would appear as a dominant and overbearing structure given its length along the entire northern aspect of the residential area. Consideration has also not been given to the access arrangements of the residential area on match days where vehicular access could be hindered. The secluded nature of the residential units is also exacerbated by the introduction of gates which compounds the potential for social isolation.

The Applicant states that within the S.106 heads of terms they are willing to secure a package of benefits to future residents which would mitigate any isolation and allow residents to feel part of the community facility. Officers do not agree that a package of on-site incentives outweighs the harm caused to future residents of the site by reasons as outlined above.

The Conservation Officer raises no concern as to the proposed impact of the application upon the Chislehurst Conservation Area to the south of the site.

The residential element of the scheme has clearly been designed with matters of Green Belt impact in mind however this is at the expense of good and sustainable design which is not acceptable and would have a significant and irreversible impact upon the wellbeing of future residents and therefore would constitute unsustainable development.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

In accordance with the London Plan Policy 3.8 ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The Housing SPG advises that affordable dwellings (where the Council has nomination rights) should be provided

as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion). Affordable wheelchair units will additionally be required to comply with South East London Housing Partnership (SELHP) standards.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. For all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) suitable play space should be provided as part of the development scheme.

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups on the community; identify the size, type, tenure and range of housing that is required in particular locations; and where they have identified that affordable housing is needed, set policies for meeting this on site, unless off-site provision can be robustly justified (Para 50, NPPF).

Notwithstanding the comments previously discussed in respect of layout and siting, the dwellings meet the minimum floor space standards as set out in the London Plan and the layout of both the dwellings and flats are considered to be acceptable, providing dual-aspect views and sufficient amenity space over and above the 5sqm in respect of the houses and balconies for the proposed flatted developments. Concerns have been raised by the GLA in respect of the forward facing ground floor bedrooms of the flats in respect of privacy and amended plans have been received which reduces the pedestrian movement to the front of the flats by introducing independent flank access in respect of the ground floor units thereby restricting the use of the front door to the two upstairs units which is considered broadly acceptable.

In respect of the two rows of terraces that adjoin to the rear, rear gardens of 14m in length are provided allowing for a separation distance of 28m between rear elevations. This is considered acceptable to prevent any detrimental impact upon residential amenity. Furthermore, 25m separation distance between front elevations is also provided which is considered acceptable.

Of concern to Officers however is the proximity of plots 39-42 which are sited approximately 12.5m from the children's play area to the rear which may cause unacceptable impacts in terms of noise and disturbance. The requirement of this area is unknown and given adequate play space available integrally within the layout, Officers consider that this area may not be considered necessary. It is noted that the Applicant considers that this could be readily removed should Members require. Comments have also been previously discussed regarding the overbearing and obtrusive impacts of the siting of the residential development in close proximity to the rear of the stadium development.

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a

prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. Notwithstanding the issues concerning the inaccessibility of the site, on balance, the mix of units proposed would provide a range of housing choice taking into account the requirements of different groups and are considered acceptable in this instance.

The applicant proposes 7 wheelchair adaptable units on the ground floor of the building in compliance with M4 (3) (6 shared ownership and 1 affordable rent) and one unit to meet M4(3) 2b standards, that being fully accessible. The remaining flats will be built to M4 (2) standards which is considered to accord with policy 3.8 of the London Plan and Housing SPG.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan, and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

Officers calculations based on whole site area (7.5 ha) are 9.02 habitable rooms/hectare and 5.6 units/hectare. The housing density is significantly lower than the suggested densities in the London Plan however regard is given to the enabling development being proposed at a minimum threshold to allow for the facilitation of the wider development, whilst a greater number of units can be accommodated this would not necessarily be acceptable.

Development plan policies related to density are intended to optimise not maximise development and a numerical calculation of density is only one consideration. It is also necessary to consider the quality of the development in relation to the surrounding context. As discussed above the principle of redeveloping this site for residential use is considered to be unacceptable as it would be inappropriate in the Green Belt and insufficient justification has been presented for the quantum and massing of development proposed.

Affordable Housing:

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing (on a habitable room basis) to be provided. The Council's adopted SPG on affordable Housing confirms that a proposal for sheltered housing is subject to Policy H2 and other residential policies in the UDP. The London Plan (Table A5.1) identifies a need for affordable specialist housing with a specific requirement for intermediate sale.

Where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that: (i) it would be impractical to transfer the affordable housing to a registered social landlord (RSL) - now referred to as registered providers; (ii) on site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed: or (iii) on site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location (Policy H3 UDP).

The scheme will deliver 100% affordable housing, with a tenure split of 12% affordable rent and 88% shared ownership units. A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision. The applicant has submitted a financial appraisal to accompany the application which identifies the funding gap for the proposed development and the cross-subsidy that the proposed residential will make to plug the gap. The report also concludes that the proposed residential scheme constitutes the minimum amount of development required to bridge the funding gap. The report also notes that the scheme proposes to deliver affordable housing units in excess of policy requirements as this help to bridge the viability gap due to an offer agreed with Moat Housing. The Council commissioned an independent assessor to scrutinise the applicant's appraisal and confirm whether the development is the minimum required to fund the development. After scrutinising the applicant's submission, the Council's assessor has confirmed that the development would result in a larger deficit than that as ascertained by the Applicant given that planning obligations for education and health had not been factored in, but ultimately concluded that the development as proposed was the minimum amount required to fund the development.

Comments from the GLA raised concern to the Applicants FVA stating that with a revised benchmark value, which reflects Existing Use Value in accordance with the Mayor's Affordable Housing and Viability SPG, and a value assessed for the sports facilities, the proposed units could viably contain a broader mix of affordable tenures. As such, notwithstanding paragraph 4.7.13 of the draft London Plan and paragraph 2.42 of the Mayor's Affordable Housing and Viability SPG the Mayor concluded that in this instance the affordable tenure mix proposed must be revised to contain a higher proportion of rented accommodation to include a minimum proportion of 30% low cost rent in accordance with Policy H7 of the draft London Plan.

The Applicant has considered the availability of grant funding to assist in the provision of affordable housing on site which is included within Moats offer. In accordance with paragraph 4.7.13 of the draft London Plan and the 'Homes for Londoner' SPG, the scheme could qualify for Fast Track, subject to both the Mayor and the Council's support of the proposed tenure mix and affordability. The mix proposed in this case meets that required by the Council that being 70% affordable rent, 30% intermediate tenure when taken as 35% of the overall provision which is considered acceptable.

The Applicants FVA has been robustly tested by the Council's consultant who concluded that 42 units would be the minimum number of dwellings required to subsidise the development of the sports village as indicated in the applicants preferred option. Where fewer homes would be sought to minimise development in the Green Belt it may initially be considered feasible to offer more or all the homes as private sale units. However, this increases risk and cash flow liabilities which a commercial developer would typically seek to compensate with a profit requirement, thereby reducing viability further.

Officers consider the affordable housing offer to be acceptable and as such the development would not be subject to a review mechanism as part of any future legal agreement should permission be forthcoming.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

Furthermore, the quality and safety of London's pedestrian environment should be improved to make the experience of walking more pleasant and an increasingly viable alternative to the private car. Planning briefs and masterplans should include principles to encourage a high quality, connected pedestrian environment. Walking issues should be addressed in development proposals, to ensure that walking is promoted and that street conditions, especially safety/security and accessibility for disabled people, are enhanced (Paras.6.37- 6.38, London Plan).

The London Borough of Bexley have objected to the application and have commented that the existing uses at the site have frequently resulted in on-street parking within residential roads to the north of the A20 with pedestrians crossing at dangerous locations. Furthermore, they are concerned that both the future transport impacts of the proposals have been underestimated and the scope of the network assessments are too limited and do not take into account the impact of development trips on the wider highway network, particularly if CWFC achieve promotion in the future and the maximum stadium capacity of would be required to increase to a minimum of 1950.

A stadium capacity of 1300 was assessed in the transport assessment submitted and the results indicate that while the site access will operate within practical capacity during a typical match day, the junction will exceed capacity during one of the full stadium attendance scenarios however this queuing is considered to be within the site. The A20 is part of the TLRN and TfL, as the highway authority, have not raised any specific objections to the access arrangements. However, conditions and a legal agreement would be required should permission be forthcoming. A stage 1 road safety audit would also be required

In terms of parking, 183 car parking spaces are proposed (previously 153), including 42 for the residential use and the remaining 141 for the stadium. However, a further 128 car parking spaces are proposed in a 'green overflow car park' for the stadium use. Given the surveys of how the supporters are likely to travel to the site the permanent parking area is likely to be sufficient to accommodate the parking demand for the majority of matches. It is also likely to be sufficient to accommodate the demand for the situation where all the other pitches are in use at the same time. If the stadium and other pitches are in use at the same time the overspill parking may need to be used. TfL suggested that the proposed car parking with the previous scheme was an overprovision and that it should be introduced in phases when the additional demand is established. The proposal now is to provide 71 spaces at the outset of the development with surveys to monitor the usage and provide additional spaces as required. From the figures supplied in the TA, if the Hire Pitches and stadium are in use at the same time the estimate is 107 vehicles (with the average gate) or 149 vehicles (with double the average gate). This is obviously well in excess of 71 spaces and therefore it can be concluded that the parking provided at the outset is required to be increased over and above the 71 that is initially proposed.

An amended transport report was submitted in response to both the Highways Officers comments and Bexley Council's comments which was found to be acceptable. The Officer notes that the Car Park Management plan will be a critical document and will be required to cover all aspects of the parking including the phasing programme for the implantation of the parking spaces, and any enforcement (not including charging for on-site parking). Concerns were still raised as to how the monitoring will be undertaken however initial thoughts are that the Applicant will be required to undertake surveys at the site, including during large scale events which can be worked into the Car Park Management Plan. No further comments have

been received from LB Bexley, however these will be reported verbally to Committee should they be received.

TfL have commented on the application and in respect of the car parking numbers states that the overall car parking provision represents a reduction to that proposed in the 2015 application which is welcomed by TfL. However, TfL would still recommend that the applicant considers a phased increase based on demand assessed through surveys and balanced against other public transport provision, rather than the total 269 stadium spaces at the onset; this is proposed by the Applicant whereby 71 spaces will be provided initially. A car park management plan which would be conditioned should permission be forthcoming would also monitor this staged provision.

Also, in the absence of any information within the transport assessment regarding the anticipated impacts of the development on the surrounding residential roads, it is not clear whether or not a reduction in car parking would have a harmful impact on road safety in the surrounding road network.

Officers consider that taking into account the level of on-site car parking currently proposed (which will be subject to ongoing review), the lack of pedestrian crossing points across the A20 and the lack of hard surfacing and lighting on the Kemnal Road public footpath which do not make it conducive to walking, on balance, Officers do not consider that the proposal is likely to result in a significant impact on parking or road safety in the surrounding road network. It is considered by the Applicant that the site will be capable of hosting all required parking needs, and unlike the current unrestricted uses, is subject to robust analysis of potential vehicle movements and car parking need.

As set out above, there appears to be limited scope for non-car trips to the site given the site's low public transport accessibility level and lack of convenient pedestrian (particularly wheelchair users) and cycling routes to the site. While the applicant in their Transport Assessment has suggested that walking conditions along the Kemnal Road footpath could be improved and opened to cyclists, including removing the bollards, this is a public right of way with only pedestrian rights over it and as previously mentioned, may not be agreed to by the Council due to their requirement in-situ to prevent anti-social behaviour.

While TfL acknowledge that football supporters are more likely to walk longer distances to access a stadium (up to 30 minutes), this doesn't take account of the lack of permeability across the A20. Furthermore, a new pedestrian crossing at this location would not be feasible as acknowledged by TfL.

The residential development will include cycle parking externally within the communal parking area serving the flats. 6 cycle spaces are proposed in relation to the stadium with a further 6 spaces for the football pitches. This is considered acceptable in principle but should be monitored for future demand through the travel plan and increased as necessary.

Conditions relating to cycle parking and shower/locker facilities for cyclists will be required should the application be acceptable in all other respects. A car park management plan, travel plan, delivery and servicing plan and construction management plan are required to be submitted prior to the commencement of the development and can be conditioned should permission be forthcoming.

To summarise, given the lack of a convenient pedestrian crossing across the A20 or pedestrian access from the south of the site, the proposal is unlikely to have a significant effect on the surrounding road network. The car parking provision is considered to be acceptable and TfL raise no objection in respect of the impacts of the development on the

A20. However, the application site has limited access via sustainable transport modes and has failed to demonstrate that safe and suitable access to the site can be achieved for all people and as such this is considered pertinent in relation to the comments regarding the secluded and isolated nature of the site as discussed previously.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The nearest residential dwellings to the application site are those located to the north and north-east on the opposite side of the A20. The impact on dwellings to the south and west, although further afield, must also be assessed in terms of potential noise impact.

A number of objections have been received comprising primarily of the potential traffic consequences as well as the noise impacts on the adjacent cemetery and nearby care home.

Previously concern was raised as to the impact on the existing views from properties to the north of the site which currently enjoy views of unobstructed open space extending into the adjoining Chislehurst Conservation Area which will be notably changed by the proposed development. The stadium has been decreased in height substantially from the previous application however it is noted that tree screening has been proposed to help mitigate the visual impact which in itself prevents open views of the application site, nevertheless this is no longer considered to result in a reason for refusal given the limited harm that now arises from this given the reduction in scale of the stadium development.

With regard to noise impact, the nature/character of the noise associated with the proposed development includes music which can cause significant nuisance to neighbours even at very low levels and also irregular/impulsive noise from a crowd. The submitted acoustic assessment states that the stadium would not result in significant noise impact during the daytime although minor impacts may arise during the use of the stadium for match day events during the evening. The minor impacts are not considered significant in the context of the existing/past use of the site and the limited number of times these noise levels will occur. The report also states that the site is exposed to low levels of road noise therefore no special noise mitigation measures are necessary for the proposed residential development in respect of road traffic noise. Noise levels from the function room will be below background noise levels and an overall noise limit has been determined for noise from mechanical services associated with the development.

Comments have been received from the Council's Environmental Health Officer who states that the Noise Assessment is misleading in referring to BS4142 and suggesting that a rating Level of 3dB(A) below the existing background levels is acceptable. The Agent has stated that the methodology used is the same as adopted with the original application and is willing to accept appropriate mitigation conditions which Officers consider satisfactory.

The previous application found that there would be a significant adverse effect from noise from the stadium on match days which has now been confirmed as being approximately once a week. The noise levels expected from the other pitches are sufficiently below background noise levels and significant adverse effects are unlikely, provided hours of operation are controlled.

It was previously concluded that on balance, given the likely frequency of match days, the noise impact from the development is unlikely to be significantly harmful to neighbouring resident's amenities as to recommend refusal of the application on noise grounds and Officers have no reason to consider differently within this application.

The Environmental Health Officer has raised objections due to a lack of satisfactory information detailing the impacts of the development upon the tranquillity of the neighbouring cemetery. In particular the Officer quotes the NPPF at paragraph 123 which states:

Planning policies and decisions should aim to:

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The Officer goes on to state that, *'Whilst there are no precise rules, for an area to be protected for its tranquillity it is likely to be relatively undisturbed by noise for example from that generated by the proposals. My concerns are exacerbated when considering the use of the Multi Faith Hall during 'services' and the potential impact on the prevailing soundscape by the proposals for example during quite periods of service'*.

Whilst Officers acknowledge the concerns of the EH Officer, consideration must be given to the current use of the site, specifically that closest to the Multi Faith Hall, as sporting pitches and therefore whether the level of harm from noise will be substantially more harmful than that which currently exists. Subject to mitigation conditions including a noise management plan to be entered into with the cemetery, Officers consider this harm could be sufficiently mitigated.

With regard to floodlighting, the submitted report finds that flood lighting impacts will not be significant at existing or proposed residential dwellings and subject to mitigation methods the proposed floodlighting would not result in an undue loss of amenity to nearby residents. The floodlights proposed are of the "flat glass" type and emit zero upward light and therefore meets the ILP recommendations of 5%. All existing and proposed residential units receive under the IPL recommended level of light intrusion.

Initial comments received from the Council's Environmental Health Officer states that the Lighting Assessment prepared by Abacus predicts a considerable overspill, particularly to the residential dwellings to the south. It is considered that should permission be forthcoming a condition requiring the detailed design and management of the flood lighting will be imposed to mitigate any undue impacts in this regard.

A significant number of objections have been received from local residents in the Boroughs of Bexley and Greenwich regarding the traffic and parking impacts of the development, in particular with regard to congestion along the A20 being exasperated by the development as well as users of the development parking in local residential streets. The London Borough of Bexley has also raised concerns in this respect which have been considered in the highways section of the report.

If the development is considered acceptable in all other respects, conditions controlling days and hours of use (including use of floodlighting), numbers of matches per year, restrictions on the use of the stadium and pitches to sporting/recreational uses only and details of general site and car park lighting are recommended.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An energy assessment and strategy has been provided which shows how the need for energy is to be minimised, and how it will be supplied to the particular development proposed. In accordance with the energy hierarchy in policy 5.2 of the London Plan, updated following the implementation of the 2013 Building Regulations (see the Mayor's guidance: Energy Planning (guidance on preparing energy assessments (2015))), developments should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. As set out in the Mayor's Housing SPG, a zero carbon standard should be applied to all new residential development.

The statement concludes that in order to meet 35% below Part L of the 2013 Building Regs requirements in respect of the residential development, improved levels of insulation and efficient heating is to be provided. To meet carbon zero standards, renewable installations on the non-domestic parts of the development are proposed. In respect of the non-domestic part of the development, a polycrystalline roof mounted pv arrays with ground source heat pump are proposed. The combination would result in a 51.6% reduction in CO₂ emissions over the 2013 building regulations which exceeds the requirements of the London Plan Policy 5.2 which is equivalent to all domestic units being carbon zero.

Comments have been received from the GLA which are agreed with by Officers which state that whilst the non-domestic element of the scheme provides for an on-site reduction of 133 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 67%, the domestic elements do not achieve any carbon savings from the incorporation of passive design, energy efficiency or low zero carbon measures. This is not acceptable. The applicant was required to consider the scope for additional measures aimed at achieving carbon reductions, in line with the London Plan policies and the energy hierarchy.

To date, no amended energy strategy has been submitted to Officers which address the issues in compliance with Policy 5.2 and as such as it stands it is not considered that the development would result in the sufficient reductions in carbon efficiency in respect of the domestic element of the scheme in line with the hierarchies as stated within the London Plan. It has been stated by the Applicant that they consider the use of a condition to be acceptable which would secure the submission of an energy statement to be agreed with Officers. Officers do not consider this to be reasonable as no assurances at this time are given that the policy will be met, and until the time in which an acceptable energy

assessment is submitted, Officers are unable to consider this element to be acceptable. Further to this, should the report conclude that carbon offsetting cannot be met to the required levels, a carbon off-setting sum is required to be secured via the S.106 and therefore it is pertinent we have an amended energy assessment for consideration prior to determination.

Trees and Ecology

Policy NE7 of the UDP requires proposals for new development to take particular account of existing trees on the site and on adjoining land. Policies NE2 and NE3 seek to protect sites and features which are of ecological interest and value while policy NE5 prohibits development which would have an adverse effect on protected species. Planning Authorities are required to assess the impact of a development proposal upon ecology, biodiversity and protected species. The presence of protected species is a material planning consideration. English Nature has issued Standing Advice to local planning authorities to assist with the determination of planning applications in this respect as they have scaled back their ability to comment on individual applications. English Nature also act as the Licensing Authority in the event that following the issue of planning permission a license is required to undertake works which will affect protected species.

This application was accompanied by an ecological appraisal, bat and reptile surveys (the details of which were set out in earlier sections of this report). The Planning Statement acknowledges the limitations of the reports submitted in that the recommendations of both the Bat Emergence Survey and Reptile Survey are out of date and require updating.

The Bat Emergence report states on Page 10 that the survey data obtained for the site is valid for 12 months from the survey date, this being between the 27th August 2015 and 4th September 2015. Therefore this report was out of date at the time of the submission. The report states ' If development works to the surveyed building have not commenced within this timeframe it will be *essential* to update the survey effort to establish if bats have colonised the site'. The reptile report is also explicit in saying that if works do not commence by September 2017 then the survey needs to be redone.

The Applicant submitted additional information in respect of ecology which states that the Bat Conservation Trust ' Bat Surveys for Professional Ecologists – Good Practise Guidelines' published in 2016 states that '*the length of time survey data remains valid should be decided on a case by case basis and is dependent on a number of questions*'. The questions are highlighted in the update report and in summary state that the bat surveys are of a good-quality with minimal limitation and that additional surveys are recommended prior to commencement of the work to confirm occupation of the site has not occurred which are unlikely to be material to the acceptability of the proposal. It is further stated that mitigation measures should be secured by a biodiversity action plan condition and that should the additional survey confirm presence of a roost then a bat licence will be required and appropriate mitigation agreed prior to the submission of a demolition method statement and biodiversity action plan which are to be secured by condition. It is recommended that until such time that a bat emergence survey can be undertaken, the presence of roosting bats must be assumed and appropriate conditions secured.

Whilst in normal circumstances it would be inappropriate to condition the recommendations of future assessments on protected species, it is considered that the approach took by the Applicant is considered acceptable in that the reports undertaken at the time were robust, were undertaken in the past 3 years and given that the site has not changed demonstrably over time (as confirmed by the Applicant) that in this case it is

appropriate to condition future bat and reptile surveys subject to onerous conditions that this is complied with assuming the presence of reptiles and bats until such time which is proved differently.

In terms of arboricultural works, the application was accompanied by a landscaping masterplan, planting schedule and arboricultural report, the results of which are summarised above.

There are no tree preservation orders with regard to existing trees within the application site. The landscaping details received as part of the application indicate that a number of trees will be retained as part of the scheme as well as the removal of 2 Category B, 12 category C and 3 category U trees. Tree G1 and T18 are sited outside the site boundaries and their removal will need to be discussed with the owners. The majority of the trees to be removed are sited within the area proposed to be residential with 5 further trees proposed to be removed to the north. The report states that the loss of the trees can be mitigated by good quality, heavy standard trees. A landscape planting schedule accompanies the submitted landscaping plan and details information regarding planting, tree planting, grass seeded areas and maintenance. This includes the retention of coniferous screening that exists along the northern boundary as well as the extension of this to the north of the stadium. The specifications of new tree planting confirmed and there is no objection to the proposed removal of trees as set out in the applicant's submission.

