



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 26 May 2022

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Jonathan Andrews, Mark Brock, Peter Dean, Simon Fawthrop,
Christine Harris, Ailsa Igoe, Charles Joel, Kevin Kennedy-Brooks, Josh King,
Tony McPartlan, Tony Owen, Chloe-Jane Ross, Shaun Slator, Alison Stammers and
Melanie Stevens

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY 7 JUNE 2022 AT 7.30 PM**

PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting to speak on a planning application (see the box on public speaking below). There will be limited additional space for other members of the public to observe the meeting – if you wish to attend, please contact us before the day of the meeting if possible, using our web-form:-

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

Please be prepared to follow the identified social distancing guidance at the meeting, including wearing a face covering.

TASNIM SHAWKAT
Director of Corporate Services & Governance

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 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically relating to reports on the agenda are received by the Democratic Services Team by **5 pm on Monday 30 May 2022.**

4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 APRIL 2022 AND 18 MAY 2022 (Pages 1 - 12)

5 (20/00325/OUT) - CRYSTAL PALACE PARK, THICKET ROAD, PENGE, LONDON, SE20 8DT (Pages 13 - 50)

6 ADOPTION OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT (Pages 51 - 140)

7 PLANNING TREES TEAM UPDATE (Pages 141 - 146)

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

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

Items of Business

Schedule 12A Description

9 EXEMPT MINUTES OF THE MEETING HELD ON 19 APRIL 2022 (Pages 147 - 148)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

10 PLANNING TREES TEAM UPDATE (PART 2 EXEMPT REPORT) (Pages 149 - 152)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 19 April 2022

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Julian Benington,
Nicholas Bennett MA J.P., Katy Boughey, Peter Dean,
Simon Fawthrop, Hannah Gray, Christine Harris,
Samaris Huntington-Thresher, William Huntington-Thresher,
Charles Joel, Josh King, Tony Owen and Richard Scoates

103 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Michael Turner and Councillor Colin Hitchins. Councillor Nicholas Bennett and Councillor Hannah Gray attended as their respective substitutes. Apologies were also received from Councillor Kieran Terry.

104 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

105 QUESTIONS FROM MEMBERS OF THE PUBLIC

Four questions were received. These are attached at **Appendix A**.

106 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 MARCH 2022

The minutes of the meeting held on 9 March 2022, were agreed and signed as a correct record.

107 (21/04851/FULL1) - WEST WICKHAM LIBRARY, GLEBE WAY, WESTWICKHAM, BR4 0SH

Description of Application - Refurbishment and extension to West Wickham library including a new cafe and community space; redevelopment of the car park site on Croft Avenue to provide a mews of 6 houses comprising 12 flats (6 x 1 bed and 6 x 3 bed) and a detached three storey block of flats comprising 14 units (3 x studio and 11 x 1 bed); with associated bike and bin stores, car parking, ancillary space and private and communal amenity space and alterations to the access road.

The Planning Officer gave a brief presentation, providing an overview of the application and update on the report.

Oral representations in support of the application were received from the Architect/Planning Consultant who gave the following responses to Member questions:-

- As part of the pre-application process consideration had been given to different site layouts. The current proposal was put forward as a result of the reduced impact on neighbouring properties and reduced overlooking/overshadowing.
- Were permission to be granted, tender material would be developed in 2022 with site preparations in December 2022. It was anticipated that the overall build time would be 18 months with completion in Spring 2024.
- In terms of electrical vehicle charging, the proposals reflected minimum requirements. However, all spaces could be upgraded.
- In relation to light pollution, the design of the scheme did not include excessive additional lighting. Details of what time the lights in the library would be turned off had yet to be discussed.
- In terms of the design, the aim was to deliver a contemporary new look through the use of modern and innovative materials. Screens provided shade and detailing, and the proposed extension was powder coated.
- There was provision of two separate public and accessible toilets on the ground floor of the library.
- A transport statement had been submitted via a consultant and this demonstrated that the service road was wide enough to accommodate service vehicles and refuse trucks and that there was adequate turning space.
- Car parking surveys had been conducted as part of the transport statement and discussions with the Council's Transport Department had confirmed that car parking provision was adequate.
- There was currently no parking provision for occupants of 105 Station Road and no requirement for the specific provision of parking for this site however this could be considered in the future.
- The car park behind the library was for residents of the development although the library had existing car park provision.
- In terms of the mix of units, the market was currently providing 2-bed units. Consequently, the Council had sought a concentration of 1 and 3-bed units to fill the gap.
- Wheelchair units were accessible via a lift.

The Chairman reminded the meeting that neither Ward Councillor could move or second a motion as they were both acting as alternates. Committee Member and Ward Member Councillor Bennett opened the debate recognising that there was a social duty to address the problem of homelessness across the Borough. That said, Councillor Bennett confirmed that he still had concerns around the proposed layout of the development and insufficient car parking provision for the 26 units on the site.

Committee Member and Ward Councillor Hannah Gray expressed support for the scheme which provided good public facilities although concerns remained around insufficient resident car parking.

Councillor Fawthrop recognised that there was a lot to recommend the scheme but noted that there were details to be resolved such as the layout of the development, light pollution and the hours of operation for the library. Consequently, Councillor Fawthrop proposed that consideration of the application be deferred to enable these details to be resolved.

Councillor Peter Dean supported the application and moved that permission be approved as recommended. Councillor Josh King seconded the motion to approve expressing support for the proposal to extend West Wickham library and for the provision of affordable housing.

Councillor Vanessa Allen noted the explanation provided by the architect concerning the proposed layout of the development and that the layout had been arranged to minimise overlooking. The proposals had gone through the pre-application process and in addition a presentation had been provided for Councillors.

Councillor William Huntington-Thresher noted that any changes to the layout of the development may increase overshadowing. The proposal before the Committee was adequate and there was a need to move forward with the scheme.

In response to a question, the Planning Officer reported that there were three other car parks in West Wickham, all within a 10-minute walk of the development. It was also noted that the proposed parking was policy compliant.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED subject to a transfer of funds as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

108 HERITAGE AT RISK UPDATE Report DRR000000

The Heritage at Risk Register included historic buildings and sites at risk of being lost through neglect, decay or deterioration. There were currently 25 heritage assets within Bromley included on the latest iteration of the register. The report provided an update on these assets where information was available. The report had been prepared for the meeting of the Renewal, Recreation and Housing Policy Development and Scrutiny Committee (RRH PDS) on 16 November 2021 with the update in Table 1 reflecting the known situation with Bromley's 'Heritage at Risk' assets as of November 2021. An extract from the minutes of the RRH PDS meeting on 16 November 2021 was provided at Appendix 1.

The Committee noted the report and received updates concerning some of the specific sites listed. Members noted that in some cases urgent action was required. The Principal Conservation Officer reported that enforcement action could be taken and it was valuable to have the support of Historic England.

Members requested that in future a more focused report be presented to Members. The report should set out any action that needed to be taken, the timeframe for any action and who was responsible for delivering the necessary work. It was also suggested that it would be helpful for the report to include a photograph of each of the assets on the Heritage at Risk register, the date the asset went on to the register, a record of correspondence with owners of assets, dates of any meetings that had been held and a summary of any major changes to the register since the last update to Members.

RESOLVED: That the updates on various sites within Bromley that are included on the Historic England 'Heritage at Risk' register be noted.

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

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

**110 URGENT BUILDING PRESERVATION NOTICE
Report HPR2022**

RESOLVED: That the report be considered as a matter of urgency in view of the potential threat of demolition to a significant building.

The Committee considered the report and supported the recommendations.

CHAIRMAN'S CONCLUDING REMARKS

Noting that this was the final Development Control Committee meeting of the 2018-2022 Council term, the Chairman thanked Members and Officers for their commitment and input over the years. In turn, the Committee thanked the Chairman for her hard work in what had been some challenging meetings over the year.

The Meeting ended at 8.57 pm

Chairman

DEVELOPMENT CONTROL COMMITTEE
19 APRIL 2022

THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR WRITTEN REPLY

1. From Mr James Brown

Why, on 17 February 2022, did Bromley Council approve felling three mature trees at South Eden Park Road, despite Bromley's "biodiversity species action plan" for bats? The council officer's report noted the trees, which were covered by a TPO, were potential roosts for bats.

Reply:

The Plans Sub-Committee No. 2 on 17th February considered the Planning Officers' report, which included reference to the potential for loss of habitat, and also listened to representations from the applicant and two of the ward councillors. It was the view of the Sub-Committee, having considered all the information before them, that the benefits of securing thirty-two oak trees outweighed the removal of the three horse chestnut trees.

2. From Mrs Lynn Sharman

Can the committee please explain that given the planning application for the walnuts has been rejected three times and Bromley council own the walnuts why are Areil being allowed to remove shops from the walnuts and install hope church in three units? This does not enhance Orpington when nothing settled.

Reply:

The planning application for the Walnuts has been submitted by a third party without any form of agreement with the Council about its land interests. An assessment of all aspects of the application will be made at the time the application comes before the Planning Committee so it is not possible to comment on the merits of any aspect of the proposal before that point.

3. From Ms Carol Pitman

Has an evidence-based planning judgment been made about the need for 'build to rent' homes in Orpington, and how it can meet the housing needs of different demographic and social groups?

Reply:

As part of preparing the Bromley Local Plan, the Council commissioned a Strategic Housing Market Assessment (SHMA) to determine the need for different types of housing. The SHMA considered the role of the Private Rented Sector (PRS) as part of the overall calculation of future housing need, but specific housing need relating to PRS was not set out. Local Plan policies, including those on affordable housing tenure and housing size mix, were informed by the SHMA. There is no specific policy on 'Build to Rent' and housing intended to be privately rented is an acceptable form of housing which would contribute toward meeting the Borough's housing targets.

The Council is at the early stages of a Local Plan review. As part of this review, the Council will need to update its evidence on housing need. The National Planning Policy Framework (paragraph 62) requires assessment of need for a variety of different types of housing, as follows:

"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes."

The adopted London Plan was informed by a London-wide SHMA, which, as with the Bromley SHMA, considered the role of PRS as part of the overall assessment of housing need. The London Plan includes a specific policy on 'Build to Rent' (policy H11) which is purpose built private rented sector accommodation; however, this is not directly informed by a specific need identified in the London SHMA.

4. Ms Julia Burton

Has the Council carried out its own public consultation into the future of the Walnuts Leisure Centre and Saxon Centre in relation to the Areli's recent development proposals: if so when and where was this held?

It may help to refer to Section 6.9 of the attached report, but here's the relevant extract:

The LB of Bromley Report No. HPR2021/061 - November 2021
Section 6, *Legal Implications*, 6.9 states:

"The report set outs developer public engagement to date, if the Council considers an option that impacts on leisure or other community provision, the Council will need to consider its own public consultation".

Reply:

No.

5. Ms Julia Burton

If the Council is yet to carry out its own public consultation please tell me when it plans to do so?

Reply:

This isn't strictly speaking a planning matter, however if a land deal were agreed in principal with Arelli in return for reprovision of the leisure facilities, then a public consultation would be undertaken.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the special meeting held at 8.24 pm on 18 May 2022

Present:

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Jonathan Andrews, Mark Brock, Peter Dean,
Simon Fawthrop, Ailsa Igoe, Charles Joel, Kevin Kennedy-
Brooks, Josh King, Tony McPartlan, Tony Owen, Chloe-
Jane Ross, Shaun Slator, Alison Stammers and Melanie Stevens

111 PROPORTIONALITY OF SUB-COMMITTEES

RESOLVED that the following proportionality for Sub-Committees be agreed -

	Size	Con	Lab	LDem	Chis	Ind
Plans Sub No. 1	9	6	1	1	1	0
Plans Sub No. 2	9	6	1	1	0	1
Plans Sub No. 3	9	6	1	1	1	0
Plans Sub No. 4	9	6	1	1	0	1

112 MEMBERS OF SUB-COMMITTEES

RESOLVED that the following Schedule of Members to serve on the Sub-Committees of the Development Control Committee be agreed.

(i) PLANS SUB-COMMITTEE NO. 1

	Councillors
1	Kira Gabbert
2	Christine Harris
3	Charles Joel
4	Alexa Michael
5	Tony Owen
6	Shaun Slator
7	Ruth McGregor
8	Graeme Casey
9	Mark Smith

(ii) PLANS SUB-COMMITTEE NO. 2

	Councillors
1	Jonathan Andrews
2	Mark Brock
3	Peter Dean
4	Simon Fawthrop
5	Kira Gabbert
6	Keith Onslow
7	Ryan Thomson
8	Will Connolly
9	(vacant)

(iii) PLANS SUB-COMMITTEE NO. 3

	Councillors
1	Dr Sunil Gupta
2	Christine Harris
3	Charles Joel
4	Kate Lymer
5	Alexa Michael
6	Tony Owen
7	Alisa Igoe
8	Julie Ireland
9	Mike Jack

(iv) PLANS SUB-COMMITTEE NO. 4

	Councillors
1	Jonathan Andrews
2	Felicity Bainbridge
3	Mark Brock
4	Peter Dean
5	Simon Fawthrop
6	Will Rowlands
7	Kevin Kennedy-Brooks
8	Sam Webber
9	(vacant)

113 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF SUB-COMMITTEES

RESOLVED: that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee.

Plans Sub-Committee No. 1	Alexa Michael	Charles Joel
Plans Sub-Committee No. 2	Mark Brock	Simon Fawthrop
Plans sub-committee No. 3	Christine Harris	Tony Owen
Plans sub-committee No. 4	Peter Dean	Jonathan Andrews

The Meeting ended at 8.24 pm

Chairman

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Agenda Item 5

Committee Date	7 th June 2022	
Address	Crystal Palace Park Thicket Road Penge London SE20 8DT	
Application number	20/00325/OUT	Officer: Claire Brew
Ward	Crystal Palace	
Proposal (Summary)	<p>ADDENDUM TO REPORT PRESENTED TO DCC ON 25/03/2021 IN RESPECT OF:</p> <p>Outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas.</p>	

Applicant		Agent	
London Borough of Bromley		Mr Jim Strike, AECOM	
Reason for referral to committee	Council application, Major Development (20+ units)	Councillor call in No	

RECOMMENDATION	PERMISSION SUBJECT TO LEGAL AGREEMENT AND ANY DIRECTION BY THE MAYOR OF LONDON AND THE SECRETARY OF STATE
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1. UPDATE

- 1.1 The application was presented to DC Committee on the 25th March 2021 where Members resolved to grant planning permission, subject to planning conditions, the prior completion of a shadow S106 legal agreement and any direction by the Mayor of London and the Secretary of State.
- 1.2 The original report can be viewed via the following link:
[https://cds.bromley.gov.uk/documents/s50087282/2000325OUT - Crystal Palace Park Thicket Road Penge London SE20 8DT.pdf](https://cds.bromley.gov.uk/documents/s50087282/2000325OUT_-_Crystal_Palace_Park_Thicket_Road_Penge_London_SE20_8DT.pdf)
- 1.3 The draft planning permission and conditions are attached at Appendix A.
- 1.4 The application envisages that two areas of the park will be sold for residential development and the sale proceeds ringfenced to be used only for the regeneration works. In addition there will be a viability reviews of the actual housing receipt achieved so that if the capital receipts exceed £24 million then the surplus over that sum can be spent on affordable housing.
- 1.5 The application envisages a phasing plan to ensure that the residential development cannot be completed without an agreed level of progress being made on the regeneration works. As the Council is the owner of most of the application site this will be secured by a “shadow section 106 agreement” that the Council will require of any future purchaser or leasee of the land. The Executive will also be recommended to agree the ringfencing arrangements.
- 1.6 It was originally proposed the following works should be completed in advance of the enabling residential development (Rockhills and Sydenham Villas), namely the Prehistoric Animal Sculptures, the Upper and Lower Italian Terrace walls, the bust of Sir Joseph Paxton, a

section of the Crystal Palace basement wall (Paxton Tunnel Wall), the North and South Railings and Walls and the Colonnade wall.

- 1.7 The applicants' proposed phasing approach in respect of the regeneration works is set out in Table 1. The proposed works are set out in Phase 1A and paragraph 1 of Phase 1B.

<p><u>Phase 1A – Italian Terraces and Tidal Lakes</u></p> <p>1. Conservation and repair of heritage assets:</p> <ul style="list-style-type: none">· The Prehistoric Animal Sculptures;· The Upper and Lower Italian Terrace walls; and· The Bust of Sir Joseph Paxton. <p>2. Earthworks and landscaping to the Upper and Lower Italian Terraces.</p> <p><u>Phase 1B – Palace Terraces and Anerley Hill Edge</u></p> <p>1. Conservation and repair of heritage assets:</p> <ul style="list-style-type: none">· A section of the Crystal Palace basement wall (Paxton Tunnel Wall);· The North and South Railings and Walls, Crystal Palace Parade; and· The Colonnade wall. <p>2. Earthworks to re-profile the landscape on the Upper and Lower Palace Terraces, to create gardens on the Upper Palace Terrace to reflect the layout of the Palace.</p> <p>3. Restoration of the arrival sequences from Crystal Palace Station and Crystal Palace Parade.</p> <p><u>Phase 2A – Transitional Landscape and English Landscape</u></p> <p>1. Conservation and repair of heritage assets:</p> <ul style="list-style-type: none">· The Gatepiers to Rockhills <p>2. Removal of hard surfaces and vegetation to restore historic views.</p> <p>3. Restoration of the central axis (Paxton Axis) through the Transitional Landscape.</p> <p><u>Phase 2B – Cricket Ground</u></p> <p>1. Restoration of the eastern end of the central axis (Paxton Axis).</p>
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Table 1: Proposed phasing approach for the regeneration works

- 1.8 The Proposed heads of term for the shadow S106 legal agreement as set out in the original committee report and approved by Members are set out in Table 2.

S106 Proposed Heads of Term	Amount	Agreed in Principle
Restrictions on use of capital receipts from the enabling development such that they can only be used to deliver the Regeneration Scheme	-	YES
Restrictions on the timing of residential development until the appropriate Regeneration Scheme works have been delivered	-	YES
Phasing Plan	-	YES
Affordable Housing	24 onsite units	YES
Review mechanisms		YES
Use of community facilities at Rockhills		YES
Employment and Training initiatives		YES
Residential Travel Plan		YES
Non-residential Travel Plan		YES
Re-provision of accommodation for St Johns Ambulance	-	YES
Use of revenue from the cultural venue to secure future management of subway as an event space	-	YES
Financial contribution to health infrastructure	£329,613.00	This is no longer required due to the adoption of CIL
Financial contribution to Education infrastructure	£487,021.57	This is no longer required due to the adoption of CIL.
Financial contribution to Carbon offsetting projects	£493,050.00	YES This is an indicative sum as the final total will be calculated on the submission of the reserved matters.
Contribution towards 2 cycle docking stations	£500,000	YES
Financial contribution towards a transport study for possible introduction of a CPZ or pedestrian safety facilities in the area	£5000	YES
Financial contribution towards bus stops and bus shelter enhancements around the perimeter of the park	£100,000	YES
Framework Events Transport Management Plan	-	YES
Agreement with private cycle / electric bike hire club to operate in the Park	-	YES
Safeguarding space for 4 cycle docking stations	-	YES
Monitoring fees	£10,000	YES

Table 2: S106 Heads of Term (as approved by Members)

- 1.9 The approved heads of term reflect the phasing requirement, as well as other obligations which were considered necessary to ensure that:
- the money generated through the enabling residential development is secured to be used directly to solve the conservation needs of the Park
 - the repair and restoration of the most 'at-risk' structures are delivered in the early phases of development
 - housing is not built in the Park without the heritage benefits of the scheme being achieved.
- 1.10 Since the application was reported to Committee, the applicant has carried out further survey work to consider the extent of the conservation works required in the park. Some of these works, for example the restoration of the pre-historic animals, are exceptionally unique and have required significant specialisms and technologies to be pulled together to find the best way forward for the restoration and conservation to be achieved and sustainable. Given the expertise required, the time it will take, and the costs involved in protecting the heritage assets the applicant states it is not possible to have undertaken all of the heritage works prior to the commencement of development at the residential sites.
- 1.11 The applicant has therefore proposed a revised phasing approach, as follows:
- The construction of the housing sites will be permitted to start when the following progress has been made on the Italian Terraces, Tidal Lake area, and statues which all feature in Phase 1A of the outline application.
 - **Italian Terraces:** contract awarded for all stonework and 20% of stonework completed. Note that the stonework is the second stage of work so as per the programme the site clearance, earthwork etc will also already be underway.
 - **Tidal Lakes:** either contract awarded for all historic landscaping works and works 20% complete, or contract awarded for restoration of all the dinosaurs and three complete.
 - **Statues:** contract awarded for the restoration of at least four statues, and restoration of Paxton Bust complete but not moved into position.
 - The above will trigger the commencement of the house building and the housing sites will be able to move to completion and occupation from this point without being tied to progress on the park conservation and restoration works.
 - The capital receipt from the housing sites will go into a ring-fenced Council fund that can only be used for the park's restoration and this ring fenced fund will benefit from any interest accrued each year.

Report to the Executive

- 1.12 The revised phasing arrangements are designed to ensure that the value of the housing sites is not impacted for the benefit of the regeneration works to the park. Given the Council's ownership of the park a report will be presented to the Executive before the application is referred to the Mayor of London. In the report officers will recommend the Executive:
- 1.13 To approve that the capital receipt generated by the disposal of the residential sites will be ringfenced solely for heritage works in the park, as required by the enabling development planning permission, To confirm that the full capital receipt generated by the housing sites will be spent on the park's Regeneration Plan capital scheme within ten years of the capital receipt entering the Council's bank account. If the funds are not spent within this time period, then the Council will consider a report as to the reasons for the delay and whether 2% per annum of the remaining funds should be paid to the Crystal Palace Park Trust, to whom it is envisaged a long lease of the park will be given.
- 1.14 Whilst these phasing arrangements are somewhat of a deviation from what was originally considered by planning officers during the application and subsequently presented to Members, the upshot would still be that substantial progress is made on the most 'at-risk' structures, which were previously identified as part of the 'Phase 1A' works, prior to any works on the housing developments being commenced.
- 1.15 Given the need to balance the public interest in terms of expending public monies on the heritage works against the harm to the setting of the Grade II* listed Park and openness of the Metropolitan Open Land, officers are of the view that these changes are acceptable in principle.

2 Conclusion

- 2.1 These amendments are considered acceptable in principle, subject to further detailed discussion between the Local Planning Authority, the London Borough of Bromley (as applicant) and their respective legal representatives.
- 2.2 If members are minded to approve these changes, the amendments will need to be incorporated into the shadow S106 legal agreement and the planning conditions, with the Assistant Director (Planning and Building Control) having delegated powers to agree the final wording with the applicant and the Mayor of London.
- 2.3 The application and draft legal agreement can then be sent back to the Mayor of London for the Stage 2 referral.

RECOMMENDATION

PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A SHADOW S106 LEGAL AGREEMENT, ANY DIRECTION BY THE MAYOR OF LONDON AND SECRETARY OF STATE AND THE CONDITIONS ATTACHED AT APPENDIX A OR AS VARIED BY THE ASSISTANT DIRECTOR (PLANNING AND BUILDING CONTROL)

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Town Planning
Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333
Direct Line: 020 8313 4956
Email: planning@bromley.gov.uk

Fax: 020 8461 7725
Internet: www.bromley.gov.uk
DX5727 Bromley

London Borough Of Bromley
C/o Mr Jim Strike
AECOM
Aldgate Tower
London
E1 8FA

/25th March 2021
Application No : DC/20/00325/OUT
Date :

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

**NOTIFICATION OF GRANT OF OUTLINE PLANNING PERMISSION SUBJECT TO S106 LEGAL
AGREEMENT**

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **GRANTED** outline planning permission for the development, referred to in your application received on 4th February 2020.

at : Crystal Palace Park Thicket Road Penge London SE20 8DT

Proposal: Outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas. (amended description)

Subject to the following conditions **and for the reasons set out below:-**

1. (i) Details of the appearance, landscaping, access, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced (with the exception of the highways access works at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and new accesses related to the residential development at Rockhills and Sydenham Villas) and the development shall be carried out as approved.

(ii) The first application for approval of the reserved matters shall be made not later than the expiration of 5 years beginning with the date of this decision notice.

(iii) the final application for approval of reserved matters shall be submitted no later than 10 years from the date of this decision notice.

(iv) The development to which this permission relates must be begun not later than the expiration of three years from the date of the approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and documents listed in this condition unless previously agreed in writing by the Local Planning Authority:

Site-wide

60553431 -DWG -ZZ -001 APPLICATION BOUNDARY
60553431_DWG_ZZ_003_01 REGENERATION PLAN, STRUCTURES & SURFACING TO BE DEMOLISHED
60553431 DWG -ZZ -005-01 PROPOSED TOPOGRAPHY
60553431 DWG -ZZ -007-01 PROPOSED SOFT LANDSCAPE
60553431 DWG -ZZ -009-01 PROPOSED HARD LANDSCAPE
60553431_DWG_ZZ_010-01 PUBLIC ACCESS, CIRCULATION & PARKING
60553431_DWG_ZZ_011-01 SERVICING ACCESS & CIRCULATION
60553431_DWG_ZZ_012-01 BUILT DEVELOPMENT AND LAND USE
60553431 DWG -ZZ -013-02 VEGETATION RETENTION AND REMOVAL
60553431_DWG_ZZ_016 ACCESS - INCLUSIVE DESIGN
60553431 DWG ZZ 017 RANGER'S MAINTENANCE BUILDING
60553431-SKE-C-0002-G CRYSTAL PALACE PARK PROPOSED PARKING PLAN

Information Centre

AOC_241_GA 010 information centre site plan
AOC_241_GA 101 information centre proposed arrangements

Capel Manor

CMC-F 2 102 P00 Capel Manor College - Existing Structures and Surfacing to be removed
CMC-F 2 103 P00 Capel Manor College - Existing Vegetation Retention and Removal
CMC-F 2 110 P00 Capel Manor College - Proposed Built Development and Land Use
CMC-F 2 111 P00 Capel Manor College - Proposed Building Envelope and Sections
CMC-F 2 112 P00 Capel Manor College - Proposed Soft and Hard Landscaping
CMC-F 2 113 P00 Capel Manor College - Proposed Public Access and Inclusive Design
CMC-F 2 114 P00 Capel Manor College - Proposed Servicing, Access and Circulation
669956 MLM ZZ XX DR C 0103 'CUT AND FILL FARM LAYOUT'

Residential

1705_RR_100 Rockhills Residential Access, Circulation and Parking
1705_RR_110 'Rockhills Residential Parameter Plan'
1705_RR_111 'Rockhills Residential Parameter Street Elevation'
1705_RR_100 Sydenham Villas Residential Access, Circulation and Parking

Access Works

60553431-M1.013-SK001 GENERAL ARRANGEMENTS ANERLEY HILL ENTRANCE
60553431-M1.013-SK003 GENERAL ARRANGEMENTS PENGE GATE ENTRANCE
60553431-M1.013-SK005 GENERAL ARRANGEMENTS SYDENHAM VILLAS 1
60553431-M1.013-SK006 SWEPT PATH ANALYSIS SYDENHAM VILLAS 1
60553431-M1.013-SK007 GENERAL ARRANGEMENTS SYDENHAM VILLAS 2
60553431-M1.013-SK008 SWEPT PATH ANALYSIS SYDENHAM VILLAS 2 -
60553431-M1.013-SK009 GENERAL ARRANGEMENTS SYDENHAM GATE ENTRANCE
60553431-M1.013-SK010 SWEPT PATH ANALYSIS SYDENHAM GATE -
60553431-M1.013-SK011 GENERAL ARRANGEMENT ROCKHILLS RESIDENTIAL
60553431-M1.013-SK013 GENERAL ARRANGEMENT ROCKHILLS GATE
60553431-M1.013-SK015 GENERAL ARRANGEMENT CRYSTAL PALACE PARADE

Cultural Venue

60553431_DWG_ZZ_0014-1 CULTURAL VENUE BUILDING ENVELOPE

Reason: To prevent any unacceptable deviation from the approved plans

3. (i) Prior to the submission of any reserved matters application submitted in accordance with condition 1 and prior to the commencement of the highway access works; a site-wide planting compensation strategy shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The compensation strategy shall be undertaken via a CAVAT or iTree evaluation as described in London Plan policy G7 and shall include calculations of carbon sequestration of those trees to be lost.
- (iii) The calculations and valuation systems undertaken shall be used to inform the site-wide landscaping details and planting strategies to ensure that replacement planting is based on the existing value of the benefits of the trees removed.

