



THE LONDON BOROUGH
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DATE: 29 May 2024

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Jonathan Andrews, Peter Dean, Simon Fawthrop, Christine Harris,
Alisa Igoe, Charles Joel, Kevin Kennedy-Brooks, Tony McPartlan, Tony Owen,
Chloe-Jane Ross, Shaun Slator, Mark Smith, Melanie Stevens and Gemma Turrell

A meeting of the Development Control Committee will be held at Bromley Civic Centre, Stockwell Close, Bromley, BR1 3UH on **THURSDAY 6 JUNE 2024 AT 7.30 PM**

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, members of the public may submit one question each on matters relating to the work of the Committee. Questions must have been received in writing 10 working days before the date of the meeting - by **5.00pm on Wednesday 22 May 2024**.

Questions seeking clarification of the details of a report on the agenda may be accepted within two working days of the normal publication date of the agenda – by **5.00pm on Friday 31 May 2024**.

- 4 **CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 5 MARCH AND 15 MAY 2024** (Pages 1 - 10)
- 5 **(23/03484/OUT) - 53 JAIL LANE, BIGGIN HILL, TN16 3SE (BIGGIN HILL WARD)**
(Pages 11 - 100)
- 6 **(24/00478/DET) - CRYSTAL PALACE PARK, THICKET ROAD, PENGE, LONDON, SE20 8DT (CRYSTAL PALACE & ANERLEY WARD)** (Pages 101 - 190)
- 7 **UPDATE ON THE BROMLEY LOCAL PLAN REVIEW** (Pages 191 - 198)
- 8 **CRYSTAL PALACE SHADOW SECTION 106 AGREEMENT** (Pages 199 - 202)

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 5 March 2024

Present:

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Jonathan Andrews, Josh Coldspring-White,
Peter Dean, Simon Fawthrop, Christine Harris, Colin Hitchins,
Alisa Igoe, Charles Joel, Kevin Kennedy-Brooks, Josh King,
Tony McPartlan, Tony Owen, Chloe-Jane Ross, Shaun Slator
and Alison Stammers

Also Present:

Councillor Simon Jeal

33 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Melanie Stevens.

34 DECLARATIONS OF INTEREST

Councillor Colin Hitchins declared that his partner was the Conservative candidate for the Beckenham and Penge Parliamentary Constituency and had provided representations to Item 5: (23/00178/FULL1) Blenheim Shopping Centre, High Street, Penge.

35 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

36 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2023

RESOLVED: That the minutes of the meeting held on 30 November 2023 be agreed and signed as a correct record.

37 (23/00178/FULL1) BLENHEIM SHOPPING CENTRE, HIGH STREET, PENGE (PENGE AND CATOR WARD)

Description of Application: Phased development including demolition of existing buildings and erection of four blocks to facilitate a mixed-use development providing up to 230 dwellings, up to 2,714sqm of commercial/town centre floorspace and associated communal amenity space and play space, cycle parking, refuse storage and plant space in four buildings ranging between 3 and 16 storeys. Provision of public realm and

new pocket park at ground floor with associated landscaping improvements. Provision of 24 commercial car parking spaces and 8 blue badge spaces for the residential accommodation.

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

Oral representations objecting to the application were received from the Chair of the Penge Forum who gave the following responses to Members' questions:

- At 16-storeys, the proposed development was too tall in an area where buildings did not typically rise above 3-storeys and would overshadow a large number of local residential dwellings. Penge residents would prefer a development scheme that allowed the retail environment to thrive and did not increase density in an area which already had the highest density housing in the Borough. Local people also wanted at least 50% affordable housing and a higher proportion of Social Rented than Shared Ownership units offered in any development which was not the case with this scheme.
- Local traders were concerned about the reduction of retail space which almost halved the available retail space in the Penge SE20 Business Improvement District (BID). It was also considered likely that the trade of destination shops in the area would be affected by the reduction in commercial car parking spaces. The existing car park at the Blenheim Shopping Centre was fairly well used and usage was certainly in excess of the 24 commercial car parking spaces provided by the development.
- The Penge Forum had recently held a public meeting to discuss the difficulties in accessing medical care in Penge and Cator Ward. The Penge Forum estimated that, allowing for a couple in one bedroom per unit and one person in other bedrooms, the proposed development could bring approximately 602 new residents into the area which would increase pressure on existing General Practitioner and dental services. School capacity was also an issue with no secondary school for boys in the local area.

Oral representations in support of the application were received from the Agent who gave the following responses to Members' questions:

- The developer was committed to delivering 35% affordable homes with its partner, Clarion Housing Association, which was a policy compliant proportion on a per-room basis and would provide 37 Social Rented and 36 Shared Ownership units. Social Rented homes required significant additional subsidy to be viable and the developer would continue discussions with the Greater London Authority regarding the feasibility of increasing the proportion of

affordable housing. A policy compliant level of cycle spaces had been included and the scheme would also deliver a 10% provision of wheelchair accessible dwellings and 3% provision of wheelchair accessible parking totalling eight parking spaces. Of these parking spaces, 20% would be fitted with active EV charging infrastructure with the remainder having passive, although this could be increased to 100% active EV charging if requested by the Committee.

- The developer had collaborated with the Design Review Panel and Planning Officers to create a viable scheme that worked with the constraints of the site footprint, including servicing requirements, boundary conditions and neighbouring amenities. A design-led approach had helped ensure that massing of the development was appropriate and located away from the boundary edge and neighbouring receptors wherever possible. The maximum height of the development had been reduced to 16-storeys and extensive work had also been completed with Townscape Consultants to assess the impact of views of the development from various locations. The development did not include rainwater harvesting but a stable drainage strategy had been developed that incorporated green roofs, permeable paving and attenuation tanks. The public realm spaces around the development would be managed by the development's estate managers and funded via the residents' service charge with a cap applied for Social Rented tenants.
- The proposed development had been updated twice to reflect emerging changes in fire guidance and complied with all current building and regulatory requirements, including two staircases for all buildings over 18 metres in height. This included approval from the Greater London Authority in complying with London Plan 2021 policies D5 and D12 and Stage 1 Gateway approval from the Health and Safety Executive. A decision had been taken not to apply certain additional measures recommended by the London Fire Brigade but the way that lobbying worked for Blocks B, D and E could be revisited if Committee Members felt this was necessary. Further consultation would be undertaken with the Health and Safety Executive and the London Fire Brigade at the Gateway 2 (pre-construction) and Gateway 3 (occupation) stages of development to ensure the delivery of the scheme remained fully compliant. The development included sprinklers and was designed to enable residents to self-evacuate in the event of the fire. No information was held regarding the location of the nearest high rise fire ladder but there was full fire vehicle access to the site.
- A socio-economic assessment had been conducted to assess the impact of the development on the local area including consultation with schools that had identified a surplus of pupil places. The developer had also worked collaboratively with Iceland Foods Limited on the design of its new store and while there would be a

reduction in commercial car parking spaces, this reflected an increasing move to basket-only stores for the supermarket chain. A number of parking surveys had been conducted in and around the site to understand demand. The existing commercial car parking provision at the Blenheim Shopping Centre was under-used with two levels of the multi-story car park already closed and the new development would create 24 commercial car parking spaces in addition to residents' parking at levels compliant with the London Plan. The local area would benefit from a significant Community Infrastructure Levy contribution as a result of the development.

Councillor Simon Jeal, visiting Ward Member, addressed the Committee on behalf of himself and his Ward colleague, Councillor Kathy Bance, advising that the overwhelming majority of residents of Penge and Cator Ward they had spoken to were in opposition to the proposed development and had significant concerns around its impact on the local community. The Member objected to the planning application on a number of grounds including the height and massing of the proposed development that was out of keeping with the local area and the adjacent conservation area, as well as increased pressure on local services from 230 new households. The loss of the Blenheim Shopping Centre would reduce the commercial footprint of Penge town centre, including the potential loss of larger retail outlets that made a significant contribution to the Penge SE20 Business Improvement District. The loss of parking capacity would also affect local residents as well as visitors that travelled to the destination shops in the area. Councillor Simon Jeal was particularly concerned that the developer had disregarded advice from the London Fire Brigade on additional fire safety measures within the scheme's design and also flagged that the application anticipated the transfer of Local Authority land into private ownership which could impact public usage of these community assets.

The Chairman invited Councillor and Ward Member Kevin Kennedy-Brooks to open the debate. Councillor Kevin Kennedy-Brooks stated that although he recognised the opportunity for some form of development in Penge, the size of the proposed development was excessive, particularly in an area which already had the highest density of housing in the Borough. Specific aspects of the planning application that the Member objected to included the loss of privacy and outlook to residents of Croydon Road, the height, scale, layout and materials used for the proposed development and concerns raised by Historic England regarding the harm caused to the historic environment and the adjacent conservation area. Strategic Policy 6 in the London Plan underlined the need for town centres to have a mix of uses that supported social interaction and thriving communities, but the proposed development would reduce available commercial space and could impact shops and businesses in the wider area due to reduced parking capacity. The transfer of Local Authority land to provide the public realm aspect of the development was also concerning as, even if the intention was for this space to remain in the public domain, this could impact the highly successful events run by the Penge SE20 Business Improvement District throughout the year. The Member questioned the Public Transport Accessibility Level (PTAL) of the site

of 4/5 as local railway stations no longer had a direct connection to London Bridge station and buses were infrequent and already running at full passenger capacity for much of the day.

Councillor Kevin Kennedy-Brooks moved that the planning application be refused in light of height and massing of the proposed development; over- and out-of-character development; impact on heritage assets and the conservation area; loss of retail space and commercial car parking spaces; overlooking and loss of privacy and sunlight; lack of amenities; and, failure to meet Policy D9 and SD6 of the London Plan, Section 72 of the Town and Country Planning Act 1990 and Policy 47 of the Bromley Local Plan.

Councillor Peter Dean agreed that there were areas of concern with the proposed development such as height, loss of commercial car parking space and the impact on the conservation area. Having said that, the London Plan put a huge emphasis on housing supply, and it was unlikely that any of the reasons given for refusal would be sufficient to argue against a development that would provide a significant number of homes to Bromley residents, including much-needed Social Rented and Shared Ownership units.

Councillor Peter Dean moved that the planning application be approved as recommended with the additional grounds that Permitted Development Rights be removed to stop further extensions of the building and that changes be made in line with the recommendations of the London Fire Brigade, namely that any approval be subject to receipt of acceptable revised plans showing occupants of the 'Adaptable' flats in block C are provided with an appropriate route to an escape stair without having to move through a lobby associated with one stairway to get to a lobby associated with another stairway or which otherwise demonstrate the highest standard of fire safety in that regard. The motion was seconded by Councillor Simon Fawthrop who proposed two additional grounds with respect to active EV charging infrastructure being installed for 100% of the eight wheelchair accessible parking spaces for residents and a ridge height condition to preclude any further increase in height.

Councillor Alisa Igoe described how tight she had found the development site on a recent site visit, particularly in view of the density of Penge High Street, although the disrepair of the car park made it clear that some form of development was needed. The Member was concerned that the recommendations of the London Fire Brigade had not been accepted by the developer, although the proposed development did comply with all fire safety requirements. Councillor Chloe Jane-Ross observed that Penge town centre had a unique character and underlined the importance of protecting this architectural heritage which she felt would not be enhanced by the height and massing of the proposed development. The aspiration was surely for a vibrant high street that attracted shoppers and she did not think enough had been done to address the impact of the loss of the Blenheim Shopping Centre and car park to High Street retailers.

The motion to refuse the planning application was seconded by Councillor Josh King who highlighted that the number of local objections outweighed those in support. In his view, the proposed development was out-of-character for Penge and more like something you would find in New York. The Member recognised the need for social housing and housing in general but felt the issues with regard to privacy and outlook for residents, height, scale and massing for residents and the objection received from Historic England outweighed the benefits of the development. Councillor Colin Hitchins expressed similar concerns in relation to the massing of the proposed development compared to the size of the site and stated that he could not support approval of the planning application on this basis.

Councillor Tony Owen noted the proposed development raised a number of issues and that although a further reduction in overall height and massing of the development would be beneficial, this would likely make the delivery of Social Housing units not viable. Weighing it up, the Member felt that the special circumstances to secure much-needed housing outweighed other concerns raised by the development, with the exception of the fire safety issues identified by the London Fire Brigade. The Vice-Chairman similarly emphasised the expertise of the London Fire Brigade on fire safety matters. Councillor Jonathan Andrews suggested that the best way to secure a positive outcome was to approve the application with an informative that would address the fire safety concerns raised and Councillor Charles Joel expressed his support for this approach.

In summation, the Chairman stated that two 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 approved as recommended for the reasons set out in the report, subject to additional conditions agreed by Members was put to the vote and CARRIED.

RESOLVED: That PERMISSION BE GRANTED as recommended, subject to additional grounds that Permitted Development Rights be removed to stop further extensions of the building, that active EV charging infrastructure being installed for 100% of the eight wheelchair accessible parking spaces for residents and a ridge height condition be applied to ensure that the development could not be increased in height and any direction by the Mayor of London for the reasons set out in the report and addendum of the Assistant Director: Planning, and receipt of acceptable revised plans showing occupants of the 'Adaptable' flats in block C are provided with an appropriate route to an escape stair without having to move through a lobby associated with one stairway to get to a lobby associated with another stairway or which otherwise demonstrate the highest standard of fire safety in that regard.

**38 PLANNING RELATED CHANGES TO LOCAL PLANNING
PROTOCOL AND SCHEME OF DELEGATION
Report CSD24037**

The Committee considered a report setting out changes proposed as part of a new annual review of the Local Planning Protocol and the Scheme of Delegation to Officers related to the Development Control Committee.

In addition to the changes set out in the report, the Chairman proposed that Paragraph 1A.2 of the Local Planning Protocol be amended as set out below and this was supported by the Committee:

“Substitute Members at planning committee meetings should be impartial and no more than two Members sitting on a committee should be representing any particular ward at any time. This does not include visiting Members who cannot vote. For the avoidance of doubt, the fact that a Member has called in an application to committee which appears on the agenda of a planning committee meeting shall not by itself preclude such a Member from serving as a substitute Member of that planning committee meeting or from fully participating in the meeting on the same terms as ordinary Members of that Committee.”

A Member suggested that Section 9 of the Local Planning Protocol also be amended to state that due weight should be given to Members’ local knowledge, and this was supported by the Committee. Another Member queried the proposal to limit the representations of Visiting Councillors to a three-minute time period in line with the time allocated to members of the public. Following discussion, the Committee supported the introduction of a five-minute time period for Visiting Councillors and agreed that the Committee should have the opportunity to ask questions of Visiting Councillors.

In considering the proposed changes to the Scheme of Delegation, the Assistant Director: Planning advised that a Member had submitted alternate wording for Section 16.5(b)(i) but that it was not recommended to accept this as it did not include every change requested by Members and the Committee supported this approach. Another Member asked that the readability of Section 16.5(b)(i) be reviewed to ensure it was accessible and this would be taken forward after the meeting with all proposed changes to be provided to the Committee via e-mail circulation.

RESOLVED: That:

- 1) The proposals set out in Paragraphs 3.1-3.8 of Report CSD24037 and the related changes in the appended Local Planning Protocol, Scheme of Delegation, Addendum and further changes as set out above be approved; and,**
- 2) Council be recommended to approve the proposed changes to the Local Planning Protocol and Scheme of Delegation.**

39 APPOINTMENTS TO PLANS SUB-COMMITTEES
Report CSD24020

The Committee considered a report requesting that Councillor Josh Coldspring-White be appointed to Conservative Group vacancies on the memberships of Plans Sub-Committee No. 2 and No. 4.

In response to a question from a Member, the Chairman advised that from the start of the 2024/25 municipal year, the number of Plans Sub-Committees would be reduced from four to two with meetings of these committees held alternately on a monthly basis. This reflected the reduction in the number of planning applications presented to Plans Sub-Committees in recent years. The Planning Advisory Service had also commented that there were too many planning committees and that the Council should consider reducing them.

RESOLVED: That Councillor Josh Coldspring-White be appointed to the memberships of Plans Sub-Committee No. 2 and No. 4.

40 HPR PLANNING KPIS

The Committee considered the performance of the Planning Service against various Key Performance Indicators (KPIs) as at December 2023.

RESOLVED: That the update be noted.

The Meeting ended at 9.51 pm

Chairman

DEVELOPMENT CONTROL COMMITTEE

Minutes of the special meeting held at 8.29 pm on 15 May 2024

Present:

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Jonathan Andrews, Peter Dean, Simon Fawthrop,
Alisa Igoe, Charles Joel, Kevin Kennedy-Brooks, Tony McPartlan,
Tony Owen, Chloe-Jane Ross, Shaun Slator, Mark Smith,
Melanie Stevens and Gemma Turrell

41 PROPORTIONALITY OF SUB-COMMITTEES

RESOLVED that the following proportionality be agreed for 2024/25 -

	Size	Cons	Lab	LDem	Chis	BH Ind	Ind
Plans Sub No. 1	9	6	2	1	-	-	-
Plans Sub No. 2	9	6	2	1	-	-	-

42 MEMBERS OF SUB-COMMITTEES

RESOLVED that the following Schedule of Members to serve on the Sub-Committees of the Development Control Committee be agreed for 2024/25.

(i) PLANS SUB-COMMITTEE NO. 1

	Councillors
1	Cllr Jonathan Andrews (CON)
2	Cllr Simon Fawthrop (CON)
3	Cllr Mark Brock (CON)
4	Cllr Kira Gabbert (CON)
5	Cllr Christine Harris (CON)
6	Cllr Alexa Michael (CON)
7	Cllr Kevin Kennedy-Brooks (LAB)
8	Cllr Tony McPartlan (LAB)
9	Cllr Graeme Casey (LDEM)

(ii) PLANS SUB-COMMITTEE NO. 2

	Councillors
1	Cllr Peter Dean (CON)
2	Cllr Tony Owen (CON)
3	Cllr Charles Joel (CON)
4	Cllr Keith Onslow (CON)
5	Cllr Shaun Slator (CON)
6	Cllr Gemma Turrell (CON)
7	Cllr Chris Price (LAB)
8	Cllr Ryan Thomson (LAB)
9	Cllr Will Connolly (LDEM)

43 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee in 2024/25.

PLANS SUB-COMMITTEE NO. 1	Cllr Jonathan Andrews	Cllr Simon Fawthrop
PLANS SUB-COMMITTEE NO. 2	Cllr Peter Dean	Cllr Tony Owen

The Meeting ended at 8.30 pm

Chairman

Agenda Item 5

Committee Date	6 th June 2024	
Address	53 Jail Lane Biggin Hill TN16 3SE	
Application number	23/03484/OUT	Officer Agnieszka Nowak-John
Ward	Biggin Hill	
Proposal (Summary)	Outline application for demolition of existing dwellings (51 and 53 Jail Lane), formation of access off Jail Lane and construction of up to 50 new Discount Market Rent (DMR) dwellings (Use Class C3) with priority for ex-service personnel, forces families and key workers, comprising a mix of houses and maisonettes together with associated parking, amenity space, landscaping and refuse. All matters reserved.	
Applicant	Agent	
Stonegate (Stoke Road) Ltd C/o Solve Planning Ltd Cheyenne House West Street Farnham Surrey GU9 7EQ	Mrs Rosalind Gall Solve Planning Ltd	
Reason for referral to committee	Cllr call-in	Councillor call in Yes Cllr Michael

RECOMMENDATION	<u>REFUSE PLANNING PERMISSION</u>
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Summary

<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Adjacent - Site Interest Nature Conservation • Article 4 Direction Biggin Hill Safeguarding Area • Green Belt • London City Airport Safeguarding • Local Distributor Roads • Smoke Control
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Residential Use – See Affordable Housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	0	0	0	0	
Affordable (Discounted Market Rent)	18	18	14	0	50
Total	18	18	14	0	50

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	n/a	55	55
Disabled car spaces	n/a	0	0
Cycle	n/a	100 long stay 4 short stay	104

Electric car charging points	20% active, 80% passive
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Representation summary	Letters to neighbouring addresses were sent on 14/11/2023. Press advert was published in News Shopper on 22/11/2023 and a site notice was displayed on 28/11/2023.
Total number of responses	186
Number in support	3
Number of objections	181

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset	£26,181	tbc
Affordable Housing <ul style="list-style-type: none"> 35% of habitable rooms provided as DMR with 30% at London Living Rent and the remainder at a Genuinely Affordable Rent as defined by LB Bromley 	n/a	tbc

○ 65% of habitable rooms provided as DMR		
Early and late stage viability review mechanisms	n/a	tbc
On-Site measures to meet Air Quality Neutral requirements or, failing that, off-site measures / Air Quality Neutral offset payment	tbc	tbc
Healthy Streets/active travel improvements	tbc	tbc
Monitoring fee:	£500 per head of terms	tbc
Cost of legal undertaking	tbc	tbc
Total	tbc	tbc

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. The harm that would arise in this regard would result from the conflict with the Green Belt purpose of preventing urban sprawl by keeping land permanently open.
- Very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt and any other harm.
- The application fails to meet the criteria necessary to qualify for the Fast Track Route and in the absence of a Financial Viability Assessment the application fails to demonstrate that the proposal would maximise the delivery of affordable housing.
- Insufficient information was provided for an archaeological potential associated with the site to be assessed at the pre-determination stage.
- The application fails to adequately assess, mitigate and compensate the impact on the biodiversity value of the site, and in the absence of further surveys as recommended in the Preliminary Ecological Appraisal it is not possible to fully determine the impacts of the proposal on protected species.
- The trip rate generated by the development is higher than the transport emissions benchmark for an Air Quality Neutral development. On-site mitigation measures outlined by the applicant to reduce the emissions do not satisfy the AQN requirements and as there is no guarantee when and how the development would achieve air quality neutral.

1. LOCATION

- 1.1 The site has an approximate area of 1.17ha and sits behind several properties along Hawthorne Avenue and Jail Lane. The site is generally flat and roughly rectangular in shape. To the northern boundary there is Biggin Hill Airport and to the eastern boundary there is an undeveloped area of grassland.

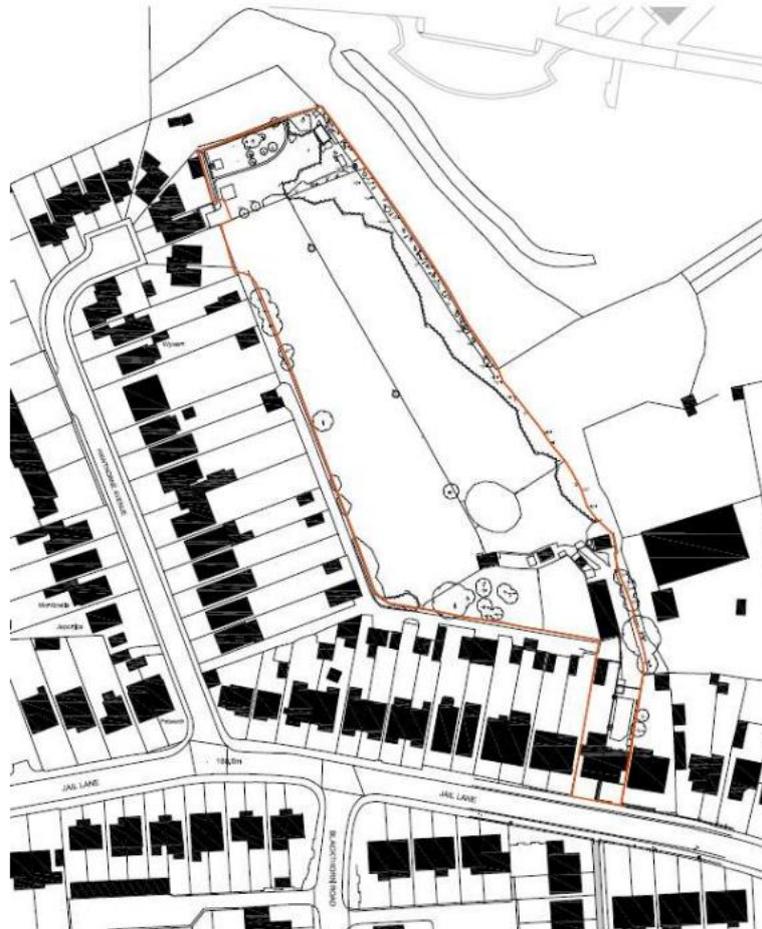


Fig. 1.1 Site location plan.

- 1.2 The site comprises two semi-detached residential dwellings fronting Jail Lane, as well as a small paddock and a number of single storey outbuildings with a mix of stables and sheds at the rear.
- 1.3 Jail Lane consists of a row of dwellings that vary in scale between one and two storeys and have deep rear gardens that extend toward the southern boundary of the site.
- 1.4 Similarly, the properties along Hawthorne Avenue are predominantly single storey bungalows except for a two-storey cul-de-sac at the end of the road which borders the northern boundary of the site.

- 1.5 The land has a substantial tree line and hedgerow running along the entire eastern boundary. Similarly, there is a well-established hedge running along the western boundary that defines the rear boundary to the properties along Hawthorne Avenue.
- 1.6 The application site is located within the designated Metropolitan Green Belt.
- 1.7 The site is greater than 1 hectare in area and lies in Flood Zone 1, classified as having a low to negligible risk of flooding. A Site of Importance for Nature Conservation lies in the vicinity of the site.
- 1.8 The site does not contain or is nearby to any designated heritage assets, however it is located within a Tier III Archaeological Priority Area. The nearest listed buildings are within the Biggin Hill Airport site to the north.
- 1.9 Pedestrian and vehicular access to the site is available from Hawthorne Avenue to the west via an access road located between dwellinghouses at 23 Jail Lane and 2 Hawthorne Avenue. There is an existing right of way access path along the western site boundary.
- 1.10 Jail Lane is a classified road and a Local Distributor Road. There are no parts of the Transport for London Road Network (TLRN) or Strategic Road Network (SRN) nearby. There are no stations within reasonable walking distance of the site. There are five bus services (including two school bus services) stopping within reasonable walking distance from the site. The site has a Public Transport Accessibility Level (PTAL) of 1b, on a scale from 0 to 6b where 6b is the highest.
- 1.11 The site is approximately 0.6 miles (a 12-minute walk) northeast of the centre of Biggin Hill (a designated 'Local Centre').

2. PROPOSAL

- 2.1 This outline application proposes the demolition of existing dwellings (51 and 53 Jail Lane), formation of access off Jail Lane and construction of up to 50 new discount market rent dwellings (use class C3) with priority for ex-service personnel, forces families and key workers, comprising a mix of houses and maisonettes together with associated parking, amenity space, landscaping and refuse. All matters are reserved.
- 2.2 The proposed residential mix comprises:
 - 18 no. 1 bed Studio Apartments (36%)
 - 18 no. 2 bed Maisonettes (36%)
 - 14 no. 3 bed Houses (mix of semi-detached and terraced housing) (28%).
- 2.3 Plots 1-14, a mixture of rows of three houses and a pair of semis, would be sited perpendicular to the gardens to the properties along Hawthorne

Avenue. Plots 19-50 would be sited further to the east of the site and would comprise nine blocks of four apartments (two maisonettes on ground and first floor, and a studio flat at second floor).



Fig.2.1 Indicative Site Layout.

- 2.4 Materials are to reflect those of surrounding housing, being a mixture of red and yellow brick and render.
- 2.5 Off-street parking comprising 55 No. car parking spaces located in three areas of parking which are overlooked by residential properties and spaced to accommodate new trees. 20% of all car parking spaces would be provided with active electric vehicle charging points with the remaining 80% spaces with passive provision for electric vehicles in future. 2 cycle parking spaces per dwelling are provided throughout the development (100No.) in addition, to four bikes for visitors.



Fig.2.2 Indicative Sections.

- 2.6 A Public Open Space would be provided in the southern part of the site which would accommodate informal recreation area with footpath, seating area, and equipped play area.

3. RELEVANT PLANNING HISTORY

- 3.1 The site does not have any relevant or recent planning history.

4. CONSULATION SUMMARY

a) Statutory

- 4.1 **Greater London Authority (GLA)** – The application does not comply with these policies, as summarised below (a copy of the GLAs full report is attached at Appendix 1):

- **Land use principles:** The proposal constitutes inappropriate development in the Green Belt and as such should not be approved except in very special circumstances. Further information is required to assess the extent of the impact of the development on the openness of the Green Belt. The applicant must demonstrate that very special circumstances exist, prior to the Mayor's decision making stage.

- **Housing:** The proposed development includes 50 Build to Rent units as 100% affordable housing by habitable room at Discount Market Rent levels. Compliance with Policy H11 of the London Plan must be appropriately secured, including clawback mechanisms, covenant and rent levels. The scheme could be eligible to follow the Fast Track Route.

- **Urban design:** The development does not demonstrate that the site capacity and layout has been optimised through a design-led approach and impacts to openness of the Green Belt have been identified. A design code and further details on boundary treatments, landscaping, and public access should be provided.

- **Sustainable development and environment:** Further information is required on energy, circular economy whole life-cycle carbon, green infrastructure, water, and air quality.

- **Transport:** Further information is required on Healthy streets, car and cycle parking, delivery, servicing and construction, and Travel Plans.

4.2 **Transport for London (TfL) –** Further work is required on a number of strategic issues before TfL is able to confirm compliance with London Plan transport policies T1, T2, T4, T5, T6, and T7, including covering issues of policy-compliant cycle parking and car parking.

- **Site Description**

The site is on Jail Lane, which is borough highway and there are no parts of the Transport for London Road Network (TLRN) nor Strategic Road Network (SRN) nearby. There are five bus services (246, 320, 464, R2, and R8) stopping within reasonable walking distance from the site but no rail stations. Consequently, the site has a Public Transport Access Level (PTAL) of 1b, on a scale from 0 to 6b where 6b is the highest. The site also benefits from two school bus services.

The site is remote from the Strategic Cycle Network (SCN) and the London Cycle Network (LCN). National Cycle Route NCN 21 is within 3km of the site, however access to it is via narrow, steep, unlit and heavily trafficked country roads.

- **Healthy Streets & Active Travel Zone Assessment**

In order to meet London Plan mode share target (Policy T1) for outer London of achieving a 75% average of daily trips to be walking, cycling, and public transport mode share by 2041 it is essential that infrastructure for active travel both on and off the site and that for buses is good, and consequently improvements are necessary to contribute toward satisfying Policies T2, T4 and T5.

Policy T2 requires that transport assessments focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Whilst a Transport Statement has been provided, it has not been prepared in line with TfL guidance. In particular, there is no Active Travel Zone assessment. An ATZ assessment should identify and audit walking and cycling routes to key destinations such as bus stops, shops, schools, and leisure and health facilities, and this should include an assessment

during the hours of darkness. This could include, but is not limited to, improvements to lighting, crossings and footway surfaces; tree planting and provision of benches; road safety improvements particularly focussing on those walking and cycling; and improvements for cycling on the route to NCN 21. Such improvements will support the active and sustainable travel among new residents and their visitors as well as for existing users of the area and ensure those modes are a more attractive option to them than using a car. There is guidance on TfL's website.

The ATZ assessment should be provided prior to determination and used by the Council to identify and then secure appropriate active travel improvements to be delivered through Section 106 funding and/or Section 278 works.

Our own examination of the area has identified a particular need for:

- . Repairs to the crossing outside of Charles Darwin School, in order to increase pedestrian safety when crossing the road.
- . The provision of bus shelters at the nearest stops, equipped with "Countdown" real-time bus arrival indicators, and ensuring that those stops meet TfL standards and guidance, for example ensuring the required kerb height and appropriate length of kerbside covered by bus stop clearway restrictions.

- **Cycle parking**

A total of 100 long-stay spaces and 4 short-stay spaces are proposed. That meets the minimum quantity standard outlined in Policy T5. However, the proposals do not comply at all with the quality standard requirement of T5, specifically that cycle parking meets the London Cycle Design Standards (LCDS), and so we recommend that this cannot be considered acceptable. The current cycle parking proposal consists of various Sheffield stands spread across the site which are not covered or secured. Further, there are inconsistencies in the layout in terms of which stand is assigned to which property.

We recommend that the cycle parking is completely redesigned taking account of the LCDS. The following issues should, in our view, be appropriately addressed:

- . To align with LCDS Chapter 8 Sections 2.8 and 5.3, long-stay cycle parking should be secure, accessed by residents only, and covered. As currently proposed none of these objectives are achieved.
- . The numerical standards in the London Plan are based on the assumption that cycle parking will be communal, so that a household with all occupants wanting to keep a cycle can utilise space which is not used by non-cycling households. If cycle parking is assigned to individual homes, as appears to be the case for stands which are in gardens, it is clear that two spaces will be insufficient for a 3-bed/5-person household if everyone is to keep a

cycle. Our recommendation is that cycle storage is provided in communal stores distributed around the site in close proximity to front doors to properties (so, for example, not placed at the back of a parking courtyard).

- . When provided in communal stores, the recommended spacing between Sheffield stands is 1.2 metres to accommodate two conventional cycles, with 1.0 metres as an absolute minimum for two cycles.
- . LCDS Chapter 8 is clear that five per cent of all cycle parking should be on spaces suitable for wider cycles. Such cycles include cargo cycles, cycle trailers, and a range of cycles typically used by disabled riders. While not covering every variant, we understand that the more common examples of these require at least 900mm width for the parking and access alongside it combined (or 1.8m for two such cycles). Sheffield stands are most likely to provide suitable locking points. LCDS Figure 8.1 sets out other access requirements for these spaces. Note that we would expect wider spaces to be reserved informally for use only for wider cycles through signage, the management plan and notices to residents.
- . LCDS Chapter 8 is also clear that not everyone can use two-tier racks. If that form of cycle parking is proposed, we recommend it makes up a maximum of 75 per cent, leaving a minimum of 20 per cent on Sheffield stands at normal spacing and a minimum of five per cent on Sheffield stands at wider spacing.
- . It is not clear which stands are intended to make up the provision of short-stay cycle parking spaces. They should be separate to the long-stay provision, and easily accessible to visitors. It should follow the spacing guidance above.
- . We recommend that cycle parking facilities are provided with a repair stand and basic maintenance tools and a pumps as an action within the Travel Plan.

The ultimately agreed cycle parking should be secured through a condition requiring installation in accordance with the approved details and maintenance as such for the lifetime of the development.

- **Car Parking**

The site is proposed to have a total of 55 car parking spaces, which equates to a parking ratio of 1.1 spaces per dwelling. This level of provision exceeds maximum London Plan standards for this site, and no justification has been provided to show that this is the minimum necessary provision (Policy T6 part B). This site is served by five bus routes and is within Biggin Hill, in proximity to village services and facilities such as schools and shops. A reduction in car parking could also enable concerns about cycle parking to be better addressed and could allow further 'greening' of the site. Furthermore, it would also help achieve the Mayor's strategic mode shift target outlined in Policy T1.

It should be noted that, from the 2021 Census in the Output Area containing this site, 17.5% of households had no car or van. This should be taken as a guide to the likely demand for parking on this site, although it should also be considered in the light of the restrictive policy environment introduced by the London Plan in 2021. Ultimately it needs to be demonstrated that the amount of parking is the minimum necessary for the development to be able to go ahead.

Any car parking which is ultimately provided should be let on a short term (we recommend monthly) rolling contract, and not sold or otherwise contractually attached to a particular property, in line with Policy T6.1 part B and supporting text in paragraph 10.6.14.

No disabled persons' parking bays have been proposed. This is contrary to Policy T6.1 which requires disabled persons' parking spaces for the equivalent of three per cent of homes provided from the outset, with a location(s) for up to a further seven per cent identified if demand arises in the future. It should be noted that disabled persons' parking bays are wider and longer than general ones and thus it cannot be assumed that sufficient of the proposed general car parking is suitable for conversion for that purpose. Furthermore, any on-plot private to a particular dwelling parking of sufficient size would not be sufficiently flexible to meet the needs of disabled people who could be living in or visiting any home within the development.

20 per cent of all car parking will be provided with active charging, and the other 80 per cent with passive charging. Whilst this meets the minimum requirement in the London Plan, we would encourage you to secure provision of active facilities at all disabled persons' parking spaces from the outset of the development (or their provision for spaces provided later). We would expect the management company to bring passive provision into active use at no direct cost to the person requesting it.

It is welcomed that car parking is set behind, rather than the front of, the homes, so that it minimises dominance and improves safety for pedestrians and cyclists. There is a good level of natural surveillance to the car parking from the other homes, but we would encourage the applicant to include measures in line with TfL's Streetscape Guidance to fully ensure the safe movement of pedestrians, cyclists, and vehicles in a shared space. This could include bollards or planting to provide a division between the pedestrian and vehicle routes, as well as clear signage to guide drivers.