In the event that this application were acceptable in all other respects it would be appropriate to condition the submission of an arboricultural method statement and for further details of tree protection to be submitted for consideration as well as a scheme of ecological enhancements such as bird and bat boxes.

All recommendation as laid out in the ecology and arboricultural reports (including the update reports received on the 27/2/2018) will be conditioned should permission be forthcoming.

Flooding and Drainage

The site is within Flood Zone 1 which is at low risk from flooding. However, development may increase surface water flood risk by increasing impermeable surface area and thus runoff volume which existing drainage systems are unable to cope with. In such cases mitigation measures will be required. Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13.

There are major flooding issues to the north of the A20 and any additional flow to the existing culvert is likely to increase flooding downstream. A flood risk assessment has been submitted with the application which is summarised above.

The proposed site layout has been designed to place the least vulnerable receptors in the areas of most at risk. However, site constraints have led to the plan including the main stadium facilities at medium risk of surface water flooding, and selected residential units are at a low to high risk of surface water flooding in addition, it is proposed to carry out selective land raising and to raise finished floor levels to mitigate any risks. It is stated that final flood site levels will be important for this development, firstly to raise thresholds above predicted flood level; secondly to avoid the displacement of flood water and thirdly so that the proposals can provide mitigation for potential loss of storage.

Comments have been received from the Council's Drainage Officer who states that the greenfield run-off rate should be calculated based on the development area that is within the area served by the drainage network. In this case, the calculations should exclude the significant green areas (football pitches) which are not currently served by the drainage network. The proposed 123.9l/s based on 16.6l/s/ha is not acceptable knowing the high risk of flooding downstream alongside the Wyncham Stream. The Officer also highlighted other issues including the requirement to increase the use of SUDS.

Comments from the GLA in this regard state that the proposals will ensure that the site achieves a greenfield runoff rate up to the 1 in 100 years, plus climate change storm; this will be achieved through the provision of 6,732m³ of temporary attenuation. Some of the attenuation will be provided below permeable parking and pitch coverings, but the majority will be via geo-cellular tanks. This approach is not in accordance with London Plan Policy 5.13 or draft London Plan Policy S113 as the site contains suitable spaces for more sustainable forms of drainage/surface water attenuation, such as basins, ponds and swales; and the football stadium may benefit from a water harvesting system for toilets and irrigation uses.

Notwithstanding the high volume of attenuation to reach greenfield run-off rates, the applicant must explore the inclusion of the above measures before the application can be considered acceptable with the regards to London Plan and draft London Plan policy.

Amended information was submitted by the Agent which the Drainage Officer now considers acceptable subject to conditions.

Archaeology

The application site lies in an area of archaeological interest. The NPPF (Section 12) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss... Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (Para.133-134, NPPF)

The applicant submitted a desk based Archaeological Assessment (DBA) . The findings of the report are summarised above. Comments were received from Historic England who raise no objections to the findings subject to conditions.

Pollution and Contamination

The phase 1 contamination assessment has been submitted and its findings are summarised above. It concludes that no further assessment is necessary. However, given the past uses of the site which have included fly-tipping, illegal waste treatment, motorbike training, etc, there are likely to be a number of potential contaminants. As such a condition is requested by the Council's Environmental Health Officer which states that should contamination of the soil is suspected work shall stop immediately and a programme of testing and remediation shall then be submitted to and approved in writing by the Planning Authority.

The site is also located adjacent to an Air Quality Management Area and air quality, contamination and odour abatement conditions would be necessary to mitigate impacts of the development if it was considered acceptable in all other respects.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

The viability assessment submitted as part of the application and assessed by the Councils' independent consultant confirms that whilst the project would suffer a deficit however this is reasonably accounted for and the Applicant has agreed to pay health and education contributions. In this instance the application is considered to be unacceptable in principle and matters of detail however should the application be found to be acceptable, a section 106 would also cover highways works/monitoring as necessary. The development would also be subject to Mayoral CIL.

Environmental Impact Assessment

The Council issued a Screening Opinion on 4th December 2017 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment by virtue of its nature, size or location, thereby not generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Summary

The proposed development has been assessed against section 9 of the NPPF 'Protecting Green Belt Land'. The construction of new buildings in the Green Belt are regarded as inappropriate with specific exceptions. The proposal does not comply with the relevant exceptions in Section 9 and is therefore inappropriate development in the Green Belt.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, substantial weight should be given to any harm to the Green Belt.

Officers have considered the very special circumstances put forward by the applicant and have given substantial weight to the harm caused by the inappropriate development to the Green Belt relative to the benefits of the scheme which include the sporting and community benefit, the regeneration of this run-down site and role of the enabling development and landscaping improvements to the Green Belt as well as the need for the club to find a permanent site and the lack of availability of other land for development.

In addition, there are some fundamental issues in terms of layout and siting of the proposed development that would be to the detriment of sound placemaking, and in its current form the residential development would give rise to an isolated, inaccessible development which is not considered to be acceptable in terms of health and wellbeing of future residents, giving rise to a poor standard of amenity for future occupiers.

It is also considered that proposed measures to deal with carbon off-setting have not been sufficiently dealt with by way of the hierarchy as set out in Policy 5.2 of the London Plan.

Officers do not consider that the harm to the Green Belt by reason of inappropriateness visual impact, lack of accessibility for walking and cycling and poor access to public transport links, together with the other harm identified in this report, are clearly outweighed by the benefits of the development. Therefore very special circumstances do not exist and the application is considered to be unacceptable and contrary to national and development plan policies which seek to protect Green Belt.

Overall, the adverse impacts of the development together with the restrictions under Green Belt policy significantly and demonstrably outweigh the benefits, in spite of the general presumption in favour of sustainable development.

Consequently it is recommended that this application be refused for the reasons set out below.

This application must be referred to the Mayor of London before determination in accordance with the request of the GLA in its Stage One Response (referable under Category 3D – development on land allocated as Green Belt which would include construction of a building with a floor space of more than 1000 sqm; and Category 3F – development for use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use).

Should it be resolved that permission be granted, the application would also need to be referred to the Secretary of State.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: REFUSE (SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON) for the following reasons:

1. The development of this site as proposed is considered to be inappropriate development in the Green Belt and is by definition harmful to the Green Belt. The substantial level of harm that would arise from the development by way of harm to the Green Belt, impact on its openness and visual impact, along with the constraints of the site in terms of accessibility is not outweighed by any very special circumstances presented. Very special circumstances therefore do not exist. As such the proposal is not sustainable development and is contrary to the aims and objectives of the NPPF (2012) and Policies 7.16 of the London Plan (2015) and G1 of the UDP (2006) and Draft Local Plan Policy 49.

2. The proposed residential aspect of the development, by reason of its siting, relationship to adjoining development and deficient consideration of wellbeing by reason of its secluded, inaccessible location, represents a form of harmful development of insufficient design and residential quality which would result in a detrimental impact on the amenity and wellbeing of future occupants. The layout and siting of the residential development would result in a poor quality living environment which would fail to reduce inequalities and would therefore constitute unsustainable development. Therefore the application is contrary to part 7 'Requiring good design' of the NPPF; London Plan Policies 3.4 and 3.5, Policies H7 and BE1 of the UDP and Draft Local Plan Policies 4, 26, 33 and 37.

3. It has not been demonstrated that the energy efficiency and carbon dioxide reduction measures proposed in the application would accord with the hierarchy in terms of minimising Carbon Dioxide emissions as laid out in Policy 5.2 of the London Plan in accordance with the provisions of site wide energy.

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Report No
DRR18/010

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 13th March 2018**

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

Title: **AUTHORITY MONITORING REPORT 2016/17**

Contact Officer: Chloe Sheehan, Planner
E-mail: Chloe.Sheehan@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner
E-mail: Jim.Kehoe@bromley.gov.uk

Ward: (All Wards);

1. Reason for report

This report seeks the Committee's agreement to Appendix 1 forming the Council's Authority Monitoring Report (AMR) for the period from 1st April 2016 to 31st March 2017 (2016/17). The AMR meets the requirements the Planning and Compulsory Purchase Act 2004 (as amended), the Localism Act 2011, and the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Authority Monitoring Report (AMR) sets out key information about the planning system in the London Borough of Bromley ("the Borough") for 2016/17, and the extent to which the Council's planning policies are being implemented.

2. **RECOMMENDATION(S)**

(a) That Development Control Committee considers Appendix 1 in light of the Council's responsibility to monitor and review the existing saved policies of the Unitary Development Plan 2006 and agree this as the Council's Authority Monitoring Report for 2016/17.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
-

Corporate Policy

1. Policy Status: Existing Saved Policies of the Unitary Development Plan 2006
 2. BBB Priority: Excellent Council, Quality Environment, Vibrant Thriving Town Centres, Regeneration
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Planning Strategy and Projects
 4. Total current budget for this head: N/A
 5. Source of funding: Existing Revenue Budget (2017/18)
-

Personnel

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

Legal

1. Legal Requirement: Regulation 35 (Part 2) of the Planning and Compulsory Purchase Act 2004 (as amended), and Regulation 34 (Part 8) of the Town and Country Planning (Local Planning) (England) Regulations 2012.
 2. Call-in: Call-in is not applicable.
-

Procurement

1. Summary of Procurement Implications: No implications
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

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

3. COMMENTARY

Background

- 3.1 This Authority Monitoring Report (AMR) sets out key information about the planning system in the London Borough of Bromley (“the Borough”) for the period 1st April 2016 to 31st March 2017 (2016/17), and the extent to which the Council’s planning policies are being implemented. The AMR assesses whether development, both approved and implemented, contributes to achieving the spatial strategy of the Borough, and targets set out within the Unitary Development Plan (UDP) and London Plan. It also reports on the progress of Local Plan preparation, the Borough’s Duty to Cooperate, and monitors signed s106 agreements for the 2016/17 financial year.
- 3.2 Legislation requires the Council to prepare and publish monitoring reports, analysing how planning document preparation work has progressed against the published timetables and the effects that the implementation of policies may be having on the locality. Monitoring is essential in assessing whether existing planning policies are achieving their objectives and to review the progress on the preparation of the new Local Plan.
- 3.3 The report contains data on a range of indicators identified by the Council as outlined in relevant sections of the document. These indicators are intended to measure the effectiveness of the Council’s planning policies in achieving sustainable development. This means meeting the development needs of the Borough whilst achieving a sustainable economy, safeguarding environmental assets, and addressing community needs.
- 3.4 The AMR includes the monitoring of the Government’s increased flexibilities in the planning system and greater permitted development rights, for example, allowing a change of use from office to residential use.

4. POLICY IMPLICATIONS

- 4.1 The AMR monitors progress against policies saved in the Unitary Development Plan for Bromley. There are key elements in progressing Bromley 2020 and Building a Better Bromley in particular our ‘Valued Environment’ and ‘Vibrant and Thriving Town Centres’ and an ‘Excellent Council’.

5. FINANCIAL AND PERSONNEL IMPLICATIONS

Non-Applicable Sections:	Impact on vulnerable adults and children Legal Procurement
Background Documents: (Access via Contact Officer)	The Planning and Compulsory Purchase Act 2004 The Localism Act 2011 The Town and Country Planning Regulations 2012 Bromley’s Saved Policies of the Unitary Development Plan 2006 Consultation Draft documents relating to the emerging Local Plan, including: 2014 Draft Policies and Designations Document 2015 Draft Allocations, Designations and Further Policies 2016 Draft Community Involvement Strategy 2016 Local Green Space Consultation 2016 Proposed Submission Local Plan

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Authority Monitoring Report

1st April 2016 - 31st March 2017

March 2018

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Appendices

[Appendix 1: s106 Agreements Signed 2016/17](#)

[Appendix 2: Saved and Expired Policies from the Unitary Development Plan](#)

[Appendix 3: Local Development Scheme Provisional Timetable](#)

[Appendix 4: Schedule of Meetings with Neighbouring Boroughs/Groupings](#)

Map of Article 4 Directions in Bromley Town Centre

1. Introduction and Context

1.1 The Purpose of the Authority Monitoring Report

This Authority Monitoring Report (AMR) sets out key information about the planning system in the London Borough of Bromley (“the Borough”) for the period 1st April 2016 to 31st March 2017 (2016/17), and the extent to which the Council’s planning policies are being implemented. The AMR assesses whether development, both approved and implemented, contributes to achieving the spatial strategy of the Borough, and targets set out within the Unitary Development Plan (UDP) and London Plan. It also reports on the progress of Local Plan preparation, the Borough’s Duty to Cooperate, and monitors signed s106 agreements for the 2016/17 financial year.

Data published in this AMR has been taken from two main sources; the London Development Database (LDD) which is maintained by the Greater London Authority (GLA), and from Bromley’s internal records relating to planning applications. Where other data sources have been used, acknowledgements can be found underneath the relevant information.

The AMR is no longer submitted to the Secretary of State, but is made publically available by the Council in line with the Town and Country Planning (Local Planning) (England) Regulations 2012.

1.2 The Planning Framework

Under Regulation 35 (Part 2) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities are required to monitor and review:

- The implementation of the Local Development Scheme (LDS); and
- The extent to which policies set out in the Local Development Documents are being achieved.

The introduction of the Localism Act 2011 means that local authorities are no longer required to submit this information to the Secretary of State. However, they are encouraged to provide this information to the public at the earliest opportunities and to ensure that such information is kept up to date.

Regulation 34 (Part 8) of the Town and Country Planning (Local Planning) (England) Regulations 2012 states that a local authority’s AMR must contain the following information:

- The timetable specified in the local planning authority’s Local Development Scheme for the document’s preparation (**Appendix 3**);
- The stage the document has reached in its preparation (**Section 1.3**);

- Relevant numbers relating to net additional dwellings or net additional affordable dwellings, or any relevant numbers where specifically mentioned in a policy (**Chapter 2**); and
- Details of actions taken as a result of Duty to Cooperate (**Section 1.5**).

1.3 Changes in Legislation

Since the 2014/16 AMR was published, new planning legislation has been introduced.

The Housing and Planning Act 2016

This Act received Royal Assent on 12th May 2016. The Act contains provisions on new homes (including starter homes), landlords and property agents, abandoned premises, social housing (including extending the Right to Buy to housing association tenants; sale of local authority assets; pay to stay; secure tenancies), planning, compulsory purchase, and public land (duty to dispose).

Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

In this Act, self-build and custom housebuilding means the building or completions by:

- Individuals;
- Associations or individuals; or
- Persons working with or for individuals or associations or individuals.

It does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

The Act requires each relevant Council to keep a register of those individuals or associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom house building, and to grant planning permission for enough suitable serviced plots of land to meet demand.

Bromley's Register was published opened on 31st October 2016. Further information can be found on pg17.

Brownfield Land Register Regulations 2017 and Permission in Principle Order 2017

The Town and Country Planning (Brownfield Land Register) Regulations 2017 ('the register') place a duty on each local planning authority responsible for determining applications for housing development to prepare, maintain and

publish a register of previously developed land (commonly known as brownfield land) which is suitable for residential development. The regulations consist of two parts:

Part 1 all sites which are 'suitable', 'available', and 'achievable' for residential development which could be delivered within 15 years; and

Part 2 any sites which are given 'permission in principle'. Inclusion on part 2 would grant permission in principle for residential development (the scale to be determined by the council) and the land owner/developer would have to apply for 'technical details consent' before any development could commence.

There is no requirement to place any sites on Part 2 of the Register.

Bromley's Brownfield Register Part 1 was published in December 2017 and will be reviewed annually.

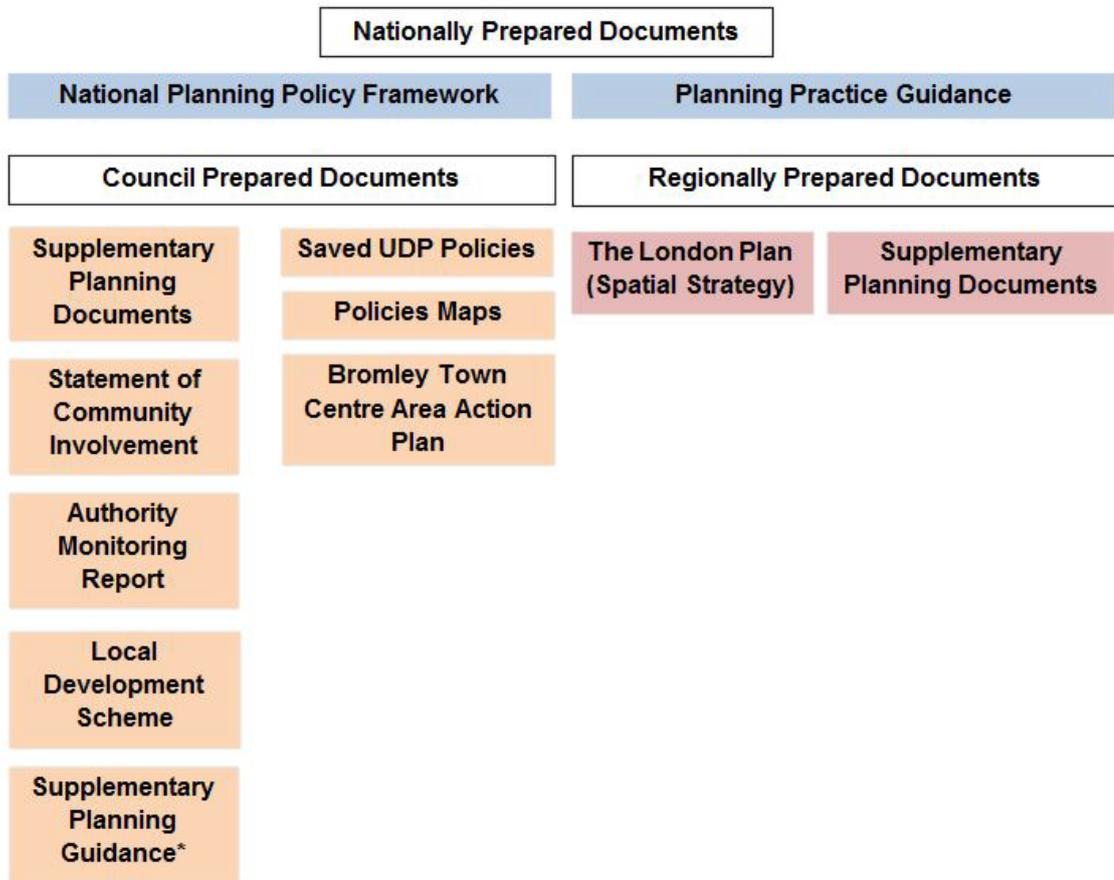
Neighbourhood Planning Act 2017

This Act received Royal Assent on 27th April 2017 and brings into force wide-ranging changes to neighbourhood planning, local development documents, compulsory purchase and planning conditions. It intends to strengthen neighbourhood planning by ensuring that planning decision-makers take account of well-advanced neighbourhood development plans and by giving these plans full legal effect at an earlier stage.

1.4 Local Policy Framework

The Council decided to prepare a Local Plan in line with the National Planning Policy Framework, rather than a Local Development Framework which had started to be prepared. Bromley's current Development Plan is outlined in Figure 1 below.

Figure 1: Bromley's Current Development Plan



*The Council's existing supplementary planning guidance (SPG) can only remain in force while the relevant UDP policies are operational.

The London Borough of Bromley is in the process of replacing the saved policies from its adopted Unitary Development Plan (UDP) (Saved Policies) (2006) with a new Local Plan. The Local Plan will incorporate parts of the Bromley Town Centre Area Action Plan (AAP) and Supplementary Planning Documents (SPDs).

On Friday 11 August 2017, Bromley Council submitted the Bromley Local Plan for independent examination in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning Local Planning (Local Planning) (England) Regulations 2012, to the Secretary of State for Communities and Local Government for independent examination.

The programme for the preparation of the Local Plan is set out in the Local Development Scheme (LDS). The latest LDS was published in August 2017, reflecting the scale of response to relevant consultations, and the work in preparing the Local Plan. The Local Development Scheme Revised Provisional Timetable can be found in Appendix 3.

1.5 Duty to Cooperate

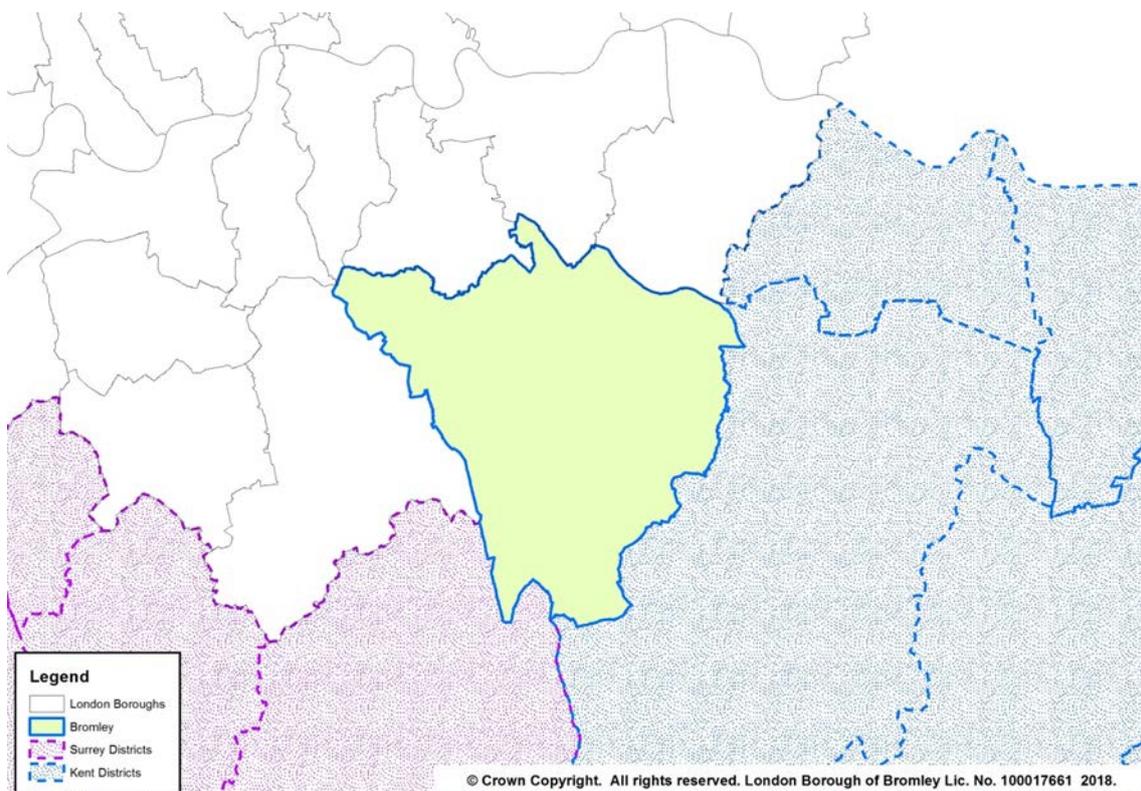
The ‘duty to co-operate’ is a statutory duty for local authorities, which requires local planning authorities to co-operate with other local planning authorities, county councils and bodies or other persons as prescribed when planning for sustainable development. The duty requires on-going, constructive collaboration and active engagement. The prescribed bodies include, but are not limited to, the Environment Agency, Natural England, the Mayor of London (as represented by the Greater London Authority), Transport for London, Highways England and the Homes and Communities Agency.

