
Report to the Council of the London Borough of Bromley

by Elizabeth Hill

an Inspector appointed by the Secretary of State

Date: 11 December 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Bromley Local Plan

The Plan was submitted for examination on 10 August 2017

The examination hearings were held between 4 and 14 December 2017

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Abbreviations used in this report

AA	Appropriate Assessment
ASRC	Area of Special Residential Character
BTCAAP	Bromley Town Centre Action Area Plan
CBC	Cray Business Corridor
CS	Core Strategy
DtC	Duty to Co-operate
dpa	dwellings per annum
EIA	Environmental Impact Assessment
FALP	Further Alterations to the London Plan
GLA	Greater London Authority
HE	Historic England
HRA	Habitats Regulations Assessment
IR	Inspector's Report
LB	London Borough
LDS	Local Development Scheme
LP	Local Plan
LSIS	Locally Significant Industrial Sites
MOL	Metropolitan Open Land
MM	Main Modification
NLP	New London Plan
NPPF	National Planning Policy Framework (2012)
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Locations
SINC	Site of Importance for Nature Conservation
SOLDC	Strategic Outer London Development Centre
SPG	Supplementary Planning Guidance
UOS	Urban Open Space
5YHLS	5 Year Housing Land Supply

Non-Technical Summary

This report concludes that the Bromley Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Council of the London Borough (LB) of Bromley (the Council) has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Explanation of housing delivery and “closing the gap” on housing need;
- Taking account of new initiatives for affordable housing;
- The protection of community facilities, including public houses, by extending the marketing periods on for public house use and alternative community use;
- Provision for new and extended schools to meet identified additional educational demand in the Borough;
- Amending the parking standards table to ensure all sizes of dwellings are covered by the policy;
- Various MMs to ensure the protection of historic heritage in the Borough in accordance with the National Planning Policy Framework (NPPF); and,
- Various MMs to ensure the protection of valued environments, including such elements as designated sites for nature conservation and local green space, in accordance with the NPPF.

Introduction

1. This report contains my assessment of the Bromley Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The NPPF 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised NPPF came into effect in July 2018. It includes a transitional provision in paragraph 214 whereby, for the purpose of examining this Plan, the policies of the 2012 NPPF are applicable. Unless stated otherwise, references in this report are to the 2012 document. Previous versions of the Planning Practice Guidance (PPG) continue to apply to Local Plans during the transition period in respect of applying policies in the 2012 NPPF.
2. This Plan has to be in general conformity with the London Plan 2016. The draft New London Plan (NLP) is currently under examination but has limited weight since its policies are not yet finalised.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan, submitted in August 2017, is the basis for my examination. It is the same document as was published for consultation in November 2016.
4. The Plan updates some of the policies and proposals from previously-adopted Plans, including Bromley Town Centre Action Area Plan (2010) (BTCAAP). To ensure clarity and the effectiveness of the Plan, an Appendix will be attached to this Plan listing the replacement policies which would result from the adoption of the Local Plan (**MM012**, see paras 5-6).

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary, in terms of the soundness of the Plan. The MMs are referenced in bold in the report in the form **MM001**, **MM002**, **MM003** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs. The MM schedule was subject to public consultation for six weeks. No further Sustainability Appraisal (SA) or Habitats Regulations Assessment (HRA) was required. I have taken account of the consultation responses in coming to my conclusions in this report.

Consultation

7. The Plan started life as a Core Strategy, covering strategic issues and policies, with consultation carried out on the issues document. It was subsequently progressed as a Local Plan, covering both strategic and detailed matters, and consultation was carried out as required under Regulations 18 and 19. I consider that the Council has fulfilled its obligations in consulting on the Plan, as required by the Regulations and their own approved Statement of Community Involvement (SD11a).

Assessment of Duty to Co-operate (DtC)

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. As stated in the DtC Statement (SD9) and other documents including correspondence with the Greater London Authority (GLA), the Council has worked with appropriate bodies on strategic matters affecting the Borough, including housing need and supply, and there are procedures in place to ensure that this continues.
10. There has been consultation and meetings between the Council and LB Croydon throughout the plan preparation period, with liaison between them on proposals, including housing, in their respective local plans on the issue of strategic housing. In particular, there have been regular meetings to discuss proposals in the north-west of the Borough, including the Crystal Palace Strategic Outer London Development Centre (SOLDC).
11. In terms of the co-operation on the impacts of the proposals for the Biggin Hill SOLDC, a number of studies have been carried out on the implications for growth in this area, including transport impacts, on which the relevant adjoining District and Parish Councils were consulted. Additionally, there is a Consultative Committee which meets regularly to discuss proposals for the development of the airport. There is also a similar process for adjoining Councils which are not within London to discuss their strategic and cross-borough matters with LB Bromley in respect of the airport.
12. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on a continuing basis with other relevant bodies in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Main Issues

13. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified ten main issues upon which the soundness of the Plan

depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors or every site promoted in representations which is not already in the Plan.

Issue 1 – Are the Plan's vision and objectives and overall spatial strategy justified, positively prepared and consistent with national policy and the London Plan?