A permit-free agreement should be secured within the Section 106 agreement, preventing occupiers of the new housing (other than disabled people) from securing a parking permit, in the event that Controlled Parking Zone (or similar) controls are extended to cover this area. This will ensure that existing residents are not placed at a disadvantage by any overspill parking from the proposed development.

- **Transport Network Impacts**

TfL does not foresee a significant impact on the local or strategic road network or on public transport capacity, other than in respect of our concerns outlined elsewhere in this email.

- **Delivery and Servicing and Construction**

A full delivery and servicing plan should be secured through condition to align with Policy T7. A full Construction Logistics Plan (CLP) should be secured through condition to align with Policy T7.

- **Travel Plan**

Given the concerns raised above regarding the ability of the development to meet London Plan mode share targets set out in Policy T1, an effective, full Travel Plan (TP) will need to be secured through condition, to follow best practice and practically support sustainable travel by occupiers and visitors to this development. This should include targets at years 1, 3 and 5 in line with the Mayor's Strategic Mode Shift target. The TP should include clear measures to increase active travel and use of buses, this could range from bus maps and timetables and walking and cycle information to subsidised travel on public transport, apps, cycle hire and cycle subsidies.

Ensuring the minimisation of car parking and the delivery of London Plan policy-compliant cycle parking would also help mode shift.

These measures and support for sustainable transport should be funded and secured via the s106 agreement. As proposed the development is highly unlikely to meet the 75% active travel mode-shift target outlined in Policy T1, a result of the location of the site having a poor transport links and, consequentially, a PTAL score of 1b.

Therefore, an effective and well-funded Travel Plan will be essential alongside improvements to active travel and bus infrastructure, to at least approach this target, despite the scale and nature of the development.

4.3 **Historic England – Recommend Pre-Determination Archaeological Assessment/Evaluation**

- Given the size of the site and that it has not been previously developed, it is recommended that the application requires archaeological desk-based assessment.
- Additional information is needed before advice can be given on the effects on archaeological interest and their implications for the planning decision.
- It is recommended that the applicant's failure to submit the assessment is added as a reason for refusal.

4.4 Thames Water – No objection

- Waste Comments - with regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.
- We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: “A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- Waste water network and sewage treatment works infrastructure capacity - no objection to the above planning application, based on the information provided.
- Water Comments - no objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will 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.

4.5 London Fire Brigade – No comments received

b) Local Groups

4.6 Biggin Hill Airport - Objection

- The Airport has no in-principle objection to the development of new housing within the Borough, particularly affordable housing for ex-service personnel. However, the Airport is not able to support this particular development proposal, incorporating 50 new homes, due to the impact it could have on the safe and continued effective operation of London Biggin Hill Airport. As a result, on behalf of the Airport, we set out the below objection to planning application ref: 23/03484/OUT.
- Agent of Change

The ‘agent of change’ principle is set out within Para 187 of the NPPF (2023) which states that: “Where the operation of an existing business

or community facility could have a significant adverse effect on new developments (including changes of use) in its vicinity, the application (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

The London Plan (2021) provides specific policy on the agent of change principle. Policy D13 places the responsibility for mitigating impacts of existing development and operations on the new proposed noise sensitive development, with part B of the policy being of particular importance, and which states:

“development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue to grow without unreasonable restrictions being placed on them”

Biggin Hill Airport is currently home to over 70 commercial and aviation activities, 60 business jets, and over 150 other private aircraft and helicopters. The Airport is ranked in the top three in the UK and top ten in Europe for business aviation, and has grown to become a significant economic force in the aerospace sector. It is a key economic player in South London, Kent and Surrey. Recent tenant surveys, undertaken by the Airport, revealed that the Airport supports c. 900 full time equivalent direct jobs (excluding the wider business park that forms part of the Strategic Outer London Development Centre [SOLDC]) generating an estimated contribution to the economy of c. £90million.

The Airport expects to build on its recent growth and existing strengths (including its three pillars: (1) a London gateway, (2) an aircraft home base, and (3) an aircraft service centre), combining a mixture of established businesses with new industries that make the most of new and emerging technologies (such as Sustainable Aviation Fuels, eVTOL and greater use of electricity rather than combustion). The Airport’s vision for growth seeks to make the best use of land within the SOLDC, with the potential to grow significantly in the short to medium term, supported by the London Plan and adopted local plan.

As a major local employer, which has the potential to expand its operations to create further jobs and significant direct and indirect growth in the wider economy it is imperative that neighbouring development does have any undue impact on its ongoing operations. The following section outlines the Airport’s concerns as to how the proposed development for which permission is being sought would fail to comply with the Agent of Change principles.

- Potential Impacts and Issues
 - Security:

Security at the boundary of an Airfield is of the utmost importance. The proposed development would facilitate new and formal access to the

boundary of the Airfield, where it currently does not exist. It would reduce clear lines of sight to the boundary area, replacing open fields with dense and more easily navigable urban environment. In short, it would increase the opportunity for potential intruders to gain access to the secure line of the Airfield, unsighted.

Due to the very stringent Civil Aviation Authority requirements placed on an Airport, the proposals may lead to the Airport having to upgrade its security arrangements in this corner of the airfield, as a result of development outside of their control. This would not be acceptable.

The issue of security is a vital one to an airfield, one that could impact on the ongoing safe operations of the Airport. There is no recognition within the application submission of how the development would be designed to respond to this potential issue, to ensure that the security of the Airport is not impacted and that the Airport would not need to increase its own provision as a result. Absent that, planning permission should not be granted.

- Bird Strike:

The accompanying planning, design and access statement confirms that the proposals (presumably through RM submissions) would deliver the “planting of native and ornamental species proposals offering opportunities for shelter and habitat creation.” Whilst the increase in biodiversity through habitat creation is something which the Airport supports in principle, its increase in direct proximity of the Airport is a cause for concern.

The increase in foliage gives rise to the potential for the increase in birds, and the question should be raised as to whether suitable consideration has been given to bird strikes, both now and in the future as the Airport continues to expand its operations. The preliminary ecological appraisal cites the provision of nesting boxes for a variety of bird species within the existing trees on site as well as the creation of new ponds within communal areas. On its own site, the Airport does everything it can to minimise the potential for attracting birds, given the significant issues bird strikes can have on the safe operations at an airfield. The Council should treat with great caution any proposed development in the proximity of the Airport that increases this risk.

- Noise, Disturbance and Amenity:

Aviation activity creates emissions. London Biggin Hill Airport is making great strides in reducing these emissions through its operations and contain them as far as it practicable. In respect of noise in particular, the Airport is subject to stringent controls. The Airport’s own Noise Action Plan (NAP) sets out the framework with which the airport operates as well as the anticipated noise levels produced through operations. Development within these areas, where noise levels are heightened,

could give rise to issues and complaints that could disrupt the ongoing operations of the Airfield unless managed appropriately.

The applicants Acoustic Assessment provides little in the way of direct analysis other than to observe, on the day(s) of their site visit that “*the airport flight path is not over the site and there are relatively few aeroplanes given the size of the airport*” (pg. 4). There is no mention of the NAP (available online), the detailed study undertaken, the noise contour data nor the potential operations at the Airfield permitted under the NAP. In the Airport’s view, the noise report does not properly consider the potential noise that could emanate from the Airport in accordance with the NAP; therefore the acceptability or otherwise of new residential dwellings in this location has not been adequately tested.

To this end, the application has failed to demonstrate compliance with policy 110 of Bromley’s Local Plan.

- Green Belt

The application site falls within the Metropolitan Green Belt. The applicant’s case for how the scheme meets the threshold of demonstrating ‘Very Special Circumstances’ (VSC) is set out in the submitted Planning, Design and Access Statement. The applicant’s VSC is the delivery of a specialist type of housing. The Council will need to balance the VSC case against the harm caused, both to the Green Belt and ‘any other harm’, as required by para 148 of the NPPF. The harms to the Airport in terms of the ‘agent of change’ principle are properly harms to be weighed in the balance as part of consideration of Pg 4/4 27237584v2 whether VSC exist. The Airport trusts the Council will do so effectively, in light of the matters raised in this letter and any other issues raised through the consultation process.

- Conclusion

The Airport wishes to reiterate its support for the principle of the development of low-cost housing in LB Bromley, particularly for ex-service personnel, and looked at solely from that perspective, there are obvious benefits to the application proposal that the Airport recognises. However, the boundary of an Airfield is a highly sensitive location, and development proposals must be scrutinised appropriately, regardless of the benefits of the end use.

Economic growth of the Airport is supported by policy at a national, London and Bromley level and this is dependent on effective aeronautical operations. The Airport considers that its current and future operations would be adversely impacted by the proposed development. As a result, the development fails to address the agent of change principles enshrined in policy and, at least in its current form, they should not be approved.

c) Adjoining Occupiers

Objections

- loss of Green Belt land
- conflict with the purposes of the Green Belt land
- there are already houses for ex military nearby which instead of being given to them are being sold. We should use the facilities we already have instead of knocking down existing houses
- very little demand for housing ex-forces personnel and their families in Biggin Hill
- will not benefit the community or provide affordable housing
- unclear on rent levels
- out of keeping
- harm to the character
- there are no other flats on the road or surrounding it
- setting precedent for more to be built
- overdevelopment
- too dense
- an eye sore
- too high
- reduction in green space
- loss of privacy and overlooking
- loss of light to gardens
- loss of outlook and open views
- light pollution from the headlights of vehicles emerging from the proposed access/entrance
- impact on well being
- increase in noise/air pollution
- safety concern due to a new access to the rear of properties 26, 28 & 30 Hawthorne Avenue
- increase in fumes and light pollution both from the site and from removal of trees between site and airport
- impact on the airfield (increased light)
- impact of fuel aviation fumes on the new development
- the traffic report in support of the application has errors and is not correct on several items
- increase in traffic and congestion
- insufficient parking
- damage to the roads and the increase in the need for the road maintenance
- restricted access for emergency vehicles
- pedestrian and children safety due to increased traffic in close proximity to schools - there have already been numerous accidents
- insufficient local amenities and infrastructure (particularly educational and healthcare provisions) to support the scale of the development and the proposed number of residents
- impact of water and sewerage systems

- worsening of surface water run-off and flood issues
- current utility network/infrastructure, especially water and gas, cannot cope with the existing population
- impact on habitats and wildlife (grass snakes, badgers, birds, foxes, rabbits)
- loss of mature trees and hedgerows
- disruption during construction works
- loss of property values
- the background of the applicant questionable

Support

- doctor's and dental practices will be available to cope with the extra demand which this development will bring
- there will be not much traffic during school run times
- another 50 homes would not impact on local area that much
- desperate need new for small homes, ideally passive built energy efficient homes and they should be for local residents
- Green Belt needs updating
- appears reasonably well balanced and not unsympathetic to the local area
- benefit to the area especially if the homes were offered to local residents for affordable housing
- great for local businesses that are struggling.

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

- 5.1 Section 38(5) states that if to any extent a policy contained in a development plan for an area conflict 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].
- 5.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

National Policy Framework (NPPF) 2023

- 5.3 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Practice Guidance (NPPG)

- 5.4 Relevant paragraphs are referred to in the main assessment.

The London Plan (March 2021)

5.5 The relevant policies are:

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
D1 London's form, character and capacity for growth
D2 Delivering good design
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
D7 Accessible housing
D8 Public realm
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
H11 Build to rent
S4 Play and informal recreation
G1 Green Infrastructure
G2 London's Green Belt
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI1 Improving Air quality
SI 2 Minimising greenhouse gas emissions
SI 3 Energy infrastructure
SI 8 Waste capacity and net waste self-sufficiency
SI 13 Sustainable drainage
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
DF1 Delivery of the plan and planning obligations
M1 Monitoring

Mayor Supplementary Guidance

5.6 The relevant SPGS are:

- 'Be Seen' energy monitoring guidance (2021)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- Air Quality Neutral LPG (2023)
- Air Quality Positive LPG (2023)
- Cargo bike action plan (2023)
- Character and Context SPG (2014)
- Energy Assessment Guidance (2022)
- Fire Safety LPG (Draft) (2022)
- Green Infrastructure and Open Environments: The All London Green Grid SPG (2021)
- Homes for Londoners - Affordable Housing and Viability (2017) Housing Design Standards LPG (2023)
- Housing SPG (2016)
- London Environment Strategy (2018)
- Mayor's Environment Strategy (2018)
- Mayor's Transport Strategy (2018)
- Sustainable Design and Construction (2014)
- Sustainable Transport, Walking and Cycling LPG (2022)
- The Control of Dust and Emissions During Construction and Demolition (2014)
- Urban Greening Factor LPG (2023)
- Whole Life Carbon LPG (2022)
- Draft Affordable Housing LPG (2023)
- Draft Development Viability LPG (2023)
- Draft Digital Connectivity Infrastructure LPG (2023)

Bromley Local Plan (2019)

5.7 Relevant policies are:

- 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
- 37 General Design of Development
- 49 Green Belt
- 69 Development and Nature Conservation Sites
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees

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
119 Noise Pollution
120 Air Quality
122 Light Pollution
123 Sustainable Design and Construction
124 Carbon Reduction, Decentralised Energy Networks and Renewable Energy
125 Delivery and Implementation of the Local Plan

Bromley Supplementary Guidance

5.8 Relevant Guidance are:

- Urban Design Guide (2023)
- Planning Obligations (2022)
- Affordable Housing

6. Assessment

6.1 Principle of development - Unacceptable

Green Belt

6.1.1 The site lies within land designated as Green Belt. Policy G2 of the London Plan seeks to protect the Green Belt from “inappropriate development”, affording the strongest possible protection to the Green Belt land in line with the requirements of the NPPF in which paragraph 137 of the NPPF states “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

6.1.2 The construction of new buildings in the Green Belt is inappropriate unless it meets the defined exceptions in Paragraphs 154 and 155 of the NPPF. As none of the exceptions outlined in these paragraphs apply, the proposal represents inappropriate development.

6.1.3 Paragraph 152 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”. Therefore, the main issue in the assessment of the acceptability of the principle of the proposed development is 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.

- 6.1.4 In order to undertake an assessment of Very Special Circumstances, it is first important to understand the level of harm to the Green Belt resulting from the proposed development.

Level of Harm

- 6.1.5 The applicant argues that whilst there would clearly be an impact on openness through the introduction of built form on a predominantly undeveloped site, this harm is tempered by the low contribution the existing site has to the purposes of the Green Belt and the negligible impact on wider views due to the topography of the site and existing trees and vegetation which screen the site.

- 6.1.6 The applicant's summary of the characteristics of the site against the five purposes of the Green Belt listed in Paragraph 143 of the NPPF is included below:

- (a) *to check the unrestricted sprawl of large built-up areas:* the site is an inset area of the built form of Biggin Hill. It is enclosed by the Airport to the north and north-east and residential development to the west and south. The eastern boundary has a strongly defined boundary of trees and vegetation. The applicant considers that the land has only a limited perceptual and physical connection to the open Green Belt to the east. They consider, therefore, it performs poorly against this purpose of the Green Belt.
- (b) *to prevent neighbouring towns merging into one another:* The applicant considers the site has no function in relation to separation from neighbouring towns. They state it is an inset part of the built-up area of Biggin Hill, surrounded by development apart from the eastern boundary which is strongly defined. Neighbouring development to the north and south extends much further to the east than the proposal site. The applicant considers the development of the site will have no impact on the proximity of Biggin Hill to surrounding settlements.
- (c) *to assist in safeguarding the countryside from encroachment:* The applicant states that the site is formed of land to the rear of residential properties. Due to the site's containment, they consider it has limited perceptual and physical connection with the open countryside to the east. They conclude that the site is considered to have a negligible role in relation to this purpose.
- (d) *to preserve the setting and special character of historic towns:* the site is not related to the setting or special character of a historic town.

- (e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land:* the site is not formed of urban land - wider views of the site are limited by the boundary vegetation and the flat topography of the site. Where the site is viewed along Jail lane, the applicant contends that there would be a minor beneficial effect from the removal of the two existing houses and an overall negligible impact on wider views.



Fig.6.1.1 Aerial View of the Site.

- 6.1.7 Officers have considered the above. The existing properties facing Hawthorne Avenue have a seamless interface with the Green Belt with the rear gardens transitioning into the open space. The proposed development would introduce the expansion of existing built form and hard surfacing / road infrastructure to this undeveloped site between the residential gardens and open land (Fig.6.1.1).
- 6.1.8 In officers' view the application site appears as a continuum of the adjacent Green Belt land, thereby contributing to the openness of the wider Green Belt and contributing to the important transition between built-up areas of Biggin Hill and the sparsely developed Green Belt land extending beyond its eastern boundary.
- 6.1.9 Whilst the scale of development would be broadly consistent with the existing context, the proposed development would conceivably read as an continuation to the existing urban edge/residential fringe. The proposal would effectively turn this open greenfield site that limits the extent of the urban area, into an extension of the surrounding built-up area. The erosion of openness and the urban character of the proposed development would demonstrably lead to a permanent, urbanising effect.

- 6.1.10 Although the urban context surrounding the site is acknowledged, this does not alter the Green Belt designation of the site and the need to maintain the Green Belt's characteristics of openness and permanence. The site is a contributor to the openness of the Green Belt, both in terms of the site itself and in respect of the transition it provides between the undeveloped Green Belt and the built-up area beyond.
- 6.1.11 Despite the applicant's claim that there would be a minor beneficial effect in views along Jail Lane resulting from the removal of the two existing houses and an overall negligible impact on wider views, no Townscape and Visual Impact Assessment has been provided as part of the application submission.
- 6.1.12 In any case, openness is characterised by the absence of buildings notwithstanding the degree of visibility from the public realm and in this instance, due to the context, quantum and scale the proposed development would erode the openness of the Green Belt in both visual and spatial terms.
- 6.1.13 As such, it is considered that the harm in respect of openness would be significant and irreversible. Whilst the site is not undeveloped countryside, it is largely devoid of built development and hard surfacing and the proposal would undermine the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open. This would be at odds with the Green Belts essential characteristics of openness and permanence. On that basis officers conclude that the proposal would therefore lead to substantial harm to the openness of the Green Belt as is referred to in the Framework.

Very Special Circumstances (VSC)

- 6.1.14 The following arguments asserting very special circumstances have been set out in the Planning, Design and Access Statement submitted in support of the proposal:
- I. The Council is currently only able to identify 3.99 years of housing land supply according to the latest position statement in June 2023.
 - II. The recent Regulation 18 consultation document recognises that whilst the Bromley Corporate Strategy aims to deliver 1,000 new affordable quality homes, Bromley's affordable housing completions have been low with only approximately 400 affordable units completed since 2017.
 - III. The proposed form of affordable development (DMR) in accordance with Policy H11 (Build to Rent) offers longer-term tenancies and more certainty over long-term availability, ensuring a commitment to, and investment in, place-making through single ownership and provides better management standards and better-quality homes than much of the mainstream private rented sector.

- IV. The DMR housing will be targeted to ex-service personnel, forces families and keyworkers. As set out in the evidence in the accompanying research undertaken by Three Dragons these groups have a particular need in the borough. This will be secured via a legal agreement with a cascade approach to prioritising these groups.
- V. This uniquely tailored scheme will meet an acute housing need which results in very special circumstances that outweigh the harm to the Green Belt.
- VI. The level of harm to the Green Belt resulting from the proposed development is tempered by the low contribution the existing site has to the purposes of the Green Belt (outlined in the preceding section of this report).

6.1.15 With regard to housing supply, paragraph 11(d)(i) needs to be read with the footnote [7] which lists relevant policies in the NPPF including those relating to land designated as Green Belt. Consequently, notwithstanding the absence of a five year supply of housing and the diminution of weight afforded to Local Plan Policy 1, Paragraph 11(d) limb (i) prioritises the application of “Footnote 7” policies for the protection of the relevant “areas or assets of particular importance”, and where the application of those policies produces a clear reason for refusal there is no role for 11(d)(ii). In such circumstance, the presumption in favour of the development that might otherwise exist (titled balance) is effectively disapplied.

6.1.16 Further to that, the London Plan Strategic Housing Land Availability Assessment identifies that London’s housing needs can be met without developing on sites within Green Belt.

6.1.17 The contribution towards meeting affordable housing needs could attribute more substantial weight in support of the proposal as part of the overall balancing exercise (see Conclusion and Planning Balance section of this report), as long as genuinely affordable housing is to be delivered and there is clarity on what is proposed, and what can be secured in the legal agreement. However, a delivery of mandatory baseline policy requirements necessary to make the proposal acceptable would not normally extend beyond compliance with relevant development control policies and would not, therefore, comprise very special circumstances.

6.1.18 In this instance, as the scheme is intended to deliver 50 affordable units which would be available at a discount market rent to veterans and possibly other key workers, the priority need for affordable rented accommodation has not been addressed in the proposal. The affordable housing need within the borough is greatest for social-rent and affordable rent tenures.

6.1.19 The Council do not have a Key Worker allocation policy, however, there is a general need for intermediate housing within the borough. It would therefore only attract limited weight in terms of affordable housing

delivery. Greater weight could be attached to a policy compliant scheme that included units at London Living Rent levels (see affordable housing section, below).

6.1.20 In any case, weight can only be given to the guaranteed provision which needs to be secured in the legal agreement.

6.1.21 As set out in paragraph 153 of the NPPF local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Alongside the reasons set out in the previous sections of this report concluding that the proposal would lead to substantial harm to the openness of the Green Belt, Paragraph 145 of the NPPF confirms that it is not appropriate to consider the function of the Green Belt boundary through the planning application process. The procedure through which Green Belt boundary changes should be considered is explained as follows:

“Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process [...]”.

6.1.22 To this end, it is considered that the above points do not justify the development of 50 build to rent housing units within the Green Belt and they do not amount to Very Special Circumstances that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

Housing

6.1.23 Policy H1 of the London Plan sets 10-year housing targets for each borough including a target of 7,740 for Bromley.

6.1.24 The applicant proposes to deliver all the 50 residential homes as Build to Rent. Policy H11 of the London Plan outlines the criteria that must be met to qualify as Build to Rent which include:

- the development, or block or phase within the development, has at least 50 units;
- the homes are held as Build to Rent under a covenant for at least 15 years;
- a clawback mechanism is in place that ensures there is no financial incentive to break the covenant;
- all the units are self-contained and let separately;
- there is unified ownership and unified management of the private and Discount Market Rent elements of the scheme;
- longer tenancies (3 years or more) are available to all tenants. These should have break clauses for renters, which allow the

tenant to end the tenancy with a month's notice any time after the first six months;

- the scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
- there is on-site management. This does not necessarily mean full-time dedicated on-site staff, but that all schemes need to have systems for prompt resolution of issues and some daily on-site presence; and
- providers have a complaints procedure in place and are a member of a recognised ombudsman scheme.

6.1.25 A planning statement submitted references the above criteria. Notwithstanding the matters concerning the acceptability of the proposed development within the Green Belt, the addition of 50 residential dwellings could be supported in principle, subject to compliance with other relevant planning policies.

Affordable Housing

6.1.26 Policy H11(A) of the London Plan advises that where a development meets the criteria set out in Part B (listed above), the affordable housing offer can be solely Discounted Market Rent (DMR) at a genuinely affordable rent, preferably London Living Rent level. DMR homes must be secured in perpetuity.

6.1.27 Part C of the policy clarifies that to follow the Fast Track Route, Build to Rent schemes must deliver at least 35 per cent affordable housing, or 50 per cent where the development is on public sector land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution. The Mayor expects at least 30 per cent of DMR homes to be provided at an equivalent rent to London Living Rent with the remaining 70 per cent at a range of genuinely affordable rents. Schemes must also meet all other requirements of Part C of Policy H5 'Threshold approach to applications'.

6.1.28 Part C of Policy H5 states to follow the Fast Track Route of the threshold approach, 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.

- 6.1.29 Policy H11(D) confirms that where the requirements of C of Policy H5 are not met, schemes must follow the Viability Tested Route. Viability assessments on such schemes should take account of the differences between Build to Rent and Build for Sale development and be undertaken in line with the Affordable Housing and Viability SPG.
- 6.1.30 In response to officer's request for additional information on the exact tenure of the proposed DMR provision, the applicant has provided a letter outlining further detail of the affordable housing provision.
- 6.1.31 A total of 146 habitable rooms are proposed across the scheme. A letter dated 26th April 2024 confirms that 35% (51) of total habitable rooms would be affordable, of which:
- 30% (16 habitable rooms) would be Discount Market Rent at London Living Rent Levels:
 - 2 x 1 bed studios;
 - 3 x 2 bed maisonettes
 - 1 x 3 Bed house;
 - The remainder (35 habitable rooms) would be Discount Market Rent at 'Genuinely Affordable Rent' as defined by the LB Bromley
- 6.1.32 This potentially meets part of the criteria C of Policy H11 in terms of 35% affordable housing at the correct tenure split. However, no detail has been provided as to what exactly the "*Genuinely Affordable Rent' as defined by the LB Bromley*" would involve. Had the application been considered acceptable overall, the LPA would seek to secure rent levels which would be genuinely affordable to households on low and medium incomes, i.e. as a general rule, housing costs should not exceed one third of gross household income or, for households in receipt of housing benefit, that housing costs should not exceed the level of benefit received. This would need to be secured in a S106 legal agreement.
- 6.1.33 As set out in paragraph 6.1.27 of this report, to Follow the Fast Track Route, Build to Rent schemes *must also meet all other requirements of Part C of Policy H5*. To this end, officers consider that in the absence of any evidence of seeking grant availability for the scheme, as well as the conclusions relating to the Green Belt and the failure to demonstrate the compliance with other strategic policies, the proposal fails to meet Part C(3) and C(4) of Policy H5 and the proposal does not qualify for the Fast-Track Route.
- 6.1.34 The applicant has not provided a Financial Viability Statement to support the current proposal in accordance with Policy H11(D). In the absence of a Financial Viability Assessment the application fails to demonstrate that the proposal would maximise the delivery of affordable housing, thereby contrary to Policy H5 (C3) and (C4) and H11 (C) and (D) of the London Plan.
- 6.1.35 The applicant states that the remainder of the proposed dwellings (i.e 65% of the total) would be provided as Discount Market Rent. The rents

would be discounted by 20% of the open market rent (95 habitable rooms) as summarised below:

- 8 x 1 bed studio
- 10 x 2 bed maisonettes
- 12 x 3 bed houses.

6.1.36 The applicant states that they are open to discussions with the Council policy team regarding the most desired mix of dwellings to meet the habitable room percentage requirement for each tenure and would welcome discussion with the Council's Housing Officers to discuss the proposed affordable offer in more detail. Notwithstanding the failure to comply with Policies H5 and H11, some weight can be attributed to the provision of affordable housing (Discount Market Rent) for the remainder of the proposed dwellings. This will be weighed into the overall planning balance in the conclusions section of the report.

Housing Mix

6.1.37 London Plan Policy H10 states that schemes should generally consist of a range of unit sizes and sets out several factors which should be considered when determining the appropriate housing mix of a scheme. These factors include housing need and demand, the nature and location of a site, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods.

6.1.38 Supporting paragraphs to Local Plan Policy 1 (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis. Bromley's Housing Register (December 2019) also shows affordable need for social/affordable rented 3 bed units.

6.1.39 The proposed residential mix comprises:

- 18 no. 1 bed Studio Apartments (36%)
- 18 no. 2 bed Maisonettes (36%)
- 14 no. 3 bed Houses (mix of semi-detached and terraced housing) (28%).

6.1.40 Officers do not consider studio flats intended for single person occupation to provide long term, sustainable solutions to housing need. Studio units are also more suited to more accessible town centre locations, i.e. occupying spaces within larger flatted developments as opposed to less accessible suburban fringe locations. It is considered that a scheme focusing on the provision of 2-3 bedroom houses would be more appropriate for this site location which has a relatively poor connectivity and a PTAL rating of 1b.

6.2 Quality of proposed housing - Acceptable (subject to the acceptability of a future Reserved Matters Application)

- 6.2.1 The NPPF Paragraph 135 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.
- 6.2.2 London Plan Policy D6 sets out a number of requirements which housing developments must adhere to in order to ensure a high-quality living environment for future occupants.
- 6.2.3 Bromley Local Plan (2019) Policy 4 Housing Design requires all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places.
- 6.2.4 The Housing Design Standards LPG (June 2023) places a greater emphasis on delivering housing quality and healthy homes which includes aspect, outlook, daylight and sunlight, thermal comfort and outside amenity space.
- 6.2.5 Whilst the scheme is in an outline form, the applicant has provided an indicative residential floorplans and sections for the housing typologies proposed. The plans contain details of furniture and layouts for each of the proposed residential units and the accompanying accommodation schedule indicates the total GIA for each unit.
- 6.2.6 The submission confirms that the proposal would comply with the minimum internal space standards, as set in Table 3.1 of the London Plan and Nationally Described Space Standards.
- 6.2.7 The internal layouts for the larger 2/3 bedroom properties appear to be well considered providing dual aspect homes with appropriate storage. However, the studio units appear to have no built-in storage and therefore do not meet London Plan requirements.
- 6.2.8 Local Plan Policy 4 c requires 'sufficient external, private amenity space that is accessible and practical. Para 2.1.60 refers to the London Plan minimum standards and requires that ground floor flats have access to private gardens and upper floors should have access to private amenity space. Para 2.1.60 also indicates that developments should relate to the character of existing amenity space.
- 6.2.9 London Plan Policy D6. F.9 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 encouraged.

6.2.10 The larger 2/3 bedroom dwellings would benefit from appropriately sized private outdoor amenity spaces, however, the studio units appear to have no external amenity spaces provided, and therefore do not meet London Plan requirements.

6.2.11 The detailed design for the internal layout of the units and provision of policy compliant private outdoor space for all units would need to be agreed through any subsequent reserved matters application should outline planning permission be granted. The applicant would also need to demonstrate adequate ventilation is provided for the kitchen areas, which do not have direct access to a window.

Children's Play Space

6.2.12 London Plan Policy S4 Play and Informal Recreation sets out the policy requirements, including in clause B2 for at least 10sqm of good quality accessible play space should be provided per child that:

- a) provides a stimulating environment
- b) can be accessed safely from the street by children and young people independently
- c) forms an integral part of the surrounding neighbourhood
- d) incorporates trees and/or other forms of greenery
- e) is overlooked to enable passive surveillance
- f) is not segregated by tenure

6.2.13 Supporting text at para 5.4.5 states that formal play provision should normally be made on-site. Paragraph 5.4.6. advises that off-site provision, including the creation of new facilities or improvements to existing provision, secured by an appropriate financial contribution, may be acceptable where it can be demonstrated that it addresses the needs of the development whilst continuing to meet the needs of existing residents.

6.2.14 Based on the proposed housing mix and tenure, and the site's PTAL level, the estimated child yield of this proposal would be around 24 children. This gives rise to a total child play space requirement of approximately 204sqm, of which at least 104sqm should be allocated to an onsite doorstep play to cater for under 5s.

6.2.15 The public open space shown on the proposed site layout would extend to approximately 380sqm, therefore it is considered that the play space requirements generated by the development can be met on site. Further information and design details would be required at Reserved Matters Stage in the event of an approval being granted.

Noise/Agent of Change

6.2.16 London Plan Policy D13 places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It states that

development should ensure good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area; explore mitigation measures early in the design stage, with necessary and appropriate provisions, including ongoing and future management of mitigation measures secured through planning obligations; and separation of new noise-sensitive development where possible from existing noise generating businesses and uses through distance, screening, internal layout, sound proofing, insulation and other acoustic design measures.

6.2.17 London Plan Policy D14 seeks to mitigate and minimise the existing and potential adverse impacts of noise within new development. Policy 119 of Bromley's Local Plan seeks to ensure that the design and layout of new development ensures that noise sensitive areas and rooms are located away from parts of the site most exposed to noise wherever practicable. The policy also requires external amenity areas to incorporate acoustic mitigation measures such as barriers and sound absorption where necessary.

6.2.18 An acoustic assessment undertaken by Pulsar assessed the potential noise source of Biggin Hill Airport and concludes that that suitable internal noise levels should be achievable using conventional glazing and ventilation methods. It also concludes that that suitable external noise levels would be achievable for outdoor amenity space.

6.2.19 However, no consideration appears to have been given to the nature of the noise being recorded (i.e. whether maximum levels were from the various adjacent commercial land uses), assessment uncertainty or the potential for the business operations to expand. This would need to be addressed further at the reserved matters stage.

Accessibility and Inclusive Living Environment

6.2.20 Local Plan Policy 4 Housing Design addresses the accessibility of residential units requiring:

i Ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings; and

j Ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

6.2.21 Policy D5 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design, not just the minimum. Policy D7 of the London Plan requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

6.2.22 Paragraph 3.7.3 clarifies that to ensure that all potential residents have choice within a development, the requirement for M4(3) wheelchair user dwellings applies to all tenures. Wheelchair user dwellings should be distributed throughout a development to provide a range of aspects, floor level locations, views and unit sizes.

6.2.23 The accommodation schedule does not include any details of the accessible units provision and none are indicated on the indicative residential floorplans. Should permission be granted, compliance with Policy D5 would be secured by condition, with further information and design details to be provided at Reserved Matters Stage.

6.3 Design – Acceptable (subject to the acceptability of a future Reserved Matters Application)

6.3.1 The application is submitted in an outline form with all matters other than access reserved for later submission and approval. The accompanying Illustrative Masterplan defines the overall layout and form of development.

Optimising Development Capacity and Indicative Layout

6.3.2 Paragraph 96 of the NPPF (2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.3.3 Policy D3 of the London Plan requires all development proposals to make the best use of land by following a design-led approach that optimises the capacity of sites. Optimising means ensuring that development is of the most appropriate form and land use for the site. Understanding the site and surrounding area is a key element of the design-led approach.

6.3.4 In accordance with Policy D3, the design-led approach also requires consideration of design options to determine the most appropriate form of development that responds to a site's context.

6.3.5 Policy D3 also advises that regard should be had to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, including transport. The density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels and be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services), in accordance with Policy D2 'Infrastructure requirements for sustainable densities'.

- 6.3.6 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality of Local Places, and Policy 37 of the Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.
- 6.3.7 The rationale for providing predominantly studios and maisonettes is questionable. Whilst the inclusion of studios is sometimes inherent of compromised layouts within severely constrained redevelopment schemes in densely build-up areas, positive planning for and increasing the number of units by incorporation of studios especially on this previously undeveloped greenfield site appears unjustified and raises concerns on maximising rather than optimising of the site capacity. The provision of predominantly flatted accommodation would also result in increased car parking requirements placing an additional constraint on site layout options. Officers consider that the nature of the site and its location, a development focusing on the provision of 2-3 bedroom houses would be a more appropriate response.
- 6.3.8 No evidence has been provided to indicate that a contextual analysis has been carried out as part of the design process. The Design and Access Statement does not include a detailed site appraisal demonstrating how site opportunities and constraints have informed the design rationale and/or design principles. Similarly, no preliminary design work/testing of options to support/underpin the proposed development form has been provided.
- 6.3.9 The relationship with existing residential properties to the south and west is a key design consideration. The rear gardens of existing properties in Hawthorne Avenue currently have a seamless interface with the Green Belt transitioning into the open space. The design intent to create (in part) back garden-back garden relationships is acknowledged, however, little detail on existing and proposed boundary treatments has been provided. It is noted that there is an existing right of way access path along the western site boundary.
- 6.3.10 There is an opportunity to enlarge the area of open space to the east, reducing the quantum of housing being proposed in order to allow for a more direct back garden-back garden arrangement with existing properties to the west, condensing the built form envelope and siting the buildings closer to the western (urban) edge.
- 6.3.11 As stated by GLA Design Officers, opportunities for stitching the proposed development into the existing context, improving access/permeability, and creating benefits for the wider area do not appear to have been fully explored. It is important to consider what the redevelopment of the site could 'give back' to the existing community in the form of wider public benefits (i.e. those that surpass policy

requirements) in order to potentially offset the impact on the Green Belt setting.

6.3.12 Whilst this is an outline application with all matters reserved, it is reasonable to assume that the layout, form, scale and massing which the residential buildings would eventually take, would need to take a similar approach to that set out in the application in order to achieve the quantum of development being proposed (up to 50 units).

