



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 6 April 2023

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, Alisa 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 18 APRIL 2023 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 8461 7840**.

## 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 **5.00 pm on Wednesday 12 April 2023**.

### 4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10 JANUARY 2023 (Pages 1 - 10)

### 5 (22/01340/OUT) - BROMLEY SKI CENTRE, SANDY LANE, ST PAULS CRAY, ORPINGTON, BR5 3HY (ST PAUL'S CRAY WARD) (Pages 11 - 70)

### 6 (22/04417/FULL1) - 306-310 COURT ROAD, ORPINGTON, BR6 9DA (ORPINGTON WARD) (Pages 71 - 104)

### 7 NATIONAL PLANNING POLICY FRAMEWORK UPDATE (Pages 105 - 110)

### 8 PLANNING APPLICATION FEES CONSULTATION (To Follow)

### 9 PLANNING APPEALS UPDATE (To Follow)

### 10 DELEGATED ENFORCEMENT ACTION (OCTOBER TO DECEMBER 2022) (Pages 111 - 114)

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 10 January 2023

### Present:

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

### Also Present:

Councillors Yvonne Bear, Will Connolly, David Jefferys and  
Michael Tickner

#### **41 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Mark Brock and  
Councillor Thomas Turrell attended as his substitute. Apologies for absence  
were also received from Councillor Kevin Kennedy-Brooks.

#### **42 DECLARATIONS OF INTEREST**

Councillor Tony McPartlan declared that he was a Governor of King's College  
Hospital NHS Foundation Trust.

Councillor David Jefferys, Guest Member declared that he was also a  
Governor of King's College Hospital NHS Foundation Trust.

#### **43 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

#### **44 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2022**

**RESOLVED:** That the minutes of the meeting held on 8 November 2022  
be agreed and signed as a correct record.

#### **45 (22/00740/FULL1) - THE PRINCESS ROYAL UNIVERSITY HOSPITAL, FARNBOROUGH COMMON, ORPINGTON, BR6 8ND (FARNBOROUGH AND CROFTON WARD)**

Description of Application: Erection of an endoscopy unit and a sub-station.

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 Chief Executive of the Princess Royal University Hospital (PRUH) who mentioned the time critical nature of decision making on the project and the need for an early decision if it was to proceed. He gave the following responses to Members' questions:

- Improved cancer diagnosis and treatment was a key priority in Bromley's Health and Wellbeing Strategy. One in two people would develop cancer in their lifetime. Although the cancer treatment standard of no more than two-weeks between GP referral and initial assessment was currently being met across King's College Hospital NHS Foundation Trust, targets for the diagnostic tool of endoscopy services were not being met. These services were often outsourced to other providers across South East London and the PRUH had to make significant use of its general operating theatres to deliver endoscopy procedures on a daily basis.
- While it was anticipated that artificial intelligence would improve clinical practice over the medium to long term, this would only be appropriate for a limited number of patients and the proposed unit was therefore considered an appropriate and necessary investment, particularly as an increasing number of patients required return surveillance. Councillor Simon Fawthrop asked whether the PRUH would be prepared to accept a planning condition that the proposed unit could only be used for endoscopy with any change of use requiring a further planning application and the Chief Executive confirmed that this would be acceptable.
- The PRUH had worked with the Council for over 18 months to review and develop options for the new endoscopy unit and had provided all necessary and requested documents. The Chief Executive drew Members' attention to an inconsistency in the Planning Officer's report which did not reflect the cycle storage that was included in the design scheme. The new unit would deliver six additional endoscopy facilities with one existing facility in the main PRUH building to be retained for critical emergency endoscopies. This was anticipated to provide sufficient capacity to 2036, based on the current trend of 3% annual growth. The five endoscopy theatres at the Denmark Hill site would also be retained, reflecting the high demand for this clinical area which was divided equally between active interventions and diagnostic procedures.
- A range of sites had been considered across Bromley and the wider King's Group. However, due to the invasive nature of endoscopic tests and procedures, the proposed unit could only be based at Denmark Hill or the PRUH which had the necessary co-located critical services. Government funding was only being made

available for units that met all technical clinical standards under the Joint Royal Colleges. A service offer divided across multiple sites would not meet these standards and would have additional cost and efficiency implications. There was no scope to co-locate services with the Guys and St Thomas' NHS Foundation Trust or the Lewisham and Greenwich NHS Trust as both Trusts already had set plans for the expansion of their endoscopy services.

- It would not be possible to move the proposed unit within the identified development space due to limitations with the physical land available and high voltage services being routed through the area which would increase the total cost of the scheme by more than £4M and was considered unaffordable. Following concerns raised by local residents, the flood risk of building the unit on the proposed site had been fully investigated and both the PRUH and Council flooding experts had concluded the proposed development would not create an added flood risk. There was no possibility that the PRUH would be able to purchase any residential properties affected by the proximity of the unit.
- With regard to the proposed site for development:
  - Information had been provided to the Local Authority in December 2022 with regard to the badger sett located in the area for development, including video evidence which captured a single badger foraging in the area during a 20-day period. While the Local Authority was concerned that the evidence provided did not identify the type of badger sett, the licensed ecologist acting on behalf of the applicant had identified the main badger sett as being located in the Darrick Wood area and Natural England had advised that a badger sett could be moved if it was unoccupied.
  - The 49 trees within the area for development had been assessed by the Council's Tree Officer as being of low or moderate quality and highly replaceable. The finished planting scheme would replace all but six trees within the curtilage of the hospital site and discussions were underway with the Local Authority to replace the remaining six trees at another location within the Borough or alternatively a set unit fine could be paid.
  - Revisions had been made to the building design in response to the consultation response, including a 15% reduction in the overall building footprint and the lowering of the building height by two metres. Further reductions in scale were not possible due to the design requirements for six operating theatres but all windows facing residential properties had been removed or would be masked with security filming, and a sealed curtilage would create a secure area. The hospital would have a net increase in 36 car parking spaces by the end of the build.

However, as the number of patients treated by remote consultation continued to increase, a net gain in reduced transport carbon effect would be achieved.

Oral representations objecting to the application were received from a local resident representing Starts Close who gave the following responses to Members' questions:

- Local residents were very concerned about the planning application which was inaccurate and lacking in detail. The proposed building was of inappropriate size and scale and a staff exit point had been placed close to residential properties. The design would remove a security wall built in 2001 at the direction of the Chief Planner with a condition that it be maintained 'as such thereafter' in the interest of the amenities of the residents of Starts Close. There would be no space for a replacement wall under the proposed scheme.
- The proposed unit would cause a loss of biodiversity in a unique site, negatively impacting protected species including badgers and bats. The West Kent Badger Group had advised that the dry summer was likely to have reduced badger activity during the 20-day monitoring period but despite this, a badger had been recorded as entering and staying in the badger sett which indicated it was active. The mature trees in this area contributed towards the Borough's Carbon Strategy and also fully screened the residential properties in the summer months in a way which could not be replicated by saplings. Local residents had significant concern that the loss of tree roots and the garden space would create an increased flooding risk in an area prone to historic flooding.
- Local residents had expressed concerns about the robustness of the consultation undertaken by the PRUH on the proposed development. Although representatives had met with local residents, there had been no follow-up meeting and the proposed building was now bigger than that consulted on. Summercroft GP Surgery had not been approached by the PRUH at all and had provided a consultation response explaining how the proposals would disrupt the surgery.

Councillor David Jefferys, Guest Member (authorised by the Chairman in light of his special expertise in health), addressed the Committee and gave the following responses to Members' questions:

- Due to the Borough's older demographic, cancer was the top priority in the current Joint Strategic Needs Assessment. The Government funding on offer presented a unique opportunity to deliver a new endoscopy unit to improve cancer treatment and diagnosis in Bromley and would impact positively both individual patient care and wider public health. Due to the set criteria of the Joint Royal Colleges regarding training, it would not be possible to

split the unit across multiple sites and any such service model would also be far less efficient than the single location proposed. It should be noted that the Government funding was time-limited, and it was unlikely another planning application could be successfully submitted in time to apply for this one-off funding opportunity.

- The role of a Governor of King's College Hospital NHS Foundation Trust was to appoint the Chairman and represent local areas at the Council of Governors and associated committees. Governors could also raise questions with the Trust Board on wider financial and governance matters.

The Chairman invited Councillor and Ward Member Charles Joel to open the debate. Councillor Charles Joel advised that while mindful of the growing demand for endoscopic services in Bromley, he had a number of concerns over the proposed site. When the PRUH had been designed, this area was designated as an open space to be used as a meadow and the later addition of a high brick wall provided security and privacy to local residents. The proposed development would be out-of-scale and have an adverse impact on local residents due to its siting, layout and proximity to the rear boundary. A proposed footpath access along the rear of the building would also lead to further loss of privacy and additional security and noise concerns for local residents. The applicant had not provided adequate information regarding the impact of the development on protected species and biodiversity or on replacement cycle storage and parking spaces, and there was also insufficient information to confirm the planning obligation needed to mitigate the impact of the development. Councillor Joel highlighted Paragraph 6.1.15 of the report which raised the possibility of relocating the unit within the PRUH site and stressed the need to find an alternative to the proposed scheme.

In considering the application, Councillor Peter Dean recognised the proposed development would impact both local residents and wildlife and did not meet all planning conditions. However, there was a need for the proposed endoscopy unit which represented very special circumstances and the planning issues raised were relatively minor. Councillor Tony McPartlan similarly acknowledged the planning issues raised during the debate, but these were not insurmountable and could be addressed with the applicant. This view that the benefits of the scheme outweighed the drawbacks was echoed by Councillor Shaun Slator and Councillor Alisa Igoe. Councillor Thomas Turrell observed that the submission deadline for Government funding had not been provided but was minded to support the scheme in light of the wider benefit of the new unit to Bromley residents.

As the report was recommended for refusal, the Chairman reminded Members that grounds of permission would be needed for any approval. Councillor Peter Dean proposed that the grounds of permission be based around the very special circumstances of the scheme transcending deficiencies within the planning application. Councillor Tony McPartlan suggested a planning condition be applied to limit the use of the building for the purposes of endoscopy, as any change of use could impact local

residents, and further recommended that ongoing discussions be held between the Local Authority and the King's College Hospital NHS Foundation Trust to secure any outstanding information. Authority should also be delegated to Planning Officers to impose necessary planning conditions.

Councillor Peter Dean moved that the planning application be approved, subject to the above proposed grounds of permission. The motion was seconded by Councillor Christine Harris.

Councillor Keith Onslow spoke of his personal experience with the excellent clinical care at the PRUH but underscored that there was a need to consider the application as a planning matter. The quality of the planning application had been very poor with insufficient and inconsistent information provided of which some information was still outstanding. Councillor Onslow was concerned that the timescales to secure the Government grant would pressure Members to approve the application when a more workable alternative could be identified on the same or another site. Councillor Onslow expressed reservations at the level of consultation undertaken with local residents who would be affected by the new unit.

Councillor Charles Joel moved that the planning application be refused. The motion was seconded by Councillor Keith Onslow.

Councillor Simon Fawthrop highlighted many areas within the planning application which had been unacceptable beyond the stated grounds of refusal including principle of development; design; residential amenity; trees; green infrastructure; urban greening factor; biodiversity; and highways. While there was a clinical need for a new endoscopy unit, Councillor Fawthrop suggested the planning application be deferred to allow time for a new or amended application to be developed that addressed all planning concerns while also securing Government funding. Councillor Melanie Stevens suggested consideration be given to siting part of the unit below surface level to reduce the above-ground mass. Councillor Chloe-Jane Ross underlined the potential for the King's Group to look across its estates for alternative sites and Councillor Jonathan Andrews similarly agreed with deferral.

Councillor Simon Fawthrop moved that the planning application be deferred. The motion was seconded by Councillor Melanie Stevens.

In summation, the Chairman observed that three valid motions had been proposed and seconded and these would be taken in the order in which they were put forward. The motion that permission be granted was put to the vote and CARRIED for the REASONS THAT, in the overall planning balance, the harm identified in the officer's report which would arise from the development was relatively minor in comparison with and was outweighed by the benefits of the application and that the benefits to public health in terms of improved cancer diagnosis and treatment that would result from the scheme were such as to amount to a very special circumstance in favour of permission.



**RESOLVED: That PERMISSION BE GRANTED, subject to a condition limiting the use of the building for the purposes of endoscopy, and that the Assistant Director, Planning be given delegated authority to decide whether any other conditions should be imposed.**

*Councillor Charles Joel requested that his vote in objection to the application be recorded.*

**46 (22/03013/FULL1) - CLIFFORD HOUSE, 1 CALVERLEY CLOSE, BECKENHAM, BR3 1UH (BECKENHAM TOWN AND COPERS COPE WARD)**

Description of Application: Demolition of existing buildings and phased redevelopment comprising 275 residential homes in buildings ranging from 3 to 7 storeys. Associated landscaping, car and cycle parking and ancillary development.

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 Agent who gave the following responses to Members' questions:

- In developing the proposals for the future of the estate, a full life cycle assessment had been completed which demonstrated that the necessary improvements could only be delivered through redevelopment of the site. Extensive engagement had been undertaken with residents who were in favour of the proposed redevelopment. The majority of homes on the redeveloped site would be wheelchair accessible and additional residential units would also be created. The proposed parking provision was supported by the Council and Transport for London and strong public transport links were also in place.
- The duration of the redevelopment scheme was 10-years and would provide a single decant option to existing residents to enable them to remain within their settled community throughout the construction period, although the option of moving to alternate accommodation with the right to return would also be available. Riverside had partnered with Countryside for the scheme which had a proven track record in development as well as a strong interest in delivering the private residential units at the end of the redevelopment scheme. Riverside was confident that the recent increases in building materials costs were levelling out.

Councillor Michael Tickner, visiting Ward Member, addressed the Committee, underlining that the planning application referred to the redevelopment of the entire estate and not just Clifford House. This 1970s housing estate had been well-built but poorly designed and would benefit from the proposed redevelopment. The Member had some reservations about parking provision

as Outer London residents were more reliant on cars and a reduced number of parking spaces could create issues with on-street parking, particularly when events were held at Beckenham Place Park. Councillor Tickner concluded that the scheme was acceptable, particularly in the light of a possible reduction in car use in the medium to long-term as car ownership declined. Any other arising issues could be addressed by planning conditions.

Councillor Will Connolly, visiting Ward Member, addressed the Committee and listed a number of positive factors about the proposed scheme including: the creation of new homes; the reduced height of the development; new play spaces; and improvements to pathways and lighting that would help maintain the low crime rates on the estate. There were some concerns around increased HGV use of the site as well as potential issues for cyclists traversing the three new access roads. The Planning Officer advised that use of the site by HGVs would be managed via the Construction Environmental Management Plan and that the developer had agreed to contribute £50k to a new pedestrian/cyclist crossing to support road safety. In response to further questions, the Planning Officer explained that there was no requirement to provide over-55 years accommodation and that a recent marketing campaign had demonstrated no demand for this type of property on the estate. A condition could be added to the planning application to plant additional trees on site if it was felt necessary, and Tree Protection Orders could be used to protect existing trees where appropriate. The planning application demonstrated the developer was meeting all required policies in terms of energy and ecology, and Thames Water had confirmed that the existing water infrastructure was sufficient to meet additional demand.

The Chairman invited Councillor and Ward Member Chloe-Jane Ross to open the debate. Councillor Chloe-Jane Ross expressed support for the scheme as it met planning criteria; maximised the available space; and, delivered affordable homes. The redevelopment would also address heating issues affecting the existing housing. With a net increase of 71 homes, there would be a need to lobby Transport for London to ensure public transport was sufficient for increased demand. Councillor Ross further observed that estate residents should not be disadvantaged should a Controlled Parking Zone be introduced in the surrounding streets. In response to a question from Councillor Charles Joel, the Planning Officer explained that a vehicle swept path analysis had been completed and it was identified that there was suitable access for larger vehicles which would be supported by a condition on servicing logistics.

Councillor Chloe-Jane Ross moved that the planning application be approved as recommended. The motion was seconded by the Chairman, put to the vote and CARRIED.

**RESOLVED: That PERMISSION BE GRANTED as recommended, subject to conditions, a S106 Legal agreement and any direction by the Mayor of London, as set out in the report of the Assistant Director: Planning.**

**47 LOCAL PLAN REVIEW: ISSUES AND OPTIONS CONSULTATION  
Report HPR2023/004**

The Committee considered a report providing details of the proposed 'Issues and Options' Local Plan consultation.

In response to a question from a Member, the Head of Planning Policy and Strategy confirmed that the public consultation on the 'Issues and Options' Local Plan was likely to commence in Spring 2023. In considering the example section provided at Appendix 1, a Member observed the challenge inherent to optimising the capacity of housing sites in the Borough while preserving the character of its communities.

**RESOLVED: That:**

- 1) Details of the proposed Local Plan 'Issues and Options' consultation be noted, including the example section provided at Appendix 1; and,**
- 2) It be noted that the final decision to approve the 'Issues and Options' draft for public consultation will be for the Director of Housing, Planning, Property and Regeneration, in discussion with the Portfolio Holder for Renewal, Recreation and Housing.**

**48 COUNCILLOR PLANNING APPLICATION 'CALL INS'  
Report HPR2023/005**

The Committee considered a report outlining Councillor 'call-ins' for planning applications between 5 May 2022 and 31 October 2022 alongside an updated Figure 1 - Planning application 'call ins' for applications determined within period May – Oct 2022 which included the ultimate method of decision.

The Chairman noted that 96-97% of planning applications were now decided under delegated powers and that the majority of planning applications considered at Plans Sub-Committees during the 6-month period had been call-ins by Members. Another Member welcomed the close working of Members and Planning Officers which had increased the proportion of planning applications decided under delegated powers. The Member who had requested the updated Figure 1 underlined the importance of putting into context how many call-ins were considered by the Plans Sub-Committees or under delegated authority and requested that the same format be used for future reporting.

**RESOLVED: That the report be noted.**

The Meeting ended at 9.52 pm

Chairman

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# Agenda Item 5

<b>Committee Date</b>	18 <sup>th</sup> April 2023		
<b>Address</b>	Bromley Ski Centre Sandy Lane St Pauls Cray Orpington BR5 3HY		
<b>Application Number</b>	22/01340/OUT	<b>Officer</b> - Catherine Lockton	
<b>Ward</b>	St Paul's Cray		
<b>Proposal</b>	Outline planning permission for the redevelopment of the existing disused ski centre to construct 40 residential units with associated access, landscaping and parking (Outline permission in respect of access with other matters reserved)		
<b>Applicant</b>	Mr Adam Mason M G Mason Developments Limited		<b>Agent</b> Mr Peter Jeffrey Esatto Design
16 Logs Hill Chislehurst BR7 5LW UK			Studio One 152 St Georges Road Sandwich CT13 9LD United Kingdom
<b>Reason for referral to committee</b>	Major application outside delegated authority	<b>Councillor call in</b>	

<b>RECOMMENDATION</b>	PERMISSION BE REFUSED
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<p><b>KEY DESIGNATIONS</b></p> <p>Green Belt Archaeological Priority Area Biggin Hill Safeguarding Area London City Airport Safeguarding Area Smoke Control SCA 20</p>
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<b>Residential Use – See Affordable housing section for full breakdown including habitable rooms</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	1	14	10		25
Affordable (shared ownership)	0	6	0	0	6
Affordable (social rent)	1	8	0	0	9
<b>Total</b>	<b>2</b>	<b>28</b>	<b>10</b>	<b>0</b>	<b>40</b>

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	100	40	-60
Disabled car spaces	0	6	+6
Car Club	0	0	0
Cycle	0	80	+80

<b>Electric car charging points</b>	19 spaces with active provision (41%) and remaining 27 passive provision (59%) for future use
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<b>Representation summary</b>	<i>Adjoining neighbours were consulted by letter on 21.04.22. A Site Notice was displayed at the site on 27.04.22. A Press Advert was published on 04.05.22 in the News Shopper.</i>	
Total number of responses	6	
Number in support	0	
Number of objections	6	

<b>Financial Contribution Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Affordable Housing	N/A	TBC
Early Stage Review Mechanism	N/A	TBC

'Be Seen' Energy Monitoring	N/A	TBC
Monitoring fees per Head of Term	£500 per Head of Term	TBC

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The context, and the indicative scale and layout of the proposed scheme, would lead to a permanent, urbanising effect thereby undermining the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open and leading to 'substantial harm' to the openness of the Green Belt as is referred to in paragraph 149(g) of the NPPF. It therefore comprises inappropriate development within the Green Belt for which very special circumstances have not been demonstrated.
- The application site is in an unsustainable location and the proposal would promote a residential development that is excessively dependent on the private motor car, which is inconsistent with the overarching strategy of promoting mixed, balanced and inclusive communities, sustainable transport and minimising greenhouse gas emissions.
- An acceptable planning obligation for provision of the affordable housing, affordable housing viability reviews, 'Be seen' energy monitoring, and the payment of carbon off-set contributions and monitoring and legal costs has not been entered into.

## 1 LOCATION

- 1.1 The 2.8 hectare site lies wholly within the Green Belt and comprises the now vacant and derelict site of the former Bromley Ski Centre which closed in 2016. The site is bounded by the A20 dual carriage way (Sidcup By-Pass) to the north; the Ruxley Park Golf Course to the east; and Sandy Lane to the west. To the south, the site is bounded by the Bannatyne's Health Club, a residential cottage and a steep sided landscaped embankment.



Fig.1 – Site Location Plan

- 1.2 The site comprises a 140 metre long stretch of compacted ground where the main artificial ski slope had been. A smaller 'nursery' dry ski slope for beginners was also historically located to the west of this larger facility. In addition, the site includes areas of hardstanding associated with the foundations of two club house buildings and tennis courts which have been demolished, as well as gravel areas which previously accommodated car parking. The Centre closed down in March 2016.
- 1.3 The site comprises vegetated areas including woodland, scrub, tall ruderal and grassland, whilst the boundaries include relatively mature trees. A group of mixed trees including large, veteran oaks covered by TPO stretches to the east and south respectively.