Vision and Objectives

14. The Plan sets out a Vision developed from the Community Strategy, extended for the Plan period, which sets the context for the Strategic Objectives. These cover the main areas for which policies have been developed in the Plan. There are links between the developed Objectives and other Council strategies and they are consistent with national policy. However, **MM013** and **MM014** are required to ensure that positive gains are sought through the Plan to promote sustainable development and that the historic environment is effectively protected in line with national policy.
15. A number of comments have been made about the SA. In particular, whether it had considered reasonable alternatives in developing the spatial strategy. At draft allocation stage, a higher growth option with housing at greater than the London Plan allocation for Bromley was tested as Option 2 (about 750 dpa) and compared to Option 1 (at least 641 dpa), which meets the minimum London Plan housing requirement. The SA report (SD5) indicates that Option 2 would have benefits in terms of the local economy, communities and wellbeing, principally by providing more housing but have greater negative effects in terms of other indicators. However, Option 1 would still provide at least the housing minimum requirement, and would also have the benefit of being positive in terms of biodiversity, climate change, landscape, townscape, heritage, water and flood risk issues. Whilst other alternatives could have been considered, including even higher growth options requiring the release of greater areas of Green Belt land, there is no obligation to consider all possible alternatives. Therefore, I consider that the Council has shown consideration of reasonable alternatives in the SA of the Plan.

Spatial strategy

16. The wider spatial strategy has been developed from the London Plan and this is reflected in the distribution of the areas where there will be growth, change and enhancement, together with policies for protected and valued assets, in terms of the natural and historic environment. The main focus for development is proposed to be on Bromley Town Centre, Cray Business Corridor (CBC), and the SOLDCs at Crystal Palace and Biggin Hill. It also focusses on the improvement of the Renewal Areas, which were set out in the London Plan as the Mayor's Areas for Regeneration. The spatial strategy adequately reflects the strategy set out in the London Plan. The expectations of growth and deliverability of the Plan are discussed in detail under the relevant

sections below but, in summary, I conclude that they are justified and deliverable.

Conclusions on Issue 1

17. Therefore I conclude that the spatial vision and objectives for Bromley are sound having regard to the presumption in favour of sustainable development. The Spatial Strategy is sound having regard to: the needs and demands of the Borough; the relationship with national policy and Government objectives; the provisions of the London Plan; and, the evidence base and preparatory process. The main areas for growth are properly defined, positively promote the spatial vision and objectives for Bromley and the expectations of growth are justified and deliverable. The Plan been positively prepared in these respects, subject to the MMs recommended.

Issue 2 – Are the policies for housing growth and affordable housing justified, deliverable and consistent with national policy and the London Plan?

Housing requirement

18. The NPPF states that to boost significantly the supply of housing, local planning authorities should ensure that their local plans meet the full Objectively Assessed Need (OAN) for market and affordable housing in the housing market area, as far as is consistent with its policies. The current London Plan does not expect Boroughs to identify their own OAN, but rather policy 3.3 states that Boroughs should seek to achieve and exceed the relevant minimum annual average target in Table 3.1. Where possible, this should be augmented with extra housing capacity to close the gap between identified housing need, as set out in policy 3.8 to provide a genuine choice of homes, and supply, in line with the requirement of the NPPF.
19. For Bromley, the annual monitoring target to 2025 in Table 3.1 is 641 dpa, with a total of 6,413 for the 10 year period. Rolled forward to 15 years the London Plan target would be 9,615 dwellings with Appendix 10.1 of the Local Plan identifying a supply of 10,645 dwellings, exceeding the target by over 1,000 dwellings. **MM001** and **MM016** are required to the supporting text to policy 1 at paragraph 2.1.5a to address concerns how the Plan would close the gap between identified need and current supply, as required by policy 3.3D of the London Plan.
20. Any backlog in providing housing across London as a whole would be addressed in the next London-wide assessment of housing need. The NLP is currently being examined, with housing requirements for the LBs based on a Strategic Housing Market Assessment (SHMA) and a Strategic Housing Land Availability Assessment (SHLAA), dated 2017, and the view has been expressed that the policy-based housing target in the NLP should be adopted in this Plan. However, the final version of the Plan is not yet known and the new housing target for Bromley has not yet been settled, since it is a matter of dispute between the Council and the GLA, and therefore has little weight. This plan has to

be in conformity with the current London Plan, including the figures for housing need, and therefore the policy-based housing target in policy 1 is justified. Once the NLP is published the Council will need to consider the implications for the Borough's housing land supply and decide whether an update or partial update of this Plan is required. This is already set out in the Council's Local Development Scheme.