Throughout the preparation of the Bromley Local Plan and other planning policy documents the Council had been undertaking, and will continue to undertake, a collaborative approach to plan-making that considers a range of issues, including strategic matters.

Bromley is one of the five authorities forming the South East London sub-region. The other four authorities comprise Bexley, Greenwich, Lewisham and Southwark. The group of authorities hold regular meetings to discuss cross borough planning matters and also form the South East London Housing Partnership (SELHP).

Bromley also actively engages with the Greater London Authority through regular duty to co-operate meetings to help achieve a full assessment of issues of cross-borough and London-wide relevance and alignment of strategic objectives and policies. A schedule of key meetings with neighbouring boroughs/groupings can be found in Appendix 4.

1.6 Borough Context



Bromley is geographically the largest of the 32 London Boroughs, which, together with the City of London, make up the 33 local planning authorities in London. Covering 64 square miles, Bromley has borders with the London Boroughs of Bexley, Croydon, Greenwich, Lambeth, Lewisham and Southwark; the Surrey district of Tandridge; and the Kent districts of Sevenoaks and Dartford.

The Borough occupies a strategic position in the South East of London and the South East with rail connections to Central London and easy access to the M25, the National Rail Network and major South East airports.

Bromley is a distinctive part of London's suburbs, closely connected to London's economy. It also has one of the largest economies south of the River Thames. Open countryside, protected by the Green Belt that encircles London, makes up over half the Borough. The areas of Green Belt in the Borough have many characteristics in common with the rural parts of Kent and Surrey.

The 2016 GLA population estimate for the borough of Bromley is 329,000. Table 1 below shows the change in population since 2001.

Table 1: Bromley's Population

Estimated Population	London Borough of Bromley
Census Data 2001	295,532
Census Data 2011	309,392
GLA Data 2016	329,000
Change 2001-2016	33,468
% Change 2001-2016	10%

The Borough's population will continue to grow. It is anticipated that by 2031 Bromley's population will rise to 370,369, a 13% increase over fifteen years. The anticipated population increase in the Borough will vary by ward. The GLA ward-led projections most notably estimate that there will be a 39% increase in Bromley Town Centre, 21% increase in Petts Wood and Knoll, and a 17% increase in Kelsey and Eden Park.

The GLA household estimate for Bromley in 2016 was 137,971. This signifies a growth of 5% since the 2011 Census. By 2031, it is anticipated that there will be 160,117 households in the Borough, an increase of 16%.

2. Policy Monitoring

2.1 Core Output Indicators

This section summarises the monitoring results of planning policies from the Unitary Development Plan (saved policies) (2008). The following tables set out the indicators that have used to assess policy performance during 2016/17.

Table 2: Output indicators

Indicator Number	Indicator	UDP Policy
Housing		
H1	Progress towards the plan period housing target	H1 Housing Supply
H3	Progress towards the plan period affordable housing target	H2 Affordable Housing
H2	Number of Gypsy and Traveller pitches	H6 Gypsies and Travelling Show People
Community Facilities		
C1	Number of applications safeguarding or achieving the provision of services/ facilities of the community	C1 Community Facilities
IMP1	Number of permissions involving the successful negotiation of planning obligations	IMP1 Planning Obligations
Business Development and Town Centres		
BD1	Total amount of employment floorspace on previously developed land by type	
BD3	Vacancy rates in business areas	EMP9 Business Support
BD4	Vacancy rates in town centres	EMP9 Business Support
BD5	Number of permissions for new/improved small business premises	EMP7 Business Support
Environmental Resources		
E1	Number of planning permissions granted contrary to Environment Agency advice on flooding and water quality grounds	ER12 Controlling Development in Flood Risk Areas
W1	Capacity of new waste management facilities by waste planning authority	ER2 Waste Management Facilities
W2	Amount of municipal waste arising and managed by waste planning authority	ER2 Waste Management Facilities
Local Indicators		
H4	Self/Custom Build Register	
BD2	Office to Residential under Permitted Development Rights	
BD8	Number of A1 uses in primary frontages	

2.2 Housing

H1: Plan Period Housing Targets

Housing Completions

In 2016/17 an additional 973 new dwellings were completed. Together with the loss of 115 existing dwellings, there has been a net increase of 858 dwellings in the borough.

Two completed schemes relate to non-conventional dwellings, where a 75 bedroom care home was constructed in Grays Farm Road (14/00809/FULL1) and a 46 bedroom care home was demolished in Glebe House Drive (14/01873/FULL1). Together, there has been a net increase of 29 non-conventional bedrooms. In light of the fact that Isard House Glebe House Drive has been vacant since 2011 the net loss of any bedrooms would be lost in previous years.

Although the overall net gain from self-contained units and non-self-contained units is 933 units, for the purpose of the AMR indicators H1 and H2 are based on the housing completion figure of 858 from 2016/17.

Figure 1: Net new dwellings 2012/13 to 2016/17

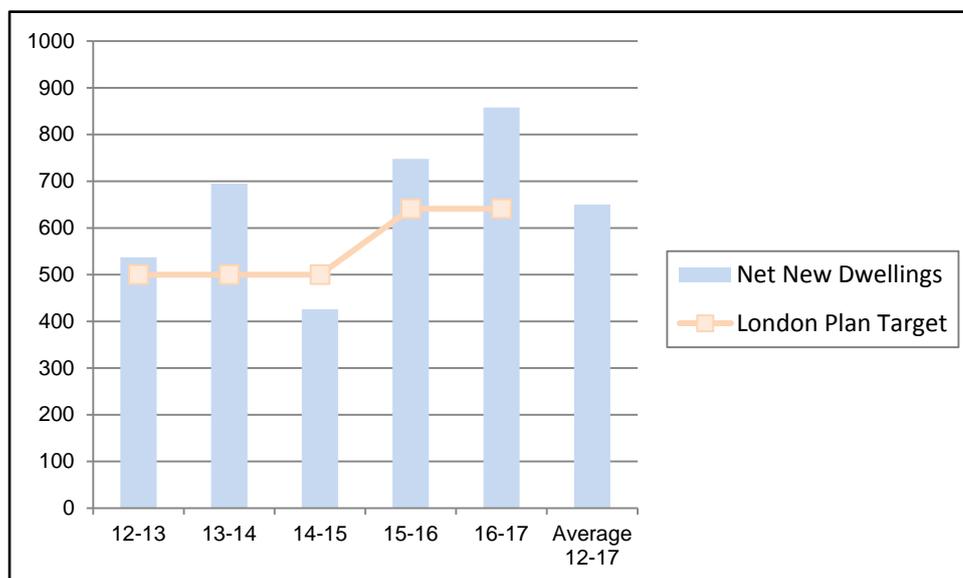


Figure 1 shows the housing completions in the Borough and the London Plan housing targets over the last five years. The net total of 858 housing completions during 2016/17 is the highest experienced in the last five years, with 110 more units completed than the previous year. This level of completions exceeded the London Plan's target of 641 by 217 (33%).

Small and Large Sites

The distribution of housing sites across the Borough has been broken down into small and large sites.

Small Sites: Sites less than 0.25 hectares in size.

Large Sites: Sites over 0.25 hectares in size.

Figure 2: Housing completions by size of site 2016/17

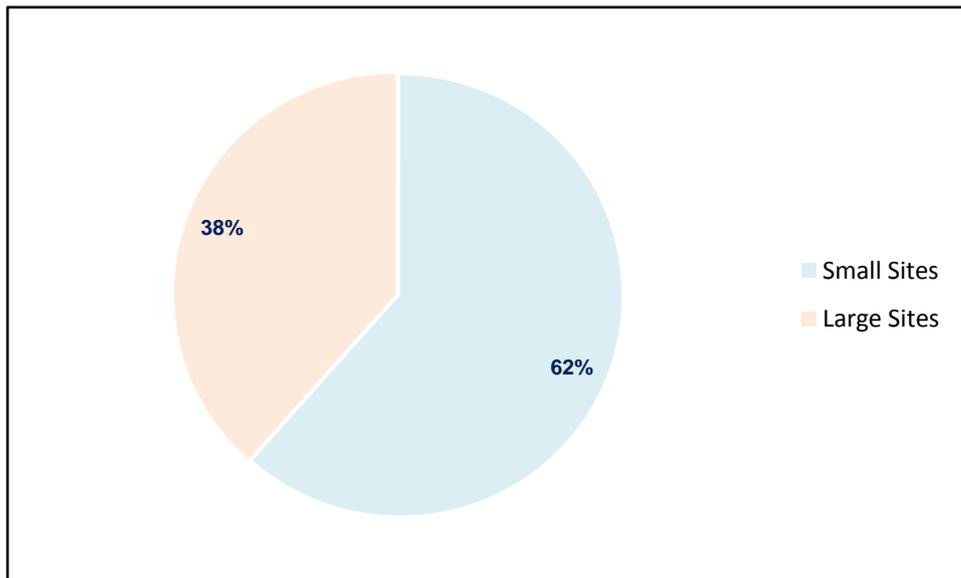


Figure 2 shows that 62% (528 units) of the net housing completions were concentrated on small sites. The remaining 38% (330 units) were distributed across large sites.

Prior Approvals

During 2016/17, approximately 41% (349 units) of the housing completions relate to Prior Approvals. Prior Approvals allow for the conversion of office or retail floorspace to residential use.

Distribution of New Housing

Figure 3: Distribution of housing completions by ward 2016/17

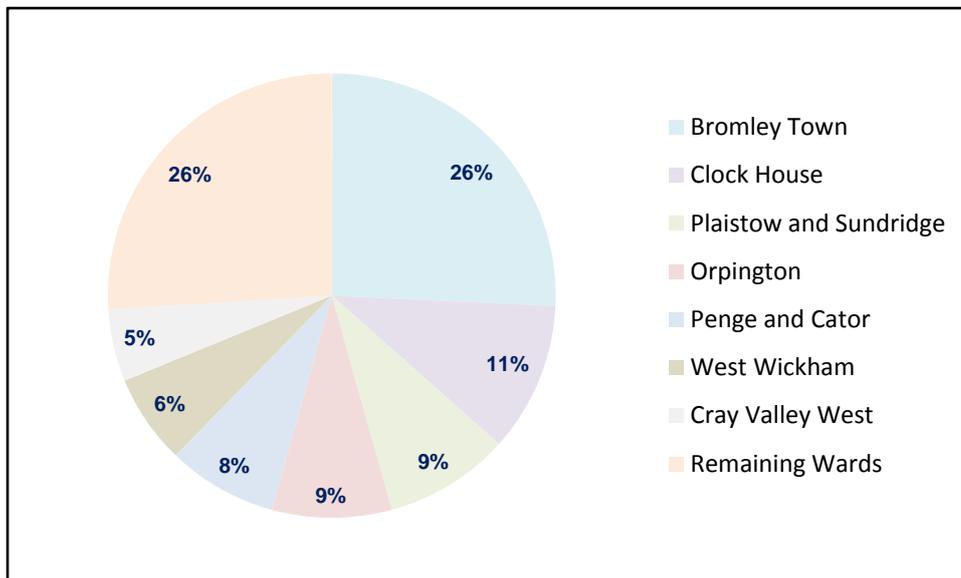


Figure 3 shows that 55% of the total net dwellings for the Borough were built in four wards. In comparison to 2015/16 (shown below in Table 3), there are obvious disparities in terms of spatial distribution. Bromley Town remains the biggest contributor, with Bromley Common and Keston and Copers Cope providing significantly less housing in 2016/17 than the previous year (35% and 30% respectively).

Table 3: Comparison on housing completions by ward 2015/16-2016/17

Ward	2015/16	2016/17
Bickley	35	28
Biggin Hill	6	10
Bromley Common & Keston	110	39
Bromley Town	141	221
Chelsfield and Pratts Bottom	11	3
Chislehurst	51	15
Clock House	13	93
Copers Cope	102	31
Cray Valley East	66	19
Cray Valley West	1	45
Crystal Palace	27	17
Darwin	2	0
Farnborough and Crofton	2	9
Hayes and Coney Hall	29	12
Kelsey and Eden Park	17	17
Mottingham and Chislehurst North	2	10

Orpington	18	74
Penge and Cator	12	68
Petts Wood and Knoll	3	11
Plaistow and Sundridge	74	78
Shortlands	0	2
West Wickham	26	56
Total	748	858

Types of New Housing

The provision of new housing should provide a variety in choice of accommodation in order to reflect local need as set out in the South East London Strategic Housing Market Assessment (SHMA) (2014). It was found that Bromley has a “significant under-supply of one-bedroomed units against demand, and an over-supply of larger (3/4 bedroom) units.

Figure 4: Housing completions by type of dwelling 2016/17

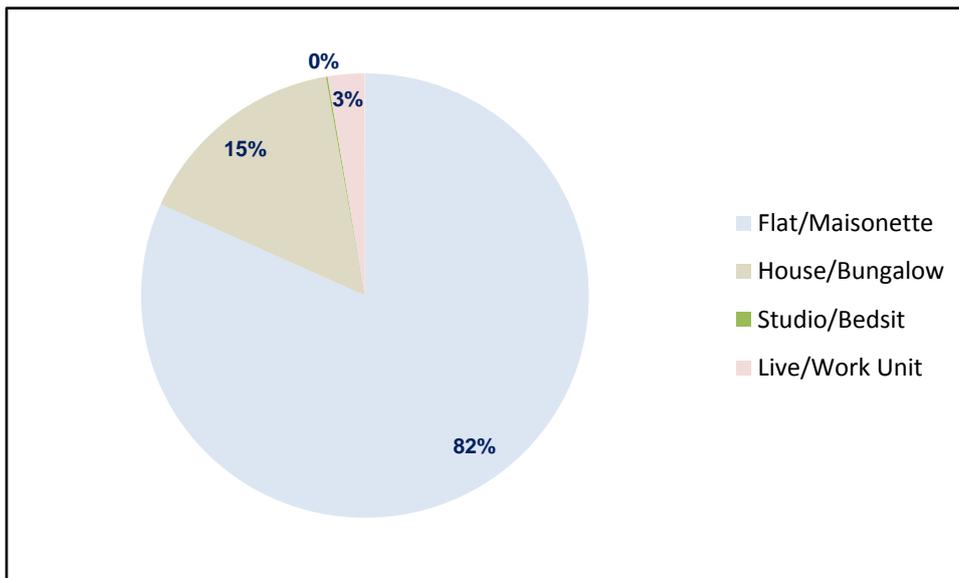


Figure 4 shows that housing completions are predominately (82%) in the form of flats and maisonettes, although houses and bungalows have also made a significant contribution (12%). This reflects local need and continues the trend from 2015/16 whereby 79% of housing completions were flats and 21% were houses. However, 2016/17 has seen a decrease in the percentage of flats being built, and an increase in houses compared to last year.

Figure 5: Sources of new Housing 2016/17

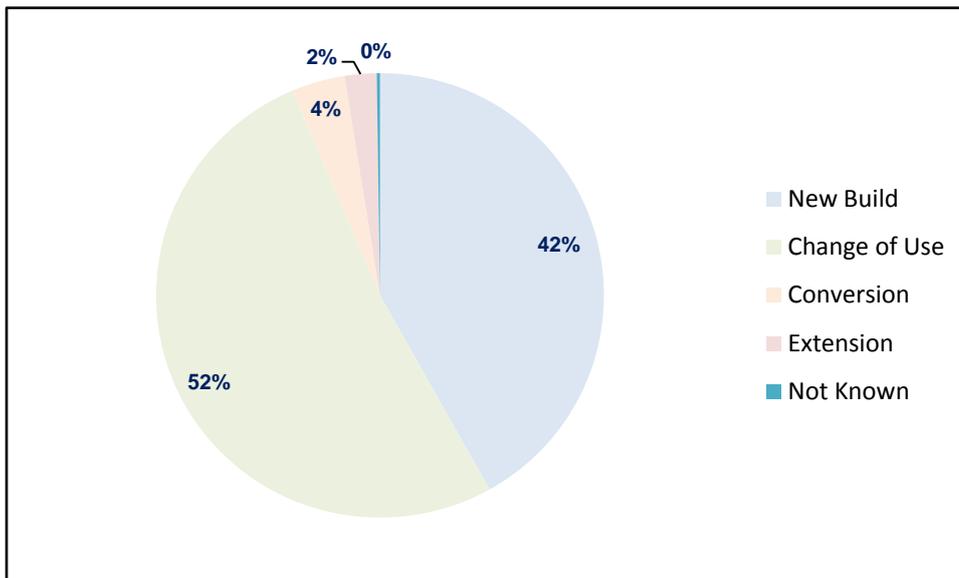


Figure 5 shows that over 50% of housing completions in 2016/17 were as a result of a change of use, which is significantly higher than 2015/16's 19%. Of all changes of use to housing in 2016/17, 78% (349 units) can be attributed to Prior Approvals. 2016/17 has also seen a reduction in new builds, with 200 units less than 2015/16.

Figure 6: Housing completions by number of bedrooms 2016/17

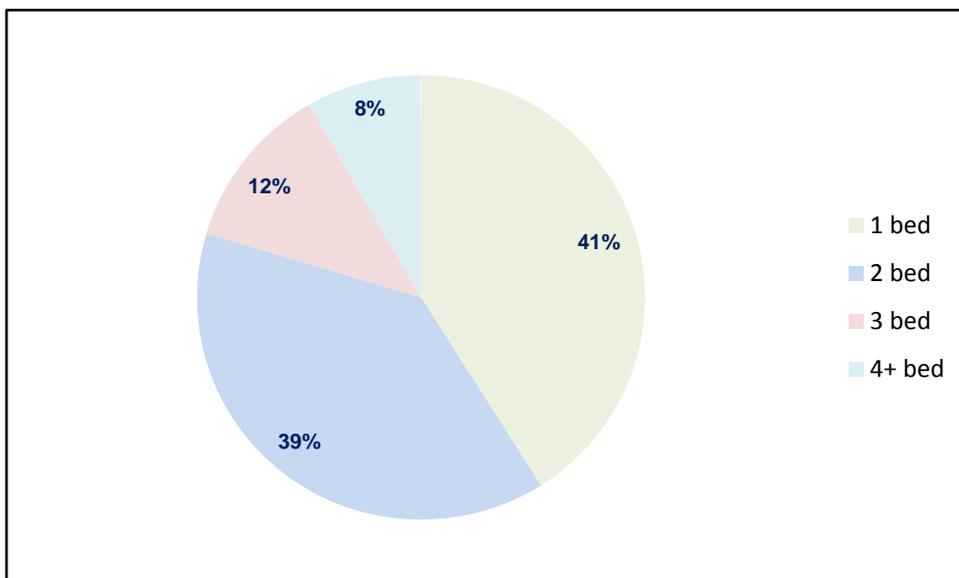


Figure 6 shows the number of housing completions by number of bedrooms in 2016/17. It shows that there has been a variety in unit size. 80% of housing completions have come in the form of 1 and 2 bedroom units, compared to last year's 74%. The provision of 1 bedroom units has increased by 8%, whereas the completion of 2 bed units in the Borough has decreased

marginally by 2%. The provision of 3 bed units remains the same as the previous year, and there are 6% more 4+ bed units than 2015/16.

H3: Gross Affordable Housing Completions

Affordable Housing Completions

Table 4: Number of gross affordable homes built, by type

Table 4 provides an overview by showing the number of gross affordable housing completions, by type, over the last five years. In 2016/17, the affordable/social rent: intermediate rent ration equates to 73:27 which differs marginally from the target ratio outlined in the Unitary Development Plan (UDP).

Table 5: Net affordable housing delivery in Bromley

Year	Net Affordable Housing Completions	Total Net Unit Completion	Affordable % of Total Units	London Plan Target Total	Total Dwelling Completions as % of Target
2012/2013	-68	527	-12%	500	105%
2013/2014	140	695	20%	500	139%
2014/2015	-62	426	-14%	500	85%
2015/2016	10	748	1%	641	116%
2016/2017	45	858	5%	641	133%
Total	65	3254	2%	2782	116%
Average per Annum	13	650	0%	n/a	n/a
UDP Policy Requirement:			35%		

In 2016/17, 45 net new affordable dwellings were completed. This is higher than the previous two years. Monitoring of affordable housing takes place against the original permission. In practice, the amount and type of affordable housing that is delivered on-site may differ.