6.3.13 The site measures 1.17ha and the 50 unit scheme (146 habitable rooms) would have a density of 42.7 units or 124.8 habitable rooms per hectare. Although officers recognise that the resulting density may appear unobjectionable in numerical terms, the proposals inability to demonstrate the compliance with various policy requirements amounts to the contention that this proposal is an overdevelopment.

6.3.14 Had the application been considered acceptable in all other respects, there would be some scope at the reserved matters stage to develop a more sensitively designed layout.

Height, Scale and Massing

6.3.15 The proposed building heights of 2-3 storeys would be largely in keeping with the surrounding context and the traditional building forms would be contextually appropriate in terms of their scale and design. Nonetheless, a Townscape Visual Impact Assessment would be required to fully assess the impact, with viewpoints agreed with officers.

Appearance

6.3.16 The Planning, Design and Access Statement advises that the proposed materials are to reflect those of the surrounding area, being a mixture of red and yellow brick and painted render walls. The design intent to reflect the scale and character of existing neighbouring properties is acknowledged, however, the use of external render would not be acceptable. A high-quality brick finish should rather be used.

6.3.17 Given the proposed development has been submitted as an outline planning application with all matters reserved, a submission and approval of a design code including architectural details and materials, would have been required in any permission at the Reserved Matters Stage to ensure that a high-quality built scheme is delivered.

Fire Safety

6.3.18 London Plan Policy D12 states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The policy states 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.

6.3.19 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”.

6.3.20 There are no reserved matter submitted with this application. A fire statement has been completed by Fire Risk Assessments Limited which sets out the fire strategy considerations for the site in relation to the indicative layout. Each dwelling would be within 45m from the internal access roads, thus ensuring fire appliances can reach each dwelling at the time of emergency.

6.3.21 The GLA officers requested that the fire statement must be updated to confirm compliance with Policy D12 and include details of construction methods and materials. If approved, a revised fire statement would be secured by condition and 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.

Secured by Design

6.3.22 London Plan Policy D3 states measure to design out crime should be integral to development proposals. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design).

6.3.23 The design out crime officer was consulted, and no objection was raised, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

6.4 Heritage - Unacceptable

6.4.1 The application site is located within a Tier III Archaeological Priority Area and the development could cause harm to archaeological remains.

6.4.2 Section 16 of the NPPF and London Plan Policy HC1.D requires that a development proposal should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation.

6.4.3 Historic England (Archaeology) Team recommended a pre-determination archaeological assessment/evaluation given the size of the site and the fact that it has not been previously developed. To this

end, an archaeological desk-based assessment has been requested (February 2024) to aid the consideration of likely effects on archaeological interests and their implications for the planning decision.

6.4.4 The applicant has declined to provide the required assessment and consequently officers are unable to establish whether there is a definable archaeological interest within the site and whether that interest can be secured by condition or whether certain site evaluation is necessary to inform the decision regarding the application.

6.4.5 The expectation for archaeology to be assessed at the pre-determination stage is set out in NPPF and consequently the applicant's failure to provide the information requested is included in the reasons for refusal of the planning consent.

6.5 Impact on residential amenities - Acceptable (subject to the acceptability of a future Reserved Matters Application)

6.5.1 Local Plan Policy 37 requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

6.5.2 The majority of dwellings to the west along Hawthorne Avenue and to the south along Jail Lane have substantial rear gardens with numerous outbuildings and are separated from the site by a rear access path. Officers agree that the separation distances between these dwellings and the proposed dwellings would be acceptable ensuring there would be no privacy, outlook or daylight/sunlight infringement.

6.5.3 In terms of No.30 Hawthorne Avenue and to a lesser degree Nos. 28 and 32, which feature shorter gardens, the semi-detached pair of houses would be positioned very close to the site's boundary. At 9.5m – 13.2m (ground floor and first floor respectively) the resulting spatial relationship would be uncomfortable and likely to materially affect the amenities currently enjoyed by the occupiers of these properties (Fig. 6.5.1).



Fig. 6.5.1 Spatial relationship with Nos. 28-32 Hawthorne Avenue.

6.5.4 Notwithstanding, bearing in mind the outline form of the application and the fact that the proposed layout is indicative at this stage, any subsequent detail design development should address this proximity as well as the overall contention that the proposed quantum represents an overdevelopment of the site. It would also be necessary to ensure that an obscure glazing is utilized for the flank windows on the upper levels.

General Noise and Disturbance

6.5.5 In terms of the use of the site, the proposed development would introduce a greater level of activity to the surrounding area, however, in officers view, it would not be of such significance as to result in a harmful impact on the amenity of existing neighbours. Nonetheless, as the main point of residential access would be located between the existing properties fronting Jail Lane which does not experience significant level of activity from both existing pedestrian and vehicular sources, further consideration should be given to the noise impacts arising from the use of the access.

6.5.6 Measures to minimise noise from the use of the proposed open space in the form of an appropriate boundary treatment would need to be secured in any approval in order to protect the amenity of existing neighbours.

6.6 Highways – Acceptable (subject to the acceptability of a future Reserved Matters Application)

- 6.6.1 The application is an outline application with all matters reserved, including access. The site has a low (1b) PTAL. The proposal is for 18 studio apartments, 18 x 2 bed maisonettes and 14 x 3 bed houses.
- 6.6.2 Paragraph 109 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.
- 6.6.3 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.
- 6.6.4 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.

Access

- 6.6.5 Jail Lane is a classified road. Two properties would be demolished to provide a new access to the site. A simple priority junction via Jail Lane is proposed which would be subject to a S278 agreement. The access road would not be adopted by the Council.
- 6.6.6 Although the Transport Statement maintains that the access achieves visibility splays of 2.4m by 49m in both directions and the pedestrian visibility splays of 2m x 2m would also be achieved, in line with the requirements of Local Plan Policy 34 (b) a Road Safety Audit would need to be secured in any approval.

Impact on Highway Network

- 6.6.7 The impact on the highways network is assessed in the accompanying Transport Assessment by Magna Transport Planning. This concludes that the proposed development will not have any adverse traffic impact on the local road network.

Traffic Generation/Congestion

- 6.6.8 TRICS has been used to estimate the trip generation from the site. The Highways Team raised concerns in relation to the age of data provided and comparability of the sites surveyed. There are 3 schools in or near Jail Lane resulting in heavy traffic at certain times of the day. Consequently, a more detailed assessment of the impact on the school peak hours including any queuing / congestion was requested.
- 6.6.9 In response to the above concerns the applicant provided further information in terms of trip generation corresponding with schools' start

and finishing time more using more up to date TRICS surveys (letter dated 11th March 2024).

6.6.10 The updated surveys showed about 240 one-way vehicular trips per day resulting from the development. Table 6.6.1 below shows the estimated trip generation at school pick hours.

Hour	Trip Rates		Trips (50 Dwellings)		
	In	Out	In	Out	Two-way
AM Peak Hr 08:00-09:00	0.128	0.320	6	16	22
PM Peak Hr 15:00-16:00	0.292	0.183	15	9	24

Table 6.6.1. Proposed Vehicular Trip Generation

6.6.11 Further to the above, the applicant confirmed the willingness to provide the following measures to encourage sustainable transport:

- Installation of one Car Club vehicle either on site or on Jail Lane, with at least two years free membership to the residents of the development.
- Commitment to implement Travel Plan (TP).
- Installation of a good quality cycle parking facilities.

6.6.12 Overall, it is considered that even if these figures represent a slight underestimate, it would be difficult to sustain a ground of refusal on traffic generation / congestion grounds. The above measures would need to be secured via condition in any approval.

6.6.13 Officers do not envisage any significant impact on public transport capacity as a result of the proposed development.

Healthy Streets and Active Travel Zone Assessment

6.6.14 In order to meet London Plan mode share target (Policy T1) for outer London of achieving a 75% average of daily trips to be walking, cycling, and public transport mode share by 2041 it is essential that infrastructure for active travel both on and off the site and that for buses is good, and consequently improvements are necessary to contribute toward satisfying Policies T2, T4 and T5. Policy T2 requires that transport assessments focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development.

6.6.15 Transport Statement submitted does not comprise Active Travel Zone assessment. An ATZ assessment should identify and audit walking and cycling routes to key destinations such as bus stops, shops, schools, and leisure and health facilities, and this should include an assessment during the hours of darkness. This could include, but should not be limited to, improvements to lighting, crossings and footway surfaces; tree planting and provision of benches; road safety improvements particularly focussing on those walking and cycling; and improvements for cycling on the route to NCN 21. Such improvements would support the active

and sustainable travel among new residents and their visitors as well as for existing users of the area and ensure those modes are a more attractive option to them than using a car.

6.6.16 TfL have identified a particular need for:

- Repairs to the crossing outside of Charles Darwin School, in order to increase pedestrian safety when crossing the road.
- The provision of bus shelters at the nearest stops, equipped with “Countdown” real-time bus arrival indicators, and ensuring that those stops meet TfL standards and guidance, for example ensuring the required kerb height and appropriate length of kerbside covered by bus stop clearway restrictions.

6.6.17 Had the application be recommended for permission, further negotiation regarding the active travel improvements to be delivered through Section 106 funding and/or Section 278 works would need to take place.

Car Parking

6.6.18 Off-street car parking comprising 55 No. car parking spaces would be provided, which equates to a parking ratio of 1.1 spaces per dwelling. This level of provision exceeds maximum London Plan standards for this site; however no justification has been provided to address Policy T6 (part B).

6.6.19 The TfL comments indicate that the 2021 Census in the Output Area containing this site, 17.5% of households had no car or van and this should be taken as a guide to the likely demand for parking on this site.

6.6.20 Officers recognise that the provision of flats accommodation resulted in increased car parking requirements. Given the low PTAL of the site and lack of visitor spaces there is a risk that the proposal would lead to parking in the access road or overflowing onto Jail Lane.

6.6.21 In the light of the restrictive policy environment introduced by the London Plan in 2021, no additional parking would be supported, therefore a reduction in dwelling numbers and their typology should be considered. A reduction in car parking would help to achieve the Mayor’s strategic mode shift target outlined in Policy T1 and could allow further ‘greening’ of the site.

6.6.22 Ultimately however, given the outline form of the application, should planning permission be granted, it should be demonstrated at the Reserved Matters Stage that the amount of parking proposed is the minimum necessary for the development to be able to go ahead. Any car parking provided should be let on a short term (we recommend monthly) rolling contract, and not sold or otherwise contractually attached to a particular property, in line with Policy T6.1 part B and supporting text in paragraph 10.6.14.

6.6.23 A permit-free agreement should be secured within the Section 106 agreement, preventing occupiers of the new housing (other than disabled people) from securing a parking permit, in the event that Controlled Parking Zone (or similar) controls are extended to cover this area. This will ensure that existing residents are not placed at a disadvantage by any overspill parking from the proposed development.

Accessible Car Parking

6.6.24 No disabled persons' parking bays is proposed. This is expressly contrary to Policy T6.1 which requires disabled persons' parking spaces for the equivalent of three per cent of homes provided from the outset, with a location(s) for up to a further seven per cent identified if demand arises in the future.

6.6.25 As disabled persons' parking bays are wider and longer than general ones, it cannot be assumed that the general car parking currently proposed would be sufficient and suitable for conversion for that purpose. Notwithstanding these concerns, it is noted that layout is a reserved matter in this application and as such if approval was granted, a more appropriate layout to address these concerns would be required through a reserved matters application.

EVCP

6.6.26 20% of all car parking spaces would be provided with active electric vehicle charging points with the remaining 80% spaces with passive provision for electric vehicles in future. Whilst this meets the minimum requirement in the London Plan, any approval would need to secure provision of active facilities at all disabled persons' parking spaces from the outset of the development (or their provision for spaces provided later).

Cycle Parking

6.6.27 A total of 100 long-stay cycle parking spaces (2 spaces per dwelling) and 4 short-stay spaces are proposed, which would meet the minimum quantity standard outlined in London Plan Policy T5. However, the proposals do not comply with the quality standard requirement of T5, specifically that cycle parking meets the London Cycle Design Standards (LCDS), as the proposed provision consists of various Sheffield stands spread across the site which are not covered or secured. There are also inconsistencies in the layout in terms of which stand is assigned to which property. As with the cycle parking, any planning consent would need to secure the submission of further details at the Reserved Matter Stage.

Servicing

- 6.6.28 Refuse collection would be via residents placing their bins adjacent to the main access road on collection day. This would be no more than 30m from the respective dwellings and within 20 m from the refuse truck. The swept path diagram for the refuse vehicle provided with the application shows that the vehicle would require most of the width of the road, particularly on the bends and this should be addressed in any subsequent stages of detailed design.
- 6.6.29 A full delivery and servicing plan and a full Construction Management Plan would be secured through condition to align with Policy T7.

6.7 Green Infrastructure and Natural Environment - Unacceptable

- 6.7.1 NPPF Paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment. Paragraph 186 further advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.7.2 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.”*
- 6.7.3 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.
- 6.7.4 Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large canopied species which provide a wider range of benefits because of the larger surface area of their canopy.
- 6.7.5 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.
- 6.7.6 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

6.7.7 There are 38 individually identified trees on site with one hedge and three groups, none of which is covered by the Tree Preservation Order. There are no category A trees, 12 category B trees, 24 category C trees and two category U trees. All three groups are category C as is the hedgerow. The majority of the trees on site are mature with some younger trees planted down the centre of the site and present on the western boundary.

6.7.8 In order to facilitate this development with an indicative layout proposed, a number of trees would need to be removed, including two category B trees (T14 and T17). The remaining trees to be removed (Fig.X) are lower grade category trees which are being removed: two category C tree groups G4 and G3, as well as two category U trees both of which would be removed due to concerns of health and safety. Neither tree presents much value in terms of landscape or arboriculture but has potential for being a bat habitat.



Fig. 6.7.1 Tree Constraints Plan.

6.7.9 The Arboricultural Impact Assessment (AIA) asserts that a significant effort has been made to mitigate for tree losses with a rigorous planting scheme. It also argues that due to the majority of the trees on site not being visible to the public and only being visible from the rear gardens of the private homes on the western and southern boundaries the removal of trees would have a negligible effect on the local amenity and landscape. Proposals also involve the provision of an additional 60no. 'Urban Trees' throughout the site, which would be entirely comprised of native species.

6.7.10 In general, officers agree that the category C trees do not present a constraint to the proposed development and their losses can be mitigated with the replacement landscaping. However, the justification for the loss of B category trees in order to simply increase the developable area and to allow the quantum of housing to be achieved is not supported and fails to address Policies 37 and 73 of the Bromley Local Plan, as well as Policy G7 of the London Plan.

Urban Greening

6.7.11 The application is accompanied by an Urban Greening Factor Calculation which demonstrates that the development would achieve an urban greening factor score of 0.58, however this statement appears unsupported. A drawing showing the surface cover types corresponding with the UGF calculation has been requested but has not been received before the completion of this report. Given it is an outline application, if the application was considered acceptable, full details of the Urban Greening including species details and within a design code would be secured through subsequent stages of planning, i.e. as part of a reserved matters application.



Fig. 6.7.2 Illustrative Landscape Masterplan.

Habitats and Biodiversity

6.7.12 Paragraph 186 of the NPPF states

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

6.7.13 The Preliminary Ecological Appraisal submitted in support of the application considers the habitats and protected species present on site or likely to be affected by the development and is accompanied by a Reptile Survey and a Badger Activity Survey.

6.7.14 The southern half of the site contained the onsite dwelling, a small back garden area of low-mown, species-poor, modified grassland and a hardstanding area which lead to the north of the site. Lining the western side of the hard-standing area were a series of sheds used for storage. The northern section of the site contained a small area of closely mown, with small paddock further north. A tree line ran down the eastern edge of the northern half of the site. The site is bound to the north by Biggin Hill Airport, to the west lies residential properties, and to the south by Jail Lane.

6.7.15 The immediate surrounds of the site are urban in the form of domestic properties to the south and west with Biggin Hill Airport to the north. To the east of the site are areas of arable fields.

6.7.16 The site is in the Impact Risk Zone (IRZ) of the following statutory protected sites:

- Saltbox Hills Sites of Special Scientific Interest (SSSI);
- Downe Bank and High Elms (SSSI); and
- Kent Downs AONB.

6.7.17 Non-statutory protected sites identified within 2.0km of the site include Sites of Importance for Nature Conservation (SINC's) and are listed in Table X below.

Site	Location
West Kent Golf Course and Down House SINC	1.7km N
Cudham Valley South SINC	0.5km SW
Downe Bank and Cudham Valley North SINC	0.6km S
Saltbox Hill and Jewels Wood SINC	1.9km NW
Mollards Wood and Jerry Reddings Shaw SINC	1.7km SW
Biggin Hill South and Painter's Wood SINC	2.1km S
Norheads Lane Woodlands SINC	1.3km N
Oaklands Lane Soakaway SINC	1.4km W
Old Tye Avenue Beechwood SINC	0.2km SE

Table 6.7.1 Non-Statutory Protected Sites

6.7.18 Within a 2.0km radius of the site there are also Priority Habitats of Lowland Calcareous Grassland, Deciduous Woodland, Traditional Orchards. The nearest Priority Habitat to the site is Deciduous Woodland, located 230 meters to the west.

Protected Species

Amphibians

6.7.19 Within a 2km radius of the site are records of common toad and common frog. No records of great crested newt exist within a 2 km radius of the site. Due to the lack of ponds within the area (a 500-meter radius), lack of suitable surrounding habitat, the site is considered to be of 'negligible' value to amphibians.

Reptiles

6.7.20 All native reptiles are [listed as rare and most threatened species](#) under Section 41 of the Natural Environment and Rural Communities Act (2006). Local Planning Authorities must have regard for the conservation of Section 41 species as part of their planning decision. The developer must comply with the legal protection of reptiles. When determining

applications LPAs should consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on reptiles in their development proposal. Within a 2.0km radius of the site are high records of slow worm and low records of grass snake and common lizard. The long sward height of the northern section of grassland presented opportunities for reptiles to commute across the site. In addition, there appeared to be sections of dense vegetation to the east of the site which could act as foraging and breeding areas. Overall, the site is considered to be of 'moderate' value to commuting reptiles. As such, a reptile survey has been carried to establish exactly if and how reptiles are using the site.

6.7.21 The Reptile Survey Report provided concludes that as only a few individual slow worms (peak count 6no.) were noted during the course of the surveys (August and September 2022), a full translocation is not considered necessary. To ensure that reptiles are protected during the works, the following mitigation should be employed:

- The grassland shall be cleared from southwest to northeast to encourage any reptiles present to disperse into the buffer strip which shall be created along the northern and eastern boundaries. The vegetation shall first be strimmed to 150mm before being checked by an ecologist. Strimming should only take place within the bounds of the construction zone. A subsequent cut shall then reduce the vegetation to <50mm rendering it unsuitable for reptiles. All works except the initial cut to 150mm shall be supervised by a Suitably Qualified Ecologist.
- Once the vegetation has been cut, it should be maintained at this low height (<50mm) to ensure it remains unsuitable for reptiles.
- A destructive search of the site (excluding the area to be 'public open space') should be undertaken during the active period for reptiles (March – October inclusive) which involves taking off the top 100mm of the soil with a fine-toothed rake. Works should be overseen by a Suitably Qualified Ecologist.
- Once ground works begin on the western side of the site, the area proposed as 'public open space' should be Heras fenced to protect it to ensure reptiles won't be disturbed by site operations.
- 2no. Hibernaculum and log piles should be placed within the buffer strip to create shelter for reptiles.

6.7.22 Whilst officers agree the implementation of the above mitigation could ensure that that no reptiles are harmed during construction, in officers' view the developer has failed to take appropriate measures to, firstly, avoid harm to reptiles and their habitat, in line with paragraph 186 of the NPPF (for example by reducing the size of the development or altering its layout to retain the site's important habitat features).

Bats

6.7.23 Bats have been recorded within 5.0km of the site area with the nearest roost recorded approximately 0.7km to the south. Of the trees noted

within the survey area, none were seen to have any bat roost potential. In addition, the eastern tree line is to be retained. The sheds and outbuildings contained no roosting potential. Overall, the outbuildings, sheds and trees were considered to be of '*negligible*' value to roosting bats. However, the main house was considered to be of '*moderate*' value to roosting bats. As such, a series of two bat emergence/ re-entry surveys have been recommended to establish exactly if and how bats are using the site.

6.7.24 The northern section of the site, lined along the eastern boundary by a line of trees acts as a good foraging area for bats. The species composition of the neutral grassland is such that it would support a wide range of common invertebrates which bats would use as food. Despite being in an urban setting, light pollution would be limited and less intense to the east and north of the site due to the lack of houses. Potential commuting routes lead offsite to the east in the form of tree lines. The southern section of the site, consisting of hard standing would be of no value to foraging bats. Overall, the site is of '*moderate*' value to foraging bats.

6.7.25 The applicant has declined to provide the Emergence/Re-entry bat surveys recommended in the PEA. Consequently, the application does not adequately assess, mitigate or compensate the ecology impacts associated with this development. There is insufficient evidence to support the conclusion that protected species populations (if present within the site) could be adequately supported within the areas of habitat to be retained/re-provided within the proposed scheme. Furthermore, it is not clear where and how these species could be accommodated during the construction phase of the proposed development.

6.7.26 Officers consider that it would be insufficient and inappropriate for the further surveys to be secured by a condition, as the survey results could significantly alter the deliverability of the mitigation/scheme (i.e. any required mitigation and compensation may not be deliverable and any associated licences not achievable). This is considered a reasonable view, as the proposal includes the removal of the potential habitat, and the illustrative masterplan provides limited space for the mitigation measures to be implemented. The application provides no specification or details of these commitments or other measures (apart from the use of the sensitive lighting) which demonstrates that they could be delivered if required. To this end, the application has failed to demonstrate that the proposal would not have a detrimental impact on protected species and the biodiversity value of the site.

Dormouse

6.7.27 There are records of hazel dormouse within a 2.0km radius of the site with the nearest being 0.7km to the northwest of the site. The main body of the site contains no features which would support dormouse. The open and exposed nature of the grassland makes it unsuitable for

dormouse to commute across the site. The hardstanding offers no value. Overall, the site is considered to be of '*negligible*' value to dormouse due to the lack of commuting habitat, and the open, exposed nature of the main body of the site.

Badger

6.7.28 No signs of foraging or breeding badger were noted during the preliminary site survey. No vegetation runs which could be attributed to badger were noted. The surveyed area was well bound by houses to the south and west. To the north of the surveyed area lay an impenetrable wire fence. The eastern boundary was lined with wooden fencing with some small holes in, however, none were judged to be of sufficient size or shape to have been created by or used by badgers, however the trees to the east of the site could support breeding badgers.

6.7.29 Despite the site being considered to be of '*low*' value to breeding and foraging badgers, a further survey of the holes along the eastern boundary in addition to a track running along the fence line, just off-site was carried out to identify exactly which animals, if any, were using the holes (September and October 2022).

6.7.30 The data gathered from the sett monitoring shows that badgers use the holes regularly. The sett is considered most likely to be a well-used annex sett, associated with a main sett which is likely to be c. 50m way to the east. To ensure protection of the identified sett, a 30m buffer should be maintained between the sett entrances and development. The buffer may potentially be reduced to 20m following further investigation to ascertain the tunnel direction and topography. Should this not be possible, sett closure under licence and the creation of an artificial sett will be required. If the design of the development is considered likely to cause damage and / or disturbance to the existing setts then a licence shall need to be sought from Natural England. Mitigation implemented under the terms of this licence are likely to be as follows (subject to final scheme design):

- An artificial sett shall be constructed within off-site land with prior agreement from the landowner. Use of this artificial sett shall be determined through baiting of the new sett and monitoring with infrared cameras.
- Sett closure may only occur between 1st July and 30th November to avoid disturbance of breeding badgers. Sett closure may only occur once use of the artificial sett has been confirmed.
- One-way badger gates to be installed to all sett entrances with heavy gauge mesh installed over the sett to prevent re-excavation.
- Sett monitored for a period of 21no. days to ensure badgers have not re-entered the sett.
- Following the 21-day exclusion period, construction works may begin.

- Upon completion of work, where only partial sett closure has been required, the sett may be re-opened to allow continued use by badgers.

Water Vole

6.7.31 There are no records of water vole within a 2.0km radius of the site. No watercourses, ditches or streams were noted within or surrounding the site. No habitats found onsite are of value to water vole. Overall, the site was considered to be of '*negligible*' value to water vole.

Hedgehogs

6.7.32 Records of hedgehog exist within a 2km radius of the site. The area of trees, offsite to the east, provide a good area for commuting, hibernating and commuting hedgehogs. The site itself is of limited value to hedgehog due to the fencing along the northern boundary and houses running along the western and southern boundaries. Overall, the site is of '*low*' value to hedgehog.

Birds

6.7.33 A total of 133no. bird species have been returned within 2.0km of the site, including 23 no. Schedule I species and 30 no. species listed on the BoCC Red List.

6.7.34 The entire of the grassland (both modified and neutral) offered foraging potential for birds. The onsite trees also provided a good opportunity for birds to nest along the eastern boundary, however the potential for ground nesting birds would be low, due to the constant, low level of livestock and constant management of the area. Overall, the site was considered to be of '*moderate*' value to breeding and foraging birds. The PEA recommends any trees and hedgerows due for removal should be removed outside the bird nesting season.

Invertebrates

6.7.35 The data search returned records of numerous species of invertebrates within 2.0km of the site. The grassland provides habitat to support a range of common and widespread invertebrates. Overall, the site is of '*low*' value to invertebrates. However, as the grass is cut regularly (pers, comms, site owner) this reduces the value of the grassland to invertebrates.

6.7.36 Given the reptile and badger surveys were carried out between August and October 2022 as works won't have commenced within 18 months (i.e. by February - April 2024), an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

Biodiversity Net Gain

6.7.37 Biodiversity Net Gain assessments of the proposals have shown that, based on the existing assemblage, distribution and condition of the habitats on site, the Habitat Unit score for the existing site is 3.83 and the Hedgerow Unit score for the existing site is 0.57. Metric calculations have shown that the proposals are anticipated to result in the delivery of 0.52 Habitat Units and 0.97 Hedgerow Units, resulting in a Biodiversity Net Gain of 13.71% in Habitat Units and 168.82% in Hedgerow Units.

6.7.38 Recommendations for ecological enhancements as part of development proposals include:

- Sowing of a wildflower seed mix to create a meadow and increase species diversity within the communal areas;
- The provision of nesting boxes for a variety of bird species within trees;
- The creation of log piles, as well as artificial hibernacula, within undisturbed boundaries of the site to provide refugia for reptiles and amphibians;
- Bat boxes suitable for a range of species to be incorporated into the southern aspect of mature trees;
- Installation of invertebrate boxes in both sunny and sheltered locations to cater for a range of species;
- Installation of 'bug hotels' suitable for solitary bees;
- Creation of new ponds with extensive areas of shallow water within communal areas.

6.7.39 Overall, whilst the recommendations for ecological enhancements and the anticipated biodiversity net gain are acknowledged, the application firstly fails to demonstrate how it would avoid harming or disturbing protected species. Furthermore, given the loss of habitats and green infrastructure (including loss of category B trees), and in the absence of Emergence/Re-entry bat surveys as recommended in the Preliminary Ecological Appraisal, the development will have an adverse effect on protected species and will harm biodiversity.

6.8 Environmental Health Matters – Acceptable (subject to the acceptability of a future Reserved Matters Application)

Land Contamination

6.8.1 A desk based Preliminary Risk Assessment has been undertaken by Aviron and accompanies this application. The report concludes that the risks present are considered to be generally low due to the historical development and limited potential contaminative site usage. Notwithstanding, the Environmental Health Team recommends that a standard land contamination assessment condition is attached to any approval to prevent harm to human health and pollution of the environment.

Air Quality

6.8.2 Policies SI 1 of the London Plan and Policy 120 of the Bromley Local Plan refer to the need to tackle poor air quality. It states that for major developments, an Air Quality Assessment should be carried out before designing the development to inform the design process. Developments should aim to meet “air quality neutral” benchmarks in the GLA’s Air Quality Neutral report. Policy SI 1 (B1) of the London Plan states that in order to tackle poor air quality, protect health and meet legal obligations, development proposals should not:

- a) lead to further deterioration of existing poor air quality
- b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits
- c) create unacceptable risk of high levels of exposure to poor air quality.

6.8.3 Policy SI1 (B2)(a) of the London Plan further states that development proposals must be at least Air Quality Neutral.

6.8.4 An Air Quality Neutral Assessment submitted confirms that the proposed development is not air quality neutral. Although the development features air source heat pumps and no new combustion sources and therefore can be considered air quality neutral in terms of building emissions, the trip rate generated by the development is higher than the transport emissions benchmark.

6.8.5 London Plan Policy SI1 part E states:

Development proposals should ensure that where emissions need to be reduced to meet the requirements of Air Quality Neutral or to make the impact of development on local air quality acceptable, this is done on-site. Where it can be demonstrated that emissions cannot be further reduced by on-site measures, off-site measures to improve local air quality may be acceptable, provided that equivalent air quality benefits can be demonstrated within the area affected by the development.

6.8.6 Mitigation measures have been outlined by the applicant to address the increase in transport emissions arising from the development. This includes the provision of electric vehicle charge points, passive electric vehicle charge points and secure cycle parking. These measures are beneficial, however, to comply with Air Quality Neutral Guidance, a timed and enforced plan would be needed to demonstrate their effectiveness in bringing about the necessary reduction in emissions. Since the on-site measures do not satisfy the AQN requirements and as there is no guarantee when the development would achieve air quality neutral, the proposal fails to meet the minimum requirement of Local Plan policy 120 and the London Plan Policy SI 1 and, as such, refusal is recommended

on this ground. If permission was to be granted, the developer would have to agree to an offsetting payment for off-site measures.

6.8.7 The GLA officers requested a confirmation on whether the emergency generators would be used. If they would be, the emissions from this source should be screened and assessed if necessary. To comply with GLA guidance, backup or emergency generators should not run for more than 50 hours annually.

6.9 Energy and Sustainability – Acceptable (subject to the acceptability of a future Reserved Matters Application)

Minimising Greenhouse Gas Emissions

6.9.1 The London Plan Policy SI2 ‘Minimising greenhouse gas emissions’ states that Major development should be net zero-carbon, reducing greenhouse gas emissions 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.

6.9.2 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. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for Major development – Of the 35% residential development should achieve 10 per cent through energy efficiency measures.

6.9.3 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.

6.9.4 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.

6.9.5 An updated Sustainability and Energy Statement by BlueSky Unlimited demonstrates that the development would achieve an overall reduction of 77.54% in carbon emissions, which exceeds the minimum on site policy requirement of 35%. The proposed strategy would comprise the use of Air Source Heat Pumps and the installation of 164 x 400W of photovoltaic panels on the roof of the buildings. Notwithstanding the policy compliant carbon saving, to achieve the required net ‘zero carbon’

a financial contribution of £26,181 to the carbon off-setting fund would be required. This would need to be secured through S106 legal agreement.

6.9.6 The proposed energy strategy would accord with the requirements of Policy SI 2 at this stage. 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.

Whole Life-cycle Carbon

6.9.7 London Plan Policy SI-2 requires that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life Cycle Carbon Assessment and demonstrate actions taken to reduce life cycle carbon emissions. London Plan Policy SI7 requires such applications to submit a Circular Economy Statement, whilst London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process.

6.9.8 The applicant has submitted a Whole life Carbon Assessment and Circular Economy Statement. Should planning permission be recommended and in line with the GLA recommendation, a post-construction assessment to report on the development's actual WLC emission and a post-completion report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement would be secured by planning conditions.

Digital connectivity

6.9.9 London Plan Policy SI6 advises that to ensure London's global competitiveness now and in the future, development proposals should:

- 1) ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available to all end users
- 2) meet expected demand for mobile connectivity generated by the development
- 3) take appropriate measures to avoid reducing mobile connectivity in surrounding areas; where that is not possible, any potential reduction would require mitigation
- 4) support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure.

6.9.10 Development Plans should support the delivery of full-fibre or equivalent digital infrastructure, with particular focus on areas with gaps in connectivity and barriers to digital access.

6.9.11 In line with Policy SI6 of the London Plan, any approval should secure a condition requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development.

Overheating

6.9.12 London Plan Policy SI 4 states major development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

6.9.13 The ventilation system to the dwellings will comprise mechanical extract units. The applicant has submitted the Good Homes Alliance Early-Stage Overheating Risk Tool showing that the proposal would be able to achieve a total score of 7 indicating a low risk of overheating. As requested by the GLA officers, any planning permission should be conditioned to undertake a Dynamic Overheating Analysis to assess the overheating risk.

Water consumption

6.9.14 London Plan Policy SI5 states that development proposals should minimise the use of mains water; incorporate measures to help achieve lower water consumption; ensure that adequate wastewater infrastructure capacity is provided; and minimise the potential for misconnections between foul and surface water networks.

6.9.15 The Sustainability and Energy Statement submitted confirms that the proposed development aims to reduce water consumption to 102.10 litres per person per day for the dwellings, below of the recommended target for mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption).

6.10 Flood Risk Management and Sustainable Urban Drainage Acceptable (subject to the acceptability of a future Reserved Matters Application)

6.10.1 London Policy SI12(C) requires development proposals to ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses. Policy SI13 of the London Plan states that drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

6.10.2 Policy 116 (Sustainable Urban Drainage System) of the LBB Local Plan states that all developments should seek to incorporate Sustainable

Urban Drainage Systems or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

6.10.3 The site is greater than 1 hectare in area and lies in Flood Zone 1, classified as having a low to negligible risk of flooding. A Flood Risk Assessment (FRA) has been submitted as required under the National Planning Policy Framework (NPPF). The FRA adequately assesses the risk of flooding from fluvial/tidal, pluvial, sewer, ground water and reservoir flooding.

6.10.4 The drainage strategy set out in the accompanying report by JUDWAA proposes to restrict runoff to the greenfield runoff rate, draining via infiltration, which is welcomed. It is proposed that all surface water would be attenuated in geocellular storage and then infiltrated to ground. The site is currently greenfield, and soakaways are present in the surrounding area.

6.10.5 The Council's Drainage Officer and Thames Water have raised no objections to the proposed development. Notwithstanding, given the outline form of the application, site specific data and testing has not been undertaken and consequently should planning permission be granted, the following details should be provided at the reserved matters stage:

- 1- Soakage test in accordance with BRE Digest 365;
- 2- Confirmation that rainwater harvesting was considered in line with Policy SI13 of the London Plan;
- 3- Hydraulic calculations including a range of return periods and storm durations. It is also noted that the Flood Studies Report (FSR) method has been used for the estimation of rainfall for simulation of the drainage networks. This method underpredicts rainfall intensity in the London area. As such, the drainage simulations should instead use the latest Flood Estimation Handbook (FEH22) method;
- 4- Management plan for future maintenance of all SUDS;
- 5- Assessment of exceedance flood flow routes above the 100-year event plus 40% climate change.

6.9 Energy and Sustainability – Acceptable (subject to the acceptability of a future Reserved Matters Application)

Minimising Greenhouse Gas Emissions

6.9.1 The London Plan Policy SI2 'Minimising greenhouse gas emissions' states that Major development should be net zero-carbon, reducing greenhouse gas emissions 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.

- 6.9.2 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. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for Major development – Of the 35% residential development should achieve 10 per cent through energy efficiency measures.
- 6.9.3 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.
- 6.9.4 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.9.5 An updated Sustainability and Energy Statement by BlueSky Unlimited demonstrates that the development would achieve an overall reduction of 77.54% in carbon emissions, which exceeds the minimum on site policy requirement of 35%. The proposed strategy would comprise the use of Air Source Heat Pumps and the installation of 164 x 400W of photovoltaic panels on the roof of the buildings. Notwithstanding the policy compliant carbon saving, to achieve the required net 'zero carbon' a financial contribution of £26,181 to the carbon off-setting fund would be required. This would need to be secured through S106 legal agreement.
- 6.9.6 The proposed energy strategy would accord with the requirements of Policy SI 2 at this stage. 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.

Whole Life-cycle Carbon

- 6.9.7 London Plan Policy SI-2 requires that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life Cycle Carbon Assessment and demonstrate actions taken to reduce life cycle carbon emissions. London Plan Policy SI7 requires such applications to submit a Circular Economy Statement, whilst London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process.
- 6.9.8 The applicant has submitted a Whole life Carbon Assessment and Circular Economy Statement. Should planning permission be recommended and in line with the GLA recommendation, a post-

construction assessment to report on the development's actual WLC emission and a post-completion report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement would be secured by planning conditions.