Housing supply

21. Policy 1 of the LP sets out the sources of housing supply. Table 1 of the Local Plan shows the sources of housing land supply at October 2016, the Plan phase and the size of site. The density on the sites has had regard to the London Plan Density Matrix but reflects local circumstances in accordance with the NPPF. The Council produced a Five Year Housing Land Supply (5YHLS) Paper in November 2016, which informed the submission version of the Plan and concluded that the Council had a 5YHLS. Appendix 10.1 of the Plan shows the housing trajectory, with individual sites, together with broad locations, identified. The site allocations in the Plan result from: sites brought to the Council's attention and the call for sites process; Council-owned sites identified for development or disposal; and, some large sites with planning permission which will be built out over the Plan period.
22. Windfalls make up a significant part of the supply but historically these sites have been able to deliver about 45% on small sites in the Borough over 2007/08-2015/16, as set out in the Council's Housing Land Supply paper (SD33). This document also shows that small sites have been a consistent and reliable source of supply in the Borough, especially on brownfield sites. Similarly, the Council will continue to encourage vacant homes to return to use, increasing the figure from past trends. Whilst the methodology on the use of small sites has been questioned, paragraph 3-027-20140306 of the PPG states that plans can pass soundness tests even where sites or broad locations for growth have not been identified for years 11-15. Therefore the Plan complies with the NPPF on these matters.
23. The broad locations do not need to be mapped, as suggested by some, as the general descriptions set out in Appendix 10.1 of the Plan are sufficient to identify such areas. The Council have provided good examples of places where housing development would come forward in broad locations in document LBB/LP/027. **MMO10** is required to the housing trajectory in 10.1 of the Appendix to the Plan to amend the totals under "changing retail patterns" from 200 to 290, to ensure consistency within the table.
24. Other components of supply include large sites in Bromley Town Centre, some of which were allocated in the adopted BTCAAP. These sites will form a significant part of the supply in the Local Plan, taking account of its Opportunity Area designation in the London Plan. The intensification of housing within town centres, including Bromley, is optimised in the Local Plan, in accordance with Table 3.2 of the London Plan. Further work is to be carried out on the review of the BTCAAP in

due course which will set out revised policies for some of the sites in further detail, in accordance with Policy 90 of this Plan.

Allocated sites

25. Site 1 (Civic Centre) is a large site, the central area of which would be redeveloped for about 70 housing units at relatively low density, but complying with the London Plan density matrix. The site is highly constrained but the proposals have been designed to minimise any potential adverse impacts, including those on Urban Open Space (UOS) and the Site of Importance for Nature Conservation (SINC) in the park to the south and east. The Old Palace is Grade II listed, although there would be sufficient open space left around it to preserve its setting, and there is no evidence to suggest that a suitable scheme could not be designed within the Old Palace itself. As such, I consider that the significance of the heritage asset would not be harmed and that 70 units would be achievable on the site. However, **MMO07** is required to ensure that the site policy properly addresses the need for the protection of listed building, in accordance with national policy. The Council have resolved to dispose of the site, although there was no planning permission on it at the time of the examination. However, it is put forward for development in years 6-10 and I consider that it could be delivered within that period.
26. Site 2 (land adjacent to Bromley North station) is a mixed use site designed to deliver a total of 525 dwellings over the Plan period with the Council estimating that there could be 80 units delivered in years 2-6 in the Housing Land Supply paper (SD33). The station is a listed building (Grade II), partly in Bromley Town Centre Conservation Area. A high density is required on the site and the scale of the scheme would necessitate a sympathetic design to prevent an adverse impact on the significance of the listed building and its setting and meet other design objectives for the development. However, there is no evidence to suggest that a high density scheme could not be achieved on the site.
27. The site has challenges in terms of having multiple ownerships, flood risk in terms of surface water, potentially contaminated land, its relationship to the railway and the significant costs of having to re-provide for both bus and rail facilities, together with commuter car parking. However, an independent viability assessment has shown it to be viable, despite being an expensive scheme to develop and Housing Zone funding no longer being available. A developer is working on a scheme for the first phase of the site, on which there have been two recent planning applications. Although these were refused, they indicate progress towards the development of the site. The Plan is realistic, taking account of the above challenges, in terms of most of the development being in years 6-10, as set out in Appendix 10.1 of the Plan.
28. Site 3 (The Hill car park and adjacent land), which is proposed for mixed use, would need to protect the character of Bromley North Village, Bromley Town Centre Conservation Area, the designated Local

Green Spaces to the west of the site and the impact on a locally listed cinema building, the use of which has also been argued to be a community asset. Whilst there might be a need to replace some of the car parking currently on the site and ensure that the scheme takes into account the cinema building and use, I consider that the development would be able to strike a balance between development and the local context and character of the site, without harm to the significance of any heritage asset. **MMO08**, which amends the site policy in the Appendix, ensures that the cultural facilities on the site would be protected and make clear that the parking to be provided on the site is partly to serve the proposed residential development and partly to replace that lost from the current car park. The MM would ensure the effective development of the site. The Council own part of the site and they estimate that the residential part of the development could be deliverable between years 6 and 10, which I consider to be realistic.