Year	Number Units Built	Affordable/Social Rented		Intermediate	
		Number	%	Number	%
2012/2013	144	130	90	14	10
2013/2014	140	110	79	30	21
2014/2015	51	28	55	23	45
2015/2016	20	7	35	13	65
2016/2017	91	50	55	41	45
Total	446	325	73	121	27
5 Year Average	89	65	73	24	27
UDP Policy Requirement:			70%		30%
London Plan Policy Requirement:			60%		40%

Figure 7: Distribution of new affordable housing 2016/17

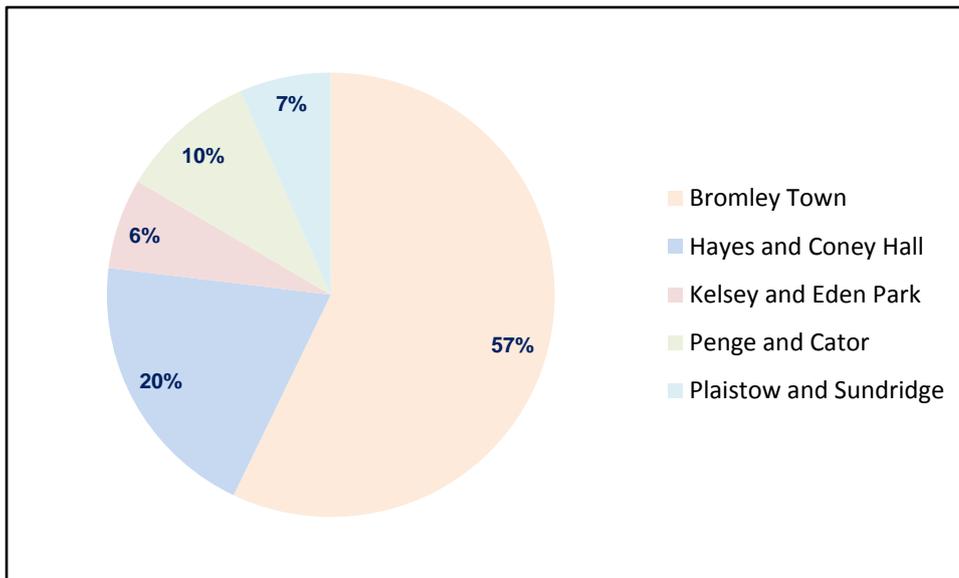


Figure 7 shows that the distribution of affordable housing in the Borough is very limited. Out of 22 wards, new affordable housing was completed in just five. The majority (57%) was completed in Bromley Town, and the wards of Hayes and Coney Hall (20%), Penge and Cator (10%), Plaistow and Sundridge (7%) and Kelsey and Eden Park (6%).

Figure 8: Affordable housing by bedroom size 2016/17

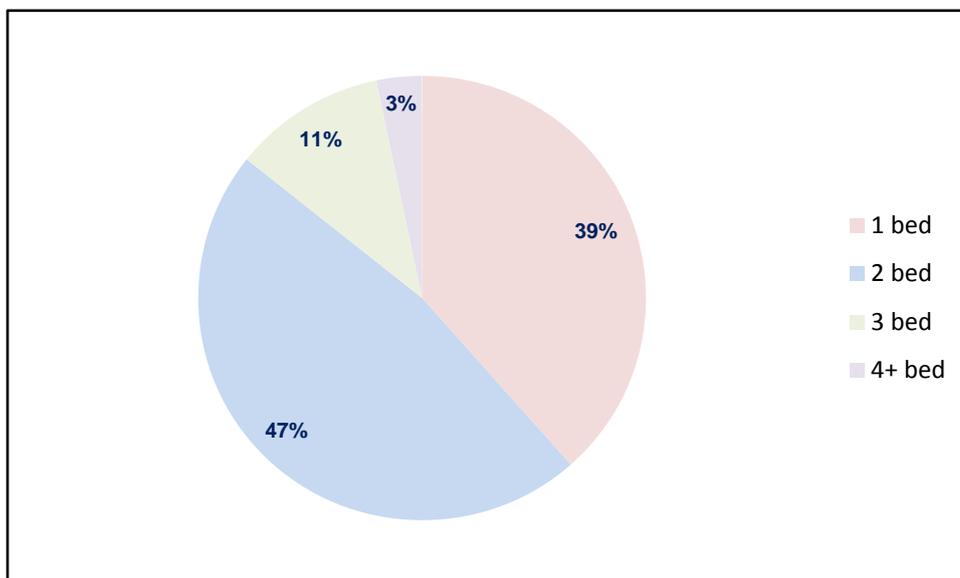


Figure 8 shows that there is reasonable variety in the size of affordable housing units. 47% were completed as 1 bedroom units, and 39% as 2 bedroom units. The remaining 14% are made up of larger, 3 and 4 bed properties.

Current Five Year Housing Supply Position

The Council's Five Year Housing Land Supply Paper was agreed by the Council in November 2017. The paper was based on the London Plan period 2015/16-2024/25 to which an annual housing requirement target of 641 units relates.

During the five year housing supply period of 2016/17-2020/21, the Council's paper shows that the Borough will need to deliver 3,205 units to reflect the annual target of 641 units. The NPPF requires Boroughs to demonstrate an additional 5% buffer in their five year supply documents (where applicable), which would increase the existing figure of 3,205 to 3,365 units. The paper concluded that there are 3,657 deliverable units in the pipeline, which exceeds the target (plus 5%) by 292 units and demonstrates that Bromley is able to meet its five year housing supply target.

The Council's Five Year Housing Land Supply paper will be formally updated on an annual basis and represents the most recent position in relation to housing supply for the Borough.

H2: Gypsy and Traveller Pitches

The London Plan does not set Borough targets but requires in Policy 3.8 that local authorities ensure that the accommodation requirements of gypsies and travellers (including travelling show people) are identified and addressed in line with national policy, and in coordination with neighbouring Boroughs and districts as appropriate.

In 2016/17 there were a total of 48 Gypsy and Traveller Pitches and 29 Travelling Showman Plots in the Borough.

H4: Self/Custom Build Register

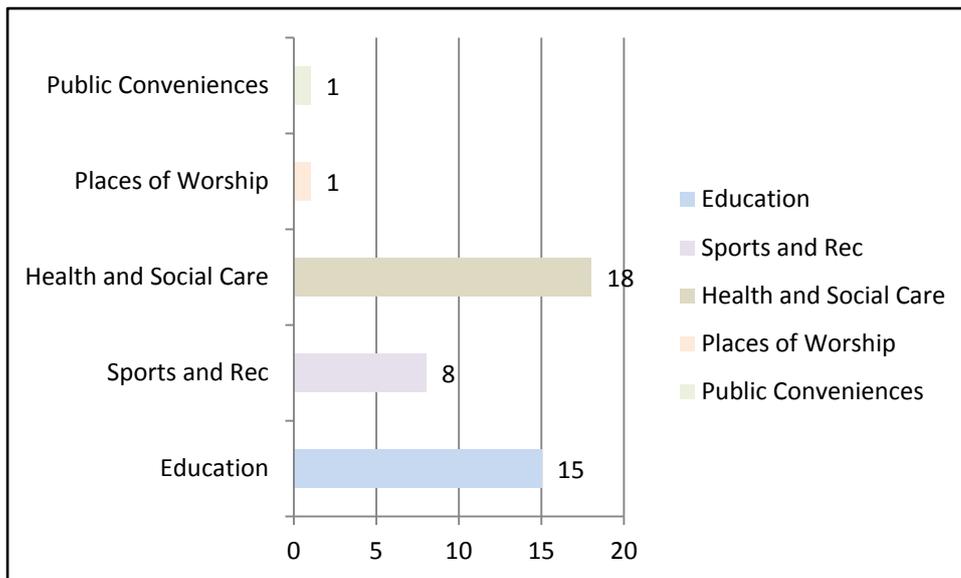
Bromley's self/custom build register was opened on 31st October 2016. From this date up to 31st March 2017 (the reporting period of this AMR) the Council received 31 enquiries. 13 of these applicants provided information about their eligibility and were entered onto the register.

2.3 Community Facilities

C1: Number of Applications Safeguarding or Achieving the Provision of Services/ Facilities of the Community

In 2016/17, 43 planning applications were submitted relating to development proposals regarding community facilities. For the purpose of this AMR, community facilities have been broken down into five categories.

Figure 9: Number of applications per community facility category



Health and Social Care

41% of all community facility planning applications relate to D Use Classes, and fall within the remit of health and social care. 18 applications were submitted in 2016/17, but only 8 were granted permission.

The breakdown of permissions by type has been outlined below:

Health Clinic	3
Training/Resource Centre	2
Children's Day Nursery	1
Vet	1
Dental Practice	1

Education

15 applications were submitted related to educational use. The continued expansion in education reflecting the increasing demand seen over recent years for primary provision which is now being felt in the secondary sector.

Seven applications were granted planning permission, including notably, permission (outline) for an 8 form entry plus 6th form secondary school (Eden Park High School Other permissions include single storey extensions and the fitting of external canopies.

Secondary School applications were also received for a 6 FE secondary boys school at St Hugh's Playing Field, which was refused and taken to appeal during the AMR period, and for a part 4/part 10 storey building for education use at 1 Westmoreland Road.

Sports and Recreation

8 applications were submitted in relation to sports and recreation, 6 of which were granted permission. The breakdown of recreation use is outlined below:

Gymnasium	2
Yoga Studio	1
Skate Park	1
Extension to Sports Hall	1
Wheelchair Access to Sport Facilities	1

Places of Worship

1 application was submitted to the Council to allow for a change of use for part of a building from a workshop/storage building to include Class D1 use to allow use as a place of worship. The application was refused.

IMP1: Number of Permissions Involving the Successful Negotiation of Planning Obligations

An extract from the Council's s106 register outlining agreements signed between April 2016 and March 2017 can be found at Appendix 1.

2.4 Business Development and Town Centres

BD1: Employment Floorspace on Previously Developed Land by Type

Employment in the Borough is forecast to increase by 22% from 116,000 jobs in 2011 to 141,000 jobs in 2031 (GLA 2016 Labour Market Projections).

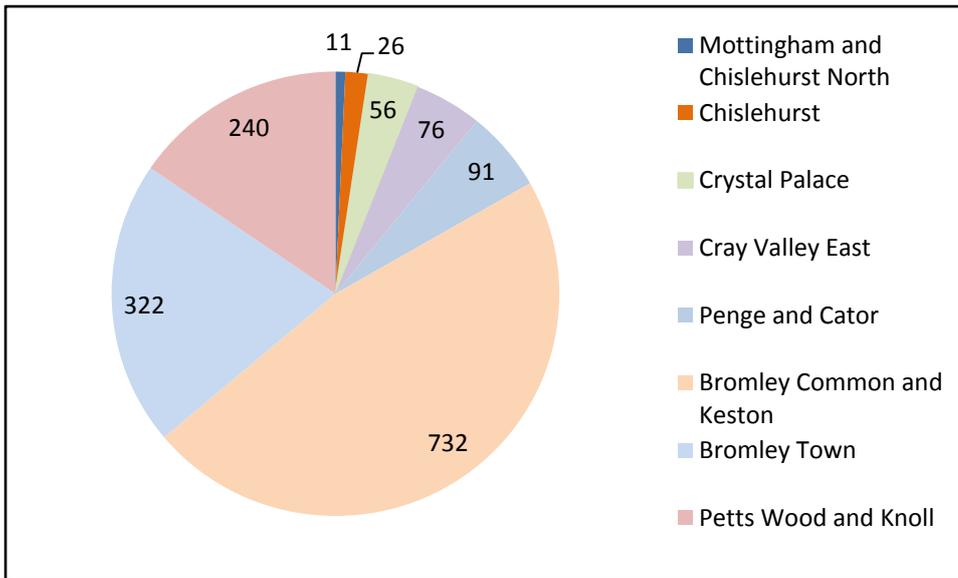
Despite some decline of manufacturing employment in the Borough, industry and warehousing remaining important elements of the local economy. There are approximately 120 hectares of land in industrial or warehousing use, the majority being concentrated within the Cray Business Corridor, Lower Sydenham, Elmers End, and Biggin Hill.

Table 6: Floorspace Granted Permission on Previously Developed Land

Employment Use Class	Floorspace Granted Permission (+-) (sqm) on Previously Developed Land	Floorspace Change (+-) (sqm) on Previously Developed Land (Net)
B1 (Business)	1,554	-18,579
B2 (General Industrial)	0	-795
B8 (Storage/Warehousing)	0	-2,612

In 2016/17 no planning permissions were granted permission for Use Classes B2 or B8. The floorspace granted for permission is distributed widely across the Borough. The breakdown of B1 floorspace by ward has been outlined below

Figure 10: Approved B1 Floorspace by Ward (sqm)



There has also been a net loss of floorspace across all employment Use Classes. Whilst the loss of a substantial amount of B1 floorspace can be attributed to the conversion of office to residential use under permitted development rights, one scheme approved at the Old Town Hall (16/01175/FULL1) proposes a net loss of 6,881sqm of B1 floorspace.

In relation to the loss of B8 floorspace in the Borough, an approval on Lagoon Road (16/04100/FULL1) contributes to almost 50% of the total proposed net loss (approximately 1,260sqm).

It should also be noted that in 2016/17, 100% of employment floorspace approved was on previously developed land. A more detailed overview of changes to employment use has been outlined below.

BD2: Office to Residential under Permitted Development Rights

Permitted Development Rights (PDR) introduced in May 2013, for a temporary three year period, allowed premises in Use Class B1(a) office use to change to Use Class C3 residential use, subject to prior approval covering flooding, highways and transport issues, noise, and contamination. The Town and County Planning (General Permitted Development) (England) (Amendment) Order 2016 Article 7 made the PDR change permanent.

Table 7: Prior Approvals for a change of use from Office to Residential

Granted Approval	9,231sqm
Commenced	2,991sqm

In total, approximately 52,500sqm of office floorspace has been granted approval since May 2013, proposing a total of 1,035 residential units.

Article 4 Directions

Covering a small proportion of the Bromley Town Centre, Article 4 Directions to remove the permitted development rights came into effect on 1st August 2015 thereby requiring planning permission for change of use from office to residential use. The relevant areas of Bromley South, Bromley North, and London Road are shown on the map in Appendix 5.

Employment Centres

Bromley Town Ward is the main location for the Borough's office-based businesses, with approximately 132,000sqm of floorspace, almost half of the total office floorspace in the Borough. Along with its surroundings, it is by far the largest centre of employment in the Borough, with nearly 26,000 jobs based in this area (about 25% of all jobs Borough-wide).

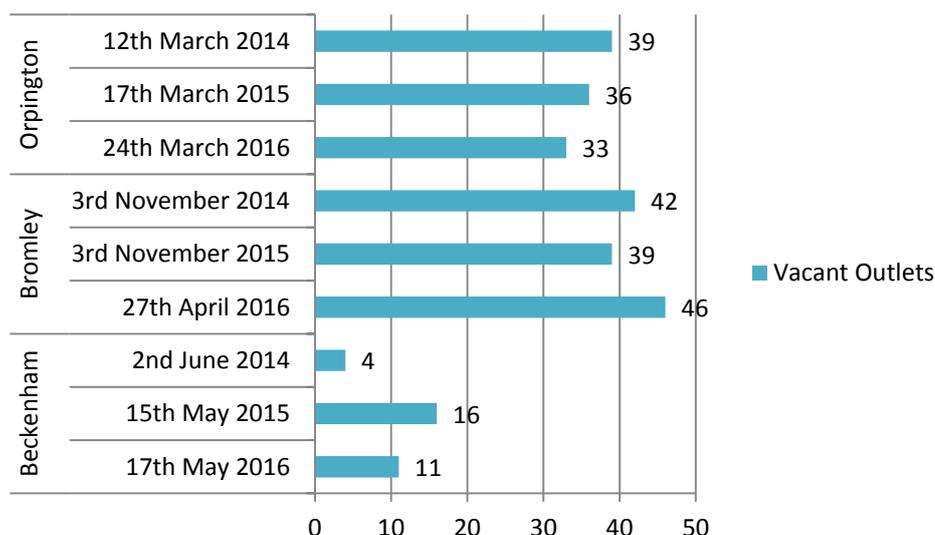
Orpington is also a significant employment and office location, with approximately 22,000sqm of floorspace. It also serves as the Borough's second largest retail centre. Strong and vibrant, it offers a good range of shopping, leisure and public amenities.

The Borough's town centres continue to be important for attracting a wide range of residents and visitors for shopping, leisure, and dining. The shopping hierarchy for the Borough's established centres has evolved over a considerable period of time and is recognised in the London Plan. The centres are classified according to their existing role and function and each performs a different but complementary role. The hierarchy is important in providing a range of services and facilities across the Borough.

Table 8: Bromley's Retail Hierarchy

Centres	Retail Hierarchy
Bromley	Metropolitan Centre
Orpington	Major Town Centre
Beckenham Petts Wood Crystal Palace Penge West Wickham	District Centre
Biggin Hill Hayes Mottingham Chislehurst Locksbottom	Local Centre

Figure 11: Vacant Outlets in Bromley, Orpington and Beckenham



Source: GOAD

The GOAD ‘Centre Reports’ show how Bromley’s Town Centres have fared in recent years in relation to vacant retail outlets. Orpington has consistently seen a steady decrease in vacant units, in contrast to both Bromley and Beckenham, which do not abide by a particular trend. 2016/17 saw Bromley Town Centre’s vacant retail unit figure reach a two year high.

Combining this data with recent trends in footfall in Bromley, Orpington, and Beckenham Town Centres may give a better indication of activity on the Borough’s High Streets. Pedestrian flows, or ‘footfall,’ are key indicators of the vitality of town centres. The Council carries out footfall counts annually.

Table 9: Footfall Counts in Bromley, Orpington and Beckenham

Bromley	
Financial Year	Footfall (December)
2011/12	204,750
2012/13	198,852
2013/14	188,094
2014/15	204,216
2015/16	234,654
2016/17	78,540*

Orpington	
Financial Year	Footfall (December)
2011/12	33,084
2012/13	42,468
2013/14	42,216
2014/15	35,382
2015/16	36,726

2016/17	33,426
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Beckenham	
Financial Year	Footfall (December)
2011/12	22,746
2012/13	25,158
2013/14	20,730
2014/15	28,836
2015/16	38,700
2016/17	25,698

*carried out over a one day period instead of a two day period as in previous AMRs.

The amount of footfall in all of the Town Centres has steadily declined between December 2016 and December 2017.

Table 10: Retail Floorspace Lost in 2016/17

Use Class	Floorspace Lost (sqm)
A1	1,334

2.5 Natural Environment and Environmental Resources

Approximately 9000 hectares of the Borough is Green Belt, Metropolitan Open Land or Urban Open Space. It is estimated that there is about 4 hectares of publically accessible open space per 1000 people.

Planning permissions on designated land have been calculated excluding permissions for the following:

- Details Pursuant, Adverts, Conversions (with no new buildings), CA Consents, Windows, Changes of Use, Telecoms, Temp uses or CV/Mob Homes, Fences & Gates, Trees, Lawful Development, Temp use as carpark, EIA Screening, Minor Alts to development permitted already, Conditions.

Green Belt

32 planning permissions were in the Green Belt. They mostly relate to side/rear extensions on existing buildings or replacement buildings that do not exceed the existing footprint.

Metropolitan Open Land

11 applications on Metropolitan Open Land were given permission:

Single Storey Side/Rear Extension	3
Outbuildings	2
Storey Extension to Allocate Additional Pupils	1
All Weather Multi Used Sports Facility	1
Construction of Pergola	1
Conversion of Hotel to Residential Flats	1
Skate Park	1
External Alterations to Training Ground	1

Urban Open Space

14 applications on Urban Open Space were given permission. Of these, 12 are on education sites for extensions to form additional classrooms, sports halls, timber pavilions and external alterations. The remaining two relate to the erection of a prefabricated storage unit in an Allotment Garden and a single storey front extension to a café in Kelsey Park.

Waste Facilities

E1: The number of planning permissions granted contrary to Environment Agency advice

No applications have been granted contrary to EA advice on flooding.

W1: Capacity of new waste management facilities by waste planning authority

No new facilities have been granted or completed within the reporting period.

W2: Amount of municipal waste arising and managed by waste planning authority

Amount of Municipal Waste	
Total municipal waste	149,118
Household waste	128,218
Landfill	37,295
Incineration (waste to energy)	45,078
Dry recycling	32,868
Composting	27,825
Inert waste	162
Recycling rate	47.33%

Appendix 1: Signed s106 Agreements 2016/17

Appendix 1, which sets out the completed section 106 (s106) agreements for the period 1st April 2016 - 31st March 2017, demonstrates the scale and range of developments granted planning permission.