Digital connectivity

6.9.9 London Plan Policy SI6 advises that to ensure London's global competitiveness now and in the future, development proposals should:

- 1) ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available to all end users
- 2) meet expected demand for mobile connectivity generated by the development
- 3) take appropriate measures to avoid reducing mobile connectivity in surrounding areas; where that is not possible, any potential reduction would require mitigation
- 4) support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure.

6.9.10 Development Plans should support the delivery of full-fibre or equivalent digital infrastructure, with particular focus on areas with gaps in connectivity and barriers to digital access.

6.9.11 In line with Policy SI6 of the London Plan, any approval should secure a condition requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development.

Overheating

6.9.12 London Plan Policy SI 4 states major development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

6.9.13 The ventilation system to the dwellings will comprise mechanical extract units. The applicant has submitted the Good Homes Alliance Early-Stage Overheating Risk Tool showing that the proposal would be able to achieve a total score of 7 indicating a low risk of overheating. As requested by the GLA officers, any planning permission should be conditioned to undertake a Dynamic Overheating Analysis to assess the overheating risk.

Water consumption

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lower water consumption; ensure that adequate wastewater infrastructure capacity is provided; and minimise the potential for misconnections between foul and surface water networks.

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- 4- Management plan for future maintenance of all SUDS;
- 5- Assessment of exceedance flood flow routes above the 100-year event plus 40% climate change.

7. Other Issues

Equalities Impact

- 7.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 7.2 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.
- 7.3 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.
- 7.4 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.
- 7.5 The protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 7.6 Whilst the application has been submitted in an outline form with all matters reserved which allows for the final agreement of details following

a reserved matters application at a later stage, the general acceptability of the proposed development needs to be established at the outline stage.

- 7.7 The development proposal offers new opportunities to access affordable housing, thereby helping to address the Council's acute affordable housing delivery shortages. However, the scheme is intended to deliver rented accommodation to veterans and possibly other key workers, and the tenure of affordable housing proposed could be inaccessible to some of the highest need customers on Bromley's housing register and therefore might have a negative impact for people in the categories of age, disability, pregnancy and maternity, race, and sex (women) who are less economically active and who may find the rent levels prohibitive. The affordability of the units has not been confirmed or justified via independently examined Viability Appraisal and it cannot be demonstrated that the tenure of affordable housing proposed would contribute towards sustainable mixed and balanced communities.
- 7.8 Negative impacts may also arise from the proposed housing mix, which includes a large proportion (36%) of studio accommodation and affected people would be in the categories of disability, age, pregnancy and maternity, race and religion.
- 7.9 There are also negative impacts expected in relation to construction, such as increased vehicular movements, noise and air quality which would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the impacts.
- 7.10 In conclusion, it is considered that LB Bromley has had due regard to section 149 of the Equality Act 2010 in its consideration of this outline application and resulting recommendations to the Development Control Committee.

Community Infrastructure Levy

- 7.11 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable for the Mayoral CIL (subject to applicable affordable housing relief).
- 7.12 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. Proposals involving social, or affordable, housing (conditions apply) can apply for relief from CIL for the social housing part of the development. This is set out in Regulation 49 of the CIL Regulations 2010 (as amended).

S106 Legal Agreement

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

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

7.14 Policy 125 of the Local Plan 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.

7.15 Notwithstanding that this development, as a whole, has been found not to accord with the development plan and is recommended for refusal, should planning permission be granted Officers have identified a number of planning obligations which are required to mitigate the impacts of this development, the reasons for which have been set out in this report. The development, as proposed, would necessitate the following obligations:

- Affordable Housing:
- 35% of habitable rooms provided as DMR with 30% at London Living Rent and the remainder at a Genuinely Affordable Rent as defined by LB Bromley
- 65% of habitable rooms provided as DMR
 - Early and late stage viability review mechanisms
 - Carbon off-set payment-in-lieu £26,181
 - On-Site measures to meet Air Quality Neutral requirements or, failing that, off-site measures / Air Quality Neutral offset payment (TBC)
 - Contribution towards Healthy Streets/active travel improvements
 - Monitoring fee: £500 per head of terms; and
 - Cost of legal undertaking.

7.16 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.

8. Conclusion

- 8.1 Outline planning permission is sought for demolition of existing dwellings (51 and 53 Jail Lane), formation of access off Jail Lane and construction of up to 50 new discount market rent dwellings (use class C3) with priority for ex-service personnel, forces families and key workers, comprising a mix of houses and maisonettes together with associated parking, amenity space, landscaping and refuse (all matters reserved).
- 8.2 The proposal would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. The harm that would arise in this regard would result from the conflict with the Green Belt purpose of preventing urban sprawl by keeping land permanently open. Consistent with paragraph 153 of the Framework substantial weight is attached to this harm. In addition, the harm to openness would be caused to a substantial degree in both spatial and visual terms. This further weighs against the proposal.
- 8.3 The Council does not currently have a 5 year housing land supply. However, the site is included within the protected areas listed in footnote 7 of the NPPF as it is designated as Green Belt. As set out in this report, the application of the Green Belt policies provide a clear reason for refusing the development proposed. Consequently, notwithstanding the absence of a five year supply of housing, the presumption in favour of the development that might otherwise exist (titled balance) is effectively disengaged.
- 8.4 Whilst the development proposal would offer new opportunities to access housing, helping to address the Council's acute housing delivery shortages, the scheme is intended to deliver rented accommodation to veterans and possibly other key workers. Therefore, bearing in mind the Council do not have a Key Worker allocation policy, the provision of 50 units, of which a large proportion (36%) would be single occupancy studio apartments, would not attract very substantial weight when assessed against the substantial weight given to the harm to the Green Belt by virtue of the inappropriate development and other harm.
- 8.5 Although some weight can be attributed to the provision of affordable housing (Discount Market Rent) for the total units proposed, the scheme does not qualify for the Fast Track Route in Policy H5 of the London Plan and therefore it has not been demonstrated that the proposal maximises the delivery of affordable housing, including genuinely affordable housing which would contribute towards meeting the pressing needs of the Borough's residents. In any case, a delivery of mandatory baseline policy requirements necessary to make the proposal acceptable would not attract any additional weight and, further to that, weight can only be given to the guaranteed provision which needs to be secured in the legal agreement. In this instance, the lack of clarity on what is proposed and what can be secured in the s106 agreement diminishes the weight that

could be otherwise attributed, if a high percentage of genuinely affordable housing was secured.

- 8.6 There are also a number of other planning considerations which would weigh against the proposals when balancing the benefits proposed against the harm and degree of compliance with strategic planning policies. Although the application has been submitted in an outline form with all matters reserved which allows for the final agreement of details following a “reserved matters” application at a later stage, the general acceptability of the proposed development needs to be established at the outline stage.
- 8.7 Insufficient information was provided for an archaeological potential associated with the site to be assessed at the pre-determination stage and consequently it is not known if there is a definable archaeological interest and whether that interest can be secured by condition or whether certain site evaluation is necessary to inform the decision regarding the application.
- 8.8 The application fails to adequately avoid, mitigate and compensate the impact on the biodiversity value of the site (including loss of category B trees), and in the absence of further surveys as recommended in the Preliminary Ecological Appraisal it is not possible to fully determine the impacts of the proposal on protected species (including bats).
- 8.9 The trip rate generated by the development is higher than the transport emissions benchmark for an Air Quality Neutral development. On-site mitigation measures outlined by the applicant to reduce the emissions do not satisfy the AQN requirements and as there is no guarantee when and how the development would achieve air quality neutral, the proposal fails to satisfy London Plan Policy SI 1 and Bromley Local Plan policy 120.
- 8.10 In accordance with Paragraph 152 of the NPPF, inappropriate development should not be approved except in very special circumstances. The applicant has submitted a case for VSC and it is accepted that the benefits of housing delivery, and to some degree the provision of affordable housing (albeit this matter in itself is non-compliant), would weigh in the balance. However, given the substantial level of harm to the openness of the Green Belt and the harm that would arise, from the conflict with the Green Belt purpose of preventing urban sprawl by keeping land permanently open, it is not considered that these benefits clearly outweigh this harm. Therefore, the very special circumstances which have been put forward would not justify the proposed development.
- 8.11 Taking account of the above, the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development. Therefore, as the scheme is not sustainable

development for which the Framework indicates that there should be a presumption in favour, the planning permission should be refused.

- 8.12 The applicant has not confirmed the required planning obligations, as stated within Section 7 of this report, nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is also recommended.
- 8.13 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reasons:

- 1 The proposal is considered to constitute inappropriate development in the Green Belt and would cause substantial harm to the openness of the Green Belt for which no very special circumstances have been demonstrated to clearly 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 (2023) (Paragraphs 142-143, and 152-153).**
- 2 The application does not demonstrate that grant funding has been sought to increase the level of affordable housing proposed and, given the conclusions relating to the Green Belt as well as the failure to demonstrate compliance with other local and strategic policies, the proposal does not meet Part C(3) and C(4) of London Plan Policy H5 or (consequently) part C of Policy H11. The application therefore fails to meet the criteria necessary to qualify for the Fast Track Route and in the absence of a Financial Viability Assessment the application fails to demonstrate that the proposal would maximise the delivery of affordable housing, thereby contrary to Policy H5 of the London Plan (2021), Policy H11 of the London Plan and Policy 2 the Bromley Local Plan (2019).**
- 3 In the absence of an Archaeological Desk Based Assessment, the impact of the proposed development on the archaeological potential associated with the site cannot be fully assessed. As such, the proposal fails to demonstrate compliance with Policies 37 and 46 of the Bromley Local Plan (2019), Policy HC1 of the London Plan (2021) and the provisions of the National Planning Policy Framework (2023) (Paragraphs 200 and 205-209).**
- 4 The application has failed to adequately demonstrate avoidance of harm to green infrastructure, protected species and their habitats (including loss of category B trees), or how harm to protected species and biodiversity would be adequately mitigated. In the absence of**

further surveys as recommended in the Preliminary Ecological Appraisal it is not possible to fully determine the impacts of the proposal on protected species (including bats). The development is therefore contrary to Bromley Local Plan Policies 37, 72 and 73, and London Plan Policies G1, G5, G6 and G7, and the provisions of the National Planning Policy Framework (2023) (Paragraph 180 and 186).

- 5 The proposed development would not be 'Air Quality Neutral' for development transport emissions and the applicant has failed to demonstrate adequate on-site measures to reduce emissions further. As such, the proposal would fail to meet the minimum requirement of Bromley Local Plan policy 120 and London Plan Policy SI 1 and the Air Quality Neutral LPG.
- 6 Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to London Plan Policies DF1 and M1, and Local Plan Policies 125 and Bromley Planning Obligations SPD (2022) and subsequent addendums.

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53 Jail Lane, Biggin Hill

Local Planning Authority: Bromley

Local Planning Authority reference: 23/03484/OUT

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Outline application with all matters reserved for demolition of existing dwellings (51 and 53 Jail Lane), formation of access off Jail Lane and construction of up to 50 new discount market rent dwellings (use class C3) with priority for ex-service personnel, forces families and key workers, comprising a mix of houses and maisonettes together with associated parking, amenity space, landscaping and refuse.

The applicant

The applicant is **Stonegate (Stoke Road) Ltd.**

Strategic issues summary

Land use principles: The proposal constitutes inappropriate development in the Green Belt and as such should not be approved except in very special circumstances. Further information is required to assess the extent of the impact of the development on the openness of the Green Belt. The applicant must demonstrate that very special circumstances exist, prior to the Mayor's decision making stage.

Housing: The proposed development includes 50 Build to Rent units as 100% affordable housing by habitable room at Discount Market Rent levels. Compliance with Policy H11 of the London Plan must be appropriately secured, including clawback mechanisms, covenant and rent levels. The scheme could be eligible to follow the Fast Track Route.

Urban design: The development does not demonstrate that the site capacity and layout has been optimised through a design-led approach and impacts to openness of the Green Belt have been identified. A design code and further details on boundary treatments, landscaping, and public access should be provided.

Transport: Further information is required on Healthy streets, car and cycle parking, delivery, servicing and construction, and Travel Plans.

Sustainable development and environment: Further information is required on energy, circular economy whole life-cycle carbon, green infrastructure, water, and air quality.

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 99. Possible remedies set out in this report could address these deficiencies. The Mayor does not need to be consulted again if the borough decides to refuse the application.

Context

1. On 30 January 2024, the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following category of the Schedule to the Order 2008:
 - **Category 3D** *Development on Green Belt or Metropolitan Open Land within the adopted or emerging development plan*
3. Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; or, allow the Council to determine it itself. In this case, the Council need not refer the application back to the Mayor if it resolves to refuse permission.
4. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planning.london.gov.uk/pr/s/>

Site description

5. The site is irregular in shape and has an approximate area of 1.17 hectares and sits behind several properties along Hawthorne Avenue and Jail Lane. To the northern boundary there is Biggin Hill Airport and to the eastern boundary there is an undeveloped area of grassland. Jail Lane consists of a row of dwellings that vary in scale between one and two storeys and have deep rear gardens that extend toward the southern boundary of the site. Similarly, the properties along Hawthorne Avenue are predominantly single storey bungalows except for a two-storey cul-de-sac at the end of the road which borders the northern boundary of the site. The land has a substantial tree line and hedgerow running along the entire eastern boundary. Similarly, there is a well-established hedge running along the western boundary that defines the rear boundary to the properties along Hawthorne Avenue. The application site is located within the Green Belt. A Site of Importance for Nature Conservation lies in the vicinity of the site. The site does not contain or is nearby to any heritage assets.
6. The site is on Jail Lane, which is borough highway and there are no parts of the Transport for London Road Network (TLRN) or Strategic Road Network (SRN) nearby. There are no stations within reasonable walking distance of the site. There are five bus services (246, 320, 464, R2, and R8) stopping within reasonable walking distance from the site. Consequently, the site has a Public Transport Accessibility Level (PTAL) of 1b, on a scale from 0 to 6b where 6b is the highest. The site also benefits from two school bus services.

7. The site is remote from the Strategic Cycle Network (SCN) and historic London Cycle Network (LCN). National Cycle Route NCN21 is within 3 kilometres of the site, however access to it is via narrow, steep, unlit and heavily trafficked country roads.

Details of this proposal

8. Outline application with all matters reserved for demolition of existing dwellings (51 and 53 Jail Lane), formation of access off Jail Lane and construction of up to 50 new discount market rent dwellings (use class C3) with priority for ex-service personnel, forces families and key workers, comprising a mix of houses and maisonettes together with associated parking, amenity space, landscaping and refuse.

Case history

9. Whilst the application site has planning history with the LPA, these have not been referable to the Mayor nor has GLA pre-application advice been sought. The applicant has sought pre-application advice from the LPA for this scheme.

Strategic planning issues and relevant policies and guidance

10. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Bromley Local Plan 2019; and, the London Plan 2021.
11. The following are also relevant material considerations:
 - The National Planning Policy Framework and National Planning Practice Guidance;
12. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:
 - Good Growth - London Plan;
 - Green Belt - London Plan;
 - Open land - London Plan; All London Green Grid SPG;
 - Housing - London Plan; Housing SPG; the Mayor's Housing Strategy; Play and Informal Recreation SPG; Character and Context SPG; Housing Design Standards draft LPG;
 - Affordable housing - London Plan; Housing SPG; Affordable Housing and Viability SPG; the Mayor's Housing Strategy;
 - Urban design - London Plan; Character and Context SPG; Public London Charter LPG; Characterisation and Growth Strategy draft LPG; Optimising

Site Capacity: A Design-Led Approach draft LPG; Housing SPG; Play and Informal Recreation SPG; Housing Design Standards draft LPG;

- Fire Safety – London Plan; Fire Safety draft LPG;
- Inclusive access - London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG
- Sustainable development - London Plan; Circular Economy Statements LPG; Whole-life Carbon Assessments LPG; ‘Be Seen’ Energy Monitoring Guidance LPG; Energy Planning Guidance; Mayor’s Environment Strategy;
- Air quality - London Plan; the Mayor’s Environment Strategy; Control of dust and emissions during construction and demolition SPG; Air quality positive draft LPG; Air quality neutral draft LPG;
- Transport and parking - London Plan; the Mayor’s Transport Strategy;
- Green Infrastructure - London Plan; the Mayor’s Environment Strategy; Preparing Borough Tree and Woodland Strategies SPG; All London Green Grid SPG; Urban Greening Factor draft LPG
- On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer’s recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#).

Land use principles

Development on Green Belt

13. The site lies within land designated as Green Belt. Policy G2 of the London Plan seeks to protect the Green Belt from “inappropriate development”, affording the strongest possible protection to the Green Belt land in line with the requirements of the NPPF in which paragraph 137 of the NPPF states “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.
14. The construction of new buildings in the Green Belt is inappropriate unless it meets the defined exceptions in paragraphs 154 and 155 of the NPPF.

Exceptions Test

15. The applicant has considered the exceptions outlined in paragraph 154 of the NPPF and concluded in the submitted planning statement that none of the exceptions apply and therefore the proposal represents inappropriate

development. GLA officers have considered the information submitted and agree with the applicant's position. As such, at present the proposal represents inappropriate development on Green Belt and would need to demonstrate Very Special Circumstances (VSC).

Impact to openness

- 16. The existing properties facing Hawthorne Avenue have a seamless interface with the Green Belt with the rear gardens transitioning into the open space. The proposed development introduces additional layers of housing and hard surfacing / streets between the gardens and open space, which will result in an impact to openness. Whilst the scale of development is consistent with the existing context, there is still considered to be an impact to openness by introducing new development on this site. A comparison between the existing and proposed site plans is provided in Figures 1 and 2 below.

- 17. The applicant states that the site has limited perceptual and physical connection with the Green Belt land to the east and as such there will be negligible effect on the rural qualities and contribution to the openness of the Green Belt. Based on the current information provided, which does not include a design code or detailed plans for boundary treatments, landscaping, and public access, GLA officers are of the view that there will be an impact to openness, which should be addressed. Further information is provided in the urban design section below.



Figure 1: The existing site plan



Figure 2: The proposed site plan

Very special circumstances (VSC)

18. Paragraph 152 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 153 of the NPPF requires substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The applicant has outlined the following VSC in the submitting planning statement:
 - I. The uniquely tailored scheme will meet an acute housing need in the context of Bromley under-delivering on housing supply;
 - II. The development will provide 100% affordable Build to Rent residential homes at Discount Market Rent levels meeting the criteria of Policy H11 of the London Plan;
 - III. The DMR homes will be targeted to ex-service personnel, families of armed forces, and keyworkers; and
 - IV. The site has a limited perceptual and physical connection to the open Green Belt to the east, will not impact openness, and in general would not impact on the purposes of the Green Belt including to check the unrestricted sprawl of large built-up areas, to prevent neighbouring

towers 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.

20. Whilst the development will be contributing to the borough's housing targets, this is not considered VSC as the London Plan Strategic Housing Land Availability Assessment identifies that London's housing needs can be met without developing on sites within Green Belt. The provision of affordable housing could be considered VSC provided the application follows the Fast Track Route and affordability and other relevant considerations are secured. The LPA will need to confirm the tenure mix meets local policy as discussed in the housing section below. The DMR homes being targeted for ex-service personnel, families of armed forces, and keyworkers is a benefit, however, GLA officers query how this will be managed and secured.
21. Given the above impacts to openness identified, the development is not considered to be an improvement on the relationship between the existing properties and the Green Belt. The applicant has not provided adequate information to demonstrate that the development will impact on the purposes of the Green Belt. Therefore, the points raised in IV above are not considered to represent VSC in this case.

Development on MOL conclusion

22. The proposed development would be inappropriate development in the green belt. GLA officers are of the view that the proposed development would result in harm to Green Belt openness, however, further information is required to verify the extent of this. At this stage it is not possible for GLA officers to assess whether VSC exists to outweigh the level of harm proposed. Further joint discussions with the applicant and the LPA are required on the various impacts and benefits of the proposal. Any potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, must then be clearly outweighed by other considerations, otherwise the application would conflict with the NPPF and Policy G3 of the London Plan.

Residential units

23. Policy H1 of the London Plan sets 10-year housing targets for each borough including a target of 7,740 for Bromley. The principle of the addition of 50 residential homes could be supported within this context, subject to VSC for development on the Green Belt being demonstrated.
24. The applicant proposes to deliver all the 50 residential homes as Build to Rent. Policy H11 of the London Plan outlines the criteria that must be met to qualify as Build to Rent which include:
 - the development, or block or phase within the development, has at least 50 units;
 - the homes are held as Build to Rent under a covenant for at least 15 years;

- a clawback mechanism is in place that ensures there is no financial incentive to break the covenant;
 - all the units are self-contained and let separately;
 - there is unified ownership and unified management of the private and Discount Market Rent elements of the scheme;
 - longer tenancies (3 years or more) are available to all tenants. These should have break clauses for renters, which allow the tenant to end the tenancy with a month's notice any time after the first six months;
 - the scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
 - there is on-site management. This does not necessarily mean full-time dedicated on-site staff, but that all schemes need to have systems for prompt resolution of issues and some daily on-site presence; and
 - providers have a complaints procedure in place and are a member of a recognised ombudsman scheme.
25. A planning statement has been submitted which references the above criteria. These will need to be secured in the S106 agreement.

Housing

Affordable housing

26. Policies H4 and H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG seek to maximise the delivery of affordable housing, setting a strategic target of 50% across London. Policy H5 sets out that to achieve the strategic target of 50%, the threshold level of affordable housing on gross residential development is initially set at a minimum of 35%. In this case, a 35% affordable housing threshold would apply. Policy H11 allows for all affordable units associated with a Build to Rent scheme to be solely Discount Market Rent (DMR), preferably London Living Rent level. DMR homes must be secured in perpetuity.
27. The proposed development includes 50 Build to Rent homes as 100% affordable housing by habitable room at DMR levels. As discussed in the land use principles section above, the Build to Rent requirements of Policy H11 will need to be secured in the S106 agreement. DMR rents should be calculated assuming that housing costs do not exceed 40% of net household income and assuming that net household income is 70% of gross household income in accordance with the GLA Annual Monitoring Report. All affordable housing must be robustly secured in perpetuity, within the S106 agreement. The proposed housing mix raises no strategic concerns.

28. Provided the delivery is secured in accordance with Policy H11 Part C and the range of DMR rents agreed, the scheme could be eligible to follow the Fast Track Route on this basis.

Urban design

29. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability, and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.

Development layout

30. The applicant has not provided evidence that options were explored for optimising site capacity and layout through a design-led approach, while responding to the openness of the Green Belt, in accordance with Policy D3 of the London Plan. Further, the applicant has not provided evidence of a thorough appraisal of the site's context and setting.
31. The application does not provide any detail on existing boundary conditions, and in particular the existing access road alongside the rear of the existing gardens and sheds. Opportunities for stitching the proposed development into the existing context, improving access permeability, and creating benefits for the wider area do not appear to have been explored.
32. The western site boundary is particularly sensitive due to the potential of the proposed development to turn its back towards the existing homes and gardens, and create long inactive boundary alongside the existing access road. Opportunities to consolidate access to the proposed and existing homes, or to improve the existing access road should have been explored.

Height, scale, and massing

33. The proposed building heights of up to 3 storeys with pitched roofs, is largely in keeping with the surrounding context and could be acceptable in principle pending further townscape assessment. The LPA should agree viewpoints with the applicant, which should include the proposed access road off Jail Lane, the public footpath further east, as well as the gardens of the homes along Hawthorne Avenue.

Residential quality

34. The internal layouts of the 1/2/3-bedroom dwellings appear to be of good quality and adhere to the space standards set out in Policy D6 of the London Plan. All dwellings appear to be dual aspect, with appropriate storage and outdoor amenity space.
35. The studio units appear to have no built-in storage, and therefore do not meet London Plan requirements. The applicant must demonstrate adequate

ventilation is provided for the kitchen areas, which do not have direct access to a window.

36. A daylight and sunlight report should be provided to ensure sufficient daylight and sunlight is maintained to surrounding properties, in accordance with Policy D6.

Architecture and materials

37. Given the proposed development has been submitted as an outline planning application with all matters reserved, a design code should be submitted in accordance with Policy D4 of the London Plan.

Landscaping and public realm

38. The scheme proposes a series of green areas across the site. A green buffer is created along the eastern site boundary, which will be fenced off and inaccessible to the public. In line with Policy G2 of the London Plan, and considering the setting, the proposal should seek to maximise public benefit from developing this Green Belt site and prioritise public access to green spaces for recreation. The applicant should seek to maximise public access to green spaces and limit fencing to an absolute minimum, prioritising hedgerows, and other natural boundary treatments. A detailed plan identifying publicly accessible and inaccessible areas, and detailed boundary treatment and design should be provided and secured by the LPA.

Children's play space

39. Policy S4 of the London Plan seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10 sq.m. per child that is not segregated by tenure. Further detail is provided in the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation', together with a population yield calculator.
40. While the proposal indicates play space has been provided, the applicant has not provided details on the quantum of play space. Further details on this should be provided to the LPA and appropriately secured.

Agent of change

41. The site is bounded to the north by Biggin Hill Airport. In line with Policy D13 of the London Plan, the development must ensure it does not compromise the day-to-day functioning and long-term viability of the adjacent airport. The proposal therefore must demonstrate that operational noise levels of the airport do not negatively affect the proposed residential uses, and mitigate against any potential adverse impact, as set out in Policy D14 of the London Plan. A noise study was carried out demonstrating that acceptable noise levels can be achieved using conventional glazing and insulation methods. The LPA should secure these mitigation measures by condition.

Fire safety

42. Policy D12 of the London Plan requires a fire statement prepared by a suitably qualified third-party assessor, demonstrating how the proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
43. A fire statement has been submitted. The fire statement must be updated to confirm compliance with Policy D12 and include details of construction methods and materials. The revised fire statement must be secured by condition.

Inclusive access

44. Policy D5 of the London Plan seeks to ensure that proposals achieve the highest standards of accessible and inclusive design (not just the minimum). The application material sets out that the development meets the requirements of Policy D5 in that it can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation or special treatment.
45. Policy D7 requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. This should be appropriately secured by either condition or obligation.

Transport

Healthy Streets & Active Travel Zone Assessment

46. To meet the mode share target of Policy T1 of the London Plan for outer London, it is essential that infrastructure for active travel both on and off the site and that for buses is good and consequently improvements are necessary. Therefore, an appropriate contribution towards bus shelters with Countdown and ensuring that the nearest stops to the site meet TfL standards and guidance should be secured.
47. As noted in Policy T4 of the London Plan, transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Whilst a transport statement has been provided, it has not been prepared in line with TfL guidance. There is no Active Travel Zone assessment, identifying and auditing walking and cycling routes to key destinations such as bus stops, shops, and schools, which should include an assessment in night hours. The ATZ should be provided to the LPA to identify and then secure appropriate active travel improvements to be delivered through the S106 or S278 agreements and / or works in kind.

Cycling

48. A total of 100 long-stay spaces and 4 short-stay spaces are proposed, which meets the minimum quantity standard outlined in Policy T5 of the London Plan. However, full compliance with the London Cycle Design Standards (LCDS) is also required by Policy T5. The amendments required to achieve full compliance with Policy T5 will be set out by TfL and sent to the LPA separately.
49. Cycle parking should be better arranged so that residents and their visitors can access this easily and conveniently and it is secure. Further details will be provided to the LPA.

Car parking

50. The site is proposed to have a total of 55 car parking spaces, which equates to a parking ratio of 1.1 spaces per dwelling. This does accord with maximum London Plan standards for this site. However, no justification has been provided to show that this is the necessary provision given its location and nature, with relatively good access to bus services. A reduction in car parking could also enable concerns about cycle parking to be better addressed and could allow further greening of the site. Furthermore, it would also help achieve the Mayor's strategic mode shift target outlined in Policy T1. Any car parking spaces should be leased, not sold with the property, in line with Policy T6.1 B.
51. No disabled persons' parking bays have been proposed, which is contrary to Policy T6.1, which requires disabled persons' parking spaces for 3% of homes provided from the outset, with a further 7% identified if demand arises in the future.
52. 20% of all car parking will be provided with active charging, and the other 80% passive charging. Officers could support provision of all disabled persons' parking spaces with active charging facilities from the outset.
53. It is also welcomed that car parking is set behind, rather than the front of the homes, so that it minimises severance and improves safety for pedestrians and cyclists.

Transport network impacts

54. Officers do not foresee a significant impact on the local or strategic highway or public transport capacity, other than in respect of concerns outlined elsewhere.

Delivery and Servicing and construction

55. A full delivery and servicing plan should be secured by condition to align with Policy T7. A full Construction Logistics Plan (CLP) should be secured by condition to align with Policy T7.

Travel Plan

56. Given the concerns raised above regarding the ability of the development to meet London Plan mode share targets set out in Policy T1, an effective, full Travel Plan (TP) will need to be secured by condition and follow best practice and practically support sustainable travel by occupiers and visitors to this development. This should include targets at years 1, 3 and 5 in line with the Mayor's Strategic Mode Shift target. The TP should include clear measures to

increase active travel and use of buses, such as bus maps and timetables and walking and cycle information, funded via the S106 agreement. As proposed the development is highly unlikely to meet the 75% active travel mode-shift target outlined in Policy T1 and thus an effective well-funded TP will be essential alongside improvements to active travel and bus infrastructure.

Sustainable development

Energy strategy

57. The London Plan requires all major developments to meet a net-zero carbon target. Reductions in carbon emissions beyond Part L of the 2021 Building Regulations should be met on-site. Only where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site a contribution to a carbon offset fund or reductions provided off site can be considered.

Energy strategy compliance

58. An energy statement has been submitted with the application. The energy statement does not yet comply Policies SI2, SI3 and SI4 of the London Plan. The applicant is required to further refine the energy strategy and submit further information to fully comply with London Plan requirements. Full details have been provided to the Council and applicant in a technical memo that should be responded to in full; however outstanding policy requirements include:

- Be Lean – further clarifications on specification and amendment of discrepancies with GAL methodology;
- Managing heat risk – further details to demonstrate the cooling hierarchy has been followed;
- Be Clean – Comment on appropriateness of centralised system and DHN connection;
- Be Green – demonstration that renewable energy has been maximised, including roof layouts showing the extent of PV provision and SCOP of the proposed air source heat pumps;
- Be Seen – confirmation of compliance with this element of policy, with compliance to be secured within the S106 agreement;
- Energy infrastructure – further justification of the energy strategy in terms of the appropriateness of design of the district heating network connection is required.

Carbon savings

59. The development is estimated to achieve a 67% reduction in CO2 emissions compared to 2021 Building Regulations. The development falls short of the net zero-carbon target in Policy SI2, although it meets the minimum 35% reduction on site required by policy. As such, a carbon offset payment is required to be secured. This should be calculated based on a net-zero carbon target using the GLA's recommended carbon offset price (£95/tonne) or, where a local price has been set, the borough's carbon offset price. The draft S106 agreement should be submitted when available to evidence the agreement with the borough.

Whole Life-cycle Carbon

60. In accordance with Policy SI2 of the London Plan, the applicant is required to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint.
61. It appears that no WLC assessment has been submitted. All applicants are expected to submit a completed WLC assessment template (as an Excel document, not a PDF) and follow the GLA WLC guidance; both of which are available [here](#). The applicant should submit a WLC assessment template in full. This is important to allow results to be recorded and tracked through to the post-construction stages, and to allow a proper review of the results against material quantities and other assumptions made. As per the GLA 'Whole Life-cycle Carbon Assessment – March 2022 – guidance document' this assessment should comply with EN 15978 and cover all building elements.
62. A condition should be secured requiring the applicant to submit a post-construction assessment to report on the development's actual WLC emissions. The template and suggested condition wording are available on the GLA [website](#)¹.

Circular economy

63. Policy D3 of the London Plan requires development proposals to integrate circular economy principles as part of the design process. Policy SI7 of the London Plan requires planning applications that are referable to the Mayor of London to submit a circular economy statement, following the Circular Economy Statements LPG.
64. The applicant is required to submit a circular economy statement in accordance with the GLA guidance. In line with Policy SI7, a circular economy statement should be submitted to support all referable applications.
65. This should be developed in line with the London Plan Guidance: Circular Economy Statements (March 2022). Applicants are expected to submit the completed CE template (as an Excel document, not a PDF) and an accompanying written report in line with the GLA guidance. The latest London Plan Guidance and GLA CE template are both available [here](#).
66. Whilst it is understood that this is an outline planning application, the applicant should provide the following supporting information in line with the minimum submission requirements of the GLA guidance as appendices to the CES: pre-redevelopment audit and pre-demolition audit.
67. Whilst the applicant refers to materials and waste in the submitted sustainability statement, this information is very high-level and insufficient to demonstrate compliance with Policy SI7 and its associated guidance.

¹ <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/whole-life-cycle-carbon-assessments-guidance>

68. A condition should be secured requiring the applicant to submit a post-construction report. The template and suggested condition wording are available on the GLA [website](#)².

Digital connectivity

69. A condition should be secured requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development in line with Policy SI6 of the London Plan.

Environmental issues

Biodiversity

70. Policy G6 of the London Plan states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 further states that development proposals should aim to secure net biodiversity gain. Trading rules should also be satisfied.
71. Evidence provided within the Biodiversity Net Gain Assessment (pg. 11) states that the development will provide a +13.75% increase in biodiversity net gain, and a +168.82% increase in hedgerow units based on the current site masterplan. The applicant should confirm that trading rules have been satisfied.
72. Recommendations in the Preliminary Ecological Appraisal should be implemented or robust justification should be given as to why they cannot be. The applicant should prepare an Ecological Management Plan (EMP) to support long-term maintenance and habitat creation. The EMP should be secured by condition.

Green Infrastructure and Urban Greening

73. The proposed development presents a considered approach to integrating green infrastructure and urban greening across the scheme which is supported and should be brought to fruition. This includes the incorporation of meadow grassland and biodiverse green roofs which support multifunctionality, in accordance with Policy G1 of the London Plan. The opportunity for the provision of biosolar roofing should be explored.
74. The applicant also links to the wider green infrastructure network through native planting within an ecological and landscape buffer zone, along with the inclusion of bird nesting boxes and insect habitats.
75. The applicant states that the proposed development would achieve an urban greening factor score of 0.58, however this statement appears unsupported. A drawing showing the surface cover types and accompanying UGF calculation

² <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/circular-economy-statement-guidance>

should be submitted prior to Stage 2. This should be presented as a standalone document. Further information can be found [here](#).

76. The UGF score calculation should be prepared based on the illustrative masterplan and clear assumptions to demonstrate that the UGF target score of 0.4 would be achievable. Given it is an outline application, it is important that the current quality and quantity of greening is secured and delivered through subsequent stages of planning. Delivery of the UGF at reserved matters phases should be secured by condition and within a design code for subsequent phases of the proposed development.

Flood risk management

77. The site is in Flood Zone 1 and is greater than 1 hectare in area. A Flood Risk Assessment (FRA) has been submitted as required under the National Planning Policy Framework (NPPF).
78. The FRA adequately assesses the risk of flooding from fluvial/tidal, pluvial, sewer, ground water and reservoir flooding, which is low.
79. The FRA generally complies with Policy SI.12 of the London Plan.

Sustainable drainage

80. The drainage strategy proposes to restrict runoff to the greenfield runoff rate, draining via infiltration, which is welcomed.
81. It is proposed that all surface water will be attenuated in geocellular storage and then infiltrated to ground. The site is currently greenfield, and soakaways are present in the surrounding area. However, site specific infiltration testing has not been undertaken so a conservative rate has been used for the estimation. Infiltration testing is required to inform the volume of storage required for the site and is to be secured by condition.
82. Section 6 of the Sustainability Energy Report states “The proposal includes the installation of green roofs to selected buildings and this will assist in reduce the rate of rainwater runoff and will increase biodiversity.” Confirmation should be provided for the inclusion of green roofs and added to the Foul and Surface Water Strategy Plan in Appendix G. Rainwater harvesting should be provided to satisfy the requirements of Policy SI.13 of the London Plan or robust justification provided for being excluded.
83. A simplified calculation method has been used which provides a range of attenuation volumes. This does not provide sufficient detail to support the proposed drainage strategy. Hydraulic calculations should be provided including a range of return periods and storm durations. It is also noted that the Flood Studies Report (FSR) method has been used for the estimation of rainfall for simulation of the drainage networks. This method underpredicts rainfall intensity in the London area. As such, the drainage simulations should instead use the latest Flood Estimation Handbook (FEH22) method.