Reason: Required prior to submission of the reserved matters to ensure that any tree losses can be appropriately mitigated and to comply with policies 69, 70, 72, 73, 74, 77 and 79 of the Bromley Local Plan and policies G1, G5, G6 and G7 of the London Plan.

4. (i) Prior to the submission of any reserved matters application submitted in accordance with condition 1 and prior to the commencement of the highway access works; a Framework Landscaping Plan and Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The Framework Landscaping Plan and Landscape Management Plan shall be based on the compensation strategy submitted in accordance with condition 3 and building on the principles outlined in the Design and Access statement.
- (iii) The Framework Landscaping Plan and Landscape Management Plan should be used to inform the site-wide landscaping and ecological management strategies for each phase of the development.

Reason: Required prior to submission of the reserved matters in order to comply with Policies 24, 37, 43, 45, 50, 54, 69, 70, 72, 73, 74, 77, 78, 79 and 111 of the Bromley Local Plan and policies G1, G5 and G6 of the London Plan, to define the significance of the park and its landscape, to maintain and improve the park's open setting and the visual and landscaping amenities which inform its character, and to form the basis of the future development of the park.

5. (i) Prior to the submission of any reserved matters application submitted in accordance with condition 1 and prior to the commencement of the highway access works (including demolition and all preparatory work), a scheme for the protection of the retained trees (relevant to whichever phase of the development is to be considered in a future reserved matters application) in accordance with BS 5837:2012, including tree protection plans (TPP) and an arboricultural method statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) A full specification for the installation of boundary treatment works including boundary treatments within the RPA.
 - e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) A specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - k) Methodology and detailed assessment of root pruning
 - l) Arboricultural supervision and inspection by a suitably qualified tree specialist
 - m) Reporting of inspection and supervision
 - n) Methods to improve the rooting environment for retained and proposed trees and landscaping
 - o) Veteran and ancient tree protection and management including retention and protection of Tree 'CMC33' (as identified in the application)
 - p) pruning pressures (details to include a pruning schedule, inclusive of facilitation pruning requirements).
- ii) The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to submission of the reserved matters to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to ensure their ongoing preservation, in accordance with Policies 24, 37, 43, 45, 50, 54, 69, 70, 72, 73, 74, 77, 78, 79 and 111 of the Bromley Local Plan, policies G1 and G7 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

6. (a) Prior to the submission of any reserved matters application(s) submitted in accordance with condition 1 and prior to any development commencing on site (including demolition, tree works, tree removal, scrub clearance and other vegetation removal) bat surveys, including emergence surveys on Building E and R within the Capel Manor Farm site and an aerial tree climbing assessment of Tree 40, and breeding bird surveys shall have first been undertaken by a qualified ecologist for all buildings, trees and other habitat identified within the Environmental Statement as having potential to support bats and breeding birds.
- (b) The results of the surveys shall be provided to the Council.
- (c) If any evidence of bats or birds is discovered, details of the extent and timing of the tree works, vegetation clearance and other works shall first need to be agreed in writing by the Local

Planning Authority, along with a programme of mitigation measures, including details of provision of new habitat and roosting opportunities.

(d) The development shall be carried out in strict accordance with the details approved under part (c) and, where applicable, the approved mitigation measures shall be permanently maintained at the site thereafter.

Reason: Required prior to submission of the reserved matters to ensure that any impacts on protected species can be appropriately mitigated and in order to improve existing and create new habitats to enhance biodiversity, to comply with policies 53, 54, 69, 70, 71, 72, 73, 74, 75, 77, 78 and 79 of the Bromley Local Plan and policies G1, G5, G6 and G7 of the London Plan and in order to safeguard the interests and well-being of wildlife on the site which is specifically protected by the Wildlife and Countryside Act 1981 (as amended).

7. In the event that any owner of the land has the legal locus to enter into a section 106 agreement, no development shall be progressed on the part of the site owned by such person until such time as they have entered into such an agreement, incorporating obligations in respect of the following items within this notice of planning permission insofar as those obligations are relevant to the part of the site owned by that person as agreed with the Local Planning Authority in the S106 agreement:

- o Phasing Plan linked to the timing and delivery of the enabling works and the heritage works
- o Affordable housing (24 onsite units)
- o Early Stage Viability review mechanisms
- o Late Stage Viability review mechanisms
- o Restrictions on use of capital receipts from the enabling development such that they can only be used to deliver the Regeneration Scheme
- o Community use agreement including use of community facility at Rockhills
- o Employment and training initiatives
- o Residential Travel Plan
- o Non-residential Travel Plan
- o Financial contribution to carbon off-setting projects
- o Financial contribution for planning obligation monitoring
- o Financial contribution for legal services
- o Financial contribution towards 2 cycle docking stations
- o Safeguarding space for 4 cycle docking stations
- o Financial contribution towards a transport study for possible introduction of a CPZ or pedestrian safety facilities in the area
- o Financial contribution towards bus stops and bus shelter enhancements around the perimeter of the park
- o Framework Events Management Plan
- o Agreement with private cycle / electric bike hire club to operate in the Park
- o Junction / Access works as specified in condition 18

REASON: To secure the planning obligations in accordance with policy 125 of the Bromley Local Plan and policy DF1 of the London Plan and the Bromley Planning Obligations SPD 2010 (as amended)

8. No development shall take place (including demolition) until a phasing plan for the delivery of the development has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall:

- a) Outline the works which are to be included in each phase
- b) include the sequence of ground works, demolition, construction and occupation of the development and shall provide details of temporary parking, access and circulation arrangements which shall be put in place pending the completion of the final approved parking, access and circulation arrangements

c) set out the sequence for the carrying out of the following planning obligations (unless specified elsewhere within this notice of planning permission):

- o Non-residential Travel Plan
- o Financial contribution to carbon off-setting projects
- o Financial contribution for planning obligation monitoring
- o Financial contribution for legal services
- o Financial contribution towards 2 cycle docking stations
- o Safeguarding space for 4 cycle docking stations
- o Financial contribution towards a transport study for possible introduction of a CPZ or pedestrian safety facilities in the area
- o Financial contribution towards bus stops and bus shelter enhancements around the perimeter of the park
- o Framework Events Management Plan
- o Agreement with private cycle / electric bike hire club to operate in the Park
- o Junction / Access works (including a S278 agreement if appropriate)

d) ensure that the following conservation, repair, earthworks and landscaping works are completed in advance of the implementation of the enabling residential development (Rockhills and Sydenham Villas):

- The Prehistoric Animal Sculptures
- The Upper and Lower Italian Terrace walls
- The Bust of Sir Joseph Paxton
- A section of the Crystal Palace basement wall (Paxton Tunnel Wall);
- The North and South Railings and Walls
- The Colonnade wall

The development shall be carried out in accordance with the approved phasing plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Required prior to commencement of development to ensure that the whole build programme is delivered in accordance with the terms of the application, in the interests of the Metropolitan Open Land and to safeguard the conservation and social benefits of the scheme and to accord with Policies 13, 14, 15, 20, 22,27, 30, 32, 33, 34, 37, 38, 41, 45, 50 and 111 of the Bromley Local Plan.

9. I. Prior to the commencement of works on each phase of the development (including demolition) as outlined in the phasing plan approved under condition 8 a Construction and Environmental Management Plan (CEMP), which shall be written in accordance with "The Control of Dust and Emissions during Construction and Demolition" Mayor of London SPG 2014 and the Bromley Code of Practice for Construction, shall be submitted to and approved in writing by the local planning authority. As a minimum the plan should include, but not be limited to:-
- (a) Air quality and Dust mitigation and management measures as detailed in Chapter 5 of the Environmental Statement (AECOM, January 2020) (ref: 60553431-REP-ES-001)
 - (b) Measures to identify and mitigate land contamination as identified in Chapter 8 (Ground Conditions) of the Environmental Statement (AECOM, January 2020) (ref: 60553431-REP-ES-001)
 - (c) Measures to identify, minimise and mitigate demolition and construction related noise and vibration as detailed in Chapter 9 of the Environmental Statement (AECOM, January 2020) (ref: 60553431-REP-ES-001) to include monitoring of site boundary noise levels
 - (d) Waste Management including site run-off

- (e) The location and operation of plant and wheel washing facilities and measures to deal with wheel washer waste
- (f) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity on public transport and the highways network
 - (iii) Measures to deal with safe pedestrian and cyclist movement
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works
 - (v) Parking for operatives during construction period
 - (vi) A swept path drawing for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
- (g) Hours of operation
- (h) Other site-specific Highways and Environmental Protection issues as requested on a case by case basis

II. The development shall be undertaken in full accordance with the details approved under Parts a-h. The CEMP will be a living document so will need to be periodically updated.

III. All Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or any subsequent guidance.

IV. An inventory shall be kept on site and on the online register at: <https://nrmm.london/> of all NRMM between 37kW and 560kW. All NRMM shall meet Stage IIIA of EU Directive 97/68/EC (as amended) as a minimum (Stage IIIB from 1st September 2020). Constant speed engines such as those found in generators shall meet Stage V standards either by technology or by retrofit for both NOx and PM reduction.

Reason: Required prior to commencement of each phase of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area and to manage and prevent further deterioration of existing low quality air across London in accordance with Policies 31, 32, 118, 119, 120 and 123 of the Local Plan and London Plan policies D14, SI1, SI2, SI7, T4 and T7.

10. Prior to commencement of works on each phase of the development (excluding demolition) as outlined in the phasing plan approved under condition 8 details of the depth, extent and means of excavation of the foundations for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority and the excavations and foundations shall be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to ensure works are carried out according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained in accordance with Policy 73 of the Bromley Local Plan.

11. (a) Following the sale of both of the enabling residential sites (Rockhills and Sydenham Villas) and prior to any development commencing on any residential phase of the development as outlined in the phasing plan approved under condition 8, a viability report (Early Stage Review) to determine if the target capital receipt to be received by the Council land owner from the enabling residential sites needed for delivering the works in the application (hereafter referred to as the 'Regeneration Plan') has been reached, shall be submitted to the **Page 28** planning authority for

review.

(b) The Early Stage Review shall be accompanied by a scheme for ring-fencing the target capital receipt to be received by the Council land owner from the enabling residential sites and to be used only to deliver the Regeneration Plan, to be approved by the Local Planning Authority.

(c) If the Early Stage Review identifies a surplus over the target capital receipt to be received by the Council land owner from the enabling residential sites then a scheme setting out the requirements for the Council to receive a financial contribution towards the delivery of offsite affordable housing units and/or a scheme to ring-fence that surplus to be used for the Regeneration Plan, shall be submitted to and approved by the Council.

The approved scheme(s) shall be adhered to unless otherwise agreed in writing by the local planning authority.

Reason: Required prior to commencement of the residential development to ensure that the conservation and social benefits of the development are realised, in the interests of the Metropolitan Open Land and to accord with Policies 13, 14, 15, 20, 22,27, 30, 32, 33, 34, 37, 38, 41, 45, 50 and 111 of the Bromley Local Plan.

12. No development shall commence on either of the residential phases of the development (Rockhills and Sydenham Villas) until a scheme for the provision of affordable housing has been

submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i) the numbers, type and location on the site of the affordable housing provision to be made which shall consist of not less than 24No.housing units
- ii) the tenure of the affordable housing units
- iii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- iv) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Housing Provider is involved
- v) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
- vi) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced; and
- vii) details of affordable wheelchair housing which shall consist of at least 10% of the affordable units

REASON: Required prior to commencement of development to ensure adequate affordable housing provision can be provided and maintained to meet the housing needs of the Borough and to accord with policies H4, H5 and H6 of the London Plan and policy 2 of the Bromley Local Plan.

13. (a) In the event of the residential development at Rockhills not being completed up to first floor slab level within two years from the final approval of the reserved matters details referred to in condition 1 or, in the case of approval on different dates, the final approval of the last such matter to be approved, a viability report (Early Stage Review) shall be submitted to the Local Planning authority.
- (b) The Early Stage Review should follow Policy H5 set out within the London Plan and the formulas set out in the Annex A of Homes for Londoners, Affordable Housing and Viability Supplementary Planning Guidance 2017 or any document superseding, amending or updating this guidance, to determine whether Additional on-site Affordable Housing and/or a financial contribution towards offsite Affordable Housing is required.
- (c) If the viability report shows a surplus, then a scheme for the provision of Additional Affordable Housing units and/or a financial contribution towards offsite Affordable Housing shall be submitted to the Council for written approval. The scheme shall set out the requirements for the provision of the affordable units and/or for the Council receiving the financial contribution, as deemed necessary. No part of the residential development shall be occupied until the additional affordable units and/or the financial contribution has been paid.

REASON: Required prior to commencement of development to ensure that the maximum reasonable amount of affordable housing can be secured and to accord with policy 2 of the Bromley Local Plan and policies H4, H5 and H6 of the London Plan.

14. (a) In the event of the residential development at Sydenham Villas not being completed up to first floor slab level within two years from the final approval of the reserved matters details referred to in condition 1 or, in the case of approval on different dates, the final approval of the last such matter to be approved, a viability report (Early Stage Review) shall be submitted to the Local Planning authority.
- (b) The Early Stage Review should follow Policy H5 set out within the London Plan and the formulas set out in the Annex A of Homes for Londoners, Affordable Housing and Viability Supplementary Planning Guidance 2017 or any document superseding, amending or updating

this guidance, to determine whether Additional on-site Affordable Housing and/or a financial contribution towards offsite Affordable Housing is required.

- (b) If the viability report shows a surplus then a scheme for the provision of Additional Affordable Housing units and/or a financial contribution towards offsite Affordable Housing shall be submitted to the Council for written approval. The scheme shall set out the requirements for the provision of the affordable units and/or for the Council receiving the financial contribution, as deemed necessary. . No part of the residential development shall be occupied until the additional affordable units and/or the financial contribution has been paid.

REASON: Required prior to commencement of development to ensure that the maximum reasonable amount of affordable housing can be secured and to accord with policy 2 of the Bromley Local Plan and policies H4, H5 and H6 of the London Plan.

15. No works included in the relevant phase of the development of the phasing plan under condition 8 shall be carried out until the Carbon off-setting contribution for that phase has been paid in full to the Council, unless agreed otherwise in condition 8.

Reason: In order to seek to achieve compliance with the Mayor of London's zero-carbon targets and to comply with policy SI 2 of The London Plan and policy 124 of the Bromley Local Plan.

16. (i) Details of suitable locations across the site for 4 cycle docking stations (each with 30 docking points), and the area of land (sqm) required to support them, shall be submitted to and approved in writing by the Council, in consultation with Transport for London, in accordance with the sequencing approved as part of the phasing plan under condition 8.
- (ii) The land identified in part (i) shall be kept free from development which would prevent the future implementation of the docking stations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of sufficient land for the development of new and improved cycling infrastructure, in accordance with policies T3 and T5 of the London Plan and policies 33 and 36 of the Bromley Local Plan.

17. The planning obligation monitoring fee(s) and the Councils legal fees shall be paid in full to the Council in accordance with the sequencing approved as part of the phasing plan under condition 8.

Reason: To support the delivery of the infrastructure, facilities and services required to meet needs generated by development and to mitigate the impacts of the development, to ensure a sustainable form of development in accordance with Policy DF1 of the London Plan and policy 125 of the Bromley Local Plan.

18. a) No works shall commence on the relevant phases of the development, as outlined in the phasing plan approved under condition 8, until details of the junction/access works as shown in the following drawings, has been agreed by the Highway Authority (in consultation with Transport for London), if appropriate, a S278 agreement has been entered into and/or a highways license has been obtained for the carrying out of the works as agreed:

60553431-M1.013-SK001 GENERAL ARRANGEMENTS ANERLEY HILL ENTRANCE
60553431-M1.013-SK003 GENERAL ARRANGEMENTS PENGE GATE ENTRANCE
60553431-M1.013-SK005 GENERAL ARRANGEMENTS SYDENHAM VILLAS 1
60553431-M1.013-SK006 SWEPT PATH ANALYSIS SYDENHAM VILLAS 1
60553431-M1.013-SK007 GENERAL ARRANGEMENTS SYDENHAM VILLAS 2
60553431-M1.013-SK008 SWEPT PATH ANALYSIS SYDENHAM VILLAS 2
60553431-M1.013-SK009 GENERAL ARRANGEMENTS SYDENHAM GATE ENTRANCE
60553431-M1.013-SK010 SWEPT PATH ANALYSIS SYDENHAM GATE
60553431-M1.013-SK011 GENERAL ARRANGEMENT ROCKHILLS RESIDENTIAL
60553431-M1.013-SK013 GENERAL ARRANGEMENT ROCKHILLS GATE
60553431-M1.013-SK015 GENERAL ARRANGEMENT CRYSTAL PALACE PARADE

b) The highway works shall be completed as agreed before the relevant access is first brought into use.

Reason: To accord with Policies 32, 33 and 34 of the Bromley Local Plan and policies T1, T2, T3 and T5 of the London Plan, in the interest of London's transport networks and supporting infrastructure and in the interest of pedestrian, cyclist and vehicular safety.

19. (a) Prior to any works commencing on any phase of the development (excluding demolition and repairs to heritage assets) a site-wide Pedestrian and Cycle Strategy, which should result in the implementation of accessible, safe, visible and convenient direct cycle and walking routes for all users of the Park, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London (TfL). The Strategy should:

- identify and safeguard existing walking and cycling routes, ensuring there is no loss
- identify new routes taking into account desire lines through the Park
- provide information on how new and existing routes will be managed and maintained

(b) The details approved under part (a) shall be used to inform the detailed designs to be submitted under condition 1 and shall be completed before each phase of the development is first brought into use.

(c) The development shall be operated in accordance with the approved strategy at all times unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy 33 of the Bromley Local Plan and policies T1, T2, T3 and T5 of the London Plan and in the interest of London's transport networks and pedestrian and cyclist infrastructure

20. i) Prior to the commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8, a Parking Design and Management Plan shall be submitted to the Local Planning Authority for approval in consultation with Transport for London (TfL) and the relevant highway authority and shall subsequently be approved in writing by the Local Planning Authority. The plan should include:
- (a) Details of parking spaces and/or garages and sufficient turning space
 - (b) Details of the provision for disabled persons parking bays in accordance with policies T6.1, T6.4 and T6.5 of the London Plan
 - (c) Details of the provision of electric vehicle charging spaces in accordance with Policies T6.1 and T6.4 of the London Plan
 - (d) Details of the process for efficiently converting enlarged bays to become disabled persons parking bays (in accordance with the design guidance provided in BS8300: Vol 1.), should the need subsequently arise, and the means for assessing the future need, i.e. if it can be demonstrated that the existing level of disabled persons parking is not adequate
 - (e) Details setting out the measures to control the frequency and type of use of the parking spaces and arrangements for the car parking charging regime
- ii) Such provision as approved under parts (a), (b) and (c) shall be completed before the commencement of the use or prior to the occupation of the relevant phase(s) and shall thereafter be kept available for such use. The car park(s) shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Local Planning Authority.
- iii) No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policies 30 and 32 of the Bromley Local Plan and policies T6, T6.1, T6.4 and T6.5 of the London Plan and to avoid development without adequate parking provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

21. i) A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8. The content of the LEMP shall include the following:
- a) A description of the biodiversity aims and objectives of the LEMP which should be developed and designed in accordance with the principles established by the Framework Landscaping Plan and Landscape Management Plan approved under condition 4
 - b) A description and evaluation of features to be created, enhanced and managed including details of any mitigation, habitat creation and ongoing management
 - c) Ecological trends and constraints on site that might influence management
 - d) A strategy for identifying and managing invasive non-native species.
 - e) Aims and objectives of management, including net gains in habitat units in accordance with the DEFRA Biodiversity Metric.
 - f) Appropriate management options for achieving aims and objectives.
 - g) Prescriptions for management actions.

- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
 - i) Details of the body or organisation responsible for implementation of the plan.
 - j) Ongoing monitoring and remedial measures.
- ii) The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
 - iii) The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
 - iv) The approved plan shall be adhered to throughout the construction and operational phases of the development.

Reason: Required prior to the commencement of development to improve existing habitats and create new habitats and to enhance biodiversity and provide for its on-going management in accordance with Policies 24, 37, 43, 45, 50, 54, 69, 70, 72, 73, 74, 77, 78, 79 and 111 of the Bromley Local Plan, policies G1, G5 and G6 of the London Plan and Paragraph 170(d) of the National Planning Policy Framework.

22. Prior to the commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8 (including demolition), a contaminated land assessment and associated remedial strategy, together with a timetable of works shall be submitted to and approved in writing by the Local Planning Authority.
- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be submitted for approval as part of a site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works. No remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.
 - c) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
 - d) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

e) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: Required prior to any commencement in order to prevent harm to human health and pollution of the environment and comply with Policy 118 of the Bromley Local Plan.

23. i) No development shall take place on any phase of the development, as outlined in the phasing plan approved under condition 8, until details of a programme of archaeological investigation in accordance with a Written Scheme of Investigation for that phase have been submitted to and approved in writing by the local planning authority. The archaeological investigation should consist of a response to the proposed ground disturbance works and the historic material located about the park.

ii) No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: Heritage assets of archaeological interest are expected to survive on the site. Required prior to commencement in order to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF and policy 46 of the Bromley Local Plan.

24. Prior to commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8 (excluding demolition), details of the proposed slab levels of the building(s) and the existing site levels for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan .

25. Prior to commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8 (including any ground clearance, tree works, demolition or construction), a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies 37, 73 and 74 of the Bromley Local Plan .

26. (i) Prior to the commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8 (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) relevant to that phase shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The following British Standards should be referred to:
BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

(iii) The development thereafter shall be implemented in strict accordance with the approved details

(iv) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in Part (i) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted.

This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies 37, 73 and 74 of the Bromley Local Plan.

27. Prior to the commencement of any works in Area B: Palace Terrace, as set out in the approved application documents, Structural engineers' drawings, indicating the intended method of ensuring the stability of the fabric of the Grade II* listed subway below Crystal Palace Parade to be retained throughout the period of groundworks, landscaping, demolition and construction, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved engineering drawings.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate protection of the listed building can be secured in order to comply with Policy 38 of the Bromley Local Plan.

28. (a) Prior to the commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8, an updated Energy Strategy relevant to that phase which demonstrates compliance with London Plan policies SI 1, SI 2, SI 3 and SI 4 shall be submitted to an approved in writing by the Local Planning Authority.

(b) The Energy Strategy shall include details of the location, scale and appearance of on-site renewable energy generation technologies and details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment, as appropriate, including the location, scale and appearance of any flues and other equipment.

(c) The approved strategy and measures shall be incorporated into the final design of the buildings prior to first occupation and shall be maintained thereafter in operational working order.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the development will seek to achieve compliance with the Mayor of London's zero-carbon targets and to comply with policies SI 2, SI 3 and SI 4 of The London Plan and policy 124 of the Bromley Local Plan.

29. a) Prior to commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8 (excluding any ground clearance or demolition), a scheme for the provision of surface water drainage relevant to that phase shall be submitted and approved in writing by the local planning authority.

b) Before the details required to satisfy Part (a) are submitted a site-wide assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with the principles set out in the Flood Risk Assessment and Outline Drainage Strategy Report (AECOM Jan 2020), the drainage

hierarchy contained within the London Plan Policy SI 13 and the advice contained within the National SuDS Standards.

c) Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates of 2 l/s/ha as reasonably practicable, and the measures taken to prevent pollution of the receiving groundwater and/or surface water.

d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation / first use of the phase of development to which it relates

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy SI 13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan.

30. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) for each relevant phase of the development has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: Details are required prior to the commencement of any new operational development as the proposed works will be in close proximity to underground water utility infrastructure.

31. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water prior to commencement of each phase of the development, as outlined in the phasing plan approved under condition 8.

Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

32. (i) Prior to commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8 (excluding demolition and site preparation works), a scheme showing the distribution of light on and around the site (relevant to that phase), as well as details of the proposed lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to the Local Planning Authority for written approval. In order to ensure that the future use of the site as potential foraging and traversing grounds for bats is not harmed, full technical details of the lighting scheme including details of luminance levels and light spillage, which should be designed with input from a qualified Ecologist, shall be submitted to the Local Planning Authority and approved in writing.
- (ii) After written approval has been granted under Part i, the scheme of lighting shall be installed in full accordance with the approved details; and on completion a verification report shall be submitted to the Local Planning Authority for written approval. The Report should include photographs and measurements where necessary and shall be produced by a suitably qualified person to confirm that lighting has been installed in accordance with the approved scheme.

(iii) The relevant phase shall not be brought into use until written approval has been granted by the Local Planning Authority under Part ii of the condition, and thereafter the approved lighting scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: Required prior to commencement of development in order to ensure that adequate lighting including provision for cabling can be achieved, in the interest of residential amenity, public safety, nature conservation and the environment and to comply with Policy G6 of the London Plan and Policies 72 and 122 of the Bromley Local Plan.

33. Prior to the demolition of St John's Ambulance and Diddy Dino's nursery accommodation and ancillary facilities, a Community Use Agreement(s) / plan(s) shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement(s) / plan(s) shall apply to the Community Centre at Rockhills, the new Information Centre (and any other relevant facilities on the Site).

The Community Use Agreement shall include (but should not be limited to):

- Details of when the facilities will be first available for use to ensure there is no interruption in the provision of social infrastructure
- Access and parking arrangements for community users (including level access)
- Pricing policy (if relevant)
- Hours of use and management responsibilities
- A mechanism for review.

The development shall not be carried out otherwise than in strict compliance with the approved agreement.

Reason: Required prior to the commencement of development in order to ensure that there is no loss of social infrastructure as a result of the development and to secure well-managed, safe and inclusive community access to the development in accordance with policies 20, 21, 22 and 26 of the Bromley Local Plan.

34. i) Details of the type, size and location of accommodation and ancillary facilities to be secured for use by St Johns Ambulance, at a location on or near to the application Site, shall be submitted to and approved in writing by the Local Planning Authority.
- ii) The details provided under part i) shall include the timing allocations for the cessation of the existing use and the availability for occupation of the re-provided facilities to ensure there is no interruption in the provision of this social infrastructure.
- iii) The re-provided facilities, as approved, shall be made available for use prior to the demolition of the existing St Johns Ambulance accommodation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Required prior to the commencement of development in order to ensure that there is no loss of social infrastructure as a result of the development in accordance with policies 20, 21, 22 and 26 of the Bromley Local Plan.

35. Prior to commencement of works on each phase of the development, as outlined in the phasing plan approved under condition 8 (including demolition and site preparation works), an Employment and Training strategy relevant to that phase shall be submitted to and approved in writing by the Local Planning Authority.

The Employment and Training strategy should highlight the opportunities to local residents which the development will provide, both during and after construction, and demonstrate what steps will be taken to deliver those opportunities, in cooperation with the local authority.

The strategy shall:

- o include reference to specific and measurable outputs, key delivery partners and details on the timeframe within which each output will be delivered
- o highlight the named contact who will be responsible for managing the delivery of the strategy
- o set out the steps that will be taken to deliver on agreements at the various stages of the development, related to (but not limited to) the following:
 - construction apprenticeships
 - local employment during the construction phase
 - construction work experience opportunities
 - end use apprenticeships
 - local procurement opportunities
 - work experience

Reason: Required prior to the commencement of development in order to secure the delivery of employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases of the development to accord with policy E11 of the London Plan.

36. Details shall be submitted of the methods by which the Victorian wall fronting Westwood Hill will be demolished, and of the reuse of the materials arising from the wall, as a replacement front boundary enclosure to the site (including their storage before such a replacement enclosure is built).