App No	Address	Applicant	Application	Date	Legal Agreement
15/02007/FULL1	1 Church Road Biggin Hill TN16 3LB	McCarthy & Stone Retirement Lifestyles Ltd	Demolition of No's 1 - 9 Church Road and replacement three storey block comprising 32 one and two bedroom sheltered housing apartments with associated communal facilities, car parking, landscaping and electricity sub-station with access from Church Road.	5 th April 2016	<p>Affordable Housing - £145,000.00 towards projects and initiatives which facilitate the increased provision of affordable housing within Biggin Hill. Contribution due on first occupation of any dwelling.</p> <p>Healthcare Contribution - £31,296.00 towards the improvement of healthcare facilities at Orpington Health Centre. Contribution due on first occupation of any dwelling.</p> <p>The owners covenant that they will not cause or permit the commencement of development of the land until either the Santander legal charge as been discharged or the Council has been supplied with a supplemental deed executed by Santander. No time limit on spend.</p>
16/01544/RESPA 16/02441/RESPA	12 Elmfield Road Bromley BR1 1LR	Thornbury House Developments and Investments Ltd	Change of use of second and third floor from Class B1(a) office to Class C3 dwellinghouses to form 3 studio and 10 one bedroom flats at 12- 16 Elmfield Road (56 day application for prior approval in respect of transport and highways, contamination, flooding risks and noise impacts under Class O Part 3 of the GPDO)	11 th April 2016 27 th May 2016	<p>Car Club – The Owner covenants to pay for the cost of membership for two years to one of the Car Clubs within the London Borough of Bromley for each of the first occupiers of the development.</p> <p>Cycle Parking Plan – The Owner covenants to provide the cycle parking spaces as outlined on the Cycle Parking Plan and to retain this number at any time when the development is occupied.</p> <p>Resident's Parking Permits – No occupier of any residential unit is able to obtain a residential parking permit unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.</p> <p>Transport Contribution – £5,000 towards the Council's management of on-street parking within the</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					London Borough of Bromley to be paid prior to Occupation of the Development.
15/05003/RECON	Orpington Police Station The Walnuts Orpington BR6 0TW	Berkeley Homes Eastern Counties	S73 Minor Material Amendment application for external alterations to the elevations and terraces in respect of application 14/03316/FULL1: Demolition of existing buildings and erection of part 4 rising to part 9 storey building for use as a health and wellbeing centre on the ground and first floors plus a retail (Class A1/A3) unit on the ground floor together with 34 x 1 bedroom flats and 49 x 2 bedroom flats (total 83 flats) on the upper floors with ramp to basement and 46 basement car parking spaces (including 4 disabled spaces) together with refuse and recycling facilities, cycle storage and landscaping proposals	20 th April 2016	<p>Car club contribution of £8,300 to be paid before 1st occupation of a residential property to be paid to the Car Club Operator (not to Lb Bromley) solely for the car club contribution purpose.</p> <p>CPZ deposit contribution means the sum of £12,000 to be used to implement a controlled parking zone to be paid before occupation of the 1st residential property.</p> <p>Disabled parking bay contribution of £2,000 to be paid on or before the commencement of development.</p> <p>Education contribution means the sum of £160,491.61. The Owner will pay 50% of the contribution to the Council on or before 1st occupation of the first residential property. The Owner will pay the remaining 50% to the Council on or before occupation of the 63rd residential property For preschool facilities at St Pauls Cray Primary School</p> <p>Public realm contribution of £326,050 to be paid in 4 instalments of £85,512.50 for specified public realm works (see s106 for details) First - before commencement of development Second - on or before occupation of the 1st residential property Third - on or before occupation of the 42nd residential property Fourth - on or before occupation of the 63rd residential property</p> <p>To design and construct 8 of the residential properties as wheelchair Housing. Upon written request any part of the contributions that have not been expended within 8 years of receipt will be repaid to the Owner. The Owner will reserve and set aside the Healthcare Facility Area for a Healthcare Facility in accordance</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					with the terms of Schedule 2 of the agreement. The Council to hold contributions in an interest bearing account.
16/01091/FULL1	45 Ancaster Road Beckenham BR3 4DZ	William Willoughby (Estates) Ltd	Demolition of existing bungalow and the construction of a two storey building in order to provide 4no. 2 bedroom flats, together with four off road parking spaces, cycle and refuse storage (amendment to application ref:15/05399)	27 th April 2016	Tree Removal - £576.67 to be paid as compensation for the value of the tree, the removal costs to be incurred by the Council in its removal and the construction of a replacement tree pit. Contribution is due on or before the commencement date.
15/04324/FULL1	Oxford House 11 London Road Bromley BR1 1BY	Deco Design & Build Ltd	Extension to construct a third floor to provide three 2- bedroom residential units and associated roof terraces. Infill and single storey rear extension to provide office storage. Elevational alterations to existing building to include reconfiguration and replacement of existing windows and new render facade with elements of grey banding and yellow. PART RETROSPECTIVE	17 th May 2016	CPZ contribution of £3,000 to be paid, prior to first occupation, towards cost of the CPZ within the vicinity of the Proposed Development. Any unspent or uncommitted contributions to be refunded to the owner after 5 years plus accrued interest. Residents will not be entitled to a parking permit unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. Owners and occupiers of each Residential Unit to be provided with cycle parking facilities in accordance with the London Plan. Two years free membership to the Car Club for the first occupier of a residential unit.
15/00508/FULL1	Land Adjacent 2 (demolished) Main Road Biggin Hill	Taylor Wimpey South West Thames	Erection of 16 dwellings (4 x 2 bed flats, 3 x 3 bed houses and 9 x 4 bed houses) with access from Moxey Close and Barwell Crescent together with 43 car parking spaces, cycle storage and landscaping, to include the stopping up of an existing access onto the A223.	15th July 2016	Affordable Housing – 2 x 3 bedroom houses and 4 x 2 bedroom flats. No more than 4 of the market housing units shall be occupied until the shared ownership units have been constructed in accordance with the permission and made ready for residential occupation. No more than 6 of the market housing units shall be occupied until the shared ownership units have been transferred to a registered provider. Education Contribution – £122,157.00 to be paid prior to occupation for the provision of new facilities and/or improvements of existing facilities at Oaklands Primary Academy, Oaklands Lane or Bishop Justus CE School, Magpie Lane. Further Heritage Centre Contribution - £313,073 to be paid prior to occupation for the provision of a visitor centre for the display of information and memorabilia

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>relating to the wartime history of Biggin Hill airfield and surroundings.</p> <p>Health Contribution - £28,032.00 to be paid prior to occupation for the provision of new facilities and/or the improvement of existing facilities at the facility to be built and known as the Orpington Health and Wellbeing Centre, Homefield Rise.</p> <p>The development is not to be occupied until all of the contributions have been paid. Any amount not expended or entered into a contract to be expended within 5 years of the date of receipt including accrued interest is to be repaid to the owner.</p>
15/00508/FULL1 (Second Supplemental Deed)	Land Adjacent 2 (demolished) Main Road Biggin Hill	Taylor Wimpey South West Thames	Erection of 16 dwellings (4 x 2 bed flats, 3 x 3 bed houses and 9 x 4 bed houses) with access from Moxey Close and Barwell Crescent together with 43 car parking spaces, cycle storage and landscaping, to include the stopping up of an existing access onto the A223.	15th July 2016	<p>Second Supplemental Deed -</p> <p>Insertion of following definition under Clause 1:</p> <p>'Additional Residential Development': means the erection of 16 dwellings (4 x 2 bed flats, 3 x 3 bed houses and 9 x 4 bed houses) on the Heritage Centre Land with access from Moxey Close and Barwell Crescent together with 43 car parking spaces, cycle storage and landscaping, to include the stopping up of an existing access onto the A223 pursuant to planning application reference 15/00508/FULL1;</p> <p>Deletion and replacement of following definitions under Clause 1:</p> <p>'Additional Heritage Centre Contribution': means the sum of £654,715.02 that would have been payable pursuant to the Deed prior to amendments made to this Deed under the Second Supplemental Deed dated 15th July 2016;</p> <p>'Commencement Date': means the date on which the Development or the Additional Residential Development (as appropriate) commences by the carrying out of material operations as specified in Section 56 (2) and (4) of the Town and Country Planning Act 1990 save for:</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>a) any survey trial holes or other operations to establish the ground conditions of the land; b) any works of demolition, or removal of underground structures or service media and/or utilities; c) site set up or access works; d) construction of boundary fencing or hoarding; e) any remediation works to the land</p> <p>and 'commence' and 'commenced' will be interpreted in accordance with this definition;</p> <p>Deletion and replacement of following under Clause 8.5 to 8.8:</p> <p>8.5 – Subject to clause 7.6 above the Council and the Owner hereby agree that the Council shall continue to hold the Heritage Centre Contribution in an interest bearing account and shall only draw upon the said account as follows:</p> <p>8.5.1 – to apply such part of the Heritage Centre Contribution up to an amount equal to the amount of the Additional Heritage Centre Contribution payable on the grant and Commencement of any planning permission for the Additional Residential Development towards the purpose of facilitating the Heritage Centre; and</p> <p>8.5.2 – to apply the balance of the Heritage Centre Contribution (including accrued interest) towards the purpose of any financial contributions that may subsequently be agreed pursuant to the Acts in connection with the Additional Heritage Centre Contribution provided always that the parties agree that the application of the balance of the heritage centre contribution towards any such financial contributions shall:</p> <p>i) have the effect of a set-off to an equivalent sum against the obligations to make those financial contributions; and</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>ii) have the effect that the obligations to pay those financial contributions are discharged (either in full or in part as appropriate) on the date of Commencement of the additional residential development; and/or</p> <p>8.5.3 – to repay to the developer any unspent part as provided by paragraph 8.6 hereof.</p> <p>8.6 – At the end of a period of five years from 15th July 2016:</p> <p>8.6.1 – the Council shall, on the request of the Owner provide an account to the Owner to indicate how the Heritage Centre Contribution has been used by the Council and what balance (if any) remains unspent from the Heritage Centre Contribution; and</p> <p>8.6.2 – if all or any part of the Heritage Centre Contribution remains unspent by the Council the Council shall forthwith return such sum to the Owner (and not to any successor in title) if the Owner makes such a request of the Council.</p>
15/04909/FULL3	18 Elmfield Road Bromley BR1 1LR	Henry Boot Developments Ltd	Change of use of part of ground floor and upper floors from retail (Class A1) and offices (Class B1a) to a 59 bedroom hotel, together with fourth storey extension to create third floor and four storey front extension to create entrance foyer at ground floor	25th July 2016	<p>£152,061.50 - Public Realm Contribution. 50% to be paid on commencement and 50% to be paid before any part of the development is first occupied.</p> <p>After 7 years from the date of the final instalment any amount which has not yet been spent together with the interest accrued is to be returned to the developer.</p>
15/01616/VAR	Summit House Glebe Way West Wickham BR4 0RJ	Crest Nicholson Operations Ltd and Lidl UK GMBH	Variation of condition 13 of ref. 14/03324 (granted permission for Demolition of existing buildings and redevelopment to provide a four storey building comprising 1,623sqm Class A1 (retail) use at ground floor and 54 residential units at first, second and third floor (8x1 bedroom, 43x2 bedroom and 3x3 bedroom) with associated car parking, landscaping and infrastructure) to amend hours of delivery from between 8am - 6pm to between 7am - 6pm Monday to Saturday and 10am - 5pm Sundays and bank holidays	1st August 2016	<p>Education Contribution – £154,431.62</p> <p>First payment of £77,215.81 to be paid on or prior to commencement of development; Second payment of £77,215.81 to be paid on or prior to occupation of the first dwelling;</p> <p>£66,025.95 towards the provision of new facilities and/or improvement of and/or support for existing facilities at Hawes Down Junior School, West Wickham, BR4 0BA;</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>£88,405.67 towards the provision of new facilities and/or the improvement of and/or support for existing facilities at Glebe School, West Wickham, BR4 9AE;</p> <p>Health Contribution – £57,996</p> <p>First payment of £28,998 to be paid on or prior to commencement of development; Second payment of £28,998 to be paid on or prior to occupation of the first dwelling;</p> <p>Towards the provision of new facilities and/or the improvement of and/or the support for existing facilities at the Dysart Surgery, 13 Ravensbourne Road, BR1 1HN;</p> <p>Repayment – Any contribution not expended or ring-fenced within a period of 5 years from the date of receipt to be repaid, with interest accrued, within 30 days of a written request for repayment. Evidence of expenditure to be provided to the owner on request.</p>
15/04941/FULL3	Bassetts Day Care Centre Acorn Way Orpington BR6 7WF	London Square Developments Limited	Demolition of existing buildings except Bassetts House. Redevelopment of site comprising alterations to and change of use of Bassetts House to residential (Class C3) and conversion to form 13 flats (7 x 1 bed, 4 x 2 bed and 2 x 3 bed), erection of 102 dwellings (16 x 1 bed flats, 26 x 2 bed flats, 5 x 3 bed houses, 52 x 4 bed houses and 3 x 5 bed houses); and associated car parking (175 spaces), cycle parking and landscaping (including new boundary treatment) and other associated works.	16 th August 2016	<p>Affordable Housing – 12 residential units comprising 2 x 4 bed houses, 6 x 2 bed flats and 4 x 1 bed flats. 7 of the units to be let as affordable rented housing and 5 of the units to be let or sold as intermediate housing. No more than 50% of market housing to be occupied until all of the affordable housing units have been constructed and made ready for residential occupation.</p> <p>Car Club Contribution – £2,500 index linked towards installation, signage and lining of car club bay to be paid prior to first occupation.</p> <p>Education Contribution - £773,390.76 index linked to provide new facilities and/or the improvement of existing facilities at Farnborough Primary School to be paid prior to first occupation.</p> <p>Health Contribution - £188,255 index linked to provide new facilities and/or the improvement of existing facilities at the facility to be built and known as the</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>Orpington Health and Wellbeing Centre to be paid prior to first occupation.</p> <p>Highways Contribution - £5,000 index linked towards the provision of a new controlled parking zone or the future extension of controlled parking zone located within one mile of the Site to be paid prior to first occupation. No time limit on spend of contributions.</p>
15/04319/RECON	The Haven Springfield Road Sydenham London SE26 6HG	Kitewood Estates Ltd	S73 application for a Minor Material Amendment to 14/03991/FULL (46 residential units and associated works) to include changes to house types and slab heights, house type 2 and 7 removed and replaced with type 1 and 6, roof form to house type 1 amended and first floor roof terrace removed, external elevational changes to all dwellings including the addition of Juliet balconies, change to include design and installation of PV panels to roofs, erection of two detached double garages, installation of electric charging point and amendment of front boundary walls to railings, dwarf brick wall and hedges.	16th August 2016	<p>Affordable Housing – 19 units to be provided as affordable housing - 9 to be let as affordable rent dwellings (3 x 1 bed, 2 x 2 bed and 4 x 3 bed) and 10 to be let or sold as intermediate dwellings (4 x 1 bed, 4 x 2 bed and 2 x 3 bed).</p> <p>1 x 1 bed and 2 x 2 bed of the affordable rent dwellings and 2 x 1 bed of the intermediate dwellings shall meet the South East London Housing Partnership Wheelchair Standards 2012 (as amended). No more than 50% of the open market dwellings shall be occupied until the affordable housing dwellings have been built.</p> <p>Education Contribution - £432,915.63 to be used for the provision of education facilities at St John's CE Primary School and Stewart Fleming Primary School. To be paid prior to the occupation of any open market dwelling.</p> <p>Healthcare Contribution - £72,680 to be used for the provision of new healthcare facilities and/or the improvement of and/or support for existing healthcare facilities at Penge Clinic. To be paid prior to the occupation of any open market dwelling.</p> <p>Any part of the contributions not spent or ring fenced 10 years after being paid to the Council are to be returned upon written request.</p>
16/03569/RESPA	515 - 519 Upper Elmers End Road Beckenham BR3 3DE	Alltime Securities Ltd	Change of use of first and second floor from Class B1(a) office to Class C3 dwellinghouses to form 8 flats at 515-519 Upper Elmers End Road (56 day application for prior approval in respect of transport and highways, contamination, flooding risks and	8 th September 2016	Car Club – The Owner covenants to pay for the cost of membership for two years to one of the Car Clubs within the London Borough of Bromley for each of the first occupiers of the development.

App No	Address	Applicant	Application	Date	Legal Agreement
			noise impacts under Class O Part 3 of the GPDO)		<p>Cycle Parking Plan – The Owner covenants to provide the cycle parking spaces as outlined on the Cycle Parking Plan and to retain this number at any time when the development is occupied.</p> <p>Resident's Parking Permits – No occupier of any residential unit is able to obtain a residential parking permit unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.</p> <p>Transport Contribution – £2,000 towards the Council's management of on-street parking within a two mile radius of the site to be paid prior to Occupation of the Development.</p> <p>No time limit for expenditure of Transport Contribution</p>
16/01850/FULL4	1 Chilham Way Hayes Bromley BR2 7PR	Affinity Sutton	Variation of legal agreement attached to planning permission ref. 13/01670/FULL1 to amend the definition of intermediate housing	23 rd September 2016	<p>The Principal Agreement under ref 13/01670 is varied as set out below:</p> <p>The income threshold for the Intermediate Housing shall accord with the latest definitions adopted by the Council. For the avoidance of doubt these are:</p> <p>1 bedroom units £38,800 2 bedroom units £50,500 3 bedroom units £62,500 GLA upper limit applies to 4 bedroom units +</p>
15/04400/OUT	Woodhill Farm Norsted Lane Orpington BR6 7PQ	Lesley, David and Andrew Carter	Outline permission with all matters, except access, reserved for a change of use from the certified permitted use to that sought for a house plot, with attendant permission for a dwelling.	23 rd September 2016	<p>The Owner covenants to cease, no later than commencement of development, the permitted use of the site as a haulage business with associated lorry parking and maintenance building, remove all buildings and hard standing from Site A and Site B and reinstate the said land to its natural level. To return Site B to open agricultural Green Belt Land and to forthwith use Site A as the residential curtilage for the property to be constructed pursuant to this planning permission.</p>

App No	Address	Applicant	Application	Date	Legal Agreement
16/00285/FULL4	188 - 194 Croydon Road Penge London SE20 7YU	Devonshires Solicitors LLP	Section 106A application to modify the planning obligation in respect of 07/00086/FULL1 to amend Clause 3.1 of Schedule 2 to insert "any mortgage or charge or receiver appointed by such mortgagee or charge exercising its power of sale in respect of the site against the owner or any successors in title to such mortgagee, charge or receiver."	12 th October 2016	<p>1. Add the following definition of Mortgagee:</p> <p>'any mortgagee or charge of the Registered Social Landlord or the successors in title to such mortgagee or charge or any receiver (including an administrative receiver) appointed by such mortgagee or charge or any other person appointed under any security documentation to enable such mortgagee or charge to realise its security'.</p> <p>2. Delete and substitute clause 3.1 of Schedule 2 as follows:</p> <p>'any mortgagee or charge or receiver appointed by such mortgagee or charge exercising its power of sale in respect of the Site against the owner or any successors in title to such mortgagee, charge or receiver'. DEED OF VARIATION</p>
16/02117/FULL1	Orchard Lodge 107 William Booth Road Penge London SE20 8BG	Fairview Homes Limited	Demolition of existing buildings and erection of two 4-5 storey blocks and one 5-6 storey block of flats comprising 252 residential units (80 x 1 bed, 129 x 2 bed and 43 x 3 bed including affordable housing provision), basement car parking, landscaped podium deck, open space, play space, associated access roads, private and communal landscaping, cycle parking, recycling and refuse stores and associated works including widening of existing vehicular access onto William Booth Road.	25th October 2016	<p>Affordable Housing – 72 affordable housing units of which 43 are affordable rented housing (4 x 1 bed, 3 x 1 bed wheelchair units, 1 x 2 bed wheelchair units, 25 x 2 bed and 10 x 3 bed) and 29 are shared ownership housing (11 x 1 bed, 1 x 1 bed wheelchair units, 15 x 2 bed and 2 x 2 bed wheelchair units). No more than 50% of the market dwellings shall be occupied until the affordable housing dwellings have been transferred to the registered provider.</p> <p>Car Club – 3 car club parking spaces. From occupation of 1st residential unit car club operator to provide 3 vehicles for these spaces and will operate these vehicles for as long as there is demand and it is economically viable to do so. Owner will offer each of the first residents free membership for a period of 3 years for the use of car club with the offer being made no later than 3 months after occupation of each residential property. Car Parking Permits – Residents are restricted from obtaining a car parking permit from</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>the Council with the exception of disabled residents.</p> <p>Community Contribution – £30,000 to be passed to the Crystal Palace Community Development Trust.</p> <p>Education Contribution – £875,142.90 towards St John's CE Primary School.</p> <p>Health Contribution – £284,508.00 towards Beckenham Beacon Clinical Space.</p> <p>Traffic Study Area Contribution – £25,000 towards study to determine whether or not traffic management measures are required and if required towards the funding of any highway works identified as necessary with the traffic study area, prior to occupation of 1st residential unit. Travel</p> <p>Plan – The owner will implement the travel plan following the first residential occupation.</p> <p>Wheelchair Housing – 7 of the market housing dwellings and 7 of the affordable housing dwellings to be designed and constructed as wheelchair housing. The dwellings are to be advertised for a period of 6 months from the commencement of sales in the same manner as the non-wheelchair housing and in specialist publications.</p> <p>The community contribution is due on or before the occupation of the 1st residential property. 50% of the education and health contribution is due on or before occupation of the 1st residential unit and the remaining 50% is due before or after occupation of the 126th residential property.</p> <p>Repayment of contributions is due to the owner on written request if the contributions have not been spent or committed within 8 years of receipt. Payments to be held in interest bearing account. The owner to serve notice on the Council 10 working days after commencement, date of occupation of 50% and</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					final occupation of residential units.
15/04692/RECON and 15/04702/RECON	Dylon International Ltd Worsley Bridge Road London SE26 5BE	Will Banbury	<p>15/04692 - Section 73 application for a minor material amendment to 09/01664/FULL1 (Mixed use development comprising basement car parking and 2 part 5/6/7/8 storey blocks for use as Class B1 office accommodation (6884sqm)/ Class A1 retail (449sqm)/ Class A3 café/restaurant (135qsqm)/ Class D1 crèche (437sqm) and 149 flats (32 one bed/ 78 2 bed/ 39 3 bed) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation, reduction of size of the basement, revised elevational details and external materials and samples.</p> <p>15/04702 - Section 73 application for a minor material amendment to 13/01973/FULL1 (amendment to block A03 forming part of pp 09/01664);(to provide a total of 223 residential units, A1 retail unit, A3 café/restaurant unit, D1 crèche and associated works) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation and reduction of size of the basement.</p>	25 th October 2016	<p>The planning obligations relating to the 2010 consent and the second consent and all provisions in the principle agreement shall by reference be incorporated into this deed and shall apply to the development carried out on the land pursuant to Section 73 permissions except that:</p> <p>Reference to the employment contribution referred to in the principal agreement will no longer be included in the financial contributions secured by this agreement.</p> <p>The definition of the expenditure objects for the education contribution in column 2 of the payment table incorporated in the principal agreement shall be amended to "Towards the cost of recently permitted extensions and upgrades at Worsley Bridge Primary School".</p> <p>The definition of the expenditure objects for the healthcare contribution in column 2 of the payment table incorporated in the principal agreement shall be amended to "Towards the construction of the Penge Clinic".</p>
16/00859/FULL3	9 London Road Bromley BR1 1BY	MRM Properties (London) Limited	Change of use of first, second and third floors from offices to flats; alterations and extension to existing building to provide increased office space and six x one bed, two person flats; excavation to provide basement office.	28 th October 2016	<p>Traffic Management Contribution - £3,000.00 to be used for the provision of future traffic management within Bromley Town. Amount due prior to the first occupation of the development.</p> <p>Car Club – Owner to make the first owner or occupier of a residential unit aware of the local car club and to offer to reimburse the annual membership cost for a period not exceeding two years.</p>