Fig.2 – Aerial view of the site (source: Google Earth, date unknown)



- 1.4 In terms of local amenities, the site is a significant distance from the closest local centres and train stations found at Sidcup and Bexley to the north and St Mary Cray to the south and which are approximately between 2km and 4km from the site. Employment uses and a large footprint Tesco retail park are found to the north at Foots Cray, together with small scale commercial retail, café/restaurant and fast-food units on Maidstone Road. These are approximately 700m-950m from the site.
- 1.5 The existing site access is on Sandy Lane and is shared with the adjacent health club to the south. Sandy Lane provides vehicle only access to St Paul's Cray to the south and Ruxley and Foots Cray to the north, with no footway provided on either side of the road at this location. The A20 is a dual carriageway/trunk road and forms part of the Transport for London Road Network (TLRN). There is no access from the site onto the A20 which is on a bridge structure over Sandy Lane. This bridge is owned and maintained by TfL. The A223 (Edgington Way/North Cray Road/Ruxley Corner Roundabout) is approximately 600m to the north of the site and forms part of the Strategic Road Network (SRN).
- 1.6 Currently, pedestrian and cycle access to the site is considered poor. Sandy Lane is a narrow, rural road without a footway for much of its length, including directly adjacent to the site. Any cycle access to and from the north requires negotiation of Ruxley Corner roundabout, which is considered hostile to cyclists. There are no dedicated pedestrian crossing facilities at the roundabout, meaning the practical walk distances to bus stops and other facilities north of the roundabout are extended. The nearest bus stops are located at the Tesco Superstore and Maidstone Road to the north. However, the access route is not considered to be acceptable as a walking route as set out above. There is no rail station within walking distance of the site.
- 1.7 The site is recorded as having a Public Transport Access Level (PTAL) of 1b.
- 1.8 The site is within an Archaeological Priority Area and the adjacent building occupied by Bannatyne's Health Club is locally listed. St Paul's Cray Village Conservation Area's boundary lies approximately 450m to the south and includes a number of statutory listed buildings.
- 1.9 Ruxley Park Golf Course and Ruxley Woods are Sites of Importance for Nature Conservation (SINC) and located in close proximity to the site. The River Cray, which lies to the west of the site, is also a Site of Special Scientific Interest (SSSI).
- 1.10 There is a principal Gas Main running east to west across the site. The site is in Flood Zone 1.

## 2 PROPOSAL

2.1 The application seeks outline planning permission in respect of access, with all other matters reserved. An existing and proposed movement framework plan has been submitted with the application. Parameter plans relating to massing and landscaping have also been submitted with the application, alongside an illustrative masterplan, a built form plan, and a green infrastructure plan. Existing and proposed topography plans have also been submitted. Illustrative floor plans and elevations for each of the proposed dwellinghouse types have also been submitted.



Fig.3 – Illustrative Masterplan

2.2 The proposed development includes:

- Removal of the remaining footings of the former buildings and the hard-standing;
- Construction of 40 residential units, comprising of a mixture of 1, 2 and 3 bedroom houses;

- The height of the proposed buildings would range from one to two storeys (3.1 metres to 9 metres in height above the finished ground floor level);
- The proposed units would be divided between Market (63%) and Affordable Housing (37%);
- 10% of units would meet Building Regulation M4(3) 'wheelchair user dwellings' requirements with the remaining 90% being designed as Building Regulation M4(2) 'accessible and adaptable dwellings';
- A new access road would be created into the site leading to 46 car parking spaces (including 6 no. disabled spaces);
- A shingle path would provide access from the new road and car parking area to the proposed dwellings and remainder of the site which would include areas of public open space/amenity space, allotments, and a children's play area;
- There would be a landscape buffer zone surrounding the site between the new development and Sandy Lane, Bannatynes Health Club, the golf course, and the A20.

2.3 The application also proposes a new pedestrian footway along the eastern side of Sandy Lane (within the site boundary) as well as a new pedestrian footway in the verge on the western side of Sandy Lane (outside of the application site) to join with the existing footway at the A20 underbridge.

### **3 RELEVANT PLANNING HISTORY**

3.1 The relevant planning history relating to the application site can be summarised as follows;

3.2 Planning permission was granted in 1984 for the change of use of the site from agricultural use to use as a sports field, including a ski slope and tennis court (ref: 83/01014). Subsequent planning applications have been submitted relating to the operation of the Ski Centre, as well as the additional, 'nursery' ski slope.

3.3 Under ref: 19/03208/OUT, outline planning permission for the redevelopment of the existing disused ski centre to construct 80 residential units with associated access, landscaping and parking was refused on 31.03.2021 for the following reasons;

*"1 The proposal is considered to constitute inappropriate development which would cause substantial harm to the openness of the Green Belt and the purposes of including land within it for which no very special circumstances are considered to exist to outweigh the harm to the Green Belt and any other harm, contrary to Policy 49 of the Bromley Local Plan (2019), Policy G2 of the London Plan (2021) and the provisions of the National Planning Policy Framework (Paragraphs 133, 134 and 143 - 145).*

*2 The proposal would, due its overall scale and siting, visually overwhelm the adjacent locally listed building, causing less than substantial harm to its setting. As such, the proposed development is contrary to Policy 39 of the*

*Bromley Local Plan, Policy HC1 of the London Plan (2021) and Paragraph 197 of the NPPF.*

*3 The proposal would, due to its location on the site with an effective PTAL rating of 0, result in residential development that is excessively dependent on the use of private car. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policies 31 or 33 of the Bromley Local Plan, Policy T1 of the London Plan (2021) and the NPPF.*

*4 In the absence of an Arboricultural Method Statement, the impact of the significant recontouring works required to facilitate the proposed development and potentially foundations of the proposed buildings, upon retained and TPO protected trees located adjacent to the eastern boundary of the site cannot be fully assessed. As such, the proposal fails to demonstrate compliance with Policies 37 and 73 of the Bromley Local Plan (2019), Policy G7 of the London Plan (2021) and the NPPF.*

*5 In the absence of Emergence/Re-entry bat surveys of trees as well as Presence/Absence Reptile Survey, the application fails to demonstrate that the proposed development would not have an adverse effect on protected and/or Section 41 species. As such, the proposal is contrary to Policy 72 of the Bromley Local Plan (2019), Policies G5 and G6 of the London Plan (2021) and the NPPF.*

*6 The updated Air Quality Assessment is unsatisfactory to ensure that fails to consider what impacts may arise due to Bexley's AQMA and whether other Bromley NOx tube locations may be more representative of the likely NOx from road traffic arising from the A20. The AQA also does not include an AQNA, a Construction Dust Risk Assessment or a Dust Management Plan and fails to show any consideration of how other emissions might be mitigated. As such, it has not been demonstrated that the proposal would satisfy the requirements of Policy 120 of the Bromley Local Plan (2019), Policy S11 of the London Plan (2021) and NPPF.”*

## **4 CONSULTATION SUMMARY**

### **A) Statutory**

#### **4.1 Greater London Authority (GLA) – Objection**

- Land use principles - The development comprises inappropriate development in the Green Belt and is therefore, by definition, harmful. Very special circumstances have not been demonstrated which clearly outweigh the harm by reason of inappropriateness. The application therefore conflicts with the NPPF and London Plan Policy G2.
- Affordable housing - 35% affordable housing, comprising a 60:40 split between social / affordable rent and intermediate housing is proposed. Tenure affordability levels have not been confirmed to demonstrate compliance with the Mayor's definition of genuinely affordable housing as set out in the London Plan.

- Transport - The site has a very poor access by foot, cycle and public transport with an effective Public Transport Access Level (PTAL) of 0. The proposals would fail to provide a genuine choice of transport modes and would consequently promote residential development that is excessively reliant on the use of cars, contrary to the London Plan. The development is therefore not supported in strategic transport terms.
- Issues are raised in terms of inclusive design, biodiversity, noise and air quality which should be addressed and mitigated.
- Recommendation: That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 74 of the Stage 1 Report. The Mayor does not need to be consulted again if the Council decides to refuse the application

#### 4.2 Transport for London (TfL) – Objection

- Site Context
  - The site is accessed off Sandy Lane, which is a borough road. The A20, which forms part of the Transport for London Road Network (TLRN) lies adjacent to the site to the north; however, is not accessible from it, being a high speed, segregated dual carriageway road. The A233 Edgington Way/North Cray Road/Ruxley Corner Roundabout, around 600m north of the site, forms part of the Strategic Road Network (SRN).
  - Currently, pedestrian and cycle access to the site is considered poor. Sandy Lane is a narrow rural road without a footway for much of its length, including directly adjacent to the site. Any cycle access to and from the north requires negotiation of Ruxleys Corner roundabout, which is considered hostile to cyclists. There are no dedicated pedestrian crossing facilities at the roundabout, meaning the practical walk distances to bus stops and other facilities north of the roundabout are extended.
  - The nearest bus stops are located at the Tesco Superstore and Maidstone Road to the north. However, the access route is not considered to be acceptable as a walking route. There is no rail station within walking distance of the site.
  - The site has a PTAL of 1b, on a scale of 1 to 6 where 1 is the lowest. However, this is considered to be an overestimate as it assumes the walking route along Sandy Lane to bus stops to the north is suitable when in reality this access route is not considered to be acceptable as a walking route (discussed further below). As such, the effective PTAL of the site is considered to be zero.
- Access by sustainable and active modes of travel
  - The site has a very poor access by foot, cycle and public transport.
  - The applicant is proposing to provide a continuous footway along Sandy Lane from the site access towards Ruxley Corner. The deliverability of these improvements is questioned given the pinch point in terms of pavement width created by the A20 overbridge, which would be less than the recommended 2m in TfL Streetscape guidance, and the 1.8m in LB Bromley's guidance. The applicant's suggestion to achieve the recommended footway width would appear to result in disproportionate remedial action and taking this

along with the very likely low pedestrian footfall and existing constraint (being the A20 bridge) a less-than-minimum footway width at the pinch point may be considered acceptable in this case.

- TfL owns and maintains the bridge carrying the A20 over Sandy Lane and has ownership of and rights over some non-TLRN highway land in the vicinity of the site. It is possible that the proposed footway cannot be provided without impinging on TfL freehold land. The applicant would need to engage with TfL on this.
- Even if a suitable footway on Sandy Lane can be provided, the walk distances to the nearest bus stops are considered to be unacceptable. The PTAL 1b rating is only achievable when considering the bus stops at Tesco. However, to access the Tesco bus stop, pedestrians from the application site would have to walk through the Fitzroy Business Park. Despite this being recently expanded, there is no reliably clear, direct, segregated footway designed as a through-route, notably in the older 'phase 1' of the Business Park development, and entails walking amongst parked cars and past manoeuvring goods vehicles. The walk for vulnerable people is likely to be even more unattractive at night and weekends when the activity levels in the Business Park would be lower/absent. More pertinently, the Business Park is private property, with, apparently, no public right of way and it has gates that can close off this route at any time. Further, there is no footpath at the Tesco end, which requires pedestrians to walk in the road in the vicinity of the service yard, where HGVs manoeuvre. For all these reasons, this route cannot be considered as a suitable 24/7 pedestrian access route. The walk route between the site and the bus stop would have approximately a 13min walk time (from site entrance), well beyond the 8 mins allowed in the PTAL calculation. The PTAL calculation also cites the R11 also stopping at Tesco's, but it doesn't, the nearest stops are at Crittals Corner.
- Accessing the nearest bus stops at Ruxley Roundabout (stops Ff and FL) requires at least one uncontrolled crossing of a busy, traffic-sensitive road (Edginton Way, part of the SRN). Even then, the eastbound bus stop on Maidstone Road (Stop Ff) is set well away from the roundabout, due to residential crossovers, which adds further walk distance, and there is no controlled crossing here either.
- Therefore, the site should be considered to have an effective PTAL of 0.
- The transport assessment considers that 30-40% of peak hour trips will be made by non-car modes, which would be in line with London Plan policy that seeks for 75% of all trips in outer London by 2040 to be undertaken by non-car modes. However, this is based on trip generation from developments that are not directly comparable to what is a relatively rare 'edge of London' site with specific access issues, so it is considered highly unlikely this mode share will be met in practice, particularly given the issues raised above. The application is also considered contrary to NPPF policy that requires a development to offer a genuine choice of transport modes.

- Site layout
  - The site layout provides suitable segregation of pedestrians and vehicles. In particular, car parking is in one corner of the site, rather than outside of residential front doors. This is welcomed so the development is not visually car-dominated, but it is unlikely to influence mode share significantly given the drawbacks of site location highlighted above. It should be clarified how the proposed shingle pathway would accommodate the site's delivery, servicing and refuse requirements, or achieve compliance with inclusive design standards in terms of ensuring access for those with mobility issues.
- Cycle parking
  - Two cycle parking spaces per dwelling are proposed, in line with London Plan standards. However, given the site's location away from the strategic cycle network and on the very edge of the London built-up area, cycle access to and from the site is inevitably less attractive, and any cycle trip to/from the north requires negotiating the Ruxley Corner roundabout, which has no cycle facilities. Sandy Lane itself is a narrow 'country road' in character, so is not likely to be very attractive to a wider range of residents who may wish to cycle, particularly less confident cyclists. The applicant proposes a pool of electric bikes for residents to share, which will help encourage some cycle trips that may not otherwise have been made, however it does not overcome these safety issues, perceived or otherwise. As such, the mode share for cycling is likely to be low.
- Car parking
  - The applicant is proposing 46 car parking spaces for 40 dwellings. This equates to a car parking ratio of 1.15 spaces per home which is generally in line with London Plan standards of a maximum of 1.5 spaces per dwelling for lower PTAL outer London areas. Of the proposed car parking, 6 spaces would be for Blue Badge holders. This exceeds the 10% provision required by the London Plan. In terms of electric charging provision, 41% of the spaces will be provided with active electric vehicle charging, whilst the remainder will have passive provision.
- Conclusion on transport issues
  - The site has a very poor access by foot, cycle and public transport with an effective Public Transport Access Level (PTAL) of 0. The proposals would fail to provide a genuine choice of transport modes and would consequently promote residential development that is excessively reliant on the use of cars, contrary to the London Plan. The development is therefore not supported in strategic transport terms.

#### 4.3 Highways (local highway authority) – Objection

- This is an outline application for access only.
- Access by sustainable and active modes of travel
  - Sandy Lane has no footways in the vicinity of the site.
  - It is proposed to install a footway on the west side of Sandy Lane going north to join the existing footway on the other side of the A20



bridge. There would be a pinch point on the footway under the bridge in terms of the required width. However, the works proposed to widen the footway would appear disproportionate, both in the end result and disruption while the works are carried out. The pinch point under the bridge may therefore be considered acceptable, given the circumstances of the site, particularly as any pedestrian movements are likely to be very low.

- Also, the route through the Fitzroy Business Park and the newly developed Sidcup Logistics Park is used to justify a PTAL of 1a rather than 0. However, this is all private land with no public right of access, so it not considered appropriate.
- The footway provision to the south of the site is sporadic and pedestrians have to walk in the road in places. Para 3.3.15 of the submitted Transport Assessment concludes “Based on the accident analysis...it is understood that, despite the absence of footway provisions, there are no existing issues concerning pedestrians on this section of highway”. However, there is no indication of the numbers of pedestrians currently using this section of road and, it is considered that it would certainly deter people from walking there.
- The proposed trip rates for the development are taken from the TRICS data base. For the peak hours these are; Pedestrian 23%, Cyclists 2-4%, Public transport 7-12%, and vehicle occupants 61-68%. Given the characteristics of the site, the pedestrian and public transport rates are considered to be over-optimistic.
- Proposed Site Access
  - A Road Safety Audit for the proposed access was supplied with the application. No major issues were raised, and the design appears acceptable.
  - Given the new road would be a cul-de-sac with no public utility, the Council would not wish to adopt it.
- Parking
  - There are 40 dwellings proposed with 46 parking spaces. The layout, with the spaces away from the properties, is unusual. Standards in the London Plan would be up to 1.5 spaces per unit (max 60 spaces) (Bromley Local Plan standards would be a minimum of 45 spaces with the housing mix given). Given the high reliance on the car, including for visitors, the parking provision is likely not to be enough.
  - As part of the mitigation for the site location, it is proposed to have 100% provision of electric charger points for the proposed parking spaces (some passive). However, that does not guarantee residents will own an electric car and would still result in car-based trips.
- Refuse
  - The refuse store does not appear large enough for 40 units.
- Conclusion
  - The site is not in a sustainable location, the lack of footways and the conditions in Sandy Lane are not conducive to walking or cycling and mean that the vast majority of the trips from the site are likely to be by car. The accessibility by sustainable travel modes seem to be overstated and the trip rates for pedestrians/public transport correspondingly high.



- The number of residential units has been reduced from the previous application which will result in a reduction in the impact of the proposal including trips generated by the units. However, the application is not considered to have overcome refusal ground 3 of the previous application (ref: 19/03208) which stated;

*3. The proposal would, due to its location on the site with an effective PTAL rating of 0, result in residential development that is excessively dependent on the use of private car. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policies 31 or 33 of the Bromley Local Plan, Policy T1 of the London Plan (2021) and the NPPF.*

4.4 Historic England (GLAAS) – No objection, subject to conditions

- The application lies in an area of archaeological interest.
- Following the submission of the above planning application it was necessary to undertake limited archaeological trial trench evaluation to contribute to the understanding of the sites archaeological potential and its possible significance given the recorded archaeology from or near to the site.
- The results of the phase 1 area evaluation by the PCA December 2019 report demonstrates that significant land changes have occurred around the ski-slope. While the whole of the site around the ski-slope could not be accessed for this current exercise, sufficient has been undertaken to enable the on-going archaeological interest to be secured by condition.
- Advise that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a pre-commencement planning condition. However, without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 205.

4.5 Environment Agency – No objection, subject to conditions

4.6 Drainage (lead local flood authority) – No objection, subject to conditions

**B) Local Groups**

4.7 Orpington Field Club & Bromley Biodiversity Partnership

- The planning proposal is much improved from the previous 2019 one but members strongly object to the loss of hedgerow to the west of the site bordering Sandy Lane, including how big this gap would be, and it is questioned why this is necessary. This is particularly in relation to the impact on commuting bats.
- The development should be tightly restricted to the existing development footprint and not reduce the open feel of Sandy Lane as a country lane with hedgerows.
- If planning permission is granted for this development it is very important to maintain the openness of the green belt, retain and enhance existing

biodiversity and maintain connectivity with existing nearby wildlife sites and habitats.

- Natural England should be consulted.
- Planning permission should be conditional on the mitigation strategies in the Reptile Survey & Mitigation Strategy, Invertebrate Survey and Mitigation Strategy, Arboricultural Method Statement, and PEA.
- A management plan for the habitats on site to be written by a qualified ecologist should be provided and adhered to.
- Bat bricks and/or tubes should be installed in some of the new builds.
- Hedgehog highways should be installed.
- Cherry Laurel on site should be removed.
- Swift bricks should be installed on some of the new builds.

## **C) Local Residents**

### **4.8 Objection**

- Impact on Green Belt (addressed in Section 6.2)
  - The Ski Centre would have been permitted development as sporting centres are allowed on Green Belt Land.
  - This land is not a Brownfield site.
  - Housing development on a Green Belt site would be detrimental to the open space and would be an encroachment on limited resources.
  - If the current site is unsightly due to disrepair then it could be returned to open land.
  - Only the top of the ski slope can be seen from the A2, the site cannot be seen from Sandy Lane.
  - 40 houses won't open the land up and will affect the openness of the green belt more than at present.
  - The wildlife and natural growth have taken more of a hold, and it looks more natural and open than a 40 house estate will.
  - The development will create an urban environment for the area.
  - Would set a precedent for further development on adjacent Green Belt land.
- Transport impact and issues with Transport Assessment (addressed in Section 6.3)
  - The traffic numbers are from 3<sup>rd</sup> July 2019 and are out of date.
  - Nearest stations are St Mary Cray and Sidcup which are both 25min walk away minimum.
  - The walkway to the South is very narrow and important amenities such as schools and nurseries are this way. It would make this a dangerous path during busy times with increased foot traffic.
  - Increase in traffic and people along Sandy Lane will increase the chance of accidents.
  - Even with additional foot paths, cycle lanes, and an electric bike pool there will be a reliance on cars as important amenities are not the most easily accessible.
  - Most households will likely have 2 vehicles so during peak times there will be potentially up to 80 new vehicles, plus new electric bikes, needing to access Sandy Lane during peak times.

- The minimum number of car spaces per house are shown which is less than the likely number of new cars including any potential carpool.
- The proposed trip generation is not correct as there will be much more reliance on cars.
- People use Sandy Lane as a cut through and during rush hour it's not uncommon to have long convoys of cars come at once due to traffic lights by Homebase.
- More cars will make it harder and more dangerous for the existing residents at Homefarm cottages to access their car park.
- The plan for greener, less car based transport is very weak as it relies on promoting lift sharing, electric bike and carpool, people working from home and potentially putting up posters/leaflets about alternative transport links.
- The encouragement of electric car charging stations and solar panels will make it greener but would not dissuade the use of cars, increasing traffic on the roads.
- The issue of cars and traffic was a main factor in the last proposal.
- The idea of a carpool is likely to be redundant as people will have their own cars rather than share them.
- Sight lines and access are difficult with traffic coming under the A20 being on a bend.
- Sandy Lane is a country lane and should be protected as such.
- Footpaths would narrow the lane further.
- There are no public transport links.
- There is already a road safety issue with the commercial development near Ruxley Roundabout.
- The documents state the area is accessed by four roads, but there are issues with all these accesses.
- The Transport assessment and Travel plan are not correct and use incorrect or old data to show that the PTAL rating should be changed from '0'.
- The reference to the walking path (on Page 17 of the transport assessment) now being shorter due to a path that is going to be created by another development through the Fitzroy industrial park are wrong as the path will still be via several heavy goods yards and will not be available 24/7 as the Industrial park is private and closes approximately 18:00.
- The walking distances on page 20 table 6 are not correct as the Bull PH, Cray Valley Golf Club, St Pauls Leisure park, and the area of St Pauls parade and 2 of the schools mentioned are south of the development and 150m of road in this direction is without pavement.
- The data about proposed modal journeys is old and if the route to the south on foot is discounted and replaced with car journeys heading north how will that change numbers.
- How will the electric bike pool be managed.
- Electric charging points for all car parking spaces is good but does not mean all cars will be electric.
- Page 427 of the London Plan states "Boroughs should consider standards that allow for higher levels of provision where there is

clear evidence that this would support additional family housing" should be noted and more car parking should be provisioned highlighting the lack of transport options and the inappropriate nature of this site for so many houses.

- Other matters
  - Contamination should be dealt with regardless of development.
  - Issues with the writer of the Circular Economy Statement.
  - The application documents are inaccurate and refer to the wrong areas.

If any late representations are received they will be reported verbally at the committee meeting.