The details shall be approved in writing by the Local Planning Authority before any work starts on the demolition of the wall, and the work shall be carried out in accordance with the approved details.

Reason: Required prior to demolition to satisfy the Local Planning Authority that adequate protection, storage and reuse of the materials can be secured in the interest of preserving and enhancing the character and appearance of the conservation area to accord with Policy 41 of the Bromley Local Plan.

37. (i) Prior to any above ground construction of buildings including kitchens with extraction systems on each phase of the development, as outlined in the phasing plan approved under condition 8, details of a scheme showing the specification and performance of any kitchen extract system to be installed in accordance with that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include carbon filters and shall show the arrangements for replacing the air extracted.
- (ii) The kitchen extract system shall be installed in full accordance with the details approved under Part (i); and on completion a verification report shall be submitted to the Local Planning Authority for written approval. The Report should include photographs and measurements where necessary and shall be produced by a suitably qualified person to confirm that extract system has been installed in accordance with the approved scheme.
- (iii) The use hereby approved shall not commence until written approval has been granted under Part (ii) of this condition. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no changes to the installed system shall be made without the prior approval in writing by the Local Planning Authority.

Reason: Required prior to commencement in order to ensure that satisfactory arrangements can be secured in the interest of protecting residential amenity for adjacent properties and to comply with Policy 119 of the Bromley Local Plan.

38. (i) Prior to any above ground construction of buildings on each phase of the development, as outlined in the phasing plan approved under condition 8, a scheme for the mounting of mechanical plant on the building(s), or elsewhere (relevant to that phase), so as to minimise

transmission of structure borne sound or vibration from fixed plant and equipment to any other part of the building(s), or other buildings (including those at adjoining sites), shall be submitted to and approved in writing by the Local Planning Authority.

(ii) At any time, the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014.

(iii) Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

Reason: In order to protect residential amenity for adjacent properties and future occupiers of the development to comply with Policies 37 and 119 of the Bromley Local Plan.

39. (a) Prior to any above ground construction of buildings on the Sydenham Villas and Rockhills residential developments a scheme for the design of the proposed dwellings to incorporate acoustic mitigation works in order to protect future occupiers from noise, including during demolition and construction works in the wider Park, shall be submitted to and approved in writing by the Local Planning Authority.
- (b) The scheme shall include all aspects of the design including construction details, ventilation arrangements, acoustic protection for amenity areas and all the matters tabulated within paragraph 2.23 of ProPG: Planning and Noise Professional Practice Guidance on Planning & Noise (2017).
- (c) Following construction, the results of post construction testing to demonstrate attainment of the target internal noise levels shall be submitted to and approved in writing by the Local Planning Authority.
- (d) The approved scheme shall be fully implemented before any of the dwellings are occupied and permanently retained as such thereafter.

Reason: In order to comply with Policy 37 and policy 119 of the Bromley Local Plan and to ensure a satisfactory standard of residential amenity.

40. No works included in a subsequent stage of the phasing plan under condition 8 shall be carried out until the financial contribution towards two cycle docking stations in the Park has been paid in full.

Reason: To support the delivery of cycling infrastructure and to ensure a sustainable form of development in accordance with policies T5 and DF1 of the London Plan and policies 31, 33, 34, 35 and 125 of the Bromley Local Plan.

41. No works included in a subsequent stage of the phasing plan under condition 8 shall be carried out until the financial contribution towards the enhancement of bus stops and bus shelters around the perimeter of the Park has been paid in full.

Reason: To support the delivery of improved transport infrastructure to mitigate the impacts of the development and to ensure a sustainable form of development in accordance with policies T4 and DF1 of the London Plan and policies 31, 33, 34, 35 and 125 of the Bromley Local Plan.

42. A Framework Events Management Plan (FEMP) shall be submitted to the Local Planning Authority in accordance with the sequencing approved as part of the phasing plan under condition 8. The FEMP shall set out the key principles for the management of all events at the Park which are required in the interests of residential amenity, public safety, the highways network and the safety and efficiency of public transport.

The FEMP shall set out the thresholds for a requirement to produce a detailed Event Management Plan for individual and temporary events which should include (but not be limited to):

- Event Details including dates and times
- Operator details
- Delivery and servicing arrangements
- Measures to promote and encourage the use of alternative modes of transport to the car for staff and visitors
- Staff, setup and clean-up requirements
- Access and stewarding proposals
- Assessment of attendee numbers, ticketing arrangements (e.g. impact on catchment) and arrival and departure profiles
- Analysis of impacts on local public transport
- Parking Management (assumption being that driving will be discouraged and parking minimised where possible)
- Mitigation measures, including mechanism to secure financial contributions for mitigatory measures, as required
- Monitoring

The FEMP and thresholds should be agreed in consultation with TfL and approved in writing by the Local Planning Authority prior to any phase of the development being first brought into use.

Reason: In order to comply with Policies 30, 31, 32, 33, 34, 37 and 125 of the Bromley Local Plan and policies T2, T3, T4, T7 and DF1 of the London Plan and to mitigate the impact of development, in the interests of residential amenity, public safety, the highways network and public transport operations.

43. (i) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. Prior to the commencement of any above ground construction on each phase of the development, as outlined in the phasing plan approved under condition 8, details of such measures for that phase shall have first been submitted to and approved in writing by the Local Planning Authority.
- (ii) The approved measures shall be implemented before the relevant phase is occupied / first brought into use and the security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies 4 and 37 of the Bromley Local Plan.

44. Prior to any above ground construction of buildings on the Sydenham Villas and Rockhills residential developments, a Travel Plan for each residential site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include as a minimum:
- Measures to promote and encourage the use of alternative modes of transport to the car
 - A timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating
 - Details of the process for monitoring demand and increasing cycle parking provision, as necessary (including details of where additional cycle parking storage facilities could be located, their design and appearance).

The Travel Plan shall be implemented in accordance with the agreed timescales and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy 31 of the Bromley Local Plan and policies T2, T4 and T5 of the London Plan.

45. A Travel Plan relating to each non-residential phase of the development shall be submitted to and approved in writing by the Local Planning Authority in accordance with the sequencing approved as part of the phasing plan under condition 8. The Plan should include as a minimum:
- Measures to promote and encourage the use of alternative modes of transport to the car
 - A timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating
 - the process for monitoring demand and increasing cycle parking provision in the Park as necessary (including details of where additional cycle parking storage facilities could be located, their design and appearance)

The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy 31 of the Bromley Local Plan and policies T2, T4 and T5 of the London Plan.

46. (a) Prior to the commencement of above ground works on each phase of the development, as outlined in the phasing plan approved under condition 8, details of arrangements for bicycle parking (including covered storage facilities where appropriate) for that phase shall be submitted to and approved in writing by the Local Planning Authority.
- (b) The arrangements shall include cycle parking facilities for the residential uses, education uses and the wider Park users including cycle parking suitable for smaller and trailer bikes.
- (c) The arrangements for each phase should demonstrate that cumulatively a total of 68 new cycle parking spaces in the Park (excluding the residential uses) will be provided from the outset.
- (d) Residential cycle parking should be provided in line with the minimum standards identified in Policy T5 of the London Plan.
- (e) All cycle parking (including for the residential uses, college use and general Park use) should be designed to comply with the London Cycle Design Standards (LCDS).
- (f) The arrangements as approved under parts (a) (b) (c) (d) and (e) shall be completed before any part of the development relating to that phase is first occupied or brought into use, and permanently retained thereafter.

Reason: In order to comply with Policy T5 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

47. (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) relating to each phase of the development, as outlined in the phasing plan approved under condition 8, shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works on that phase of the development
- (b) The arrangements as approved under part (a) shall be completed before any part of the development relating to that phase is first occupied or first brought into use, and permanently retained thereafter.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

48. (a) Not more than six (6) months and not less than three (3) months prior to the estimated date of Practical Completion of construction of any of the last 35 residential units at Rockhills or, if such period has passed or there is insufficient time remaining in such period, as soon as reasonably practicable, the Owners shall provide to the Council a full and up to date Late Stage Viability Assessment supported by evidence to demonstrate whether a deficit or surplus has arisen.

The Late Stage Review should follow Policy H5 set out within the London Plan and the formulas set out in the Annex A of Homes for Londoners, Affordable Housing and Viability Supplementary Planning Guidance 2017 or any document superseding, amending or updating this guidance.

(b) If the viability report shows a surplus then a scheme setting out the requirements for the Council to receive a financial contribution towards offsite Affordable Housing shall be submitted to and approved by the Council.

(c) Where it is determined that an additional financial contribution is required the Owners shall not occupy any of the last 35 private residential units until such payment has been made.

REASON: To ensure that the maximum reasonable amount of affordable housing can be secured and to accord with policy 2 of the Bromley Local Plan and policies H4, H5 and H6 of the London Plan.

49. a) Not more than six (6) months and not less than three (3) months prior to the estimated date of Practical Completion of construction of any of the last 18 residential units at Sydenham Villas or, if such period has passed or there is insufficient time remaining in such period, as soon as reasonably practicable, the Owners shall provide to the Council a full and up to date Late Stage Viability Assessment supported by evidence to demonstrate whether a deficit or surplus has arisen.

The Late Stage Review should follow Policy H5 set out within the London Plan and the formulas set out in the Annex A of Homes for Londoners, Affordable Housing and Viability Supplementary Planning Guidance 2017 or any document superseding, amending or updating this guidance.

b) If the viability report shows a surplus then a scheme setting out the requirements for the Council to receive a financial contribution towards offsite Affordable Housing shall be submitted to and approved by the Council.

c) Where it is determined that an additional financial contribution is required the Owners shall not occupy any of the last 18 private residential units until such payment has been made.

REASON: To ensure that the maximum reasonable amount of affordable housing can be secured and to accord with policy 2 of the Bromley Local Plan and policies H4, H5 and H6 of the London Plan.

50. No subsequent phase of the development shall be implemented until the financial contribution towards a transport study has been paid in full in accordance with the sequencing approved as part of the phasing plan under condition 8.

Reason: In the interests of road safety and to reduce the dominance of vehicles on London's streets in accordance with the Mayor's Healthy Streets Approach and policies T2 and DF1 of the London Plan and policies 31, 33, 34, 35, 37 and 125 of the Bromley Local Plan.

51. Details of an agreement with an accredited private cycle / electric cycle hire company for them to operate in the Park, or evidence of reasonable endeavours to enter into such an agreement, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the sequencing approved as part of the phasing plan under condition 8. .

Reason: To support the delivery of cycling infrastructure and to accord with policies T5 and DF1 of the London Plan and policies 31, 33, 34, 35 and 125 of the Bromley Local Plan.

52. A Service and Delivery Plan for each approved land use shall be submitted to and approved in writing by the Local Planning Authority prior to occupation / first use of the phase of development to which it relates.

The development shall be implemented in accordance with the approved details and shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policies 31, 37 and 119 of the Bromley Local Plan and in the interest of the amenities of the future occupants of the development and the adjacent properties.

53. a) No development shall be occupied until confirmation has been provided that either:-
1. Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water, or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

b) Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan,

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

54. a) No development shall be occupied until confirmation has been provided that either:
1. all water network upgrades required to accommodate the additional flows to serve the development have been completed; or
2. a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

b) Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

55. The area adjacent to Crystal Palace Parade indicated as 'Bus Station Safeguard Area' in the approved plans shall be kept free from any development which has the potential to prevent the future expansion of the bus station, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the sufficient provision of land for the development of current and expanded public transport infrastructure to serve London's needs, in accordance with policy T3 of the London Plan and policy 36 of the Bromley Local Plan.

56. Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the Rockhills or Sydenham Villas development shall obtain a

resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

Reason: In order to comply with Policy 32 of the Bromley Local Plan which requires the Council to consider the potential impact of any development on road safety and ensure that it is not significantly adversely affected, as well as Policies T1 and T2 of the London plan which seek to facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041 and to reduce the dominance of vehicles on London's streets.

57. The approved Community Centre at Rockhills shall only be used for the following uses:

- Class E: provision of medical or health services; creche, day nursery or day centre; sale of food and drink for consumption (mostly) on the premises; indoor sport, recreation and fitness (not involving motorised vehicles or firearms)
- Class F.1: provision non-residential education and training, public worship or religious instruction (or in connection with such use)
- Class F.2: hall or meeting place for the principal use of the local community

and for no other purpose (including any other purpose in Classes E, F.1 or F.2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). There shall be no change of use whether allowed by the Town and Country Planning (Use Classes) Order 1987 (as amended), the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting these Orders.

Reason: To secure and maximise the social benefits of the development and in order that the Council can consider any proposed change of use with regard to current planning policies to prevent any inappropriate use in accordance with policies 15, 20, 21, 22, 26 and 37 of the Bromley Local Plan.

58. The approved cultural venue shall only be used for Class F.1: museum, display of works of art, public hall or exhibition hall and for no other purpose (including any other purpose in Classes F.1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). There shall be no change of use whether allowed by the Town and Country Planning (Use Classes) Order 1987 (as amended), the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting these Orders.

Reason: To enhance and support the cultural function of Crystal Palace Park and in order that the Council can consider any proposed change of use with regard to current planning policies to prevent any inappropriate use in accordance with policies 15, 20, 37 and 111 of the Bromley Local Plan.

59. The dwellings hereby permitted shall comply with Building Regulations optional requirement of not more than 105 litres per person per day, in paragraph (2)(b) Part G2 - Water efficiency - of Approved Document G (2015 edition). Before occupation, evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To comply with London Plan Policy SI 5 in order to minimise the use of mains water, water supplies and to protect and conserve resources.

60. i) The development shall be carried out in complete accordance with the assumptions, controls, and mitigations measures as set out in ES Volume I Chapter 5 (AECOM, January 2020) (ref: 60553431-REP-ES-001) including the use of air and ground source heat pumps (or equivalent).
- ii) Unless otherwise agreed in writing by the Local Planning Authority, there shall be no use of fuels for energy generation, space heating, hot water, or cooking within the development, including for commercial catering purposes.

Reason: To ensure that the development is Air Quality Neutral to minimise the effect of the development on local air quality and to accord with Policy 120 of the Local Plan and policy SI 1 of the London Plan

You are further informed that :

- 1 You are advised that this application is considered to be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008 (as amended).

The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development. It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010) (as amended). The Levy will appear as a Land Charge on the relevant land with immediate effect.

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

- 2 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. Copies of the report and the meeting minutes can be found at <https://cds.bromley.gov.uk/ieListDocuments.aspx?CId=115&MId=6923>

Further details on the London Borough of Bromley CIL can be found at:
https://www.bromley.gov.uk/info/1004/planning_policy/1179/bromleys_community_infrastructure_levy

- 3 You are reminded of your obligation under Section 80 of the Building Act 1984 to notify the Building Control Section at the Civic Centre six weeks before demolition work is intended to commence. Please write to Building Control at the Civic Centre, or telephone 020 8313 4313, email buildingcontrol@bromley.gov.uk.
- 4 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelopers.thameswater.co.uk%2FDeveloping-a-large-site%2FPlanning-your-development%2FWorking-near-or-diverting-our-pipes&data=01%7C01%7Cplanning%40bromley.gov.uk%7C2ecef3c3f234b253de408d86a2ec8f%7C8cc3d50b245a4639bab48b879ac9838c%7C0&data=ruFmJda3jeSQUpQw0rxZ>

g0yOb0dOK4K08v0v%2BierPCY%3D&reserved=0. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- 5 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelopers.thameswater.co.uk%2FDeveloping-a-large-site%2FPlanning-your-development%2FWorking-near-or-diverting-our-pipes&data=01%7C01%7Cplanning%40bromley.gov.uk%7C2ecef3c3f234b253de408d86a2ec8f%7C8cc3d50b245a4639bab48b879ac9838c%7C0&sdata=ruFmJda3jeSQUpQw0rxZg0yOb0dOK4K08v0v%2BierPCY%3D&reserved=0>
- 6 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site. If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 7 The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.
- 8 All demolition and construction works, as well as the day-to-day use of the remodelled park and all new Class C and Class D buildings and facilities within it, must not impede waste and recycling collections to address within the London Borough of Southwark. If there would be any impact on waste and recycling collections, either during the construction stage or in the end-use, the developer must notify Southwark's Waste Management Team and engage with Veolia.
- 9 Details of the construction must be agreed with the Highway Authority (and in relation to the Anerley Hill access in consultation with Transport for London). For more information please contact Dan Gordon, Highway Area Manager: Daniel.Gordon@bromley.gov.uk and TfL bus operations.

In addition to the conditions set out above, you are reminded of your obligation under Section 106 of the Town and Country Planning Act 1990 in relation to permission ref. 20/00325/OUT and the covenants contained therein.

Signed:

Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website at www.bromley.gov.uk/planning. Through the provision of a pre-application advice service the Local Planning Authority encourages early engagement to resolve problems that can occur in relation to dealing with a planning application by providing clear guidance as to how the aims of the development plan can be achieved in a sustainable and appropriate manner in accordance with paragraphs 188 - 190 of the National Planning Policy Framework 2012.

DRAFT

Approvals with or without conditions, or refusals of applications for planning permission under the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Procedure) Order 2015 (as amended) and applications for Listed Building and Conservation Area Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

If you disagree with the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, you may appeal to The Planning Inspectorate (PINS). This is an independent Executive Agency which provides fair and impartial decisions on appeals against LPA decisions on planning consents in accordance with Section 78 of the Town and Country Planning Act 1990 and for Listed Building and Conservation Area consents in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeals must be made within 12 weeks of the Decision Notice date for householder planning applications and within 6 months for any other application. They must be submitted on a form, which is obtainable from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>. If an enforcement notice is or has been served relating to the same or substantially the same development as in your application, then the time limit to appeal will expire 28 days after the enforcement notice is served – except that you will have a minimum of 28 days to appeal after the right of appeal begins and the time limit will expire no later than it would if there were no enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (PlanningAppeals@bromley.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. See <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries> for further details.

The Secretary of State (including PINS) is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the Statutory requirements, to the provisions of the development order, and to any directions given under the order.

If planning permission, listed building or conservation area consent to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State (including PINS) on appeal, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Bromley a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Part VI Chapter 1 of the Town and Country Planning Act 1990 or in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission or consent is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 and in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Applications for Express Consent under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007

If you disagree with the decision of the local planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, you may by notice served within 8 weeks of the receipt of this notice, or such longer period as the Secretary of State may agree, appeal to the Planning Inspectorate in accordance with the provision of Part 3 Section 17 of The Town and Country Planning (Control of Advertisements) Regulations 2007. Forms are available from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>.

Town and Country Planning Act 1990 (as amended). A Certificate of Lawfulness for an existing proposed use or development

If you are aggrieved by a refusal to grant, a Certificate of Lawfulness, you may appeal to the Planning Inspectorate under Section 195 and 196 of the Town and Country Planning Act 1990 (as amended).

AN IMPORTANT FOOTNOTE

Permission or approval referred to overleaf is confined to permission under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, the Town and Country Planning General Development Order 2015 as amended, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and does not obviate the necessity of compliance with any other enactment, by law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, Building Regulation, consent, approval or authorisation which may be required.

You are reminded that the Borough Council's permission does not modify or affect any personal or restrictive covenants, easement, etc., applying to or affecting either this or any other land or the rights of any persons (including the London Borough of Bromley Council) entitled to the benefits thereof or holding an interest in the property concerned in this development or in any adjoining property.

ACCESS FOR PEOPLE WITH DISABILITIES

Your attention is drawn to British Standard and Government advice concerning means of access for people with a disability. This advice applies to educational, recreational and retail premises as well as office, factories and business premises.

DRAFT

Report No.
HPR2022/024

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: DCC: Tuesday 7 June 2022
RRH PDS: 14 June 2022
Executive: 29 June 2022

Decision Type: Non-Urgent Executive Key

Title: ADOPTION OF THE PLANNING OBLIGATIONS
SUPPLEMENTARY PLANNING DOCUMENT

Contact Officer: James Renwick, Infrastructure Delivery Team Leader
E-mail: james.renwick@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: (All Wards);

1. Reason for decision/report and options

- 1.1 This report recommends the adoption of the revised Planning Obligations Supplementary Planning Document (SPD). The Draft SPD underwent 6 weeks public consultation between 9 March 2022 and 22 April 2022, and whilst generally there was support for its content, there are some minor amendments in the proposed version. The revised SPD is necessary to reflect changes following the adoption of the Bromley Community Infrastructure Levy (CIL) and changes to national, regional and local planning policy that have occurred since the date of publication of the current SPD (2010)

2. RECOMMENDATION(S)

For Development Control Committee members

- 2.1 That members endorse the revised Planning Obligations Supplementary Planning Document (shown at Appendix 1) for adoption.

For Renewal, Recreation and Housing Policy Development and Scrutiny Committee members

- 2.2 That members endorse the revised Planning Obligations Supplementary Planning Document (shown at Appendix 1) for adoption.

Executive

- 2.3 That Executive approve the revised Planning Obligations Supplementary Planning Document (shown at Appendix 1) for adoption.**
- 2.4 That Executive authorise the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to approve any further minor changes (e.g. related to formatting) to the Planning Obligations Supplementary Planning Document (shown at Appendix 1) prior to adoption.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
-

Transformation Policy

1. Policy Status: Not Applicable
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: Costs associated with the adoption of the SPD will be met from the Planning Policy and Strategy budget.
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Existing Revenue Budget for 2022/23
-

Personnel

1. Number of staff (current and additional): 3 FTE
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Town and Country Planning (Local Planning) (England) Regulations 2012
 2. Call-in: Applicable, Executive Decision
-

Procurement

1. Summary of Procurement Implications: N/A
-

Property

1. Summary of Property Implications: N/A
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: N/A – The SPD provides a framework for securing improvements to Carbon Reduction and Social Value, but has no direct implications
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”) allow a Local Planning Authority to publish SPDs to build upon and provide more detailed advice or guidance on policies in an adopted local plan. National Planning Policy guidance further stipulates that SPDs do not form part of the Development Plan and cannot introduce new planning policies into the Development Plan. They are however a material consideration in decision-making.
- 3.2 The Council already has a Planning Obligations SPD, which was adopted in December 2010. ‘Planning Obligation’ is the generic term used to describe any obligation placed by the Council on the grant of planning permission to require the developer to undertake certain commitments, either financial or non-financial in nature. Typically secured under Section 106 of the Town and Country Planning Act, planning obligations are used to control or offset the impacts of new development and make them consistent with adopted planning policy.
- 3.3 Typical planning obligations include the provision of affordable housing, payment of a sum towards localised highway improvements, carbon reduction / offset measures and the control of matters connected with new development (such as parking controls). CIL is not classified as a planning obligation, however there is a strong relationship between the two, which is explained further in the SPD. In summary, CIL is a strategic levy to cover the cost of providing future background infrastructure needs (e.g. school provision, health needs) while planning obligations are concerned with the specific site impact of a development proposal.
- 3.4 Since the adoption of the SPD, there have been significant changes to the adopted policy framework at the national, London and local level; furthermore, the adoption of the Bromley CIL in April 2021 changes the scope of requirements which the Council may seek as a planning obligation in the determination of a planning application. The Council also has adopted a new Corporate Strategy - ‘Making Bromley Even Better’ - in September 2021, which should be reflected in any guidance on the use of planning obligations, to assist with the delivery of Council priorities.

Consultation on the Draft Planning Obligations SPD

- 3.5 Executive approved the draft Planning Obligations SPD for consultation at their meeting of 9 February 2022¹. The Council consulted on a draft Planning Obligations SPD between 9 March 2022 and 22 April 2022. The draft SPD updated the policy context for the SPD and included greater content to guide the negotiation of planning obligations. Comments were sought from infrastructure providers, community groups and the development industry, with the draft SPD made available on the Council’s website. The SPD also included a Strategic Environmental Assessment (SEA) screening statement (available at Appendix 3) which concluded that the SPD did not produce significant environmental effects.
- 3.6 In total nine individual responses were received during the consultation period, raising 42 specific representations. A summary of the responses received have been compiled in a “Regulation 12(a) Consultation Statement” (see Appendix 2 to this report). In general comments were supportive of the Draft SPD, with no outright objections to its content, however there were some suggested content amendments.

Amendments for the proposed Revised Planning Obligations SPD

¹ <https://cde.bromley.gov.uk/documents/s50095934/Exec%20090222%20Planning%20Obligations%20Report.pdf>

3.7 The main changes in the proposed adoption draft SPD are:

- Inclusion of the requirement for a biodiversity 'net 10% gain' (as proposed by the Environment Agency)
- Linkage in Section 8 (On-site amenity and green infrastructure) , Section 11 (Open space and Outdoor sport) and Section 13 (Urban centres and public realm) that provision or contributions offered under one section may be considered towards the provision in another section (i.e. an enhanced public realm offer may count towards on-site amenity space requirements).
- Additional text for the management of flood risk and improvements to flood risk infrastructure.
- Additional text to support heritage management as proposed by Historic England.

3.8 Furthermore, after internal discussion, it is now considered that Appendix 2 of the SPD (Section 106 precedent and notification form) should be removed from the SPD and hosted as 'living draft' document on the same webpage that will host the Planning Obligations SPD. This will allow more regular updates to the templates without having to amend the SPD. Any templates would continue to be informed by the guidance set out in the SPD. Similarly, Appendix 1 of the SPD has been amended to refer to this change.

3.9 Further details on proposed changes, and matters raised during the consultation that are not being considered for amendment (and the reasons why not) can be found in Appendix 2 to this report

3.10 It should be noted that the revised SPD does not establish any hierarchy of priorities, its role is to provide a framework for securing contributions based on current adopted policy. Applicable obligations will be determined on a case-by-case basis at the point of the award of planning permission.

4. TRANSFORMATION/POLICY IMPLICATIONS

4.1 Planning obligations must only be sought where they meet the three tests set out in Regulation 122 of the CIL Regulations. The National Planning Policy Framework (NPPF)² and PPG³ sets out national policy and guidance relating to planning obligations.

4.2 Development Plan policies play a crucial role in securing appropriate planning obligations. Policy 125 of the Local Plan (2019) sets out the Council's approach to Section 106 agreements. The current Planning Obligations Supplementary Planning Document (SPD) (2010) provides further guidance on the Council's general approach to planning obligations, and where possible the requirements, and mechanisms for infrastructure contributions.

4.3 Policies in the adopted London Plan also set out priorities for planning obligations, which includes affordable housing and public transport improvements.

5. FINANCIAL IMPLICATIONS

5.1 The production of the Revised Planning Obligations SPD and the costs associated with adoption will be funded from the Planning Policy and Strategy budget

6. LEGAL IMPLICATIONS

² NPPF paragraphs 55-58, available here: <https://www.gov.uk/guidance/national-planning-policy-framework/4-decisionmaking#para55>

³ PPG, Planning Obligations, available here: <https://www.gov.uk/guidance/planning-obligations>

- 6.1 The draft SPD has been prepared in line with relevant planning guidance and regulations, including the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If adopted, the SPD will be a material consideration in the determination of relevant planning applications.
- 6.2 A Screening Statement to determine the need for a SEA has been prepared by officers, in accordance with the requirements of European Directive 2001/42/EC; and the Environmental Assessment of Plans and Programmes Regulations 2004; this is provided at Appendix 3. The screening has concluded that an SEA does not need to be prepared as the SPD does not introduce new policies but provides further guidance on adopted Development Plan policy. This policy has been sufficiently appraised in the Sustainability Appraisals of the Local Plan and London Plan documents; it is considered that the Planning Obligations SPD will not result in any additional significant effects to those already identified through these higher-level Sustainability Appraisals.
- 6.3 This approach is consistent with national planning guidance which states that SPDs are only likely to require an SEA in exceptional circumstances, where they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies.
- 6.4 There is a requirement to consult three statutory consultation bodies designated in the SEA Regulations (the Environment Agency, Historic England and Natural England) on whether a strategic environmental assessment is required. Officers have consulted each of the three bodies on the screening statement provided at Appendix 3; details of the responses are provided in the Screening Statement appendix.

7. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 7.1 The Revised Planning Obligations SPD provides a framework for negotiating Planning Obligations, and therefore has no direct impact on carbon reduction or social value. Individual planning decisions may be guided by the principals of the framework and lead to positive outcomes in these areas.