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					<p>Parking Permits – Restriction on the owner/occupier of a residential unit applying to the Council for a car parking permit aside from disabled residents. Residential units are to be marketed as being part of a car free development.</p> <p>Cycle Parking Facilities – To be provided in accordance with the London Plan.</p> <p>Any part of the traffic management contribution that has not been spent or committed within 10 years from the date of receipt shall be refunded to the owner including any accrued interest.</p>
16/01175/FULL1	Old Town Hall 30 Tweedy Road Bromley BR1 3FE	Bromley Town Hall Limited	<p>Application for planning permission and listed building consent to enable partial demolition of the Bromley Town Hall building and replacement with extensions no greater than 3 storeys high to facilitate a change of use from Office (Class B1) to 99 bedroom hotel use (Class C1) to include hotel restaurant, conference, wedding and multi-functional space in addition to 2 independent restaurants (Class A3) fronting Widmore Road together with re-configuration of the existing access ramp on Widmore Road and provision of pickup/drop off in Tweedy Road and South Street and</p> <p>Planning Permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1bed, 34 x 2-bed, 1 x 3 bed), with basement parking for 26 cars on the South Street Car Park site, together with associated car parking for the Old Town Hall site, 118 cycle parking spaces across both sites, landscaping and public realm improvements.</p>	8 th November 2016	<p>Car Club Space Contribution – £4,000 towards the costs of making any order to introduce the car club space and for marking out and signage. Payment due before the residential development starts.</p> <p>Education Contribution – £116,368.12 towards new facilities and/or the improvement of existing facilities as follows: i) £51,151.63 at St George's School, Tylney Road; ii) £38,329.82 at Ravensbourne School, Hayes Land; and iii) £26,886.67 at Beacon House, Holmesdale Road.</p> <p>Health Contribution – £56,062 towards new facilities and/or the improvement of existing facilities at Dystart Surgery, 13 Ravensbourne Road.</p> <p>Highway Works Contribution – £3,000 towards the Councils costs in obtaining all necessary orders to relocate the existing on-street disabled parking bays in Court Street from the west to the east side of the road and for a coach pick-up/drop-off parking bay in South Street. Contribution due on or before the start of the hotel development.</p> <p>Stopping Up Order Contribution – £3,000 towards the Councils costs in obtaining the stopping up order. Contribution due on or before the start of the hotel development.</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>Any part of the contributions unspent after 10 years from the date of receipt shall be returned to the owner. Health and Education contribution to be paid prior to occupation of any residential unit.</p> <p>No work to start on the residential development unless and until a binding building contract relating to the construction and completion of the hotel has been entered into, a programme for implementation of the hotel has been approved and works on the hotel have been started as per the contract.</p> <p>No work to start on the hotel development unless and until details of the highway works have been submitted to the Council for approval, details of the TFL highway work have been submitted to TFL for approval and details of the hotel public landscaping scheme have been submitted to TFL and the Council for approval.</p>
15/04574/FULL1	Former Depot Site Church Hill Orpington (Dairy Crest, Barn Hawe)	Purelake Group	Demolition of existing depot buildings and erection of eight 2 storey, 3 bedroom terraced houses, 1 part 3/part 4 storey apartment block (Block B) with 17x2 bed, and 1x3 bed units and 1 part 2/part 3 storey apartment block (Block A) with 2x2 bed flats, together with 38 car parking spaces (including 2 visitor spaces), 66 cycle parking spaces, refuse and recycling facilities and associated landscaping, including pergolas in the car park.	8 th November 2016	<p>Affordable Housing - £210,000 towards the provision of affordable housing.</p> <p>Education Contribution - £120,035.09 towards the provision of education facilities at Poverest Primary School, Tillingbourne Green or for other education projects for residents of the Council's administrative area in receipt of no more than four other such contributions under the Act.</p> <p>Health Contribution - £38,015.00 towards the provision of new healthcare and well-being facilities and/or the improvement of and/or support for existing healthcare and well-being facilities at Knoll Practice, Orpington (within the Orpington Health and Well-Being Centre), or, for other health and well-being projects for residents of the Council's administrative area in receipt of no more than four other such contributions under the Act.</p> <p>Highway Contribution - £3,000.00 towards the provision of highways works to Bruce Grove to create a protected space on the highway to allow for</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>collection of refuse and recycling for the development.</p> <p>Local Employment Contribution - £3,000.00 towards local employment in the London Borough of Bromley.</p> <p>Any contribution not expended or ring fenced within 10 years of the date of payment to be returned together with the interest accrued.</p> <p>All payments are due prior to first occupation of any of the residential units.</p>
15/05237/FULL1	Queen Mary House Manor Park Road Chislehurst BR7 5PY	Your Life Management Services Ltd	Demolition of existing building and erection of three storey building comprising 52 assisted living extra care apartments (37 x 2 bed and 15 x 1 bed) (C2 use) including communal facilities, parking and landscaping.	8 th December 2016	<p>Health Care Contribution - £54,070 due on or before the first occupation of a dwelling. Contribution towards the provision of new healthcare and well-being facilities and/or the improvement of and/or support for existing healthcare and well-being facilities for existing healthcare facilities at 5, Orpington (within the Orpington Health and Well-Being Centre), or for other health and well-being projects for residents of the Council's administrative area in receipt of no more than four other such contributions under the Act.</p> <p>The Owner covenants not to permit occupation of any of the dwellings other than by a residents meeting the definition of 'qualifying person' who has undergone a pre-assessment or a Co-Resident and in accordance with the operational management plan.</p> <p>No dwelling shall be occupied for any use other than a use falling within Class C2 of the Town and Country Planning Act (Use Classes) Order 1987.</p>
16/02685/FULL1	Land Adjacent 2 (demolished) Main Road Biggin Hill	Taylor Wimpey South West Thames	Erection of 16 dwellings (4 x 2 bed flats, 4 x 3 bed houses and 8 x 4 bed houses) with access from Main Road A233 together with 41 car parking spaces (including garages), cycle parking, refuse storage and landscaping.	3 rd Jan 2017	<p>Affordable Housing Contribution - £100,000 to be paid prior to occupation to provide either (i) accommodation to persons who apply to the Council as homeless or (ii) affordable housing.</p> <p>Education Contribution – £131, 884.58 to be paid prior to occupation for the provision of new facilities and/or improvements of existing facilities at Oaklands</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>Primary Academy, Oaklands Lane or for other education projects for residents of the Council's administrative area in receipt of no more than four other contributions made pursuant to section 106 of the Act.</p> <p>Health Contribution - £29, 054.00 to be paid prior to occupation for the provision of new facilities and/or the improvement of existing facilities at Clinic Biggin Hill, Church Road, Biggin Hill, Westerham, Kent, TN16 3LB or for other health projects for residents of the Council's administrative area in receipt of no more than four other contributions made pursuant to section 106 of the Act.</p> <p>The development is not to be occupied until all of the contributions have been paid.</p> <p>Any amount not expended or entered into a contract to be expended within 5 years of the date of receipt including accrued interest is to be repaid to the owner.</p>
16/02685/FULL1 (Third Supplemental Deed)	Land Adjacent 2 (demolished) Main Road Biggin Hill	Taylor Wimpey South West Thames	Erection of 16 dwellings (4 x 2 bed flats, 4 x 3 bed houses and 8 x 4 bed houses) with access from Main Road A233 together with 41 car parking spaces (including garages), cycle parking, refuse storage and landscaping.	3 rd Jan 2017	<p>Third Supplemental Deed -</p> <p>Insertion of following definition under Clause 1:</p> <p>'New Residential Development': means the erection of 16 dwellings (4 x 2 bed flats, 4 x 3 bed houses and 8 x 4 bed houses) with access from Main Road A233 together with 41 car parking spaces (including garages), cycle parking, refuse storage and landscaping pursuant to planning application reference 16/02685/FULL1;</p> <p>Deletion and replacement of following definitions under Clause 1:</p> <p>'Additional Heritage Centre Contribution': means the sum of £913,6786 that would have been payable pursuant to this Deed prior to amendments made to this Deed under the Third Supplemental Deed;</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>'Commencement Date': means the date on which the Development or the New Residential Development (as appropriate) commences by the carrying out of material operations as specified in Section 56 (2) and (4) of the Town and Country Planning Act 1990 save for:</p> <ul style="list-style-type: none"> a) any survey trial holes or other operations to establish the ground conditions of the land; b) any works of demolition, or removal of underground structures or service media and/or utilities; c) site set up or access works; d) construction of boundary fencing or hoarding; e) any remediation works to the land <p>and 'commence' and 'commenced' will be interpreted in accordance with this definition;</p> <p>Deletion and replacement of following under Clause 8.5 to 8.8:</p> <p>8.5 – Subject to clause 7.6 above the Council and the Owner hereby agree that the Council shall continue to hold the Heritage Centre Contribution in an interest bearing account and shall only draw upon the said account as follows:</p> <p>8.5.1 – to apply such part of the Heritage Centre Contribution up to an amount equal to the amount of the Additional Heritage Centre Contribution payable on the grant and Commencement of any planning permission for the New Residential Development towards the purpose of facilitating the Heritage Centre provided always that the Parties agree that the application of the balance of the Heritage Centre Contribution towards the Additional Heritage Centre Contribution shall:</p> <ul style="list-style-type: none"> (i) have the effect of a set-off to an equivalent sum against the obligation to pay the Additional Heritage

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>Centre Contribution; and</p> <p>(ii) have the effect that the obligation to pay the</p> <p>Additional Heritage Centre Contribution is discharged (either in full or in part as appropriate) on the date of Commencement of the New Residential Development; and/or</p> <p>8.5.3 – to repay to the developer any unspent part as provided by paragraph 8.7 hereof.</p> <p>8.6 – On the date of Commencement of the New Residential Development, the Developer shall pay to the Council the balance of the Additional Heritage Centre Contribution, being the amount which has not been off-set by the Heritage Centre Contribution.</p> <p>8.7 – At the end of a period of five years from 3rd Jan 2017:</p> <p>8.7.1 the Council shall, on the request of the Owner provide an account to the Owner to indicate 5how the Heritage Centre Contribution and/or the Additional Heritage Centre Contribution has been used by the Council and what balance (if any) remains unspent from the Heritage Centre Contribution and/or the Additional Heritage Centre Contribution; and</p> <p>8.7.2 – if all or any part of the Heritage Centre Contribution and/or the Additional Heritage Centre Contribution remains unspent by the Council the Council shall forthwith return such sum to the Owner (and not to any successor in title) if the Owner makes such a request of the Council.</p>
16/02311/FULL4	Bigsworth Court 2 Betts Way Penge London SE20 8TZ	Devonshires Solicitors LLP	Section 106A application to amend the terms of the legal agreement attached to planning permission ref. 12/03634	7 th March 2017	<p>Part 1 of the Third Schedule shall be amended as follows:</p> <p>(a) The introduction set out at paragraph 1 shall be deleted and replaced with the following:</p> <p>“From the date of first occupation the Affordable</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>Dwellings shall not be used other than for Affordable Housing save that the obligations contained in this Schedule shall not bind or be enforceable against”</p> <p>(b) Paragraph 1(iii) shall be deleted and replaced with the following:</p> <p>“a charge or receiver of an occupant to the extent that such charge or receiver seeks to dispose of an Affordable Dwelling pursuant to its power of sale exercised pursuant to default terms of the mortgage and any successors in title of such charge”.</p> <p>(c) Paragraph 1(i) shall be amended by adding the following words to the end of that paragraph:</p> <p>“and any persons deriving title from them”.</p> <p>(d) Paragraph 1.3 shall be deleted and replaced with the following:</p> <p>‘the Registered Provider shall be enter into a Nominations Agreement with the Council in the form contained in the Fourth Schedule’</p> <p>The definition of ‘Chargee’ shall be deleted and replaced with the following:-</p> <p>“means any mortgagee or charge of the Registered Provider or any receiver (including an administrative receiver) appointed by such mortgagee or charge pursuant to the Law of Property Act 1925”.</p>
16/02314/FULL4	1 Wickets Close, Orpington, BR5 4GX	Devonshires Solicitors LLP	Section 106A application to amend the terms of the legal agreement attached to planning permission ref. 06/03229 as amended by permission ref. 08/04056	7 th March 2017	<p>Paragraph (4) of Schedule 2 shall be deleted and replaced by the following:</p> <p>“Not to let any of the Affordable Housing Units other than by way of rental or shared ownership and....”</p> <p>Paragraph (a) of the proviso of Schedule 2 shall be deleted and replaced by the following:</p>

App No	Address	Applicant	Application	Date	Legal Agreement
					<p>“any mortgagee or charge of the Owner or any receiver (including an administrative receiver) appointed by such mortgagee or charge which mortgagee or charge is exercising its powers of sale in respect of the Site against the Owner or any successors in title to such mortgagee or charge or receiver or administrative receiver”.</p>

Appendix 2: Saved and Expired Policies from the Unitary Development Plan

Saved Policies

Housing

H1	Housing Supply
H2 (Not used in this document)	Affordable Housing
H3	Affordable Housing – payment in lieu
H2 (Previously H4)	Supported Housing
H6	Gypsies and Travelling Show People
H7	Housing Density and Design
H8	Residential Extensions
H9	Side Space
H10	Areas of Special Residential Character
H11	Residential Conversions
H12	Conversion of Non-Residential Buildings to Residential Use
H13	Parking of Commercial Vehicles

Transport

T1	Transport Demand
T2	Assessment of Transport Effects
T3	Parking
T4	Park and Ride
T5	Access for People with Restricted Mobility
T6	Pedestrians
T7	Cyclists
T8	Other Road Users
T9	Public Transport
T10	Public Transport
T11	New Accesses
T12	Residential Roads
T13	Unmade Roads
T14	Unadopted Highways
T15	Traffic Management
T16	Traffic Management and Sensitive Environments
T17	Servicing of Premises
T18	Road Safety

Conservation and the Built Environment

BE1	Design of New Development
BE2	Mixed Use Development
BE3	Buildings in Rural Areas
BE4	Public Realm
BE5	Public Art
BE7	Railings, Boundary Walls and Other Means of Enclosure
BE8	Statutory Listed Buildings
BE9	Demolition of a listed building
BE10	Locally Listed Buildings
BE11	Conservation Areas
BE12	Demolition in conservation areas
BE13	Development adjacent to a conservation area
BE14	Trees in Conservation Areas
BE15	Historic Parks and Gardens
BE16	Ancient Monuments and Archaeology
BE17	High Buildings
BE18	The Skyline
BE19	Shopfronts
BE20	Security Shutters
BE21	Control of Advertisements, Hoardings and Signs
BE22	Telecommunications Apparatus
BE23	Satellite Dishes

The Natural Environment

NE1	Development and SSSIs
NE2	Development and Nature Conservation Sites
NE3	Nature Conservation and Development
NE4	Additional Nature Conservation Sites
NE5	Protected Species
NE6	World Heritage Site
NE7	Development and Trees
NE8	Conservation and Management of Trees and Woodlands
NE9	Hedgerows and Development
NE11	Kent North Downs Area of Outstanding Natural Beauty
NE12	Landscape Quality and Character

Green Belt and Open Space

G1	The Green Belt
G2	Metropolitan Open Land
G3	National Sports Centre Major Developed Site
G4	Extensions/Alterations to Dwellings in the Green Belt or on Metropolitan Open Land
G5	Replacement Dwellings in the Green Belt or on Metropolitan Open Land
G6	Land Adjoining Green Belt or Metropolitan Open Land
G7	South East London Green Chain
G8	Urban Open Space
G9	Future Re-Use of Agricultural Land
G10	Development Related to Farm Diversification
G11	Agricultural Dwellings
G12	Temporary Agricultural Dwellings
G13	Removal of Occupancy Conditions
G14	Minerals Workings
G15	Mineral Workings – Associated Development

Recreation, Leisure and Tourism

L1	Outdoor Recreation and Leisure
L2	Public Rights of Way and Other Recreational Routes
L3	Horses, Stabling and Riding Facilities
L4	Horses, Stabling and Riding Facilities – joint applications
L5	War Games and Similar Uses
L6	Playing Fields
L7	Leisure Gardens and Allotments
L8	Playing Open
L9	Indoor Recreation and Leisure
L10	Tourist-Related Development – New Development
L11	Tourist-Related Development – Changes of Use

Business and Regeneration

EMP1	Large Scale Office Development
EMP2	Office Development
EMP3	Conversion or redevelopment of Offices
EMP4	Business Areas
EMP5	Development Outside Business Areas
EMP6	Development Outside Business Areas – non conforming uses
EMP7	Business Support
EMP8	Use of Dwellings for Business Purposes
EMP9	Vacant Commercial Sites and Premises

Town Centres and Shopping

S1	Primary Frontages
S2	Secondary Frontages
S3	The Glades
S4	Local Centres
S5	Local Neighbourhood Centres, Parades and Individual Shops
S6	Retail and Leisure Development – existing centres
S7	Retail and Leisure Development – outside existing centres
S8	Petrol Filling Stations
S9	Food and Drink Premises
S10	Non-Retail Uses in Shopping Areas
S11	Residential Accommodation
S12	Markets
S13	Mini Cab and Taxi Offices

Biggin Hill

BH1	Local Environment
BH2	New Development
BH3	South Camp
BH4	Passenger Terminal/Control Tower/West Camp (Area 1)
BH5	Former RAF Married Quarters (Area 2)
BH6	East Camp
BH7	Safety
BH8	Noise Sensitive Development

Community Services

C1	Community Facilities
C2	Communities Facilities and Development
C4	Health facilities
C5	Facilities for Vulnerable Groups
C6	Residential Proposals for People with Particular Accommodation
C7	Educational and Pre-School Facilities
C8	Dual Community Use of Educational Facilities

Environmental Resources

ER2	Waste Management Facilities
ER9	Ventilation
ER10	Light Pollution
ER11	Hazardous Substances
ER16	The Water Environment
ER17	Development and the Water Environment

Implementation

IMP1	Planning Obligations
------	----------------------

Expired Policies

H5	Accessible Housing
BE6	Environmental Improvements
NE10	Hedgerow retention
NE13	Green Corridors
EMP9	Vacant Commercial Sites and Premises
EMP10	Advice for Business
S14	Pedestrian Environment
C3	Access to Buildings for People with disabilities
ER1	Waste Management Principles
ER3	Promoting Recycling
ER4	Sustainable and Energy Efficient Development
ER5	Air Quality
ER6	Potentially Polluting Development
ER8	Noise Pollution
ER12	Controlling Development in Flood Risk Areas
ER13	Foul
ER14	Surface and Ground Water Quality
ER15	Conservation of Water Resources

Appendix 3

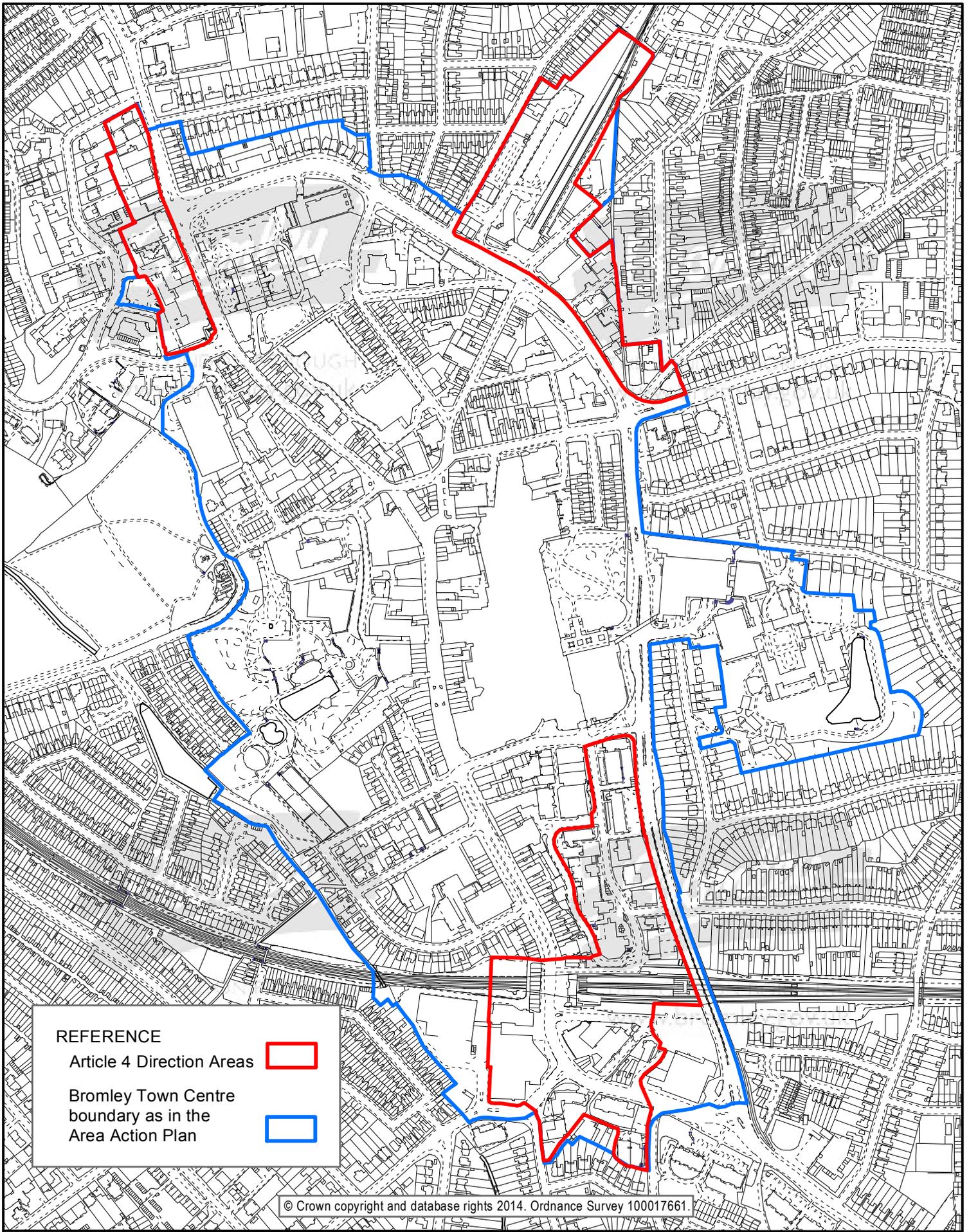
Revised Provisional Table for the Preparation of the Local Plan and Community Infrastructure Levy

	2016												2017												2018												2019														
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July								
Borough-wide local plan including spatial, strategic, and detailed development policies and site allocations		LG Space Consultation																		S																															
Review of Bromley Town Centre Area Action Plan																																																			
Bromley Preparation of Community Infrastructure Levy Charging Schedule																																																			
SPD Planning Obligations & Affordable Housing																																																			

Notes
 S' refers to Submission to the S/S for examination.
 'A' refers to Adoption by the Council.