## **5 POLICIES AND GUIDANCE**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The London Plan 2021 is the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."*
- 5.4 The application falls to be determined in accordance with the following policies:
- 5.5 **National Policy Framework (NPPF) (2021)**
- 5.6 **National Planning Policy Guidance (NPPG)**
- 5.7 National SPG - Technical housing standards – Nationally Described Space Standard (March 2015)

## 5.8 The London Plan (2021)

GG1	Building strong and inclusive communities
GG2	Making the best use of land
GG3	Creating a healthy city
GG4	Delivering the homes Londoners need
GG6	Increasing efficiency and resilience
SD10	Strategic and local regeneration
D1	London's form, character and capacity for growth
D2	Infrastructure requirements for sustainable densities
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
D11	Safety, securing and resilience to emergency
D12	Fire safety
D13	Agent of Change
D14	Noise
H1	Increasing housing supply
H4	Delivery affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
H10	Housing size mix
S4	Play and informal recreation
HC1	Heritage conservation and growth
G1	Green Infrastructure
G2	London's Green Belt
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
G9	Geodiversity
SI 1	Improving Air quality
SI 2	Minimising greenhouse gas emissions
SI 3	Energy infrastructure
SI 4	Managing heat risk
SI 5	Water infrastructure
SI 7	Reducing waste and supporting the circular economy
SI 8	Waste capacity and net waste self-sufficiency
SI 13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Accessing and mitigating transport impacts
T5	Cycling
T6	Car parking

T6.1	Residential parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning
DF1	Delivery of the plan and planning obligations
M1	Monitoring

The relevant London Plan SPG/LPGs are:

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- Character and Context SPG (2014)
- Green Infrastructure and Open Environments: The All London Green Grid SPG (2021)
- London Environment Strategy (2018)
- 'Be Seen' energy monitoring guidance (2021)
- Energy Assessment Guidance (2022)
- Mayor's Environment Strategy (2018)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Mayor's Transport Strategy (2018)
- Mayor's Housing: Supplementary Planning Guidance (2015)
- Housing (2016)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Homes for Londoners: Affordable Homes Programme 2021-2026 Funding Guidance (November 2020)
- Whole Life-Cycle Carbo Assessments LPG (2022)
- Circular Economy Statements LPG (2022)
- Urban Greening Factor LPG (2023)
- Sustainable Transport and Walking LPG (2022)
- Air Quality Positive LPG (2023)
- Air Quality Neutral LPG (2023)
- Draft Fire Safety LPG (2022)

## 5.9 Bromley Local Plan (2019)

1	Housing Supply
2	Affordable Housing
4	Housing Design
8	Side Space
30	Parking
31	Relieving Congestion
32	Road Safety
33	Access to services for all
34	Highway Infrastructure Provision
35	Transport Investment Priorities
37	General Design of Development
39	Locally Listed Buildings

49	Green Belt
68	Development and SSSI
69	Development and Nature Conservation Sites
70	Wildlife Features
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
75	Hedgerows and Development
77	Landscape Quality and Character
79	Biodiversity and Access to Nature
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure
118	Contaminated Land
119	Noise Pollution
120	Air Quality
121	Light Pollution
123	Sustainable Design and Construction
124	Carbon Reduction, Decentralised Energy Networks & Renewable Energy
125	Delivery and Implementation of the Local Plan

The relevant Bromley SPGs are:

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2022)
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

## **6 ASSESSMENT**

### **6.1 Procedural Matters**

6.1.1 Paragraph: 005 Reference ID: 14-005-20140306 of the National Planning Practice Guidance (NPPG) states that;

*“An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more ‘reserved matters’”.*

6.1.2 Paragraph: 006 Reference ID: 14-006-20140306 of the NPPG further states that;

*“Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be ‘reserved’ for later determination). These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:*

- ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.”

6.1.3 The applicant has submitted an outline application in respect of access only with all other matters (i.e. appearance, landscaping, layout and scale) reserved.

## **6.2 Principle of Development – Unacceptable**

### *Housing supply and presumption in favour of sustainable development*

6.2.1 Policy H1 Increasing Housing Supply (clause B 2) of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the new London Plan set the context in the use of brownfield sustainable sites for new housing delivery.

6.2.2 The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply. It is noted that the trajectory assumes the new London Plan target of 774 units per annum applies from FY 2020/21.

6.2.3 The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (11d.i); or any adverse impacts of doing



so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (11d.ii).

- 6.2.4 However, paragraph 11(d)(i) includes a footnote reference to those policies relating to areas or assets of particular importance, including Green Belt, AONB, National Parks etc. The application site lies within the designated Green Belt and therefore the provisions of paragraph 11 and the titled balance in favour of sustainable development does not apply in the event that the policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

#### *Green Belt*

- 6.2.5 The application site lies wholly within land that is designated as Green Belt in Bromley Council's Local Plan proposals map (2019).
- 6.2.6 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Green Belt serves the following five purposes:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.2.7 Paragraph 147 of the NPPF states that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt when making planning decisions and confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.2.8 Paragraph 149 of the NPPF confirms that the construction of new buildings should be considered inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;*
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
  - e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and  
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*- Not have a greater impact on the openness of the Green Belt than the existing development; or*

*- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.2.9 London Plan Policy G2 paragraph 8.2.1 states that the Mayor strongly supports the current extent of London's Green Belt. In accordance with national guidance, Policy G2 states inappropriate development should be refused, except in very special circumstances.

6.2.10 Paragraph 8.2.2 of Policy G2 highlights that openness and permanence are essential characteristics of the Green Belt, but, despite being open in character, some parts of the Green Belt do not provide significant benefits to Londoners as they have become derelict and unsightly. This is not, however, an acceptable reason to allow development to take place. These derelict sites may be making positive contributions to biodiversity, flood prevention, and climate resilience. The Mayor will work with boroughs and other strategic partners to enhance access to the Green Belt and to improve the quality of these areas in ways that are appropriate within the Green Belt.

6.2.11 Policy 49 of the Local Plan relates to the Green Belt and reflects the specific aims and objectives of the 2012 NPPF. It states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. It is noted that the weight to be attached to Policy 49 of the Local Plan is reduced in light of changes to the NPPF Green Belt advice in 2019, including the addition of 149 g (second clause/leg).

6.2.12 Having regard to the above, the main issues in the assessment of the acceptability of the principle of the proposed development are whether the proposal would represent inappropriate development in the Green Belt and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

*Whether the proposal would represent inappropriate development in the Green Belt*

6.2.13 The Applicant's covering letter considers that the proposal would meet the second leg of paragraph 149(g) of the NPPF as it would re-use previously developed land, contribute to meeting affordable housing need in the

borough and would not result in substantial harm to the openness of the Green Belt. The applicant has therefore not set out any very special circumstances.

- 6.2.14 Previously developed land is defined within the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 6.2.15 The application site was previously in use as an outdoor recreation centre with artificial ski slopes and ancillary buildings. The buildings have been removed following the closure of the ski centre and currently present on site is a hardstanding formerly used as a car park, the foundations of the former buildings and the tennis courts, as well as areas where the former ski slopes had been. These areas are covered in carpet and/or weed membrane in places.
- 6.2.16 The Applicant has submitted evidence showing the scale and extent of the earthworks and recontouring undertaken to establish the ski slopes.



Fig.4 – Construction of ski slope (photographs provided by applicant)

- 6.2.17 During the consideration of the previously refused application (ref: 19/03208/OUT) the LPA and GLA undertook an assessment of the extent of previously developed land. It was accepted that the foundations of the former ski centre buildings (now demolished), the tennis courts, and hard landscaping associated with the car parking would be considered as previously developed land. The LPA and GLA also acknowledged that whilst advantage was taken of a pre-existing natural slope during the construction of the ski slopes in the 1980s, there was also significant earthworks and recontouring undertaken to establish the slopes and create a continuous slope to reach the pre-existing mound on the site.

- 6.2.18 Furthermore, the accompanying Preliminary Ecological Appraisal (PEA) (30.05.19) prepared by Adonis Ecology also confirmed within the extended Phase 1 Habitat survey, conducted in May 2019, that over 40% of the application site consists of natural features, as opposed to hardstanding/buildings. Officers therefore concluded that about half the site could be considered as previously developed land. However, out of that part, Officers also considered that areas of the former ski slopes should be considered as a 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time', thereby being excluded from the previously developed land in light of the NPPF classification.
- 6.2.19 The applicant has submitted an Addendum to Preliminary Ecological Appraisal (PEA), Reptile Survey, Botanical Survey and Invertebrate Survey Reports and Associated Mitigation Strategies (30.06.22) prepared by Adonis Ecology which acknowledges that since the 2019 survey whilst the areas of both the ski slopes and hardstanding are slowly becoming more densely vegetated, significant areas of bare surface were still present. An Officer site visit on 04.08.22 also confirms this conclusion with photographs taken shown below (Fig.5).







Fig.5 – Photographs from Officer site visit (04.08.2022)

6.2.20 The previously refused application (ref: 19/03208/OUT) proposed development across the whole site, and as such included land which would not be considered as previously developed land.



Fig.6 – Illustrative Masterplan proposed for refused application ref: 19/03208/OUT

6.2.21 The proposed new dwellings have now been confined to the area of land which comprise the foundations of the former ski centre buildings (now demolished), the tennis courts, and hard landscaping associated with the car parking and the northern section of the ski slope, which whilst now gradually becoming more densely vegetated still includes significant areas of bare surface and carpet/weed membrane. Based on the information available, Officers are in agreement that this can be considered the extent of the previously developed land.



Fig.7 – Existing Block Plan to show PDL



Fig.8 – Illustrative Masterplan

6.2.22 It is noted that the new vehicular access road and a small area of the proposed car parking area would fall outside of this area of PDL. However, it may be considered that these parts of the development, which are not buildings, would be an engineering operation to be considered under paragraph 150 of the NPPF which allows for certain other forms of development to be considered as not inappropriate in the Green Belt

provided they preserve its openness and do not conflict with the purposes of including land within it.

- 6.2.23 Any exception under paragraph 149(g) (redevelopment of previously developed land) only applies subject to the proviso that the proposal would not have a greater impact on openness than the existing development (first strand), or not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land **and** contribute to meeting an identified affordable housing need within the area of the local planning authority (second strand).

*Affordable housing*

- 6.2.24 Policy H4 of the London Plan (Delivering Affordable Housing) requires all major developments of 10 or more units, which trigger affordable housing requirements, to provide affordable housing through the threshold approach (Policy H5 Threshold approach to application).
- 6.2.25 Policy H4 seeks to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.
- 6.2.26 Policy H5 of the London Plan identifies a minimum threshold of 35% affordable housing (by habitable room), with a threshold of 50% applied to public sector owned sites and industrial sites where there is a net loss of industrial capacity. This application is subject to the 35% threshold for affordable housing, as the site is in commercial/private ownership and outdoor recreational use.
- 6.2.27 Policy H5 C of the London Plan, further states that in order to follow the Fast Track Route of the threshold approach, meaning site specific viability information does not need to be provided, applications must meet all the following criteria:
- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy*
  - 2) be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure)*
  - 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant*
  - 4) demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing."*
- 6.2.28 In terms of tenure split, Policy H6 of the London Plan sets out the Mayor's preference for at least 30% low cost rent (social rent or London Affordable Rent) and 30% as intermediate housing products, with the remaining 40% to be determined by the Council (and comprising either low cost rented homes or intermediate based on identified need).

6.2.29 Therefore, to be considered eligible for the 'Fast Track Route', a policy compliant tenure split is required, without public subsidy, alongside an Early Stage Review Mechanism, which would be triggered if an agreed level of progress on implementation is not made within two years of the date of planning permission being granted (or an appropriate alternative period agreed). Bromley Council's Local Plan sets a target for 35% affordable housing with a 60/40 split between social rent/ affordable rent housing and intermediate provision.

6.2.30 The applicant's affordable housing statement confirms the following;

- 35% habitable rooms for affordable purposes (*58 affordable rooms out of a total of 164 are proposed as the living areas of the two storey houses incorporate separate lounge/dining rooms*);
- 60% habitable rooms social/affordable rent and 40% intermediate (*rents and intermediate product not confirmed at this stage*);
- Affordable rent units – 1 x 1 bedroom semi-detached unit (one storey) and 8 x 2 bedroom terraced units (two storey);
- Intermediate units – 6 x 2 bed terraced units (two storey);
- Early discussions have been undertaken with CCHA Housing Association and interest expressed from other 'housing associations' including London Borough of Bromley (contact: Lydia Lee);
- Affordable units to be secured via a S106.
- The specific units to be allocated to affordable housing have not yet been confirmed and will form part of ongoing discussions with the Housing Associations with the sizes and type of unit shown within Fig.1 of the Affordable Housing Statement.

6.2.31 Taking account of the above, subject to further clarification on the affordability levels proposed and the requirements set out above being addressed in terms of grant funding during any subsequent reserved matters application, and the provision of an early stage review, the proposed scheme would be considered eligible for the 'Fast Track Route'. This is confirmed by the GLA within their Stage 1 Report. Further discussion would be required to clarify the affordability levels to assess whether the proposal satisfies the London Plan with regard to social rent/London Affordable Rent; London Living Rent and London Shared Ownership. This will be agreed through the completion of a s106 legal agreement should permission be granted.

*Whether the proposed development would cause substantial harm to the openness of the Green Belt than the existing development*

6.2.32 The application proposes a policy compliant level of affordable housing which would meet an identified housing need. The remaining limb of the NPPF exception at paragraph 149 (g) is therefore relevant. Therefore, the key question is whether the proposed development would cause substantial harm to the openness of the Green Belt.



6.2.33 The NPPF (2021) states that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Practice Guidance (NPPG) further advises that assessing the impact on openness is effectively a planning judgement based on the circumstances of a particular application. Drawing on case law, the NPPG also confirms that openness is capable of having both spatial and visual aspects, in that the visual impact of the proposal may be relevant as could its volume. Other relevant factors include the duration of the development and its remediability, as well as the degree of activity likely to be generated, such as traffic generation.

6.2.34 The Applicant indicates that the areas of land containing the former buildings, hard-standing and man-made areas of ski slope equate to 14,000sqm and the undeveloped land equates to an area of 13,444sqm.

6.2.35 Whilst the application is for Outline permission with all matters reserved other than access, the applicant has still provided a Massing Parameter Plan to indicate how the proposed 40 new residential units would be accommodated within the site. The application would therefore result in the construction of 40 buildings which would comprise:

- 10 two-storey houses, plus roof (rising to 8.7 metres in height);
- 26 two-storey houses, plus roof (rising to 9 metres in height);
- 4 single-storey houses (rising to 3.1 metres in height).



Fig.9 – Massing Parameter Plan

6.2.36 The proposed building footprint would amount to a total of 2,650sq.m and 2,780sq.m of hardstanding associated with the vehicle access and parking (5,430sqm in total). The access and parking area is also restricted to the car parking area to the west of the site adjacent to Sandy Lane. The proposed buildings and hardstanding would therefore be less than the combined footprint of the existing area of previously developed land. However, the existing areas of hard surfacing and the footprints of the former buildings present on the site were not enclosed by any built form. Whereas, the proposed development areas would include private gardens, allotments, and communal play space thereby increasing the developed area by another 4,320sqm. Accordingly, whilst the area of development would be approximately 9,750sqm, which is 4,250sqm less than the existing area of previously developed land, the number of buildings on site would significantly increase.

6.2.37 In volumetric terms, Officers note that the recontouring of the site would result in the existing site levels being reduced, particularly around the former ski slopes. Nevertheless, in their current state, the slopes do not appear as intrusive features having been largely incorporated into the surrounding landscape. To the east of the site extends the Ruxley Golf Course spreading for over 1km, which immediately adjacent to the site consists of a narrow strip of woodland, with greens and areas of rough and scrub beyond. Beyond the golf course are areas of arable and pastoral farmland with occasional hedgerows. Therefore, Officers consider that to a large extent the application site appears as a continuum of the adjacent golf courses, thereby contributing to the openness of the wider Green Belt.

6.2.38 It is noted that the applicant argues that the site appears as urban rather than rural due to its lawful use as a ski centre and therefore it lacks openness. However, at present there are no buildings on site and as such Officers consider that the site possesses an open nature.

6.2.39 The site also contributes to the important transition between built-up commercial areas of Sidcup extending to the north-west beyond the other side of A20 dual carriageway and the sparsely developed Green Belt land which surrounds the site. The continuous and repetitive massing of the proposed 40 new residential buildings, in addition to the associated domestic paraphernalia and substantial structural landscaping, would be viewed against the backdrop of these open surroundings.



Fig.10 – 3D Visualisation of the proposal looking from the west

6.2.40 The presence of existing shrubs and trees along the A20 are noted, but these are largely deciduous and as such during winter months the views of the site, although filtered by the vegetation, are readily available from the carriageway. The existing trees along the western boundary with Sandy Lane are also noted although the proposed new access would result in a break to this existing vegetation. Furthermore, the proposed dwellings would

be particularly noticeable at times when the occupants of the dwellings would be using internal and external lighting. The development would therefore still appear conspicuous when viewed from these public vantage points.

- 6.2.41 In addition, the degree of activity likely to be generated by the proposed 40 new dwellings of between 1-3 bedrooms, particularly with regards to the increased number of vehicles entering and exiting the site, would further detract from the openness of the Green Belt.
- 6.2.42 It is noted that the building footprint is around half that of the previously refused planning application and that this current application proposes half the amount of dwellings (40 dwellings rather than the 80 proposed under ref: 19/03208). The amount of hardstanding would also be 1,200sqm less than that previously proposed under ref: 19/03208. The proposal would therefore result in a more compact form of development than that of the previously refused application.
- 6.2.43 Notwithstanding the above, in spatial terms the introduction of 40 new buildings into areas which, whilst previously developed, currently contain no built form above ground level, would result in a significantly greater physical presence on the site compared to the existing situation. Furthermore, given the existing visual context established by the demarcation arising from the A20, the proposal would unacceptably change the character of the site and would demonstrably lead to a permanent, urbanising effect.
- 6.2.44 Taking account of the context, and the indicative scale and layout of the proposal, it is considered that the harm in respect of openness would be significant and whilst the site is not undeveloped countryside, the proposal would undermine the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open. The proposal would therefore lead to 'substantial harm' to the openness of the Green Belt as is referred to in paragraph 149(g) of the Framework. Accordingly, Officers do not consider that the NPPF exception at paragraph 149(g)(ii) applies and the proposals therefore comprise inappropriate development within the Green Belt. Very special circumstances must therefore be demonstrated.

*Very Special Circumstances*

- 6.2.45 The Applicant's Covering Letter indicates that they consider that the proposed development would not cause substantial harm to the Green Belt and therefore would not result in inappropriate development. As such, no very special circumstances have been argued by the applicant.
- 6.2.46 It is noted that the applicant does state within their Design and Access Statement that they consider that the disused ski slope is negatively impacting the visual appearance of the Green Belt and its unmanaged nature poses the risk of invasive species taking hold including Japanese Knotweed. However, this is not considered to constitute very special circumstances.

6.2.47 It is also noted that the GLA, within their Stage 1 Report, do not consider that there are any very special circumstances which exist in this case which would clearly outweigh the harm caused by reason of inappropriateness and any other harm. The GLA state that this position takes into account the quantum of housing provision, the proposed percentage of affordable housing and noting other material planning considerations relating to the site location and accessibility in relation to sustainable and active travel options and the potential impact on biodiversity. Officers are in agreement with the GLA's view on this matter. Nevertheless, the case for very special circumstances has not been made by the applicant.

*Conclusion – Land use principles*

6.2.48 In summary, Officers do not consider that the proposed development would meet the exceptions outlined within paragraph 149 of the NPPF and as such would comprise inappropriate development in the Green Belt which is therefore, by definition, harmful. Very special circumstances have not been demonstrated to clearly outweigh the harm by reason of inappropriateness. The application therefore conflicts with the NPPF, Policy G2 of the London Plan Policy G2 and Policy 49 of the Bromley Local Plan.

### **6.3 Transport and Highways - Unacceptable**

6.3.1 The application is an outline application with all matters reserved other than Access. "Access" as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in relation to reserved matters, means the '*accessibility to and within the site, for vehicle, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*'

6.3.2 Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.3.3 Policy T1 of the London Plan advises that development proposals should 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.

6.3.4 London Plan Policy T2 relates to Health Streets and states that development proposals should demonstrate how they will deliver improvements that would support the TfL Healthy Streets Indicators, as well as being permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

6.3.5 In addition, promoting accessibility and local permeability by creating places that are easy to get to and move through is a key urban design objective. As set out in the National Design Guide (NDG), patterns of movement for people are integral to well-designed places. They include walking and

cycling, access to facilities and employment, parking and the convenience of public transport. A permeable, connected network of routes for all modes of transport, is key to creating sustainable neighbourhoods and healthy, connected communities.

- 6.3.6 It is noted that one of the main issues with the previously refused application at this site (ref: 19/03208/OUT) was the poor accessibility of the site with an effective PTAL of 0, which was considered to result in a residential development that is excessively dependent on the use of the private car and thus inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions and Policies 31 and 33 of the Bromley Local Plan, Policy T1 of the London Plan and the NPPF.

*Access by sustainable and active modes of travel*

- 6.3.7 The site is accessed from Sandy Lane, which is a narrow rural road without a footway for much of its length, including directly adjacent to the site. To the south of the application site, Sandy Lane extends approximately 900m to the junction with Main Road and Chapman's Lane, St Marys Cray. To the north Sandy Lane extends approximately 600m to the A223 Edgington Way/North Cray Road/Ruxley Corner Roundabout, which forms part of the Strategic Road Network (SRN). The A20, which is a high speed, segregated dual carriageway road and forms part of the Transport for London Road Network (TLRN), lies adjacent to the site to the north; however, it intersects Sandy Lane by way of an overbridge and is not accessible from it.
- 6.3.8 TfL have advised that any cycle access to and from the north requires negotiation of Ruxleys Corner roundabout, which is considered hostile to cyclists. In addition, there are no dedicated pedestrian crossing facilities at the roundabout, meaning the practical walk distances to bus stops and other facilities north of the roundabout are extended.
- 6.3.9 It is noted that the applicant argues that a PTAL 1b rating is achievable for the site when considering the bus stops at Tesco. However, this assumes a walking route through the Fitzroy Business Park to the Tesco bus stop, which the applicant acknowledges is private property, with no public right of way and it has gates that can close off this route at any time. There is therefore no reliably clear, direct, segregated footway to these bus stops, and even if it was possible, the walk for vulnerable people is likely to be even more unattractive at night and weekends when the activity levels in the Business Park would be lower/absent. TfL also advise that there is no footpath at the Tesco end, and as such this route would require pedestrians to walk in the road in the vicinity of the service yard, where HGVs manoeuvre. Accordingly, this route cannot be considered as a suitable 24/7 pedestrian access route. The bus stops at Tesco are therefore around a 13minute walk, which is well beyond the 8minutes allowed in the PTAL calculation.
- 6.3.10 In addition, the nearest bus stops at Ruxley Roundabout (stops Ff and FL) require at least one uncontrolled crossing of a busy, traffic-sensitive road

(Edgington Way, part of the Strategic Road Network (SRN)). Furthermore, the eastbound bus stop on Maidstone Road (Stop Ff) is set well away from the roundabout, due to residential crossovers, which adds further walk distance. Furthermore, there are no railway stations within reasonable walking distance of the site.