29. The text to support Site 4 (Homesdale Road, Bickley) will require **MMO17** to ensure that the site, which includes contaminated land from former gas holders, is remediated to an appropriate standard and completed before development takes place, in accordance with NPPF policy on contaminated sites. Whilst there is no planning approval for the development of about 60 units on this site and the remediation of the site has not yet started, the Council says that the owners are willing to release it and it would be developed between years 6 and 10. The proposed use would be in keeping with other residential development proposed nearby and in spite of the longer site preparation period required to deal with the contamination of the site, there is no reason why it could not be developed within the proposed timescale.
30. Site 5 (land adjacent to Bickley Station) for 30 dwellings is in one ownership and includes operational railway land and land leased for employment uses. There are constraints on the site including its shape and relationship to the railway which would need a careful design solution. Whilst there has not yet been a planning application for the site and there are still active uses on it, there is nothing currently to suggest that one could not come forward to allow delivery in the 6-10 year Plan period.
31. Site 6 (Bromley Valley Gym and adjacent land) would include a replacement larger gym facility and retain sufficient parking for the centre, so there should not be any loss of sports capacity on the site. Although there are concerns that it would only yield 65 housing units, in comparison to the 200 in the Plan, there are a number of density studies which justify the higher yield on the site and its funding. The 200 units represent what would be likely to be achievable over the 6-10 year Plan period and I consider that it is a reasonable estimate to be included in the Plan.
32. Site 8 (Bassett's Campus) includes a SINC within it but this has been taken account in the housing numbers. Adequate protection would be given to the SINC, the locally listed Bassett's House and the protected trees on the site in the proposed scheme. The estimate of around 100

units on the site, including conversions, seems reasonable and development has commenced on site.

33. Site 10 (land west of Bromley High Street and Bromley South) is a large site, which would include part of the current retail area of the town centre and land around Bromley South station, for mixed uses. Given the size and complexity of the site and land ownership issues, the Council have acknowledged that Compulsory Purchase powers may be necessary for land assembly. More recent studies have updated the estimates in the BTCAAP to about 1230 units delivered in the Plan period. A masterplan has been consulted on, which includes parameters for height, scale and massing, since the development would bring significant change to the existing character of the area and views of it from south London. **MMO09** is necessary to ensure that the masterplan is taken into account in the comprehensive redevelopment of the site, to ensure its effective development.
34. Site 11 (Homefield Rise) currently comprises 13 houses, which would be replaced by a denser development of 87 dwellings (net) close to Orpington Town Centre. The site is still in multiple ownership with a developer is taking it forward, although a planning application has been refused on the site. The Council's Housing Land Supply paper (SD33) shows the site for delivery in years 2-6 but the Plan phases this over years 1-5 and 6-10 in Appendices 10.1 and 10.2. Given the lack of planning permission, this seems more likely to be delivered in the latter period set out in the Plan.
35. The remainder of the allocated sites are likely to come forward as set out in the Plan, with three of the allocated sites having commenced on site. However, a minor decrease in the number of total units available would be likely to take into account units on two of the sites prior to redevelopment. At the hearings the Council indicated that two sites (Site 12 Small Halls, Orpington and Site 13 Banbury House, Chislehurst), on which delays to development have been experienced, could be developed for temporary modular units. Although comments were made that temporary modules should not count towards delivery, no substantive evidence was provided to support this position. Both sites are required for the 5YHLS but there is no reason to suggest that units, developed at a reasonable density, could not be delivered on these sites.

Housing delivery and 5 year supply

36. Overall the Plan has the potential to bring forward 10,645 units over the plan period against a cumulative total target from the London Plan of 9,615 units, which allows for choice and flexibility in delivery. The Council's 5YHLS paper (SD33), produced in November 2016, demonstrates a surplus of 19% on delivery and the information which is available from the update of November 2017 supports this view. Whilst it was claimed that there is a high rate of non-implementation of residential planning permissions in the Borough, there is no statutory requirement for a lapse rate to be applied and, in any event, there is already a 5% buffer applied to improve flexibility in delivery.

Given the nature and price of housing land in London, other sites are also likely to come forward and add further to the supply.

37. Many of the sites in the housing trajectory in Appendix 10.1 have already commenced, ensuring their delivery in the early plan period, or have planning permission. In addition, four of the sites are in Council ownership which they can bring forward and accelerate their delivery, if there are delays on other sites. The small sites allowance is smaller and declining from that set out in the London SHLAA 2013. Furthermore, completions data from 2015/16 has established that the number of small site completions exceeded that set out in the Plan, giving further confidence to those allowances. The Council has supplied further details of the sites on land released by public land reorganisation and changing retail patterns considered under the broad locations and also details of delivery of the sites allocated both in this Local Plan and the BTCAAP. There is no firm evidence to suggest that there has been any double-counting of the units converted from office to residential uses under prior approval with the sites identified in the broad locations.
38. Table 1 of the Plan sets out the housing land supply at October 2016. In years 1 to 5 the London Plan target minimum would be 3,205, whilst the expected delivery would be 3,686 dwellings, including actual completions from the first year. In the November 2016 paper (SD33), which rolls this forward to years 2-6 of the Plan, the cumulative minimum target from 2007/08 shows 4,581 dwellings against a delivery of 5,484 dwellings. Although past delivery rates have included housing allowed on appeal, the average delivery rate over the last 10 years generally has exceeded the minimum London Plan target, justifying the 5% buffer.
39. Monitoring will be carried out through the Council's Annual Monitoring Report and its annual 5YHLS supply paper, together with data required by The London Database, which monitors the progress of development across London. Whilst it was suggested at the hearings that the Plan should contain specific trigger points for housing delivery in Policy 125, which would require the review of the Plan should the appropriate level of housing not be built out, policies in the Plan already provide a mechanism for its monitoring and review.
40. In later stages of the Plan period, delivery becomes more dependent on the small sites allowance and the larger sites allocated in this Plan and BTCAAP. The allocation in the Crystal Palace Park of 180 units, which has planning permission, is due to commence in 2020. As indicated in the section on supply, above, the delivery of some of the larger sites is less certain, due to cost/ funding, land assembly and other issues. This will be monitored by the Council to ensure that the full provision will be made, including augmenting provision for London more generally in terms of "closing the gap".
41. If further housing land had been allocated in the Plan, there would have been more flexibility in terms of the 5YHLS and a greater contribution would have been made to "closing the gap" and boosting

the supply of housing in Bromley. Arguably, there would also have been more affordable housing available, depending on the sites concerned. There have been times in the recent past when development has been allowed on appeal when Inspectors expressed concerns about housing delivery in the Borough. However, allocations in the Plan provide a reasonable prospect for a 5YHLS, subject to 5 year reviews.