84. A maintenance plan detailing the maintenance arrangements for the different elements of the surface water drainage system needs to be provided. This should include who is responsible, maintenance activities / frequencies, and access.
85. An assessment of exceedance flood flow routes above the 100-year event plus 40% climate change should be provided.
86. The LPA should ensure that the Bromley's version of the London Sustainable Drainage Proforma is completed and accompanies the planning application. The proformas for all LPAs can be found [here](#).
87. The surface water drainage strategy does not comply with Policy SI.13.

Water efficiency

88. The Sustainability Statement identifies a water consumption target for the residential component of the development as 110 l/person/day. This is higher than the maximum of 105 l/person/day set by Policy SI.5 of the London Plan.
89. Water efficient fittings and metering is proposed, which is welcomed. Leak detection and water monitoring systems should be considered.
90. The applicant should also include water harvesting and reuse to reduce consumption of water across the site. This can be integrated with the surface water drainage system to provide a dual benefit.
91. The proposed development does not currently meet the requirements of Policy SI.5.

Air quality

92. Policy SI1 of the London Plan states that development proposals should not lead to deterioration of existing poor air quality; should not create any new areas that exceed air quality limits or delay compliance in areas that are in exceedance of legal limits; and should not create unacceptable risk of high levels of exposure to poor air quality. Development proposals must be at least Air Quality Neutral and large-scale development proposals should provide an air quality positive statement.
93. The proposed development will not lead to adverse impacts on local air quality and conditions for future residents/occupiers. Therefore, the development is considered to be compliant with Policy SI1.
94. An Air Quality Neutral Assessment was undertaken. It has been determined that the proposed development is not air quality neutral. The development features air source heat pumps and no new combustion sources and therefore can be considered air quality neutral in terms of building emissions. However, the trip rate generated by the development is higher than the transport emissions benchmark.

95. Mitigation measures have been outlined to address the increase in transport emissions arising from the development. This includes the provision of electric vehicle charge points, passive electric vehicle charge points and secure cycle parking. These are beneficial, however may not be sufficient to reduce the trips generated by the development; the provision of electric vehicle charge points is not equivalent to the uptake of electric vehicles. To comply with Air Quality Neutral Guidance, a timed and enforced plan would be needed to demonstrate the effectiveness of this as a mitigation measure. Currently there is no guarantee when the development would achieve air quality neutral. Additional measures should be considered and secured by the LPA.
96. The air quality assessment does not state if the development has emergency generators. If there are none, it is recommended that this is stated. If there will be, the emissions from this source should be screened and assessed if necessary. To comply with GLA guidance, backup or emergency generators should not run for more than 50 hours annually.

Local planning authority's position

97. Bromley Council planning officers are currently assessing the application. In due course the Council will formally consider the application at a planning committee meeting.

Legal considerations

98. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application. In this case, the Council need not refer the application back to the Mayor if it resolves to refuse permission. There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

99. There are no financial considerations at this stage.

Conclusion

100. London Plan policies on land use principles, Green Belt, housing, urban design, transport, sustainability, and environment are relevant to this application. The application does not comply with these policies, as summarised below:

- **Land use principles:** The proposal constitutes inappropriate development in the Green Belt and as such should not be approved except in very special circumstances. Further information is required to assess the extent of the impact of the development on the openness of the Green Belt. The applicant must demonstrate that very special circumstances exist, prior to the Mayor's decision making stage.
- **Housing:** The proposed development includes 50 Build to Rent units as 100% affordable housing by habitable room at Discount Market Rent levels. Compliance with Policy H11 of the London Plan must be appropriately secured, including clawback mechanisms, covenant and rent levels. The scheme could be eligible to follow the Fast Track Route.
- **Urban design:** The development does not demonstrate that the site capacity and layout has been optimised through a design-led approach and impacts to openness of the Green Belt have been identified. A design code and further details on boundary treatments, landscaping, and public access should be provided.
- **Sustainable development and environment:** Further information is required on energy, circular economy whole life-cycle carbon, green infrastructure, water, and air quality.
- **Transport:** Further information is required on Healthy streets, car and cycle parking, delivery, servicing and construction, and Travel Plans.

For further information, contact GLA Planning Unit (Development Management Team):

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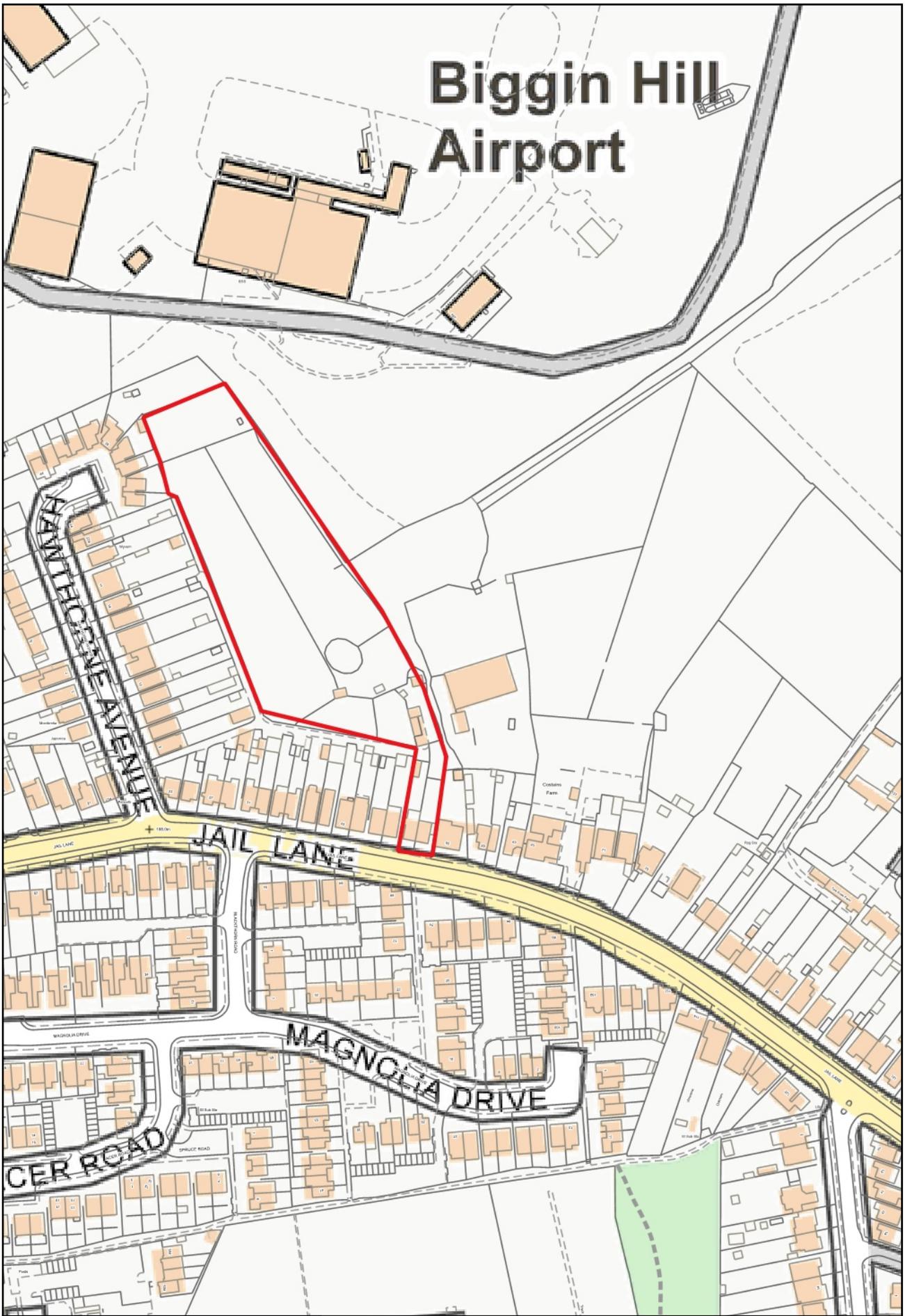
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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.

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Biggin Hill Airport



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Agenda Item 6

Committee Date	6 th June 2024	
Address	Crystal Palace Park Thicket Road Penge London SE20 8DT	
Application number	24/00478/DET	Officer: Joanna Wu
Ward	Crystal Palace & Anerley	
Proposal (Summary)	<p>Details of reserved matters (appearance, landscape, access, layout and scale) for Sites A and B, Phase 1A of the Crystal Palace Park regeneration development, pursuant to Condition 1 of outline planning permission DC/20/00325/OUT, for the demolition of Ranger's Lodge and Information Centre and the construction of a new Information Centre and Rangers Maintenance Building, the conservation and repair of heritage assets within the Geological Court of the Tidal Lakes and Dinosaurs, and Italian Terraces; relocation of the Paxton Bust; alterations to hard surfaces, ground levels and tree removal; landscaping enhancements including introduction of new trees and planting; accessibility improvements; provision and rearrangement of pedestrian paths/vehicular access routes, car and cycle parking and new gateway feature at Penge Gate; provision of new play space, new seating, lighting, wayfinding; drainage and ground works."</p>	
Applicant	Agent	
London Borough of Bromley	Ms Sarah Eley, HTA	
Reason for referral to committee	Strategic application/Major development	Councillor call in No

RECOMMENDATION	APPROVAL OF DETAILS
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<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Air Quality Management Area • Archaeological Priority Area • Crystal Palace Park Conservation Area • Green Chain • Historic Park and Garden (Grade II*)
--

- Metropolitan Open Land (MOL)
- PTAL Level 1b-6a
- Renewal Areas
- Site of Importance for Nature Conservation
- Statutory Listed Buildings / Locally Listed Buildings
- Strategic Outer London Development Centre
- Views of Local Importance

Land use Details		
Use Class or Use description	Existing GIA area (to be demolished)	Proposed GIA area
Information centre (replacement)	193.8 sqm	193.8 sqm
Park maintenance building	--	300 sqm
TOTAL proposed floorspace		300 sqm

Car Parking: Penge Gate			
	Existing	Proposed	Difference in spaces (+ or -)
Standard bays	31	15	-16
Accessible bays	2	4	+2
Active Electric (Enlarged)	0	2	+2
TOTAL	33	21	- 10

Cycle parking			
	Existing	Proposed	Difference in spaces (+ or -)
Maintenance Building/Depot	0	4	+4
Information centre	0	22	+22

Representation summary	<p>Neighbour letters were sent on 20th February 2024. The consultation was for a minimum of 21 days.</p> <ul style="list-style-type: none"> • On 29th February site notices were posted and on 23rd February a press advert was published notifying local residents that they could view and comment on the application on the Council's website.
Total number of responses	3
Number of neutral representations	2
Number in support	1
Number of objections	0

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals for Site A (Tidal Lakes and Maintenance Building/ Depot) and Site B (Italian Terraces) support the conservation of the heritage assets, including the restoration of the Dinosaur Statues, Geological Court and Italian Terraces, in a manner appropriate to their significance and would accord with the overarching 'sustainable development' principles of the NPPF.
- The new Information Centre and Maintenance Building are considered to be appropriate for Metropolitan Open Land. The only inappropriate development that could have potential harm to the MOL would be the new step-free ramp at the lower Italian Terrace. However, this proposal would give rise to a number of significant benefits, such as community benefits and access for all.
- The proposed landscaping works appear sympathetic to the original Park layout and the proposals will deliver publicly accessible green spaces. All of this would provide substantial public benefits and enhancements for visitors.

1. Background

- 1.1 An outline planning permission (planning ref: 20/00325/OUT) for the Crystal Palace Park Regeneration Plan was granted in March 2023, including the detailed highways access alterations at Anerley Hill Gate entrance, Penge Gate car park, Old Couple Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas. Reserved matters relating to appearance, landscaping, internal access routes, layout and scale, within the application site as shown on Fig 1, have now been submitted for approval. A copy of the Decision Notice for this outline permission is attached in Appendix A.
- 1.2 The application site includes:
 - Site A (Tidal Lakes and the maintenance building/ depot) – formerly referred to as Area F: Tidal lakes and part Area G: Cricket Ground Area.
 - Site B (Italian Terraces) – formerly Area C: Italian Terrace. It is noted that in this application part of the Upper Italian Terrace has been excluded.
- 1.3 As stated in the outline permission, the highest priority restoration works are planned to take place in Phase 1A. In this application, the main restoration works include:
 - The Prehistoric Animal Sculptures;
 - The Upper and Lower Italian Terrace walls; and
 - The Bust of Sir Joseph Paxton.



Fig 1: Sites A and Site B of the Crystal Palace Park

- 1.4 Site A Tidal Lakes area is located on the southeastern part of the park and it includes the Geological Courts, Dinosaurs Sculptures and play area. The new maintenance depot building is located in a separate Site A plot to the north of the main Site A. Site B is located in the western part of the park where it includes the Italian Terraces.
- 1.5 Capel Manor College and the Crystal Palace Farm, which were previously included as part of Area F in the outline consent have now been excluded from Site A. It is envisaged that the details of any proposed works at Capel Manor College and the Farm will be subject to a separate planning application.
- 1.6 In order to facilitate these restoration works, three Listed Building Consent applications have been submitted for the proposed works at the Geological Courts and Animal Sculptures, Italian Terraces and the Bust of Sir Joseph Paxton. These applications are currently under review.
- 1.7 A non-material amendment to the outline consent (planning ref: 20/0325/AMD3) has been approved recently to allow changes to the approved size of the new information centre and the location of the new maintenance depot.
- 1.8 In addition, the applicants have also submitted applications to discharge the following site-wide conditions prior to the submission of this reserved matters application. These conditions set out the site-wide strategies for the park and

act as overarching strategies to facilitate the phasing of the proposed developments.

- Condition 3: Tree compensation strategy
- Condition 4: Park-wide Landscape Management Framework – for Area F (Tidal Lakes and Capel Manor Farm) and Area C (Italian Terraces)
- Condition 5: Arboricultural: a scheme for the protection of the retained trees
- Condition 6: Bat and Bird Surveys
- Condition 19: Pedestrian and Cycle Strategy – for Area F – exclude the Capel Manor Farm (Site A) and Area C (Site B) only

1.9 Three separate Listed Building Consent applications have also been submitted to set out the details for the heritage restoration works:

- Grade I listed Prehistoric Animal Sculptures and Geological Court,
- Grade II Italian Terraces, and
- Grade II listed Sir Joseph Paxton Bust

2. LOCATION AND SITE DESCRIPTION

Crystal Palace Park

- 2.1 Crystal Palace Park is a Grade II* listed park on Historic England's 'Register of Historic Parks and Gardens of special historic interest in England' and almost the whole park is designated as Metropolitan Open Land (MOL). It was once home to Sir Joseph Paxton's 'Crystal Palace', which, in its original form, housed the Great Exhibition of 1851 in Hyde Park. The park also included elaborate landscaping as well as water features and fountain designed by Sir Joseph Paxton.
- 2.2 The park shares its boundary with the London Boroughs of Lambeth, Croydon, Lewisham and Southwark for which it is also of strategic significance.
- 2.3 The Bromley Local Plan identifies Crystal Palace as a potential Strategic Outer London Development Centre (SOLDC) with specialist economic functions of more than sub-regional importance related to leisure, tourism, arts, culture and sports. The designation as a SOLDC represents the continuation of the aims of the Masterplan and the park itself represent opportunities to encourage growth of more than sub-regional importance beyond its boundaries, particularly in the Crystal Palace, Penge and Anerley Renewal Areas.
- 2.4 The Park contains a range of sporting, recreational, educational facilities and tourist attractions. It includes a number of Statutory Listed historic buildings and features. Notable attractions include Dinosaur Island: a collection of over 30 statues created by Benjamin Waterhouse Hawkins in the 1850s set within a model geological landscape in the Lower Tidal Lake (also used for boating); a children's playground; information centre; café; maze, concert platform; a rose garden; skate park; the upper and lower Palace Terraces and Italian

Terraces; the ornamental sphinxes; Crystal Palace Museum and Capel Manor College and urban farm.

- 2.5 The application site is within the *Crystal Palace Renewal Area*, one of five 'renewal areas' in Bromley, designated in response to London Plan Policy SD10 'Strategic and local regeneration'. Bromley's Renewal Areas include the areas most 'deprived' as evidenced by the 2015 English Indices of Deprivation (Bromley Local Plan).
- 2.6 The Park gates are open from 7:30am midweek and 9am on weekends and bank holidays, and are closed at sunset throughout the year. There is an extensive network of pedestrian and cycle routes within the Park which connect with local services and facilities and public transport. The park is included as part of the South East London Green Chain and includes strategic green chain and capital ring walks. The majority of the Park falls within the designated MOL is also designated as a Borough Grade I Site of Importance for Nature Conservation (SINC), though this designation excludes parts of the Park such as the caravan site, Palace Terrace, upper terrace and central car park.
- 2.7 Most of the Park area also falls within the Crystal Palace conservation area, managed through adopted Supplementary Planning Guidance (SPG). There are also a number of designated heritage assets adjacent to the site.
- 2.8 The view from the Upper Italian Terrace of Bromley, Beckenham and West Wickham is a view of Local Importance in the Bromley Local Plan and there are a number of important historic views within the Park.
- 2.9 The application site is divided into Site A (Tidal Lakes and new maintenance depot area) and Site B (Italian Terrace).

Site A (Tidal Lakes and new Maintenance Depot)

- 2.10 Site A has an area of 10.09 ha in total, including 9.84 ha in the southeastern part of the site and 0.25 ha for the new maintenance depot area. It is notable for its 29 Grade I (NHLE ref. number 1067798) listed prehistoric animal sculptures, popularly known as the Dinosaurs and the Grade II listed Guy the Gorilla statue (NHLE ref. number 1431362). These features are set within the man-made Tidal Lakes, which historically served as the source for the Park's water features. The lakes are bordered by Victorian geological displays, the Geological Courts, and are utilised for boating. Pathways and bridges around the lakes facilitate access and feature educational displays. Overlooking these lakes situated to the northern edge is the Crystal Palace Park Café. The Site also contains other community facilities such as an Information Centre and public toilets and is a well-used area of the Park.
- 2.11 Site A includes a section of the Grand Centre Walk which is a key feature within the Park connecting the grade II* listed NSC (National Sports Centre) to Penge Gate.

- 2.12 Penge Gate currently provides 33 car parking spaces and it is an essential access to the Park, connecting it to Penge, Penge West Station, and Thicket Road.
- 2.13 The new maintenance depot would be located to the northeastern part of the Park. In the original outline consent, the plan was to dismantle the existing depot and relocate it to the north, near the Ranger's Lodge to provide space to facilitate the future development of the Sydenham Villas residential area. In this current application, the existing depot will be retained on site (until a time that the Sydenham Villas residential development may be progressed) and a new maintenance depot will be constructed. The whole site falls within the Crystal Palace Park conservation area but part of this site falls outside the MOL and SINC area.

Site B (Italian Terraces)

- 2.14 Site B has an area of 7.38 ha and sits in the north-west of the Park. It features Grade II listed Italian Terraces, designed by Sir Joseph Paxton, a notable feature of the Park's landscape. The upper terrace was originally the Site of the Crystal Palace itself, with steps leading down to the Italian Terraces. These terraces are adorned with sculptures, some of which remain in place today, for example the Grade II listed sphinxes, which flank the steps between the terraces.
- 2.15 The Italian Terraces are situated at the highest point of the Park, near the Boundaries Gate and the bus terminal. They are a significant part of the Park's history and continue to be a focal point for visitors, offering a glimpse into the Park's rich heritage.
- 2.16 Site B is primarily accessed from within the Park by several integrated stepped access routes. The nearest gateways into the Park from Site B are from Anerley Hill Edge, the Bus Station on Crystal Palace Parade and from Crystal Palace Station.
- 2.17 The detailed programme and works for each area will be discussed in Section 3 below.

3. PROPOSAL

Overview of reserved matters application

- 3.1 The proposed works for this reserved matters application are summarised as follows:

Repair / restoration of heritage assets

- Grade I prehistoric dinosaurs and their associated geological features, lakes and islands
- Grade II Italian Terraces
- Restoration and relocation of Bust of Sir Joseph Paxton

New buildings/ structures

- New information centre
- New Maintenance Depot
- New dinosaur themed play areas within Tidal Lakes area
- Widening Grand Central Walk
- Step-free ramp at lower Italian Terraces

Landscaping proposals

- Landscape improvements including removal of clutter, redundant fencing, etc.; improvements to pedestrian routes; enhancement of habitat diversity; restoration of historic views; Paxton Axis and Grand Centre Walk; re-establishment of Parkland and associated landscape
- Installation of wayfinding signs and low energy lighting on footpaths; surface water drainage systems and benches
- Alteration to highways access at Penge Gate car park

Means of Access (within the Park)

- Improvements to highway, pedestrian and cycle access points throughout the Park
- Modification of public car parking area at Penge Gate

Demolition

- Existing information centre
- Ranger's Lodge (No. 33 Crystal Palace Park)

3.2 The detailed proposed works for Site A are summarised as follows:

- Renovation of the Grade I listed dinosaurs and their setting, including the Tidal Lakes, as outlined in the Historic England commissioned Sally Strachey report
- Creation of a vehicle entrance and exit gateway at Penge Gate car park which is separate from the pedestrian entrance.
- Renovation of Penge Gate car park to maximise usable area and include disabled parking bays, electric vehicle charging points and secure cycle parking.
- Creation of a pedestrian focused Gateway into the Park through Penge Gate.
- Creation of a new dinosaur themed play area visible from Crystal Palace Park Cafe and adjacent amenity space.
- Landscaping works
- Enhanced pedestrian and cycle routes
- Removal of excess vegetation
- Replacement of the existing Information Centre with a new Information Centre on the existing concrete foundation
- Demolition of the Rangers Lodge (No. 33 Crystal Palace Park Rd) and replacement with a new maintenance depot
- New cycle parking at the new Information Centre, Maintenance Depot, the new play area and the cafe



Fig 2: Site A - Proposed works

3.3 The detailed proposed works for Site B are:

- Conservation and repair of the Terrace walls and replacement of missing balustrades and copings to the Upper and Lower Italian Terraces.
- Repair of the North Wing Wall;
- Refurbishment of open grass area and drainage improvements on the lower Italian Terrace
- Relocation and mounting of the Bust of Paxton on a new plinth at its original location on the Lower Italian Terrace;
- Reforming grass to define southern end of Terraces.
- Installation of upper Italian Terrace sloped accessible route and embankment and lower Italian Terrace ramp
- Restoration of four statues
- Re-landscaping of open grass area and improved drainage to facilitate use for occasional events.
- Recreation of the layout of paths following a grid system
- Restoration of steps along Paxton Axis and along former line of northern and southern transept
- Introduction of ornamental tree specimens and groups in key locations.
- Landscaping works to improve site levels
- Removal of excess vegetation.



Fig 3: Stie B – proposed works

3.4 Most of the proposed works have already been approved in principle in the outline planning consent. However, some proposals have been revised as follows:

- Two substations currently located at Penge Gate would be retained at their current locations rather than be removed (Site A)
- More cycle parking spaces to be located at the new play area and café (Site A)
- Reduction in the number of accessible routes (ramps) at the lower Italian Terrace from two to one (Site B)

3.5 These proposed works will be discussed further in Section 5.

4. RELEVANT PLANNING HISTORY

4.1 In 2011, a Masterplan submitted by the London Development Agency (now the GLA) was granted Outline planning permission, Conservation Area Consent and Listed Building Consent by the Secretary of State. (refs: 07/03897/OUT, 07/03906/CAC and 07/03907/LBC). An Environment Impact Assessment (EIA) was undertaken for this scheme. The Environmental Statement, including a suite of technical reports, was submitted with the planning application. However, the funds to deliver the £67 million scheme

were not identified at this point and this prevented this Scheme from being implemented.

- 4.2 The Masterplan (ref: 07/03897/OUT) included a museum, park maintenance facilities, children's nursery, cafes, information and retail kiosks, greenhouses, a treetop walk, a horticultural and animal husbandry training college, removal of the caravan site, as well as the development of 180 homes around the perimeter of the Park as 'enabling development' for the restoration of the Park and structures therein.
- 4.3 In May 2012, planning permission was granted for use of buildings, storage container and adjacent land for horticulture and arboricultural training (ref: 12/00318/FULL2).
- 4.4 In November 2015, listed building consent was granted for conservation works to the dinosaur sculptures, to include cleaning, repair and associated works (ref:15/02847/LBC).
- 4.5 In November 2015, listed building consent was granted for repairs to the granite steps and sphinxes to include repainting of the statues (ref: 15/04121/LBC)
- 4.6 In November 2015, planning permission was granted for demolition of the existing single storey cafe and terrace and erection of a two storey building comprising cafe on ground floor and cafe/ event space on first floor; external ground and first floor terraces and construction of a connecting bridge from the first floor terrace to the lakeside path (ref: 15/03106/FULL1).
- 4.7 In September 2016, permission was granted for the proposed formation of a skatepark (outdoor wheeled sports area) with associated landscaping/ excavation/ regrading works on land adjacent to sports pitches (ref: 16/02679/FULL1)
- 4.8 In November 2017, the Council issued a Screening Opinion pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of an application for the Comprehensive phased scheme for landscaping including planting of new trees and improvements to the Crystal Palace Park comprising the dismantling and refurbishment of, alterations to, and demolition of existing buildings and structures (ref: 17/04985/EIA).
- 4.9 In March 2018, the Council issued a Scoping Opinion confirming which topics should be included in the Environmental Statement to accompany any planning application and which topics could be 'scoped-out' (ref: 18/00352/EIA).
- 4.10 In November 2019, planning permission was granted construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island (ref: 19/03578/FULL1)

- 4.11 In October 2020, a reserved matters application was received for Details of layout pursuant to outline permission DC/07/03897/OUT granted by the Secretary of State on 13th December 2010 for a comprehensive phased scheme for landscaping and improvement of the Park.
- 4.12 In March 2023, outline planning permission with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park was granted. This application included: the conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas. (ref: 20/00325/OUT).
- 4.13 In November 2023, planning permission was granted for changing facilities for users of the park with severe disabilities at land adjacent to the Crystal Palace Park Café (ref: 23/03026/FULL1).
- 4.14 In April 2024, a non-material amendment application (ref: 23/03025/AMD3) was granted for the amendment to the development description of permission ref: 20/00325/OUT to remove the reference to “the dismantling and relocation of the Maintenance Depot” and to the approved maximum size of the Information Centre, i.e. “up to 150sqm” and the replacement of approved plans set out in condition 2.
- 4.15 In February 2024, five site-wide pre-reserved matters discharge of condition applications were submitted and are pending approval at the time of writing. The relevant conditions are: Condition 3 – Planting Compensation Strategy (ref: 20/00325/CONDIT); Condition 4 – The Framework Landscaping Plan and Landscape Management Plan (ref: 20/00325/CONDT1); Condition 19 – Pedestrian and Cycle Strategy (ref: 20/00325/CONDT2); Condition 6 – Ecology Surveys (ref: 20/00325/CONDT3) and Condition 5 – Tree Protection Plan, Arboricultural method Statement) for Phase 1A Site A and Site B only (ref: 20/00325/CONDT4).

- 4.16 In March 2024, three Listed Building Consent applications were submitted and are pending approval at the time of writing. The relevant applications are: (Planning ref: 24/00929/LBC) for proposed works to the Grade I listed Prehistoric Animal Sculptures and Geological Court; (Planning ref: 24/00936/LBC) for proposed works to the Grade II listed Sir Joseph Paxton Bust and (Planning ref: 24/00935/LBC) for proposed works to the Grade II Italian Terraces.

5. CONSULTATION SUMMARY

a) Statutory:

5.1 Greater London Archaeological Advisory Service – No objection

5.2 Transport for London – No objection

- The creation of a vehicle entrance and exit gateway into Penge Gate car park which is separate from the pedestrian entrance is supported as is the reduction in vehicles accesses on Thicket Road and replacement with landscaping and removal of the dropped kerb/crossover of the footway and reinstatement of a level route. I assume these works and others on the public highway will be undertaken by a s278 agreement.
- Whilst renovation of this car park to include disabled bays, electrical charging points and secure cycle parking is welcomed, please satisfy yourselves that the general car parking proposed which whilst acknowledged as being less than existing is the minimum necessary to support the activities and uses of this part of Crystal Palace Park. There should be a management scheme in place for the car park, including charging, to deter use by commuters, local residents and others not visiting the park and to encourage sustainable and active travel by the latter.
- The ‘pedestrian-centric’ approach to the design is also welcomed. However, further consideration and detail is needed as to the provision for cyclists and cycling to encourage the full range of active travel by all people to, from and within the park be they staff or visitors or just passing through.
- It is welcomed that a large monolith sign is proposed at the new Penge Gate Entrance with finger Posts and mini-posts to be installed at key junctions within this part of the park. It is assumed these will be Legible London signage. Colleagues at TfL will be pleased to discuss further the details of this signage and arrangements for installation.
- To achieve the proposed separation of pedestrians and cyclists from that for vehicles off Thicket Road suitable signage will be required directing them to their own dedicated access and away from the proposed combined car park entry and exit. Consideration is also needed as to how best to manage the shared use by pedestrians and cyclists to ensure safety, comfort and convenience of all.
- The proposed provision of contractor car parking during the works is contrary to London Plan policy and should be removed for all but disabled workers. Instead contractors should use public transport – Penge West station is nearby as are a number of bus services – and active travel. In respect of the latter cyclist facilities should be provided.

- 5.3 Historic England – In support on heritage grounds
- A copy of the comments is attached in Appendix B.
- 5.4 Sport England - No objection
- 5.5 Highways – No objection
- Comments are referenced in section 7.6 of this report
- 5.6 Drainage (Lead local flood authority) – No objection
- 5.7 Natural England - No objection
- Refer to general advice
- 5.8 The Garden Trust – No objection
- 5.9 Network Rail – Neutral
- Refer to the Asset Protection informatives

b) Non-Statutory / Amenity Groups

- 5.10 Thames Water – No comments
- 5.11 Environmental Health – No comments
- 5.12 Secure by Design Officer - No objection
- Short term advice: Planting next to a footpath should be arranged with the lowest-growing specimens adjacent to the path.
 - Medium term advice:
 - Paths - can be colour-coded to give them their own identities; better quality lighting such as LED lights;
 - The paths should have clear sight lines and no obstruction of the lighting.
 - Other areas of the park can keep their trees and limited lighting so that the wildlife is not massively affected.
 - Signage can have different functions, such as stating the distance, indicating directions, indicating expected behaviours and also warning users of potential dangers. The signs can also be used to inform visitors that CCTV is present in the area.
- 5.13 London Fire Brigade – consulted and did not comment
- 5.14 Orpington Field Club and Bromley Biodiversity Partnership sub-group – Concerns raised:
- There appears to be more native trees included in the planting lists, although there may be scope to include more native species. For example in the north west corner of Site B, several crab apple trees are to be planted, but rather than use a native British variety, one that is native to China has been suggested.

- It appears that there is no reference to bat hibernation surveys being conducted for the lead mine area (Area 11 of the proposed repairs area).
- Finally, there are concerns on the bat foraging corridors that may be interrupted during the works. It would be ideal if the works could be phased so that bat foraging and commuting is not overly disturbed.

5.15 Friends of Crystal Palace Dinosaurs – In support

- Other comments and concerns include:
 - It is considered that the proposals in this application are brief and do not appear to have been sufficiently informed by detailed study of the Sally Strachey Historic Conservation (SSHC) reports and maintenance plans. It is suggested that the recommendations in the Maintenance Plan drafted by The Morton Co. in approximately 2021 should also be included in current plans.
 - New information centre - The plans show many competing uses for the space. The large open room will be a hire-space for classes and events (these are already provisioned elsewhere in the Park and local community, e.g., café, sports centre, CP Museum, new CP Subway, Concert Platform, Capel Manor, local facilities).
 - no facility for archival storage of loose assets from the site, as advised by Historic England. It is critical that this is accommodated in a way that is accessible to users of the collections for interpretation and research.

(The response from the applicants to these issues are attached in Appendix C)

5.16 The Victorian Society – In support

- A sensitive planting scheme should be implemented to place the sculptures in their proper setting and enhance their significance as fully as possible.
- Little detail is provided for the visual impact of the play area. It is concerning that the various examples of other similar play areas shown in the Design and Access Statement are of a scale and prominence that would be unsuitable here. Developed proposals must be more sensitive to their surroundings.

5.17 Woodland Trust – consulted and did not comment

c) Adjoining Local Authorities:

5.18 **LB Croydon – consulted and did not comment**

5.19 **LB Lambeth – consulted and did not comment**

5.20 **LB Lewisham – No objection**

5.21 **LB Southwark – In support**

d) Adjoining Occupiers:

Support

- It was delighted to see the regeneration plan for the park which has fallen into disrepair and provide upgraded facilities for local residents
- Plans are thoughtful, including step free access to the park which is currently limited
- Encourages wildlife to flourish with the introduction of wild flowers

Comments

- There is the need for scrupulous ecological checks to be carried out on those trees earmarked for removal;
- They should provide roosting/ breeding sites for owls, woodpeckers or bats;
- Concerns on the loss of a Little Owl roost (within the grounds of Crystal Palace Sports Centre) that has been reported as a result of recent tree-felling at this location
- Rapidly declining species which have high legal protection.
- The neighbours are not convinced that the completed bird survey has recognised the full ornithological value of those trees that have already been lost and others that are under threat
- Request for a further, more rigorous and comprehensive assessment to be carried out on any trees that have been earmarked for removal and keep as many trees as possible.

6. POLICIES AND GUIDANCE

6.1 National Planning Policy Framework (NPPF) 2024

6.2 National Planning Practise Guidance (NPPG)

6.3 The London Plan (2021) policies relevant to this application:

SD1 Opportunity Areas

SD2 Collaboration in the Wider South East

SD7 Town centres: development principles and Development Plan Documents

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 Delivery good design

D5 Inclusive design

D8 Public realm

D11 Safety, security and resilience to emergency

D12 Fire safety

D13 Agent of Change

D14 Noise

S1 Developing London's social infrastructure

S2 Health and social care facilities

S3 Education and childcare facilities

S4 Play and informal recreation

S5	Sports and recreation facilities
S6	Public toilets
E10	Visitor infrastructure
E11	Skills and opportunities for all
HC1	Heritage conservation and growth
HC3	Strategic and Local Views
HC4	London View Management Framework
HC5	Supporting London's culture and creative industries
G1	Green infrastructure
G2	London's Green Belt
G3	Metropolitan Open Land
G4	Open space
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
G8	Food growing
G9	Geodiversity
SI1	Improving air quality
SI2	Minimising greenhouse gas emissions
SI3	Energy infrastructure
SI4	Managing heat risk
SI5	Water infrastructure
SI6	Digital connectivity infrastructure
SI7	Reducing waste and supporting the circular economy
SI8	Waste capacity and net waste self-sufficiency
SI12	Flood risk management
SI13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.5	Non-residential disabled persons parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning
DF1	Delivery of the Plan and Planning Obligations
M1	Monitoring

6.4 Mayor Supplementary Guidance

- Accessible London SPG (2014)
- Planning for Equality and Diversity in London SPG (2007)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Public London Charter LPG (2021)
- Fire safety LPG (draft – June 2022)
- Play and Informal Recreation SPG (2011)
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Social Infrastructure SPG (2015)

- London View Management Framework (2012)
- All London Green Grid (2012)
- London's Foundations (2012)
- Preparing Borough Tree and Woodland Strategies (2013)
- Urban greening factor LPG (February 2023)
- Air quality positive LPG
- Air quality neutral LPG
- Be Seen energy monitoring LPG
- Energy Planning Guidance
- The control of dust and emissions in construction SPG (2014)
- Sustainable Transport, Walking and Cycling
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG
- Culture and Night-Time Economy (2017)
- Sustainable Design and Construction (2014)
- Character and Context (2014)

6.5 Bromley Local Plan 2019

5	Parking of commercial Vehicles
13	Renewal Areas
14	Development Affecting Renewal Areas
15	Crystal Palace Penge & Anerley Renewal Areas
20	Community Facilities
21	Opportunities for Community Facilities
22	Social Infrastructure in New Developments
24	Allotments and Leisure Gardens
26	Health and Wellbeing
27	Educational Facilities
30	Parking
32	Road Safety
33	Access for all
34	Highway Infrastructure provision
35	Transport Investment Priorities
36	Safeguarding land for transport investment
37	General Design of Development
38	Statutory Listed Buildings
39	Locally Listed Buildings
40	Other Non-Designated Heritage Assets
41	Conservation Areas
42	Development Adjacent to a Conservation Area
43	Trees in Conservation Areas
45	Historic Parks and Gardens
46	Ancient Monuments and Archaeology
48	Skyline
50	Metropolitan Open Land
51	Dwellings in the Green Belt or on Metropolitan Open Land
53	Land Adjoining Green Belt or Metropolitan Open Land
54	South East London Green Chain

57	Outdoor Recreation and Leisure
58	Outdoor Sport, Recreation and Play
59	Public Open Space Deficieincy
60	Public Rights of Way and Other Recreational Routes
69	Development and Nature Conservation Sites
70	Wildlife Features
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
77	Landscape Quality and Character
78	Green Corridors
79	Biodiversity and Access to Nature
111	Crystal Palace Strategic Outer London Development Centre
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon reduction, decentralised energy networks and renewable energy
125	Delivery and Implementation of the Local Plan

6.6 Bromley Supplementary Guidance

- Planning Obligations (2010) and subsequent addendums
- Urban Design Guide SPD (2023)
- Crystal Palace Conservation Area
- Bromley Biodiversity Plan (2021-2026)

7 ASSESSMENT

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

- Principle of development
- Design and Visual Impact
- Heritage Impacts
- Impact on neighbouring residential amenities
- Transport and Highways
- Green infrastructure and Natural Environment
- Energy and Sustainability
- Environmental Health - Air Quality, Noise & vibration and Land Contamination
- Flooding and Drainage
- Community Engagement
- S106 and CIL
- Other issues

7.2 Principle of development – Acceptable

- 7.2.1 London Plan Policy G3 affords Metropolitan Open Land (MOL) the strongest possible protection and says it should be protected from inappropriate development. Proposals that harm MOL should be refused. National Green Belt policies, set out within the NPPF, apply to MOL and therefore MOL is given the same protection as Green Belt.
- 7.2.2 Para 8.3.1 of Policy G3 states that “Metropolitan Open Land is strategic open land within the urban area. It plays an important role in London’s green infrastructure – the network of green spaces, features and places around and within urban areas. MOL protects and enhances the open environment and improves Londoners’ quality of life by providing localities which offer sporting and leisure use, heritage value, biodiversity, and health benefits through encouraging walking, running and other physical activity”.
- 7.2.3 Policy 50 of the Bromley Local Plan (BLP) is consistent with the London Plan. Policy 111 of the BLP states any proposals for the Crystal Palace Strategic Outer London Development Centre (SOLDC) will be subject to other policies in the Local Plan, notably Metropolitan Open Land policies and guidance related to the Crystal Palace Park Conservation Area and will be required to be consistent with the objectives identified as part of the approved masterplan for the Park.
- 7.2.4 As set out in paragraph 154 of the NPPF, the construction of new buildings should be regarded as inappropriate development in the Green Belt. Exceptions to this of relevance to the proposed redevelopment 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; 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.