- 6.3.11 The footway provision to the south of the site is sporadic and pedestrians have to walk in the road in places. Para 3.3.15 of the accompanying Transport Assessment prepared by Sanderson Associates (March 2022) concludes “Based on the accident analysis... it is understood that, despite the absence of footway provisions, there are no existing issues concerning pedestrians on this section of highway”. However, the Council’s Highways Officer has advised that there is no indication of the numbers of pedestrians currently using this section of road and, that they consider the lack of pavement would deter people from walking there.
- 6.3.12 The site therefore has a very poor access by foot, cycle and public transport. As such, whilst the site is recorded as having a Public Transport Access Level (PTAL) of 1b, given the lack of useable pedestrian routes the site’s recorded PTAL of 1b is considered to be an over-estimate and, in reality, both TfL and LBB Highways Officers consider the effective PTAL to be zero.
- 6.3.13 As part of the development, the applicant proposes a new footway along the western (opposite) side of Sandy Lane to lead from the site northwards, meaning residents would have to cross over Sandy Lane to reach this new footpath. This is proposed to link up to the existing footway under the A20 overbridge to provide a continuous footway towards Ruxley Corner to improve pedestrian links to the north of the site. Both TfL and the Council’s Highways Officers raised concerns in respect of the deliverability of these improvements due to the pinch point created by the A20 overbridge at which the pavement reduces to less than the minimum recommended width. The applicant has therefore submitted plans to indicate how the footpath under the bridge could be widened, by reducing the width of the kerb on the eastern side and realigning the road under the bridge.
- 6.3.14 The applicants also state that the proposed footpath approaching the underpass from the new development currently proposed at 1.7m in width could be designed to conform to the required width of 2m. However, this may necessitate an incursion onto TFL freehold land of 0.3m to achieve this. TfL have advised that this would require a separate s278 agreement which may be possible but has not yet been engaged.
- 6.3.15 TfL and Council Highways Officers has advised that the applicant’s proposal to realign this section of road and existing pavement under the A20 overbridge would appear disproportionate, both in the end result and disruption while the works are carried out. As such, if the development was considered to be acceptable as a whole, due to combination of the existing constraint (being the A20 bridge), the likely very low pedestrian footfall and disproportionate remedial action required to increase the width of the footway under the bridge, then in this instance a less-than-minimum footway

may be considered acceptable as it is unlikely to present an 'an unacceptable impact on highway safety' (NPPF para 111).

- 6.3.16 Moreover, the applicant is proposing this new footway to improve pedestrian movement to the north. However, even if a suitable footway on Sandy Lane can be provided, the walk distances to the nearest bus stops are still considered to be unacceptable. Therefore, even with the proposed new footway, the site would still have an effective PTAL of 0.
- 6.3.17 The transport assessment considers that 30-40% of peak hour trips will be made by non-car modes, which would be in line with London Plan policy that seeks for 75% of all trips in outer London by 2040 to be undertaken by non-car modes. However, TfL and the Council's Highways Officers have advised that this is based on trip generation from developments that are not directly comparable to what is a relatively rare 'edge of London' site with specific access issues, so it is considered over optimistic and that it is highly unlikely this mode share will be met in practice, particularly given the issues raised above.
- 6.3.18 It is also necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it. The development would be inaccessible to people who don't have a private motor car and could therefore adversely affect those objectives.
- 6.3.19 Taking into account the above, both TfL and Council Highway Officers have raised significant objections to the application in relation to the site's very poor accessibility by sustainable and active modes of travel which would be contrary to both London Plan and Bromley Local Plan policies. The application is also considered contrary to NPPF policy that requires a development to offer a genuine choice of transport modes.
- 6.3.20 Promoting accessibility and local permeability by creating places that are easy to get to and move through is also a key urban design objective. As set out in the National Design Guide (NDG), patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities and employment, parking and the convenience of public transport. A permeable, connected network of routes for all modes of transport, is key to creating sustainable neighbourhoods and healthy, connected communities.
- 6.3.21 From an urban design perspective, the proposal to locate housing in an isolated and disconnected location is also not supported. The form and density of development and reliance on use of the private car due to the site's location and poor access to public transport means that the proposals would not accord with the overarching urban design and development principles set out in national, regional and local policies.

### *Site access and layout*

- 6.3.22 A Stage 1 Road Safety Audit prepared by Sanderson Associates (March 2022) for the proposed access is supplied with the application. The Council's Highways Officer has reviewed the Audit and advises that no major issues were raised, and the design appears acceptable. They have also confirmed that given the new road is a cul-de-sac with no public utility, the Council would not wish to adopt it.
- 6.3.23 Car parking is proposed in one corner of the site, rather than outside of residential front doors. It is considered that confining the car parking area to one area is unlikely to influence mode share significantly given the disadvantages of site location highlighted above. Furthermore, the spaces would be a significant distance from a number of the homes with access then on foot via a shingle path.
- 6.3.24 The applicant states that the proposed shingle pathway would also accommodate the site's delivery, servicing and refuse requirements. However, the practicalities of this are unclear or whether it would achieve compliance with inclusive design standards in terms of ensuring appropriate access for those with mobility issues. Notwithstanding these concerns, it is noted that layout is a reserved matter and as such if approval was granted, a more appropriate layout to address these concerns could be provided through a reserved matters application.

### *Car Parking*

- 6.3.25 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision with Policy T6.1 of the London Plan setting maximum car parking standards.
- 6.3.26 The application is proposing 46 car parking spaces for the 40 dwellings, which equates to a car parking ratio of 1.15 spaces per home. London Plan standards allow for a maximum of 1.5 spaces per dwelling for lower PTAL Outer London areas. As the provision would generally be in line with London Plan the level of proposed car parking proportionate to the development may be considered acceptable.
- 6.3.27 Of the proposed car parking, 6 spaces would be for Blue Badge holders which would exceed the 10% provision required by the London Plan. However, this matter could be dealt with by way of conditions requiring a detailed car parking plan and a car parking management plan, should permission be granted.
- 6.3.28 As part of the mitigation for the site location, it is proposed to have 100% provision of electric charging points for the proposed parking spaces with 41% of the spaces provided with active electric vehicle charging, and the remaining 59% passive. Whilst a higher proportion of active EV charging points than the 20% required under Policy T6.1 is welcomed, it does not



guarantee residents will own an electric car and would still result in car-based trips.

#### *Cycle Parking*

- 6.3.29 Cycle parking should be in line with Policy T5 of the London Plan, and the quality should follow the London Cycle Design Standards (LCDS), as also required by Policy T5.
- 6.3.30 Two cycle parking spaces per dwelling are proposed, which is in line with London Plan standards, although visitor spaces should also be included. However, as mentioned above, given the site's location away from the strategic cycle network and on the very edge of the London built-up area, cycle access to and from the site is considered to be inevitably less attractive, particularly as any cycle trip to/from the north requires negotiating the Ruxley Corner roundabout, which has no cycle facilities. Sandy Lane itself is a narrow 'country road' in character, so is not likely to be very attractive to a wider range of residents who may wish to cycle.
- 6.3.31 It is acknowledged that the applicant proposes a pool of electric bikes for residents to share, which will help encourage some cycle trips that may not otherwise have been made. However, this would not overcome the safety issues, perceived or otherwise. As such, TfL have advised that the mode share for cycling is likely to be low.

#### *Summary*

- 6.3.32 The objection to the proposal raised within the refusal of previous application ref: 19/03208/OUT on the grounds of the location of the site and its lack of accessibility by modes other than the car remains. Accordingly, the site's location would not be made sustainable through limiting the need to travel and/or offering a genuine choice of transport modes and therefore would deliver a residential scheme that is overly reliant on the use of private cars, thereby resulting in environmental harm and would fail to create mixed, balanced and inclusive communities. As such, the proposed development would undermine Bromley Local Plan policies, the strategic aims of the Mayoral's modal shift, as well as the overarching transport objectives of the NPPF.

### **6.4 Housing and Standard of Accommodation – Acceptable in principle**

#### *Dwelling mix*

- 6.4.1 London Plan Policy H10 seeks to ensure that new developments offer a range of unit sizes and types and tenures of housing, taking into account the housing requirements of different groups. Policy H10 sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes housing need and demand, the nature and location of a site, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods.

- 6.4.2 The Strategic Housing Market Assessment (SHMA) 2014 identified the highest level of need across all housing tenures within the Borough up to 2031 is for 1-bedroom units (53%) followed by 2-bedroom (21%) and 3-bedroom (20%) units.
- 6.4.3 The scheme proposes a range of 1-3 bedroom dwellinghouses which is considered to be acceptable in principle in terms of housing mix.

*Internal Amenity: Size, Privacy, Outlook and Daylighting*

- 6.2.1 The space standards for residential development are set out in Table 3.1 of the London Plan and the Government published '*Technical housing standards - nationally described space standard*'. This is supported by Policy D6 of the London Plan, the Mayor's 'Housing' SPG 2016 and Bromley Local Plan Policies 4 and Policy 37.
- 6.2.2 Policy D6 part B of the London Plan also states that qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 of the London Plan sets out key qualitative aspects which should be addressed in the design of housing developments. Housing development should maximise the provision of dual aspect dwellings to provide good daylight, outlook, and ventilation.
- 6.4.4 Whilst the scheme is in outline form, the applicant has provided indicative residential floorplans and sections for the housing typologies proposed which show that the internal space would achieve the thresholds of the technical standards. All units are also shown to be dual aspect which is supported.
- 6.4.5 Full assessment of the key qualitative aspects of the design including daylight and sunlight provision for the proposed units, and consideration of privacy and outlook for prospective occupants would normally be required at reserved matters stage once the detail of the building form and materials are known. Compliance of any reserved matters applications with the housing quality standards set out above would also need to be secured by condition.

*Amenity space*

- 6.4.6 Part F9 of Policy D6 of the London Plan requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings (and an extra 1sqm for each additional occupant) – para 3.6.9 advises that this private space can be in the form of a garden, terrace, roof garden, courtyard garden or balcony. Additional private or shared outdoor space (roof areas, podiums and courtyards) is also encouraged.
- 6.4.7 Bromley Local Plan Policy 4 c requires 'sufficient external, private amenity space that is accessible & practical'.
- 6.4.8 All of the proposed units have private amenity space that accords with the above London Plan standards and would amount to a total of 1,940sq.m.

An allotment area and communal amenity space are also indicated which is supported.

- 6.4.9 Any further planning application for detailed layout, scale and landscaping matters would need to demonstrate that proposed amenity space is usable in light of varying site levels.

#### *Playspace*

- 6.4.10 Policy S4 of the London Plan states residential developments should incorporate high quality, accessible play provision for all ages, of at least 10sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. Play space provision should be available to all housing tenures within immediately adjacent blocks and courtyards to promote social inclusion.
- 6.4.11 Using the methodology within the Mayor's Play and Informal Recreation SPG, the proposed scheme would generate the need for 264.8 sq.m. of playspace.
- 6.4.12 A 290 sq.m. dedicated play space is proposed within the central open space which would be fronted by homes, alongside the amenity green. Further details of the design and layout of the play space, including details of play equipment for all ages and long-term management of the area would be required by condition should permission be granted.

#### *Wheelchair unit and inclusive living environment*

- 6.4.13 Policy D3 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design (not just the minimum). Policy D5 of the London Plan requires development proposals to achieve the highest standards of accessible and inclusive design. In accordance with Policy D7 of the London Plan and Local Plan Policy 4, 90% of new housing should meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings' and 10% of the new housing should meet Requirement M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. These should be distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled.
- 6.4.14 The applicant's Accessible Housing Statement acknowledges the requirements of Policies D5 and D7 and, should permission be granted, compliance with Policy D7 would be secured by condition, with further information and design details to be provided at Reserved Matters Stage

## **6.5 Urban Design – Unacceptable**

- 6.5.1 Policies D1 to D4 of the London Plan place great emphasis on a design-led approach to ensure development makes the best use of land, with consideration given to site context, public transport, walking and cycling accessibility and the capacity of surrounding infrastructure.
- 6.5.2 The proposals comprise a low density car orientated form of development. The density of development would be approximately 40 dwellings per hectare within the developable area, and car parking provision would be at 1.15 spaces per dwelling.
- 6.5.3 The application site has limited connectivity to nearby community facilities such as shops, schools, and public transport. Pedestrian access and ease of movement should be prioritised (and considered alongside the access requirements for motor vehicles). As stated above, the form and density of development and reliance on use of the private car due to the site's location and poor access to public transport means that the proposals would not accord with the overarching urban design and development principles. It is also noted that the GLA Officer advises that this would not accord with the principles set out in the London Plan in terms of optimising density, making the best use of land or encouraging the use of active or sustainable travel options.
- 6.5.4 While this is an outline application in respect of access with all other matters reserved, alongside the Design and Access Statement and Movement Framework plan, the application documents include an Illustrative Masterplan, Landscape Parameter plan and Massing Parameter plan. These plans define the overall layout and form of development. A built form plan and indicative elevations and floor plans for the proposed dwellings have also been provided. Although not for approval, these plans indicate the overall layout and form of development including scale, use and landscape.



Fig.11 – Illustrative Masterplan

6.5.5 It is therefore reasonable to assume that the layout, form, scale and massing which the proposed development would eventually take, would need to take a similar approach to that set out in the application in order to limit the development to the area of previously developed land and to achieve the amount of residential floorspace proposed. Notwithstanding this, there appears to be scope within the site to improve the layout of the site which could be dealt with through a reserved matters application should permission be granted. In particular, the location of the car parking all in one area and the concerns regarding access for residents with mobility issues, servicing, and refuse could be overcome with a more appropriate layout of the overall site.

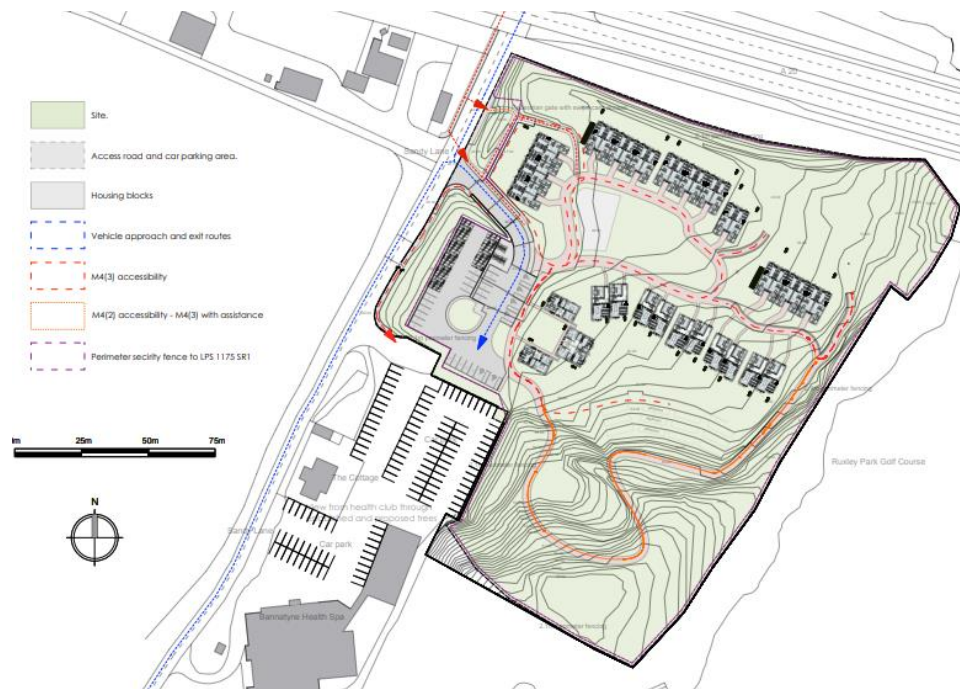


Fig.12 – Movement Framework Plan - Proposed

6.5.6 It is also noted that the design and access statement and parameter plans have not been provided in such a way (i.e. numbered) that they can be used to inform conditions for any subsequent reserved matters application(s). Officers acknowledge the submission pack includes relevant baseline information, (site) objectives and design principles. However, the way these are set out and illustrated does not provide the clear framework needed to assess and manage design quality through the reserved matters process.

*Designing out Crime (acceptable)*

6.5.7 Designing Out Crime Officer from the Metropolitan Police has advised that the development is in a secluded, high crime location. They consider that the development can and should achieve Secured by Design to Gold standard.

6.5.8 The accompanying Design and Access Statement covers some of the measures discussed with the Designing Out Crime Officer. However, they have advised that for the benefit of the future residents a Secure by Design condition to incorporate the aims and principles of Secured by Design to reduce opportunities for criminal activity should be imposed on any approval.

*Fire Safety (acceptable)*

6.5.9 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole (London Plan Policy D12).

- 6.5.10 Paragraph 5.4.1 of the London Plan Draft Fire Safety LPG states that; *“Outline planning applications should be accompanied by an Outline Fire Statement which, as a minimum should commit to meeting the highest standards of fire safety in the proposed development. The level of detail included within the Outline Fire Statement will vary depending on which (if any) reserved matters are submitted with the application”.*
- 6.5.11 Access is the only reserved matter submitted with this application. The Draft Fire Safety LPG clarifies further that the fire safety measures to be included at this stage are the ‘Access for fire service personnel, vehicles and equipment’. The LPG also states that commitment to principles of Policy D12 should be included at outline stage, with the details of how the requirements will meet these principles to be included in subsequent reserved matters submissions.
- 6.5.12 Paragraph 5.4.2 of the Draft Fire Safety LPG is also noted which states that; *“Where parameter plans have been submitted with an outline planning application there should be sufficient information included to demonstrate that any fire safety measure can be accommodated in the minimum parameter scenario, where relevant”.*
- 6.5.13 The application is accompanied by a Fire statement form (25/08/2022). The information submitted within the Fire statement form is considered to be acceptable to demonstrate a commitment to principles of Policy D12 and that the access to the development for fire service personnel, vehicles and equipment can be achieved. If approved, any subsequent reserved matters applications would need to demonstrate the relevant detailed requirements as to how the development would meet Policy D12 in relation to all other matters.

## **6.6 Heritage Impact - Acceptable**

- 6.6.1 The site is not located within or adjacent to a conservation area nor does it include any listed buildings or structures. However, the adjacent Former Cray Valley Hospital currently occupied by Bannatyne’s Health Club, which lies to the south of the application site, is locally listed (a non-designated heritage asset as classified by the NPPF).
- 6.6.2 Paragraph 203 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.6.3 Policies 37(j) and 39 of the Bromley Local Plan require developments to respect non designated heritage assets and their settings.

6.6.4 It is noted that one of the reasons for refusal relating to the previously refused application at this site for 80 new dwellings (ref: 19/03208/OUT) included the harm to this adjacent locally listed building.

6.6.5 The quantum of development proposed under this current application has been reduced and the layout altered to move the development away from the southern boundary which is shared with this locally listed building. On the basis of this revised layout, and reduction in the scale of the development, the Council's Conservation Officer has advised that the development now proposed would not result in harm to the setting of the locally listed building.

## **6.7 Residential Amenity - Acceptable**

6.7.1 The nearest residential properties would be The Cottage located more than 50m to the south-west of the application site, and Olney which is located on the opposite side of Sandy Lane. Given the resulting separation distances no loss of privacy, outlook or daylight and sunlight would result.

6.7.2 In regard to noise, the housing use would introduce a greater level of activity to the site and the immediate area, however, in Officers view, any potential disturbance and noise generated by the development would not be of such significance as to result in a harmful impact on the amenity of existing neighbours.

## **6.8 The Natural Environment and Green Infrastructure (Trees/Urban Greening/Biodiversity) – Acceptable**

6.8.1 NPPF Policy 174 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

6.8.2 London Plan Policy G6 Part D advises that “Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.” Policy G5 of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design.

6.8.3 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats. Policy 73 requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of



visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

### *Trees*

- 6.8.4 Tree Preservation Order (TPO) 2683 was made in 2020 following an established threat to the significant trees lining the southern and eastern boundary.
- 6.8.5 It is noted that the previously refused application at this site (ref: 19/03208/OUT) failed to sufficiently demonstrate that the proposed development would be acceptable in terms of its impact on retained and TPO protected trees.
- 6.8.6 This current application is supported by an Arboricultural Method Statement and Tree Protection Plan prepared by Adonis Ecology (dated 22<sup>nd</sup> March 2022) that sets out a method statement.
- 6.8.7 The Council's Tree Officer has advised that the revisions to the layout, alleviate the concerns raised previously, as there is sufficient space to accommodate the proposals and secure protection to protected trees on the periphery of the site. A condition requiring the development to be implemented in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan would be required on any approval of planning permission.
- 6.8.8 A detailed landscaping scheme is also an important part of this site. This can also be secured by way of an appropriate condition on any approval.

### *Biodiversity – Protected Species*

- 6.8.9 It is noted that the previously refused application at this site (ref: 19/03208/OUT) failed to sufficiently demonstrate that the proposed development would not have an adverse effect on protected and/or Section 41 species<sup>1</sup>.
- 6.8.10 The application is accompanied by a number of ecological documents prepared by Adonis Ecology;
- Preliminary Ecological Appraisal (PEA) (17<sup>th</sup> June 2019)
  - Botanical Survey Report (10<sup>th</sup> November 2020)
  - Invertebrate Survey and Mitigation Strategy (6<sup>th</sup> November 2020)
  - Reptile Survey and Mitigation Strategy (17<sup>th</sup> March 2022)
  - Letter from Adonis Ecology relating to bats (17<sup>th</sup> March 2022)
  - Addendum to PEA (30<sup>th</sup> June 2022)

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<sup>1</sup> List of habitats and species of principal importance in England as identified by Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act.

6.8.11 The above documents have been reviewed by the Land Use Consultants Ltd (LUC) on behalf of the Council who have confirmed that the survey reports have been undertaken appropriately and are consistent with the relevant guidelines. The PEA Addendum also addresses that an additional survey was required due to the time lapse since the original PEA was undertaken and is considered to contain sufficient information regarding any changes to the site since the previous survey, alongside the provision of an updated assessment of the ecological value of the site.