8. WARD COUNCILLOR VIEWS

- 8.1 The Revised Planning Obligations SPD is not geographically specific and would apply to the whole borough.

Non-Applicable Headings:	IMPACT ON VULNERABLE ADULTS AND CHILDREN PERSONNEL IMPLICATIONS PROCUREMENT IMPLICATIONS PROPERTY IMPLICATIONS CUSTOMER IMPACT
Background Documents: (Access via Contact Officer)	<p>Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf</p> <p>Bromley CIL documents (including CIL Charging Schedule and Infrastructure Delivery Plan) - https://www.bromley.gov.uk/info/1004/planning_policy/1179/bromleys_community_infrastructure_levy</p> <p>London Plan (adopted 2 March 2021), available from: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (July 2021) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>Current adopted Planning Obligations SPD - https://www.bromley.gov.uk/info/1004/planning_policy/160/planning_obligations_supplementary_planning_document</p> <p>Web page hosting the consultation on the Draft Planning Obligations SPD: https://www.bromley.gov.uk/info/1004/planning_policy/1440/supplementary_planning_guidance</p>



THE LONDON BOROUGH
www.bromley.gov.uk

Planning Obligations Supplementary Planning Document

June 2022

Bromley Council

Planning Obligations Supplementary Planning Document – June 2022

For more information about this document, please contact:

Bromley Infrastructure Delivery Team

Email: lcil@bromley.gov.uk

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1 Introduction

Background

- 1.1 This Supplementary Planning Document (SPD) forms part of the Bromley policy framework. It provides guidance to assist with the implementation of the Bromley Development Plan, made up of the Bromley Local Plan and the London Plan (2021). The SPD is a material consideration in the determination of relevant planning applications.
- 1.2 The document provides guidance on the Council's general approach to Planning Obligations, and where possible the requirements, and mechanisms for infrastructure contributions. The Council adopted a local Community Infrastructure Levy (CIL) on 19 April 2021, which will assist with the future funding of strategic infrastructure requirements. The use of Planning Obligations through a Section 106 agreement will remain for site specific infrastructure, affordable housing and any other non-infrastructure matters required to make a development acceptable in planning terms (such as monitoring or management arrangements).
- 1.3 New development can raise additional pressure on local infrastructure, whether by way of additional school places required, amendments to the local highway, new health / community facilities or provide opportunities to local employment and housing. All new development (where meeting the requirement to pay CIL) will pay a contribution via the CIL towards the general infrastructure provision required in the borough, in some cases further contributions may be required to address site specific impacts through the use of Section 106 agreements.
- 1.4 The CIL charging schedule applies to all new development granted planning permission on and after 15 June 2021 (unless it qualifies for an exemption – more details can be found on the Council's CIL webpage¹). The charge is applied based on the quantum of the proposed floorspace in any new building, extension or change of use (existing / demolished floorspace may qualify for a deduction) at the rates adopted. New development may also benefit from relief to pay CIL (such as for the floor space that will be used for affordable housing).

Rates (<i>applicable across the whole administrative area of the London Borough of Bromley</i>)	Charge £ per sqm
Residential development excluding residential development which delivers additional care and support services	£100 per sqm
Large-scale purpose built shared / purpose built student accommodation	£150 per sqm
Retail Warehousing over 1000sqm	£100 per sqm
Supermarkets/foodstore over 280sqm (3,000 sq ft)	£100 per sqm
Other forms of development	£0 per sqm

- 1.5 The Council is also the collecting authority for the Mayor of London CIL (MCIL2 – adopted 01 April 2019) which is to be paid in addition to the Bromley CIL
- 1.6 The Council will apply CIL to various infrastructure requirements across the borough, informed by the Council's Infrastructure Delivery Plan. CIL and planning obligation income, and expenditure, will be reported annually through the Infrastructure Funding Statements².

¹https://www.bromley.gov.uk/info/1004/planning_policy/1179/bromleys_community_infrastructure_levy

² Available from: https://www.bromley.gov.uk/downloads/download/1113/infrastructure_funding_statement

What are planning obligations?

- 1.7 Developments are required to adhere to the adopted local Development Plan (both the Bromley Local Plan and the Mayoral London Plan), which may require certain infrastructure to be applied on site, such as play equipment or affordable housing. Furthermore, there may be specific requirements regarding the operation or design of a site that needs to be addressed directly, such as changes to the local highway, on-going maintenance arrangements or public realm improvements. Such requirements should be addressed as part of the planning permission and may be secured via Planning Condition or the use of a S106 Agreement negotiated with the Council.
- 1.8 S106 agreements are private agreements negotiated in the context of planning applications, between the Council and persons with an interest in a piece of land. They are intended to make acceptable development that would otherwise be considered unacceptable in planning terms. A developer may also propose their own Planning Obligations – for example where the application has been refused by the Council and is to be determined via appeal; these are known as Unilateral Undertakings, which in essence follow the same principles as S106 Agreements as outlined in this guidance.
- 1.9 S106 agreements relate to a planning permission but are also attached to the land and registered as a local land charge. This means that requirements can be enforced against those who entered into it and against anybody who gains title to the land. This ensures that if land is sold with a planning permission and related planning contributions, those contributions can be enforced against the new owner(s) of the land i.e. successors in title
- 1.10 The governing provisions for use of Planning Obligations are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010³ (as amended):

Limitation on use of Planning Obligations:

122. (1) *This regulation applies where a relevant determination is made which results in planning permission being granted for development.*

(2) *Subject to paragraph (2A), A Planning Obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

- (a) *necessary to make the development acceptable in planning terms;*
- (b) *directly related to the development; and*
- (c) *fairly and reasonably related in scale and kind to the development.*

(2A) *Paragraph (2) does not apply in relation to a Planning Obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of Planning Obligations in the authority's area, provided:*

- (a) *the sum to be paid fairly and reasonably relates in scale and kind to the development; and*

³ Available from:

<https://www.legislation.gov.uk/uksi/2010/948/regulation/122/made>

(b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the Planning Obligations which relate to that development.

1.11 In some circumstances, where it is not possible to address the requirement as part of the development, the Council may accept a payment in lieu to provide the required works off-site. Furthermore, the Council may also require a payment to recover costs for officer time to monitor and manage agreements. Any payment request via a S106 agreement is separate to CIL and does not cover infrastructure projects that CIL will be used towards.

2 Policy framework

Overview

- 2.1 This SPD forms part of the Bromley policy framework. It provides guidance to assist with the implementation of the Bromley Development Plan, made up of the Bromley Local Plan and the London Plan (2021). The SPD is a material consideration in the determination of relevant planning applications.
- 2.2 This section of the SPD sets out the policy framework for Bromley, encompassing planning policy and guidance at a national, regional and local level.

Figure 1 – Policy Framework



National planning policy and guidance

- 2.3 The National Planning Policy Framework (NPPF)⁴ sets the national policy context for preparation of local plans. Local Plans must be consistent with national policy and should enable the delivery of sustainable development in accordance with the policies in the NPPF. The NPPF is also capable of being a material consideration in the determination of planning

⁴ National Planning Policy Framework <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

applications. The current version of the NPPF was published in February 2019. National Planning Practice Guidance (PPG)⁵ provides further detail on various aspects of the NPPF.

London planning policy and guidance

- 2.4 The Mayor of London produces a spatial development strategy (known as the London Plan). The current version of the London Plan was adopted in March 2021⁶. The London Plan forms part of the Development Plan for each of the London local planning authorities and is used to assess planning applications. The Mayor also has a number of Supplementary Planning Guidance (SPG) documents which provide further detail on policies set out in the London Plan.
- 2.5 The London Plan contains policies that may be relevant to potential Planning Obligations that the Council may request. The overarching policy setting out the Mayor of London's approach that local authorities should adopt with respect to Planning Obligations is set out in Policy DF1

Policy DF1 Delivery of the Plan and Planning Obligations

A Applicants should take account of Development Plan policies when developing proposals and acquiring land. Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan. Where relevant policies in local Development Plan Documents are up to date, it is expected that viability testing should normally only be undertaken on a site-specific basis where there are clear circumstances creating barriers to delivery.

B Where relevant policies in local Development Plan Documents are up to date, if an applicant wishes to make the case that viability should be considered on a site-specific basis, they should provide clear evidence of the specific issues that would prevent delivery, in line with relevant Development Plan policy, prior to submission of an application.

C Where it is accepted that viability of a specific site should be considered as part of an application, the borough should determine the weight to be given to a viability assessment alongside other material considerations, ensuring that developments remain acceptable in planning terms. Viability assessments should be tested rigorously and undertaken in line with the Mayor's Affordable Housing and Viability SPG.

D When setting policies seeking Planning Obligations in local Development Plan Documents and in situations where it has been demonstrated that Planning Obligations cannot viably be supported by a specific development, applicants and decision-makers should firstly apply priority to affordable housing and necessary public transport improvements, and following this:

- 1) recognise the role large sites can play in delivering necessary health and education infrastructure; and
- 2) recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

E Boroughs are also encouraged to take account of the infrastructure prioritisation in Part D in developing their Community Infrastructure Levy Charging Schedule.

⁵ Planning Policy Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>

⁶ London Plan 2021 <https://www.london.gov.uk/what-we-do/planning/london-plan>

Local planning policy

- 2.6 The current Bromley Local Plan⁷ was adopted in January 2019. The Local Plan sets out a number of planning policies, site allocations and land designations for the borough, and is the central document in the Borough's Development Plan (which is used to assess planning applications). The Local Plan is accompanied by the Policies Map which illustrates geographically the application of the policies in the Local Plan.
- 2.7 The Bromley Local Plan sets out its expectations for infrastructure delivery in Policy 125:

Policy 125 - Delivery and implementation of the Local Plan

The Council will work with partners to deliver the vision, objectives and policies of this Local Plan:

Requiring development to provide for the infrastructure, facilities, amenities and other planning benefits that are necessary to support and serve it;

Working with relevant providers and developers to ensure necessary infrastructure is secured and delivered in time to support Bromley's consolidated growth and development and provide facilities for the borough's communities;

Using Planning Obligations where appropriate alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and to mitigate the impact of development; Working with neighbouring boroughs to co-ordinate delivery across boundaries;

Community Infrastructure Levy

- 2.8 The Community Infrastructure Levy was introduced under the Planning Act 2008, allowing Local Planning Authorities to introduce the levy on new development. The operating framework for CIL is set out in the Community Infrastructure Levy Regulations 2010 (as amended), which requires the Local Planning Authority (where defined as an applicable 'Charging Authority') to undertake a formal process for adoption. The calculation, liability and payment of CIL are all determined by the Regulations.
- 2.9 The Mayor of London is defined as a 'Charging Authority' and adopted a new Mayoral Community Infrastructure Levy (MCIL2) in April 2019. Upon adoption, MCIL2 superseded the previous MCIL1. The London Borough of Bromley is designated as the 'Collecting Authority' for MCIL.
- 2.10 The London Borough of Bromley, as a 'Charging Authority', introduced its own Local CIL (BCIL) on 19 April 2021 - which was brought into effect on planning permissions granted on, and after, 15 June 2021.
- 2.11 As the London Borough of Bromley is the Collecting Authority for both MCIL and BCIL it shall calculate and issue liabilities for both regimes in a single combined process. Sums received under MCIL are passed directly on to the Mayor of London, while BCIL is retained by London Borough of Bromley and spent in accordance with the Regulations.

⁷ Bromley Local Plan https://www.bromley.gov.uk/info/1004/planning_policy/1263/the_bromley_local_plan

3 Basis for Planning Obligations

Overview

- 3.1 While the main basis for securing Planning Obligations is derived from the relevant policies in the Development Plan, there may be further specific strategies prepared by the Council and other Stakeholders that are relevant for securing obligations, such as:

Bromley Council Housing Strategy 2019-2029
Bromley Council Open Space Strategy
Making Bromley Even Better (Corporate Strategy) 2021 to 2031
Homelessness Strategy 2018-23 - Bromley Council
Local Implementation Plan
Bromley Biodiversity Plan.
Bromley Economic Development Strategy
Bromley Regeneration Strategy

- 3.2 This guidance provides the overall framework for Planning Obligations. The Council may produce further technical guidance with respect to standards and thresholds (such as Affordable Housing Income thresholds or Local Labour standards) to reflect current circumstances. There may also be relevant Mayoral Supplementary Planning Guidance (SPG) or other Mayoral documents which provide justification for planning obligations⁸. This section outlines the main strategy basis for securing Planning Obligations.

Bromley Corporate Strategy⁹

- 3.3 “Making Bromley Even Better”- 2021 to 2031 (October 2021) is the Borough’s over-arching Corporate Strategy setting out Bromley’s long-term comprehensive goals to create an environment where individuals and communities thrive and prosper, enjoying independent and self-reliant lives. The strategy centres on five key ambitions:

- For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home
- For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
- For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
- For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
- To manage our resources well, providing value for money, and efficient and effective services for Bromley’s residents.

- 3.4 Planning Obligations may be required to ensure development proposals are aiding the Council's efforts in achieving some of the priorities and targets outlined in this strategy. The

⁸ The Savings Statement published alongside the London Plan (2021) sets out which SPGs remain extant - https://www.london.gov.uk/sites/default/files/plp_2020_savings_statement.pdf

⁹ https://www.bromley.gov.uk/downloads/file/6895/making_bromley_even_better_corporate_strategy

table below sets out the linkages between “Making Bromley Even Better” themes and Planning Obligation topic areas:

Corporate Strategy Ambitions	SPD Topic Areas
Children and Young People	<ul style="list-style-type: none"> - Community, Health and Educational facilities - Local Employment and Services
Adults and Older People	<ul style="list-style-type: none"> - Community, Health and Educational facilities - Local Employment and Services
Homes in Bromley and for business, enterprise and the third sector to prosper.	<ul style="list-style-type: none"> - Urban Centres and Public Realm - Local Employment and Services - Affordable Housing
Prosper in a safe, clean and green environment great for today and a sustainable future.	<ul style="list-style-type: none"> - Open Spaces and Outdoor Sport - On Site Amenity Space and Green Infrastructure - Control of Development and Management Plans - Highways and Transport - Sustainable Development
Providing value for money, and efficient and effective services for Bromley’s residents.	<ul style="list-style-type: none"> - General Principles

Bromley Local Plan

3.5 The Local Plan contains six main thematic chapters which contain further policies applicable to the Council’s expectations as to what new development should adhere to. The following table highlights relevant policies in the Local Plan that may apply in relation to the topic areas used in this guidance. This list is not considered exhaustive and there may be other relevant policies which will be applied:

Theme	SPD Topic Areas	Policy
Living in Bromley	<ul style="list-style-type: none"> - Affordable Housing - On-site Amenity Space and Green Infrastructure - Local Employment and Services - Urban Centres and Public Realm 	Policy 2 - Provision of Affordable Housing Policy 4 - Housing Design Policy 13 - Renewal Areas Policy 15 - Crystal Palace, Penge & Anerley Renewal Area Policy 16 - Bromley Common Renewal Area Policy 17 - Cray Valley Renewal Area Policy 18 - Mottingham Renewal Area Policy 19 - Ravensbourne, Plaistow, Sundridge Renewal Area
Supporting Communities	<ul style="list-style-type: none"> - Community, Health and Educational facilities - Open Spaces and Outdoor Sport 	Policy 20 - Community Facilities Policy 22 - Social Infrastructure in New Developments Policy 24 - Allotments and Leisure Gardens Policy 25 - Burial Space Policy 26 - Health & Wellbeing Policy 27 – Education Policy 28 – Educational Facilities
Getting Around	<ul style="list-style-type: none"> - Highways and Transport - Control of Development 	Policy 30 - Parking Policy 31 - Relieving Congestion Policy 33 - Access for All

	and Management Plans - Urban Centres and Public Realm	Policy 34 - Highway Infrastructure Provision Policy 35 - Transport Investment Priorities
Valued Environments	- Urban Centres and Public Realm - On-site Amenity Space and Green Infrastructure - Open Spaces and Outdoor Sport - Control of Development and Management Plans	Policy 37 -General Design of Development Policy 43 - Trees in Conservation Areas Policy 45 - Historic Parks and Gardens Policy 46 - Scheduled Monuments and Archaeology Policy 54 – South East London Green chain Policy 55 – Urban Open Space Policy 56 – Local Green Space Policy 57 - Outdoor Recreation and Leisure Policy 58 - Outdoor Sport, Recreation and Play Policy 59 - Public Open Space Deficiency Policy 60 - Rights of Way & Recreational Routes Policy 66 - Occupancy Conditions Policy 68 - Development and SSSI Policy 69 - Development & Nature Conservation Sites Policy 70 -Wildlife Features Policy 73 - Development and Trees Policy 77 - Landscape Quality and Character
Working in Bromley	- Urban Centres and Public Realm - Local Employment and Services - Control of Development and Management Plans	Policy 80 - Strategic Economic Growth Policy 90 - Bromley Town Centre OA Policy 92 - Metropolitan & Major Town Centres Policy 94 – District Centres Policy 95 – Local Centres Policy 96 - Neighbourhood Centres, Local Parades and Individual Shops Policy 111 -Crystal Palace SOLDC Policy 103 - Biggin Hill SOLDC
Environmental Challenges	- Control of Development and Management Plans - Sustainable Development	Policy 113 - Waste Management in New Development Policy 115 - Reducing Flood Risk Policy 116 -Sustainable Urban Drainage Systems Policy 117 - Water & Wastewater Infrastructure Policy 118 – Contaminated Land Policy 119 – Noise Pollution Policy 120 – Air Quality Policy 123 – Sustainable Design & Construction Policy 124 – CO2 Reduction, Decentralised & Renewable Energy

London Plan

3.6 The London Plan also contains policies applicable to potential planning obligations. In addition, Policy D2 directs that the density of development proposals should be based on planned levels of infrastructure rather than existing levels. For larger strategic sites, where there is currently insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean that if the development is contingent on the provision of new infrastructure, an infrastructure assessment may be required during the planning application process, which will have regard to the local infrastructure delivery plan or programmes, and the CIL contribution that the development will make.

3.7 The following table highlights relevant policies in the London Plan that may apply in relation to the topic areas used in this guidance. This list is not considered exhaustive and there may be other relevant policies which will be applied:

SPD Topic Areas	London Plan Policy
Affordable Housing	GG4 - Delivering the homes Londoners need Policy H4 - Delivering affordable housing Policy H5 - Threshold approach to applications Policy H6 - Affordable housing tenure Policy H7 - Monitoring of affordable housing Policy H11 - Build to Rent Policy H13 - Specialist older persons housing Policy H15 - Purpose-built student accommodation Policy H16 - Large-scale purpose-built shared living
On Site Amenity Space and Green Infrastructure	GG3 - Creating a healthy city Policy D6 - Housing quality and standards Policy S4 - Play and informal recreation Policy G1- Green infrastructure Policy G5 - Urban greening Policy G7 - Trees and woodlands
Community, Health and Educational facilities	GG1- Building strong and inclusive communities GG3 - Creating a healthy city Policy S1- Developing London's social infrastructure Policy S2 - Health and social care facilities Policy S3 - Education and childcare facilities
Control of Development and Management Plans	Policy D13- Agent of Change Policy D14- Noise Policy H15- Purpose-built student accommodation Policy H16- Large-scale purpose-built shared living Policy D7- Accessible housing Policy E10- Visitor infrastructure Policy HC1 - Heritage conservation and growth Policy HC5 - Supporting London's culture and creative industries Policy HC6- Supporting the night-time economy Policy SI 1- Improving air quality Policy SI 6 -Digital connectivity infrastructure Policy SI 7- Reducing waste and supporting the circular economy Policy T4 -Assessing and mitigating transport impacts Policy T6 -Car parking Policy T7- Deliveries, servicing and construction
Highways and Transport	GG2- Making the best use of land Policy T2 - Healthy Streets Policy T3 - Transport capacity, connectivity and safeguarding Policy T4 - Assessing and mitigating transport impacts Policy T5 - Cycling Policy T6 - Car parking Policy T9 - Funding transport infrastructure through planning
Local Employment and Services	GG1 Building strong and inclusive communities Policy E2 - Providing suitable business space Policy E3 - Affordable workspace Policy E11 - Skills and opportunities for all Policy HC5 - Supporting London's culture and creative industries
Open Spaces and Outdoor Sport	GG2 - Making the best use of land GG3- Creating a healthy city Policy S4 -Play and informal recreation Policy S5- Sports and recreation facilities Policy S6 -Public toilets Policy S7 -Burial space

	Policy G1 -Green infrastructure Policy G4 -Open space Policy G6 -Biodiversity and access to nature Policy G7 Trees and woodlands Policy G9 Geodiversity Policy SI 17 -Protecting and enhancing London's waterways
Sustainable Development	GG6 -Increasing efficiency and resilience Policy SI 1 -Improving air quality Policy SI 2 -Minimising greenhouse gas emissions Policy SI 3 -Energy infrastructure Policy SI 5 - Water infrastructure
Urban Centres and Public Realm	GG1 - Building strong and inclusive communities Policy SD1 -Opportunity Areas Policy SD6 -Town centres and high streets Policy SD9 -Town centres: Local partnerships and implementation Policy D8 -Public realm Policy D11- Safety, security and resilience to emergency Policy S6 -Public toilets Policy E9 -Retail, markets and hot food takeaways Policy T2 -Healthy Streets

Objectives of this Guidance

- 3.8 The overall objective of this SPD is to clarify when Planning Obligations may be sought to implement policy priorities, and to explain associated procedures. This guidance provides the development industry, local communities, land owners and the Council with a vehicle to identify the likely Planning Obligations that a proposal will generate - attributed to its impact - at an early stage in the proposal formulation process. Acknowledgement and preparation for the required Planning Obligations should be integral to negotiation of land transactions and the formulation of development proposals. This guidance provides the basis for the negotiation of contributions by setting out the following:
- the broad range of likely contributions that may be sought, and why these may be required.
 - the types of developments that would be subject to Planning Obligations, in terms of their scale, nature, uses proposed and their location.
- 3.9 The Council expects developers to enter into discussions on potential Planning Obligations with Council officers as soon as possible, ideally at pre-application stage. The Heads of Terms of any legal agreement will need to be finalised before a recommendation is made on a planning application. These early discussions and decisions are crucial to avoid lengthy finalisation of any legal agreements and to ensure the application remains within statutory timeframes.
- 3.10 In addition to this document, other policy and guidance produced by the Council should also be considered where they refer to specific requirements. The potential obligations included and explained in this SPD are not exhaustive; other requirements may arise in specific circumstances.
- 3.11 Developers should note that **not all** of these policy obligations may be required for every scheme and a level of priority will be applied. Current Council priorities for Planning Obligations are Affordable Housing, Carbon Offsetting and Highways. Planning Obligations should be reflected in land values from the outset and thus should not threaten scheme viability. However, there may be site-specific circumstances relating to viability which

warrant a reduced obligation. The Council expects any justification for reduced obligations to be fully justified in line with all relevant Development Plan policies. .

3.12 This SPD will be reviewed when necessary to reflect changes in Government policy and guidance, costs, and changes to the Council priorities, or as service area obligations are met.

3.13 Based on an analysis of the main policy drivers, the guidance sets out nine thematic areas:

- Affordable Housing
- On Site Amenity Space and Green Infrastructure
- Community, Health and Educational facilities
- Control of Development and Management Plans
- Highways and Transport
- Local Employment and Services
- Sustainable Development
- Open Spaces and Outdoor Sport
- Urban Centres and Public Realm

4 General Principles

Overview

- 4.1 New developments create varying impacts on the provision of services and facilities. Generally, the greater the scale and complexity of a development, the greater its scale and range of impacts. All developers should be aware of the Council's likely Planning Obligation requirements prior to designing a scheme, and certainly prior to submitting a planning application.
- 4.2 If it is identified that a proposed development is not maximising the use of a site to avoid an obligation threshold, the Council will seek obligations from the development, which reflect the appropriate or full use of the land. Likewise, where it is identified that a potentially large development proposal or site has been split into smaller applications in order to be under obligation thresholds, the Council will require that, for the purposes of Planning Obligations, all the individual proposals are treated as single or whole.
- 4.3 Most planning applications will not require an obligation. There are many developments where Planning Conditions can adequately deal with on-site works and even the provision of works or facilities outside the application site. This may be achieved through the imposition of a condition preventing the occupation or commencement of a development until the works or facilities in question have been provided (such conditions are known as Grampian Conditions). When considering applications, the Council will consider whether Planning Conditions can adequately control all direct and indirect impacts of the development and secure the desired benefits before it decides that a Planning Obligation is necessary. The circumstances where an obligation will be required will be determined by the precise merits of the case, taking into account the location, scale and nature of the proposal. Pre-application discussions will be particularly useful in giving consideration as to whether an obligation is likely to be required.
- 4.4 Negotiations for all Planning Obligations will be undertaken by Council planning officers, assisted by officers representing various other service areas where appropriate.

S106 Requirements versus Community Infrastructure Levy Payments

- 4.5 CIL will be levied on all qualifying developments (the creation of 100sq.m or more, or where creating a new residential unit) at the relevant charging rates (see section 1). A Planning Obligation via S106 is requested where a development proposal requires a specific matter to be addressed as outlined in this SPD – which would be in addition to any CIL liability. The Council will not request a S106 Planning Obligation towards any project which is proposed to use CIL funding. Previously the Council was required to produce a 'Regulation 123 list', to stipulate what projects CIL would be used towards - this requirement was removed under amendments to the CIL regulations in 2019. The Council will however determine its intended future use of CIL on a periodic basis and will be reported as part of the Infrastructure Funding Statement.
- 4.6 Typically, the Council will only request S106 Planning Obligations for aspects related to the development site in question and its impacts on infrastructure in the immediate area, such as immediate highway improvements or public realm. However, a more generalised contribution

maybe sought to mitigate the lack of aspects that should be provided directly on site as part of development proposal – such as amenity space or where the development results in the loss of (and failure to reprovide) an existing community facility.

- 4.7 Currently, Affordable housing does not fall under the definition of Infrastructure under the Planning Act 2008 and consequently is not an item that can be funded or secured via CIL; as such it will remain a S106 matter. Non-infrastructure payments, such as monitoring / management payments and carbon off-set contributions also do not fall under the definition of Infrastructure and therefore are also matters to be secured via S106,

Pooled Contributions

- 4.8 Amendments to CIL Regulations in September 2019 removed the ‘pooling restrictions’ which previously limited the number of S106 contributions that could be used to fund a single infrastructure project. The Council is permitted to request a contribution that will be used towards a project to which other planning contributions have or will be raised – provided such a contribution still accords with Regulation 122 highlighted in section 1 of this guidance.
- 4.9 Given the operation of a local CIL in the borough, the Council’s previous approach of requesting generic strategic pooled contributions to Education, Health and Community facilities will cease.

Maintenance Payments

- 4.10 Where contributions are secured through Planning Obligations towards the provision of facilities which are predominantly for the benefit of the users of the associated development, it may be appropriate for the developer to make provision for subsequent maintenance (i.e physical upkeep). Such provision may be required in perpetuity. However, if the facility is to be used by the wider public, at least some of the costs of maintenance and recurrent expenditure would be borne by the Council. Ongoing maintenance costs should only be for the time between completion and inclusion in the public sector funding streams, not for perpetuity. The Council will seek agreement on the type of payments to be made, for example a capitalised sum, with a clear audit trail.

Management of Development

- 4.11 Matters in relation to the on-going management of a development, such as (but not limited to) Service Management, Waste Management, Facilities Management, Habitat Management and Travel Plans will normally be secured via Planning Condition. However, in some cases it may be considered more suitable to place such requirements as a Planning Obligation, for instance where the management issue covers an area wider than the application site or involves actions or restrictions on other parties. Where the management would place additional requirements on Council services (or in some cases a service operated by a relevant third-party) a fee may be requested to cover such costs

Timing of Obligations

4.12 Infrastructure works and highway improvements directly associated with the development are normally required to have been carried out prior to occupation. Unless phasing has been negotiated at an early stage, financial contributions for off-site works will be required to be received by the Council prior to commencement of the development. Contributions towards the management of a development will be requested prior to the relevant management actions coming into effect. A section 106 agreement will be drafted to include clauses that will legally restrict certain operations until payment is made. Developers / owners will also be required to notify the Council when certain stages of development have been reached. The Council periodically monitor the progression of developments to determine whether the terms of the agreement have been adhered to – furthermore the agreement will be logged as a Local Land Charge and any non-compliance will be raised as part of a conveyancing search.