7.2.5 Paragraph 155 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.6 The principle of whether the proposed developments would be appropriate or inappropriate developments in the MOL has been assessed as part of the outline planning application. In summary, the appropriate developments in this reserved matters application are:

- *Repairs to Heritage Assets (Sites A and B)*
- *New dinosaur themed play areas within Site A*
- *Replacement of Information Centre (Site A)*
- *New Maintenance Depot (Site A)*
- *Widening Grand Central Walk (Site A)*
- *Improvements to highway, pedestrian and cycle access paths throughout the Park and layout alteration of Penge Gate car parking area*
- *Upper Italian Terrace sloped accessible route and embankment*
- *Landscape improvements*
- *Earthworks – landscaping of the Italian Terraces*
- *Alterations to hard surfaces*

7.2.7 These developments would preserve the openness of the MOL and enhance the Park's functions. Therefore, these developments are considered to be acceptable in the MOL.

7.2.8 The following are considered inappropriate in the MOL as they do not meet any of the exceptions in paragraphs 154 or 155 of the NPPF:

- *Lower Italian Terraces ramp (Site B)*

In order to address the level difference between the ground level and the lower terrace, 2 step-free ramped routes were approved as part of the outline permission. Fig 4 shows that two ramps would be located at the lower Italian Terrace (locations highlighted in orange). In this reserved matters application,

7.2.10 In accordance with the requirements of Policy 33 (part a) 'Access for All' of the BLP, the proposed ramp structure would address issues on accessibility and legibility across the Park. Currently there is no step-free access from the ground level to the lower Italian Terrace and the inclusion of the ramp structure therefore serves to improve access to the Park. The overall proposal would increase the numbers of visitors to the site and it is considered that the community benefits provided by the improved step-free access weighs significantly in favour of the application. The recreational benefits of improving access and enhancing pedestrian and cycling connectivity throughout the Park were seen as significant public benefits of the application at outline stage, and these weighed heavily into the planning balance and in considering whether very special circumstances existed.

7.2.11 Therefore, it is considered that this structure is acceptable in this MOL location.

7.3 Design and Visual Impact – Acceptable

7.3.1 Policy 37 of the BLP states that developments proposals are expected to complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape; and respect important views, heritage assets, skylines, landmarks or landscape features.

7.3.2 The appearance, landscape, scale and layout are included in this reserved matters application. The applicants also provide the footprint and heights of the buildings, including the new Information Centre and Maintenance Depot.

Replacement of Information Centre (Site A)

7.3.3 The proposed Information Centre would be located at the same location as the existing one within Site A and it would be built on the existing concrete foundations. It would provide an enhanced education focus for the lower end of the Park as well as wider community Park interpretation and information facilities.

7.3.4 The proposed information centre would have a total floorspace of 194 sqm. Whilst it is noted that the proposed footprint of the new information centre would be larger than the approved information centre in the outline permission, i.e. "up to 150sqm", the size of new information centre would be similar to the existing information centre and would enhance the flexible use of the building, i.e. for both community, educational and visitors' use. The maximum building height of 4.5 metres is within the outline consent parameters. The benefits of retaining the existing concrete floor slab to reduce the embodied carbon of the proposed new building are acknowledged. The deviation from the footprint parameters approved in the outline consent in order to accommodate additional community facilities alongside Crystal Palace Park Trust requirements is broadly accepted.

7.3.5 The proposed finishing materials for this building would be of natural/ black vertical timber cladding. This design approach to create a lightweight timber framed structure with timber cladding to ensure that the building sits comfortably within the natural park setting is supported. The simple form and contemporary detailing of the building is considered to be appropriate for the site and the wider surroundings. The proposed landscape layout for the Information Centre which includes accessible access appears to be well considered.



Fig 6: Information Centre illustration

New Maintenance Building/Depot (Site A)

7.3.6 The new Maintenance Depot would be located partially outside of the MOL and on the edge of the Park on the site of the Ranger's Lodge at No. 33 Crystal Palace Park Road.

7.3.7 The principle of the new maintenance depot has been established and approved in the outline consent. The proposed footprint of this depot would fall within the maximum parameters approved in the outline consent. The proposed materials for this building would be in painted metal cladding and the building would be bounded by a 2m-high secure fence.

7.3.8 The Council's Urban Design officer has been consulted and considers that the preference for the proposed materials would be a timber clad finish as it would appear more in keeping with the park setting and less visually intrusive from Crystal Palace Park Rd and the adjacent Conservation area. The applicants state that the proposed metal finish would provide a good level of robustness, appropriate for its use. The "off the shelf" cladding finish can be fabricated off site and brought to site for its assembly and therefore, it will minimise the impact of construction on site. In addition, the applicants propose planted screening to this area of the site. The proposed material finish will be painted

in grey and it is extremely robust to cope with the uses as a maintenance depot and combat vandalism. On balance, these functional requirements are considered appropriate for the building's use and setting and therefore, the proposed materials are considered acceptable.



Fig 7: Maintenance Building illustration

Dinosaur-themed Play area (Site A)

7.3.9 A new play area would be located in the northwestern corner of Site A, opposite the existing play area. It will cater to children between 0 and 12 years old and includes a wide variety of equipment.. The key elements of the play area are:

- Imaginative excavation site theme, integrating geological strata and prehistoric elements.
- Dinosaur-themed play features, creatively interpreted for exploration and education.
- Play structures include slides shaped by 'claw marks', swings resembling dinosaur vertebrae, and a sandpit in the form of a dinosaur footprint.
- Equipment varies for different age groups, with challenging activities around the perimeter and central features for younger children.
- Accessible play opportunities are integrated throughout the area.
- Biodiverse sensory planting to support discovery of the natural environment and education on the evolution of plants.



Fig 8: Illustrative plan of proposed play area



Fig 9: Proposed play area illustration

Fig 9a: Proposed play area illustration



7.3.10 It is noted that the location of the new play space is in accordance with outline permission parameters but reconfigured to provide a more efficient arrangement than the existing with specific engaging dinosaur-themed play. The ongoing engagement with local community groups to co-design the play space is welcomed. The design concept and general arrangement outlined within the Design and Access Statement which includes inclusive play provision is supported.

7.3.11 The play area will be delivered in three phases and the existing play area will be retained until the new play space has been delivered in full. This approach has been developed to assist with prioritising restoration works to the Grade I and Grade II listed Structures within the Park. It is understood that workshops have taken place between the Design Teams of the application site and adjacent National Sports Centre site in order to safeguard a potential link between the respective public realm/play space proposals. The detailed design of the play equipment, along with the phasing arrangements and how these link to the wider park development and the NSC site, will need to be submitted to and approved by the Council as part of a planning condition.

- Phase 1 – 5-12 age play area; 0-5 age play area
- Phase 2 – 0-12 age play area
- Phase 3 – 0-5 age play area



Fig 10: Play area proposed phasing plan

Penge Gate Entrance Gateway (Site A)

7.3.12 The current Penge Gate entrance to the Park is in poor condition. The gate is narrow for a key entrance to the Park and the surrounding walls to either side of the gate are mismatched and cracked in places. The opportunity to separate pedestrian and vehicle entrances to the park and improve the visual prominence of the pedestrian access point is welcomed.

7.3.13 The new entrance will be widened with a new feature gate marking the pedestrian Gateway from the south-east corner of the Park. The gate and entrance route are better aligned with the central axis of the Grand Centre Walk to tie in with the prominent axis and symmetry of the Park's design.

7.3.14 Metalwork in the new gate is to reference the distinctive Crystal Palace building structure and pattern, tying into the rich historical narrative of the Park. The prominent location of the gate at the lowest point of the current axis presents an opportunity to interpret a visual link to the Palace structure which once sat at the highest point of the axis.

7.3.15 A monolith will be included in front of the entrance for signage and wayfinding. The proposed metalwork design referencing patterns from the historic Crystal Palace building is contextually appropriate. It is understood that the typography

for signage is being developed in collaboration with the Crystal Palace Park Trust to ensure coherency across the Park's branding. The Design Out Crime Officer comments on the signage are noted and the final design for the details of all wayfinding and signage are required to be submitted and agreed by condition.

7.3.16 The Park boundary walls to either side of the new gate will be renewed with 2m high brick walls. Full details of all proposed boundary treatments (including brick types) in Site A are required by condition. New planting areas are proposed to either side of the gate to mark the entrance. Due to the entrance route having steep levels from fixed constraints such as existing Highways levels and crossings, and numerous existing trees it is not possible to regrade the route to create a shallower and more accessible pathway. Therefore, a secondary entrance is provided, with a shallower 1:22 gradient to the south of the main gate.

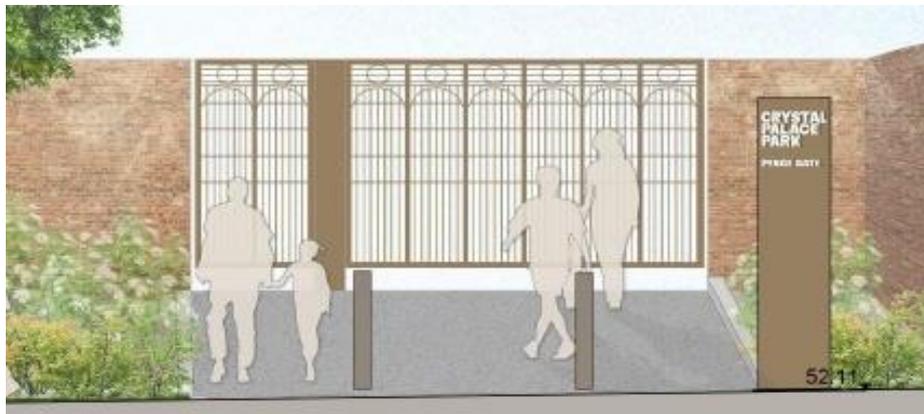


Fig 11: Elevation looking to new gate feature from Thicket Road



Fig 12: Extract plan showing Penge Gate entrance

Widening of Grand Centre Walk (Sites A and B)

7.3.17 The Grand Centre Walk is the central spine that Paxton used to unify the various character areas within the Park. The route originally terminated just before the current toilet block and Information Centre but now extends to Penge Gate.

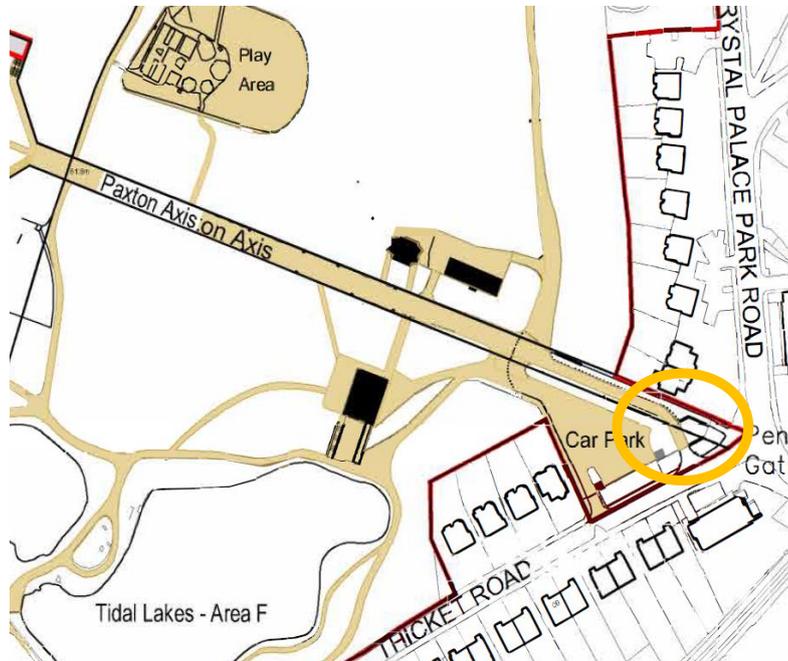


Fig 13: Existing hardstanding area (source: outline permission)



Fig 14: Proposed hardstanding area at Penge West Gate

7.3.18 The proposal is to restore the original extent of the Walk, which has been narrowed since Paxton's design by a double row of London Plane trees introduced either side.

7.3.19 The current width of the path would be retained and resurfaced in asphalt with decorative stone chippings. The original width of 29.26m will be reinstated with flexi-pave (or equivalent) which will surround the base of the London Plane trees. Due to the extensive root network of the trees, a no-dig construction will be necessary. This surface is naturally permeable.

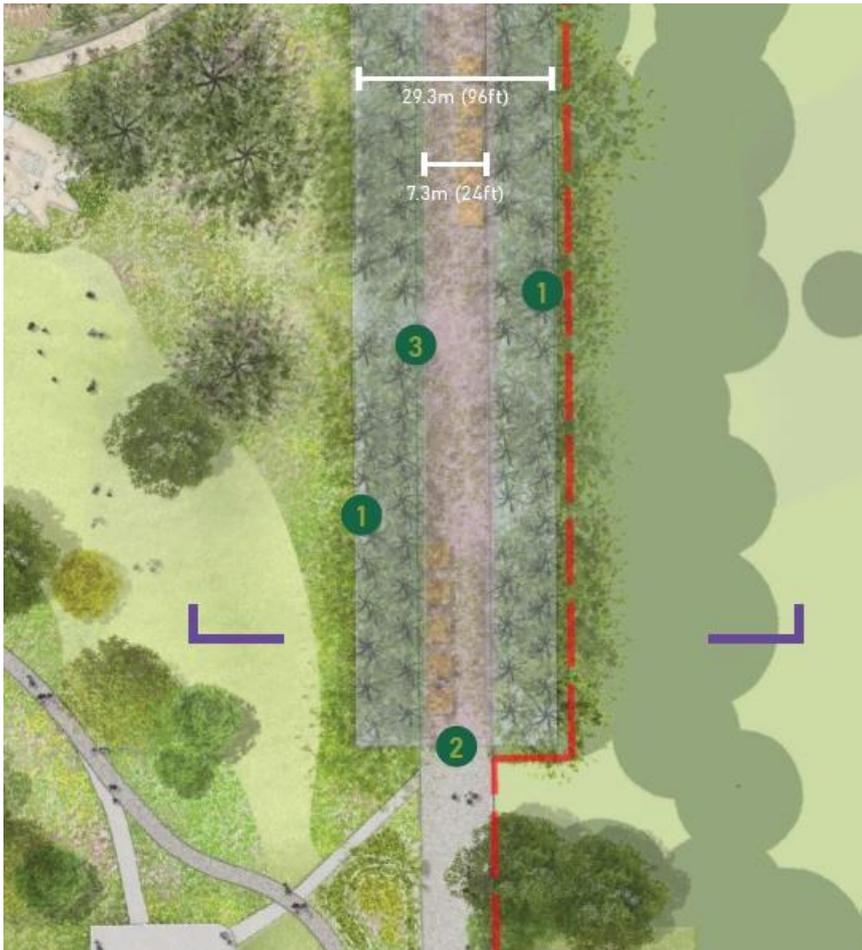


Fig 15: Illustrative plan of the improvements to the Grand Centre Walk

7.3.20 The Grand Centre Walk extends to Italian Terraces. The design intent to enhance and strengthen the central axial route and create a sense of destination through the relocation of the Paxton Bust is supported. The realignment of the path at the base of the steps and the installation of natural stone paving strips to reinforce a strong sense of symmetry is welcomed. As set out in the outline consent, it is noted that in Site B there would be a reduction of the landscape layout to the essential requirements, such as seating, steps, new paths and additional ramps, in order to prioritise the full restoration works to the walls, balustrades and steps. This is acknowledged and considered acceptable.

Lower Italian Terrace accessible ramp (Site B)

7.3.21 As discussed in section 7.1, the proposed lower Italian Terrace accessible ramp is considered to be inappropriate development in the MOL although it is considered to be acceptable under “very special circumstances”. The overall ramp would be 5.3m high (similar to match the height of the lower Italian Terrace) and 15m wide to the upper level of the ramp and 30m wide near the ground level. A seating area has been integrated halfway up the ramped route as a resting point and to offer views out over the Park. Historic England have been consulted throughout the design development stage and have raised no objections to the proposed ramp.

7.3.22 Officers commented that having only one ramp instead of two to the lower Italian Terrace could impact on the sense of symmetry in accordance with the original design ethos of the park. However, it is considered that this proposal would significantly enhance accessibility at this location and would encourage more visitors with mobility difficulties or families with prams etc, it is considered that the assessment of the appropriateness of the lower terrace ramp design should be informed by Historic England guidance.



Fig. 16 - Illustration of Lower Italian Terraces accessible ramp

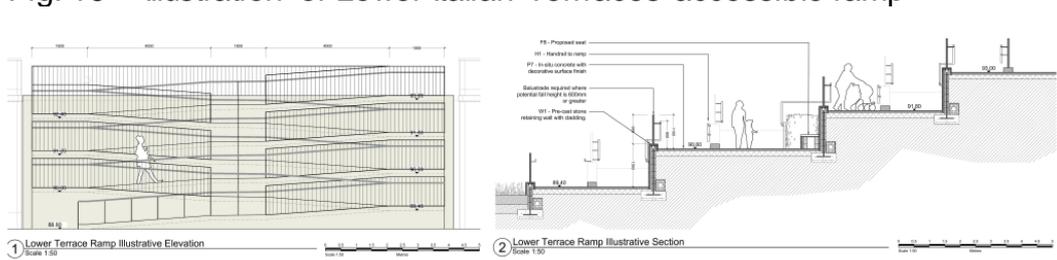


Fig. 17 - Illustrative front elevation and cross section plans

Upper Italian Terrace sloped accessible route and embankment (Site B)

7.3.23 A new step-free access would also be located to the southwestern wing of Upper Terrace with a user-friendly design and less challenging gradients. This ramp would be screened by additional tree planting and would create a more efficient and accessible route between the Lower and Upper Terraces integrated into the landscape. It would also enhance and re-grade the embankments between terraces, increasing accessibility, which is supported by officers.



Fig 18: Upper Italian Terrace sloped accessible (Site B)

Furniture (seating areas) – Sites A and B

7.3.24 In the outline permission, it was noted that in Site A, there are a high number of benches and bins along the Grand Centre Walk and there are a few benches and seating areas around the Tidal Lakes, particular the western side. These benches are not co-ordinated and surfacing below and around benches varies in condition, limiting accessible use. In Site B, most of the area is unlit at night and also there are no significant pieces of street furniture on the Terraces.

7.3.25 In this reserved matters application, the proposed landscape layouts for both Sites A and B are:

- Retaining and refurbishing benches and bins across Site A, allowing for lifting, cleaning and making good for the furniture items and their setting.
- Providing additional space for movable seating for large events around the Grand Centre Walk (such as the weekly market).
- Providing seating opportunities around the lakes as rest points that make the most of the views to the Dinosaur Sculptures.
- Introducing timber benches and providing back and arm rests as needed.
- Building on the narrative of the Geological Illustrations to form seating edges, seats and features.
- Positioning benches near the edge of the Lower Terrace belvederes to provide resting points with views over the Park.

- Improving lighting on major routes and key locations in Sites A and B

7.3.26 The locations of existing and proposed street furniture are illustrated on the plans below.



Fig 19: Site A – Existing and proposed street furniture locations and Types

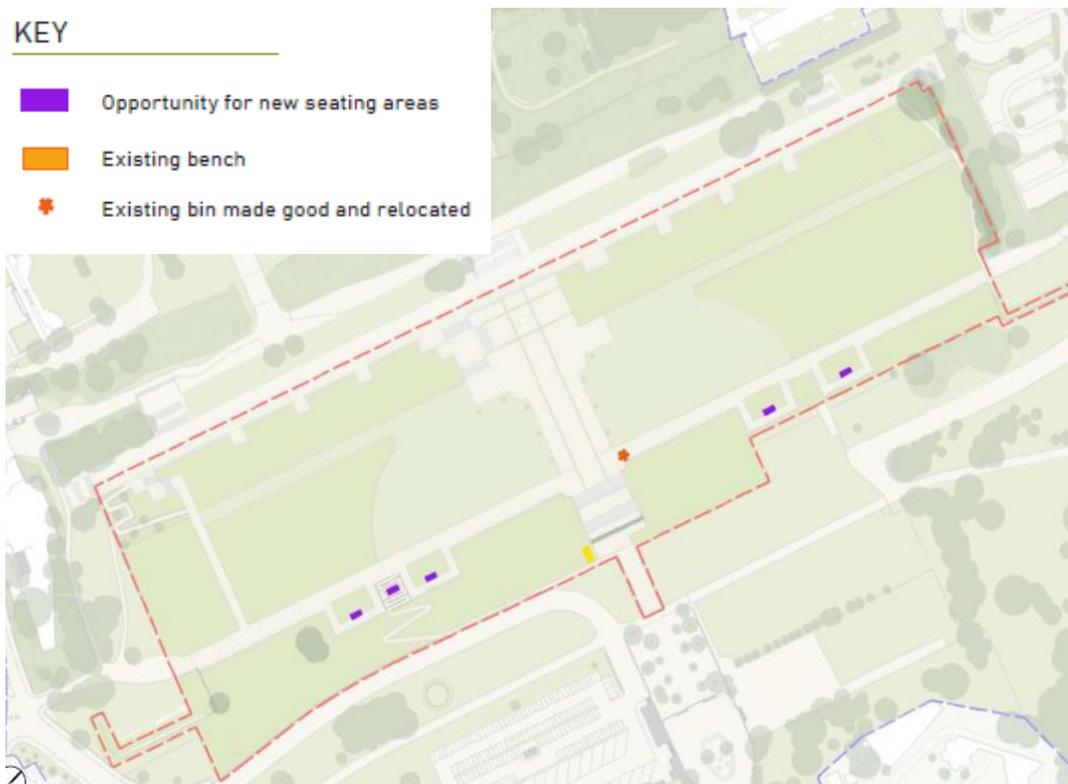


Fig 20: Site B – Existing and proposed street furniture

7.3.27 Overall, the new buildings and the park-wide proposed infrastructure improvements are sensitively designed and considered to respect and enhance the setting of this Historic Park. The scheme design is therefore considered to be acceptable in terms of visual impacts.

7.4 Heritage Impacts – Acceptable

Archaeology

7.4.1 The conservation of archaeological interest is a material consideration in the planning process. Paragraph 200 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 211 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

7.4.2 For Sites A and B, the archaeological interest is focussed on the international site of the geology and dinosaur park plus the site of the Crystal Palace building. Due to the fire that damaged the Crystal Palace in 1936, most of the records associated with the building were lost. Therefore, it is necessary to treat the footprint of the Crystal Palace and related structures and terraces as an archaeological site. Any interventions within this space should therefore be undertaken within this context.

7.4.3 Given that the sites have heritage assets of archaeological interest, a condition was imposed on the outline planning consent (Condition 23) requiring that details of a programme of archaeological investigation in accordance with a Written Scheme of Investigation for these sites should be provided prior to any development taking place. The archaeological investigation would consist of a response to the proposed ground disturbance works and the historic material located about the Park. Historic England has been consulted and has raised no objections to the proposal.

Built Heritage

7.4.4 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) set out the obligation on local planning authorities to pay special regard to safeguarding the special interest of listed buildings and their settings, and preserving or enhancing the character or appearance of conservation areas.

7.4.5 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

- 7.4.6 The proposals in this reserved matters application seek to address the longstanding Heritage at Risk issues at Crystal Palace Park, including the restoration of many landscape features within the grade II* Registered Park and Garden and its important built structures, including the Grade II Italian Terraces and the Grade I prehistoric dinosaurs and their associated geological features, lakes and islands.
- 7.4.7 The proposals to make a positive contribution to the designated heritage assets in a manner appropriate to their significance is supported by Historic England and would accord with the overarching principle of 'sustainable development' running through the NPPF.
- 7.4.8 For the proposed works to the Italian Terraces, Historic England supports the principle of the partial reinstatement of masonry walls and balustrades subject to the testing of materials to establish a suitable compatibility with the existing stone. Assessment of the appropriateness of the proposed repairs and the implementation/inspection of works should be determined/ approved by Historic England. It is proposed that all repairs and reinstatements of the balustrades are to be constructed from pre-cast reconstituted stone. The scope of the proposed works in this application is supported by officers, subject to Historic England approval, through their assessment of the separate Listed Building Consent applications.
- 7.4.9 A full set of comments from Historic England are attached in Appendix B. With regards to the works proposed to the statutory listed heritage assets, three listed building consent (LBC) applications have been submitted for the proposed works for:
- Grade I listed Prehistoric Animal Sculptures and Geological Court,
 - Grade II Italian Terraces, and
 - Grade II listed Sir Joseph Paxton Bust.

These applications have provided more detailed restoration works for these heritage assets and are currently in consultation with Historic England and the Conservation Officer.

7.5 Impact on neighbouring residential amenities – Acceptable

- 7.5.1 Development proposals are required, by policy, to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.5.2 The neighbouring comments are noted. Most of the neighbouring concerns relate to whether the ecology surveys include the roosting/ breeding sites for owls, woodpeckers or bats. It is noted that some concerns are related to Crystal Palace Sports Centre which is not part of this application site. With regards to the bird and tree surveys, these would be covered by a site-wide ecology surveys (Condition 21) and tree surveys (Conditions 25 and 26) required by the outline permission.

- 7.5.3 There are no immediate neighbouring properties around Sites A and B. Nevertheless, a Construction and Environmental Management Plan (CEMP) condition (Condition 9) was imposed in the outline permission which would provide an overarching strategic framework for the management of environmental effects and the implementation of measures prior to, and during, the demolition and construction phase of the Proposed Development.
- 7.5.4 A CEMP condition is recommended in addition to a noise monitoring strategy (Condition 39). Noise monitoring will be undertaken at receptor locations that are considered to be at risk from potential high noise levels. Noise monitoring will determine compliance with Local Authority limits and the need for any additional mitigation if limits are exceeded. It is therefore considered that the neighbouring impacts for the proposed works at Sites A and B are acceptable.

7.6 Transport and Highways – Acceptable

Penge Gate Car park Access (Approved)

- 7.6.1 Various junction alterations, including Penge Gate Car Park, were approved in the outline permission. The approved works for this entrance include:
- New two-way entry/exit which will be widened to accommodate two-way traffic.
 - Existing exit-only access removed allowing for improved pedestrian access at Penge Gate
 - Relocation of existing kerb buildout on Thicket Road
 - New internally illuminated 'no entry' bollard signs to be installed.
 - Fig 21: Penge Gat Car Park Layout and access routes
- 7.6.2 In the outline permission, two substations were proposed for demolition at this location. However, in the current scheme these substations would be retained on site. The applicants state that the maintenance access to these substations would be unaffected by the proposals.

Penge Gate Car Parking Layout

- 7.6.3 In the outline planning consent, a total provision of 21 parking spaces, including 15 standard sized bays and 6 enlarged bays (4 accessible bays and 2 electric vehicle bays) have been approved. The detail provided in the current application are consistent with what was approved. The car parking provision at this location is considered acceptable and would accord with Policy 33 of the BLP and London Plan Policy T2, which requires development to support the ten Healthy Streets Indicators in line with Transport for London guidance, reduce dominance of vehicles on London's streets, and be permeable and well-connected to walking and cycling routes, as well as public transport.



Fig 21: Penge Gat Car Park Layout and access routes

7.6.4 The Highways Officer has been consulted and has raised no objections to this arrangement. It is recommended that a swept path analysis for this car park should be submitted prior to the commencement of works . This is already a requirement of Condition 20 of the outline consent, along with details of car park management, electric vehicle spaces and disabled persons bays.

7.6.5 Emergency vehicle and servicing access will be maintained into the main Park, but a security gate or bollards will be provided to prevent unauthorized access from the car park. In addition, a signage condition is recommended to include details to be provided of how the pedestrian and vehicular entrances will be clearly demarcated.

Maintenance building yard access

7.6.6 The service access to the new Maintenance Depot would be shared with the existing Sydenham Gate Car Park main access. The proposed access point on Crystal Palace Park has already been approved at outline planning stage and the Sydenham Gate car park layout would be reconfigured, subject to another reserved matters application.

7.6.7 The proposed access to the Maintenance Building yard area would be controlled with a gate or bollards. The Highways Officer has been consulted and raised no objections. It is recommended that a swept path analysis for

this car park should be submitted prior to the commencement of works (covered by Condition 20 of the outline application).

Walking and cycling network for Sites A and B

7.6.8 The outline permission includes a condition requiring the submission of details of a site-wide Pedestrian and Cycle Strategy (Condition 19) in advance of this reserved matters application submission.

Cycle Parking

7.6.9 In the outline permission, a total of 125 cycle parking spaces are to be provided within the park, with 20 cycle parking spaces provided for the new Information Centre and 4 for the Maintenance Depot. In this current reserved matters application, an additional 8 new cycle parking spaces would be provided for the café and another 8 for the new children's play area. The provision of additional cycle parking in these locations is welcomed. It is considered that the proposed locations for these cycle parking facilities are acceptable. The cycle parking provision should be in line with Policy T5 of the London Plan, and the design should accord with London Cycle Design Standards (LCDS). This arrangement would be secured by Condition 47 of the outline planning consent.

Construction Logistics/Construction Management/ Delivery and Servicing

7.6.10 The applicants are also required to provide details on the Construction Logistics Plan for all construction activities in each phase, providing detail on how pedestrian and cyclist movement through the park will be maintained and how public transport will not be impacted during construction. Submission of these details is secured by Condition 9 of the outline planning permission. The Highways and Environmental Health Officers have been consulted and have raised no objections to this reserved matters application.

7.6.11 A Delivery and Servicing Plan for this reserved matters application is required by Condition 43 of the outline planning consent. This includes arrangements for delivery and servicing for temporary events (or alternatively this could be secured through a Framework Events Management plan).

7.7 Green Infrastructure and Natural Environment – Acceptable

7.7.1 London's green infrastructure is the network of parks, green spaces, gardens, woodlands, rivers and wetlands (as well as features such as street trees and green roofs) that is planned, designed and managed to:

- promote healthier living
- lessen the impacts of climate change
- improve air quality and water quality
- encourage walking and cycling
- store carbon
- improve biodiversity and ecological resilience

7.7.2 Policy G1 of the London Plan states that London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. Green infrastructure should be planned, designed and managed in an integrated way to achieve multiple benefits. Metropolitan Open Land plays a key role in London's green infrastructure.

7.7.3 Policy G5 provides 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. The inclusion of urban greening measures in new development will result in an increase in green cover and should be integral to planning the layout and design of new buildings and developments. This should be considered from the beginning of the design process.

Urban Greening Factor

7.7.4 In the outline planning consent, an Urban Greening Factor (UGF) was provided, which demonstrates that the proposed scheme would generate a site wide UGF score of 0.47. This comprised of many existing features including the ponds, woodland areas and amenity grasslands but also new areas of amenity grassland and flower rich perennial planting. Planting improvements were also proposed on the upper Italian Terrace and within the caravan club site.

7.7.5 In this reserved matters application, no updated UGF is provided. However, the applicants confirmed that the implementation of the proposed works at Sites A and B will support the achievement of a UGF score of 0.47 as set out in the original permission. Therefore, the proposals are acceptable and would meet the Mayor's target.

Biodiversity Net Gain

7.7.6 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. This approach does not change the fact that losses should be avoided, and biodiversity offsetting is the option of last resort.

7.7.7 Policy G6 of the London Plan states that the following mitigation hierarchy should be applied to minimise development impacts:

- 1) avoid damaging the significant ecological features of the site
- 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
- 3) deliver off-site compensation of better biodiversity value.

- 7.7.8 The application site is a Grade 1 Site of Importance for Nature Conservation (SINC). In accordance with BLP Policy 69 a development proposal that may significantly affect the nature conservation interest or value of a Site of Importance for Nature Conservation (SINC) will be permitted only:
- If it can be shown that the reasons for the development or benefits to the local community from the development outweigh the interest or value of the site, or
 - Any harm can be overcome by mitigating measures, secured through conditions or planning obligations.
- 7.7.9 In accordance with BLP Policy 70 where development proposals are otherwise acceptable, but cannot avoid damage to and/or loss of wildlife features, the Council will seek through planning obligations or conditions:
- Inclusion of suitable mitigation measures; and
 - The creation, enhancement, and management of wildlife habitats and landscape features to contribute towards the Bromley Biodiversity Action Plan.
- 7.7.10 The Bromley Biodiversity Plan (2021-2026) endeavours to promote coordinated action for biodiversity at the local level. The Plan has been produced by the London Borough of Bromley and the Bromley Biodiversity Partnership to support the delivery of the Bromley Local Plan 2019 and the green infrastructure and biodiversity obligations introduced by the London Plan (2021). The guidance includes details on the approach that developers will be expected to adopt to take in avoiding, mitigating and compensating for biodiversity impacts.
- 7.7.11 Habitats and species in the Bromley Biodiversity Plan are a material consideration in the determination of planning applications. 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 (BLP Policy 72).
- 7.7.12 It is noted that the outline permission was approved before February 2024 when the Government's mandatory BNG 10% target was introduced for major developments. However, whilst the provision of 10% BNG is not mandatory, the proposal is still to be assessed under Policy G6 of the London Plan which requires developers to aim to provide a net gain in biodiversity.
- 7.7.13 In the outline application, the BNG assessment identified a predicted total of 277.47 habitat units and 3.78 hedgerow units could be achieved which represent a net gain in excess of 10% compared to the existing habitats on site.
- 7.7.14 In the supporting statement, the proposals for both Sites A and B continue to seek to enhance the ecological value of the Park through the creation of new habitats and mitigation for any habitats that will not be retained to support the Regeneration Plan requirements. Conditions attached to the outline consent

(4 and 21) will ensure that landscapes and habitats are enhanced and managed appropriately.