42. The release of further housing land would have been likely to require a different strategy than that adopted in the Plan, particularly in respect of the release of Green Belt land for housing. However, the strategy adopted in the Plan is in general conformity with the London Plan 2016, in protecting Green Belt land and developing housing at high density in accessible locations, mostly in existing urban areas.

Affordable housing

43. Policy 2 of the Plan sets out the policy on thresholds for sites, above which 35% affordable housing with a 60:40 split for social rented/affordable rented and intermediate housing will be provided. The 35% amount has been validated through an updated housing viability assessment (SD73a). Past delivery of affordable housing in the Borough has been at a relatively low rate and the Council acknowledge the importance of future delivery of this type of housing. As set out above, a general increase in housing delivery would also help the delivery of affordable housing in accordance with the NPPF.
44. **MM002** is required to Policy 2 and its supporting text, as it needs to be updated in the light of new housing initiatives, including the use of housing grants and other funding and delivery through other sources of supply, like estate regeneration and the use of vacant units. This is to ensure the effective delivery of affordable housing. In addition, the supporting text needs to reference other new forms of provision such as Build to Rent and discounted Build to Rent to increase housing choice and address need. Payments in lieu of on-site provision will be addressed in a Planning Obligations Supplementary Planning Document. **MM018 and MM019** are also required to ensure that reference is made in the policy text to the Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG), adopted August 2017, and that intermediate housing income thresholds will be updated every three years, to be effective and up-to-date.

General housing policies

45. Policy 4 covers the design of housing. **MM021** is necessary to ensure that heritage assets are considered in respecting local character, in accordance with national policy. In addition, the text needs to be amended to ensure that accessible housing for wheelchair users is incorporated in affordable provision, where the end user is known, as set out in **MM020**, to ensure a wide range of housing provision in order to comply with the NPPF.

46. Policy 8 covers side space on residential plots. **MM022** is required to clarify that the policy applies only to 2-storey extensions, to ensure its effective implementation.
47. Policy 11 covers specialist and older people's accommodation. **MM023** encourages the provision of high quality specialist accommodation and extra care housing, catering for a range of residents, in accordance with the NPPF. The MM is necessary in the interests of clarity and to ensure that adequate provision is made for this type of specialist housing. The Council have confirmed that the Borough has the lowest student population of the LBs, although the need from this source was taken into account in the SE London SHMA (SD31). As such, a specific policy reference is not required, although the policy does not preclude student accommodation coming forward. The policy actively prevents the loss of sites for specialist accommodation and has addressed the need for specialist housing in accordance with paragraph 159 of the NPPF and 12-006-20150320 of the PPG. The issue of self-build is to be monitored through the Council's register. Although there is no specific policy reference to self-build there is nothing to preclude it coming forward under other policies in the Plan.

Traveller accommodation

48. The Planning Policy for Traveller Sites (PPTS) states that sites should be made available to allow for the traditional, nomadic way of life for travellers whilst respecting the interests of the settled community. There are a number of existing traveller sites in the Borough which are all in the Green Belt. The Council has assessed the need for pitches against the existing provision. PPTS policy E states that traveller sites should only be allocated in the Green Belt through the local plan process and where there are exceptional circumstances.
49. The Council has had regard to criteria a) to h) of paragraph 13 of the PPTS and the guidance in paragraph 16 on the best interests of the child in setting out the exceptional circumstances for allocating these sites. The need assessment (SD40) shows an outstanding need for 10-14 additional traveller pitches and 2 additional plots for travelling showpeople. I consider this to be a robust assessment of the number of pitches required. Some 6 pitches and 2 additional plots are required for the 5YHLS, with the remainder to be found over the rest of the Plan period. Little need is identified for transit pitches, which in any event is recognised as a sub-regional issue and covered in Policy 12.
50. The sites have been the subject of a thorough and comprehensive review (SD41), looking at social infrastructure, including the best interests of the child, access and physical infrastructure, character and appearance and other issues. All of the sites allocated have good access to social infrastructure, including schools and health care, and reasonable access by road and mostly, by public transport. They address the best interests of the child in that the children on the sites will already be using nearby schools and healthcare facilities and there is good access for their continued use.