Administration and Monitoring

4.13 The Council has an established process for recording and monitoring s106 agreements, including a database with the details of all agreements. The monitoring costs for this service are provided in Appendix 1 and are based on the extent of the obligations and the officer time involved in monitoring the agreements. In addition, to assist with accurate monitoring of s106 agreements developers/applicants are asked to complete a 'Notification Form' and return this to the Council.

4.14 Following either Development Control or Plans- Sub Committee's decision, the drafting of the agreements is undertaken by the Council's Legal Services Division. A sample of a s106 precedent can be found on the Council's website as highlighted in Appendix 1. While this does not preclude other parties from using their own document when preparing their s106 agreement with the Council, using the precedent should provide greater clarity and enable an earlier acceptance by the Council. Developers will be required to pay the legal costs expended in the preparation of the agreements.

Viability

4.15 If issues of viability of a scheme arise during negotiations and a developer provides robust information regarding the viability, the Council may review the range, nature and timing of obligations – this may include the deferral of an obligation to be payable contingent on a future viability review. For such requests the Council may seek independent third-party advice, the costs of which shall be met by the developer.

5 Affordable Housing

Overview

- 5.1 Policy 2 of the Bromley Local Plan seeks affordable housing on all residential developments capable of providing 11 residential units or more or where the residential floorspace is more than 1000sqm, irrespective of the number of dwellings. However, the London Plan (2021) introduced a lower threshold of **all major development of 10 or more units** (gross) triggering an affordable housing requirement. The London Plan threshold takes precedence.
- 5.2 On sites at or above this threshold, the Council will seek **a minimum 35% on-site affordable housing provision**, based on the total of habitable rooms. The basis of 35% is also stipulated in Policy H5 of the London Plan - **rising to 50% in the case of development on public sector land, Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses.**
- 5.3 Where an applicant proposes a level of affordable housing at these levels, the fast-track route set out in London Plan policy H5 will apply, provided that the tenure split is consistent with the Local Plan policy 2; other relevant policy requirements and obligations are met to the satisfaction of the borough; and potential for grant funding to deliver additional affordable housing has been investigated. Fast track schemes will be required to include an early-stage review mechanism.
- 5.4 Where a level of affordable housing is proposed below these thresholds, or the other policy requirements and obligations are not met, an application must follow the viability tested route and provide the maximum level of affordable housing based on evidence within a financial Viability Appraisal that will be independently assessed (paid for by the applicant).

Tenure and Type

- 5.5 Policy 2 of the Local Plan requires **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 London Plan Policy H6 requires **a minimum of 30% low-cost rented homes either London Affordable Rent or Social Rent** and **a minimum of 30% intermediate products which meet the definition of genuinely affordable housing** (including London Living Rent and London Shared ownership); the remaining 40% affordable provision to be determined by the borough. The Local Plan tenure split is consistent with the London Plan. Paragraph 4.5.3 of the London Plan requires that affordable housing provision should be calculated on the basis of habitable rooms or habitable floorspace.
- 5.6 The Council have local intermediate income thresholds which apply to intermediate housing in the Borough. These local thresholds help to ensure that the intermediate housing units can be accessed initially by people on lower incomes compared to applying the London-wide thresholds from the outset. The following household income thresholds (upper limit) apply to 1, 2 and 3 bedroom units for intermediate ownership products¹⁰:

¹⁰ The local income thresholds will be updated periodically through the Council's Authorities Monitoring Report.

- 1 bedroom units £55,000
- 2-bedroom units £68,800
- 4 bedroom units £73,400

5.7 The GLA upper limit of £90,000 applies to 4 bedroom units (intermediate ownership). The GLA upper limit of £60,000 applies to intermediate rent products for all unit sizes as set out in the GLA's London Plan Annual Monitoring Report 2018/19 (March 2021).

Approach

- 5.8 Affordable Housing should be provided in line with Development Plan policy and the Council's Affordable Housing SPD. The Local Plan sets out a clear preference that Affordable Housing provision should seek to create mixed and balanced Communities; with units transferred to a Registered Provider approved by the Council (or direct to the Council). Off-site Provision and Payments in-lieu will only be permissible in exceptional circumstances, set out in policy H4 of the London Plan and Policy 2 of the Local Plan.
- 5.9 Where off-site provision or payments in lieu are deemed acceptable, early and late-stage review mechanisms will be required (see below for discussion of review mechanisms).

Viability Appraisals

- 5.10 Where an applicant wishes to follow the viability tested route set out in London Plan policy H5, a full Viability Appraisal (VA) will be required to support this position and determine the maximum level of affordable housing deliverable on a scheme. A VA should be treated transparently and undertaken in line with the Mayor's Affordable Housing and Viability SPG. Viability information should be available for public scrutiny and comment like all other elements of a planning application, as should any review or assessment of the appraisal.
- 5.11 Any VA will be independently assessed by a RICS accredited organisation, which will be appointed by the Council and paid for by the applicant.
- 5.12 Where a VA supports that a development is unable to support the full Affordable Housing requirements, early and late stage review mechanisms¹¹ will be imposed in line with London Plan policy H5, to determine whether there has been a sufficient uplift in valuation closer to the point site completion / site sales. This will require establishing the value of the deferred contribution (i.e the financial value of meeting the policy requirement not supplied as on-site provision). Where a variation is proposed to amend an existing Affordable Housing obligation, the VA requirements highlighted above will be reapplied (unless the resultant development continues to meet the relevant threshold and the criteria).
- 5.13 Further details on VAs is set out in the Mayor of London's Affordable Housing and Viability SPG.

Viability Reviews

¹¹ And mid-term reviews for larger phased schemes.

- 5.14 Policy H5 of the London Plan stipulates that applications which do not meet the Affordable Housing requirements should be subject to a review mechanism. This is required at the following stages:
- an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough)
 - a Late Stage Viability Review which is triggered when 75% of the units in a scheme are sold or let (or a period agreed by the borough)
- 5.15 Mid Term Reviews may be required prior to implementation of phases for larger phased schemes. In general, the expectation will be that any uplift demonstrated at an early-stage review will result in an increase of the required Affordable Housing as on-site provision, with latter appraisals (due to the advanced stage of works) being permissible as a payment in lieu. The level of additional affordable housing that can be secured through review mechanisms will be capped at 50%, reflecting the strategic affordable housing target in the London Plan. The operation of review mechanisms in Bromley will follow the approach set out in the Mayor of London's Affordable Housing and Viability SPG, particularly Annex A.
- 5.16 Any appraisal submitted as part of a Viability Review must be produced in a manner which the Council agree is capable of allowing a direct comparison with the original Viability Appraisal.

Off-site Provision and Payments in lieu

- 5.17 In exceptional circumstances where the Council considers that off-site affordable housing provision or payment in lieu will be acceptable, the level of provision should match what would be required on-site (and will be subject to early and late-stage review mechanisms).
- 5.18 For off-site provision, this should be the equivalent of 35% of the total housing provision (by habitable rooms). Delivery of any off-site provision must be secured by planning obligation and should generally be delivered before occupation of any on-site market units.
- 5.19 The value of any payments in lieu will be based on the current cost of delivering the same amount of Affordable Housing elsewhere in the Borough. The costs to formulate the value of payments in lieu will be determined on case-by-case basis using the latest available costs at the time of assessment.
- 5.20 Payments will be applied to support Affordable Housing delivery across a mixture of schemes developed by the Council or a Registered Provider. The Council will assess the best value scheme to deliver the homes needed in the borough, as such the legal agreement should not restrict the permissible expenditure of such contributions other than by way of being spent towards the delivery of Affordable Housing as defined under the NPPF.

Additional requirements for non-standard residential development

- 5.21 Further requirements are set out in the London Plan with regards to specific forms of residential development:
- Build to Rent (Policy H11)
 - Supported and Specialist Accommodation (Policy H12)
 - Specialist Older Persons Housing (Policy H13)
 - Purpose Built Student Accommodation (Policy H15)

- Purpose Built Rent (Policy H16)

5.22 The above policies contain additional criteria that will be considered when determining the affordable housing provision to be applied to a development.

6 On Site Amenity Space and Green Infrastructure

Overview

- 6.1 New development should provide sufficient amenity space for occupants, including adequate greening, as part of the design of the site. Policy 4 of the Local Plan requires the provision of sufficient external, private amenity space that is accessible and practical, including the provision of appropriate play space. This requirement is further identified in the London Plan through Policy D6 (Housing quality and standard – private open space) and Policy S4 (Play and informal recreation).
- 6.2 The Council requires new development to be designed to contribute to the natural environment of the borough, with urban greening and tree planning where possible. The London Plan includes a number of policies relating to green infrastructure, including the overarching policy G1 which requires development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.
- 6.3 In determining the need for any planning obligations for on-site amenity, the council will also take into consideration any public benefits that are also proposed in relation to open space (Section 11) and public realm (Section 13).

External Private Amenity Space and Play Space

- 6.4 New residential development is required under London Plan policy D6 and S4 to provide:
 - a minimum 5 sq.m. of private outdoor space for each 1-2 person dwelling and an extra 1 sq.m. for each additional occupant, with a minimum depth and width of 1.5m.
 - Play Space provision is to be provided on the basis of 10 sq.m per child
- 6.5 Private outside space should be practical in terms of its shape and utility, and care should be taken to ensure the space offers good amenity. Further details on calculating amenity space requirements can be found in the Mayor's Play and Informal Recreation SPG¹², which includes a spreadsheet for calculating child yields.
- 6.6 The Council expects all new residential development to deliver on-site amenity and play space. However, should circumstances be that the full extent of the above requirements cannot be provided on-site, the Council may accept a payment in lieu to be used to improve a local park or gardens in the vicinity of the site.

Green Infrastructure

¹² Play and Informal Recreation – Mayor of London - <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/play-and-informal-recreation>

- 6.7 Development should integrate elements of green infrastructure through high quality landscaping. Policy G5 of the London Plan in particular places emphasis on major development proposals incorporating measures such as high-quality landscaping (including trees, green roofs, green walls and nature-based sustainable drainage). Policy 37 of the Local Plan expects the space around buildings to provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity).
- 6.8 Policy 69 of the Local Plan and Policy G6 of the London Plan concern Sites of Importance for Nature Conservation (SINCs). Where a development proposal results in harm to a SINC, suitable mitigation measures must be secured to minimise impacts; this could include, in some circumstances as agreed with the Council, off-site compensation of better biodiversity value. Such mitigation measures should be secured through planning obligation.
- 6.9 Policy 77 of the Local Plan seeks the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 6.10 With respect to trees, the Council requires under Policy 73 that particular account should be taken of existing trees, to which the Council will seek to protect and retain. If such trees cannot be retained, they will be required to be replaced with a tree of similar characteristics. Such replacement may need to be secured through planning obligation in some circumstances.
- 6.11 Green Infrastructure should be provided as part of the scheme design. However additional measures may be secured by condition or through planning obligation (as necessary). Such measures may include:
- Contributions towards the network of green and blue spaces, including street trees, urban greening measures and other natural features.
 - Features to encourage walking and cycling, tackling climate change, carbon storage and the urban heating effect.
 - Contributions towards the conservation and restoration of biodiversity, securing biodiversity net gain and provision of new open spaces for these purposes and traditional recreational functions.
 - Contributions towards the future Local Nature Recovery Strategy and tree planting initiatives such as the Woodlands Establishment Project.
- 6.12 Should suitable green infrastructure requirements not be able to be accommodated on the development site, the Council may require such provision on neighbouring land. In some circumstances, where it is not possible to provide on-site or on neighbouring land, the Council may accept a payment to provide such infrastructure in the near environment, for example in the form of additional street trees.
- 6.13 The Environment Act received royal assent in November 2021. Once the provisions of the Act are commenced, it will mandate a minimum 10% Biodiversity Net Gain (BNG) with the aim of leaving the natural environment in a measurably better state than beforehand. The Act also proposes the use of a recognised Biodiversity Metric, which will be introduced following parliamentary scrutiny. To date, the Department for Environment, Food & Rural Affairs (DEFRA) Biodiversity Metric 3, launched in July 2020, is used as a tool to assess BNG. This SPD may be supplemented by further guidance should the provisions of the Act require so.

7 Community, Health and Educational Facilities

Overview

- 7.1 Policy 20 (Community Facilities) and Policy 22 (Social Infrastructure in New Developments) of the Local Plan support the provision of community and social facilities and resist development that would result in the loss of such facilities unless the loss is fully justified (which may include accessible re-provision). Support is also given under Policy 24 and Policy 25 to seek new development to assist with the on-going provision of allotments, leisure gardens and burial space. Policy 26 also advocates the uses of planning conditions and planning obligations to address any negative local impacts arising from extended or new health and education facilities.
- 7.2 The London Plan (in objective GG1) also promotes access to good quality community spaces, services, amenities and infrastructure and resists the loss of such facilities (policy S1) with particular focus on health (policy S2) and education (policy S3).
- 7.3 As the Council now charges a local CIL, it is anticipated that a planning obligation for community, health and education uses will only be sought where:
- The development site is of such a scale, within an area of existing deficiency, that it requires the on-site provision of such space to specifically mitigate site-specific impacts;
 - Where the development results in a loss of an existing facility;
 - The development of a private facility to which the public do not have free access.
 - Contributions to specific services that are directly affected by the nature and impact of a specific development

On-site provision

- 7.4 During the course of a planning application, it may be determined that on large strategic sites that there is a need for community, health and educational space. For proposals involving the provision of such Social Infrastructure, the Council requires the submission of a Social Infrastructure Statement¹³ with the planning application. Developers will be required to engage with the relevant service within the Council (and the CCG with respect to health facilities) to determine the scope of such facilities. The extent of such provision would be discussed at Pre-application stage.
- 7.5 The provision of on-site space should be supplied with a fit out specified by the future occupier with an appropriate lease term. Any rent or management fees should be at a rate comparable to similar facilities within the local area.

¹³ See 'our validation and local information requirements' at https://www.bromley.gov.uk/info/485/planning_applications/1203/planning_validation_requirements

Loss of facilities

- 7.6 Any development that would result in the loss of a community, health or educational facility will be required to re-provide a similar facility unless its use is proven to be surplus to requirements. In the first instance the developer should engage with the existing occupier to re-provide the facility on-site as part of the development; where it is not possible to accommodate the current occupier, developers should engage with other local organisations of a similar type. Should it not be possible to re-provide facilities on-site, developers should seek to secure a similar facility off-site. If no off-site facility is available, the Council may accept a payment in lieu – the amount to which will be determined on a case-by-case basis.

Facilitating the provision of services

- 7.7 In some circumstances a development may be required to contribute to the provision of an existing service to serve the specific uplift in demand created by the new development. For example, local health services offer a specific service to care homes to provide General Practitioner visits and patient transport services to local hospitals.

Public Access and Local Participation

- 7.8 Where a development proposes a private social infrastructure facility not generally open to the public, the developer may be required to enter into an obligation to permit public access to the facility. As an example, the development of a private school may be required to offer access to on-site facilities after school operating hours, or for a private health facility to offer access by local health services.
- 7.9 There may be opportunities for other forms of local involvement, such as private schools offering bursaries to local students to attend the school, or for facilities to offer the provision of certain services to be operated by local community groups. The form of such public access will be discussed at pre-application stage.

8 Control of Development and Management Plans

Overview

- 8.1 Matters in relation to the on-going management of a development, such as (but not limited to) Service Management, Waste Management, Facilities Management, Habitat Management and Travel Plans will normally be secured via planning condition. However, in some cases it may be considered more suitable to place such requirements as a planning obligation, for instance where the management issue covers an area wider than the application site or involves actions or restrictions on other parties. Where the management would place additional requirements on Council services (or in some cases a service operated by a relevant third-party) a fee may be requested to cover such costs.
- 8.2 The following section covers aspects of the control of development that may require a planning obligation to be secured via legal agreement. This may require the submission of a bespoke management strategy to be agreed with the Council (either prior to or after the award of planning permission), to secure the operation of certain details or the provision of certain site infrastructure. The scope of any requirements will be agreed at planning application stage and ideally should be discussed at pre-application stage.

Operational Management - General Amenity and Local Environmental Factors

- 8.3 Policy 37 of the Local Plan requires that noise and disturbance arising from new development is mitigated and managed. Specific attention is drawn to the impacts of Hotels (Policy 88), Markets (Policy 100) and other commercial development (Policy 98).
- 8.4 The London Plan policy D13 introduced the 'Agent of Change Principle', being that not only should a development be required to control matters of potential adverse impact resulting from the activities on site, but new development must also take action to mitigate the impact of existing noise that may affect those who occupy the new development. This is to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them as a result of new development.
- 8.5 The London Plan (Policy HC6) also specifically highlights the need for such controls in respect matters that may arise as a result of development to support the night-time economy.
- 8.6 The Council may require further details on matters of operation or measures to control the development in respect to noise (London Plan policy D14), fumes and smells from food and drink premises (Local Plan policy 121) and wider air quality (London Plan policy SI 1 – particular with respect to construction management).
- 8.7 Furthermore, accessibility arrangements may also need to be considered, such as disabled access both within a building and the surrounding public realm (London Plan policies E7 to E10). The London Plan (policy D7) requires that at least 10% of dwellings meet Building Regulation requirement M4(3) as 'wheelchair user dwellings'. All other dwellings are required

to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Regard for accessibility provision must also be made for commercial development (London Plan policies E7 and E10).

- 8.8 Developments may be required to enter a planning obligation, or be conditioned, relating to the following measures (where relevant):
- Submit a plan or strategy for approval by the Council in relation to site amenity and local environmental factors. This may include the provision of certain localised measures, such as acoustic mitigation measures.
 - Restrict the operational hours of a commercial facility.
 - Provision of measures to improve crime and safety.
 - Secure accessible accommodation.
 - Provision of details on construction management, such as Non-Road Mobile Machinery (NRMM) standards, dust / noise mitigation and matters in relation to the protection ground water quality..

Control of Occupancy and Operation

- 8.9 There may be circumstances where the Council require restrictions or controls on the future occupation and operation of new development. For example, Policy 64 of the Bromley Local Plan seeks to control the occupancy of residential development on existing agricultural holdings in rural parts of the borough to agricultural workers. Policy H15 of the London Plan requires that purpose-built student accommodation is managed and secured for occupation through a nomination agreement with one or more Higher Education Provider(s). Policy H16 of the London Plan also seeks dedicated management procedures in respect of large-scale purpose-built shared living development, showing how the whole development will be managed and maintained to ensure the continued quality of the accommodation, communal facilities and services, and that it will positively integrate into the surrounding communities. Furthermore, the Council may also require specific control for new Houses of Multiple Occupation to ensure the delivery of high-quality accommodation and amenity (Policy 4 and paragraph 2.1.55 of the Local Plan).
- 8.10 Occupation restriction may also be required in respect of commercial development, The London Plan (Policy E2) seeks to support and protect micro, small and medium-sized enterprises, which may require restriction on occupancy or managed control.
- 8.11 Development proposals may therefore be required to enter a planning obligation with respect to:
- The restriction of future occupancy for a certain use, or for use by certain groups or businesses.
 - The submission of a residential management plan for approval by the Council setting out arrangements for the occupancy of large-scale shared accommodation, which may include matters in relation to facilities management and tenancy arrangements.
 - The submission of a commercial management plan for approval by the Council, in respect of occupancy of business units and affordable workspace – this is covered further in section 9 of this guidance.

Heritage Management

- 8.12 Policies 38 to 46 of the Local Plan set out the Council's approach to conserving Heritage Assets.
- 8.13 Policy 46 (Scheduled Monuments and Archaeology)¹⁴ requires assets to be retained and for sufficient management arrangements for any works to be agreed with the Council; these requirements are further supported by London Plan policy HC1. Where works that shall involve or effect potential archaeological works, development should seek to retain such assets in-situ as part of the development, and where not, to undertake appropriate level of investigation and recording by a recognised archaeological organisation before works commence.
- 8.14 Policy 45 of the Local Plan specifically requires that development within or adjoining a Registered Historic Park or Garden will be expected to protect the special features, historic interest and setting of the park or garden. Furthermore Policy 43 specifically requires that any loss of trees within a conservation area will be required to replace any lost trees.
- 8.15 Assets on site ,or within reasonable proximity of the development site, may therefore require an agreement for:
- Repair, restoration or maintenance,
 - Increased public access and improved signage to and from the asset,
 - Protection of archaeological assets and any landscape treatment ancillary to the works.
- 8.16 The agreement may secure the identified works and ensure, through the use of agreed trigger points, that works are provided in a timescale appropriate with the overall timetable for the development. There may be particular justification for a planning obligation where sites include assets currently at risk from neglect, decay, under-use or redundancy – a list of such sites and assets can be found on Historic England's 'Heritage at Risk Register'.¹⁵

¹⁴ Further details on Archaeological Priority Areas (APAs), including details of Historic England's 2020 review of APAs - https://www.bromley.gov.uk/info/200064/local_history_and_heritage/603/archaeology_in_bromley

¹⁵ Heritage at Risk Register – Historic England - <https://historicengland.org.uk/advice/heritage-at-risk>

9 Highways and Transport

Overview

- 9.1 Policy T9 of the London Plan directs the use of Planning Obligations to secure improvements to the transport network, both to address single impacts of development and the cumulative impact of development on transport networks, with particular regard given to provision of new and improved public transport services & infrastructure, including the expansion of the London-wide cycle networks. Policy 33 of the Local Plan also stipulates that the Council will seek provision of, and contributions to, suitable infrastructure improvements and other facilities, including highway works, bus shelters and railway station improvements where such works are necessary and related in scale and kind to the proposed development.
- 9.2 Objective GG2 and Policy T1 of the London Plan require the Council to plan for good local walking, cycling and public transport connections to support a strategic target of 80% of all journeys using sustainable travel, enabling car-free lifestyles that allow an efficient use of land, as well as using new and enhanced public transport links to unlock growth. Policy T2 directs development proposals to follow the Transport for London (TfL) 'Healthy Streets' indicators, namely reducing the dominance of vehicles on the street and be permeable by foot and cycle; connecting to local walking and cycling networks as well as public transport. The Mayor of London has identified a list of indicative priority transport schemes in Table 10.1 of the London Plan.¹⁶

Network Management

- 9.3 Policy 31 of the Local Plan and Policy T4 of the London Plan state that any new development likely to be a significant generator of travel will require the submission of a Transport Assessment, setting out the impacts of the development on the local transport network (and strategic road network where applicable) and the mitigation measures proposed to deal with any identified impacts. A Transport Assessment may also highlight a requirement to submit (either via planning condition or planning obligation) a Travel Plan, Parking Design and Management Plan, Construction Logistics Plan or Delivery and Servicing Plan.

Transport Assessment

- 9.4 A Transport Assessment should be submitted with the planning application, however for more complex cases generating significant transport impacts, or where the development is phased, the Council may require a planning obligation to submit revised transport assessments both during the course of development or after its completion. Further guidance on Transport Assessment can be found on Transport for London's Website.¹⁷

¹⁶ Chapter 10 of the London Plan - Table 10.1 -

'Indicative list of transport schemes' - <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

¹⁷ Transport for London: Transport Assessments <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments?intcmp=10094>

Travel Plans

- 9.5 Policy 31 of the Local Plan requires, where necessary, the submission of a Travel Plan. Travel Plans should set objectives for reducing car usage, increased walking, cycling and public transport use, improvements in safety features, environmentally friendly freight movement and delivery services. In most cases a Travel Plan will be required by planning condition, however in more complex cases this may be secured via planning obligation. It may also be necessary for the Council to secure a fee to cover its costs in monitoring the implementation of the Travel Plan.
- 9.6 The Travel Plan may highlight certain measures to which the developer will undertake, such as facilitating a Car Club or Pre-paid Oyster cards. In some circumstances where the developer is unable to undertake such measures as part of the development, a payment in-lieu may be agreed with the Council to provide similar measures in the vicinity of the site. Transport for London provide guidance on the content of travel plans which is periodically reviewed.¹⁸

Construction Logistics Plan¹⁹

- 9.7 Policy 31 of the Local Plan and policy T7 of the London Plan require certain developments to produce a Construction Logistics Plan (CLP), setting out matters in relation to deliveries to the site, including arrangements for the loading and unloading of materials at the site. The Council may also require the developer to ensure that appointed contractors are signed up to schemes such as CLOCS (Construction Logistics and Community Safety) and FORS (Fleet Operator Recognition Scheme). In complex cases, particularly large build sites where a contractor has not been appointed, the CLP requirement may be secured as a planning obligation and may be incorporated as a wider Construction Management Plan including details of on-site environmental mitigation (see section 7 guidance on 'Operational Management - General Amenity and Local Environmental Factors').

Delivery and Service Plans²⁰

- 9.8 Policy 31 of the Local Plan and Policy T7 of the London Plan seek to ensure ongoing arrangements are put in place to ensure efficient deliveries and servicing can be made to a site, minimising conflicts with the local highway and general amenity of surrounding properties. This will include measures to ensure off-street servicing, and, where necessary, the management arrangements for the use of on-street servicing bays. Measures may also include on-site concierge arrangements, consolidated arrangements with neighbouring properties and restrictions on delivery times.

Parking

- 9.9 The Council will require developments to supply off-street parking in accordance with Local Plan Policy 30. This includes the potential provision for a Car Club, if above the minimum TfL threshold. The London Plan highlights that for places that are less well connected by public transport, or are distanced from local services, car clubs can support lower parking provision by enabling some car-owning households to have occasional access to an additional car.

¹⁸ Travel Plans - Transport for London - <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/travel-plans>

¹⁹ <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/freight>

²⁰ ibid

Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with policy T6 Part E.

- 9.10 Policy T6 states that where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with relevant standards for residential and non-residential uses set out in policies T6.1 to T6.4.

Parking Design and Management Plans

- 9.11 Policies T4 and T6 of the London Plan require the use of Parking Design and Management Plans, to outline the provision of parking spaces and how these spaces will be managed and enforced. In most cases this may be agreed as a planning condition, however, for more complex sites a planning obligation may be required, usually prior to occupation of the development.

Residential Parking permits

- 9.12 Development in areas with low amounts of available on-street parking may be required to restrict the availability of Residential Parking permits for new occupants; such restrictions are an important tool in conjunction with the London Plan 'car-free'/car-lite' policy, to ensure that potential impacts on local roads are fully mitigated. In such cases a planning obligation will be entered into that requires the site owner to notify new occupants (whether as new owners, leaseholders or renters) that they will not be eligible for an on-street residential parking permit from the Council. These obligations will be secured under Section 16 of the Greater London Council (General Powers) Act 1974.

Cycling

- 9.13 Policy 31 of the Local Plan encourages walking and cycling through the provision of suitable facilities. Policy T5 of the London Plan also seeks improved cycling infrastructure to support the delivery of a London-wide network of cycle routes.

Cycle Parking

- 9.14 Policy T5 of the London Plan seeks provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Policy T4 requires that, where it is not possible to provide suitable short-stay cycle parking off the public highway, an appropriate on-street location for the required provision should be sought. This may mean the reallocation of space from other uses such as on-street car parking. Alternatively, in town centres, adding the required provision to general town centre cycle parking is also acceptable. Where it is not possible to provide adequate cycle parking within developments, alternative solutions which meet the objectives of the standards will be considered. This may include options such as providing spaces in secure, conveniently located on-street parking facilities such as bicycle hangers. In such cases, a commuted sum should be paid to the Council to secure provision.

Other Cycle Provision

- 9.15 Developments should assist with facilitating safe and convenient direct cycle routes in line with the Mayor's Cycling Vision for London. A planning obligation may be required to secure

the provision of such routes on site, either by way of an undertaking for the developer to carry out the works, or for such works to be completed by a contractor appointed by the Council. In the case of works carried out by the Council, a financial contribution will be sought to cover the costs of providing the works.