Trees

- 7.7.15 At the National Level it is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons and a suitable compensation strategy exists. Footnote 67 provides the example of infrastructure projects “*where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists*” (NPPF paragraph 186).
- 7.7.16 Policy G7 of London Plan instructs boroughs to safeguard veteran trees and ancient woodlands, identify opportunities for tree planting, and ensure retention of valuable existing trees in development projects. Replacement for removed trees should be based on their assessed benefits, with additional tree planting encouraged in new developments, especially large-canopied species.
- 7.7.17 Similarly, Bromley Local Plan 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.
- 7.7.18 At part of the outline permission, the applicants have submitted a site-wide Tree Compensation Strategy (Condition 3) to assess the approved park’s existing canopy cover and extent of loss established under the outline consent. This also includes the new survey data for Sites A and B collected in September 2023. Also, an Arboricultural report detailing the protection schemes for the retained trees has also submitted and approved under Condition 5 of the outline consent.
- 7.7.19 In this reserved matters application, an Arboricultural Assessment has been submitted for Sites A and B. This assesses the impact of detailed design proposals on existing trees and provides a comprehensive record of trees and evaluates emerging arboricultural effects. The application site includes a diverse array of trees, many categorised as high or moderate quality (BS5837:2012 categories A and B). The majority contribute to the park's character, but removals are proposed for young or stressed trees and unmanaged shrubs, ensuring the park's ecological value and amenity are retained.
- 7.7.20 This Assessment details proposed tree removals, largely in line with the outline permission but with some design adjustments. Notable adjustments include the retention of the Horse Chestnut T533 for Site B (north west corner of the upper Italian Terrace). The assessment recognises the need to remove

some trees due to diminished condition, ensuring ecological sensitivity and agreed removals with the Council's Tree Officer.

7.7.21 The report emphasises phased works to avoid bird nesting seasons and advocates for ecologically sensitive removals. It navigates through the specifics of each tree removal, emphasising the commitment to minimising disturbance to the park's arboricultural landscape. The document recognises the ecological value associated with certain removals while prioritising the park's overall health.

7.7.22 The Tree Officer has been consulted and no objections have been raised. Overall, the approach to trees is considered to be acceptable as the principles have been approved at the outline stage.

Protected Habitats and Species

7.7.23 The basis of all legal wildlife protection in the UK is the Wildlife and Countryside Act 1981 and all wild bird species and their nests and all species of bats are protected under this Act. In addition, the Natural Environment and Rural Communities 2006, section 41 states, "The Secretary of State must [...] publish a list of the living organisms and types of habitat which [...] are of principal importance for the purpose of conserving biodiversity."
<http://www.legislation.gov.uk/ukpga/2006/16/section/41>.

7.7.24 As identified in the Bromley Biodiversity plan, there are a number of habitats and priority species on site. Those habitats relevant to the proposed development are 'woodland', 'scrub', 'ancient and veteran trees' and 'grasslands'. Priority species listed in the Bromley Biodiversity Plan and relevant to the proposed development are birds, mammals (including bats), amphibians and reptiles and invertebrates.

7.7.25 The relevant habitats and priority species within the Crystal Palace Park have been established and agreed in the outline permission and a bat and bird survey condition was imposed (Condition 6). Details of this condition have been submitted and approved which sets out the site-wide biodiversity enhancement measures and how they will be incorporated into the Regeneration Plan.

7.7.26 Under this condition, Orpington Field Club and Bromley Biodiversity Partnership sub-group have commented that further bat surveys for the demolition of Ranger's Lodge and the cave (lead mine) and Limestone Cliffs should be carried out (Area 11 of the proposed repairs area). The applicants have stated that they will carry out an initial "bat roosting inspection" for the lead mine area so as to determine if there are any bats currently using the structure and if there are any structures suitable for roosting bats. This will then be followed by any subsequent measures should bat activities be identified. It is expected that these bat surveys will be carried out in May-June 2024.

7.7.27 A Framework Landscaping Plan and Landscape Management Plan has been submitted and approved under condition 4 of the outline application. Under this condition, the applicants have agreed to revise the proposed crab apple trees to the north west corner of the Italian Terraces at Site B and to include a native alternative.

Lighting scheme

7.7.28 A Lighting Scheme for Sites A and B is included in the Design and Access Statement (section 2.8).

7.7.29 The existing lighting within the Park is of varying quality, with much of the equipment in a state of significant disrepair. For Site A, the columns along Paxton Axis appear to have been relatively recently upgraded to 3000k LEDs, providing good quality light to the key route. There are also LED festoon lights on the cafe building that should be retained. For Site B, there is no existing lighting.

7.7.30 The proposed scheme includes lighting proposals in Site A – Grand Centre Walk, primary routes connecting to Crystal Palace Station, Penge Gate & Car Park area and entry path to Information Centre; and for Site B – along the access ramps and graded paths at the Italian Terraces, arches and the new location for the statue (Paxton Bust). It is noted that these proposals should comply with Condition 32 (Lighting scheme) of the outline permission.



Fig 22: Site A – Proposed lighting area

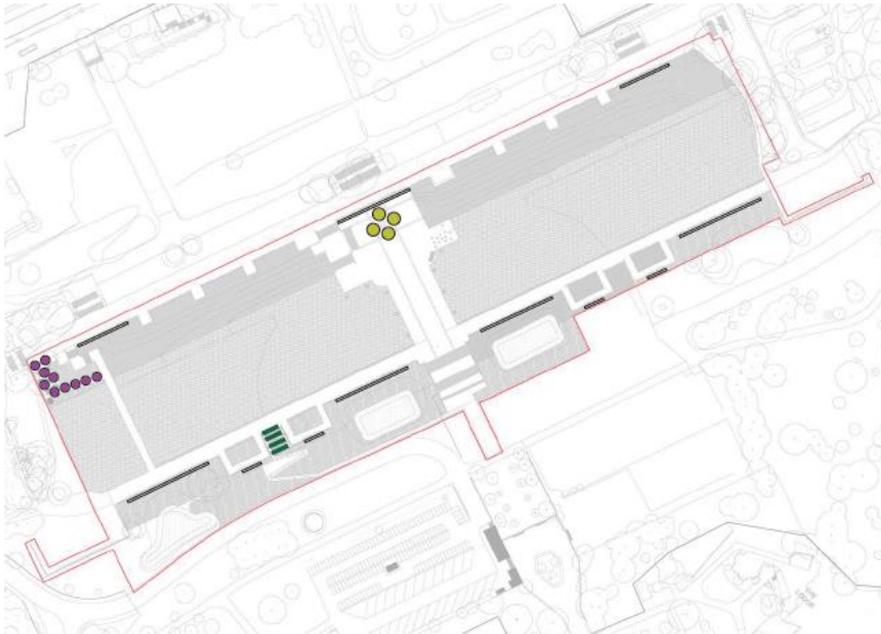


Fig 23: Site B – Proposed lighting area

7.8 Energy and Sustainability – Acceptable

7.8.1 Policy SI2 of the London states that major developments should be net zero-carbon, reducing greenhouse gas emissions 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.

7.8.2 A minimum on-site CO₂ reduction of at least 35 per cent beyond Building Regulations is required – Of the 35% residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.

7.8.3 Policies 123 and 124 of the BLP are consistent with the strategic aims of the London Plan carbon reduction policies.

7.8.4 An Energy Statement has already been submitted and approved at the outline stage which demonstrated how the zero-carbon target will be met within the framework of the energy hierarchy and therefore, compliance with these principles has already been established. For this reserved matters application, in the Design and Access Statement, the applicants state that energy efficiency features will be incorporated in the proposed buildings and other elements of the redevelopment works within Sites A and B. For example, the building fabric for the new buildings will exceed Part L minimum requirements in terms of u-values and airtightness, low energy LED light fittings will be installed and on-site renewable energy will be incorporated in

the form of Air Source Heat Pumps alongside other electrical systems to provide space heating, cooling and hot water.

- 7.8.5 An updated Energy Strategy will need to be submitted for this phase of development as part of the pre-commencement condition for the outline permission (Condition 28). In the shadow S106 agreement, it was agreed that the applicants have to meet any shortfall in meeting the net zero carbon target via a payment in lieu to the Council's carbon offsetting fund of approximately £500,000, using the London Plan price of £95 per tonne of carbon.

7.9 Environmental Health - Air Quality, Noise & vibration and Land Contamination – Acceptable

Air Quality

- 7.9.1 London Plan Policy SI 1 sets specific requirements for developments in relation to air quality. It mandates that developments be Air Quality Neutral and incorporate design solutions to minimise exposure to air pollution. Large-scale developments should adopt an 'Air Quality Positive' approach, enhancing local air quality and demonstrating measures to reduce pollution exposure. BLP Policy 120 'Air Quality', mandates that developments impacting air quality or located in areas with high pollutant concentrations submit an Air Quality Assessment. They should strive to meet "air quality neutral" benchmarks as per the GLA's report. In Air Quality Management Areas, developments must incorporate Ultra Low NOx boilers and avoid biomass boilers unless they meet emission standards.
- 7.9.2 An Air Quality Assessment has been submitted for Site A only as Site B contains no buildings or developments that would impact on local air quality. For Site A, which constitutes around 14% of the total regeneration area, the proposed works will have minimal impact on local air quality. The development will exclusively use electric energy sources, eliminating combustion emissions. The assessment confirms that the road traffic emissions from the development are not significant and that the air quality for future users will be acceptable. The Proposed Development is classified as 'air quality neutral', and an Air Quality Positive Statement has been completed. Overall, the air quality impact of Site A is considered insignificant.
- 7.9.3 Considering the findings of the Air Quality Assessment it can be concluded that the proposed development complies with regional and local planning policies relating to air quality.

Noise & Vibration

- 7.9.4 Policy D7 of the London Plan mandates a Noise Impact Assessment for development proposals that might lead to significant noise impacts on existing or planned noise-sensitive uses. The assessment ensures that potential noise issues are identified and appropriately addressed in the planning process. Conversely, Policy D8 focuses on noise reduction and mitigation measures within developments. BLP Policy 37(e) requires new development to assess the impact on neighbours which includes noise. BLP Policy 119 focuses on minimising noise impact in developments. It mandates comprehensive noise

assessments, demanding new sources to maintain a 10dB difference from existing background levels at sensitive receptors.

- 7.9.5 A noise assessment has been submitted for Site A in support of this application. The applicants confirm that no noise assessment has been carried out for Site B as there are no operational noise sources associated with Site B's proposals (Environmental Statement – Statement of Conformity Feb 2024).
- 7.9.6 The noise assessment summarises that the function/ use of the Information Centre and the new Maintenance Depot would remain unchanged. It is assumed that the level of activity expected at the new Information Centre and the depot building will be very similar to the level of activity which currently occurs at both existing buildings. The report identified that the main sources of noise at the Maintenance Depot will generally be limited to activities within the yard. For the new Information Centre, it is noted that details on the Information Centre's heating and cooling systems, including air conditioning and ventilation, will have to comply with Condition 39 of the outline permission.
- 7.9.7 Therefore, the noise impact on public amenity spaces is considered insignificant. An assessment of the relocated Maintenance Unit reveals a low impact on nearby receptors during daytime and early morning activities. Therefore, the noise impacts of this application are considered acceptable.

Land Contamination

- 7.9.8 The land contamination assessment has been carried out and approved in the outline permission. The control measures on this matter are included in Condition 9 (CEMP) and Condition 22 (Contaminated Land Assessment).

7.10 Flooding and Drainage – Acceptable

- 7.10.1 Development Plan Policy requires all developments to incorporate Sustainable Drainage Systems (SuDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible. 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.
- 7.10.2 Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.
- 7.10.3 The site is in Flood Zone 1 and the surface water flood risk is generally low, although there are medium and high risk areas in some parts of the Park, particularly on some of the pedestrian pathways around the lower lakes.
- 7.10.4 The surface water drainage strategy provides an assessment of the existing runoff rates and the attenuation storage required to restrict the 1 in 100 year storm event (plus 40% climate change) post-development discharge rate for

new impervious areas to Greenfield rate. The discharge rates for existing impervious areas would be reduced by 50% from existing situation.

7.10.5 A flood risk and drainage strategy has been submitted. For Site A, this drainage strategy includes a combination of localised surface water management systems. The runoff generated by impermeable surfaces will be controlled individually for each area within the applications. The strategy involves using buried geocellular tanks at the Café and car park areas, filter drains, and the utilisation of existing landscape features for water management.

7.10.6 For Site B, the focus is on landscape-led proposals, with the majority of works involving improvements to the Italian Terraces. The drainage strategy here integrates an extensive network of filter drains and piped filter drainage to manage surface water runoff. Surface water will be conveyed to strategic locations for discharge, followed by conveyance to swales that provide attenuation and control the rate of runoff. The swale features within Site B offer substantial storage capacity, and the hydraulic calculations for the Site B drainage system are detailed in the submitted drainage strategy report.

7.10.7 The Drainage Officer has been consulted and has raised no objections to the proposed arrangements. It is noted that the detailed site-wide drainage strategies would be submitted and approved as part of Condition 29.

7.11 Community Engagement undertaken by the applicants.

7.11.1 As part of this reserved matters application, the applicant has provided a Statement of Community Involvement (SoCI). In summary, the applicants have carried out the following engagement sessions:

1. Information days

Sunday 3rd December and Monday 4th December 2023: Boards were displayed in the Park information centre to update park users on the latest Regeneration Plan proposals. As plans were in development at this point, the detail was high-level and gave users an insight into the direction of the project. These boards covered the following topics: Background to the Crystal Palace Park Regeneration Plan; Overview of Sites A and B; Site A in detail; Information Centre; Play Area; Heritage Trail and Penge Gate; Italian Terraces and Events and Programming. The SoCI states that “Over the two days, 151 people visited the centre. Feedback throughout the days was positive with many noting that the opportunity to be updated and to provide feedback was welcome.”

2. Playground consultation

11am – 4pm, Saturday 11th November 2023: A consultation day was held in the Park to understand what people thought of the current provision. The applicants also asked the same questions via an online survey which was live for 11 days. The SoCI states that “The in-person event was attended by more

than 100 children and their carers who shared their feedback. The online survey received a further 511 responses.” The findings of the survey showed that:

- Priorities for the playground are to have climbing and swinging activities;
- The sandpit is the most popular aspect of the current provision;
- Users find the size of dinosaurs most impressive which is emphasised by the Megalosaurus being the most popular Crystal Palace Dinosaur;
- Wide slides are the most popular option.

3. Additional stakeholder meetings

10th October 2023 (Conservation management plan workshop)

20th November 2023 (Design team update)

7.11.2 The SoCI concluded that these engagement exercises point to a continuing broad level of support for the Regeneration Plan and an investment in its development. Local community members have expressed a keen interest in keeping up to date with proposals as they become more developed and the London Borough of Bromley Regeneration team will continue with engagement approach as the project progresses.

7.12 Planning Obligations

7.12.1 The planning obligations for the outline planning permission are set out within conditions attached to the outline consent and the accompanying Shadow Section 106 agreement for planning ref. 20/00325/OUT.

7.12.2 Condition 8 of the outline consent requires details of a phasing plan for delivering the Regeneration Plan development, including the works to be included in each phase and the timeline for carrying out certain legal obligations.

7.13 Other Issues

Equalities Impact

7.13.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.

7.13.2 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.

7.13.3 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with

regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

- 7.13.4 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 protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 7.13.5 The proposed development has been designed to take account of the specific needs of disabled people. It would incorporate suitable means of access for all people from the entrance points, sufficiently wide routes and access ways as well as independent horizontal and vertical movement that is convenient and ensures that people can make use of all outdoor recreational facilities and features within the Park.
- 7.13.6 The proposal would generate various benefits for the local economy by attracting more visitors to the Park and the wider Renewal Area. This would have a positive impact on economically inactive people and those unemployed which are those in the categories of age, sex and disability, as well as indirectly on children (workless households).
- 7.13.7 The overall regeneration of the site with the provision of landscaping and public realm enhancements, enhanced pedestrian and cycle routes, signage, lighting and a new, modern information centre would improve the overall visitor experience (including the safety and of security of visitors). The impact of the proposed development on crime and anti-social behaviour is therefore expected to have varying degrees of beneficial impact on the most vulnerable people including age, disability, sex, pregnancy, race, religion/belief and sexual orientation.
- 7.13.8 The proposal is expected to give rise to negative impacts in relation to demolition and construction, such as increased vehicular movements, noise and air quality aspects. These impacts would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the likely impacts.
- 7.13.9 In conclusion, it is considered that LB Bromley has had due regard to section 149 of the Equality Act 2010 in its consideration of this application and resulting recommendations to the Development Control Committee.

8. CONCLUSION AND RECOMMENDATION

- 8.1 This application is for the reserved matters on issues relating to appearance, landscape, access, layout and scale for Sites A and B only. The main proposed developments are: the demolition of the Ranger's Lodge (No. 33 Crystal Palace Park Rd) and Information Centre, the construction of a new Information Centre and Ranger's Maintenance Building, the conservation and repair of heritage assets within the Geological Court of the Tidal Lakes and Dinosaurs, and Italian Terraces; relocation of the Paxton Bust; alterations to hard surfaces, ground levels and tree removal; landscaping enhancements including introduction of new trees and planting; accessibility improvements; provision and rearrangement of pedestrian paths/vehicular access routes, car and cycle parking and a new gateway feature at Penge Gate; provision of new play space, new seating, lighting, wayfinding; drainage and ground works.
- 8.2 The principles of these proposed works have been established in the outline planning permission (planning ref: 20/00325/OUT). All of the proposed works in this application will conserve the heritage assets in a manner appropriate to their significance and would accord with the overarching principle of 'sustainable development' running through the NPPF. In assessing this application the Council has had due regard to its statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.3 The restoration and repair of the heritage assets and the conservation work are considered to be of significant importance and they are widely supported by statutory consultees, amenity groups, adjoining London Boroughs and members of the public. The methods of repairs and restoration details (including final agreed materials for the Italian terraces) will be the subject of separate Listed Building Consents.
- 8.4 Most of Site A and B fall within MOL (except the new Maintenance Depot location) where inappropriate development should be refused unless 'Very Special Circumstances' clearly outweigh any harm resulting from the proposal by reason of inappropriateness, and any other harm. Within Sites A and B, most of the developments are related to outdoor recreation and they would also preserve the openness of the MOL. Therefore, these proposed works are considered as 'appropriate development' and are acceptable.
- 8.5 Given the size and scale of the proposed accessible ramp to the lower Italian Terrace, this development would have significant visual impacts on the openness of the MOL and is therefore considered to be 'inappropriate development'. However, when taking into consideration the community benefits provided by the new ramp, including the role it will play in supporting

“access for all” principles, this clearly outweighs the harm and therefore this development is considered acceptable in the MOL.

- 8.6 Furthermore, the proposed landscaping works appear sympathetic to the original Park layout and the proposals will see the delivery of publicly accessible green space. The new built facilities and gardens also aim to provide community, educational and cultural enhancements for park visitors. All of these improvements would provide substantial public benefits and an enhanced visitor offer which would benefit the wider renewal area and strengthen the sub-regional importance of the Crystal Palace Strategic Outer London Development Centre, in accordance with policies 15 and 111 of the Bromley Local Plan.
- 8.7 With all the reasons above, the application is recommended for permission, subject to planning conditions and relevant informatives.
- 8.8 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty and, as discussed in the preceding section, officers consider that these proposals would not conflict with this Duty.

RECOMMENDATION: APPROVAL OF DETAILS

subject to the following planning conditions:

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

- Compliance with approved drawings

Pre-commencement

- Play space equipment details
- Details on Penge Gate Entrance design, including boundary wall details
- De-silting of the upper lake and reuse of silt

Above-ground works

- Details of wayfinding signage and interpretation, including signage demarcating the separate pedestrian and vehicular access at Penge Gate
- Specification and review of samples of proposed ground surface finishes;
- Detailed designs and specifications for lake edge treatments and finishes to ground surfaces around Grade I listed animal sculptures and geological features;

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

INFORMATIVES

1. The following pre-commencement conditions as set out in the outline permission (planning ref: 20/00325/OUT) should be submitted to and approved by the Council prior to the commencement of works for Site A and Site B.

Phasing Plan submission

- Condition 8

Heritage impacts

- Condition 23 – Archaeological investigation

Transport and Highways

- Condition 9 – Construction and Environmental Management Plan (CEMP)
- Condition 19 – Pedestrian and cycle strategy
- Condition 20 – Parking Design and management Plan
- Condition 43 – Framework Events management Plan
- Condition 47 – Bicycle parking

Green Infrastructure and Natural Environment

- Condition 25 – Tree protection
- Condition 26 – Tree protection
- Condition 21 – Landscape and ecological management plan (bat surveys for Ranger's Lodge and the lead mine)
- Condition 32 – Lighting strategy

Environmental Health impacts

- Condition 22 – Contaminated Land assessment
- Condition 39 – Noise assessment

Flooding and Drainage

- Condition 29 – Surface water drainage scheme

Energy and sustainability

- Condition 28 – An updated Energy Strategy

2. The applicants are advised that the Design Out Crime Officer should be consulted prior to the submission of details of wayfinding signage and interpretation, including signage demarcating the separate pedestrian and vehicular access at Penge Gate.

Attachments

Appendix A Decision Notice for the outline planning permission (planning ref: 20/00375/OUT)

Appendix B Comments from Historic England

Appendix C Applicants' responses to the Friends of Crystal Palace Dinosaurs



Town Planning

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DX5727 Bromley

London Borough Of Bromley
C/o Mr Jim Strike
AECOM

/25th March 2021
Application No : DC/20/00325/OUT
Date : 16th March 2023

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

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

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **GRANTED** outline planning permission for the development, referred to in your application received on
4th February 2020 as amended by documents received on 20.02.2020 21.02.2020 18.05.2020
08.07.2020 31.07.2020 18.09.2020 27.10.2020 25.01.2021 28.01.2021 22.02.2021 09.03.2021

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

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

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

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

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

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

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

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

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

Site-wide

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

Information Centre

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

Capel Manor

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

Residential

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

Access Works

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

Cultural Venue

60553431_DWG_ZZ_0014-1 CULTURAL VENUE BUILDING ENVELOPE

Reason: To prevent any unacceptable deviation from the approved plans

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

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

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

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

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

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

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

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

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

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

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

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

7. In the event that any owner of the land will have the legal locus to enter into a section 106 agreement, no development shall be progressed on that owner's part of the site from that date until such time as they have entered into such an agreement (unless otherwise agreed in writing with the Local Planning Authority), incorporating obligations in respect of the following items, insofar as those obligations are relevant to the part of the site owned by that person as specified by the Local Planning Authority:

- o Phasing Plan linked to the timing and delivery of the enabling development and the heritage works
- o Affordable housing (24 onsite units)
- o Early Stage Viability review mechanisms
- o Late Stage Viability review mechanisms
- o Restrictions on use of capital receipts from the enabling development such that they can only be used to deliver the Regeneration Scheme
- o Community use agreement including use of community facility at Rockhills
- o Employment and training initiatives
- o Residential Travel Plan
- o Non-residential Travel Plan
- o Financial contribution(s) to carbon off-setting projects (as set out in the shadow S106 agreement)
- o Financial contribution(s) for planning obligation monitoring (as set out in the shadow S106 agreement)
- o Financial contribution(s) for legal services (as set out in the shadow S106 agreement)
- o Financial contribution towards 2 cycle docking stations (as set out in the shadow S106 agreement)
- o Safeguarding space for 4 cycle docking stations
- o Financial contribution towards a transport study for possible introduction of a CPZ or pedestrian safety facilities in the area (as set out in the shadow S106 agreement)
- o Financial contribution towards bus stops and bus shelter enhancements around the perimeter of the park (as set out in the shadow S106 agreement)
- o Framework Events Management Plan
- o Agreement with private cycle / electric bike hire club to operate in the Park
- o Junction / Access works as specified in condition 18

REASON: The Council is the current owner of the park and therefore has not entered into a section 106 agreement to secure the obligations at the date of this permission but has indicated it will nevertheless ensure the obligations are provided. A section 106 agreement is required from any new owner who would not otherwise be required to provide them in accordance with policy 125 of the Bromley Local Plan and policy DF1 of the London Plan and the Bromley Planning Obligations SPD (2022)

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

- a) Outline the works which are to be included in each phase
- b) include the sequence of ground works, demolition, construction and occupation of the development and shall provide details of temporary parking, access and circulation arrangements which shall be put in place pending the completion of the final approved parking, access and circulation arrangements
- c) set out the sequence for the carrying out of the following planning obligations (unless specified elsewhere within this notice of planning permission):
 - o Non-residential Travel Plan
 - o Financial contribution to carbon off-setting projects
 - o Financial contribution for planning obligation monitoring
 - o Financial contribution for legal services
 - o Financial contribution towards 2 cycle docking stations
 - o Safeguarding space for 4 cycle docking stations
 - o Financial contribution towards a transport study for possible introduction of a CPZ or pedestrian safety facilities in the area
 - o Financial contribution towards bus stops and bus shelter enhancements around the perimeter of the park
 - o Framework Events Management Plan
 - o Agreement with private cycle / electric bike hire club to operate in the Park
 - o Junction / Access works (including S278 agreement if appropriate)
- d) ensure that the following are secured prior to commencement of the Rockhills enabling residential development:
 - Italian Terraces: A contract has been awarded for the carrying out of all stonework in the Italian Terraces and 30% of such stonework has been completed;
 - Tidal Lakes: Either a contract has been awarded for the carrying out of all historic landscaping works at the Tidal Lakes and 30% of such works have been completed or a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed; and
 - Statues: A contract has been awarded for the restoration of at least four statues in the Park Land and restoration of the Paxton Bust in the Park Land has been completed but not necessarily moved into position.
- e) ensure the following are secured prior to commencement of the Sydenham Villas enabling residential development:
 - Italian Terraces: A contract has been awarded for the carrying out of all stonework in the Italian Terraces and 10% of such stonework has been completed;
 - Tidal Lakes: Either a contract has been awarded for the carrying out of all historic landscaping works at the Tidal Lakes and 10% of such works have been completed or a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed; and
 - Statues: A contract has been awarded for the restoration of at least four statues in the Park Land and restoration of the Paxton Bust in the Park Land has been completed but not necessarily moved into position.

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

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

9. I. Prior to the commencement of each phase of the development (including demolition) as outlined in the phasing plan approved under condition 8, a Construction and Environmental Management Plan (CEMP), which shall be written in accordance with "The Control of Dust and Emissions during Construction and Demolition" Mayor of London SPG 2014 and the Bromley Code of Practice for Construction, shall be submitted to and approved in writing by the local planning authority, in consultation with TfL. As a minimum the plan should include, but not be limited to:-
- (a) Air quality and Dust mitigation and management measures as detailed in Chapter 5 of the Environmental Statement (AECOM, January 2020) (ref: 60553431-REP-ES-001)
 - (b) Measures to identify and mitigate land contamination as identified in Chapter 8 (Ground Conditions) of the Environmental Statement (AECOM, January 2020) (ref: 60553431-REP-ES-001)
 - (c) Measures to identify, minimise and mitigate demolition and construction related noise and vibration as detailed in Chapter 9 of the Environmental Statement (AECOM, January 2020) (ref: 60553431-REP-ES-001) to include monitoring of site boundary noise levels
 - (d) Waste Management including site run-off
 - (e) The location and operation of plant and wheel washing facilities and measures to deal with wheel washer waste
 - (f) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity on public transport and the highways network
 - (iii) Measures to deal with safe pedestrian and cyclist movement
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works
 - (v) Parking for operatives during construction period, including cycle parking
 - (vi) A swept path drawing for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (g) Hours of operation
 - (h) Other site-specific Highways and Environmental Protection issues as requested on a case by case basis
- II. The development shall be undertaken in full accordance with the details approved under Parts a-h. The CEMP will be a living document so should be periodically updated.
- III. All Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or any subsequent guidance.
- IV. An inventory shall be kept on site and on the online register at: <https://nrmm.london/> of all NRMM between 37kW and 560kW. All NRMM shall meet Stage IIIA of EU Directive 97/68/EC (as amended) as a minimum (Stage IIIB from 1st September 2020). Constant speed engines such as those found in generators shall meet Stage V standards either by technology or by retrofit for both NOx and PM reduction.

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

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

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

11. No development shall commence on either of the residential phases of the development (Rockhills and Sydenham Villas) until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i) the numbers, type and location on the site of the affordable housing provision to be made which shall consist of not less than 24No.housing units
 - ii) the tenure of the affordable housing units
 - iii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - iv) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Housing Provider is involved
 - v) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
 - vi) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced; and
 - vii) details of affordable wheelchair housing which shall consist of at least 10% of the affordable units

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

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

(c) If the viability report shows a surplus, then a scheme for the provision of Additional Affordable Housing units and/or a financial contribution towards offsite Affordable Housing shall be submitted to the Council for written approval. The scheme shall set out the requirements for the provision of the affordable units and/or for the Council receiving the financial contribution, as deemed necessary.

The development at Rockhills shall not be occupied until the Additional Affordable Housing Units and/ or the financial contribution (as appropriate) has been provided or paid as the case may be.

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

13. (a) In the event of the residential development at Sydenham Villas not being completed up to first floor slab level within two years from the final approval of the reserved matters details referred to in condition 1 or, in the case of approval on different dates, the final approval of the last such matter to be approved, a viability report (Early Stage Review) shall be submitted to the Local Planning authority.

(b) The Early Stage Review should follow Policy H5 set out within the London Plan and the formulas set out in the Annex A of Homes for Londoners, Affordable Housing and Viability Supplementary Planning Guidance 2017 or any document superseding, amending or updating this guidance, to determine whether Additional on-site Affordable Housing and/or a financial contribution towards offsite Affordable Housing is required.

(c) If the viability report shows a surplus then a scheme for the provision of Additional Affordable Housing units and/or a financial contribution towards offsite Affordable Housing shall be submitted to the Council for written approval. The scheme shall set out the requirements for the provision of the affordable units and/or for the Council receiving the financial contribution, as deemed necessary.

The development at Sydenham Villas shall not be occupied until the Additional Affordable Housing Units and/ or the financial contribution (as appropriate) has been provided or paid as the case may be.

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

14. (a) Following the sale of both of the enabling residential sites (Rockhills and Sydenham Villas) and prior to any development commencing on any residential phase of the development as outlined in the phasing plan approved under condition 8, a viability report (Early Stage Review) to determine if the target capital receipt of £24 million arising from the sale of the enabling residential sites needed for delivering the works in the application (hereafter referred to as the 'Regeneration Plan') has been reached, shall be submitted to the Local Planning authority for review.

(b) If the Early Stage Review identifies a surplus over the target capital receipt then a scheme providing that the surplus shall be used to provide a financial contribution towards the delivery of offsite affordable housing units and/or towards the delivery of the Regeneration Plan, shall be submitted to and approved by the Council.

(c) If the scheme as approved by the Local Planning Authority provides a financial contribution towards offsite affordable housing units then the development of the Rockhills and Sydenham Villas residential sites shall not commence until the financial contribution has been received by the Council.

Reason: The Executive of the Council, in its meeting of 29th June 2022 agreed that the capital receipts arising from the Residential Development (being the enabling development) shall only be spent towards the delivery of the Regeneration Plan. It also agreed to a shadow section 106 providing that, in the event the capital receipts exceed the target capital receipt of £24 million or if higher the costs of the Regeneration Plan, then the surplus over that sum shall be spent on affordable housing instead, unless otherwise agreed by the local planning authority in writing. The condition is required to ensure that any surplus over the target capital receipt is spent on affordable housing unless the local planning authority agrees it can be spent on the Regeneration Plan instead. This is to ensure that the conservation and social benefits of the entire development are realised, in the interests of the Metropolitan Open Land and to accord with Policies 13, 14, 15, 20, 22, 27,30,32, 33, 34,37,38,41,45,50 and 111 of the Bromley Local Plan

15. No development in any subsequent stage of the phasing plan approved pursuant to condition 8 shall be carried out until the Carbon off-setting contributions for the residential and non-residential phases of the development (as set out in the shadow S106 agreement and in accordance with condition 28) have been paid in full to the Council in accordance with the sequencing approved as part of the phasing plan.

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

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

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

17. No development in any subsequent stage of the phasing plan approved pursuant to condition 8 shall be carried out until the planning obligation monitoring fee(s) and the Councils legal fees (as set out in the shadow S106 agreement) have been paid in full to the Council in accordance with the sequencing approved as part of the phasing plan.

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

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

60553431-M1.013-SK001 GENERAL ARRANGEMENTS ANERLEY HILL ENTRANCE
60553431-M1.013-SK003 GENERAL ARRANGEMENTS PENGE GATE ENTRANCE
60553431-M1.013-SK005 GENERAL ARRANGEMENTS SYDENHAM VILLAS 1
60553431-M1.013-SK006 SWEEPED PATH ANALYSIS SYDENHAM VILLAS 1
60553431-M1.013-SK007 GENERAL ARRANGEMENTS SYDENHAM VILLAS 2
60553431-M1.013-SK008 SWEEPED PATH ANALYSIS SYDENHAM VILLAS 2
60553431-M1.013-SK009 GENERAL ARRANGEMENTS SYDENHAM GATE ENTRANCE

60553431-M1.013-SK010 SWEPT PATH ANALYSIS SYDENHAM GATE
60553431-M1.013-SK011 GENERAL ARRANGEMENT ROCKHILLS RESIDENTIAL
60553431-M1.013-SK013 GENERAL ARRANGEMENT ROCKHILLS GATE
60553431-M1.013-SK015 GENERAL ARRANGEMENT CRYSTAL PALACE PARADE

b) The S278 works / works requiring a highways license shall be completed before the relevant access is first brought into use.

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

19. (a) Prior to the submission of any reserved matters application submitted in accordance with condition 1 and prior to any development commencing on any phase (excluding demolition and repairs to heritage assets) a site-wide Pedestrian and Cycle Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London (TfL). The Strategy should:

- identify and safeguard existing walking and cycling routes, ensuring there is no loss
- identify new routes taking into account desire lines through the Park, including the residential sites and the capel manor farm site
- detail how the routes would be designed to ensure they are accessible, safe, visible and provide convenient, direct cycle and walking routes for all users of the Park, the residential sites and the capel manor farm site
- provide information on how new and existing routes will be managed and maintained and provide details of safety and security measures and mitigation, for example lighting, CCTV, planting, building location and window orientation.

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

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

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

20. i) Prior to the commencement of each phase of the development, as outlined in the phasing plan approved under condition 8, a Parking Design and Management Plan shall be submitted to the Local Planning Authority for approval in consultation with Transport for London (TfL) and the relevant highway authority and shall subsequently be approved in writing by the Local Planning Authority. The plan should include:

(a) Details of parking spaces and/or garages and sufficient turning space

(b) Details of the provision for disabled persons parking bays in accordance with policies T6.1, T6.4 and T6.5 of the London Plan

(c) Details of the provision of electric vehicle charging spaces in accordance with Policies T6.1 and T6.4 of the London Plan

(d) Details of the process for efficiently converting enlarged bays to become disabled persons parking bays (in accordance with the design guidance provided in BS8300: Vol 1.), should the need subsequently arise, and the means for assessing the future need, i.e. if it can be demonstrated that the existing level of disabled persons parking is not adequate

(e) Details setting out the measures to control the frequency and type of use of the parking spaces and arrangements for the car parking charging regime

ii) Such provision as approved under parts (a), (b) and (c) shall be completed before the commencement of the use or prior to the occupation of the relevant phase(s) and shall thereafter be kept available for such use. The car park(s) shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Local Planning Authority.

iii) No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

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

21. i) A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of development on each phase, as outlined in the phasing plan approved under condition 8. The content of the LEMP shall include the following:

a) A description of the biodiversity aims and objectives of the LEMP which should be developed and designed in accordance with the principles established by the Framework Landscaping Plan and Landscape Management Plan approved under condition 4

b) A description and evaluation of features to be created, enhanced and managed including details of any mitigation, habitat creation and ongoing management

c) Ecological trends and constraints on site that might influence management

d) A strategy for identifying and managing invasive non-native species.

e) Aims and objectives of management, including net gains in habitat units in accordance with the DEFRA Biodiversity Metric.

f) Appropriate management options for achieving aims and objectives.

g) Prescriptions for management actions.

h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).

i) Details of the body or organisation responsible for implementation of the plan.

j) Ongoing monitoring and remedial measures.

ii) The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

iii) The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

iv) The approved plan shall be adhered to throughout the construction and operational phases of the development.

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

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

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

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

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

24. Prior to commencement of development on each phase of the development, as outlined in the phasing plan approved under condition 8 (excluding demolition), details of the proposed slab

levels of the building(s) and the existing site levels for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.