Appendix 4: Schedule of Meetings with Neighbouring Boroughs/Groupings

Organisation	Dates
South East London Boroughs DTC Group	13 th April, 13 th July, 12 th October 2016 1 st February 2017
Sevenoaks District Council	25 th April 2016 15 th February 2017
Biggin Hill Consultative Committee Including: Greater London Authority London Borough of Bromley London Borough of Croydon Kent County Council Sevenoaks District Council Surrey County Council Tandridge District Council Tatsfield Parish Council	20 th October 2016
Association of London Borough Planning Officers Development Plan Group (ALBPO)	21 st June, 27 th July 2016 14 th March 2017
Greater London Authority	19 th June 2016 25 th January, 14 th February 2017
Transport for London	27 th July 2016
London Borough of Croydon	October and November 2016



TOWN PLANNING

**ARTICLE 4 DIRECTION
CONCERNING
LAND AT
BROMLEY TOWN CENTRE.**



JIM KEHOE
CHIEF PLANNER,
CIVIC CENTRE, STOCKWELL CLOSE,
BROMLEY, KENT,
BR1 3UH.
Tel: 020 8464 3333

Scale 1:6,000



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Report No.
DRR18/009

London Borough of Bromley

PART ONE - PUBLIC

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. **RECOMMENDATION(S)**

(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) approve 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.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
-

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:
-

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
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: No implications
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
-

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

Bromley Draft Local Plan – Suggested Modifications arising from Hearings requiring ratification by members

Section	Suggested Modification	Reason for proposed change
<p>Draft Policy 1 Supporting text</p>	<p>Insert paragraph 2.1.5a</p> <p><u>The trajectory at Appendix 10.1 (and Table 1) shows that the Council has identified a 10,645 housing supply over the 15 year plan period, compared with a minimum housing supply, based on 641 dwellings per annum, of 9615. This trajectory is therefore consistent with the London Plan Policy 3.3, including its clauses Da and E. It does so first by seeking to supplement the London Plan minimum housing target of 641 per annum with extra housing capacity to close the gap between identified housing need and supply, a total of 1030 dwellings over the plan period. It also does so by drawing upon the brownfield housing capacity of the sources set out in Policy 3.3(E), such as an Opportunity Area and town centres.</u></p>	<p>Suggested modification arising from the Hearings, clarifying how the Local Plan will seek to close the gap between the London Plan minimum target and housing need.</p>
<p>Draft Policy 2 – Affordable Housing</p>	<p>See Attachment showing suggested amendments to Policy 2 and supporting text</p>	<p>Suggested modification updating the Policy in light of new housing initiatives and funding, as discussed at the Hearings.</p>
<p>Draft Policy 15 - Crystal Palace, Penge & Anerley Renewal Area</p>	<p>Proposals within the Crystal Palace, Penge & Anerley Renewal Area will be expected to maximise <u>take advantage</u> of opportunities:</p> <p>a – to maximise contributions <u>contribute</u> to, and <u>benefits</u> from the thriving cultural and leisure economy, which has evolved in the Crystal Palace District Centre and, in the Crystal Palace Strategic Outer London Development Centre;</p> <p>b – to <u>which create benefit to the wider area by contributing to the conservation and enhancement of Crystal Palace Park through development</u></p>	<p>Modification as requested by, and agreed with Historic England during the Hearings.</p>

	<p>that respects its character area and ensures a positive relationship with <u>natural and heritage assets</u>. presented by the enhancement of, and development within, Crystal Palace Park, consistent with its heritage values and significance, and for the benefit of the wider area, and</p> <p>c - to support renewal in Penge Town Centre.</p>	
<p>Draft Policy 23 Public Houses</p>	<p>3.1.33 ... This would involve demonstrating evidence of six <u>twelve</u> months' suitable marketing activity which is current and robust, and proof that the public house is no longer financially viable through an independent professional valuation.</p> <p>3.1.34 Redundant pubs will also be required to comply with the Community Facilities Policy and hence <u>should the 12 month marketing period as a public house not be successful, a further during the 6 months of marketing for alternative community uses, as set out in para 3.1.8, will subsequently be required.</u> there should be consultation with relevant Council departments and third party providers to establish whether any community groups or service providers have expressed both a need for the site and are interested in buying or leasing it.</p>	<p>Suggested modification to increase the marketing period in response to representations at the hearing from Bromley CAMRA highlighting the marketing periods in other London Boroughs (see below) and requesting 18 months marketing as a public house.</p> <p>London Boroughs Neighbouring</p> <ul style="list-style-type: none"> • Croydon 18 months • Lambeth 12 months • Lewisham 36 months • Greenwich 24 months • Southwark 24 months (also Art 4 directions) <p>Waltham Forest require a 12 month marketing period as a public house followed by a further 12 month period of marketing for alternative community</p>

<p>Draft Policy 85 Office Clusters</p>	<p>Policy Paragraph 2 to read:</p> <p>Where existing offices can be demonstrated to no longer meet the needs of occupiers, redevelopment for Class B1(a) uses will be permitted following recent, active marketing of the site for reuse undertaken prior to the submission of a planning application over a minimum period of six months. Redevelopment proposals should <u>will be expected to reprovide at least</u> the same <u>quantum level</u> of office floorspace.</p> <p>6.1.27 <u>There has been a significant loss of office space within the Borough attributed to Permitted Development Rights (PDR) for conversion of offices to residential use.</u> The pressure on offices for other uses is recognised in Policy 4.2 of the London Plan, where boroughs are encouraged to monitor the impacts of Permitted Development Rights (PDR), and where appropriate protect, renew, and modernise existing office stock in viable locations to improve quality and flexibility.</p> <p>6.1.28 There has been a significant loss of office space within the Borough, with the trend expected to continue. It is important to <u>maintain</u> ensure an adequate supply of good quality office accommodation is retained to accommodate new and existing business and plan for the forecast growth over the Plan period.</p>	<p>uses.</p> <p>Suggested modification to provide further clarity to policy and supporting text in response to representations at the hearing from G L Hearn.</p>
<p>Draft Policy 108 East Camp</p>	<p>Make the following amendment to the Policy text:</p> <p>Land <u>Existing Buildings</u> in the Biggin Hill SOLDC <u>area</u> identified as East Camp will be safeguarded for aviation-related employment generating uses.</p> <p>The Council will not support any proposals in this identified area that would have an unacceptable adverse impact on land identified as a Site of Importance for Nature Conservation or on landscapes and residential areas in the vicinity of the SOLDC.</p>	<p>Modification suggested by the Inspector arising from discussion at the Hearings.</p>

APPENDIX 1

<p>Site 1 – Bromley Civic Centre (Policy in Draft Local Plan Appendix, p257)</p>	<p>Add text to the end of the final sentence: “...the Urban Open Space (Local Green Space), and Site of Importance for Nature Conservation <u>and listed buildings</u>”</p>	<p>Suggested modification to reference the listed status of buildings in response to representations at the hearing from Bromley Civic Society.</p>
<p>Site 3 - Hill Car Park. (Policy in Draft Local Plan Appendix, p260)</p>	<p>Add text: “Development for mixed use including retail (150sqm), <u>cultural facilities</u> car parking <u>for the public and for residential</u> and 150 residential units”</p>	<p>Suggested modification to specifically reference cultural facilities within the inclusive list of uses and to provide clarity on the car parking element of the policy. In response to representations at the hearing by Bromley Civic Society.</p>
<p>Site 10 – West of Bromley High Street (Policy in Draft Local Plan Appendix, p270)</p>	<p>Add bullet point:</p> <ul style="list-style-type: none"> • “<u>Be accompanied by a Masterplan to show how the proposed development is consistent with a comprehensive development of the site</u>” 	<p>In response to representations at the hearing to clarify the requirement for a masterplan in response to representations at the hearing by Bromley Civic Society.</p>
<p>Appendix 10.1 (Draft Local Plan, p254)</p>	<p>Amend “Changing retail patterns (200) to Changing retail patterns (290)</p>	<p>Correction to ensure the total figure for Broad Locations is consistent with those listed in the first column of the Appendix.</p>

APPENDIX 1

Modifications (shown in bold) to the Submitted Modifications (SD20)		
Draft Policy 48 Skyline	Para 5.1.21: “Views will need to be considered to ensure intrusive elements are not introduced whether in the foreground, middle ground or background through the appropriate a visual impact assessment.”	Suggested modification to provide clarity on the nature of assessment, arising from the Hearings.
Minor Modification		
Appendices	Inclusion of the list of Replacement Policies in an Appendix	Suggested modification to provide clarity arising from the Hearings.

Draft Policy 2

Provision of Affordable Housing

In order to meet the needs of the Borough, the Council will :

a) seek affordable housing ~~will be sought~~ on all housing developments capable of providing 11 residential units or more or where the residential floorspace is more than 1000sqm, irrespective of the number of dwellings.

On all sites at, or above, this threshold, negotiations will take place to determine the number of affordable dwellings to be provided. In negotiating the amount of affordable housing on each site, the Council will seek 35% provision with 60% social-rented/affordable rented housing and 40% intermediate provision, unless it can be demonstrated that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities. The affordability of different elements of the scheme should not immediately be apparent from the siting, design and layout.

The affordable housing should be made available for transfer or occupation before a certain proportion (to be determined through negotiations between the Council and developer) of the market housing is occupied.

Where an applicant proposes a level below the 35%, or the tenure mix is not policy compliant, the Council will require evidence within a Financial Viability Appraisal that will be independently assessed.

b) seek to maximise the use of housing grants and other funding to increase the level of affordable housing above the figure secured in a)

c) support the delivery of affordable housing through other sources of supply, such as estate regeneration, bringing vacant units back into use and other forms of housing which demonstrate they can help meet need.

Payments in lieu

Where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that:

- it would be impractical to transfer the affordable housing to a registered provider (RP); or
- on-site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed; or
- on-site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location.

The Council 's Planning Obligations Supplementary Planning Document will provide detail to assist in the interpretation and implementation of this policy.

Add to supporting text

Government and the Mayor are introducing new initiatives to address housing need and the Council will take into account these and new housing products which can demonstrate they can address housing need. The Council's Housing Strategy will set out the Council's corporate approach to address housing need, and the wide range of initiatives which contribute to this objective.

The Council will consider positively new forms of provision such as Build to Rent and discounted build to rent where the rent levels can be shown to be affordable to local residents and help increase choice and address need

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Bromley Draft Local Plan – Main Modifications extracted, as suggested by the Inspector, from the modifications approved by Executive and Full Council (June 2017) for submission alongside the draft Local Plan (document SD20).

Suggested Main Modification	Reason	Representor/Origin of Proposed Change
Section 1.2 – About the Local Plan		
Para 1.2.27: <i>‘...through the NPPF, London Plan and the emerging Local Plan is balancing and seeking <u>positive gains</u> for the economic, social and environmental well-being of the Borough’.</i>	To ensure a positive approach to economic, social and environmental gains. This modification better reflects the tenet of sustainable development.	193_1 Katharine Fletcher, Historic England
Section 1.3 – Vision and Objectives		
Title: <i>‘<u>Historic environment Built Heritage</u>’</i> Para 1.3.14: <i>‘Our man-made heritage assets; areas of distinctive character, <u>historic parks and gardens</u>, listed buildings, conservation areas and <u>scheduled monuments and undesignated archaeology</u> are protected and enhanced’</i>	To ensure below ground archaeology and Registered Historic Parks & Gardens are acknowledged.	193_1 Katharine Fletcher, Historic England
Draft Policy 1 - Housing Supply		
<i>‘c - The development of housing within Renewal Areas where appropriate’</i>	Other clauses are not caveated and it is considered that the wording ‘where appropriate’ does not strengthen the policy.	53_1 Steve Dennington, London Borough of Croydon
Insert at the end of para 2.1.5: <i>“The housing trajectory in Appendix 10.1 shows a total of 10,645 deliverable and developable dwellings over the Plan period, an annual average of over 700 dwellings.”</i>	To demonstrate within the housing policy that the housing trajectory is in accordance with Policy 3.3 of the 2016 London Plan. This requires the borough to deliver a minimum of 641 dwellings per annum whilst asking boroughs (in clauses Da and E) to close the gap between identified housing need and supply in line with the NPPF.	125_1 Greater London Authority
Housing mixed use Site 4 - Gas holder site, Homesdale Road		
<i>“Ensure complete <u>appropriate</u> remediation of contaminated land on the site is completed”</i>	To reflect that ‘appropriate’ remediation is the standard required.	63_1 Jonathan Best, Montagu Evans for Travis Perkins
Draft Policy 2 – Affordable Housing		
After para 2.1.30: <i>“<u>Where public subsidy towards affordable housing is used, this should result in an increase in the provision of affordable housing on site reflecting the Mayor’s Draft Affordable Housing and Viability SPG.</u>”</i>	To provide clarity and to reflect the GLA’s approach of a threshold for affordable housing viability without public subsidy.	125_2 Greater London Authority

<p>After para 2.1.35: <i>“Intermediate housing income thresholds will be updated every three years.”</i></p>	<p>To clarify that borough intermediate income levels will be updated on a regular basis.</p>	<p>168_5 Dr Elanor Warwick, Clarion Housing Group</p>
<p>Draft Policy 4 – Housing Design</p>		
<p>Para 2.1.59: <i>”designed to be wheelchair accessible [M4(3)(2b)] for dwellings where the end user is ‘known’ affordable provision where the local authority is allocating or nominating the residents...”</i></p>	<p>Amendment for clarity.</p>	<p>125_3 Greater London Authority</p>
<p>Clause (f): <i>“... whilst respecting local character, including heritage”</i></p>	<p>To avoid ambiguity and align the policy with paras 59-61 of the NPPF.</p>	<p>193_2 Katharine Fletcher, Historic England</p>
<p>Policy 8 – Side Space</p>		
<p>Para 2.1.66: <i>“The Council considers that the retention of space around residential buildings at first floor and above is essential...”</i></p>	<p>To clarify that the policy only applies to two storey extensions.</p>	<p>Officer suggestion</p>
<p>Draft Policy 11 – Specialist and older people’s accommodation</p>		
<p>(BEFORE 2.1.80) <u>“2.1.80A:</u> <i>The Council wishes to encourage the provision of a high quality living environment for those living in Specialist accommodation, which includes supported housing to meet the different accommodation needs of people with learning disabilities, mental health problems, as well as specialist housing for older people”</i></p> <p><i>“2.1.80 Models of accommodation designed for older people continue to evolve. Over the last decade there has been reduced reliance on residential care homes and a shift towards enabling people to retain their independence, remaining living in the community with appropriate support or in Extra Care Housing (ECH) which provides improved opportunities for people who are no longer able to live in their own home, even with support, including older physically frail people, and thereby reducing the demand for residential care. However, there remains a potential growth in demand for both nursing and residential care for “Elderly Mentally Infirm” (EMI) people.”</i></p>	<p>To clarify that specialist housing caters for a range of residents.</p>	<p>67_1 Nick Taylor Carter Jonas for Beckenham Trustees</p>

Section 2.3 - Renewal Areas		
<p>Para. 2.3.35: <i>'The Lewisham Core Strategy 2011 indicates that identified a number of areas as Local Regeneration Areas. These areas were identified as falling within the top 20% LSOAS nationally and include Downham. Given these areas have the greatest socio-economic needs, the Lewisham Core Strategy states that with their partners Lewisham will seek to strengthen the quality of life and well-being by addressing deprivation and health inequalities, highlighting a number of wards including Downham.'</i></p>	<p>To accurately reflect Lewisham's Core Strategy.</p>	<p>34_3 Emma Talbot, London Borough of Lewisham</p>
Draft Policy 13 – Renewal Areas		
<p>Para 2.3.12: <i>"The various Renewal Areas have a range of assets, physical (including heritage) social and economic, ..."</i></p>	<p>To highlight that heritage assets are included within the range of physical assets which paragraph 2.3.12 indicates offer potential for Renewal Areas enhancement.</p>	<p>193_3 Katharine Fletcher, Historic England</p>
Draft Policy 15 – Crystal Palace, Penge and Anerley Renewal Area		
<p>A new paragraph located before para 2.3.17 in Draft Policy 15's supporting text: <u>2.3.16b: "The Crystal Palace, Penge & Anerley Renewal Area extends from the northwest of the Borough, where it adjoins four other boroughs Croydon, Lambeth, Southwark and Lewisham, and meets the Crystal Palace District Centre, downhill to Penge and Anerley. It includes areas identified by the Mayor as Areas for Regeneration, in the vicinities of Betts Park and Maple Road / Franklin Road."</u></p>	<p>To assist with the understanding of the Renewal Area and Crystal Palace District Centre relationship with adjoining boroughs.</p>	<p>111_1 Francis Bernstein</p>
<p>Para 2.3.19: <i>"The Crystal Palace, Penge & Anerley Renewal Area includes areas identified by the Mayor as Areas for Regeneration, in the vicinities of Betts Park and Maple Road / Franklin Road. The identification of Crystal Palace as a Strategic Outer London Development Centre (SOLDC) with..."</i></p>	<p>To improve clarity of Renewal Area description and readability.</p>	
Draft Policy 17 – Cray Valley renewal area		
<p>New para 2.3.26b: <i>"The River Cray runs through open spaces, including recreation grounds, SSSI and SINC</i></p>	<p>An additional paragraph of supporting text is considered appropriate to support clause b) and highlight the Council's statutory function in</p>	<p>51_1 Charles Murithi, Environment Agency (also 51_2 - Draft Policy 68)</p>

<p><i>designations, as well as residential, commercial and industrial areas and two conservation areas. Development may present opportunities for the restoration of the river and providing improved ecological habitats to buffer the watercourse.”</i></p>	<p>protecting and delivering the Water Framework Directive (WFD) objectives contained in the Thames River Basin management plan.</p>	
<p>Para 2.3.29: <i>“...These developments are reinforcing Orpington’s importance in respect of cultural, social and recreational facilities and its role as a Major Town Centre which is recognised, and reinforced and controlled through in Policies 91 ‘Proposals for Main Town Centre Uses’ and 92 ‘Metropolitan and Major Town Centres’”</i></p>	<p>Amendment required for clarity/ease of reference.</p>	<p>57_1 Ben Read, Rapleys for Associated British Foods</p>
<p>Draft Policy 26 – Health & Wellbeing</p>		
<p><i>“3.2.9 The benefits to health of the multifunctional network of green spaces, and the exercise they facilitate including, in relation to mental health, are well documented (e.g. MIND “Ecotherapy”). This health value is recognised and protection afforded to open spaces through policies in the Valued Environments chapter. whilst Certain proposals may present health concerns, for example, relating to air or light pollution...”</i></p>	<p>To make reference to the objectives of the All London Green Grid.</p>	<p>59_17 Matthew Frith, London Wildlife Trust</p>
<p>End of para 3.2.10: <i>“Sport England’s Active Design Guidance highlights opportunities to encourage and promote sport and physical activity through the design and layout of the built environment.”</i></p>	<p>To make reference to Active Design Guidance.</p>	<p>58_2 Dale Greetham, Sport England (Draft Policy 4)</p>
<p>Draft Policy 28 – Education Facilities</p>		
<p>Para 3.3.16: <i>“...it is important that opportunities to address the pressure for education provision are not refused on grounds where there are potential solutions to mitigate adverse impacts of the development, through planning conditions or obligations. Such mitigation may involve travel plans, highway measures and the consideration of “Healthy Routes”. (e.g. travel plans, highways measures, staggered school hours, landscaping).”</i></p>	<p>To ensure reference is made to the mitigation of existing transport modes; the development of Healthy Routes to schools and to the accessibility of the site by other means than the car (i.e. school parking and drop off being restricted).</p>	<p>39_5 Andrew Dorrian, Transport for London</p>
<p>Para 3.3.54: <i>“...or sites within the locality (see also draft Policy 20 Community Facilities).”</i></p>	<p>For improved clarity of the plan & helps with concerns regarding the reprovision of existing community facilities.</p>	<p>80_3 Labour Group</p>

Para 3.3.40: “... Details of the individual schools <u>identified in the Primary School Development Plan (2015)</u> and <u>Local Plan proposals are set out in Tables 4 and 5.</u> ”	Clarification of why Farnborough Primary School is included in Table 13.	191_1 Sue Ellis, Farnborough Village Society
Education Site 32 - Turpington Lane		
Appendix 10.4 - Site 32 Turpington Lane, Bromley Common: “ <u>Note allotments to the north of the site, outside the area allocated for education to be designated as Local Green Space (Appendix 10.8 site no 23 65)</u> ” See also minor modification proposed to Policies Map Set Part 2 Site 27	Correction of cross reference.	45_1 Mary Dawe, Bromley Common Allotment Gardens Association
Policy 30 – Parking		
New column in Table 1 relating to 4+ bedroom standards: “PTAL <u>4+ bed</u> 0-2* <u>Minimum of 2</u> 2*-6a <u>1.5 (min) – 2 (max)</u> ”	Correction, as column was omitted in error.	39_1 Andrew Dorrian, Transport for London
Policy 31 – Relieving Congestion		
New para. after 4.0.7: “ <u>All Transport Assessments, Travel Plans, Construction Logistics and Delivery and Servicing Plans should be developed in line with TfL guidance.</u> ”	Amendment to reference TfL guidance.	39_2 Andrew Dorrian, Transport for London
Section 5 – Valued Environments		
Para 5.0.1: “ <u>This Chapter sets out the draft policies which protect and enhance the natural, built and historic environment</u> ”.	Amendment to reflect the terms used in national guidance so that it is clearly inclusive of the historic environment, and particularly archaeology.	193_6 Katharine Fletcher, Historic England
Para 5.0.4: “ <u>London Plan Policy 2.18 ‘Green Infrastructure: The Multifunctional Network of Green and Open Spaces’ and supplementary planning guidance on the All London Green Grid, recognises green infrastructure as an asset, to be valued for the whole range of social, health, environmental, economic and educational benefits it brings to London.</u> ”	To make reference to the objectives of the All London Green Grid.	59_17 Matthew Frith, London Wildlife Trust (Draft Policy 26)
Draft Policy 37 – General Design of Development		
New para. at 5.0.8: “ <u>New developments and the spaces about</u>	To ensure reference is made to the British Standard ‘BS 42020:2013 Biodiversity. Code of	59_30 Matthew Frith, London Wildlife Trust