- 9.16 In cases where such provision cannot be accommodated on-site, the Council may accept a payment towards improvements to the existing cycle network in the vicinity of the site.

Public Transport

- 9.17 Policy T3 of the London Plan states that development proposals should support capacity, connectivity and other improvements to the bus network and ensure it can operate efficiently to, from and within developments. Policy T4 states that, where appropriate, mitigation either through direct provision of public transport or through financial contributions, will be required to address adverse transport impacts that are identified.

Highways Infrastructure

- 9.18 Policy 34 requires new development to provide new residential roads suitable for adoption to be constructed as per the guidelines set out in the Design Manual for Development (LBB). Where necessary, an obligation will be sought to improve the nearby road network to support a proposed development. Policy 31 requires that such obligations incorporate or contribute to improvements to traffic management measures that limit the impacts of the development.
- 9.19 Highway improvements will generally be secured via a s106 Planning Obligation, however in some cases such works will be secured under a separate 'Section 278 agreement' of the Highways Act, such as where the network is managed by TfL.
- 9.20 Development proposals may therefore be required to enter a planning obligation with respect to:
- The provision or improvement to highways accessing the site
 - Local Junction improvements outside of the development site that will be directly impacted by additional traffic flows.
 - The provision, or contribution towards, local traffic management measures,
 - The provision of, or improvements to, on-street parking bays
 - Where a Car Club is to be implemented, dedicated bays for the operation of the Car Club (within the site or on street)
- 9.21 If such works are to be implemented as part of the development, the Council will require details of the proposed work and its on-going maintenance to be agreed with the Council. Where it is agreed that such works will be completed by a contractor appointed by the Council, a financial contribution will be sought to cover the costs of providing the works, a further contribution may be sought towards the on-going management of works.

Strategic Transport Improvements

- 9.22 Policy 35 highlights that developments may be expected to contribute towards the cost of implementation of strategic transport schemes either through the Community Infrastructure Levy (CIL) or S106 Agreements.

9.23 The strategic transport improvements sought by the Council may change over time as proposals develop. Future Community Infrastructure Levy receipts will likely form the main basis of contributions to strategic transport priorities. The use of S106 agreements to secure contributions toward such priorities would only be considered where a component of such works are required to enable part of a development proposal to commence, and the Council has not already committed CIL funding towards the scheme or secured other funding sources. Such circumstances would be discussed prior to the approval of any development.

10 Local Employment and Services

Overview

- 10.1 The Bromley Local Plan sets out in Policies 81 to 86 the importance of improving and retaining employment floorspace in the borough. Policy 80 seeks to focus economic growth at three strategic priority areas - Bromley Town Centre, Cray Business Corridor, and Biggin Hill Strategic Outer London Development Centre (SOLDC). Policies 103 to 108 relate specifically to the Biggin Hill SOLDC. Policy 13 set out priorities for designated Renewal Areas, which should also serve as areas of focus for local employment – these areas being:
- Crystal Palace, Penge & Anerley
 - The Cray Valley
 - Orpington, Goddington and Knoll
 - Mottingham
 - Ravensbourne, Plaistow and Sundridge
- 10.2 Policy E2 of the London Plan requires development proposals that involve the loss of existing employment space in areas where there is a shortage of lower-cost space (or workspace of particular types, uses or sizes), should ensure that an equivalent amount of employment space is re-provided in the proposal appropriate in terms of type, use and size. This should incorporate the needs existing businesses that are to be displaced where possible. In addition, London Plan Policy E11 requires that development proposals should support employment and skills development.

Flexible Workspace / Affordable Workspace

- 10.3 Policy E2 of the London Plan requires development proposals for new B Use Class business floorspace²¹ greater than 2,500 sq.m. (gross external area) to consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises. Development of B Use Class business uses²² should ensure that the space is fit for purpose having regard to the type and use of the space.
- 10.4 Policy E3 defines affordable workspace as space let at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose, including specific sectors that have social value such as charities, voluntary and community organisations, or social enterprises for specific sectors that have cultural value such as creative and artists' workspace. Policy E3 states that consideration should be given to the need for affordable workspace (in the B Use Class²³) to be provided as part of development proposals, where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site.

²¹ This would also encompass Use Class E(g) floorspace which formerly fell within the B1 Use Class.

²² Ibid

²³ Ibid

- 10.5 The provision of such flexible workspace, affordable workspace and/or small units for SMEs should be designed into the new development; a planning obligation may need to be secured to control the use of such floorspace, to:
- Require the Council's approval on the operation of the workspace, which may include approval of a designated workspace provider or specific occupant.
 - Restrict the occupancy of such units to identified sectors or size of businesses; and
 - Place controls on rent levels and service charges.
- 10.6 In cases where the provision of floorspace as part of the development is not possible on-site, the developer must identify and secure alternative premises for any businesses displaced. Should neither be possible, the Council may accept a payment in lieu towards the provision of future workspace or local employment and skills.

Local Employment and Skills

- 10.7 Policy E11 of the London Plan requires that development proposals should support employment and skills development, for example through the provision of apprenticeships, both during the construction of a development and within the end-use operation. A planning obligation may be required to secure a proportion of employment opportunities, offered in the first instance to residents in Bromley and young people currently in a Bromley secondary school. Furthermore the Council in particular seeks to give priority access for our Care Leavers and Children Looked After.
- 10.8 Similarly, new commercial development may be required to identify measures taken to procure services from existing businesses in Bromley. New development will also be required to contribute to the training of local residents, either through training programmes offered by the developer / occupier or in collaboration with a local skills provider. Where such commitments cannot be met, the Council may accept a payment in lieu to go towards training initiatives supported by the Council.
- 10.9 Development proposals may therefore be required to enter a planning obligation (with respect to both the construction phase and end-use operation of development) to submit a scheme for the Council's approval detailing:
- A process to offer employment opportunities to residents within the borough.
 - A process to procure local services based in Bromley.
 - Training and/or apprenticeship opportunities to be offered on-site - as well as other work-related learning opportunities such as work experience, site visits, talks in schools and support at employability events for young people
 - External training arrangements with approved providers or financial contributions to towards the cost of employment and training initiatives.
- 10.10 The Council will re-evaluate local employment and training needs in the borough periodically and will produce further guidance detailing its expectations with regards to the above.

11 Open Spaces and Outdoor Sport

Overview

- 11.1 The Bromley Local Plan places strong importance on preserving and enhancing the borough's open spaces. Policy 59 establishes that where there are areas deficient in public open space the Council will seek to secure improvements in the amount and distribution of (and access to) open space – which is supported by Policy G4 of the London Plan.
- 11.2 The Council will seek to ensure new development effecting existing Urban Open Space and Local Green Space (Policies 55 and 56) is managed in such a way to mitigate impacts on users. Additional policy is focused on managing impacts on Historic Parks and Gardens (Policy 45) the South East London Green Chain (Policy 54) , Public Rights of Way and Other Recreational Routes (Policy 60). Allotments and Leisure Gardens (Policy 24) should also be considered. The development of sites of Outdoor Recreation, Leisure, Sport and Play (Policies 57 and 58) should provide an opportunity to improve public access.
- 11.3 Development should also seek to maintain and enhance Biodiversity and access to nature (London Plan Policy G6) and Geodiversity (G9). Particular attention is also afforded to Trees and Woodlands (G7) and Rivers and Waterways (Policy SI 17).
- 11.4 The Bromley Biodiversity Action Plan (2021-2026) promotes coordinated action for biodiversity at the local level within the borough. It identifies a number of priority habitats and species with a set of realistic aims and objectives for what will need to be done to ensure these habitats and species are conserved and improved over the Bromley Biodiversity Plan's lifetime.
- 11.5 The Council intends to use the Community Infrastructure Levy for the provision of new and improved open space and outdoor sporting facilities; however, where an on-site open space requirement is triggered, this will need to be secured through a planning obligation. In determining the need for any planning obligations for open space, the council will also take into consideration any public benefits that are also proposed in relation to on-site amenity space (Section 6) and public realm (Section 13).

Development effecting existing Open Space and Outdoor Sport

- 11.6 Development that involves land on an existing area of open space or outdoor sporting facility are required to ensure that is appropriately managed or maintained in a manner which reflects its status and designation. Where a development adjoins an existing area of open space or outdoor sporting facility it may also be required to undertake measures to protect and enhance the area such as screening and landscaping.
- 11.7 Where a proposal will result in the loss or reduction of such land, the Council will require re-provision elsewhere in the Borough. Any loss from a proposed development should be re-provided to an equivalent or higher standard in terms of quantity and quality in a suitable location. Should the Council consider that the current use is surplus to current requirements, the development should still seek to supply other forms of open space and recreation; for example, where a proposal involves the loss of a surplus sports facility in an area of general open space deficiency, it should seek to provide recreational space in lieu of the removed sports facility.

- 11.8 Improving public access to existing areas of open space also needs to be considered. For example, a site with an existing Public Right of Way should seek to retain the Right of Way (or agree diversion of the Right of Way such that it is no less attractive, safe or convenient for public use). Where appropriate, additional routes to create links to open spaces will be sought through the use of planning conditions or planning obligations.
- 11.9 In addition to open space for the purpose of recreation, Sites of Importance for Nature Conservation (SINC) and Sites of Special Scientific Interest (SSSI) should also be protected and enhanced. Development affecting such sites should include measures to protect the designated area, including the use of appropriate areas for planting native vegetation and enhancement of wildlife habitats. Such developments will be required to enter into a planning obligation to submit a plan of management measures that will be undertaken, including any arrangements for public access. A fee to cover on-going monitoring and maintenance costs may also be required. Where matters cannot be mitigated, off-site contributions towards biodiversity requirements elsewhere in the borough may be sought. Similarly, development which may affect Regionally Important Geological Sites (RIGS) and Locally Important Geological Sites (LIGS) will be afforded the same provisions.

Creation of new or improved Open Space and Outdoor Sport

- 11.10 Where a proposed development is to provide or improve an existing private open space / outdoor sport facility, the Council may seek a planning obligation to ensure an element of access is available to the general public. With areas of outdoor open space this may require part of the land to be open to the public for set times during the day, and may also include access to ancillary facilities, such as public toilets or cycle parking. Where there is a provision of a private outdoor sport facility, access by local residents will also be sought through a planning obligation, with particular emphasis on access by local schools. Advice and standard templates for producing Community Use Agreements are produced by Sport England²⁴

²⁴See 'Community Use Agreements' by Sport England - <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

12 Sustainable Development

Overview

- 12.1 Policy 123 of the Local Plan states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account alongside the principles set out in the general design policy (Policy 37). Objective GG6 of the London Plan sets out the Mayor's intention to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050.
- 12.2 Policy 124 of the Local Plan requires that major developments should aim to reduce their carbon dioxide emissions in accordance with the levels set out in the London Plan (Policy SI 2). Planning applications for major development should include evidence of how the energy requirements and carbon dioxide emissions of proposed developments have been assessed and propose a clear reduction strategy. Submission of an energy strategy will be required for all major development proposals.
- 12.3 Policy 115 and 116 seek to reduce flood risk and implement sustainable drainage systems (SuDS) across the borough and work towards effective management of surface water flooding. Policy 117 requires that, with respect to wastewater, planning permission will only be granted where the appropriate infrastructure improvements can be completed prior to occupation of the development. London Plan policy SI 5 also seeks to minimise the use of mains water in line with the 'Optional Requirement' of the Building Regulations.
- 12.4 Policy 113 sets out the Council's approach to waste management, with major development proposals required to implement Site Waste Management Plans to reduce waste on site and manage remaining waste sustainably. Policy 120 requires that developments which are likely to have an impact on air quality, or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels, will be required to submit an Air Quality Assessment. London Plan Policy SI 1 requires that development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retrofitted mitigation measures. Policy SI 1 also sets out specific requirements for submission of an air quality assessment.

Carbon Reduction

- 12.5 Local Plan Policy 124 and London Plan Policy SI 2 requires that major development should be net zero-carbon. This means reducing greenhouse gas emissions and minimising both annual and peak energy demand. This should be achieved through a mixture of energy reduction measures and use of sustainable energy sources. Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met. A minimum on-site reduction of at least 35% beyond Building Regulations is required for major development, of which, residential development should achieve 10%, and non-residential development should achieve 15%, through energy efficiency measures²⁵.

²⁵ https://www.london.gov.uk/sites/default/files/gla_energy_assessment_guidance_april_2020.pdf

12.6 London Plan Policy SI 2 sets out a requirement for developments to calculate and reduce Whole Life-Cycle Carbon (WLC) emissions. This requirement applies to planning applications which are referred to the Mayor, but WLC assessments are encouraged for all major applications. Guidance²⁶ and an assessment template have been published to explain how the assessment of these carbon emissions should be approached and presented.

Energy Hierarchy

12.7 In line with the London Plan, major developments are expected to be net zero carbon by incorporating a series of measures outlined and assessed as part of the design of the development in the energy hierarchy below. All measures should be detailed in the energy strategy and secured by condition or through planning obligation (as necessary).

i) **Be Lean: Energy Reduction**

12.8 Use less energy and manage demand during operation through fabric and servicing improvements and the incorporation of flexibility measures.

ii) **Be Clean: Decentralised energy**

12.9 Exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly by connecting to district heating networks. Developments should identify the potential for connecting to an existing decentralised heat or energy network or developing a new site-wide network. Major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system.

12.10 The heat source for the communal heating system should be selected in accordance with the heating hierarchy set out in London Plan Policy SI 3. Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.

iii) **Be Green: Renewable Energy**

12.11 Maximise opportunities for renewable energy by producing, storing and using renewable energy on-site. Potential for energy reduction and renewable energy supply should be assessed as part of the design of the development to ensure successful integration.

iv) **Be Seen: Monitoring**

12.12 All major developments are required to monitor, verify, and report on energy performance through the Mayor's post construction monitoring platform. This ensures the actual carbon performance of the development is aligned with the Mayor's net zero carbon target.

Carbon Offset payment

12.13 To be clear, the Council's Carbon Offset Funds are accrued through developer contributions via Section 106 (s106) payments not CIL payments.

12.14 The carbon dioxide reduction target should be met on site unless it can be demonstrated that it is not feasible. Any shortfall may be met through an identified project off-site or through a

²⁶ <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/whole-life-cycle-carbon-assessments-guidance-consultation-draft>

payment in lieu to a local carbon off-setting scheme. The calculation of an offset payment should be calculated based on the price per tonne of £95, as set out in London Plan policy SI 2. The £95 carbon price is subject to change as per recommendations outlined in any future updates to the London Plan.²⁷

Sustainable Drainage Systems (SuDS)

12.15 Policy 115 and 116 of the Local Plan require that all development proposals should reduce surface water run-off entering the sewerage network and reduce rainwater run-off through the use of suitable Sustainable Drainage Systems (SuDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible. Applications for developments located within Flood Zones 2, 3a and 3b and in Flood Zone 1 for areas identified as hot spots in Bromley's Surface Water Management Plan (SWAMP)²⁸, Preliminary Flood Risk Assessment (PFRA) and in the Strategic Flood Risk Assessment must be accompanied by a site-specific Flood Risk Assessment.

12.16 Details of drainage proposals will usually be secured via planning condition, however in more complex cases this may be secured by a planning obligation with details of on-going maintenance that may be required.

Flood Defence Infrastructure

12.17 For sites within proximity of existing flood defence infrastructure, the Environment Agency may make a request to the Council that improvements are secured to enable its future ability to cope with events that the infrastructure is no longer capable of providing adequate protection - as a result of changes to the urban form and the effects of climate change. Where development is proposed on sites affected, the matter will be raised early during pre-application discussions for a solution to be agreed.

Water Infrastructure

12.18 Policy SI 5 of the London Plan requires minimisation of the use of mains water in line with the Optional Requirement of the Building Regulations (residential development), achieving mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption). They should also achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent. Development should also incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise futureproofing.

Waste Management

12.19 Policy 113 of the Local Plan requires major development proposals to implement Site Waste Management Plans to reduce waste on site and manage remaining waste sustainably. New development will be required to include adequate space to support recycling and efficient

²⁷ <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

²⁸ https://www.bromley.gov.uk/info/200039/emergencies/1096/flood_risk_management

waste collection. Waste management requirements will normally be determined as part of the planning application, with some aspects conditioned, however for more complex sites a planning obligation may be required to ensure longer term management.

Air Quality

- 12.20 Policy 120 of the Local Plan requires that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels, will be required to submit an Air Quality Assessment. Developments should aim to meet “air quality neutral” benchmarks in the GLA’s Air Quality Neutral report. Policy SI 1 of the London Plan also now requires large scale developments to follow an ‘Air Quality Positive’ approach to ensure that new developments are designed and built, as far as is possible, to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Developments may be required to submit an Air Quality Positive Statement.
- 12.21 In meeting the Air Quality Neutral and Air Quality Positive Objectives, developments may be required to supply certain measures, which should be detailed within the proposal, and may be secured by condition or through planning obligation (as necessary).
- 12.22 Where it can be demonstrated that emissions cannot be further reduced by on-site measures, off-site measures to improve local air quality may be acceptable, provided that equivalent air quality benefits can be demonstrated within the area affected by the development.

13 Urban Centres and Public Realm

Overview

- 13.1 The Local Plan sets out the main urban areas of the borough through a hierarchy of policy designations. Bromley Town Centre is identified as an Opportunity Area (Policy 90) and is a Metropolitan Centre in the London Plan (Policy SD8 and Annex 1). Policy SD1 of the London Plan requires that a range of investments and interventions will be needed to deliver the vision and ambition for the area contributing to regeneration.
- 13.2 Orpington is defined as a Major Town Centre (Local Plan Policy 92; and London Plan SD8 and Annex 1) providing a range of uses, such as retail and employment. Smaller District Centres in the borough - Beckenham, Crystal Palace, Penge, Petts Wood and West Wickham - are set out in policy 94 of the Local Plan. The Local Plan also sets out a number of local centres, neighbourhood centres and parades.
- 13.3 Policy SD6 of the London Plan requires that such areas should deliver sustainable access to a competitive range of services and activities by walking, cycling and public transport, incorporating the 'Healthy Streets' principles (Policy T2), and the provision of social infrastructure where need is identified by local residents. Policy SD9 stresses the importance of local partnerships in the development of these areas, such as through town centre management forums, business associations, Neighbourhood Forums, trader associations and Business Improvement Districts.
- 13.4 The Council has defined five 'Renewal Areas', and under policy 13, seeks to maximise opportunities for their enhancement – with delivery of high-quality environments which complement and enhance existing development and assets (including built heritage and other environmental assets). Each Renewal Area has a specific set of priorities, set out in Policies 15 to 19.

Public Realm Improvements

- 13.5 Objective GG1 of the London Plan, and Policy 33 of the Local Plan, seek to develop a public realm that is accessible to all and foster a sense of belonging that encourages community buy-in. Policy D8 of the London Plan further requires public realm that is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand.
- 13.6 The Council will require developments to integrate with any established public realm plans and strategies that express these matters into a more local context.
- 13.7 The provision of strategic public realm improvements to significant areas of public space will be provided through identified schemes funded via the Community Infrastructure Levy. However, developments may have to directly contribute such infrastructure through separate planning obligations for matters directly relating to the development site and its integration with the existing public realm; for example, larger sites may need to fund public realm interventions such as:

- Bus shelters;
- Cycle parking and cycling infrastructure;
- Planting and street furniture;
- Lighting; and/or
- Provision amendment and removal of parking bays.

13.8 This may also include arrangements for the ongoing management of such infrastructure. In cases where a development site is not able to incorporate such measures directly on-site, a payment in lieu may be acceptable to provide on adjoining public land. In determining the need for any planning obligations for public realm, the Council will also take into consideration any public benefits that are also proposed in relation to on-site amenity space (Section 6) and open space (Section 11).

Town Centre Management

13.9 The Council provide services in addition to infrastructure that maintains the sense of space, such as street cleaning, street markets and community wardens. Development proposals that place significant additional public footfall, including impacts relating to the evening and night-time economy, may be required to put in place measures to mitigate impacts on the wider public realm.

13.10 Where it is not feasible to accommodate such measures or management arrangements as part of the development, the Council may accept a payment in lieu, to be used to fund expanded Council-run services or those run by local organisations.

Crime and Safety

13.11 Local Plan Policy 37 requires that security and crime prevention measures should be included in the design and layout of buildings and public areas. This is further stressed in Policy 92 and 94, which requires development to mitigate against adverse effects caused by crime, disorder or anti-social behaviour, and have no adverse impact on residential amenity. London Plan Policy D11 requires the Council to work with their local Metropolitan Police Service 'Designing Out Crime' officers and planning teams, whilst also working with other agencies such as the London Fire Service and Ambulance Service, to identify their community safety needs.

13.12 During the determination of a planning application, the Council will consult the above agencies who may require a development to provide certain measures (or contributions towards initiatives) by way of a planning obligation, which may include:

- CCTV camera installation
- Security prevention measures (e.g. lighting, shuttering)
- Emergency Service Operational infrastructure (e.g. fire hydrants, communications infrastructure)
- Integration of local crime and counter terrorism initiatives (e.g. safer neighbourhoods, public space protection orders)

13.13 For larger strategic sites the relevant emergency services may also request that provision of space be included in new development to facilitate emergency service provision - such as Police facilities or emergency service bays for ambulance waiting points. These matters would be raised at pre-application stage.

Appendices

Appendix 1 – Monitoring and Legal Agreement Template and Charges

Monitoring Charges

The Council charges £500 per Head of Term in each Section 106 agreement to cover the cost of officer time to process and approve matters related to the approval of any submission and on-going matters of compliance.

A separate charge may be required for bespoke management and monitoring arrangements in relation to specific submissions, such as management plans, where a council service is required to undertake a distinctive set of actions outside of general administration. Such fees will be agreed at the point of determining the planning application.

Legal Fees and Section 106 templates

The Council has prepared a standard s106 precedent that it recommends is used for producing legal agreements (and for Unilateral Undertakings) – this includes a standard ‘notification form’ that will be required for submission as notification to the council of the progression of the site with respect to trigger points that have been agreed (such as the point of occupation).

https://www.bromley.gov.uk/info/1004/planning_policy/160/planning_obligations_supplementary_planning_document

The above link will also provide details on the cost of the council’s legal fees in drafting agreements, which may be reviewed periodically.

Appendix 2 - Planning Obligations Assessment Matrix

Green	Matters generally likely to require a specific clause in a S106 agreement		Yellow	Matters not normally requiring a S106 agreement (e.g. handled via Planning Condition)
Part	Theme	Area	Developments that may require attention	When a Planning Obligation may be required
5	Affordable Housing	Affordable Housing Provision	Development of 10 residential units or more / 0.5 hectares or more site area	In all cases requiring the provision of affordable housing
		Viability Appraisal	As above - where the level of on-site affordable housing to be provided is less than 35% of the total habitable rooms provided (50% in the case of development on public sector land, Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses); where not meeting the required tenure split; or where other relevant policy requirements and obligations are not met to the satisfaction of the borough and the Mayor where relevant	
		Viability Reviews	Where the provision of Affordable Housing qualifies for the 'fast track' approach and meets or exceeds the relevant affordable housing percentage (by habitable room), an early-stage viability review will be required. Where the provision will be less than the relevant affordable housing percentage (by habitable room), an early and late-stage review will be required (intermediate reviews may be required for 'phases' on larger sites).	
6	On Site Amenity Space and Green Infrastructure	External Private Amenity Space and Play Space	All residential development - level to be determined as part of planning application	Generally secured as part of the design of a development proposal. A planning obligation may be required to provide alternative provision or a payment in lieu if suitable provision cannot be supplied on-site.
		Green Infrastructure		

7	Community, Health and Educational Facilities	On-site provision of Community, Health and Educational Facilities	Large Redevelopment Areas (e.g. over 100 residential units in areas identified for major redevelopment) where there is an identified deficiency in facilities; Any development that would result in the loss of a current Community, Health or Education Facility	<p>In all cases where:</p> <p>It is deemed that the development requires the direct provision or / re-provision of a Community, Health or Education Facility on the specific site before the development can be occupied. (Note: general background provision of infrastructure will be provided via the Community Infrastructure levy)</p> <p>A specific uplift on the provision of a specific council service needs to be mitigated</p> <p>A private facility is required to provide access to the public</p>
		Facilitating the provision of services	Major Development Proposals. Specifically, Major Care Home proposals - to be determined as part of planning application	
		Public Access and Local Participation	Development involving the provision of new privately run Community, Health and Educational facilities	
8	Control of Development and Management Plans	Operational Management - General Amenity and Local Environmental Factors	Any development where a specific issue has been identified as requiring control - to be determined as part of planning application	<p>Generally secured via planning condition. A specific planning obligation may be secured on more complex sites, particularly where the management involves land or parties not within the bounds of the planning application</p>
		Control of Occupancy and Operation	<p>Development of rural occupancy dwellings, student accommodation and large-scale purpose-built shared accommodation</p> <p>The provision of specific accommodation for micro, small and medium-sized enterprises.</p>	
		Heritage Management	Development affecting Heritage Assets	
9	Highways and Transport	Network Management	Major Development Proposals or any development deemed under initial assessment to require further controls under the area described.	<p>Generally secured via planning condition. A specific planning obligation may be secured on more complex sites, particularly where the management involves land or parties not within the bounds of the planning application</p>
		Transport Assessment		
		Travel Plans		
		Construction Logistics Plan		
		Delivery and Service Plans		

		Parking		
		Parking Design & Management Plans		
		Cycling		
		Residential Parking Permits (restriction of)	Residential development in areas of restricted availability of on-street parking where the provision of on-site parking supplied on the development does not meet the required Local Plan standard (or where no other alternative private parking off-site can be secured)- including development in major centres designated as being 'car free'.	In all cases a requirement will be placed in a planning obligation secured under Section 16 of the Greater London Council (General Powers) Act 1974
		Public Transport	Any development where the Council or Transport for London determines that works are required to an adjacent highway - to be determined as part of planning application	In all cases where works are deemed necessary
		Highways Infrastructure		
		Strategic Transport Improvements	Large Redevelopment Areas (e.g. over 100 residential units / 10,000 sq. in areas identified for major redevelopment) where planned provision of an identified Strategic Transport Improvement has not yet been funded and the infrastructure is required before development can be occupied.	The Council intends to use the Community Infrastructure Levy for the provision of strategic infrastructure, however, should the specific infrastructure not be an identified recipient of CIL at the time of planning consent, an arrangement may be required to assist with the advanced provision of the works. Such incidences will be rare and will identified as part of pre-application discussions
10	Local Employment and Services	Flexible Workspace / Affordable Workspace	Major development proposals for new B Use Class business floorspace greater than 2,500 sq.. (gross external area)	In all cases where workspace / local employment opportunities are identified.
		Local Employment and Skills	Major Development Proposals	
11	Open Spaces and Outdoor Sport	Development affecting existing Open Space and Outdoor Sport	Major Development Proposals where affecting existing Open Space or where creating new Open Space	Generally secured via planning condition. A specific planning obligation may be secured on more complex sites, particularly where the management involves land or parties not within the bounds of the planning application
		Creation of new or improved Open Space and Outdoor Sport		

12	Sustainable Development	Carbon Reduction	Major Development Proposals	Generally secured via planning condition. A specific planning obligation may be secured on more complex sites, particularly where the management involves land or parties not within the bounds of the planning application
		Energy Hierarchy		
		Waste Management		
		Carbon Offset payment	Major Development Proposals where the energy and carbon performance does not meet policy targets nor provides alternative mitigation	In all cases where a Carbon Offset payment is required
		Sustainable Drainage Systems (SuDS)	All development proposals where a relevant impact has been identified - to be determined as part of planning application	Generally secured via planning condition. A specific planning obligation may be secured on more complex sites, particularly where the management involves land or parties not within the bounds of the planning application
		Water Infrastructure		
		Air Quality		
13	Urban Centres and Public Realm	Public Realm Improvements	Major Development Proposals within defined urban centres	Generally secured via planning condition. A specific planning obligation may be secured on more complex sites, particularly where the management involves land or parties not within the bounds of the planning application, or where alternative provision or a payment in lieu if suitable provision can not be supplied on-site.
		Town Centre Management		
		Crime and Safety		
Appendix 1		Monitoring Fees	All proposals where a planning obligation has been identified	
		Legal Fees		



Planning Obligations Supplementary Planning Document

Regulation 12(a) Consultation Statement

May 2022

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1 Introduction

- 1.1 This Consultation Statement has been prepared in accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement accompanies the proposed Planning Obligations Supplementary Planning Document (SPD) and sets out details of the consultation which has informed the SPD. It details who was consulted on the draft SPD, who responded, a summary of the main issues raised and how these issues have been addressed in the proposed SPD.
- 1.2 From 9 March 2022 to 22 April 2022, the Council launched a consultation on the draft Planning Obligations SPD on the Council's website¹, which included a Strategic Environmental Assessment Screening statement². Letters and emails notifying residents and infrastructure providers of the consultation were sent to all consultees that were registered on the Council's database. A page was also set up on Survey Monkey to take receipt of comment.
- 1.3 The consultation sought views from a broad range of individuals and organisations on how the Council should secure Planning Obligations.
- 1.4 Nine individual responses were received, raising 42 specific representations. Four responses were received via the 'Survey Monkey' webpage, however two of the respondents appeared to be making comments on the Orpington Town Centre SPD, which was undertaken during the same consultation period. Of the nine respondents:
- four represented infrastructure providers / regulatory bodies (44%)
 - one represented a landowner / developer (11%)
 - one represented a local heritage organisation, (11%)
 - three were from individual respondents (33%)

Table 1: Response rate to consultation by SPD Section,

Principle Representations of SPD Sections	Representations	%
S1 to S4 - (Introduction, Policy Framework, Basis for Planning Obligations, General Principles)	9	21%
S5 - Affordable Housing	3	7%
S6 - On site Amenity and Green Infrastructure	3	7%
S7 - Community Health and Educational Facilities	1	2%
S8 - Control of Development and Management Plans	5	12%
S9 - Highways and Transport	6	14%
S10 - Local Employment and Services	3	7%
S11 - Open Spaces and Outdoor Sport	3	7%
S12 - Sustainable Development	4	10%
S13- Urban Centres and Public Realm	5	12%
Appendices 1 to 3	0	0%
Total	42	100%

¹https://www.bromley.gov.uk/info/1004/planning_policy/1440/supplementary_planning_guidance

²https://www.bromley.gov.uk/download/downloads/id/6954/strategic_environmental_assessment_screening_statement_december_2021.pdf

2 Consultation responses

- 2.1 This section sets out the key headlines of the responses received as part of the consultation during 9 March 2022 to 22 April 2022. More detailed summaries of the representations are provided at Appendix 1.