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

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

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

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

(ii) The following British Standards should be referred to:

BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

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

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

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

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

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

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

28. (a) Prior to the commencement of development on each phase of the development, as outlined in the phasing plan approved under condition 8, an updated Energy Strategy relevant to that phase which demonstrates compliance with London Plan policies SI 1, SI 2, SI 3 and SI 4 shall be submitted to an approved in writing by the Local Planning Authority.
- (b) The Energy Strategy shall include details of the location, scale and appearance of on-site renewable energy generation technologies and details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment, as appropriate, including the location, scale and appearance of any flues and other equipment.
- (c) The approved strategy and measures shall be incorporated into the final design of the buildings prior to first occupation and shall be maintained thereafter in operational working order.

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

29. a) Prior to commencement of development on each phase of the development, as outlined in the phasing plan approved under condition 8 (excluding any ground clearance or demolition), a scheme for the provision of surface water drainage relevant to that phase shall be submitted and approved in writing by the local planning authority.
- b) Before the details required to satisfy Part (a) are submitted a site-wide assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with the principles set out in the Flood Risk Assessment and Outline Drainage Strategy Report (AECOM Jan 2020), the drainage hierarchy contained within the London Plan Policy SI 13 and the advice contained within the National SuDS Standards.
- c) Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates of 2 l/s/ha as reasonably practicable, and the measures taken to prevent pollution of the receiving groundwater and/or surface water.
- d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation / first use of the phase of development to which it relates

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

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

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

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

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

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

32. (i) Prior to commencement of development on each phase of the development, as outlined in the phasing plan approved under condition 8 (excluding demolition and site preparation works), a scheme showing the distribution of light on and around the site (relevant to that phase), as well as details of the proposed lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to the Local Planning Authority for written approval. In order to ensure that the future use of the site as potential foraging and traversing grounds for bats is not harmed, full technical details of the lighting scheme including details of luminance levels and light spillage, which should be designed with input from a qualified Ecologist, shall be submitted to the Local Planning Authority and approved in writing.
- (ii) After written approval has been granted under Part i, the scheme of lighting shall be installed in full accordance with the approved details; and on completion a verification report shall be submitted to the Local Planning Authority for written approval. The Report should include photographs and measurements where necessary and shall be produced by a suitably qualified person to confirm that lighting has been installed in accordance with the approved scheme.
- (iii) The relevant phase shall not be brought into use until written approval has been granted by the Local Planning Authority under Part ii of the condition, and thereafter the approved lighting scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

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

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

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

- Details of when the facilities will be first available for use to ensure there is no interruption in the provision of social infrastructure (or in accordance with provisions set out within the shadow S106 for Existing Community Facilities)
- Access and parking arrangements for community users (including level access)
- Pricing policy (if relevant)
- Hours of use and management responsibilities
- A mechanism for review.

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

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

34. i) Details of the type, size and location of accommodation and ancillary facilities to be secured for use by St Johns Ambulance, shall be submitted to and approved in writing by the Local Planning Authority.
- ii) The details provided under part i) shall include the timing allocations for the cessation of the existing use and the availability for occupation of the re-provided facilities to ensure there is no interruption in the provision of this social infrastructure (or in accordance with provisions set out within the shadow S106 for Existing Community Facilities)
- iii) The re-provided facilities, as approved, shall be made available for use prior to the demolition of the existing St Johns Ambulance accommodation (or in accordance with provisions set out within the shadow S106 for Existing Community Facilities), unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

The strategy shall:

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

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

36. Details shall be submitted of the methods by which the Victorian wall fronting Westwood Hill (shown on drawing 60553431_DWG_ZZ_003_01) will be demolished, and of the reuse of the

materials arising from the wall as a replacement front boundary enclosure to the site (including their storage before such a replacement enclosure is built).

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

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

37. No development shall take place until a detailed Circular Economy Statement in line with the GLA's Circular Economy Statement Guidance is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials

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

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

39. (i) Prior to any above ground construction of buildings on each phase of the development, as outlined in the phasing plan approved under condition 8, a scheme for the mounting of mechanical plant on the building(s), or elsewhere (relevant to that phase), so as to minimise transmission of structure borne sound or vibration from fixed plant and equipment to any other part of the building(s), or other buildings (including those at adjoining sites), shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) At any time, the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014.
- (iii) Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All

constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

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

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

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

41. No development in any subsequent stage of the phasing plan approved pursuant to condition 8 shall be carried out until the financial contribution towards two cycle docking stations in the Park (as set out in the shadow S106 agreement) has been paid in full in accordance with the sequencing approved as part of the phasing plan.

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

42. No development in any subsequent stage of the phasing plan approved pursuant to condition 8 shall be carried out until the financial contribution towards the enhancement of bus stops and bus shelters around the perimeter of the Park (as set out in the shadow S106 agreement) has been paid in full in accordance with the sequencing approved as part of the phasing plan under condition 8.

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

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

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

- Event Details including dates and times
- Operator details
- Delivery and servicing arrangements

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

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

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

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

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

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

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

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

46. A Travel Plan relating to each non-residential phase of the development shall be submitted to and approved in writing by the Local Planning Authority in accordance with the sequencing approved as part of the phasing plan under condition 8. The Plan should include as a minimum:

- Measures to promote and encourage the use of alternative modes of transport to the car
- A timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating
- the process for monitoring demand and increasing cycle parking provision in the Park as necessary (including details of where additional cycle parking storage facilities could be located, their design and appearance)
- Details of the process for monitoring car parking demand and decreasing car parking over time as demand reduces.

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

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

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

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

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

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

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

Viability Assessment supported by evidence to demonstrate whether a deficit or surplus has arisen.

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

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

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

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

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

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

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

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

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

51. No development in any subsequent stage of the phasing plan approved pursuant to condition 8 shall be carried out until the financial contribution towards a transport study (as set out in the shadow S106 agreement) has been paid in full in accordance with the sequencing approved as part of the phasing plan under condition 8.

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

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

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

53. Following occupation of any phase / building, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the draft Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials.

REASON: In the interests of sustainable waste management and in order to maximise the re-use of materials.

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

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

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

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

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

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

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

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

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

57. Prior to the occupation of each phase of development, a postconstruction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance.

The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the phase of development.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

58. a) Prior to each Building being occupied, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the 'As-built stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' as-built stage reporting webform (<https://www.london.gov.uk/what-wedo/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it).
- b) Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology outlined in the 'In-use stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' in-use stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-londonplan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). This obligation will be satisfied after the Owner has reported on all relevant indicators included in the 'In-use stage' chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it) for at least five years.
- c) In the event that the 'In-use stage' evidence submitted under Clause b) shows that the 'As-built stage' performance estimates derived from Clause a) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause b) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

59. Prior to the occupation of each phase of the development, the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance.

The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

60. Prior to the occupation of each residential phase, arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled

persons, no resident of the Rockhills or Sydenham Villas development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: Where this decision notice refers to "shadow S106 agreement" this means the shadow section 106 agreement issued with this decision

You are further informed that :

- 1 An unsigned form of shadow S106 Agreement has been agreed between the applicant and the Local Planning Authority and a copy is retained on the local planning authority's file setting out the obligations that the local planning authority expects to be entered into for the purposes of the relevant conditions set out above, including condition 7, when person(s) have a relevant interest in the application site that enable them to sign it.
- 2 You are advised that this application is considered to be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008 (as amended).

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

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

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

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

- 4 You are reminded of your obligation under Section 80 of the Building Act 1984 to notify the Building Control Section at the Civic Centre six weeks before demolition work is intended to commence. Please write to Building Control at the Civic Centre, or telephone 020 8313 4313, email buildingcontrol@bromley.gov.uk.
- 5 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelopers.thameswater.co.uk%2FDeveloping-a-large-site%2FPlanning-your-development%2FWorking-near-or-diverting-our-pipes&data=01%7C01%7Cplanning%40bromley.gov.uk%7C2ecef3c3f234b253de408d86a2ec8f%7C8cc3d50b245a4639bab48b879ac9838c%7C0&sd=ruFmJda3jeSQUpQw0rxZg0yOb0dOK4K08v0v%2BierPCY%3D&reserved=0>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
- 6 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 Thames Water 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 Thames Water's guide on working near or diverting Thames Water's pipes.
<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelopers.thameswater.co.uk%2FDeveloping-a-large-site%2FPlanning-your-development%2FWorking-near-or-diverting-our-pipes&data=01%7C01%7Cplanning%40bromley.gov.uk%7C2ecef3c3f234b253de408d86a2ec8f%7C8cc3d50b245a4639bab48b879ac9838c%7C0&sd=ruFmJda3jeSQUpQw0rxZg0yOb0dOK4K08v0v%2BierPCY%3D&reserved=0>
- 7 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site. If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 8 The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.
- 9 All demolition and construction works, as well as the day-to-day use of the remodelled park and all new Class C and Class D buildings and facilities within it, must not impede waste and recycling collections to address within the London Borough of Southwark. If there would be any impact on waste and recycling collections, either during the construction stage or in the end-use, the developer must notify Southwark's Waste Management Team and engage with Veolia.
- 10 Details of the construction must be agreed with the Highway Authority (and in relation to the Anerley Hill access in consultation with Transport for London). For more information please

contact Dan Gordon, Highway Area Manager: Daniel.Gordon@bromley.gov.uk and TfL bus operations.

- 11 Access for fire appliances, as required by Part B5 of the current Building Regulations approved Document B and adequate water supplies for fire fighting purposes, should be provided. This is without prejudice to any requirement or recommendations that may be made by the authority under the Regulatory Reform (Fire Safety) Order 2005/Petroleum (Consolidation) Act 1928, the local authority or the Health and Safety Executive

Signed:

Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

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

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

Southern Gas Network (SGN) has asked the Council to highlight the importance of working safely near gas pipelines. The following links give clear guidance on what to do and who to contact before starting any work and how to locate pipes near to your property.

- <https://www.sgn.co.uk/damage-prevention>
- <https://www.linsearchbeforeudiq.co.uk/>

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

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

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

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

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

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

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

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

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

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

AN IMPORTANT FOOTNOTE

Permission or approval referred to overleaf is confined to permission under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, the Town and Country Planning General Development Order 2015 as amended, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and does not obviate the

necessity of compliance with any other enactment, by law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, Building Regulation, consent, approval or authorisation which may be required.

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

If the Council has approved your application, it can be challenged by judicial review within 6 weeks of the approval date.

ACCESS FOR PEOPLE WITH DISABILITIES

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

Community Infrastructure Levy (CIL) Information Note

This application is considered to be liable for the Mayor of London's Community Infrastructure Levy (CIL). The CIL is a planning charge levied on net additional floorspace arising from new developments or creation of new dwellings (including through a change of use) in order to fund infrastructure to support development in the local area. The Council acts as collecting authority for the Mayor of London who has a levy to raise money for transport Infrastructure in the London area.

The first step in the CIL process is to complete a CIL Additional Information Requirement Form or Form 5: Notice of Chargeable Development for permitted developments. All the forms underlined can be found at: <http://www.bromley.gov.uk/cil>

The CIL Team can calculate the CIL liability based on the information you provided for the planning application, however we are unable to discount existing floorspace that has been in continuous use without the above forms.

At the same time, Form 1: Assumption of Liability must be completed in order to produce a Liability Notice. This form tells us who is responsible for paying the CIL charge. If this form is not completed within two weeks of the issue of the planning decision notice, CIL liability will default to the landowner or applicant at a cost of £50. You may have already completed the forms above during the application process.

If you wish to apply for charitable or social housing relief then Form 2: Claiming Exemption or Relief should be submitted. If you are a 'self builder' who builds or commissions a home for their own occupation you may apply for exemption using Form 7: Self Build Exemption Claim Form: Part 1 for the entire home or Self Build Annex or Extension Claim Form. **Exemption forms must be submitted before commencement** of the development and will be granted relief upon receiving a Relief Decision Notice. The **Form 7: Self Build Exemption Claim Form Part 2 form must be submitted within six months of completion** or the levy will become payable.

The Council will serve a Liability Notice on the person(s) who have assumed liability to pay. It is the liable party's responsibility to notify the Council when commencement (demolition, digging for foundations and underground services and change of use) has started using Form 6: Commencement Notice. **Late notification of a commencement date will result in penalties such as the removal of eligibility for the self-build exemption, a 20% surcharge**, the removal of the 60 day payment period requiring immediate payment or CIL stop notices.

The Council will issue a Demand Notice to the liable person(s) setting out the total CIL amount payable on commencement of the development and the payment date. Please note the chargeable amount will be indexed linked. This notice will be emailed and/or posted to the liable person(s) via the contact details provided in Form 1: Assumption of Liability.

Our finance contractors will shortly afterwards send an invoice with a paying-in slip and information on payment methods following a Demand Notice. Non-payment and failure to comply with CIL procedures will result in surcharges.

The CIL liability will be registered as a local land charge against the land affected by the planning permission and will be revealed when a property search is made. CIL payment will make the charge on the register fulfilled.

Forms (underlined above) can be found at:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

For further information or if you have any questions regarding CIL please contact us at cil@bromley.gov.uk or on 020 8313 4974.



Ms Joanna Wu
London Borough of Bromley
Planning Reception, Bromley Civic Centre
Stockwell Close
Bromley
BR1 3UH

Direct Dial: 0207 973 3777

Our ref: P01573009

14 March 2024

Dear Ms Wu

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**CRYSTAL PALACE PARK THICKET ROAD PENGE LONDON SE20 8DT
Application No. 24/00478/DET**

Thank you for your letter of 20 February 2024 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England continues to support the Masterplan proposals, which seek to address a number of issues with the condition of the Grade II* Registered landscape and many of the listed structures within the park.

In our view, the proposals submitted as part of this approval of details application are in line with the outline planning permission and are well considered.

We would welcome further engagement with the Council, the Crystal Park Trust and the project team as the proposals are developed, particularly relating to the:

- De-silting of the upper lake and reuse of silt;
- Specification and review of samples of proposed ground surface finishes;
- Detailed designs and specifications for lake edge treatments and finishes to ground surfaces around Grade I listed animal sculptures and geological features;
- Details of vegetation management, particularly in relation to coal seam and adjacent trees;
- Details of wayfinding signage and interpretation;
- Details of landscape management and maintenance.

In relation to the proposed works to the listed structures, we await consultation on the full applications for listed building consent, which we understand will be submitted in



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.



due course.

Recommendation

Historic England supports the application on heritage grounds.

We consider that the application meets the requirements of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The full GLAAS consultation criteria are on our webpage at the following link:

<https://www.historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/our-advice/>

Yours sincerely

Claire Brady

Inspector of Historic Buildings and Areas

E-mail: claire.brady@HistoricEngland.org.uk



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Telephone 020 7973 3700
HistoricEngland.org.uk



Applicant Responses to the Friends of Crystal Palace Dinosaurs' Comments on the RMA for Site A and B (DC/24/00478/DET)
Date: 09/05/2024

Comments	Responses
<p>Level of Detail- Whilst there are many pages documenting proposals for each of the sculptures and geological areas, these proposals are brief and do not appear to have been sufficiently informed by detailed study of the SSHC reports. We are concerned at the lack of detail here and want to flag up that this may need to be revisited for more realistic assessment of the scale of work required. We appreciate that more detailed planning will follow in the application for Listed Building Consent and can offer substantive contributions to improve the completeness of the proposals with our extensive set of archival data and direct experience.</p>	<p>The Listed Building Consent Application (LBC) for the Geological Court (ref DC/24/00929/LBC) has been submitted and can be viewed online on Bromley's planning applications register. Further trials, monitoring and investigative work is being carried out over the next year to inform the repairs strategy. Information from these works can be shared once received and reviewed. Determining exact specifications and exact methodologies on each sculpture at this stage will be based on assumptions and inevitably will result in numerous amendments, therefore, it is vital that they are informed by the trials and site investigations as agreed with Historic England. Findings from trials, monitoring and investigation will be shared as they progress, and proposed specifications and methodologies will be discussed with Historic England and Conservation Officer as part of stakeholder engagement process. Relevant documents will be submitted as part of the conditions discharge.</p>
<p>Maintenance plans - there is an urgent need to develop a schedule of routine future maintenance of the sculptures that transcends the grant cycle, particularly including vegetation clearance, surface cleaning, crack repair with sacrificial lime mortar and repainting. Until there is a clear, sustainable and active maintenance plan it would be easy for any funding body to reject capital expenditure on repairs. Having followed and contributed to assessments of the conservation needs of the site since 2013, we suggest that the recommendations in the Maintenance Plan drafted by The Morton Co. in approximately 2021 should also be included in current plans. Specifically, a participatory conservation monitoring and implementation programme for committed volunteers, with professional oversight, can achieve dual aims of engagement and sustainability in maintaining the investment from the major conservation interventions. The reports in this RMA are notable for not being specific on why the condition of the heritage components of Site B is worse than any time in their 170 history, but our records indicate this is due to lack of regular monitoring and maintenance.</p>	<p>Initial maintenance guidance for the sculptures is included in the Landscape and Ecological Management Plan (LEMP) in support of Condition 21 which will be submitted to the Council in due course. This guidance will be developed as the restoration proposals progress and information from the trials and surveys are received.</p>
<ul style="list-style-type: none"> • Proposed interpretation offering in the new Info Centre (IC) is deemed insufficient. <ul style="list-style-type: none"> ○ People come from far and wide for CP Dinosaurs due to their global appeal. ○ IC represents a valuable opportunity to expand on Bromley's unique heritage. ○ Improved IC would enhance site's reputation, drawing more visitors to Park and Borough. ○ Greater visitor understanding of Dinosaurs and Geological Court is crucial. • Current plans feature three small standing display cases, each focusing on biodiversity, park heritage, and Dinosaurs. <ul style="list-style-type: none"> ○ Dinosaurs are not given sufficient depth relative to their significance and available material. ○ Visitors prefer larger objects and tactile interaction. ○ Flexibility of roll-away cases may be perceived as limited commitment to the topic. • Competition for space limits accessibility to interpretation. • Planned target audience is local families, missing opportunity to cater to wider audience. • Regular comments from national and international visitors highlight under-celebration and under-interpretation of Dinosaurs. • Interpretation centre that prioritizes main USP of CP Park is both feasible and necessary. 	<ul style="list-style-type: none"> • The Applicant will be holding a number of workshops with CPPT, Friends, and LBB where all will have the chance to provide input on the interpretation offering at the Information Centre. • The current exhibition area plans are indicative – this space will still be designed in much more detail during future design development. • The content of the more permanent exhibition is still to be defined. We will explore scope for the display of larger objects. Tactile objects are planned to be included within the interpretation cabinets. • The flexibility / moveable nature of these display cases is intended to enable the Community Space to be able to shift between an exhibition space and gathering space as needed, so that the space may be used effectively. • The flexibility of the offer has been designed so that it can be built upon beyond the initial opening. The space is intended to be collaborative and the offering to grow, as led by CPPT, so there is still opportunity for it to expand. • A 2024 visitor survey of the park led by the CPPT asked visitors what they wanted to learn more about. The results were varied with the top answers being what's on in the park, the restoration of the park, biodiversity and sustainability, and the history of the Palace. This breadth in responses has informed the development of the interpretation plan. • The information centre is viewed as a gateway to the park – we believe by showcasing multiple aspects of the park that we will promote the significance of the heritage in a stronger way.

There is no facility for archival storage of loose assets from the site, as advised by Historic England. It is critical that this is accommodated in a way that is accessible to users of the collections for interpretation and research.

- CPPT are exploring alternative storage within the park for these assets.
- New museum grade archival storage would not be possible within the funding for this project and would take away from community space which we have planning permission for.
- The information centre approach was presented at a project meeting with Historic England representation and received support.
- We note that Historic England have supported the reserved matters application.

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Report No.
HPR2024/024

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

**RENEWAL, RECREATION AND HOUSING POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: **DCC: 6 June 2024**
 RRH PDS: 19 June 2024

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

Title: **UPDATE ON THE BROMLEY LOCAL PLAN REVIEW**

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
 E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: All Wards

1. Reason for report

- 1.1 This report provides details on the progress of the Local Plan review and the intention to undertake the review under the new plan-making system.
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2. **RECOMMENDATION**

- 2.1 **That the Development Control Committee and Renewal, Recreation and Housing PDS Committee note the report.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
-

Transformation Policy

1. Policy Status: New Policy – review of the Local Plan
 2. Making Bromley Even Better Priority:
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: future costs associated with the Local Plan review will be met from the Planning Policy and Strategy budget and funds from the Council's Growth Fund earmarked reserve.
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.6m
 5. Source of funding: Existing Revenue Budget for 2024/25
-

Personnel

1. Number of staff (current and additional): 10 FTE
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Planning and Compulsory Purchase Act 2004; Town and Country Planning (Local Planning) (England) Regulations 2012; Levelling Up and Regeneration Act 2023.
2. Call-in: Not Applicable
3. It is 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. It is not anticipated that the issues discussed in this report would adversely affect any of those objectives.

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
-

Impact on the Local Economy

1. Summary of Local Economy Implications: N/A
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: N/A
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Background

- 3.1 To inform a review of the Local Plan, a call for sites consultation exercise was undertaken between August and November 2021. As part of this exercise, landowners, developers and other interested parties were invited to put forward potential development sites for allocation, for development of housing, employment and retail uses or any other uses, to give an understanding of what land is available to meet different development needs.
- 3.2 On 6 October 2022, Executive agreed to commence a review of the Bromley Local Plan and agreed additional one-off funding of £600k for the Local Plan review process, to be met from the Council's Growth Fund earmarked reserve.
- 3.3 An 'Issues and Options' (Regulation 18) consultation was conducted between April and June 2023. This consultation sought to gather views from a range of stakeholders to inform the development of the new Local Plan. The Issues and Options document¹ sets out the current policy approach across a range of topics; notes relevant changes since the adoption of the Local Plan; and sets out how the new Local Plan could respond to these changes.

Planning reform and changes to national planning policy

- 3.4 The Government consulted on changes to the National Planning Policy Framework (NPPF) from December 2022 to March 2023². This consultation also set out the Government's intentions regarding the implementation of reforms to the plan-making system set out in the Levelling Up and Regeneration Act. The consultation proposed that plan-makers would have until 30 June 2025 to submit their Local Plans for independent examination under the existing legal framework, meaning that existing legal requirements and duties would apply to any Local Plan examination. The consultation also proposed a backstop date of 31 December 2026, by which time all independent examinations of Local Plans must be concluded and any plans adopted.
- 3.5 The Government consulted on the implementation of the new plan-making system between July and October 2023³, but at the time of writing, the Government has not provided a response to the consultation; and no regulations or updated national planning policy or guidance have been introduced.
- 3.6 The NPPF was updated in December 2023, incorporating some of the changes previously consulted on.

Next steps

- 3.7 Having an up to date Local Plan remains incredibly important, as this means that there is a lower risk of speculative planning appeals succeeding, and planning policies being undermined. However, whilst work towards the new Local Plan has progressed well, deadlines were always tight. Given the changes to the NPPF, confirmation that the submission deadline of June 2025 for consideration under the current plan-making system is firm and no leeway will be given, together with some delays caused by the 'purdah' periods around elections in 2024,

¹ <https://www.bromley.gov.uk/downloads/file/2073/bromley-local-plan-review-issues-and-options>

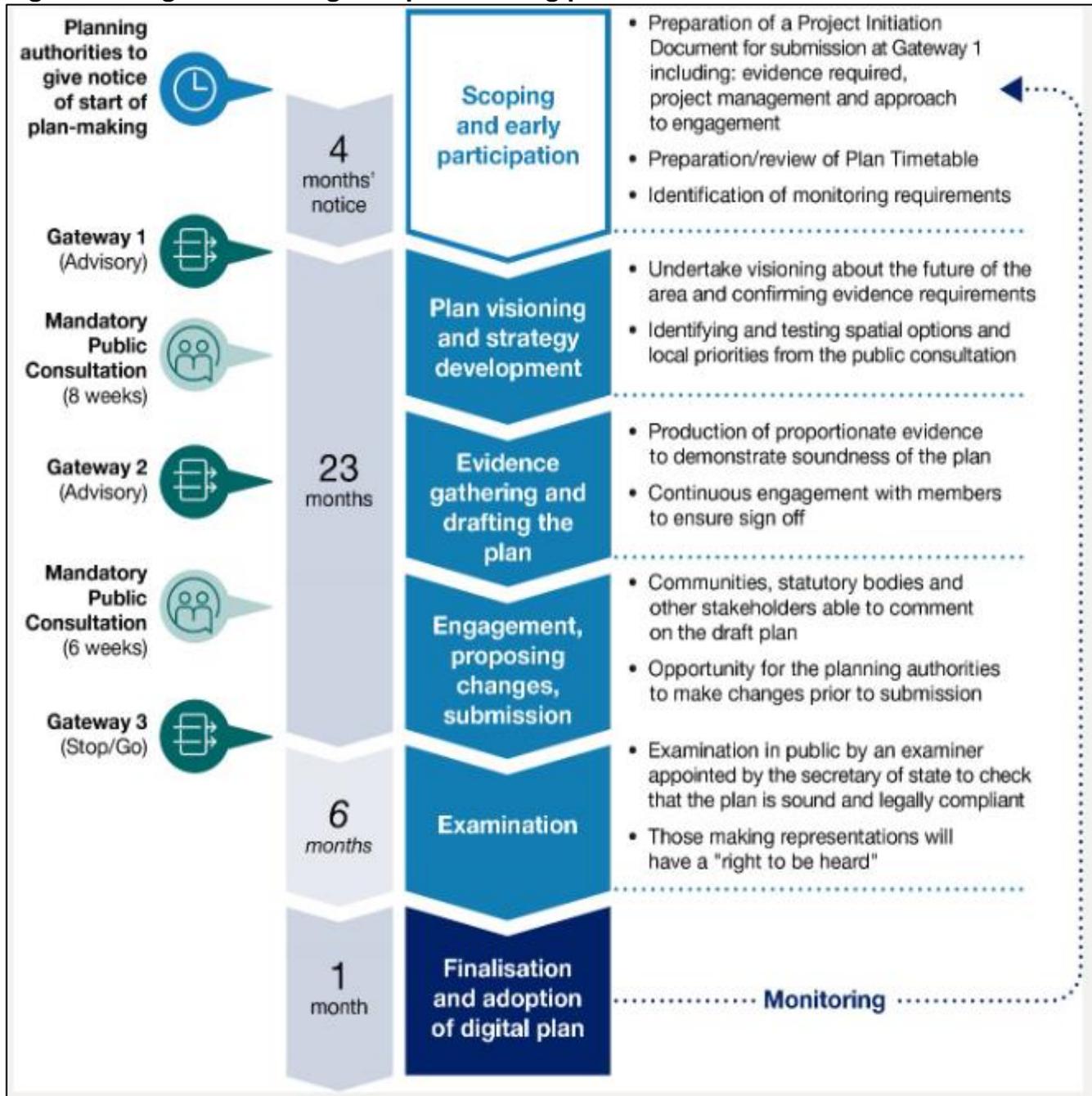
² <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

³ <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

revisions to the timetable for production of the new Local Plan are now considered necessary. The submission date of June 2025, for consideration under the existing plan-making system, is no longer considered safely achievable. There is a high risk that costs incurred in preparing the plan to date would be abortive, as the plan would need to be substantially reworked for submission under the new plan-making system if the June 2025 deadline were missed. To avoid such abortive costs, the recommendation is now that the new Local Plan is progressed under the new plan-making system with a revised indicative timeline as outlined below.

3.8 There is currently limited detail regarding the new system, other than the stated intention that the new system will become effective in November 2024. Figure 1 shows a diagram provided as part of the July 2023 consultation mentioned in paragraph 3.5, which sets out the stages of the new system and approximate timings of each stage:

Figure 1: diagram showing new plan-making process



3.9 Figure 2 shows a diagram provided as part of the July 2023 consultation mentioned in paragraph 3.5, which provides detail on each of the three proposed 'Gateway' stages of the new plan process:

Figure 2: diagram showing proposed Gateway assessments

	 Gateway 1 (Advisory)	 Gateway 2 (Advisory)	 Gateway 3 (Stop/Go)
 Focus	<ul style="list-style-type: none"> Ensuring the plan sets off in the right direction Supporting early diagnosis of potential issues – legal and procedural requirements and soundness 	<ul style="list-style-type: none"> Supporting early resolution of potential soundness issues, where possible Ensuring legal and procedural compliance Monitoring and tracking progress 	<ul style="list-style-type: none"> Checking the plan is ready to proceed to examination Ensuring legal and procedural compliance Monitoring and tracking progress
 Role	<ul style="list-style-type: none"> Advising, observing and supporting 	<ul style="list-style-type: none"> Advising, observing and supporting 	<ul style="list-style-type: none"> Validating that key requirements have been met (a "stop/go" check)
 Duration	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception) 	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception) 	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception)
 Assessor	<ul style="list-style-type: none"> Independent, specialist hands-on support May involve Planning Inspectors (as required) 	<ul style="list-style-type: none"> Planning Inspectors Optionally supported by technical specialists 	<ul style="list-style-type: none"> Planning Inspectors

3.10 Based on these timings, and assuming the Council can progress under the new style system from November 2024, an approximate Local Plan review timeline would be as follows:

- Give notice of start of plan-making – Q4 2024
- Gateway 1 stage and first public consultation – Q1 2025 to Q4 2025
- Gateway 2 and second public consultation – Q4 2025 to Q3 2026
- Gateway 3 – Q3 2026 to Q4 2026
- Examination – Q4 2026 to Q2 2027
- Inspectors report and adoption – Q2 or Q3 2027

3.11 Under the existing plan-making system, the timetable for producing a Local Plan is set out in a published Local Development Scheme (LDS). The new plan-making system will replace LDSs with a Local Plan Timetable, prepared at the outset of the Local Plan process. Although the intention is to undertake the Bromley Local Plan review under the new plan-making system, officers consider that publishing an updated LDS, reflecting the timescales mentioned above, will be helpful to provide clarity on the Council's intentions in the interim period prior to the new plan-making process commencing. Officers will prepare an updated LDS and seek delegated approval to publish from the Director of Housing, Planning, Property and Regeneration.

3.12 Officers consider that the evidence base work prepared to date will continue to be relevant and

up to date if the review proceeds in line with the timescales noted above. This will reduce the scope of any additional costs associated with the new timetable.

4. TRANSFORMATION/POLICY IMPLICATIONS

- 4.1 The new Local Plan will set out the Council’s planning policy on a range of topic areas. The Levelling Up and Regeneration Act sets out the framework for preparation of new style Local Plans, with the detailed process to be set out in further regulations national policy and guidance. Officers will keep up to date with ongoing changes, in terms of the implications on the plan-making process.
- 4.2 An updated LDS will be prepared to provide an up-to-date position on the proposed timings for the Local Plan review.

5. FINANCIAL IMPLICATIONS

- 5.1 The costs associated with the Local Plan review will be funded from the Planning Policy and Strategy budget and the £600k release of Growth Fund reserve, approved by Executive at their meeting of 6 October 2022. At this stage, officers consider that undertaking the review under the new plan-making system, as opposed to the current plan-making system as originally envisaged, is unlikely to incur any additional costs further to funding already agreed.

6. LEGAL IMPLICATIONS

- 6.1 The Planning and Compulsory Purchase Act (2004) (as amended); and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the current statutory requirements for preparation of a Local Plan.
- 6.2 The Levelling Up and Regeneration Act sets out the framework for preparation of new style Local Plans, with the detailed process to be set out in further regulations national policy and guidance.
- 6.3 The new Local Plan will be prepared in line with relevant legislation.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children; Personnel/Procurement/Property/ Carbon Reduction and Social Value/Impact on the Local Economy/Health and Wellbeing; Customer Impact
Background Documents: (Access via Contact Officer)	<p>Bromley Local Plan 2019, available from: https://www.bromley.gov.uk/downloads/file/51/bromley-local-plan</p> <p>London Plan (adopted 2 March 2021), available from: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (December 2023), available from: https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf</p> <p>National Planning Practice Guidance – https://www.gov.uk/guidance/plan-making</p> <p>The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) - https://www.legislation.gov.uk/uksi/2012/767/contents</p> <p>Levelling Up and Regeneration Act 2023 - https://www.legislation.gov.uk/ukpga/2023/55/contents</p>

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Agenda Item 8

Report No.
CSD24071

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: 6 June 2024

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

Title: CRYSTAL PALACE SHADOW SECTION 106 AGREEMENT

Contact Officer: Greg Ullman
Tel: 0208 461 7625 E-mail: greg.ullman@bromley.gov.uk

Chief Officer: Director of Corporate Services

Ward: Crystal Palace and Anerley

1. Reason for decision/report and options

- 1.1 The report sets out an issue that has arisen in connection with the Application Stage Gross Development Value (GDV) that will be used for the section 106 agreement to be completed for the Crystal Palace regeneration planning permission.

2. **RECOMMENDATION(S)**

That Members note the Rockhills Application Stage GDV to be used for the purposes of section 106 agreement that is to be finalised in respect of application 20/00325/OUT is £55,037,400.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
-

Transformation Policy

1. Policy Status: Not Applicable
 2. Making Bromley Even Better Priority:
For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not applicable
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £
 5. Source of funding: Existing Budget
-

Personnel

1. Number of staff (*current and additional*): 90
 2. If from existing staff resources, number of staff hours:
-

Legal

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

Procurement

1. Summary of Procurement Implications: None
-

Property

1. Summary of Property Implications: None
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: None
-

Impact on the Local Economy

1. Summary of Local Economy Implications: None
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: None
-

Customer Impact

1. Estimated number of users or customers (*current and projected*): Unknown
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: To be verbally updated

3. COMMENTARY

- 3.1 Planning permission has been issued by the Council under reference 20/00325/OUT for the comprehensive phased redevelopment of Crystal Palace Park. Part of the redevelopment will involve the sale of two sections of the park, the Rockhills site and the Sydenham Villas site for residential development, the sale proceeds of which will provide funding for restoration works for the park itself. It was agreed that 24 dwellings would be provided as London Affordable and/or Social Rented Housing. It was also agreed that the sites would follow a “Viability Tested Route” and be subject to viability scrutiny and late and early review mechanisms.
- 3.2 The Council normally secures affordable housing under an agreement made pursuant to section 106 of the Town and Country Planning Act 1990. However, the Park at the date of the permission, was owned by the Council and there is a doubt as to whether the Council as planning authority can enter a section 106 with itself as landowner. To address this issue, a “shadow section 106 agreement” was instead finalised. A shadow section 106 is a document that sets out the planning obligations that need to be achieved. The shadow section 106 agreement is not a concluded agreement but to ensure it is given weight in the planning process was considered by the Executive on 29th June 2022.
- 3.3 The Executive resolved to note the terms of the shadow section 106 agreement and confirmed that in respect of any section of Crystal Palace Park to be sold or leased, that no development shall be progressed on the relevant land until such time as the purchaser or lessee has entered into a section 106 agreement with the Council, incorporating the obligations from the shadow section 106 agreement that are relevant to the part of the site.
- 3.4 The residential areas are shortly due to be marketed and a section 106 agreement in will in the future be concluded for the Rockhills and Sydenham Villas areas. The Council’s Viability Consultants have now advised that the Rockhills Application Stage GDV mentioned in the Shadow section 106 agreement should have been £55,037,400 and that this can be verified by reference to viability appraisal submitted with the application.
- 3.5 Those responsible for the marketing have asked if the correct figure of £55,037,400 can be noted by the planning authority. Confirmation has also been sought that Formula 3 of the Mayor of London “Homes for Londoners Affordable Housing and Viability SPD 2017” shall be used for the Late Stage Review Contribution, which is agreed.

4. LEGAL IMPLICATIONS

- 4.1 The shadow section 106 agreement has not been completed and as such there no agreement that requires formal rectification or amendment. The planning permission reference 20/00325/OUT contains references to the shadow section 106 agreement which will need to be left on the public register in its published form. At this stage it can be noted, however, that the corrected figure for the Rockhills Application Stage GDV will be used when the section 106 agreement is negotiated with the future owners of the Rockhills site.

5. WARD COUNCILLOR VIEWS

- 5.1 Any ward councillor comments will be reported verbally.

Non-Applicable Headings:	Impact On Vulnerable Adults and Children, Transformation/Policy Implications, Financial Implications, Personnel Implications, Procurement Implications, Property Implications, Carbon Reduction/Social Value Implications, Impact On The Local Economy, Impact On Health and Wellbeing, Customer Impact
Background Documents: (Access via Contact Officer)	Planning Permission 20/00325/OUT and Shadow Section 106 agreement