51. All of the sites lie within the Green Belt and the allocated traveller sites would be insets within it, maintaining the existing areas used by the traveller community and keeping their social links. Most of the sites already have planning permission, with the exceptions being Site 17 (Meadow View, Saltbox Hill) which has a Certificate of Lawfulness and Sites 21-24 (off Layhams Road) which have no planning permission. In all of the cases, the sites are either screened by boundary treatment or the existing topography helps to limit the impact on the openness of the surrounding Green Belt and the reasons for including land in the Green Belt. Defensible boundaries exist already on most of the sites or could be made defensible through the process of planning permission for those few sites where additional work is needed. In addition, on many of the sites there is the potential for intensification of the pitches/ plots which gives further flexibility to the allocations.
52. The sites are allocated in Policy 12 for traveller use only, in accordance with the PPTS, and safeguarded for that purpose.
53. Given the fact that most of the sites are already operating with planning permission and would continue to meet the best interests of the child, together with there being little impact on the openness of the surrounding Green Belt and reasons for including land in the Green Belt, I consider that exceptional circumstances exist to create insets for traveller sites in the Green Belt for the allocations, in accordance with the PPTS. Therefore the Plan is sound in respect of provision for gypsy and traveller communities.

Conclusions on housing

54. There are components within that supply which give rise to concerns that the contribution to "closing the gap", in terms of London Plan policy 3.3, may be limited. In examining the Plan, I have borne in mind that the housing target is likely to be revised in the NLP. Whatever the new target might be, the Council will need to consider it against the supply which is available at that time and, in accordance with the LDS, decide whether there is a need to take action on a review or partial review of the Plan. However, at this time I conclude that the policies for housing in the Plan are justified, deliverable, and consistent with the national policy and the London Plan, subject to the MMs set out above.

Issue 3 - Are the policies for Renewal Areas justified, effective and consistent with the London Plan?

55. Policy 13 covers five Renewal Areas, which encompass the Mayor's Areas of Regeneration, based on the 2015 Indices of Deprivation. There might be other areas of deprivation in the Borough, but the Plan reflects the Areas of Regeneration in the London Plan, rather than any other areas. It is intended that the areas are covered by integrated spatial policies to bring together regeneration, development and transport proposals which promote improvements in learning and skills, health, safety, access employment, environment and housing. **MM025** is required to ensure that heritage is taken into account as an

asset in these areas and **MM015** is required to ensure that the development of housing and other development in Renewal Areas is encouraged, in accordance with the London Plan.

56. Policies 15-19 set priorities for each of the areas. Policy 15 covers the Crystal Palace, Penge and Anerley Renewal Area. The policy requires **MM003** to ensure that a maximum contribution is made from the cultural and leisure economy in the District Centre and SOLDC and that the character of the area is protected. The Renewal Area adjoins the LBs of Croydon, Lambeth, Southwark and Lewisham. The Plan acknowledges the need for cross-Borough working in such areas. **MM026** is required to indicate the relationship of that Renewal Area to surrounding Boroughs and their inter-relationship. Policy 17 covers the Cray Valley Renewal Area. **MM027** is necessary to ensure that the importance of the River Cray is recognised and that the Council will need to protect and deliver the objectives of the Water Framework Directive in the Thames River Basin management plan. Cross-referencing is required through **MM028** to the role of Orpington as a main town centre as set out in Policies 91 and 92 of the Plan. Policy 19 covers Ravensbourne, Plaistow and Sundridge Renewal Area, which adjoins areas of the LB Lewisham which are experiencing similar issues. **MM024** is required to give further information to accurately reflect Lewisham's Core Strategy (CS) and its initiatives in the Local Regeneration Areas identified in their CS.

Conclusions on Renewal Areas

57. I conclude that the policies for the Renewal Areas are justified, deliverable and consistent with national policy and the London Plan, subject to the MMs set out in the above section.

Issue 4 – Are the policies for community facilities consistent with national policy and will they be effective?

58. The Plan provides policies for the provision and the protection of community facilities. Policy 23 covers the protection of public houses. The text to the policy suggests that public houses which are proposed to be used for other purposes should be marketed for at least 6 months. Consultation should also be undertaken to see whether community groups or service providers have a need for the site and would be interested in buying or leasing it. It has been suggested that this is a relatively short marketing period, especially when compared to adjacent Boroughs. Based on the evidence, I agree that the marketing period should be increased and that **MM004** is necessary to extend the marketing period to 12 months with a further 6 months for consultation with community groups. The other arm of the policy resists a loss of public houses where there is no alternative facility within 500m. Although this figure could be viewed as arbitrary, I consider that it is a reasonable distance to set when considering the distribution of these community facilities.
59. Policy 26 covers health and wellbeing, including the benefits of access to open space, sport and other physical activity. The text to the policy

needs **MM029** and **MM030** to ensure that the Plan properly cross-references the objectives of the All London Green Grid and Sport England's Active Design Guidance, in order to comply with the London Plan and the NPPF.

Conclusions on community facilities

60. Therefore, I conclude that the policies for community facilities are consistent with national policy and will be effective, subject to the MMs set out above.

Issue 5 – Are the policies for the provision of educational facilities justified and effective and do the exceptional circumstances exist for the release of land from the Green Belt and MOL for additional educational infrastructure.