General comments

- 2.2 Responses were generally supportive of the SPD, with some seeking further clarity on specific points. No responses sought to object to proposals in the SPD nor request any changes of significance.

Sections 1 to 4

- 2.3 Sections 1 to 4 set out the general approach the Council will take to planning obligations, and the policy basis for securing contributions. One respondent representing the development industry reiterated that planning obligations should not threaten the viability of development, and that some flexibility should be applied depending on the site / development in question. It was also raised that potential obligations should be agreed very early in the planning process (at pre-application stage). The respondent also advised that the SPD should consider establishing a prioritisation hierarchy of planning obligations. Representations from Historic England sought to expand the policy basis for heritage aspects in paragraph 3.5 (list of relevant policies).

Section 5 – Affordable Housing

- 2.4 A representation from a resident made a general point (seemingly to the Orpington Town Centre SPD by way of a recent planning application) that Affordable Housing provision is not truly affordable for the local community. A response from the development industry conversely suggested that the rental caps stated in the SPD should allow variation, potentially to support greater affordable housing delivery.

Section 6 - On site Amenity and Green Infrastructure

- 2.5 Representations from the Environment Agency highlighted that the Environment Act 2021 has since been enacted (9 November 2021) and that section 6 should now refer to a legal requirement for development to achieve a '10% net gain' in biodiversity benefits. A resident reported that the requirement in paragraph 6.3 of the SPD for '10sqm of playspace per child' should report how the number of children assumed in a development is determined. A representation on behalf of the development industry agreed with the principles of this section but sought the SPD to recognise other public benefits to open space / public realm that may be supplied within the design of a development proposal.

Section 7 - Community Health and Educational Facilities

- 2.6 A representation from the development industry welcomed recognition in the SPD that the introduction of the Bromley Community Infrastructure Levy in June 2021 reduces the circumstances on to which S106 contributions may be sought from new development for health and education facilities.

Section 8 - Control of Development and Management Plans

- 2.7 Historic England sought additional criteria with respect to protection of historic assets, while a local heritage society sought clarity over the references to 'Archaeological Priority Areas' and 'Areas of Archaeological Significance'. More generally, a resident expressed that while management plans are useful, it is important that residents have clear details on who is responsible for their operation; greater clarity was also requested between Council departments when approving such plans. A representation from the development industry supported such plans but reported that fees should not be applied if the developer has invested significant effort in a detailed management plan.

Section 9 - Highways and Transport

- 2.8 Transport for London (TfL) requested reference in this section to the Mayor's transport priorities (table 10.1 of London Plan) and also that the Travel Plan section would benefit from including references to site size. TfL also provided additional context to the operation of car clubs in an outer London borough. A resident called for closer liaison between planning and highways with respect to possible conflicts in the planning of developments and transport improvements. A representation from the development industry reported that requests for such contributions should be discussed early so viability of development is not affected.

Section 10 - Local Employment and Services

- 2.9 A representation from the development industry noted that the SPD reference to the 'B' use class was no longer relevant as the revised Use Classes Order has now assumed this under a wider 'Class E'. A general point was also made regarding the cost implications of Affordable Workspace, and that the type of floorspace proposed may not always be suitable to host affordable elements. The use of the planning system to create local jobs was supported, with a representation from the development industry asking for flexibility in the approach, for example recognising in-house opportunities already adopted by the developer.

Section 11 - Open Spaces and Outdoor Sport

- 2.10 Further to their comments on section 6 of the SPD, a representation from the development industry repeated calls for open space or outdoor sport requirements to be reflective of any other public realm improvements that the development is already proposing to make. A resident supported more open space improvements, while another reported that any loss of open space should be reprovided at least double the rate that is lost.

Section 12 - Sustainable Development

- 2.11 A representation from the development industry made a general point that sustainability measures have a cost implication on development viability. The Environment Agency requested that the SPD makes reference to flood defence infrastructure, and that the section should cover the protection of groundwater quality from the impacts of construction. A resident also reported that sustainable measures should be given paramount importance.

Section 13 - Urban Centres and Public Realm

- 2.12 The Metropolitan Police reported changes in their requests for contributions and supplied a list of example contributions. More holistically they believe the need for contributions should be set out in the Local Plan rather than the SPD. A representation from the development industry sought further clarity on the relationship of public realm contributions via S106 in addition to CIL payments. A resident specifically welcomed improvements to public realm, in particular public and sustainable transport infrastructure.

3 How have the issues raised in the consultation informed the SPD?

- 3.1 This section of the statement provides a summary of how the issues raised in the consultation have informed the proposed changes to the SPD. Summary details are provided with reference to the structure and section headings of the SPD.
- 3.2 In addition to changes made as a result of representations received, there are proposed changes as a result of further internal discussions. These are also reported below where relevant. Other minor changes to amend minor spelling and grammatical errors are not reported.

Sections 1 to 4

- 3.3 While some representations sought additional policy references to be included in paragraph 3.5 of the SPD, it is considered that the policies selected in this section are those with direct content that leads to the potential basis for securing obligations contained in the SPD. While the additional policies sought are relevant to determining planning applications, it is not thought they are specifically relevant to planning obligations. Therefore, no changes have been made to this section following consultation.
- 3.4 The suggestion to establish a hierarchy of priorities may have some benefit, however at present the text in paragraph 3.11 of the SPD is considered sufficient given currently stated priorities by the Council.
- 3.5 It is considered that the existing text in paragraphs 3.9, 4.3 and 4.15 is explicit that any planning obligations will be negotiated and will take account of the viability of development. As such no changes are proposed in response to representations relating to the potential impact of planning obligations on development viability.

Section 5 – Affordable Housing

- 3.6 No changes are considered necessary for this section, it is a statement of fact on the existing Affordable Housing policies in the adopted Local Plan and the current London Plan (and guidance). Certain aspects of the policy framework and guidance may change over time and will require periodic updates (such as updated income thresholds); however, it is considered that this could be covered by future revisions to the SPD as necessary.

Section 6 - On site Amenity and Green Infrastructure

- 3.7 The Green Infrastructure section (paragraphs 6.6 to 6.11) has been updated to reflect the Environment Act 2021 and the requirement for '10% net gain'. However, it is considered that an explanation of how 'child yields' are calculated is already explicit in the Mayor's Play and Informal Recreation SPG, although it is agreed that a weblink to this guidance in the footnote would be beneficial. References to taking account of other public benefits supplied by development when determining such contributions has also been added.

Section 7 - Community Health and Educational Facilities

- 3.8 The text in this section was supported without any comment, and as such no changes are proposed.

Section 8 - Control of Development and Management Plans

- 3.9 The additional text supplied by Historic England in respect to heritage protection – and reference to the ‘Heritage at Risk register’ – is considered a worthwhile addition to the SPD. Paragraphs 8.12 to 8.14 have been updated to reflect this. There is no need for more commentary on ‘Archaeological Priority Areas’ and ‘Areas of Archaeological Significance’ – as this is covered in the existing weblink at the footnote of page 27.
- 3.10 A request to remove the potential requirement for fees to be attached to management plans is not supported. There may be circumstances where a fee is required to cover the costs borne on the Council or other third parties. Also, it is clear in existing paragraph 8.1 and Schedule 3 of the SPD that such requirements would normally be required by planning condition and subsequently not attach any payment.
- 3.11 Following internal discussion, it is considered that paragraph 8.9 (Control of Occupancy and Operation) should include further reference to elements of control sought by policy in respect of Houses of Multiple Occupation.
- 3.12 It is agreed that certain management plans should be clear on points of contact (for example with regards to reporting of incidents in Construction Management Plans). However, this should be covered in any subsequent guidance produced by relevant services in the Council (or the Mayor of London) for such submissions, and it is not necessary to include this within the SPD.

Section 9 - Highways and Transport

- 3.13 TfL’s request to refer to the Mayor’s transport priorities is supported; a reference has been added and a link to the London Plan provided in the footnote. Also, the additional text offered in respect of Car Clubs is supported and has been added. With respect to further guidance as to when a travel plan may be required, it is considered that this is best determined through TfL guidance, to which a link has now been added.
- 3.14 The requirement for planning obligations to be agreed as part of early discussions is already made in existing paragraphs 3.9, 4.3 and 4.15 of the SPD, and as such it is not considered necessary to repeat in this section.

Section 10 - Local Employment and Services

- 3.15 While certain elements of content within this section could benefit from further guidance (e.g. expectations for local employment) it is considered that this is a matter to be developed by relevant services in the Council (and partner organisations) in future. For now, it is considered that such matters are best discussed and agreed on a case-by-case basis, and as such no further amendments to the text of the SPD are required.
- 3.16 With respect to Affordable Workspace, the use of the definition ‘B use class’ in paragraphs 10.3 and 10.4 of the SPD is taken direct from the current policy in the adopted London Plan Policy E2. Footnote 17 makes clear that this encompasses Use Class E(g) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The Council considers that mirroring the wording of the London Plan is the correct approach. Consideration of whether the development proposed contains floorspace to which Affordable

Workspace should apply would be discussed on a case-by-case basis. The need for agreement, and the impact on viability is covered in existing paragraphs 3.9, 4.3 and 4.15 of the SPD, and as such it is not considered necessary to repeat in this section.

Section 11 - Open Spaces and Outdoor Sport

- 3.17 As with Section 6, it is considered that this section would benefit from reporting that public realm / open space improvements supplied in the design of development will be reflected in any discussion regarding financial contributions, and text has been added to this effect. A requirement to resupply double any open space that is lost through development would constitute new policy which cannot be set out in an SPD. Any new policy would have to be justified as part of a review of the Local Plan, informed by evidence.

Section 12 - Sustainable Development

- 3.18 The request by the Environment Agency to include content regarding the management of flood risk is supported; a new section has been added to report this. The additional suggestion to report protecting groundwater quality from the impacts of construction is supported, however it is considered that this is best addressed through an amendment to Section 8 Operational Management – ‘General Amenity and Local Environmental Factors’ -which has been added. The addition of text relating to the potential impact of sustainability measures on viability is considered unnecessary, as this is already covered in paragraphs 3.9, 4.3 and 4.15 of the SPD.

Section 13 - Urban Centres and Public Realm

- 3.19 Changes mentioned by the Metropolitan Police to ‘neighbourhood policing’ are noted and reference to ‘Neighbourhood’ in paragraph 13.13 has been removed - this will retain a generic need for improvements to police facilities. However, it is not agreed that such contributions need to be explicit in the Local Plan rather than the SPD. The Planning Obligations SPD is a document that supports the interpretation of the existing Local Plan and cannot amend the existing Local Plan; any changes would need to be put forward for consideration as part of the Local Plan review.
- 3.20 References to taking account of other public realm benefits supplied in the design of a development when considering contributions has also been included. However, it is considered unnecessary for this section to further stipulate circumstances where public realm contributions may be sought in addition to CIL. Details of any project that will be the beneficiary of CIL will be reported on the Council's website, for example through the annual Infrastructure Funding Statement. The requirement to provide S106 contributions, as highlighted in paragraph 13.7 of the SPD, will only be made on directly related aspects to the development proposed, to which in the first instance direct provision of infrastructure will be sought. In respect to possible off-site contributions, this would have to be determined at the time of the application and made on a case-by-case basis.

Appendices

- 3.21 After internal discussion, it is now considered that Appendix 2 (Section 106 precedent and notification form) should be removed from the SPD and hosted as ‘living draft’ document on the same webpage that will host the Planning Obligations SPD. This will allow more regular updates to the templates without having to amend the SPD. Any templates would continue to be informed by the guidance set out in the SPD. Similarly, Appendix 1 has been amended to refer to this change.

Appendices

Appendix 1: Summary of individual responses

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
1	Metropolitan Police (via Knight Frank)	1	13	"...paragraph 13.[1]3 / page 42 that: 'For larger strategic sites the relevant emergency services may also request that provision of space be included in new development to facilitate emergency service provision - such as Neighbourhood Police facilities..... ". The requirements that existed for neighbourhood policing facilities in 2020 are no longer outstanding.	The paragraph as drafted provides an overview of possible matters that need to be considered. However, if the approach of the Metropolitan Police has changed, removal of the specific term 'neighbourhood' would address this while still retaining the overall guidance presented.
		2	13	"... We believe that it is appropriate that this should be set out clearly within the Local Plan, as opposed to any other documents. This is because this document establishes the need for and strategy to deliver new dwellings and other growth that gives rise to the requirement."	The PO SPD is a non-statutory document that supports the interpretation of the Local Development Plan (LDP). SPDs cannot amend the existing LDP, any changes to the Local Plan will need to be put forward as a possible consideration as part of any future review of the LDP.
		3	13	"...The MPS are not yet seeking financial contributions as the methodology is still being worked up... This list has been taken from other Police and Crime Commissioners who are already receiving financial contributions; Staff set up costs o Uniforms. o Radios. o Workstation/Office equipment. o Training. Vehicles o Patrol vehicles. o Police community support officers (PCSO) vehicles. o Bicycles. Mobile IT: CCTV technologies: Automatic Number Plate Recognition cameras to detect crime related vehicle movements. Police National Database: Telephony, licenses, IT, monitoring and the expansion of capacity to cater for additional calls. The provision of police office accommodation."	Noted. The text in section 13 of the draft SPD is generic to cover the range of future requests, which will need to be raised and justified on a case-by-case basis. It is not considered that further definitions are necessary in this section.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
2	John Lewis Partnership (via Savills)	4	1 to 4	"... the imposition of such obligations, particularly through Section 106 and affordable housing delivery, places a significant burden on development, and may impact the viability, and ultimately, the deliverability of development proposals. This, in turn, has the potential to result in a significant impact on the overall housing delivery within London, with boroughs unable to hit their annual targets. This should be recognised in all aspects of the planning process, both in plan making and decision making."	Noted. The issue of viability and the ability to secure obligations is covered in paragraph 4.15.
		5	1 to 4	".a one-size-fits-all approach is not appropriate concerning planning obligations and that any financial or non-financial contributions sought should be discussed and agreed upon on a site by site basis, subject to viability and the specific nature of the site and proposals...the Draft SPD should set out that any obligation sought should be discussed and agreed upon between the Council and Applicant."	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity.
		6	1 to 4	"We would like the draft SPD to acknowledge that identifying such obligation at an early stage in the development process can lead to schemes mitigating the need to offset any harm caused by a planning application"	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity.
		7	1 to 4	"We also support the statement made in paragraph 3.11, which states that not all of these policy obligations may be required for every scheme This 'prioritisation' of obligations introduces an element of flexibility and pragmatism to financial and non-financial obligations. We recommend that the ethos of paragraph 3.11 is carried on throughout the SPD".	Noted. The SPD as proposed sets out the overall framework - it is not considered necessary to highlight specific priorities other than that currently set out in paragraph 3.11. Should the Council in future develop a further hierarchy of priorities, this will be reflected in an addendum to the SPD.
		8	1 to 4	"We are broadly supportive of the general principles outlined in paragraph 4.3, We suggest that the wording of this statement should be reflected throughout the proceeding titled obligations. Grampian conditions should only be used where they relate to specific parts of the site, ensuring that they do not block the start and progress of wider development."	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity.
		9	1 to 4	"We support the inclusion of paragraph 4.15 within the draft SPD Introducing such obligations can expose the Applicant to unforeseen significant costs. This, in turn, has the potential to result in a significant impact on the overall housing delivery within Bromley."	Noted. Paragraph 4.15 reports the need to consider the scope of obligations in light of viability.
		10	5	"We suggest that an element of flexibility should be introduced to these intermediate rental caps, allowing for blended rates to be capped across different unit sizes. An application's affordable housing offer may have more planning benefits by raising the threshold of intermediate 1-bed rents and lowering the thresholds of 4 beds within schemes, to allow for greater affordability for larger unit sizes, which are some of the most sought within the borough."	Noted. The caps highlighted in 5.6 and 5.7 will be subject to review and updates as highlighted in footnote 10. Variation of these thresholds for a particular development will be considered on a case-by-case basis where justified (see paragraphs 3.9 and 4.3).

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		11	6	<p>"We broadly agree with the principles of this guidance, but we would suggest that any contributions sought regarding on-site amenity space and child play space are discussed and agreed upon between the Council and the Applicant within the pre-application or determination stage. A prescriptive requirement for either the full provision of play space or a payment in lieu has the potential to restrict a development proposal from delivering other specific public realm benefits, such as through routes or public realm enhancements."</p> <p>"Other contributing factors should also be taken into account during these discussions, such as viability and other financial and non-financial planning obligations secured in relation to specific schemes to ensure that the development proposals are deliverable, and any payment in lieu is subject to viability"</p>	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity. Paragraph 4.15 reports the need to consider the scope of obligations in light of viability.
		12	7	"...this change sees the removal of the adopted formula for educational financial contributions in the current Planning Obligations SPD (2010). We welcome the clarity brought by the Draft SPD, which provides clear guidance for developers. In this respect, it would be inappropriate for LBB to seek obligations for Community, Health and Educational Facilities through both Community Infrastructure Levy and Section 106."	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity. Paragraph 4.5 makes clear that "The Council will not request a S106 Planning Obligation towards any project which is proposed to use CIL funding.
		13	8	<p>"The SPD should go further in identifying specific circumstances where Operational Management Plans will be required. These management plans could be provided within any application scope to show that the development proposal is able to operate without undue harm to the locality."</p> <p>"...developers who invest in detailed management strategies to avoid disruption should not be made liable for an additional financial contribution by producing an Operational Management Plan, should they have already taken steps to mitigate the impact. The imposition of these additional burdens may limit the availability of capital for other planning obligations.... These should only be used in exceptional circumstances and only where a condition is demonstrably unsuitable, after having outlined why such a condition is unsuitable."</p>	Noted. The Council consider that they should reserve the right to apply financial contributions to management strategies where they place an additional burden on Council services - or in the form of a bond to mitigate any action required by a third-party. As highlighted in Appendix 3 (row 8), the standard assumption is for such plans to be secured via planning condition without a fee.
		14	9	"We note that the Draft SPD remains mostly similar to the adopted SPD with regard to Transport and Highways contributions. However, the Draft SPD notes that planning obligations may be required for public transport and highways infrastructure "in all cases where works are deemed necessary". Any obligations sought must be discussed and agreed upon between the Council and the Applicant in relation to the specific circumstances surrounding a development proposal. The inclusion of a Highways and Transport obligation	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity. Paragraph 4.5 makes clear that "The Council will not request a S106 Planning Obligation towards any project which is proposed to use CIL funding".

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
				should be carefully considered to not duplicate anything covered within CIL payments."	
		15	10	"The Draft SPD includes a new subsection on Affordable Workspace, which requires all major development proposals for new 'B' Use Class business floorspace greater than 2,500 sqm GEA to provide affordable workspace within paragraph 10.3. Paragraph 10.3 should be updated and refer to the currently adopted use class order, which has removed 'B' use classes." "... this mandatory approach to affordable workspace has the potential to impact on other planning benefits delivered by a scheme, such as affordable housing or other financial obligations. In certain circumstances, on-site affordable workspace provision is not possible, due to specific constraints where affordable workspace would not be feasible..... Therefore, the SPD should concur with the London Plan (2021), which states that Boroughs should consider detailed affordable workspace policies with reference to local evidence of need and viability, that affordable workspace requirements should be assessed on an individual site basis subject to viability and considering the holistic planning benefits provided by the scheme.	<p>The use of the definition 'B use class' in paragraph 10.3 and 10.4 is taken direct form the current policy in the adopted London Plan Policy. Footnote 17 makes clear that this encompasses Use Class E(g) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The Council considers that mirroring the wording of the London Plan is the correct approach.</p> <p>The reference in the London Plan to "local evidence of need and viability" (Policy E3 [C]) is in regard to the production of detailed policies within emerging Development Plans, rather than the requirement to provide of Affordable workspace itself. The Council consider that it has iterated globally in paragraph 3.9 & 4.3 (negotiating PO with developers) and paragraph 4.15 (viability) that the requirement for Affordable Workspace will be reflected on a case-by-case basis.</p>
		16	10	"...we recommend that the Draft SPD notes that there should be flexibility in relation to the definition of 'local', as for example construction workers may travel from neighbouring boroughs to reach a particular site. The applicant should use reasonable endeavours to offer employment opportunities to local people but should not be fettered in their ability to recruit suitable candidates for any particular roles. Additionally, for major developments, applicants would usually undertake a competitive tendering process in order to appoint specialist contractors, and there may be circumstances where the specialist contractors required are not based locally to the site. Therefore local procurement should be discussed and agreed between the Council and the Applicant on a site by site basis taking into consideration the specific circumstances of the site and construction process.	Noted. Paragraphs 10.7 to 10.9 do not set out a precise mechanism or approach to Local Employment and Skills, and it is always the Council's intention to take a pragmatic approach depending on the nature of development and site circumstances - in particular where the developer already has robust local employment and training regimes. Paragraph 10.10 highlights that the Council will be produce further guidance outlining expectations, which would cover the points raised by the respondent.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		17	11	“For proposals affecting existing Open Space or where the creation of new Open Space is sought, the Council will now secure financial contributions through the newly adopted Local CIL, with the exception of where an on-site open space requirement is triggered. Where planning obligations are sought, further clarity on how these obligations will be decided and calculated is requested, as an application may make substantial improvements to the existing public realm within and around its red line boundary. We suggest that any potential contributions are discussed and agreed upon between the Council and the Applicant in relation to the specific circumstances surrounding the development proposal.”	Noted. With respect of Open Space, the Council's intention is for the developer to supply alternative provision to a similar value of that lost through development, with a financial contribution considered where this is not possible. The value of such a contribution will therefore be made on a case-by-case basis. The value of any Open Space / Public Realm improvements designed into the development will also be taken account of in any negotiations - in this regard the Council proposes to add additional text to this section to report this.
		18	12	“We understand the Council's position seeking to lower carbon emissions within the Borough, and encourage developments to have greater energy efficiency but seek clarity on whether this fee will be subject to a scheme's viability. Should it not be, then the obligation to pay such substantial fees could curtail the ability for developments to come forward by restricting the viability and thus deliverability of the scheme. Putting such an obligation may therefore block other substantial benefits such as affordable housing and financial obligations.”	Noted Paragraph 4.15 reports the need to consider the scope of obligations in light of viability, and we do not consider a specific reiteration of this is needed in any further sections.
		19	13	“In the draft SPD, the Council sets out that it will use the newly adopted Local CIL charging schedule on identified schemes for the provision of public realm improvements. Despite this, some developments may have to directly contribute through separate obligations. More clarity is sought around how such schemes will be selected, and information should be provided on the criteria required by the Council for a scheme to become liable to a separate obligation or whether this will be decided on through a case by case analysis. It is of JLP's view that the SPD should take into account any public realm and design features within the development proposals so that any financial contribution is appropriate and relevant to the site-specific circumstances.”	Paragraph 4.5 makes clear that "The Council will not request a S106 Planning Obligation towards any project which is proposed to use CIL funding". Details of any project that will be the beneficiary of CIL will be reported on the Council's website. The requirement to provide S106 contributions will only be made on directly related aspects to the development proposed, to which in the first instance provision of infrastructure will be sought. In respect to possible off-site contributions, this would have to be determined at the time of the application and made on a case-by-case basis.
3	Historic England	20	1 to 4	“We note that the purpose of the SPD is to set out the Council's approach, policies and procedures in respect of the use of planning obligations. While we note that the list of policies set out at section 3.5 is not exhaustive, given that all designated heritage assets are potential beneficiaries of a planning obligation we consider that the list at 3.5 should go further and refer to the entire range of local plan policies dealing with their management – in particular policy 38 (listed buildings) and policy 41 (conservation areas).”	Policies highlighted in Paragraph 3.5 were selected on the basis that their direct content leads to the potential basis for some of the obligations contained in the SPD. While policies 38 and 39 are important to heritage assets, their content is more directly related to matters of planning decisions rather than the basis for a planning obligation.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		21	8	"A Section 106 agreement relating to heritage assets either on site or within reasonable proximity could include for example for their repair, restoration or maintenance, increased public access and improved signage to and from the asset, the protection of archaeological assets and any landscape treatment ancillary to the works. The agreement may secure the identified works and ensure, through the use of agreed trigger points that works are provided in a timescale appropriate with the overall timetable for the development"	Paragraph 8.13 stipulates that in respect of heritage assets that "sufficient management arrangements for any works to be agreed with the Council". This is intended to be inclusive of the matters raised by the respondent. However, on reflection this section could benefit from a further breakdown of the types of management arrangements that could be required. The SPD will be amended accordingly.
		22	8	"There may be particular justification for a planning obligation where sites include assets currently at risk from neglect, decay, under-use or redundancy. Each year Historic England publishes a Heritage at Risk Register, which comprises information on all listed buildings, scheduled monuments, conservation areas and registered parks & gardens that are vulnerable through neglect or other threats, including those with LB Bromley. The current Register is available on Historic England's website: https://historicengland.org.uk/advice/heritage-at-risk/ ."	The respondents suggestion is noted, and we consider adding a reference to the Heritage at Risk Register would be beneficial.
4	Transport for London	23	9	"TfL appreciates the reference to the Mayor's mode shift target of 80 per cent of all journeys to be undertaken using sustainable travel, and the supporting text in paragraph 9.2, that sets out in more detail the opportunities to include the Healthy Streets Approach and improved active and sustainable travel infrastructure to support mode shift. We suggest that it would be useful to refer to London Plan Table 10.1, which includes a list of transport projects that are needed to support growth and mode shift, and which related development should support."	Noted - we agree that reference to Table 10.1 of the London Plan would be beneficial.
		24	9	"We support travel plans being required by planning condition or obligation as appropriate; however, it would be useful to state the size and nature of developments that would require a travel plan."	Noted - The requirement for a travel plan will be assessed as part of the transport assessment - we will amend the text to report this.
		25	9	"Both reference to Policy T6 of the London Plan and the provision of infrastructure for electric or other Ultra-Low Emission vehicles is supported. In respect of off street parking and the 'potential provision for a car club, if above the minimum TfL threshold', it should be noted that car clubs have the potential to increase the dominance of cars on streets as well as car use if not paired with parking restrictions that reduce the amount of overall parking spaces. However, for outer London areas that are less well connected by public transport and distances to local services and facilities are greater, car clubs can support lower parking provision by enabling some car-owning households to have occasional access to an additional car. If this is demonstrated, then the car club vehicle should be electric."	Noted – text will be amended to report these observations.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		26	9	"We request additional references to London Plan Table 10.1 projects in this section, including directly referring to bus priority and enhancement, and accessibility upgrades, which includes step-free access to National rail stations and wheelchair accessible bus stops".	Noted - we agree and will insert footnote and additional text.
		27	13	"We welcome references to improvements to the public realm, including the provision or ongoing management of bus shelters, cycle parking, cycling infrastructure, and the removal of parking bays."	Noted.
5	Environment Agency	28	6	"We are pleased to see that reference is made to contributions "towards the conservation and restoration of biodiversity, securing biodiversity net gain". We recommend that a requirement for 10% net gain is specifically mentioned."	Noted - The text in this section was produced prior to the 2021 Environment Act received royal assent on 09 November 2021. Section will be amended to report this
		29	12	"We are pleased to see that reference is made to managing flood risk, in accordance with Policy 115 and 116 of the Bromley Local Plan (2019). We would further request that reference is made to contributions for flood defence infrastructure as part of efforts to tackle climate change."	Noted - new paragraph to be added between 12.16 and 12.17
		30	12	"We recommend that the protection of groundwater quality is mentioned under the thematic area of Sustainable Development. Construction works can mobilize contaminants, and therefore pose a risk of polluting water resources. Bromley has 4 SPZ and Chalk formation is exposed from the northeast to the south part of the Borough – approximately 50% of the total LB Bromley area. The following policies make reference to safeguarding water resources from pollution: • Policy 118 of the Bromley Local Plan • Paragraph 174 of the National Planning Policy Framework."	Noted - the Council consider that this matter is best addressed under Section 8 'Operational Management - General Amenity and Local Environmental Factors'. The section will be amended accordingly.
6 (via Survey Monkey)	Resident	n/a	None	(All responses relate to the Orpington SPD / Walnuts development)	The matters raised were not directly related to the PO SPD, and instead were in reference to the Orpington Town Centre SPD
7 (via Survey Monkey)	Resident	31	5	"Sounds good in reality doesn't stick to what is really needed which is more social housing and more real affordable homes in the area."	The PO SPD seeks to increase the amount of Affordable Housing secured in the borough, through assisting the implementation of Local Plan policy.
		32	5	"Not affordable you say affordable but in reality the properties proposed are not affordable for local residents."	The PO SPD reports standard definitions of affordable Housing as per the Local Plan, London Plan and the NPPF. Local affordability factors are considered when securing AH.
		33	11	"Needs more"	Noted.
8 (via Survey Monkey)	Orpington and District	34	1 to 4	"Support the proposals to recognise the importance of culture in delivering growth."	Noted.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
	Archaeological Society	35	1 to 4	"Support the proposals to take account of Scheduled Monuments and Archaeology and heritage conservation in the planning process."	Noted.
	Archaeological Society	36	8	"Support the proposals set out in the Heritage Management Section. However the Orpington and District Archaeological Society notices that this refers to Archaeological Priority Areas in footnote 13. This society was not aware that the change in policy from Areas of Archaeological Significance to Archaeological Priority Areas and the maps that accompany this have been distributed to the public for comment. Consequently we feel that this consultation should be amended to refer to the DRAFT Archaeological Priority Areas."	Paragraph 8.13 refers to policy 46 of the Local Plan, which refers to the existing Areas of Archaeological Significance. The Archaeological Priority Areas referred to in the footnote were developed by Historic England, following a review in July 2020. While the new tiers cover different and more extensive areas than those identified on the adopted policies map, the operation of Policy 46 remains the same. The footnote links to a webpage that reports the nature of the Archaeological Priority Areas review and as such the Council do not consider the text in section 6 needs to be amended
9 (via Survey Monkey)	Resident	37	6	"Play Space is to be provided on the basis of 10 sqm per child but there does not seem to be any reference to how the number of children is to be ascertained."	The metric of 10sqm is based on the adopted London Plan Policy S4, which is a minimum figure. The calculation of expected amount of children per development is ascertained through the use of average 'yields'. This is set out in paragraph 6.4 of the SPD - "Further details on calculating amenity space requirements can be found in the Mayor's Play and Informal Recreation SPG, which includes a spreadsheet for calculating child yields".
		38	8	"It is imperative that the planning approval if and when given you insist on a timescale for the control of development and management plans are instigated so that local residents and neighbours are able to contact the relevant people quickly when breaches occur. There must be closer liaison between the planning departments and the highways department at all times."	Noted. The Council agree that where relevant management plans should be required to clearly articulate points of contact for residents to report concerns or potential breaches. The use of such plans is relatively low in Bromley and has been agreed ad hoc were used in the past; however individual departments in the Council may wish to develop standardised templates in future.
		39	9	"It is imperative that there is much closer liaison between the planning and highways departments to ensure that there is no conflict between the development and other works that could take place close by. In addition, proper care should be taken when cycle routes are envisaged in that their use will be closely monitored at all times."	Noted. This however is a wider issue than the PO SPD.
		40	10	"The definition of 'periodically' needs to be specified!"	The approach to employment and skills requirements will be developed by relevant services in the Council. At present we are unable to suggest an appropriate timescale for regular reviews.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		41	11	“Any open space lost through the development must be replaced close by at, at least, double the lost space!”	It is not considered that a requiring double the amount of space lost to be reprovided can, as a rule, be justified. However, the current policy position is for any loss of space to "be re-provided to an equivalent or higher standard in terms of quantity and quality". the Council consider this to be appropriate and provides the opportunity to go beyond simple 'like for like' replacement.
		42	12	“Close scrutiny of sustainable areas must be of paramount importance.”	Noted.