### Bats

6.8.12 During the PEA, a Ground Level Assessment of trees on site was undertaken in relation to roosting bats with the majority of trees considered to lack potential roost features. Clarification with regards to bats has been provided by Adonis Ecology (Letter dated 17<sup>th</sup> March 2022) which states that trees with bat roost potential are to be avoided during construction and this avoidance includes a buffer of the vegetation surrounding the trees (to account for root protection areas). Furthermore, no access or additional lighting is proposed within this buffer, enabling a dark corridor to benefit roosting and commuting/foraging bats.

6.8.13 The PEA includes the following mitigation measures;

*“Following any assessment of trees to be removed for bats ... any trees considered to have no more than a low potential to support roosting bats should be soft felled. Soft felling should consist of the tree being cut in sections, making sure that cuts go either side of any cavities in the trees, with each section to be gently lowered to the ground. The sections should be examined for bats by a bat licensed ecologist who should oversee the felling. This should take place in the spring (mid-March to end of April), after the young are weaned and independent, or autumn (September to late October), before hibernation occurs.*

*To prevent any risk of disturbance to bats that may roost in trees either on site or off site, sensitive lighting of the site should be used as outlined below, both during and post-development:*

- *minimise security lighting so far as possible;*
- *avoid any lighting of mature trees, hedgerows, scrub and other vegetated habitat, either on or off site;*
- *lighting on site should be restricted to low-level lighting, or should be fitted with hoods or directional lighting to minimise overall lighting and avoid light directed at the sky, or any vegetated features;*
- *have lighting on as short a timer as possible so that lights are turned off when not in use.*

*Further, it is recommended that where possible, warm spectrum LED lights (less than 3000K) are used, as LED bulbs produce the least amount of UV light possible (Gaston et al., 2012). Correlated Colour Temperatures in the ‘warm’ range are considered to have a low relative attractiveness for insects compared to white lights (Eisenbeis, 2009) and are thought to have a lower*

*impact on light sensitive bat species (Stone, 2013). The brightness of the lamps should also be kept as low as feasibly possible and lighting should be kept at as low a height level as possible. This should reduce the attraction effects of the lighting on insects and reduce the effects of the lighting on bats (ILE/BCT, 2009).*

*It is also recommended that the works should not take place between sunset and sunrise between April and September (the main season of bat activity), and any security or spot lighting required should be kept to a minimum, and where possible be placed on a short timer to reduce the extent of lighting on site during development.”*

- 6.8.14 It is considered that the above mitigation measures should be made conditions on any approval, to be reviewed and approved by an ecologist and the LPA.

#### Reptiles

- 6.8.15 Low populations of common reptile species were recorded during the reptile survey, and it is acknowledged that without mitigation, the proposed development would result in a very low risk of impact to the local grass snake population via direct loss of suitable habitat alongside a moderate risk of killing and/or injuring individuals. The reptile mitigation strategy, as described in the Reptile Survey and Mitigation Strategy report, contains relevant details on receptor site creation, exclusion strategy alongside directions for site clearance activities and avoidance measures.
- 6.8.16 LUC have advised that they consider these robust for ensuring viability of the local reptile populations and ensuring connectivity within the proposed development, and that these measures should be secured as conditions of planning on any approval, to be discharged in an Ecological Management Plan (EMP).

#### Botany – notable species and Schedule 9 Invasive non-native species

- 6.8.17 No legally protected or Section 41 species were recorded on site during the botanical survey, with just one notable species recorded in one location. Significant areas of Japanese knotweed were recorded throughout the site, with occurrences of other London Invasive Species Initiative (LISI) also recorded.
- 6.8.18 The following mitigation measures were included within the Botanical Survey Report (Adonis Ecology);

*“In the event that impact to the area of short grassland containing the heath speedwell cannot be avoided, the topsoil should be scraped from this area prior to re-profiling, and should then be retained on site, in an area where it will not be impacted by further works. The soil should be re-placed as topsoil in an area intended as open or partly shaded grassland, ideally within a*

*similar location of the site, in order to retain the seed bank on site. The soil should not be placed in an area which will be frequently mown.*

*To avoid any risk of causing Japanese knotweed to spread in the wild, no works should be undertaken in close proximity to this plant (within 8m to ensure no risk) prior to it being eradicated from the site. Locations where this species was found are shown on Figure 1 in Appendix 1, but it was considered further plants could occur within dense scrub areas of the site which could not be accessed. It may be necessary to reduce/remove some dense vegetation to check other areas for Japanese knotweed prior to the eradication programme commencing. Any such works should only be undertaken in accordance with the recommendations of the PEA (Adonis Ecology, 2019), reptile (Adonis Ecology, 20201) and invertebrate (Adonis Ecology, 20202) reports for the site and should be undertaken with considerable care to ensure no Japanese knotweed is inadvertently cut during the works.*

*The removal or treatment of Japanese knotweed from/on a site should be undertaken only by a specialist Japanese knotweed removal company, with the site to be confirmed as clear of Japanese knotweed prior to works close to these areas commencing, and with any plants and associated soil that may be removed from the site to be disposed of as hazardous waste.*

*As outlined above, variegated yellow archangel is not as invasive as Japanese knotweed but should still be removed and disposed of as hazardous waste, or should be disposed of on site.*

*It is recommended that, where possible, site clearance be undertaken in line with the Good Practice Bio-Security Guidelines set out by the London Invasive Species Initiative (LISI). The main points of this guidance are to follow the check, clean and dry method as follows: • CHECK your equipment and clothing for live organisms, particularly in areas that are damp or hard to inspect. • CLEAN and wash all equipment, footwear and clothing thoroughly. • DRY all equipment and clothing.”*

- 6.8.19 LUC have confirmed that the above mitigation measures that have been proposed regarding the notable species and invasive non-native species are considered to be consistent with standard practice and that they welcome the acknowledgement of works to determine specific locations of Japanese knotweed be undertaken sensitively with regard to reptiles and invertebrates. A biosecurity plan is recommended to be included as a condition of planning on any approval, set out and discharged within a project Construction Environmental Management Plan (CEMP).

#### *Invertebrates*

- 6.8.20 A relatively high number of invertebrate species were recorded within the site boundaries, with surveys undertaken across three separate months to ensure the data collected was representative of summer assemblages. No statutory protected invertebrate species were recorded, however one

Section 41 species, eight species of conservation importance and four species of provisional conservation significance were recorded.

- 6.8.21 LUC have advised that the mitigation measures proposed within the Invertebrate Survey and Mitigation Strategy report are thought to be robust and in line with standard practice. These include the provision of similar habitats for invertebrate species (i.e. green roofs) in accordance with standards provided by Buglife<sup>2</sup>. It is advised that a condition requiring the species and composition of the green , to be reviewed by an ecologist, be placed on any approval to ensure compliance with the report, as well as approved by the council prior to finalising the design.

Additional species

- 6.8.22 LUC have advised that the mitigation measures proposed for badger, Hazel dormice, nesting birds and Section 41 species is suitable and in line with common practice and proportional to the level of impact taking into account landscape and setting.
- 6.8.23 The following mitigation measures were included within the Preliminary Ecological Appraisal (Adonis Ecology);

*“To prevent risk of harm to hedgehogs and common toads, any clearance of tree/scrub areas should be undertaken with care, using light machinery and not by pulling/dragging or digging out the vegetation with a digger. This clearance should avoid the period when hedgehogs have young (June to mid-August) as they are highly likely to abandon young if disturbed.*

*Grassland clearance should be undertaken in two stages, the first being a cut to approximately 10cm in height. This could be undertaken at any time of year. The grassland should then be strimmed to ground level during the common toad (and reptile) active season, taken to be March to mid-October.*

*If any hedgehogs or common toads are found during the works, they should be picked up using sturdy gloves and be moved to a nearby hedgerow or area of scrub that is not being impacted, out of harm’s way, and be allowed to make their own escape to safety. If a hedgehog is found with young, the hedgehog and young must be moved together to a place of safety.*

*During any site clearance works, if any large buried stumps or significant buried deadwood is found, it should be dug out of the ground using a large digger bucket, and should be placed back in the ground in another area of the site that is not being impacted by the proposed works. As much soil as possible should be retained around the stump/wood.*

*To prevent risk of harm to badgers, as well as any other small animals that may occasionally be present on the site, the following general precautions should be undertaken:*

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<sup>2</sup> Buglife (2019). Creating Green Roofs for Invertebrates: A Best Practice Guide. Buglife, Peterborough.

- *any trenches or holes which will be left overnight should either be fully covered, or have a wooden plank placed in them in such a way that any wildlife that falls in can climb out safely. Alternatively, one end of the trench should be sloped or stepped to allow animals to climb out;*
- *materials brought to the site for the construction works should be kept off the ground on pallets, so as to prevent small animals seeking refuge within them and coming into harm's way;*
- *rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge, and thus coming into harm's way."*

#### *Summary – Protected Species*

6.8.24 As stated above, LUC have recommended that the mitigation measures within the accompanying ecological reports are captured within the appropriate project management plans (i.e. EMP, CEMP) to be approved and discharged by an ecologist and LPA. In addition, any plans relating to sensitive lighting approaches and plans for provisions for protected species (i.e. bird and bat boxes), should also be submitted via condition on any approval; to include the specific measures with regard to bats in the letter dated 17<sup>th</sup> March 2022 (Adonis Ecology).

6.8.25 LUC have concluded that support could be given to the outline planning application, provided that the proposed mitigation measures are made conditions of planning.

#### Biodiversity Net Gain (BNG)

6.8.26 The application is accompanied by a Biodiversity Net Gain Assessment (20.01.23) prepared by Adonis Ecology and supporting Biodiversity Metric 3.0.

6.8.27 The use of Metric version 3.0 is accepted in light of the work already done, and therefore it is accepted that the newer version of the Metric is not required in this instance. However, there are a number of discrepancies within the metric provided;

- The stated baseline habitat units is 9.19 and this is considerably more than the previous baseline of 6.69. The explanation for this in the BNG Report is not detailed and states at paragraph 2.1.3 that the site condition was largely similar to the survey 3 years previous. Some increase in scrub was recorded, and the Metric outlines that there is an increase in 'other woodland' and 'ruderal vegetation' recorded on the second survey and this appears to account for the higher baseline score.
- The Metric file seems to have disabled macros, making it difficult to access certain information. The detailed results tab is missing, along with all other tabs after 'hedgerow creation'. It is unclear how the measuring software used has created this discrepancy. However, an overprovision of site area created would skew the results positively.

- 6.8.28 Notwithstanding the above, the BNG report sets out the breakdowns for the retained and created habitat along with the changes in condition to be achieved for the enhanced habitat and collectively the proposals will create a significant gain of 64.26% with a hedgerow gain also recorded.
- 6.8.29 The information provided has demonstrated that a biodiversity net gain is achievable at the site. However, the submission of supporting information to clarify the discrepancies outlined above would be required as part of any reserved matters application should the application be granted.

#### *Urban Greening*

- 6.8.30 Policy G5 of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 6.8.31 The application is accompanied by an Urban Greening Factor site plan (drawing no. E391/OP/0-90 r2) and Urban Greening Factor Calculation which demonstrates that the proposal would achieve an Urban Greening Factor of 0.91 which exceeds the minimum 0.4 recommendation outlined within Policy G5 for a residential development.
- 6.8.32 If the application is considered acceptable, a condition requiring full details of the Urban Greening including species details where relevant would be necessary in conjunction with a detailed landscaping scheme as part of a reserved matters application.

### **6.9 Energy and Sustainability - Acceptable**

- 6.9.1 Carbon reduction should be considered at the beginning of the process, as integral to the design. Policy SI 2 'Minimising greenhouse gas emissions' of the London Plan states that:
- A Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
  - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
  - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
  - 4) be seen: monitor, verify and report on energy performance.
- B Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

- C A minimum on-site reduction of at least 35 per cent beyond Building Regulations<sup>152</sup> is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
  - 2) off-site provided that an alternative proposal is identified, and delivery is certain.

### *Energy Strategy*

- 6.9.2 The application is accompanied by an Energy Assessment prepared by Fenton Energy (14<sup>th</sup> March 2022). The applicant's energy strategy envisages the scheme being net-zero carbon and carbon negative. This would be achieved through energy efficiency measures which would achieve a 23% reduction in CO<sub>2</sub> emissions, which exceeds the minimum requirement of 10%. Air Source Heat Pumps combined with PV panels on roofs and car ports, would add an 89.86% reduction in CO<sub>2</sub> emissions. Together this results in a saving of 74 tonnes of carbon dioxide per year. The overall saving on CO<sub>2</sub> over and above Building Regulations would therefore be 113%.
- 6.9.3 The proposed energy strategy would accord with the requirements of Policy SI 2 at this stage. However, should planning permission be granted, further information would be required as part of a reserved matters application which would include details of the siting of the PV panels and heat pumps. This would be required by way of a condition on any approval.
- 6.9.4 As the proposal is to achieve "zero carbon" on site, no carbon off-setting payment would be due.

### *Whole Life-Cycle Carbon and Circular Economy*

- 6.9.5 The applicant has provided a Circular Economy Statement prepared by Esatto Design Architecture (2022) and has completed the GLA's Whole Life Carbon Assessment spreadsheet. The information provided at this stage is at a high level, given the outline nature of the application.
- 6.9.6 If approved, any subsequent application for reserved matters will require a WLC assessment in accordance with the planning application submission requirements.
- 6.9.7 Any approval of planning permission would also require a condition securing the submission of a Circular Economy statement with each reserved matters application, which should review and address the information provided at outline stage and update any default values used as far as possible.



## **6.10 Archaeology - Acceptable**

6.9.1 The planning application lies in an area of archaeological interest. The Historic England Archaeology Adviser has advised that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using planning condition requiring an approval of a written scheme of investigation (WSI) before works commence on site. They have also advised that without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 205.

## **6.11 Drainage and Flooding – Acceptable**

6.11.1 Policy 116 of the Bromley Local Plan (2019) states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible. This is supported by Policy SI 13 (Sustainable Drainage) of the London Plan (2021).

6.11.2 The site lies within Flood Zone 1 with a low risk of flooding. The application is supported by a Flood Risk and SuDS Assessment prepared by Herrington Consulting Ltd (March 2022). This concludes that the most viable solution for managing all of the surface water runoff discharged from the proposed development will be to discharge surface water runoff into the underlying geology, relying on infiltration based SuDS, including; green roofs, water butts, geocellular soakaways, and permeable surfacing systems.

6.11.3 The Council's Drainage Officer and Thames Water have raised no objections to the proposed development subject to informatives and a condition requiring the submission of the detailed design measures as stated within the submitted Flood Risk & Sustainable Drainage Assessment to be imposed on any approval.

## **6.12 Environmental Health - Acceptable**

### *Noise*

6.12.1 London Plan Policy D14 states that development should manage noise to improve health and quality of life by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles.

6.12.2 Local Plan policy 119 states that new noise sensitive development should be located away from existing noise emitting uses unless it can be demonstrated that satisfactory living and working standards can be achieved

and that there will be no adverse impacts on the continued operation of the existing use.

- 6.12.3 The site is located adjacent to the A20 dual carriageway, a busy high speed dual carriageway road with fast moving traffic including heavy goods vehicles, which generates relatively persistent and continuous road based noise.
- 6.12.4 The application is accompanied by a Noise Impact Assessment (NIA) prepared by Acoustics Plus (06/04/2022). The NIA indicates that the external average noise levels within the area of the site in which housing is proposed would range between 68dBA to the north of the site and 62dBA towards the south. Therefore, specific mitigation would be required to make the residential homes compliant with internal noise levels set out in British Standards in terms of building fabric, sound insulation and glazing, alongside appropriate measures in terms of ventilation to address overheating during the summer when windows may need to be closed in order to achieve the required internal noise levels. Mechanical ventilation is therefore proposed.
- 6.12.5 London Plan cooling hierarchy in Policy SI 4 identifies active cooling as the lowest priority. Therefore, active cooling as a means to addressing acoustic issues, i.e. if opening windows causes noise issues, should not be relied on for ventilation.
- 6.12.6 The NPPG (Para 006 Reference ID: 30-006-20190722) also says that when considering noise (particularly night time noise) relevant factors to consider are whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions).
- 6.12.7 The design and layout of new development should ensure that noise sensitive areas and rooms are located away from parts of the site most exposed to noise wherever practicable.
- 6.12.8 It is recognised that the application seeks outline permission with all matters reserved except access, as such the layout and appearance proposed is illustrative at this stage. Notwithstanding this, the area identified to be PDL lies to the north of the site, adjacent to the A20, and as such the overall layout of development on the site is somewhat confined.
- 6.12.9 Furthermore, the outside spaces in terms of the amenity green and gardens are unlikely to meet the World Health Organisation guideline of 55 dB. It is noted that page 28 of the Design and Access Statement shows in outline the presence of an acoustic barrier between the A20 and the residential development to help mitigate the existing noise levels.
- 6.12.10 In the light of the above, and given the application seeks outline permission with all matters reserved except access, the Council's Environmental Health Officer has advised that the design of the site layout and the dwellings

should ensure that internal noise levels can be achieved with open windows in as many properties as possible to demonstrate good acoustic design, and where it is not possible to meet internal target levels with windows open, façade openings used to provide whole dwelling ventilation (e.g., trickle ventilators, MVHR, mechanical ventilation) should be assessed in the 'open' position and, in this scenario, the internal LAeq and LAmix levels should not be exceeded.

- 6.12.11 An acoustic assessment would therefore be required, by way of a condition on any approval, which would include a full scheme of mitigation, as necessary in light of the results of the assessment, (covering façade, glazing and ventilation specifications) to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmix (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided.
- 6.12.12 Air source heat pumps are also proposed as part of the development and therefore a condition relating to the MCS 020 Planning Standard for Air Source Heat Pumps assessment would be required on any approval to ensure that it either meets the noise criteria set out within this assessment, or that anti-vibration mounts and other noise attenuation measures will be provided as necessary.

#### *Air Quality*

- 6.12.13 Policy SI 1 of the London Plan states that London's air quality should be significantly improved and exposure to poor air quality should be reduced, especially for vulnerable people. Policy SI 1 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution. More specifically it requires all developments to be Air Quality Neutral, as a minimum. The London Plan Air Quality Neutral LPG provides further guidance and advises that this relates to both building and transport emissions.
- 6.12.14 The application is accompanied by an Air Quality Assessment (AQA) (March 2022) prepared by Stroma.
- 6.12.15 The Council's Environmental Health Officer has advised that the AQA shows the development is Air Quality Neutral and also mentions developing a dust management plan. Therefore, the submission of a full Dust Management Plan (DMP) would be required by way of a condition should the application be approved.
- 6.12.16 The GLA's Stage 1 Report advises that *'the proposed development would generate daily vehicle trips which would generate emissions and would therefore contribute towards air pollution to some extent given the car orientated nature of the development'*.

6.12.17 The applicant's AQA utilises a daily trip rate of 36; although the basis of this is unclear. In addition, as stated within the Transport section above, TfL and the Council's Highways Officers have queried the trip generation calculations within the Transport Assessment given the relatively rare 'edge of London' site with specific access issues. As such, as highlighted by the GLA Stage 1 Report, the anticipated vehicle trips and resultant emissions are likely to be greater given the heavy reliance on cars and as such it is unclear whether the proposals would comply fully with London Plan Policy SI 1, and mitigation may be needed to ensure compliance with the air quality neutral standard.

6.12.18 No further information was submitted by the applicant to specifically address the above and should planning permission be granted, this would need to be addressed prior to Stage 2 referral to the GLA.

#### *Contamination*

6.12.19 The application is accompanied by a Phase 1 Desk Study Report (July 2019) and Phase 2 Ground Investigation Report (July 2019) both prepared by ground&water.

6.12.20 The Phase 2 Ground Investigation Report provided an indicative remediation strategy, described within Section 8 of the report, based on the data obtained to date. However, further sampling was stated as being required to decrease uncertainty and increase sampling density.

6.12.21 The Phase 2 Report made the following comments and recommendations:

- Lead and asbestos detected within the Made Ground were not considered a significant risk; However, remediation was considered necessary across all soft landscaped areas due to a significant site wide human health risk for PAHs.
- For soft landscaped areas, the BRE Cover Systems was recommended to be implemented with a 530mm capping of clean Topsoil/Sub-soil based on current data, although an actual cover thickness would need to be calculated once a source of imported Topsoil was known with available chemical results certificates. It was recommended that the BRE Cover System should include a capping of at least 150mm of BS3882 compliant Topsoil as a growing medium.
- Asbestos Management Strategy should be put in place to ensure that this and any other potentially asbestos containing materials are identified and removed from site in a suitable manner to prevent cross-contamination.
- The conceptual site model was amended from the one presented in the Phase 1 report (desk study), where no significant site-wide deep Made Ground was encountered after exploration and chemical testing revealed low levels of soil organic matter, and no shallow groundwater, the site was therefore unlikely to be at risk from significant ground-gas emissions.
- A landfill assessment has been undertaken as part of the desk study, which states that these off-site sources pose a moderate risk of ground-gas. Ground-gas monitoring should be undertaken to classify the risk of ground-gas.

6.12.22 The Council's Environmental Health Officer has advised that the original sampling has limited locations, so additional sampling is required for chemical soil analysis as well as for ground gas monitoring. It should also be that the sampling regime was based on a different layout plan to that proposed.

6.12.23 The proposed remediation strategy is to use a BRE Cover System and it should be noted that if capillary rise is a concern, a capillary break layer should be incorporated into the cover system. The report states that the 'site investigations were conducted during May 2019, when groundwater levels should be falling from their annual maximum (highest elevation). The long-term groundwater elevation might increase at some time in the future due to seasonal fluctuation in weather conditions. Isolated pockets of groundwater may be perched within any Made Ground found at other locations around the site.' It is also understood that the BRE cover system is not appropriate where there is a slope with a gradient in excess of one in 12.

6.12.24 Given the topography of the site, there is concern as to whether the cover system will be placed in areas where this gradient is exceeded. It is therefore unclear as to whether the indicative proposed system will be appropriate given the reasons above and that some form of capillary layer and or engineered cover system would be more appropriate.

6.12.25 On the basis of the above, the Council's Environmental Health Officer has advised that in an event of granting planning permission a revised Ground Investigation report, along with a finalised Remediation Strategy will be required before works can commence on-site. Accordingly, a land contamination assessment condition (parts B – F) would need to be attached to any approval to prevent harm to human health and pollution of the environment.

## **6.13 Planning Obligations and CIL**

### *CIL*

6.13.1 The Mayor of London's CIL and Bromley's Local CIL are both a material consideration. CIL is payable on this application and the applicant has submitted the relevant form.