61. Policy 27 seeks to assess the need for educational facilities and protect existing education infrastructure. In accordance with London Plan policy 3.18D, it supports school extensions and co-locations. Policy 28 covers educational facilities. The policy is underpinned by an Education Background paper (SD44a) and its Addendum (SD44b), which demonstrate the need for educational provision over the Plan period in those areas for which sites have been allocated in the Plan. Whilst there are criticisms of the methodology of the forecasts for school numbers, no alternative numbers have been suggested on which to base land use allocations. A number of existing larger school sites are covered by Green Belt and other protective designations. A sequential approach, as set out in SD44a and b, has been taken to site assessment, prioritising sites which do not have a Green Belt or MOL allocation and taking a more flexible approach to land with an UOS allocation. Two MMs are required to this policy. **MM031** is a change of wording to paragraph 3.3.16, which needs to include mitigation for existing transport modes, rather than just having them as examples. **MM033**, at paragraph 3.3.40, is needed to clarify why certain schools are identified in Tables 4 & 5, which is referenced to the Primary School Development Plan 2015. These MMs are needed to ensure that the Plan makes provision for educational infrastructure, in accordance with the NPPF.
62. Policy 29 sets out the education allocations. It has been questioned whether a full review of the Green Belt, MOL and UOS areas should have been undertaken to underpin them, rather than a partial review to provide land for traveller, educational and employment development. However, the allocations represent a relatively limited area of the designated land and policies 27, 28 and 55 of the Plan would help to minimise the footprint of buildings in these areas and maintain openness. **MM032** is required to paragraph 3.3.54 to cross-reference Policy 20 on Community Facilities to address concerns about the re-provision of existing community facilities, including playing pitches, space for which needs protection in accordance with national policy.

63. Four sites have been allocated for new or enhanced provision. Of these, there were objections to the use of St Hugh's Playing Field (Site 33), which is currently UOS and would be allocated for educational use. Nevertheless, the educational need in this area is such that it provides the justification for such a use and the text to policy 55 ensures that the design of any additional buildings would protect the open nature of the site, whilst leaving enough space for a playing field. There are highways issues with the site which the Council consider could be overcome. Similar circumstances exist at the site at Bushell Way (Site 36), although this site also has a SINC allocation, with an ecological appraisal to inform the area for development, minimise harm and enhance the SINC. The Kentwood site (Site 28) would expand provision on the site, on the existing playing fields, which are allocated as UOS. The area to be developed would be minimised under Policy 55 of the Plan and any impact on sports facilities would be considered and mitigated when a planning application was received.
64. A further five sites have been removed from Green Belt or MOL and re-designated as UOS for new educational development. Land adjacent to Edgebury Primary School (Site 37), which is in the Green Belt, is also covered by a covenant for educational use. Whilst this site forms part of a larger area of Green Belt, there are already some buildings on the site associated with grazing. The site would be a minor incursion that would not undermine the purposes of the Green Belt in terms of safeguarding the countryside and checking urban sprawl. A larger amount of Green Belt land could have been released as one means of providing defensible boundaries but I consider that exceptional circumstances do not exist for this further provision, given that the detailed design of development on the site could be configured to provide such boundaries. Therefore, I consider that the exceptional circumstances for the development of this site exist to provide for a new secondary school. Turpington Lane (Site 32) is a site on the edge of, and isolated from, the Green Belt by development. It performs little purpose in safeguarding the countryside and preventing urban sprawl. Although there are representations about the loss of the allotments on the site, there are a large number of plots further to the north. The site is required for further secondary school provision in this part of the Borough and this provides exceptional circumstances to allocate the site. **MMO34** is required to ensure that the site is properly referenced as local green space in the text to the Appendix to the Plan for the effective implementation of the relevant policies in the Plan.
65. Langley Park School site (Site 29) already contains two schools and is currently designated as MOL, which would change to UOS, safeguarded for educational use only. The site performs little purpose in fulfilling the criteria for MOL, being part of the physical structure of London. There is an outstanding need in this area for a primary school. This would be an expansion on an existing site and there has been a planning application on the site for the school. Any impact on playing fields and the adjacent SINC would be mitigated and the designation as UOS would provide further protection. As such, I conclude that the exceptional circumstances have been demonstrated for the release of the MOL. Site 31, Bromley Education Trust, already has alternative

educational provision for those at risk from exclusion. There is a need for further educational provision of this nature and also secondary school accommodation in the area, which this site would provide. The site would change from Green Belt to UOS and therefore the open nature of the site would be protected, with development reduced to the minimum size compatible with the use and the protection of sports facilities. It fulfils little purpose in preventing urban sprawl and safeguarding the countryside. As such, exceptional circumstances would exist for the allocation of this site.