<i>buildings are also expected to take account of and enhance biodiversity. The Council will and developers should have regards to the relevant British Standards related to biodiversity to ensure that planning proposals are informed by sufficient and appropriate ecological information.”</i>	<i>practice for planning and development’ as a resource that applicants need to consider to ensure that development design avoids/limits adverse impacts, whilst contributing to securing gains for biodiversity.</i>	
Section 5.1 – Built Heritage		
Retitle the Section “ <i>Built and Historic Environment</i> ”	To make reference to the “Historic Environment” in the title of Section 5.1 as built heritage could be interpreted as excluding historic parks, gardens and archaeology.	193_8 Katharine Fletcher, Historic England
Draft Policy 38 – Statutory Listed Buildings		
Supporting text of para 5.1.3: “ <i>Under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 1990, the Council is required to have special regard to the desirability of preserving listed buildings and their settings and ‘conserving their significance’, i.e. the sum of its cultural, natural and heritage values.</i> ”	To make reference to ‘ <i>conserving the significance</i> ’ of listed buildings, to closely align with the NPPF terminology.	193_9 Katharine Fletcher, Historic England
Draft Policy 39 - Locally Listed Buildings		
End of para 5.1.4, line 4: “ <i>Where the replacement of a locally listed building is accepted, the proposed building should be of a high architectural standard.</i> ”	To clarify that the replacement of a listed building should be of a high architectural standard.	Officer suggestion
Draft Policy 41 - Conservation Areas		
Line 1 of the Conservation Area policy: “ A Conservation Area Areas is an area designated because it has a <i>are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, therefore a proposal Proposals for [etc....].</i> ”	To improve consistency with the definition of Conservation Areas in national policy, relevant legislation, case law & the NPPF and to clarify the distinction between Conservation Areas & Areas of Special Residential Character.	176_3 Ray Foster
After line 6 in the supporting text: “ <i>In assessing the contribution made by a particular building to a conservation area, reference will be made to the current relevant Historic England guidance</i> ”.	The re-instatement of a sentence from UDP Policy BE12 within Draft Policy 41 makes clear the criteria upon which a judgement of positive contribution can or should be made.	181_9 Mr Peter Martin, Bromley Civic Society
Para 5.1.6: “ <i>Detailed Guidelines for each Conservation Area and a description of the significance which it is desirable to conserve are contained in Conservation Area Guidance [...].</i> ”	To make reference to ‘conserving ‘the significance’ of conservation areas in line with the terminology used in the NPPF.	193_10 Katharine Fletcher, Historic England

Draft Policy 43 - Trees in Conservation Areas		
Para. 5.1.8: “...that consent. In addition, trees over 7.5cm in diameter measured at 1.5m from ground level in Conservation Areas are protected. Native species and local provenance will be sought as appropriate. Trees over 7.5 cm in diameter measured at 1.5m from ground level in Conservation Areas are protected under the Town and Country Planning Act 1990 even where they are not covered by TPOs.”	To address concern that there is no specific provision for safeguarding trees in conservation areas.	71_10 Tony Allen, The Chislehurst Society
Para 5.1.8: “When consent is given for a tree to be felled, an appropriate replacement will usually be required as a condition of that consent. <u>Native species and local provenance will be sought as appropriate</u> ”.	To clarify what species should be planted on development sites.	98_1 Ishpi Blatchley (Section 5.3)
Draft Policy 44 – Areas of Special Residential Character		
Para 5.1.10: “The Appendix includes guidelines for the management of development in ASRCs. ASRCs are shown in the policies map. <u>Background to the designation of ASRCs is set out in the “Local Plan Background Paper on Potential Areas of Special Residential Character (2015)”, whilst additional assessments are set out in the 2016 Local Plan Background Paper “North Copers Cope Road and the Knoll ASRCs Spatial Character Assessments”.</u>	To make reference to the evidence base documents that clarify how each designation was defined.	193_11 Historic England
Draft Policy 45 – Historic Parks and Gardens		
Para 5.1.14: “[...] the Council will consult Historic England. <u>Proposals impacting the significance of a Registered Park or Garden will also be assessed against the tests laid out in para. 132-134 of the National Planning Policy Framework so that the park’s significance is appropriately conserved.</u> ”	For clarity & consistency with other policies on registered Heritage Assets in the Valued Environments Chapter and in addition, to make reference to the relevant tests in the NPPF against which any proposal would be assessed.	189_1 Sally Collins
End of para 5.1.14: “ <u>The Significance of each Registered Parks or Garden is set out and described as part of their respective entries on Historic England’s web-based National Heritage List</u> ”	Information is added to para 5.1.14 as to where entries from the national Register can be accessed to assist with the application of the policy.	193_12 Katharine Fletcher, Historic England

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<p>The Historic Parks and Gardens sites will be identified on the Policies Maps as they are referred to in the policy.</p>	<p>To ensure the effectiveness of this plan policy.</p>	
<p>Draft Policy 46 - Ancient Monuments and Archaeology</p>		
<p>Title: 'Ancient Scheduled Monuments and Archaeology'</p> <p>End of para 5.1.16: <i>"Bromley's Areas of Archaeological Significance are due to be reviewed by Historic England and Supplementary Planning Guidance will be published identifying any proposed changes". 'Further advice can be provided by the Greater London Archaeological Advisory Service (GLAAS) within Historic England.'</i></p>	<p>A change to the title, as "scheduled" monuments are the ones which are protected by statutory designation.</p> <p>Further changes requested for clarity purposes.</p>	<p>193_13 Katharine Fletcher, Historic England</p>
<p>Draft Policy 47 – Tall and large buildings</p>		
<p>Para 5.1.20: <i>"High Tall buildings are those that exceed the general height of their surroundings and cause a significant change to the skyline".</i></p>	<p>For consistency with HE guidance & Policy 7.8 of the London Plan.</p>	<p>125_5 Jennifer Peters, Greater London Authority</p>
<p>Draft Policy 48 - Skyline</p>		
<p>Para 5.1.21: <i>"Views will need to be considered to ensure intrusive elements are not introduced whether in the foreground, middle ground or background through the appropriate assessment."</i></p>	<p>To improve clarity as to how impacts of buildings on views should be demonstrated.</p>	<p>61_6 Kieran Wheeler, Savills for Bellway Homes</p>
<p>Draft Policy 56 – Local Green Space</p>		
<p>Para 5.2.33:</p> <ul style="list-style-type: none"> • <i>Bull Lane Allotments, Chislehurst</i> • <i>Cator Park, Aldersmead Road, New Beckenham.</i> • <i>Downe Orchard, between Rookery Road and North End Lane, Downe</i> • <i>Royston Field, Franklin Road, Penge</i> 	<p>Four sites had been omitted from the supporting text of the Local Green Space policy in error. This was acknowledged in the Errata dated 18.11.2016 to the Proposed Draft Submission Local Plan.</p>	<p>Email dated 17_11_2016 Alex Ross</p>
<p>Section 5.3 - Nature Conservation and Development</p>		
<p>Line 2 of para. 2: "This Policy <i>These policies aims to protect those sites and features which are of ecological interest and value [...]</i></p>	<p>To clarify that the first three introductory paras of the section do not form part of Draft Policy 68 <i>Development and SSSIs.</i></p>	<p>Officer suggestion</p>
<p>Introduction, para 5.3.1 (as renumbered): <i>"Local authorities are required by The Wildlife and Countryside Act 1981 (as amended by the</i></p>	<p>To highlight and reference the Council's duty to have regard to biodiversity.</p>	<p>59_55 Matthew Frith, London Wildlife Trust</p>

<p><i>Countryside and Rights of Way Act 2000) to have regard to the desirability of conserving the natural beauty and amenity of the countryside, and a duty to have regard for biodiversity commensurate with their functions under the Natural Environment and Rural Communities Act (NERC) 2006”.</i></p>		
<p>Introduction, para 5.3.2 (as renumbered): <i>“... Wherever possible, the sympathetic management of such habitats will be encouraged through planning conditions, obligations or voluntary agreements. The Bromley Biodiversity Plan (2015) translates the Borough’s biodiversity duty as set out in the NERC and carried over to national and regional biodiversity strategies to the context of Bromley. The Strategy promotes the conservation enhancement and protection of biodiverse spaces and identifies the protected and priority species and habitats of notes in Bromley.”</i></p>	<p>To explain the role of Bromley’s Biodiversity Plan in relation to the Council’s Biodiversity Duty and to highlight that the Biodiversity Plan lists species & habitats of the borough which it is desirable to preserve & enhance, including ancient trees.</p>	<p>184_1 Dr Judith John, Orpington Field Club</p>
<p>Draft Policy 70 – Wildlife features</p>		
<p>End of 2nd bullet point in the policy: <i>“... to contribute towards the Bromley Biodiversity Action Plan.”</i></p>	<p>To strengthen the policy by referencing the borough’s nature conservation objectives.</p>	<p>59_45 Matthew Frith, London Wildlife Trust</p>
<p>Para 5.3.4 (as correctly renumbered): <i>“Planning proposals should be informed by the relevant British Standard(s) regarding Biodiversity as part of this process.”</i></p>	<p>To ensure reference is made to the British Standard ‘ ’ as a resource that applicants need to consider to ensure that development design avoids/limits adverse impacts, whilst contributing to securing gains for biodiversity.</p>	<p>59_30 Matthew Frith, London Wildlife Trust (Draft Policy 37)</p>
<p>Draft Policy 72 – Protected Species</p>		
<p>5.3.1: <i>“[...]. The UK Biodiversity Plan (1994) identifies priority species as a valuable ecological resource to be conserved. These are listed under Section 41 of the Natural Environment & Rural Communities Act 2006. These schedules are updated on a regular basis and local authorities are kept informed of any changes. In addition, the Biodiversity Plan identifies the Priority Species for Bromley including plant, fungi, bird and butterfly species of rare or threatened status. These should be taken into special consideration when development or change of use occurs and mitigation measures secured as above. #</i></p>	<p>To make reference to the UK BAP & Bromley Priority species, which are listed under Section 41 of the Natural Environment & Rural Communities Act 2006 and referenced in the Bromley Biodiversity Plan.</p>	<p>59_47 Matthew Frith, London Wildlife Trust</p>

<p>addition, the Bromley Biodiversity Plan approved in 2015 sets out protected species in the Borough.</p>		
<p>Draft Policy 73 – Development and Trees</p>		
<p>Para 5.3.2: “...by TPOs. In addition, trees over 7.5 cm in diameter measured at 1.5m from ground level in Conservation Areas are protected even where they are not covered by a TPO. Policy 43 sets out how the Council will assess applications for the felling of trees in Conservation Areas.”</p> <p>Para 5.3.3: “...reach maturity. Where new trees are planted native species and local provenance will be sought as appropriate.”</p>	<p>To address concern that there is no specific provision for safeguarding trees in conservation areas.</p>	<p>71_10 Tony Allen, The Chislehurst Society (Draft Policy 43)</p>
<p>Last line of Draft Policy 73: “When trees have to be felled, the Council will seek suitable replanting of native species”.</p>	<p>To clarify what species should be planted on development sites.</p>	<p>98_1 Ishpi Blatchley (Section 5.3)</p>
<p>Draft Policy 74 – Conservation and Management of Trees and Woodlands</p>		
<p>Para 5.3.6: “The Council will make use of planning conditions and obligations to achieve new planting of suitable tree species, native and/or of local provenance as appropriate, through the planning process.”</p>	<p>To clarify what species should be planted on development sites.</p>	<p>98_1 Ishpi Blatchley (Section 5.3)</p>
<p>Draft Policy 75 – Hedgerows and Development</p>		
<p>Para 5.3.7: “The Council will resist the removal of significant hedgerows, particularly ancient hedgerows [...]”.</p> <p>Para 5.3.8: “In granting planning permission for new development where significant hedgerow, including ancient hedgerows”...</p>	<p>To improve clarity in terms of the considerations that will be taken into account for the retention of hedgerows.</p>	<p>193_14 Katharine Fletcher, Historic England</p>
<p>Draft Policy 78 – Green Corridors</p>		
<p>Additional para 5.3.14: “The Mayor’s London All Green Grid SPG and associated area framework for Downlands provides guidance on the implementation of the policy framework in the London Plan for a green infrastructure strategy for London. It is a key document for facilitating improvements to the</p>	<p>To make specific references to the NPPF’s requirement for LPAs to establish ecological networks as well as the All London Green Grid.</p>	<p>59_53 Matthew Frith, London Wildlife Trust</p>

<p><i>network, including to the broad green corridors which it identifies.”</i></p>		
<p>Draft Policy 81 - Strategic Industrial Locations</p>		
<p>Para 2 of the Draft Policy: <i>“Notwithstanding the above uses, <u>proposals</u> on sites in the SIL where non-Class B operations are already in existence, proposals should seek to provide Class B <u>uses</u> operations. Proposals involving non-Class B uses on these sites should provide employment generating uses that reinforce the role of the SIL.</i> (INSERT SPACE) <i>Proposals in the SIL for Class B uses that include involving a quantum of floorspace to be used for display and sales should demonstrate that <u>this quantum of floorspace is these uses are</u> clearly ancillary to the a primary Class B uses.”</i></p>	<p>For clarification of the consideration of retail and other non-B Class uses in the SIL.</p>	<p>63_2 Jonathan Best, Montagu Evans for Travis Perkins</p>
<p>Draft Policy 83 - Non-Designated Employment Land</p>		
<p>Para 3 of the Draft Policy: <i>“Proposals for change of use of non-designated sites accommodating Class B uses to a non-employment generating use will be considered on the following criteria:</i> a. <i>whether there is a demonstrated lack of demand for the existing <u>permitted uses</u> or any potential alternative, employment generating use including evidence of recent, active marketing of the site for reuse or redevelopment undertaken prior to the submission of a planning application over a minimum period of six months,</i> b. <i>whether all opportunities for re-let and sale for reuse or redevelopment for employment <u>generating</u> uses have been fully explored, both in terms of existing and any alternative employment generating uses and layouts, including small/more flexible business units, and”</i></p>	<p>Changes to remove repetition and improve clarity.</p>	<p>110_1 John Escott, Robinson Escott Planning</p>
<p>Draft Policy 93 – Bromley Shopping Centre (The Glades)</p>		
<p>Para 6.2.18: <i>“...The latest GOAD report identifies 445 retail outlets which provides around 1,293,500 sq. ft. of retail floorspace. It is acknowledged that other</i></p>	<p>To acknowledge that other main town centre uses can complement the function and that consumer trends are changing. The floorspace mentioned in the supporting text</p>	<p>66_7 Victoria Barrett NLP for LaSalle Investment Management</p>

<p><i>main town centre uses can complement the function of the centre and reflect the change in consumer trends. The Glades Shopping Centre provides 464,000 sq. ft. across 135 units”.</i></p>	<p>should reflect the floorspace within the Glades as the policy relates only to the Glades.</p>	
<p>Draft Policy 98 – Restaurants, pubs and hot food takeaways</p>		
<p>Addition to supporting text para 6.2.28 <i>“...if not carefully managed. Concentrations of such uses become over concentrations, where and when there are unacceptable negative impacts relating to the level of concentration in a given area, including impacts on the vitality and viability of the centre, traffic, noise, fumes, and health”.</i></p>	<p>To clarify that criterion (b) tries to avoid over concentration of restaurants, fast food takeaways etc. where the negative impacts make such concentrations unacceptable.</p>	<p>66_8 Victoria Barrett NLP for LaSalle Investment Management</p>
<p>Draft Policy 111 - Crystal Palace SOLDC</p>		
<p>Para 6.4.7, line 4: <i>“The Grade II* listed historic Metropolitan Park”</i></p> <p>Para 6.4.12: <i>“The Grade II Listed centre is a historically significant sports and leisure facilities which is used to host national and international sporting events and has been used to host Olympic training events”.</i></p> <p>Para 6.4.16., line 2/3: <i>“Policy 15 seeks to maximise the opportunities for proposals presented by the Crystal Palace SOLDC so that they contribute and benefit from the thriving cultural and leisure economy of Crystal Palace’s District Centre, and enhance as well as capture broader benefits for Penge District Centre, and the more local Anerley centre.”</i></p>	<p>Correction.</p> <p>Correction due to inaccurate statement that the National Sports Centre is no longer suited to Olympic use.</p> <p>To make reference to the fact that the SOLDC should “enhance and benefit” Crystal Palace District Centre.</p>	<p>111_4 Francis Bernstein</p>
<p>Para 6.4.10, line 1-2: <i>“Crystal Palace, which, in its original form originally housed the Great Exhibition in 1851 on Hyde Park the structure which originally housed the Universal Exhibition in 1851”.</i></p>	<p>Correction.</p>	<p>119_1 Ken Lewington, Crystal Palace Foundation</p>
<p>Para 6.4.7: <i>“The Council acknowledges that the development potential of sites within the proposed SOLDC is constrained by the park’s designation as Metropolitan Open Land by its conservation area status and by the need to conserve and enhance</i></p>	<p>Changes for consistency.</p>	<p>193_16 Historic England</p>

the significance of its numerous heritage assets. its conservation area status. Crystal Palace Park is highly accessible with five train and overground stations within walking distance. The Grade II* Listed Metropolitan Park is on the national register of Historic Parks and Gardens and has particular historic and cultural significance as the former site of Joseph Paxton's Crystal Palace .It includes nationally and regionally important assets including the Grade II* listed National Sports Centre, the remaining listed terraces and sphinxes from the Crystal Palace and the Grade I listed prehistoric Victorian sculptures of monsters and dinosaurs. The whole is designated as a conservation area."

Para 6.4.8:

"In 2011, a Masterplan submitted by the London Development Agency (LDA), folded into the Greater London Authority in 2012, was granted outline planning permission for the duration of 15 years. The Masterplan seeks to restore and improve the park and reinstate its national and international status. The park presents opportunities to encourage growth of more than sub-regional importance beyond its boundaries particularly through visitor spend in Crystal Palace and other neighbouring town centres within the Crystal Palace, Penge and Anerley Renewal Area. Planning permission was granted for a masterplan which seeks to restore and improve the park and reinstate its national and international status. The delivery of key capital projects is already underway, such as that of the restoration of the Dinosaurs. The GLA has also been considering options for elements of development and redevelopment on the site of the National Sports Centre."

Para 6.4.12.:

"The Grade II* Listed centre is a historically significant sports and leisure facility [...]."

Revision required to set out the context relating to the masterplan for more clarity.

Correction.

<p>Para 6.4.14: <i>"The Council will work with the Mayor of London, Historic England and other stakeholders to identify adequate development capacity and ensure it supports the SOLDC designation should any development come forward".</i></p> <p>End of para 6.4.15: <i>"The park itself is a Grade II* Listed park on Historic England's Register of Historic Parks and Gardens which includes a large number of significant assets including the Grade II* Listed National Sports Centre, the Grade II listed upper and lower terraces of the Crystal Palace Gardens, lower palace station, bust of Sir Joseph Paxton, gatepiers to Rockhill, Royal Naval Volunteer Reserve Trophy War Memorial and the Grade I prehistoric animal sculptures and geological formations by the lake."</i></p>	<p>Recognised that Historic England will be a key stakeholder in the seeking to identify the adequate development capacity.</p> <p>Changes highlight the significance of heritage assets in Crystal Palace.</p>	
<p>Draft Policy 123 - Sustainable Design and Construction</p>		
<p>The final bullet point at para 7.0.59: <i>"Promote and protect biodiversity and green infrastructure including space for food growing where appropriate"</i></p>	<p>To make reference to the requirement for provision of growing spaces in line with the Mayor's Sustainable Design and Construction SPG.</p>	<p>43_6 Sarah Williams, Sustain (also 43_3 – DP 13 & 43_4 - DP 24)</p>
<p>Draft Policy 125 – Delivery and Implementation of the Local Plan</p>		
<p>Para 8.0.3: <i>'Where existing and planned provision of infrastructure, facilities and services are inadequate to meet the needs generated by a proposal, the Council will negotiate planning obligations or agreements (s106 and/or s278 of the Highways Act 1980) to secure measures to meet those needs'.</i></p> <p>Para 8.0.5: <i>"Pooled contributions will be used within the restrictions of the CIL Regulation 123; however, there is no limit for the pooling of s278 agreements."</i></p>	<p>To make references to s278 in addition to s106.</p>	<p>62_2 Cherrie Mendoza, Highways England</p>
<p>Appendix 10.6 – Areas of Special Residential Character</p>		
<p>ASRC description for Chelsfield Park line 13: <i>"The estate also comprises areas of greenbelt which include woods and agricultural grazing land."</i></p>	<p>To make reference to the SINC containing species-rich grasslands in addition to the "areas of greenbelt which include woods".</p>	<p>69_64 Matthew Frith, London Wildlife Trust</p>

<p><i>These are partly designated as a Grade I Site of Interest for Nature Conservation which includes species rich grassland</i></p>		
<p>Appendix 10.8 – Local Green Space Sites</p>		
<p>Site 48 Chislehurst Recreation Ground, Walden Woods, Whytes Woods and Walden Woods, para. 3: <i>“There are also a range of recreational facilities: The Invicta Scouts hut is located on Chislehurst Recreation Ground, which is also home to Elmstead FC which secured funding to improve the now floodlit football pitches, (there is a kickabout on the site) and Chislehurst Tennis Club.”</i></p>	<p>To highlight that the recreation ground is financially supported by the local football association and by the football foundation.</p>	<p>71_16 Tony Allen, Chislehurst Society</p>

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