### *Planning Obligations (Heads of terms)*

6.13.2 The following planning obligations will need to be secured as part of an S106 legal agreement should permission be granted:

- Affordable Housing 35% (60:40 affordable rent/intermediate housing split based on 40 units) – eligible for Fast Track
- Early stage review mechanism
- Be Seen Energy Monitoring
- Monitoring fee

- 6.13.3 The applicant would also be required to pay the Council's legal fees in relation to the completion of the legal agreement.
- 6.13.4 These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 6.13.5 The applicant has not confirmed the above planning obligations nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is recommended.

## **7 CONCLUSION**

- 7.1 The proposal, due to its context and the indicative scale and layout of the proposed scheme, would result in substantial harm to the openness of the Green Belt, as is referred to in paragraph 149(g) of the NPPF. It would lead to a permanent, urbanising effect which would undermine the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open. The proposal therefore comprises inappropriate development within the Green Belt for which no very special circumstances have been demonstrated by the applicant. The benefits of the application, in terms of the supply of housing (including affordable housing) are acknowledged, however, this would not outweigh the harm to the Green Belt.
- 7.2 The site is not in a sustainable location, the current lack of footways and the conditions in Sandy Lane are not conducive to walking or cycling and mean that the vast majority of the trips from the site would likely to be by private modes of transport. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions outlined within Policy T1 and SI 1 of the London Plan.
- 7.3 The application would also be contrary to the inclusive neighbourhood approach set out in Policy D5 of the London Plan which seeks to ensure that people are able to easily access services, facilities and amenities that are relevant to them and enable them to safely and easily move around by active travel modes through high-quality, people-focused spaces, while enjoying barrier-free access to surrounding areas. Even if the proposed pedestrian footway was delivered, the nearest services, facilities and amenities would be beyond reasonable walking distance and, given the distance from the site to local bus stops and rail stations, the scheme would fail to provide a genuine choice of transport modes, and would promote residential development that is excessively reliant on the use of cars, thereby resulting in environmental harm.
- 7.4 The applicant has not confirmed the required planning obligations, as stated within Section 6.13 nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is also recommended.

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

**RECOMMENDATION: Application be Refused**

**For the following reasons;**

- 1. The proposal would cause substantial harm to the openness of the Green Belt and the purposes of including land within it and is considered to constitute inappropriate development for which no very special circumstances have been provided to outweigh the harm to the Green Belt and any other harm. The proposal is thereby contrary to Policy 49 of the Bromley Local Plan (2019), Policy G2 of the London Plan (2021) and the provisions of the National Planning Policy Framework (2021) (Paragraphs 137-138, and 147 – 149).**
- 2. The proposal would, due to its location in an area with a low PTAL rating and poor accessibility, result in residential development that is excessively dependent on the use of private car and fails to provide inclusive neighbourhoods which allow people to safely and easily move around by active travel modes. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, thereby contrary to Policies 31 or 33 of the Bromley Local Plan (2019), Policies T1, D5 and SI 1 of the London Plan (2021) and the NPPF (2021).**
- 3. An acceptable planning obligation for provision of the affordable housing, affordable housing viability reviews, 'Be seen' Energy monitoring, and the payment of carbon off-set contributions and monitoring and legal costs has not been entered into. The application is thereby contrary to Policy 125 of the Bromley Local Plan (2019), Policy DF1 of the London Plan (2021), and Bromley Planning Obligation Supplementary Planning Document (June 2022).**

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# Agenda Item 6

<b>Committee Date</b>	18 <sup>th</sup> April 2023	
<b>Address</b>	306 - 310 Court Road Orpington BR6 9DA	
<b>Application number</b>	22/04417/FULL1	<b>Officer: Jessica Lai</b>
<b>Ward</b>	Orpington	
<b>Proposal (Summary)</b>	Demolition of existing buildings and structures at No. 306 to 312 Court Road, erection of a 72-bed care home (Use Class Order Class C2) with associated car parking, landscaping and access (Revised description).	
<b>Applicant</b>	<b>Agent</b>	
NL Care Ltd	Mr Douglas Bond Woolf Bond Planning	
<b>Reason for referral to committee</b>	Major Development	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	<b>PERMISSION SUBJECT TO LEGAL AGREEMENT</b>
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<b>Biggin Hill Safeguarding Area</b> <b>London City Airport Safeguarding</b> <b>Smoke Control</b> <b>Area of Open Space Deficiency</b>
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<b>Existing and proposed use and floor area</b>			
<b>Use</b>	<b>Existing</b>	<b>Proposed</b>	<b>Difference (+ or -)</b>
Car showroom, garage, and car hire	1, 384sq.m	N/A	-1, 384sq.m
Care Home	N/A	3,813sq.m	+ 3,813sq.m
<b>TOTAL</b>			<b>+ 2, 429sq.m</b>

<b>Electric Vehicle charging point</b>	14 active and 20 passive (41% active and 59% passive)
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<b>Vehicle parking</b>	<b>Existing number of spaces</b>	<b>Total proposed including spaces retained</b>	<b>Difference in spaces (+ or -)</b>
Standard car spaces	38	32	-4 including disabled parking spaces
Disabled car spaces	None	2	+2
Ambulance	None	1	+ 1
Cycle	None	10	+ 10

<b>Representation summary</b>	Neighbour letters were sent on 1 <sup>st</sup> March 2022. Site notice was placed by the applicant on 7 <sup>th</sup> February 2023. The application was also advertised in the press in the News Shopper. A further 21 days consultation and site notices were placed on the 13 <sup>th</sup> of March 2023.
Total number of responses	3
Number in comment	1
Number of objections	2

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Carbon offset	£ 222,317	YES
Health	£ 87,482	YES
Be Seen Measures	TBC	TBC
Obligation monitoring fee	£1, 000 (£500 per Head of Term)	TBC
Cost of Legal undertaking	TBC	TBC
<b>Total</b>	<b>£310, 799</b>	

## **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle to redevelop the site to provide a 72-bed residential, nursing and dementia care home (Class C2) to meet the growing need in the Borough is supported. The proposal would also contribute to the Council's 5-year housing supply and substantial weight should be afforded in considering the merits of this proposal.
- The proposed use, siting, scale and massing of the proposed building would be compatible to its surrounding without causing adverse impact on the neighbouring properties. The proposal is supported by a detail and fully landscaped plan. This proposal would positively improve the built and natural environments when compared with the existing conditions of this site.
- Whilst the proposal would result in the loss of a car showroom, car hire and garage at this location, the proposal would introduce an alternative type of employment at this site providing 63 jobs and would not be in conflict with the employment policies of the Development Plan.
- The applicant is in the process of relocating the business in a more suitable premises within the same catchment area and it is intended to transfer all current jobs to the new site.
- A total of 34 parking spaces would be provided for staff and visitors. A car park management plan to manage the parking demand would be secured by a planning condition. The development is considered acceptable from a sustainability, air quality and environmental perspective.
- Having considered the benefits and harm arising from the proposal and in the absence of a 5-year housing land supply, it is considered that planning permission should be granted as the presumption in favour of sustainable development is applied..

### **1. LOCATION**

- 1.1 The application site (No. 306 to No. 312 Court Road) is located on the western side of Court Road (Orpington By Pass A224) and measures approximately 0.36 hectares. The site comprises of a car show room (Volvo Parkside) building with the ancillary car park to the front, a garage building to the rear providing car repair and MOT services and a car rental unit at No.312 Court Road.
- 1.2 The site is surrounded by domestic residential properties to the north on Court Road and Goddington Lane. To the rear of the site are mainly houses on Charterhouse Road and Abbey Close. No. 314 to No.316

Court Road are two retail units on the ground floor with residential flats on the upper floors.

- 1.3 The buildings between No 312 and 330(e) Court Road are designated as neighbourhood parades in the Bromley Local Plan. The site is located within the Cray Valley, St Paul's Cray and St Mary Cray Renewal Area. Goddington Park is designated as a site of nature conservation importance in the Bromley Local Plan.
- 1.4 The site is located in Flood Zone 1 and is subjected to a low risk of surface water flooding, as defined by the Environment Agency. There are no river or water bodies identified in the area. There are no trees subject to any tree preservation orders at this site.
- 1.5 The public transport accessibility of the site (PTAL) is rated at 1b, on a scale between 0 to 6b where 0 is worst and 6b is best. There are bus stops located on Charterhouse Road and Court Road, approximately 90 metres and 95 metres respectively from the application site (Route Number 654 and R7).
- 1.6 The site is not located in a conservation area and there are no listed buildings in the vicinity. There are no trees located within the site.



Figure 1: Site Location Plan (Left)

Figure 2: Aerial photo (right)

## 2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of the existing buildings at No, 306 to No. 312 Court Road, erection of a part two and part three storey building to provide a 72 bed private residential, dementia and nursing care home (Use Class Order Class C2).
- 2.2 The Planning Statement indicates the occupants would be generally 65 years or over whom require a level of care. A total of 63 jobs would be created on this site, these range from managers, admin staff, receptionists, maintenance staff and activities staff, kitchen staff, cleaning staff and laundry jobs. Two registered nurses, one senior care assistant and other care assistants would also be employed. The care

home will be registered to the Care Quality Commission. All employees will be attending the site on a shift basis.

- 2.3 A total of 34 off-street parking spaces including 2 disabled parking spaces will be provided for staff and visitors. A further ambulance space will be provided. The residents would not be driving or own a car. A total of 14 active electric vehicle charging points, 20 passive electric charging points and 10 cycle parking spaces would also be provided.
- 2.4 The courtyard to the front of the building and outdoor communal gardens would be fully landscaped with new trees. The proposal would also provide a range of on-site services to the future care home users such as hair dressing and chiropody services. An ancillary cinema, café and bar area, reception and office rooms would also be provided.
- 2.5 The internal layout indicates that the bedrooms would be located on ground, first and second floor. Each of the bedrooms would be provided with ensuite facilities / wet room. Each residential floor would be provided with a communal living room, communal dining room, nurse station, assisted bathrooms and wheelchair toilets. Internal lifts will be installed and accessible to each floor. The plant rooms, staff changing, storage and kitchen would be located in the basement.
- 2.6 The proposed sustainability measures would comprise of an air source heat pump, solar panels and a green roof measuring approximately 185sq.m. There are no trees located within the application site and no trees would be required to be removed as a result of this proposal.
- 2.7 The proposed garden would be landscaped with substantive planting to the front and rear of the proposed buildings.



Fig. 3. Computer generated image - Front elevation of proposed building

### 3. RELEVANT PLANNING HISTORY

- No. 306 to 310 Court Road

- 3.1 Full planning permission was granted for a canopy for covered valeting area on the 6<sup>th</sup> of May 2004 (ref: 04/01037/FULL1).
- 3.2 Certificate of lawful development (proposed) was granted for the provision of MOT Testing within existing garage on the 9<sup>th</sup> of October 2013 (ref: 13/02260/PLUD).
- 3.3 Full planning permission was granted for hard surfacing to provide car parking with landscaping at front of existing garage on the 8<sup>th</sup> of February 1988 (ref: 87/3743)
- 3.4 Full planning permission was granted for the use of land for a portable building – retrospective application on the 12<sup>th</sup> of September 1996 (ref: 96/1702)
- 3.5 Full planning permission was granted for the retention of 5 lighting columns and fixture – renewal of application ref: 96/0011 on the 12<sup>th</sup> of January 1998 (ref: 97/1689)
- 3.6 Full planning permission was granted for the erection of 6 infra-red security poles on the 16<sup>th</sup> of November 2000 (ref: 00/02655/FULL1).
- 3.7 Certificate of lawful development (proposed) was granted for the provision of MOT testing within the existing garage.

**N.B** There are a number of advertisement consent records determined at this site.

- No. 312 Court Road

- 3.8 Advertisement consent was granted for an internally illuminated fascia sign on the 26<sup>th</sup> of September 1996 (ref: 96/01746/ADVILL)
- 3.9 Advertisement consent was granted for the change of use of ground floor from retail to vehicle hire offices and use of hardstanding for parking and valeting of cars in connection to the proposed use on the 26<sup>th</sup> of September 1996 (ref: 96/1274).
- 3.10 Full planning permission was granted for the removal of condition 3 and condition 4 of associated to planning application ref 96/1274 related to the number of cars to be used in connection with the car hire business and the use of hardstanding at the front for customer parking on the 17<sup>th</sup> of January 1997 (ref: 96/2427).

- Adjacent properties at No. 314 to No. 316 Court Road

- 3.11 Full planning permission was granted for a two storey and first floor rear extension, second floor mansard roof extension, conversion and internal alterations of existing two first floor flats to create 5 self-contained flats at first and second floor level (3 additional units created) with alterations to shopfront to provide two new entrances to the upper floor flats, internal alterations to ground floor units and use of 7 parking to the front of the unit for the proposed flats on the 25<sup>th</sup> of May 2022 (ref: 22/01226/FULL1)



**Fig. 4. Approved plant at No. 314 to No, 316 Court Road - Front, side and rear elevation.**

- 3.12 Full planning permission was granted (No. 316 Court Road) for the internal alterations including combining two existing Class A1 units to form one ground floor enlarged retail shop (Class A1 use), new shop front to No. 314 Court Road with entrance and a new entrance door to provide access to the upper floors on the 27<sup>th</sup> of June 2019.
- 3.13 Full planning permission was granted (No. 314 Court Road) for the conversion of existing dwelling into 2 self-contained flats incorporating rear single storey extension and facade alteration to provide access at 314 Court Road Orpington on the 6<sup>th</sup> of September 2017 (ref: 17/02833/FULL6).
- 3.14 An advertisement consent was refused for an internally illuminated double side free standing display unit and the subsequent appeal was allowed on the 27<sup>th</sup> of May 2008 (ref: 07/03927/ADV).

#### **4. CONSULATION SUMMARY**

##### **a) Statutory**

##### **4.1 Highway – No objection**

The public transport accessibility of the site is low (rated at 1b). The submitted information indicates that the future residents of the proposed care home will not own or drive car. The proposal would provide an ambulance space, thirty-four (34) parking spaces including 2 disabled spaces and ten (10) cycle storage spaces.

- Parking standard

The transport statement indicates that there will be a slight reduction in vehicle trips with the proposed use. There are no specific parking standards for care homes in the London Plan. The car parking accumulation is estimated using TRICS data, giving a maximum of 28 spaces. The proposed 34 parking spaces would give a buffer. The proposed parking ratio is 0.47 spaces per bed. The parking area will be reconfigured, and various dropped kerbs will be required, and any redundant drop kerbs should be reinstated. The proposal will require drainage measures to ensure the surface water does not drain onto the highway. A car park management plan is submitted and is considered to be acceptable.

- Travel plan

An updated travel plan should be provided prior to occupation and the plan should be monitored in year 3 and year 5 after its first occupation.

- Cycle parking standard

Cycle parking is proposed in line with the London Plan

- Vehicular access and trip generations

A Stage 1 Road Safety Audit sets out a number of issues including Designers responses and is acceptable at application stage. Should planning permission be recommended, a Stage 2 and Stage 3 Road Safety report should be secured by planning conditions and provided at the appropriate time.

- Waste collection, servicing, and delivery

Paragraph 3.31 of the transport assessment indicates that the waste may be collected by the Council or a private collector. The bin storage area is more than 18m from the highway and will need to be agreed by the Council's waste services. A dropped kerb would be required.

- Construction management plan

A draft construction management plan (CMP) is submitted. Whilst there is no objection to the submitted document, a planning condition to secure a final CMP including the contact details of contractor should be provided.



#### 4.2 **Drainage (Lead Local Flood Authority) – No objection**

##### **b) Non-statutory**

#### 4.3 **Secured by design – No objection**

Should planning permission be forthcoming, a Secured by Design planning condition should be attached. The principles and details of the physical security requirements should be submitted and agreed prior to work commencing on site, the development shall achieve secured by design accreditation prior to occupation.

#### 4.4 **Environmental health – No objection**

- Construction Management Plan and Air quality assessment

The submitted details are considered to be acceptable at planning application stage. The recommended mitigation measures should be secured by way of a planning condition. Should planning permission be recommended, conditions should be attached to manage the size and noise from the construction related vehicles. Should there be any gas boiler, an updated air quality assessment would be required.

##### **- Land contamination – No objection**

The submitted phase 1 and phase 2 site investigations report, including the proposed remediation strategy are considered to be acceptable. Should planning permission be forthcoming, the radiation works as outline in the submitted report shall be carried in full. Any unexpected discovery of contamination, an appropriate remediation scheme should be assessed and agreed by the Council. A completion closure report should also be secured by planning conditions.

##### **- Noise – No objection**

The internal noise level of the bedrooms facing Court Road are likely to exceed the noise limit. An alternative ventilation strategy that considers overheating is therefore required and this can be secured by a planning condition and is preferred. Should planning permission be forthcoming, the details of external plant and an updated noise assessment should be secured by planning condition.

#### 4.5 **Adult care and social care – No objection**

The proposal would meet the growing need for a care home. The impact of this development on health should be mitigated by the applicant.

#### 4.6 **Thames Water – No objection**

##### - Waste Comments

The application indicates that surface water will NOT be discharged to the public network and as such Thames Water has no objection. However, approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point Thames water will need to review their position.

There may be public sewers crossing or close to the development. It is the applicant's responsibility to minimise any risk and damage to Thames Water assets. The proposal should not limit Thames Water's ability to carry out any repair, maintenance activities, or inhibit their ability to provide services in any other way. The applicant is advised to read our guide working near or diverting our pipes.

##### - Foul Water

Thames Water would advise that no objection is raised to foul water sewerage network infrastructure capacity. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

##### - Water Comments

Thames Water would advise that no objection is raised to water network infrastructure capacity. Thames Water aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. Thames Water recommend the following informative be attached to this planning permission:

"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".

- Ground water source protection zone

The proposed development is located within Source Protection Zone of a groundwater abstraction source. These zones are used for potable water sources for public water supply for which Thames Water has a statutory duty to protect. Should planning permission a condition should be attached.

- Surface Water network infrastructure

Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER network infrastructure to accommodate the needs of this development proposal. Should planning permission is recommended the following conditions should be attached:

1. All surface water network upgrades required to accommodate the additional flows from the development have been completed; or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. 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.”

#### 4.7 **NHS Care Commissioning Group (CCG)**

The CCG have advised that a health planning obligation of £87,482 towards the Primary and Community Healthcare provision.

#### **c) Adjoining Occupiers**

- 4.8 Two (2) letters of objection have been received and the grounds are summarised as follow:

1. Loss of privacy (addressed in Section 6.44 of this report)
  - The end window on the first and second floor would be facing the neighbouring properties causing invasion of privacy.
2. Impact on traffic and highway safety (addressed in Section 5 of this report)
3. Inadequate consultation (address in consultation section of this report)

- 4.9 One letter (1) of comment has been received and they have commented as follows (this is addressed in Section 6.3 and 6.4 of this report):

*“The design of the proposed has clearly been carefully considered and is considered to be a reasonable use for this site. I have no objection to this. However, I wish to point out that the adjacent dwellings and shops, including those directly behind the site will be considerably affected. The provision of garden is welcomed and is small for a 72 bed Care Home. The number of proposed bedrooms could be reduced to 60 and set away from the neighbouring houses on Abbey Close and Charterhouse Road”*

## **5. POLICIES AND GUIDANCE**

- 5.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).
- 5.2 National Planning Policy Guidance 2014 onwards (NPPG)
- 5.3 National Design Guidance 2019
- 5.4 National Planning Policy Framework (NPPF - adopted 2019)
- 5.5 The London Plan (March 2021)

The relevant policies are:

Policy SD8	Town centre network
Policy D1	London’s form, character, and capacity for growth
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivery good design
Policy D5	Inclusive design
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of change
Policy D14	Noise
Policy H1	Increasing Housing Supply
Policy H13	Specialist older persons housing
Policy G5	Urban greening
Policy G7	Trees and woodlands
Policy G9	Geodiversity
Policy SI-1	Improving air quality
Policy SI-2	Minimising greenhouse gas emission
Policy SI-3	Energy infrastructure
Policy SI-4	Managing heat risk
Policy SI-5	Water infrastructure
Policy SI-8	Waste capacity and net waste self- sufficiency
Policy SI-12	Flood risk management
Policy SI-13	Sustainable drainage
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling

Policy T6	Car parking
Policy T6.5	Non-residential disabled persons parking
Policy T7	Deliveries, servicing and construction
PolicyDF1	Delivery of the Plan and Planning Obligations

## 5.6 London Plan Guidance and Supplementary Planning Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Planning for Equality and Diversity in London SPG (2007)
- Character and Context SPG (2014)
- Fire Safety LPG (draft 2022)
- Urban greening factor LPG (2023)
- Air quality positive guidance (2023)
- Air quality neutral guidance (2023)
- Be Seen energy monitoring guidance (2021)
- Energy planning guidance (2022)
- The Control of Dust and Emissions During Construction and Demolition (2014)
- Sustainable Transport, Walking and Cycling LPG (2022)
- Shaping Neighbourhoods: Character and Context (2014)
- Practice Note on contaminated land

## 5.7 Bromley Local Plan 2019

The relevant policies are:

- Policy 1 Housing supply
- Policy 4 Housing Design
- Policy 11 Specialist and older people accommodation
- Policy 30 Parking
- Policy 31 Relieving congestion
- Policy 32 Road safety
- Policy 33 Access for all
- Policy 37 General design of development
- Policy 72 Protected species
- Policy 73 Development and trees
- Policy 79 Biodiversity and Access to Nature
- Policy 83 Non-designated employment land
- Policy 96 Neighbourhood local parades
- Policy 113 Waste Management in New Development
- Policy 115 Reducing Flood Risk
- Policy 116 Sustainable Urban Drainage Systems
- Policy 117 Water and Wastewater Infrastructure Capacity
- Policy 118 Contaminated Land
- Policy 119 Noise Pollution
- Policy 120 Air Quality
- Policy 122 Light Pollution
- Policy 123 Sustainable Design and Construction
- Policy 124 Carbon reduction, decentralised energy networks and renewable energy

- Policy 125 Delivery and Implementation of the Local Plan

## **Bromley Supplementary Guidance**

5.8 The relevant SPGs are:

- Planning Obligations (2022)
- SPG1 General Design Principles

## **6. ASSESSMENT**

### **6.1 Land Use – Acceptable**

- Loss of car showroom (Use Class Sui-Generis) and car hire business (Use Class Sui-Generis)

6.1.1 BLP Policy 83 (Non-Designated Employment Land) seeks to improve the quality and quantity of employment floor space outside of designated employment sites. Proposals containing Class B uses for alternative employment generation uses will normally be allowed provided that the amenity of any nearby residential areas is not detrimentally affected. Proposals for change of use of non-designated sites accommodating Class B uses to a non-employment generation use will be considered against the criteria (a to c).