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Planning Obligations Supplementary Planning Document

Strategic Environmental Assessment Screening
Statement – December 2021 (with post-
consultation update May 2022)

1. Purpose of Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA)

- 1.1. This Strategic Environmental Assessment (SEA) screening is being prepared in accordance with the requirements of European Directive 2001/42/EC (“the Directive”); and the Environmental Assessment of Plans and Programmes Regulations 2004 (“the Regulations”). The following guidance has also been taken into account:
- The National Planning Policy Framework (NPPF) (July 2021)¹.
 - The National Planning Practice Guidance (PPG) in relation to SEA/SA².
 - A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005)³.
- 1.2. Sustainability Appraisal (SA) is the process by which the Directive is applied to Local Plan documents. An SA is required under the Planning and Compulsory Purchase Act 2004 for all Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). The Directive also requires a SEA to be carried out on certain types of plans with significant environmental effects.
- 1.3. Both SA and SEA processes are undertaken during the preparation of a plan or strategy to aid the implementation of sustainable development. The main difference between them is that while an SEA has more of an environmental focus, the SA should focus on social, economic and environmental issues.
- 1.4. Although SA and SEA are distinct requirements, government guidance has recommended a single appraisal process. The SA process for planning documents translates the requirements of the Directive, and Government guidance on undertaking SAs has been prepared so as to incorporate the requirements of the SEA Directive.
- 1.5. Bromley’s Development Plan consists of the Bromley Local Plan and the London Plan. The Bromley Local Plan and the London Plan have both been subject to a SA/SEA
- 1.6. The PPG⁴ states that:

“Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies.

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.”

¹ Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

² Available from: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

³ Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

⁴ Paragraph: 008 Reference ID: 11-008-20140306, available from:

<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

2. Planning Obligations SPD

- 2.1. The Planning Obligations SPD provides guidance on the Council's general approach to Planning Obligations, and where possible, the requirements and mechanisms for infrastructure contributions arising from the application of policies in the Local Plan and London Plan. The Council adopted a local Community Infrastructure Levy (CIL) on 19 April 2021, which will assist with the future funding of strategic infrastructure requirements. The use of Planning Obligations through a Section 106 agreement will remain for site specific infrastructure, affordable housing and any other non-infrastructure matters required to make a development acceptable in planning terms (such as monitoring or management arrangements).
- 2.2. New development can raise additional pressure on local infrastructure, whether by way of additional school places required, amendments to the local highway, new health / community facilities or provide opportunities to local employment and housing. All new development (where meeting the requirement to pay CIL) will pay a contribution via the CIL towards the general infrastructure provision required in the borough; in some cases, further contributions may be required to address site specific impacts through the use of Planning obligation (Section 106 agreements).

3. The Screening Process

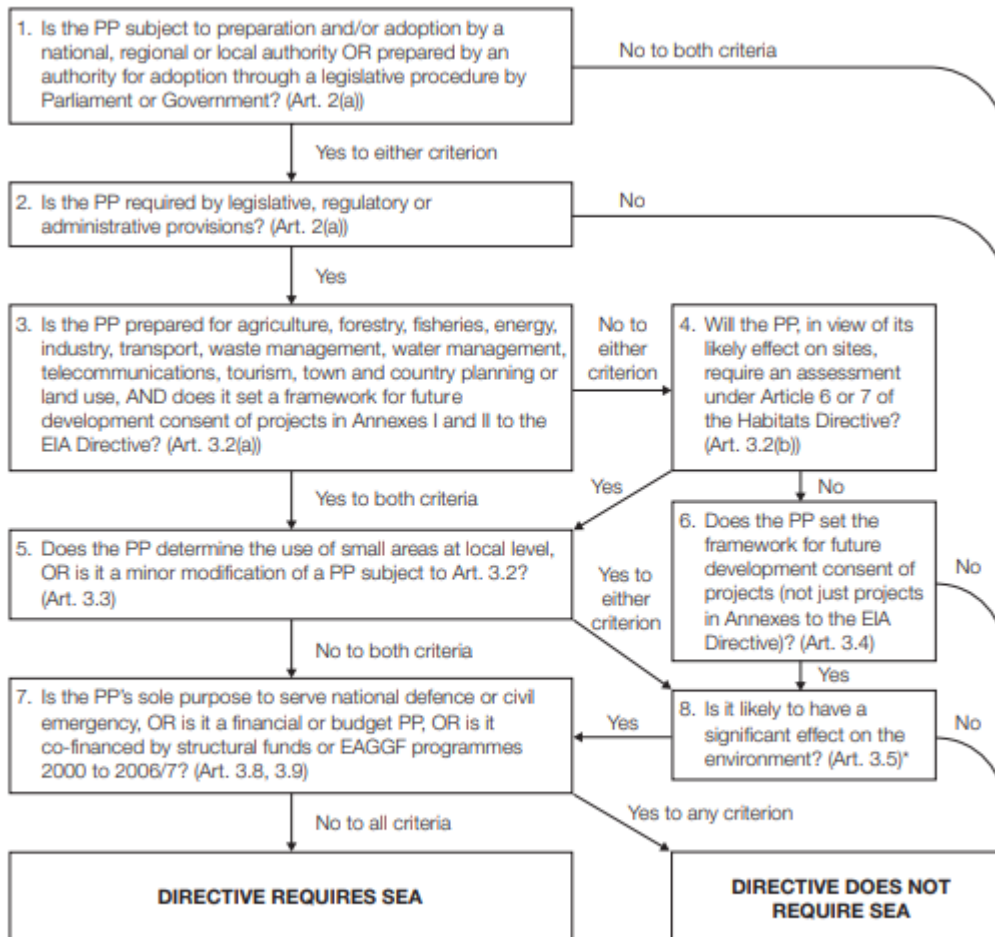
- 3.1. Though not part of the statutory Development Plan, SPDs can cover a range of issues, which generally interpret policies in the Development Plan. If an SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that the SEA is not necessary.
- 3.2. To assess whether an SEA is required the Responsible Authority (Bromley Council) must undertake a screening process based on a standard set of criteria. Where the Responsible Authority determines that the plan or programme is unlikely to have significant environmental effects, and therefore does not need to be subject to full SEA, it must prepare a statement showing the reasons for this determination.
- 3.3. This must be subject to consultation with Historic England, the Environment Agency and Natural England. Following consultation, the results of the screening process must be detailed in a Screening Statement, which is required to be made available to the public. The three consultation bodies were been consulted during the preparation of the SEA screening statement; and as part of the SPD consultation; details of their responses are provided at Appendix 1. As of the end of the SPD consultation (22 April 2022), responses to the SEA screening statement had been received from the Environment Agency and Natural England; both these consultation bodies agreed with the Council that an SEA would not be required for the proposed SPD. Historic England did not provide any comments in relation to the SEA screening statement, but they did provide comments on the draft SPD itself.
- 3.4. Key to the screening decision is the determination of whether the SPD is likely to have significant environmental effects. To assess this, the Council has taken a two-step approach:
 - First, to assess the plan against the guidance set out in 'A Practical Guide to the Strategic Environmental Assessment Directive'⁵. The guidance sets out a flow chart to guide application of the Directive to plans and programmes (shown in

⁵ Ibid

Figure 1); the screening questions from the guidance are set out in Table 1, alongside the Council's response in relation to the Planning Obligations SPD.

- Second, using the criteria set out in Schedule 1 of the Regulations to determine whether the SPD will have significant environmental effects. These criteria are set out in Table 2, alongside the Council's response in relation to the Planning Obligations SPD.

Figure 1: flow chart to assist with the application of the SEA Directive to plans and programmes



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

4. Screening assessment

Table 1: assessment against criteria in A Practical Guide to the Strategic Environmental Assessment Directive

	Screening Question	Screening Assessment
1	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority through legislative procedure by Parliament or Government?	Yes. The SPD will be prepared and adopted by the London Borough of Bromley in its role as Local Planning Authority.
2	Is the SPD required by legislative, regulatory or administrative provisions?	No. The preparation of a SPD is optional. However, once adopted by the London Borough of Bromley, it will be a material consideration in the determination of planning applications.
3	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport or waste management, telecommunications, tourism, town and country planning or land-use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	Yes. The SPD will not create new policy or land use designations, but it will provide further guidance to support the Local Plan and London Plan, which is the town planning policy framework for its area and includes policies for land-use. However, the Local Plan and London Plan have been subject to full SA (including SEA).
4	Will the SPD, in view of its likely effects on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	No. The Local Plan and London Plan were subject to screening for the need for assessment under the requirements of the Habitats Directive and it was concluded that such assessment was unnecessary. As the SPD will not change or add to policy, proposals or designations within the Core Strategy it is not considered that further screening for such assessment is necessary as there would be no likely effects on European Sites.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan subject to Article 3.2?	No. The SPD will complement the policies that have already been set within the Local Plan and London Plan. No aspects of the SPD will modify existing adopted policies nor seek to change existing site allocations, nor add new ones. The SPD will provide guidance on the Council's general approach to Planning Obligations.
6	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)?	No. This framework is already set within the Local Plan and London Plan. The SPD will provide further guidance on the implementation of these policies.
7	Is the SPD's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan, OR is it co-financed by structural funds	No. The SPD does not fall into any of the criteria listed.

	Screening Question	Screening Assessment
	or EAGGF programmes 2000-2006/7?	
8	Is it likely to have a significant effect on the environment?	It is not likely that the SPD will have any significant effect on the borough, beyond those effects that have already been assessed through the SA (including SEA) of the Local Plan and London Plan.

Table 2: assessment against SEA Directive criteria

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	London Borough of Bromley Response
1. Characteristics of the draft Planning Obligations SPD having particular regard to:	
The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The SPD will provide supplementary guidance to the Local Plan and London Plan which provide the overarching framework for assessing development in the Borough (and which were both subject to an SA/SEA)
The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The SPD is a non-statutory document, subsidiary to policies in the adopted Local Plan and London Plan, and therefore will have limited (if any) influence over other plans and programmes, including national policy in the NPPF.
The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD provides guidance on the Council's general approach to Planning Obligations. Some planning obligations relate to environmental considerations; however, the requirements are derived from policies in the adopted Development Plan.
Environmental problems relevant to the SPD.	The SPD will provide guidance on planning obligations, linked to relevant policy requirements, which may include environmental policies. The SPD will help to ensure that the requirements of these policies are secured, including financial contributions for carbon offsetting.
The relevance of the SPD for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD will not impact on the implementation of community legislation on the environment.
2. Characteristics of the effects and of the area likely to be affected, having particular regard to:	
The probability, duration, frequency and reversibility of the effects.	The overall impact of the SPD will be positive, by ensuring that development or contributions from development assist with efforts which minimise, avoid or off-set negative environmental impacts such as CO2 emissions.
The cumulative nature of the effects of the SPD.	Cumulative effects have been assessed through the Local Plan and London Plan SA/SEAs. The SPD is unlikely to have specific cumulative effects which differ from those assessed as part of the Local Plan and London Plan; the effect of the SPD will therefore be neutral.
The trans-boundary nature of the effects of the SPD.	The SPD will apply to developments within the borough boundary, although some policy requirements secured through planning obligations could have a wider positive effect, for example, a reduction in carbon emissions could benefit

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	London Borough of Bromley Response
	adjacent areas. The SPD will have a minor positive effect in this regard.
The risks to human health or the environment (e.g. due to accidents)	No significant risks to human health are envisaged through the application of this SPD.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD.	The majority of the SPD effects will be localised to a specific area or within the borough; however, as noted above in relation to potential trans-boundary effects, some benefits may extend to adjacent areas. The SPD will have a minor positive effect in this regard.
<p>The value and vulnerability of the area likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> i. Special natural characteristics or cultural heritage; ii. Exceeded environmental quality standards or limit values; or iii. Intensive land use. 	<p>The SPD will be consistent with the Development Plan approach that seeks to conserve and enhance the borough's heritage assets in a manner appropriate to their significance.</p> <p>Bromley has a number of areas with special natural characteristics, including an AONB and several SSSIs. The Development Plan has a number of policies which protect these areas; the SPD will assist with the implementation of these policies.</p> <p>Bromley has an Air Quality Management Area which extends across a large part of the Borough, and several Air Quality Focus Areas. The Development Plan policy approach to managing these environmental conditions will be applied, with the SPD providing guidance on how the policy requirements can be implemented and secured, including in relation to air quality.</p> <p>The SPD will not relate specifically to intensifying land use, although it may provide guidance on policies which relate to land use, specifically how any policy requirements can be secured.</p> <p>The overall likely effect of the SPD will be positive by securing the positive environmental effects of development and minimising or avoiding negative impacts.</p>
The effects of the SPD on areas or landscapes which have recognised national, community or international protection status.	Bromley has an AONB. The Local Plan has policies which protect the AONB and its unique landscape quality; the SPD could assist with the implementation of these policies.

5. Statement of Reasons for Determination

- 5.1. The Council believes that the impact of the draft SPD, through responses to the Criteria identified in Tables 1 and 2, will not have significant environmental effects (positive or negative) on Bromley, further to the effects that have already been assessed during the preparation of the Local Plan and the London Plan. In addition, the draft SPD is not setting new policy; it is supplementing and providing further guidance on existing policies. Therefore, it is considered that an SEA will not be required for the draft Planning Obligations SPD.

Appendix 1: responses to draft SEA screening statement from Historic England, the Environment Agency and Natural England

Consultee	Response	LBB comment
Environment Agency	<p>The SPDs are unlikely to have significant environmental effects, and therefore a full Strategic Environmental Assessment is not required.</p> <p>We have no more comments to make.</p>	Noted.
Historic England	No response as of 22 April 2022 (end of the SPD consultation period).	
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England have no comments to make on this consultation, however we do not feel an SEA will be necessary for this supplementary planning document.</p>	Noted

Report No.
HPR2022/027A

London Borough of Bromley

PART ONE – PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 7 June 2022**

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

Title: **PLANNING TREES TEAM UPDATE**

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: (All Wards);

1. Reason for decision/report and options

This report is presented to provide information about the Planning Trees team, highlight resourcing shortfalls and to make Members aware of potential compensation costs of contesting tree cases

2. **RECOMMENDATION(S)**

Members note the report and consider the resourcing of the team

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Transformation Policy

1. Policy Status: Existing Policy:
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: Estimated Cost: Report details potential costs exposure on tree cases
 2. Ongoing costs: Further Details: Report details potential costs exposure on tree cases
 3. Budget head/performance centre: Planning Division – Trees Team
 4. Total current budget for this head: c£140k for the cost of the Trees team. There is no specific budget for potential costs of claims against the Council
 5. Source of funding: Existing revenue budget for the Trees team.
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Property

1. Summary of Property Implications: N/A
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: N/A
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

3. COMMENTARY

- 3.1 The Trees team within the Planning division comprises two professional officers and a support officer. The team deal with all protection and consent matters relating to trees within private property in the Borough. Matters relating to trees on Council land, the highway and public parks are dealt with by a different team within the Environmental Services division.

The work of the team falls into several streams:

Tree Preservation Orders (TPO):

- 3.2 The team consider requests for Tree Preservation Orders on trees on private land in the Borough. Local planning authorities can make a Tree Preservation Order if it appears to them to be '*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*'.
- 3.3 Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified. 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.
- 3.4 Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 3.5 The team are responsible for keeping the TPO database updated. The TPOs are reviewed upon conveyancing enquiries or by officer site surveys. Many of the TPOs are outdated and require full review. There are currently 2785 TPOs.

Applications for work to TPO trees:

- 3.6 The team receive and consider applications concerning any impact upon protected trees. This can range from permitted development, general pruning and felling. The team receive over 1000 applications annually. Dangerous or dead trees are dealt with by way of a 5 day notice, which can result in exemptions being granted.
- 3.7 The application process is a maximum of 8 weeks. If the Council do not issue a decision within this timeframe, an appeal window is opened for 28 days following the expiry of the application. Any applications highlight with a financial risk, will be submitted for Committee consideration.

Applications for work to Trees in Conservation Areas:

- 3.8 Proposals to trees within a Conservation Area requires notice to be given. This application process differs from TPO applications as the notice is Upon expiry of the 6 weeks, automatic consent is deemed issued. The team may issue a decision of no objections, should the proposals be considered acceptable ahead of the 6 weeks expiry. The only way the Council can prevent unacceptable works from proceeding, is by serving a new TPO.

Consultations on planning applications:

- 3.9 The team also receive hundreds of planning applications each year to comment on and are involved in pre-application discussions on some sites where there are significant tree issues. Some general development applications require site inspections by the team and this is carried

out amongst other visit types, such as enforcement, TPO assessments and TPO/conservation area applications.

Tree Enforcement:

- 3.10 The team deal with around 50 cases a year on average, some of which end up with legal action requiring detailed background work and witness statements. Offences within the conservation area or concerning trees protected by way of TPO constitute a criminal offence. The team carry out investigations in accordance with the Police and Criminal Evidence Act 1984. A typical case has a target of being concluded within 12 months. Depending on the complexity of the case, this can extend beyond this target.
- 3.11 Officers are responsible for gathering evidence during site inspections and by interviews under caution. Interviews can be carried on site, recorded in the office or questioning may be sent by letter.
- 3.12 The Tree Team carry out investigations in accordance with the adopted Planning Enforcement Policy. Offences are mostly registered as high priorities, where works are reported on the day. Some offences are historic and will fall into low priority timescales.
- 3.13 The enforcement team are responsible for investigating breaches of condition and offences concerning ancient hedgerows. The Tree Team play a supporting role in these investigations, providing technical input and guidance. Some visits are carried out jointly.
- 3.14 Cases are concluded by the following options:
- No breach identified
 - Breach rectified
 - Breach identified but not expedient to take action
 - Breach identified and expedient to prosecute
 - Tree Replacement Notice (TRN)
 - Breach of Condition Notice
 - Stop Notice
 - Untidy Site Notice (S215)
 - Simple Caution
 - Informal warning
 - Prosecutions
 - Direct Action

High Hedges Complaints:

- 3.15 Part 8 of the Anti-social Behaviour Act 2003 allows local councils to deal with complaints about high hedges whose area contains the land on which the hedge is situated.
- 3.16 When councils are determining a complaint they must first decide whether the height of the high hedge is having an adverse effect on a neighbour's enjoyment of their home and/or its garden or yard. If it is, then councils can order the owner of a high hedge to take action to put right the problem and stop it from happening again. An average case takes 18hrs from initial assessment to the service of a remedial notice. Appeals and enforcement thereafter is additional time.
- 3.17 The legislation also allows councils to set and charge fees for handling these complaints. This is currently set at £500. To cover the cost of the service, it is proposed to raise this to £750, in line with a number of other Council's.

Subsidence cases:

- 3.18 These are where it is claimed subsidence is being caused by a protected tree where the Council has refused to permit its removal. There are around 10 per year. Officers are responsible for assessing the investigation evidence which comprises the following areas:
- Soil Analysis
 - Arboricultural Report
 - Engineers Report
 - Crack/Level Monitoring
 - Root Identification
 - Repairs Appraisal/Costs

Tree Preservation Compensation Claims:

- 3.19 In addition to providing information about the Planning Trees team, Members are also asked to be aware of the matter of compensation claims in respect of tree cases.
- 3.20 Section 203 of the Town and Country Planning Act 1990 provides that a TPO may make provision for the payment by the local planning authority of compensation in respect of loss and damages incurred by the refusal of consent required by the TPO. Similar provisions apply generally to TPOs made post 2012 pursuant to Regulation 24(4)(b)&(c) in accordance with the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
- 3.21 The Local Authority's liability is limited. In such cases, compensation is not payable for any:
- loss or damage which was reasonably foreseeable by that person; and attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent;
 - loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
 - loss of development value or other diminution in the value of land; and/or
 - costs incurred in making an appeal to the Secretary of State against the refusal of any consent or the grant of consent subject to conditions.

3.22 Applications for TPO consent to fell are assessed applying the CAVAT method which applies a notional financial value to the trees concerned. This value is then considered against the additional costs of repair as indicated in the application if tree preservation consent is refused. The amenity value of the tree is also considered and an officer recommendation made. If a recommendation to refuse consent is made, Members are advised of the financial implications of defending the case. Members are also advised that there is no budget allocated for the defence of a tree compensation claims.

3.23 There are 8 claims in progress at the moment with a potential for significant compensation if the outcome is not favourable for the Council.

4. FINANCIAL IMPLICATIONS

4.1 See Part 2 report.

5. PERSONNEL IMPLICATIONS

5.1 The Tree team face a challenging position in respect of the amount of work and additional resourcing may be required based on the current workload. The team structure is currently lead by the Tree Team Manager, with a full time Tree Officer and a full time Technical Support Officer. The Tree Team Manager is currently supporting the Tree Officer in covering application assessments across the borough. Should the team be allocated another full time Tree Officer post, the continuing increases in current workloads/ levels could be split evenly and would allow for improvements which would result in providing a more efficient service. The Tree Officers would maintain the application process, assist with consultations, manage enforcement cases, under the supervision of the Team Manager.

5.2 The Tree Officer role is currently set at a BR9 grade. This would need be raised to BR10 to be competitive with other outer London boroughs. Tree officers are hard to come by and has been a very difficult role to fill when a vacancy has occurred, so retention of existing staff within the Tree team is paramount in maintaining the service moving forwards.

5.3 The defence of tree compensation claims does not have a specific budget at present and due to the number of current claims is not able to be carried out within the existing tree / legal teams budgeting.

6. LEGAL IMPLICATIONS

6.1 See Part 2 report.

Non-Applicable Headings:	IMPACT ON VULNERABLE ADULTS AND CHILDREN TRANSFORMATION/POLICY IMPLICATIONS PROPERTY IMPLICATIONS CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS PROCUREMENT IMPLICATIONS CUSTOMER IMPACT WARD COUNCILLOR VIEWS
Background Documents: (Access via Contact Officer)	https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas

By virtue of paragraph(s) 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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