6.1.2 The planning applications record indicates that the site (No.306 to No.310 Court Road) has been in use as a car showroom as a form of employment generating use in the past three decades. The existing car showroom use falls under the Use Class Order Class Sui Generis with an existing certificate of lawful development to introduce an ancillary MOT station, which was approved in the 1990s. Given that the MOT station is ancillary to the car showroom, it is considered that the established lawful use of this car show room site would fall under the same use class order (Class Sui Generis) and the requirement of BLP Policy 83 cannot be applied in this instance.

6.1.3 The proposed care home would generate 63 jobs, ranging from care home managers, registered nurses to maintenance, kitchen and cleaning staff. Given that the use of the site does not fall under Class B and the proposal would continue to provide job and employment, it is considered that the proposal would be acceptable and compatible to its surrounding uses and not be in conflict with BLP Policy 83.

6.1.4 The applicant has advised that there are anticipated changes in business environments, movement to the production of electric vehicles, changes to business operation and site requirements. This means the condition of this car showroom site is no longer commercially astute. The applicant is in the process of relocating the business in a more suitable premises within the same catchment area and it is intended to transfer all current jobs to the new site. Whilst the proposal would result in the loss of a car showroom,

the proposal would introduce an alternative type of employment at this site with an increased floor space from 1,384sq.m to 3,813sq.m floor space. As such, it is considered that the proposal would not have an adverse impact on jobs and employment at this particular location.

6.1.5 BLP Policy 96 (Neighbourhood Centres, Local Parades and individual Shops) states the council will require the retention of Class A1 shops. A change of use to non-A1 uses will only be considered if the use proposed contributes to the range of local services or the provision of local community facilities.

6.1.6 Planning application records indicates that the site at No.312 Court Road was occupied as a car hire business (Class Sui-Generis) since 1996 and there is no residential floor space on the first floor. The proposal would introduce a new care home in this local area. The proposal would neither result in the loss of a retail unit nor a loss of existing residential floor space. The Orpington Court Road local parade offers a good range of facilities ranging from retail, café, hot food takeaway, off-licence, barbers and petrol station. Given that there would be no loss of A1 retail uses as a result of the proposal and taking into account the current range of shops available along the same section of the road, it is considered that the proposal would not have an adverse impact on the shopping function of this local parade.

- Care home use (Class C2)

6.1.7 BLP Policy 11 (Specialist and Older Peoples Accommodation) states that the Council supports the provision of specialist housing across all tenures, where they are conveniently located for a range of local shops, services and public transport, appropriate to the mobility of the residents, and they provide appropriate parking and suitability landscaped amenity spaces.

6.1.8 The application site is surrounded by a mixture of residential and commercial uses. The site is located approximately 1,600 metres from Orpington Town Centre with a good level of local amenities located on Court Road and public transport connection to the Orpington Town Centre and Orpington Railway Station. The proposal would provide 34 off-street parking spaces for staff and visitors. The impact on parking is outlined in the highway section of this report.

6.1.9 Due to its location and its proposed use, it is considered that the proposal would not be incompatible with its surrounding uses. A good level of access to local amenities can be provided and would not be contrary to BLP Policy 11.

## **6.2 Housing – Acceptable**

- Current five-year housing supply position

- 6.2.1 There is a presumption in favour of sustainable development and in line with paragraph 11(d) of the NPPF, the absence of a 5-year Housing Land Supply means the Council should regard the Development Plan Policies for the supply of housing, including Policy 1 'Housing Supply' of the Bromley Local Plan, as being 'out of date'. For decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.2.2 The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2<sup>nd</sup> of November 2021 and acknowledged as a significant undersupply. For the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply. It is noted that the trajectory assumes the new London Plan target of 774 units per annum applies from FY 2020/21.
- 6.2.3 The Government has also published a Housing Delivery Test Measurement Rule Book in calculating the number of net additional dwellings, with adjustments for net student and net other communal accommodation which includes care homes. This is consistent with the London Plan (Policy H1 Paragraph 4.1.9) which states that all other net non-self-contained communal accommodation should be counted towards meeting housing targets on the basis of a 1.8:1 ratio, with one point eight bedrooms/units being counted as a single home.
- 6.2.4 Based on this established housing delivery test measurement rule, this proposal would contribute equivalent to 40 net additional housing units (72 bed/1.8) and substantial weight should be afforded in the planning balance.
- 6.2.5 Furthermore, the Council's Care Homes Market Position Statement published in 2020 states "*There were 4,370 (POPPI, 2019) people living in Bromley with dementia in 2017 and with the ageing population the incidence of dementia is set to rise by 752 people by 2025 and will increase by an additional 1,644 people by 2035*".
- 6.2.6 London Plan paragraph 4.13.13 states "*Dementia does not just affect older people; however, the total number of older people with dementia in London is forecast to rise from 73,825 in 2017 to 96,939 in 2029, an increase of 31 per cent. Methods of offering support for people with*



*dementia have improved in recent years, as have accommodation options. There is currently no clear evidence identifying the best method of provision of dementia care or accommodation, and it is likely that a range of solutions will continue to develop. Boroughs should consider the need for accommodation for people with dementia within specialist older persons housing developments*". Table 4.3 of the London Plan indicates an annual benchmark of 210 units for specialist older persons housing in Bromley between 2017- 2029.

- 6.2.7 The proposal would provide nursing, residential care and dementia care (Class C2) at an accessible location. It is considered that the proposal would assist to meet the growing demand in the borough and is acceptable at this location.

### **6.3 Design and Density**

- Form and layout

- 6.3.1 London Plan Policy D3 states all development must make the best use of land by following a design-led approach that optimise the capacity of the site and due consideration should be given to the form and layout, experience, quality, and character. This is in line with Bromley Local Plan Policy 37 which states new development will be expected to be of a high standard of design and layout and comply with the criteria a to criteria j.

- 6.3.2 The existing buildings would be demolished and replaced by a single building. The footprint of the building is designed with a "T" shape. The siting of the proposed layout is informed by the established pattern of development in the area and it has adequately taken into account the relationship between the application site and the adjoining properties. The front building line would be positioned approximately 4.5 metres from the pavement and would not be sited further to the road when compared with the adjoining properties. The siting and layout of the proposed building is designed to provide an active frontage, providing a good continuation of street scene along Court Road. It defines the private against the public spaces whilst providing private gardens and communal landscaped gardens.

- 6.3.3 The main entrance to the care home building would be facing Court Road and is located near to the disabled parking spaces and ambulance space. The internal layout of the building is designed to ensure each of the bedrooms would be provided with adequate outlook, and access to natural light creating an inclusive living environment and operational environment for the prospective occupiers, visitors and employees.

- 6.3.4 The introduction of new planting along the front boundary and arrangement of outdoor spaces would positively improve the appearance of the site when viewed from the road. Overall, it is considered that the proposed layout arrangement is considered to

respond appropriately to the site context and relationship with the surrounding properties.



**Fig 5. Proposed site layout**

- Height, scale and massing

6.3.5 The site is surrounded by a mixture of two and three storey residential and commercial properties. The proposed building would be part 2 / part 3 storey and is designed with a pitched roof with a maximum height that measures approximately 11.8 metres. The proposed building height including its roof profile design are considered to be compatible with surrounding buildings. The proposed front elevation would appear to be a two storey building with accommodation at roof level. The height of the proposed building would be reduced adjacent to the adjoining buildings to the north and south. As such, it is considered that the proposed building height and roof profile design would be acceptable at this location.

6.3.6 The proposed front building line would be staggered with part of the front walls stepping in from the road and a variation of ridge line when viewed from the road. These design elements would positively break down the bulk of the building and provide a greater vertical emphasis bringing a human scale to the frontage. The architectural language and style of the proposal is inspired by surrounding buildings. The proposed front elevation would present a good degree of symmetry. It is considered that the design of the proposal has taken into account its local context and relationship with the surrounding buildings.

6.3.7 Overall, it is considered that the design and appearance of the proposal would fit in well at this location. The scale and massing of the building is designed to maintain a comparable building height and style consistent with its surrounding area.



**Fig 6. Proposed front elevation**

- Material palette

6.3.8 The external materials of the proposed building would comprise of brown colour brick and dark brown clay hanging tiles (Brown /Buff Multi Bricks Stretches Bound and Flemish Bond). The proposed roof tile would be made of clay (Brown and dark brown in colour). The windows and doors would be made of white colour aluminium or timber. The proposed building would be decorated with reconstituted stone detailing. The architectural treatment and window arrangement of the buildings provides a good degree of coherent architectural identity, local distinctiveness and positively adds to the interest of the proposed building.

6.3.9 Overall, the proposed architectural approach is considered to be acceptable and would positively integrate with the surrounding area. Subject to the full specification and performance details of the proposed external materials including the windows and doors, which should be secured via condition, it is considered that the proposed material palette would be acceptable.

- Design out crime and lighting strategy

6.3.10 London Plan Policy D3 states that measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by Local Plan Policy 37(h) (General Design).

6.3.11 The Designing out Crime Officer has raised no objection to the proposal and recommends a planning condition be attached requiring the development to achieve the Secure by Design accreditation, should the permission be granted. In addition, details of external lighting should be submitted and secured by a planning condition.

- Fire Safety

6.3.12 London Plan Policy D12 states that in the interest of fire safety and to ensure the safety of all building users, all development proposals must

achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required.

6.3.13 A fire statement is submitted which demonstrates the proposed development has been designed to comply with the fire safety standard, including means of escape for the building users the residents and staff, alarm system and fire suppression system. It is considered that the submitted details are acceptable at planning application. New development is required to comply with Building Regulation.

#### **6.4 Impact on neighbouring amenities – Acceptable**

6.4.1 BLP Policy 37 (General Design and Development) criteria (e) states that the Council will expect all development to respect the amenity of occupiers of neighbouring buildings and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight privacy or by overshadowing.

- Adjoining properties - No. 304 and No.304A Court Road

6.4.2 The proposed bedroom windows on the north-west elevation would be located approximately 22.5 metres away from the neighbouring properties. No. 304 and 304A Court Road are maisonette flats with no main habitable room windows on the flank wall. Due to the siting of the proposed building, the distance between the proposed window to its boundary and relationship with the neighbouring properties, it is considered that the proposal would not have an adverse impact on the neighbouring residential amenities in terms of loss of sunlight, daylight, outlook or increased sense of enclosure.

- Adjoining properties – No. 314 and No. 316 Court Road

6.4.3 No.314 and No. 316 Court Road is a two storey building with residential accommodation on the first floor. Planning permission was granted for an additional floor to create additional residential units on the second floor (ref: 22/01226/FULL1; Dated 22<sup>nd</sup> May 2022). At the time of writing this report, the construction work was on-going. The approved plan indicates that there are no side windows that would be facing the application site. The proposed bedroom windows on the south elevation would also be located approximately 22.5 metres from its boundary. Due to the siting of the proposed building, the distance between the proposed window to its boundary and relationship with the neighbouring properties, it is considered that the proposal would not have an adverse impact on the neighbouring residential amenities in terms of loss of sunlight, daylight, outlook or increased sense of enclosure.

- Houses on Charterhouse Road

6.4.4 An objection is raised from 199 Charterhouse Road due to loss of privacy. The proposed bedroom windows on the rear and side elevations

facing the houses on Charterhouse Road would be located approximately 24 metres away. The proposed landing windows on the rear elevation would be facing the neighbouring houses and close to its rear boundary. The applicant has confirmed that the landing window would be obscured glazed, and this would be secured by a planning condition.

6.4.5 It is noted that the proposal would introduce new windows and a new building that did not previously exist. Due to the siting of the proposed building, the distance between the proposed window to its boundary and relationship with the neighbouring properties, it is considered that the proposal would not have an adverse impact on the neighbouring residential amenities in terms of loss of sunlight, daylight, outlook and neighbouring increase sense of enclosure.

6.4.6 Furthermore, there are existing trees in the residential gardens which provide a degree of screening. It is considered that the impact on residential amenities would not be harmful.

## **6.5 Transport and Highways – Acceptable**

### **- Access**

6.5.1 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.

6.5.2 The proposed car park would be located opposite to the proposed building. The access to these parking spaces would be via Court Road. Two staff and visitor's off-street parking spaces would be located adjacent to the side/north of the building. The proposal is supported by a Stage 1 Road Safety Audit. The Council highways division have reviewed the proposal and raised no objection to the proposed access to the parking spaces and the car park layout. As such, it is considered that the proposed access arrangement would be acceptable.

### **- Parking standard**

6.5.3 The London Plan states car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. London Plan Policy T1 states that 80 percent of all trips in London should be made by foot, cycle or public transport by 2041. The London Plan seeks to encourage more sustainable travel, enabling car free lifestyles that allow an efficient use of land and improve well-being by encouraging cycling and walking.

6.5.4 London Plan Policy T6.5 states disabled persons parking should be provided in accordance with the levels set out in Table 10.6, ensuring

that all non-residential elements should as the proximity and connectivity to public transport.

6.5.5 The proposal would provide a 72 bed care home of residential, dementia and nursing care and the proposed use would fall under use class order class C2. The proposal would create 22 full time equivalent jobs and staff would be expected to be attending the site on a shift pattern. The parking spaces would be provided for staff and visitors only as the residents of the care home are not expected to be able to drive or own a car.

6.5.6 The site has a PTAL rating of 1b. there are no specific parking standards for care home development in London Plan. A total of 34 parking spaces including 2 disabled parking spaces would be provided for the proposed 72 bed care home at a ratio of 0.47 per bed space. The applicant has advised that the spaces would be provided for staff and visitors only, including dedicated ambulance, delivery and disabled spaces. The residents of the care home will not drive or own cars due to the nature of their care needs.

6.5.7 A transport statement including the estimated car parking accumulation using the TRICS data have been submitted which indicates that the level of parking provision would be adequate. The Council's highways division have reviewed the submitted details and no objection is raised to the proposal. However, the surfacing material for the car park, waste collection details, car park management plan, travel plan and Stage 2 and Stage 3 Road Safety Audit should be secured by planning conditions.

- Disabled parking space and Electric Vehicle charging point

6.5.8 London Plan Policy T6.5 requires disabled persons parking bays be located on firm and level ground, as close as possible to the building entrance or facility they are associated with. Designated bays should be marked up as disabled persons parking bays from the outset. Designated disabled persons parking bays and enlarged bays should be designed in accordance with the design guidance provided in BS8300: Vol 1.

6.5.9 There are no requirements for the provision of disabled space or electric vehicle charge points for care home development. Among the 34 parking spaces, 2 disabled parking spaces would be provided. An additional ambulance space would also be provided.

6.5.10 A total of 14 active electric charging points would be provided, and these details will be secured by planning conditions.

- Cycle parking

6.5.11 London plan Policy T5 states proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Appropriate levels of cycle parking should be secured and designed in line with the London Cycling design standards. Table 10.2 of the London Plan sets the minimum long stay and short stay cycle storage requirement for new development.

6.5.12 A total of 63 jobs would be provided. The proposal is required to provide a minimum of 16 cycle storage spaces. A total of 10 cycle storage spaces is proposed and the shortfall could be provided within the site by way of a suitable planning condition on any approval.

- Deliveries and Servicing

6.5.13 A servicing and delivery plan including a tracking plan for large vehicles has been submitted in support of the application. The plan indicates the following: -

- deliveries and services by HGVs and smaller vans can be accommodated satisfactorily at the site in the Court Road service road next to the path to the building services entrance;
- service vehicles can enter and leave the site in a forward gear as confirmed by swept path analysis;
- there are satisfactory routes through the local area to accommodate service vehicles arriving from all directions;
- deliveries to the care home will be coordinated as far as possible to minimise the number of service vehicles on site at any one time and target a maximum of one vehicle;
- deliveries will be consolidated where feasible and practicable to minimise the number of deliveries required by the kitchen supplier as well as those by other local specialist suppliers;
- refuse and recycling bins are provided on site and vehicles can enter and leave the site in a forward gear as confirmed by swept path analysis;
- there are satisfactory routes available through the local area to accommodate refuse vehicles arriving to the site from the north or south direction;
- The care home operator will continue to seek improvements to ordering and scheduling procedures to maximise efficiency and minimise the number of deliveries required and number of service vehicles on the local road network.

6.5.14 The applicant has confirmed the waste and any clinical waste generated from the site would be privately collected. The Council highway officers have reviewed the servicing and delivery plan and construction management plan, it is considered that the full details of any private waste and clinical waste collection arrangement should be provided and confirmed at the appropriate stage of the development. Should planning permission be forthcoming, the following conditions would be attached:

- a) Construction management plan
- b) Travel plan
- c) Car park management plan
- d) Cycle storage
- e) Servicing and delivery
- f) Cross over (new and reinstate the redundant)
- g) Stage 2 and Stage 3 Road Safety Audit
- h) Waste storage and management plan

- Construction impacts - Acceptable

6.5.15 The application was accompanied by a construction management plan and is considered acceptable at planning application stage. An updated plan should be submitted upon the appointment of a construction company and contact details be included. This would be secured by a planning condition.

## **6.6 Energy and Sustainability – Acceptable**

6.6.1 Paragraph 153 of the NPPF states that in determining planning applications, LPAs should expect new developments to comply with policies and requirements for decentralised energy supply unless this is demonstrated to be unfeasible or unviable.

6.6.2 BLP Policy 124 and London Plan Policy SI 2 requires major development should be net zero- carbon, reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy:

- 1) Be Lean: use less energy and manage demand during operation;
- 2) Be Clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly;
- 3) Be Green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site;
- 4) Be Seen: monitor, verify and report on energy performance.

6.6.3 London Plan requires a net zero-carbon target for all new major developments with at least a 35% on-site reduction beyond Part L 2013 of the Building Regulations. Under the Be Lean measures, residential development should achieve 10 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero carbon target cannot be fully achieved on site, any short fall should be provided in agreement with the borough, either:

- 1) Through a cash in lieu contribution to the borough's carbon offset fund or
- 2) Off-site provided that an alternative proposal is identified, and delivery is certain.



6.6.4 An updated Energy Statement following the GLA's energy hierarchy has been received. Under the "Be Lean" category, a range of passive design features would be employed to reduce the heat loss and demand for energy. The measures include building fabric performance and insulation, mechanical and natural ventilation through openable windows are proposed to reduce the carbon emission of the proposed development. These measures would meet the minimum 10 percent for the non-domestic requirement as outlined in the GLA energy guidance and this is considered acceptable.

6.6.5 As there is no district network in the area, it is not possible to achieve any carbon reduction under the "Be Clean" category at the present time and no carbon reduction can be awarded under this category.

6.6.6 Under "Be Green" category, a range of on-site renewable energy technologies have been considered. Ground source heat pump (GSHP) and solar panel (108 x 400w) were initially proposed and discussed. However, details of the soil conditions would be required to confirm this proposed measure would be feasible at planning application stage.

6.6.7 Following discussions with the applicant, a revised energy assessment proposing air source heat pump (ASHP) and solar panel (108 x 400 w) is proposed. This proposal measures would achieve a 64.14 percent (139,521 tonnes) onsite carbon saving against Part L 2013 of the Building Regulations Compliant Development. These proposed measures would result in a shortfall of 37.86 percent (78 tonnes) carbon reduction and a planning contribution of £222, 317 should be secured by a legal agreement. The breakdown under option 1 is:

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 179, 816 tCO<sub>2</sub> per annum
- Proposed on site reduction of carbon emissions from renewables = 139, 521 tCO<sub>2</sub> per annum
- On site shortfall = 78 tCO<sub>2</sub> per annum
- Payment-in-lieu amount calculated as 78 (tCO<sub>2</sub>) x £95 (per tCO<sub>2</sub>) x 30 (years) = £222,317.

6.6.8 Overall, it is considered that the proposal would comply with the policy requirement, subject to the completion of s106 legal agreement and condition.

## **6.7 Biodiversity and Green Infrastructure (Protected species, biodiversity net gain, urban greening factor and trees)**

### a) Protected species

6.7.1 BLP Policy 72 states planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigation measures can be secured to facilitate survival, reduce disturbance, or provide alternative habitats. London Plan Policy G6 states

that development proposals should manage impacts on biodiversity and aim to secured net biodiversity gain.

6.7.2 An updated preliminary ecological assessment was received, and this assessment considers the likely impact upon protective species including bats. The site has no specific GiGL records of protected species or habitat. As such, the application site is not considered to be of high ecological or biodiversity value. There is no protected species were granted a European licence with 1,000m from the site. There is no SSSI, ancient semi-natural woodland, or priority habitat near to the site. There are also no river or water features within or near to the application site.

- Bats

6.7.3 The site including the internal and external condition of the existing buildings have been surveyed on the 1<sup>st</sup> of April 2022 by a qualified ecologist. The condition of the site and buildings indicate that there were no signs of bats within the site. No droppings were found. There were no features within the site considered to be suitable to support roosting bats. The site is covered by hardstanding and the conditions of the existing buildings have no signs to support bat roosting. As such, no further survey works would be required.

- Other protected species

6.7.4 There are no identified water bodies within or near to the site. The report also indicates that there are no other protected species recorded within the site and there was no sign of protected species on site during the site survey.

b) Biodiversity Net gain

6.7.5 Paragraph 8.6.6 of the London Plan (Policy G6) states that biodiversity net gain is an approach to development that leaves biodiversity in a better state than before. This means that where biodiversity is lost as a result of a development, the compensation provided should be of an overall greater biodiversity value than that which is lost. Defra have published a biodiversity matrix 3.1. This metric is a habitat-based approach used to assess an areas value to wildlife. The metric uses habitat features to calculate a biodiversity value.

6.7.6 An updated biodiversity impact assessment including the DEFRA biodiversity matrix has been received which indicates that new habitat under modified grassland, urban tress and a green roof would be created as a result of this development. The post development would be 3 habitat units achieving a net gain and this would not be contrary to the policy's objective.

c) Urban Greening factor

- 6.7.7 London Plan Policy G5 states major development should contribute to the greening of London including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping, green roofs, green walls and sustainable drainage. The London Plan recommends a target score of 0.4 for developments that are predominantly residential and a score of 0.3 for predominately commercial development (excluding B2 and B8 Uses).
- 6.7.8 The proposal would achieve an urban greening factor of 0.4 which would accord with the recommended score as specified in the London Plan. The proposed would incorporate substantive planting with new communal landscaped gardens. The proposal would also incorporate a green roof measuring approximately 185sq.m. New trees including species with a large canopy would be planted in the communal gardens. Overall, it is considered that the design, layout and allocation of gardens spaces are well designed. The proposal would contribute to the green infrastructure of the site and would not be contrary to the objective of the London Plan Policy G6. A condition requiring the submission and approval of the detailed landscaping design is recommended.

d) Trees

- 6.7.9 Trees play an important role within the urban environment. London Plan Policy G7 states development proposals should ensure that wherever possible, existing trees of value are retained. BLP Policy 73 states that new development will be required to take particular account of existing trees on the site and on adjoining land, which are in the interest of visual amenity and/or wildlife habitat.
- 6.7.10 An arboricultural report is submitted which confirmed there are five category B (medium value) and Category C (low value) trees located adjacent to the application site and there are no trees located within the application site. The arboricultural report indicates that there are no trees required to be removed as a result of the proposed development. The Council Tree Officer has considered the report and has raised no objection to the proposed development. A planning condition requiring details of a tree protection plan is recommended.

**6.8 Drainage and Flood Risk - Acceptable**

- 6.8.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI-13 and BLP Policy 116 states development

proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible where should also be a preference for green over grey features, in line with the drainage hierarchy in policy SI 13 of the London Plan.

6.8.2 The application is accompanied by a surface and foul water drainage strategy (prepared by SLR Ltd Dated September 2022). A flood risk and drainage strategy report is submitted which indicates that the site is located within Flood Zone 1 where the probability of river or sea flooding is less than 0.1% (1 in 1000) chance in any given year as defined by the Environment Agency.

6.8.3 The proposed surface water drainage strategy has been designed in line with the Environment Agency Climate Change Guidance to consider and manage the impact of a 1 in 100 year plus 40% climate change rainfall.

6.8.4 The proposed drainage strategy would also incorporate the following measures which demonstrates that the discharge rates of the site will be reduced to mimic the existing green field run-off rate for all storm events. The proposed measures include:

- Attenuation cellular storage tank measures 116.5 cubic metres;
- Green roof 670sq.m; and,
- Permeable paving.

6.8.5 Foul water network generated from the site would be discharged via the existing foul water network. The Council's drainage officer and Thames Water have raised no objection to the proposal and have recommended conditions for the details of the drainage strategy to be submitted and in line with the Surface & Foul Water Drainage Strategy. The applicant is reminded that any disposal of surface water into a Thames Water drain would not be acceptable without written approval from Thames Water. Subject to the conditions and informatives, it is considered that the proposal would be acceptable with regards to the surface water run-off and drainage.

## **6.9 Environmental Health (Air quality, Contamination and Noise) - Acceptable**

### **a) Air Quality**

6.9.1 Policy 120 of the Local Plan states 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.

- Operational Phase

6.9.2 The site lies within the extended Air Quality Management Area (AQMA) and an air quality assessment including an updated air quality neutral assessment and updated construction management plan has been submitted. The Air quality neutral assessment has included the modelling details of transport related emissions. This is based on the existing and proposed use. The assessment indicates the annual number of trips of this proposed development is less than the existing uses. As such no further mitigation measures will be required as a result of this development.

- Construction Phase

6.9.3 The Council's Environmental Health officer has requested the dust mitigation strategy should be included in the Construction Management Plan (CEMP) and in line with the provided air quality assessment. A revised construction management plan has been provided and no objection is raised by the Council's Environmental Health officer at planning application stage. Should planning permission be recommended, a planning condition requiring an updated construction management plan incorporating the Council's Control of Pollution and Noise from Demolition and Construction Site Code of Practice 2017 should be imposed. An informative advising the works to comply with the Local Good Practice Guide: Noise and Vibration Control for Demolition and Construction CIEH guidance would also be attached

**b) Land contamination**

6.9.4 In accordance with policy 118 of the BLP when new development of contaminated land, or land suspected of being contaminated is proposed, details of site investigation and remedial action should be submitted. A phase 1 and 2 site investigations report, including the proposed remediation strategy have been reviewed and no objection is raised by the Council's Environmental Health. The proposed remediation works as outlined in the submitted report (Report No. CCL03505.CQ67) shall be secured by planning condition. Should there be any works where contamination is encountered which has not previously been identified, additional contamination shall be fully assessed and an appropriate remediation scheme and closure report upon completion submitted to the Authority for approval.

**c) Noise**

6.9.5 London Plan Policy D13 'agent of change principle' places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

- Operational phase

6.9.6 The servicing and delivery hours shall be between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays only. This would be secured by a planning condition.

6.9.7 The proposed floor plan indicates that seven bedrooms would be located on the ground floor. The noise impact assessment indicates that the front bedroom windows facing court road could exceed the internal noise limits without the provision of an alternative means of ventilation other than opening windows. The site is located in an urban area with a front building line in line with the adjoining residential properties at No. 302 and No. 302A Court Road. The noise report has been received by the Council's Environmental Division and it is considered that an appropriate alternative ventilation strategy achieving a higher noise reduction including consideration of overheating can be employed to mitigate this exceedance. Should planning permission be forthcoming, an alternative ventilation strategy including overheating implications and any fixed plant and noise levels should be secured by planning conditions.

- Construction phase

6.9.8 A planning condition to limit the size and noise of construction vehicles should also be attached as follows : 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 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 subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

## **6.10 Planning obligations and CIL**

6.10.1 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. The Mayor of London's CIL is also a material consideration. The application is liable to both Mayoral and Local CIL

6.10.2 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

6.10.3 Officers have identified a number of planning obligations which are considered necessary to mitigate the impacts of this development, the reasons for which have been set out in this report. The following planning obligations will need to be secured as part of an S106 legal agreement.

- Health: £ 87,482
- Carbon offset: £ 222, 317
- Be Seen measures
- Planning obligation monitoring: £1,000 (500 per head of terms)
- Cost of legal undertaking.

6.10.4 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

## **7. CONCLUSION AND PLANNING BALANCE**

7.1 The proposed development to provide a 72-bed residential, nursing and dementia care home (Class C2) to meet the growing population and ageing population in the Borough is supported.

7.2 The proposal would also contribute to the Council's 5-year housing supply and substantial weight should be afforded in considering the merits of this proposal.

7.3 The site is surrounded by a mixture of two and three storey buildings with residential and commercial uses. The design of the proposal has taken into account the established urban grain, pattern of development and relationship with its surrounding area. without causing an adverse impact on the neighbouring properties. The proposal is supported by a detailed and fully landscaped plan and would positively improve the built and natural environments when compared with the existing conditions of this site.

7.4 Whilst the proposal would result in the loss of a car showroom, car hire and garage at this location, the proposal would introduce an alternative type of employment at this site providing 63 jobs and would not be in conflict with the Development Plan. The applicant has advised that the changes in business operation means the condition of this car showroom site would no longer be commercially astute at this site. The applicant is in the process of relocating the business in a more suitable premises within the same catchment area and it is intended to transfer all current jobs to the new site.

7.5 A total of 34 parking spaces would be provided for staff and visitors. A car park management plan to manage the parking demand would be secured by a planning condition. The development is considered

acceptable from a sustainability, air quality and environmental perspective.

- 7.6 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty and when considering the public sector equality duty, no protected groups would be disadvantaged by these proposals.
- 7.7 Accordingly, the application is recommended for permission, subject to conditions and the prior completion of a S106 legal agreement.

**RECOMMENDATION      PERMISSION SUBJECT TO S106 LEGAL AGREEMENT**



## **SUMMARY OF CONDITIONS AND INFORMATIVES**

### Compliance

- Time limit of 3 years
- Compliance with approved drawings
- All Non-Road Mobile Machinery (NRMM)
- Obscure glazed landing window

### Pre- commencement

- Construction management plan and logistic plan
- Tree Protection plan
- Surface water network upgrade confirmation
- Ground water protection strategy

### Above ground level

- Road Safety Audit 2
- Air quality assessment
- Land contamination
- Noise assessment including any fixed plant and ventilation strategy
- Drainage strategy
- Secured by design
- Energy assessment
- External Materials / samples
- EVCP

### Pre-occupation

- Car park management plan
- Cycle parking
- Waste storage management plan (private collection)
- Road Safety Audit 3
- Travel Plan
- Serving and Delivery plan
- Landscaping plan and management plan
- External lighting
- Biodiversity enhancement, swift brick and bird boxes
- Updated energy assessment
- And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary

## **INFORMATIVE**

- Secured by Design
- Fire Safety
- Thames Water various
- CIL
- Construction and pollution guidance

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# Agenda Item 7

Report No.  
HPR2023/014

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** RENEWAL, RECREATION AND HOUSING PDS COMMITTEE  
AND DEVELOPMENT CONTROL COMMITTEE

**Date:** RRHPDS: 21 March 2023  
DCC: 18 April 2023

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

**Title:** NATIONAL PLANNING POLICY FRAMEWORK UPDATE

**Contact Officer:** Ben Johnson, Head of Planning Policy and Strategy  
E-mail: [ben.johnson@bromley.gov.uk](mailto:ben.johnson@bromley.gov.uk)

**Chief Officer:** Tim Horsman, Assistant Director (Planning)

**Ward:** All Wards

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1. Reason for report

- 1.1 This report provides an update on the Government's proposals to amend the National Planning Policy Framework (NPPF)
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**2. RECOMMENDATION(S)**

- 2.1 The Renewal, Recreation and Housing PDS Committee and Development Control Committee are requested to note the report.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
- 

## Transformation Policy

1. Policy Status: N/A
  2. Making Bromley Even Better Priority:
  3. (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
  4. (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
- 

## Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: N/A
  5. Source of funding: N/A
- 

## Personnel

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

## Legal

1. Legal Requirement: The National Planning Policy Framework is not legislation, but it is a material consideration in the determination of planning applications, and also applies to plan-making. The Planning and Compulsory Purchase Act 2004 (as amended) states that decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.
  2. Call-in: Not Applicable: No 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

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Customer Impact

1. Estimated number of users/beneficiaries (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 From December 2022 to March 2023, the Government consulted on changes to the NPPF<sup>1</sup>. This included specific changes intended to be made in spring 2023 (subject to and following consultation); and calls for views on a wider range of proposals, particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity. The consultation document also signals areas that the Government expect to consider in the context of a wider review of the NPPF to follow Royal Assent of the Levelling Up and Regeneration Bill. The government will consult on the detail of these wider changes later in 2023, reflecting responses to the current consultation.
- 3.2 This report provides details on the key aspects of the proposals likely to come into effect in spring 2023, particularly those which could have specific implications for planning in Bromley. In terms of the medium/longer term proposals, many of these will be subject to further consultation; officers will update members in future when further details are published.
- 3.3 The consultation included a track changes version of the NPPF<sup>2</sup> setting out the immediate changes. The most relevant changes for Bromley are set out below.

#### **Housing**

- 3.4 Local Planning Authorities (LPAs) with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply. In this context, 'up-to-date' means where the housing requirement as set out in strategic policies is less than five years old. Bromley's current housing requirement is set out in the London Plan, which will be five years old in March 2026. Up until this date, Bromley will no longer have to prepare an ad hoc five-year housing land supply and will no longer trigger the presumption in favour of sustainable development due to the lack of a five-year housing land supply.
- 3.5 The presumption in favour of sustainable development can still be triggered where the Housing Delivery Test (HDT) indicates that the delivery of housing was below 75% of the housing requirement over the previous three years; however, this does not currently apply to Bromley as previous HDT results have all exceeded 75%. Further changes proposed to the HDT mean that, where the HDT results trigger the application of the presumption in favour of sustainable development, this can be 'switched off' where a LPA can show sufficient permissions for enough deliverable homes to meet 115% of their housing requirement over the specific HDT period. Allowing consideration of approvals as well as completions as part of the HDT is considered to be a positive change, as it is something that the LPA has more direct control over, compared to completions which is entirely down to applicants.
- 3.6 Where a requirement to produce a five-year housing land supply does apply, LPAs will no longer be required to provide housing supply buffers. Currently the NPPF requires LPAs to include a buffer of 5%, 10% or 20% on top of their five-year housing land supply in plan-

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<sup>1</sup> Available here: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

<sup>2</sup> Available here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1126647/NPPF\\_July\\_2021\\_-\\_showing\\_proposed\\_changes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf)

making or when making decisions. The 5% buffer is expected in all cases as a minimum, the 10% buffer is applied when an Annual Position Statement or recently adopted plan meets specific criteria (as set out in the NPPF) and the 20% buffer is applied as a consequence of the Housing Delivery Test, where a LPA delivers less than 85% of the homes it is required to.

- 3.7 Changes are proposed to the process of calculating housing need. The NPPF will be amended to make it clear that the standard method for calculating local housing need is an advisory starting point and is not mandatory; this was the case previously, but the explicit reference will provide useful clarity.
- 3.8 In terms of meeting housing need, the NPPF changes mean that LPAs are not required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full. Similarly, if housing need can be met only by building at densities which would be significantly out-of-character with the existing area (taking into account the principles in local design guides or codes), this may be an adverse impact which could outweigh the benefits of meeting need in full.
- 3.9 The proposed NPPF revisions would amend the 'tests of soundness' that apply to Local Plan examinations; plans (including proposed housing targets) will no longer be required to be 'justified', and instead, a Local Plan examination would assess whether the LPAs proposed target meets need as far as possible, taking into account other policies in the NPPF; and whether it will be effective and deliverable. The purpose of these changes is to provide more certainty that LPAs can propose a plan with a housing requirement that is below their local housing need figure, so long as proposals are evidenced, the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered. It is noted that the process of establishing a housing requirement in London is the remit of the London Plan; however, the proposed changes relating to consideration of Green Belt and increased densities would also apply to future versions of the London Plan.
- 3.10 Changes are proposed to make clear that LPAs should give greater importance to Social Rent homes, when addressing their overall housing requirements in their Local Plan and making planning decisions.
- 3.11 The proposed NPPF amendments will also provide further support relating to consideration of older persons housing, ensuring that the needs of older people are met; particular regard is given to retirement housing, housing-with-care and care homes, which are identified as important typologies of housing that can help support an ageing population.

## **Design**

- 3.12 Amendments to the NPPF are proposed to emphasise the role of beauty and placemaking in strategic policies; and create a stronger link between good design and beauty by making additions to Chapters 6, 8 and 12 of the NPPF. The term 'beauty' is not defined by the NPPF, although our assumption is that the LPA will be responsible for determining what is beautiful in the local context, through provision of policy, guidance, design codes, etc.
- 3.13 LPAs will be encouraged to use planning conditions to require clear details of a scheme's design and materials; conditions should reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.
- 3.14 A new policy is proposed which would require LPAs to take a positive approach towards

well designed upward extension schemes, particularly mansard roofs. The rationale for the amended policy is unclear, particularly as this type of upwards extension is often unsuccessful with countless examples of poor design; it is simply not the case that mansards are universally suitable, as the consultation document seems to suggest. The amendment is completely at odds with policy and guidance elsewhere in the NPPF and PPG which defers consideration of design matters to LPAs.

## Environment and Climate Change

- 3.15 Replacing old renewable and low carbon energy sources with more powerful and efficient models will be made easier. Changes to paragraphs 155 and 158 of the existing NPPF will enable the re-powering of renewable and low carbon energy schemes where planning permission is needed, and providing that the impacts of any development proposal are or can be made acceptable in planning terms.
- 3.16 The NPPF will also be amended with a new paragraph 161 to give significant weight to the importance of energy efficiency through adaptation of buildings, whilst ensuring that local amenity and heritage continues to be protected.

## 4. POLICY IMPLICATIONS

- 4.1 Policy implications are set out in the report.

## 5. LEGAL IMPLICATIONS

- 5.1 The NPPF is a material consideration in the determination of planning applications. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The NPPF also applies to plan-making. Any future Local Plan review will need to be consistent with national planning policy in order to demonstrate it is 'sound'.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children; Personnel/Procurement/Financial/Property/Carbon Reduction and Social Value Implications; Customer Impact.
Background Documents: (Access via Contact Officer)	<p>Bromley Local Plan 2019, available from: <a href="https://www.bromley.gov.uk/downloads/file/51/bromley-local-plan">https://www.bromley.gov.uk/downloads/file/51/bromley-local-plan</a></p> <p>London Plan (adopted 2 March 2021), available from: <a href="https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf">https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</a></p> <p>National Planning Policy Framework (July 2021), available from: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</a></p> <p>National Planning Practice Guidance, available from: <a href="https://www.gov.uk/government/collections/planning-practice-guidance">https://www.gov.uk/government/collections/planning-practice-guidance</a></p> <p>Levelling-up and Regeneration Bill: reforms to national planning policy, available from: <a href="https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy">https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy</a></p> <p>National Planning Policy Framework (showing indicative changes for consultation), available from: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf</a></p>



Report No.  
HPR2023/022

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 18<sup>th</sup> April 2023

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

**Title:** DELEGATED ENFORCEMENT ACTION (OCTOBER TO DECEMBER 2022)

**Contact Officer:** John Stephenson, Head of Planning and Development Support Team  
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

**Chief Officer:** Tim Horsman, Assistant Director Planning & Building Control Housing,  
Planning and Regeneration.

**Ward:** All Wards

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1. Reason for report

- 1.1 Enforcement action has been authorised under Delegated Authority for the following alleged breaches of planning control. In accordance with agreed procedures Members are hereby advised of the action taken.
- 

2. RECOMMENDATION(S)

- 2.1 The Development Control Committee to note the report.

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning – Appeals and Enforcement Section
  4. Total current budget for this head: £385k
  5. Source of funding: Existing revenue budget 2021/2022
- 

### Staff

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

### Legal

1. Legal Requirement: Town and Country Planning Acts
  2. Call-in: Not Applicable
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

Enforcement action and prosecutions have been authorised by the Assistant Director Planning under Delegated Authority during the period 1<sup>st</sup> October to 31<sup>st</sup> December 2022 in respect of development undertaken without the benefit of planning permission at the following sites:-

No.	ENF Ref	Site	Complaint	Ward	Notice type	Instruction date
1	22/00658	ST MARYS GREEN	HMO	BIGGIN HILL	MCU	Oct-22
2	22/00658	ST MARYS GREEN	HMO	BIGGIN HILL	S16	Oct-22
3	21/00241	KINGS ROAD, BH	HMO	BIGGIN HILL	MCU	Oct-22
4	20/00821	MAIN ROAD, BIGGIN HILL	EXTENSION	BIGGIN HILL	OPDEV	Oct-22
5	21/00836	ALLENBY ROAD, BIGGIN HILL	BOUNDARY	BIGGIN HILL	OPDEV	Nov-22
6	21/00241	KINGS ROAD, BH	HMO	BIGGIN HILL	PROSECUTION	Nov-22
7	19/00338	MASONS HILL, BROMLEY	BOUNDARY	BROMLEY TOWN	OPDEV	Nov-22
8	21/00188	HALSTEAD	DEVELOPMENT	CHELSFIELD	ENF	Nov-22
9	21/00508	WAYNE CLOSE, ORPINGTON	HMO	CHELSFIELD	PCN	Nov-22
10	21/00760	CROWN ROAD, ORPINGTON	UNTIDY	CHELSFIELD	PROSECUTION	Nov-22
11	20/00311	SOUTHLANDS AVENUE	DEVELOPMENT	CHELSFIELD	PROSECUTION	Dec-22
12	19/00247	NORSTED LANE, ORPINGTON	COMMERCIAL	CHELSFIELD	PROSECUTION	Dec-22
13	21/00655	RAGGLESWOOD, CHISLEHURST	DEVELOPMENT	CHISLEHURST	OPDEV	Oct-22
14	22/00396	GROVE VALE	STRUCTURE	CHISLEHURST	PROSECUTION	Nov-22
15	20/00229	LEAVES GREEN CRESCENT	RESIDENTIAL	DARWIN	PCN	Oct-22
16	20/00867	SPINNEY WAY, CUDHAM	UNTIDY	DARWIN	PROSECUTION	Nov-22
17	20/00294	LUXTED ROAD, DOWNE	UNTIDY	DARWIN	PROSECUTION	Nov-22
18	22/00789	CUDHAM LANE SOUTH	RESIDENTIAL	DARWIN	PCN	Dec-22
19	20/00241	WESTERHAM LANE	DEVELOPMENT	DARWIN	ENF	Dec-22
20	22/00417	CROYDON ROAD, WW	STRUCTURE	HAYES AND CONEY HALL	ENF	Dec-22
21	22/00417	CROYDON ROAD, WW	STRUCTURE	HAYES AND CONEY HALL	PCN	Dec-22

22	16/00034	HOLLY CRESCENT, BECKENHAM	UNTIDY	KELSEY & EDEN PARK	S215	Nov-22
23	22/00194	DERRICK ROAD	COMMERCIAL	KELSEY AND EDEN PARK	ENF	Dec-22
24	22/00147	RAMSDEN CLOSE	CONDITION	ORPINGTON	ENF	Dec-22
25	21/00956	STATION ROAD, SHORTLANDS	STRUCTURE	SHORTLANDS AND LANGLEY PARK	ENF	Dec-22
26	21/00956	STATION ROAD, SHORTLANDS	STRUCTURE	SHORTLANDS AND LANGLEY PARK	PCN	Dec-22
27	21/00270	HOCKENDEN LANE, SWANLEY	COMMERCIAL	ST PAULS CRAY	ENF	Oct-22
28	21/00806	QUARRY DRIVE, A20 BYPASS, SWANLEY	CONDITION	ST PAULS CRAY	BCN	Nov-22
29	21/00806	QUARRY DRIVE, A20 BYPASS, SWANLEY	CONDITION	ST PAULS CRAY	BCN	Nov-22
30	21/00806	QUARRY DRIVE, A20 BYPASS, SWANLEY	CONDITION	ST PAULS CRAY	BCN	Nov-22
31	21/00806	QUARRY DRIVE, A20 BYPASS, SWANLEY	CONDITION	ST PAULS CRAY	BCN	Nov-22
32	22/00288	DERRY DOWNS	CONDITION	ST MARY CRAY	ENF	Dec-22

### **Glossary**

BCN -Breach of condition notice

ENBCN -Enforcement Notice for failure to comply with a Condition on a planning decision notice

MCU -Material Change of Use Enforcement Notice

OPDEV -Operational Development Enforcement Notice

PCN -Planning Contravention Notice

PROSECUTION -Prosecution

S215 -Untidy Site Notice

3.2 Please note that due to the recent ward changes, some cases may show the previous wards as were in place at the time of case registration. For further details of any of the above cases please contact John Stephenson (details as above).

<b>Non-Applicable Sections:</b>	Policy, Financial and Personnel
Background Documents: (Access via Contact Officer)	N/A