66. Midfield Site (Site 39) is in MOL and would be allocated as UOS, for both primary and specialist educational provision. Need has been established for both types of provision in this area although the need for specialist provision is less predictable and based on a growing school population. Playing field provision would be taken into account at planning application stage which would also seek to preserve the space between the site and a neighbouring SINC. The site is already partly built up with school uses and fulfils little purpose in fulfilling the criteria for continued inclusion in MOL. As such, exceptional circumstances exist for the re-allocation of this site as UOS.
67. Seven sites have been allocated for the expansion of educational facilities in the Green Belt or MOL and reallocation of them as UOS. Edgebury Primary School (Site 38) adjoins site 37 and is similar to it. However, this site is already developed and the allocation would allow the school to expand to meet an immediate need for primary places in this area. Co-location with the adjoining site would allow for optimal arrangement of buildings and playing fields to meet the needs of the facilities on as small a site as possible. In addition, the open nature of both sites would be protected through Policy 55 of the Plan, as UOS, and they fulfil little purpose in safeguarding the countryside and preventing urban sprawl. Scotts Park Primary (Site 34) would be reallocated from MOL to UOS to facilitate the expansion of the school for an additional one form entry, which is necessary in this area. The allocation has been reduced in size to minimise its impact and the site would maintain its status as part of the South East London Green Chain. As such, there are exceptional circumstances which justify the release of this MOL site and reallocate it as UOS, to protect its open nature.
68. The primary school at St Mary Cray (Site 40) is in the Green Belt and the Plan would reallocate the site as UOS to allow for the expansion of school facilities, which will be required during the Plan period. Since the site adjoins the urban area, a defensible boundary can be made and the UOS designation would protect against other uses and ensure that the educational development would be limited to minimise the impact on the open nature of the site and the existing Multi-Use Games Area facility. The site is already partly built-up and fulfils little purpose in preventing urban sprawl and safeguarding countryside and therefore the exceptional circumstances exist for its release from the Green Belt. Wickham Common Primary School (Site 41) is in the Green Belt and requires expansion in the medium/ long term of the Plan period to meet the needs of the local area, including that from LB

Croydon. Any impact on sports provision and the open nature of the area would be addressed during any application for planning permission for the site, protected under UOS policy. The site adjoins the existing urban area and a defensible boundary could be drawn to the redefined site, which would have little purpose in fulfilling the purposes of including land in the Green Belt. As such, exceptional circumstances exist for the exclusion of this site from the Green Belt. James Dixon Primary School (Site 27) would be re-allocated from MOL to UOS. The school has significant space for expansion and there is a need for education expansion in the area generally. Any impact on sports provision and the open nature of the area would be addressed during any application for planning permission with the site, protected under UOS policy. The site adjoins the existing urban area and a defensible boundary could be drawn. The already built-up nature of the site means that it no longer fulfils the criteria for MOL. As such, exceptional circumstances exist for the exclusion of this site from MOL designation.

69. Oaklands Primary school site (Site 42) would be reallocated from Green Belt to UOS. There is an existing need for the accommodation of a further one form entry which cannot be met due to the condition of the existing buildings. There are some extant planning permissions for the proposed expansion and the allocation would give flexibility in the delivery of this development. The site adjoins the existing urban area and a defensible boundary could be drawn. Given its location, it serves little purpose in preventing urban sprawl and safeguarding the countryside. As such, the exceptional circumstances to release the site from Green Belt exist and the site should be allocated as UOS. Castlecombe Primary and Youth Centre (Site 35) is in MOL and would be reallocated as UOS. Planning permission already exists for Key Stage 2 provision on the site and the allocation would futureproof the approval. The impact on sports provision and the open nature of the area as part of the South East London Green Chain and the adjacent SINC were addressed during the planning application. The site adjoins the existing urban area and a defensible boundary could be drawn. As such the exceptional circumstances to release the site from MOL exist and the site should be designated as UOS.
70. In terms of the proposed allocations for educational provision, I consider that the exceptional circumstances exist to re-allocate the sites from Green Belt and MOL to UOS. Therefore, the Plan is sound in proposing that the allocations on the above educational sites be changed to UOS.

Conclusions on educational infrastructure

71. Therefore I conclude that the policies for community facilities, including educational infrastructure are positive, justified, consistent with national policy and will be effective, subject to the MMs set out.

Issue 6 – Are the policies relating to transport and accessibility justified, effective and consistent with national policy and the London Plan and will they be effective?

72. The Plan acknowledges the use of sustainable transport options in development and the need for investment in transport infrastructure to support growth, in accordance with paragraphs 29-34 of the NPPF. The Infrastructure Delivery Plan (IDP) schedule is included as an Appendix to the Plan to demonstrate the timely delivery of transport schemes. The spatial strategy concentrates growth on existing centres with good sustainable transport links, which helps to provide sustainable development. Whilst extensions/new lines might be developed on the Northern line, the London Tram service, Docklands Light Railway and the Bakerloo line, these are either not expected to be developed within the Plan period or would not serve anticipated development. Although the Council believes that there is a good business case for the Docklands Light Railway and London Tram extension and has safeguarded land for them in Policy 36, this would not preclude other routes coming forward as and when funding for them is available.
73. The parking standards are in accordance with the London Plan, except on parking provision in Public Transport Accessibility Areas 2*-6a where it expresses a minimum level. However, this would be examined on the accessibility of each site that comes forward in order to ensure that there was sufficient provision, given the generally higher levels of car ownership in Bromley, but also prevent the overprovision of parking, which might undermine sustainable transport options. This also relates to car club provisions. The Plan has omitted a column in Table 1 of Policy 30 on parking standards for housing with 4+ bedrooms. **MMO35** is required to provide this part of the Table to ensure coverage of all types of housing development for the effective implementation of the policy.
74. Policy 31 aims to relieve congestion and ensure that new development is located in areas that are either accessible or can be made accessible by a range of transport modes, including sustainable transport. Transport Assessments are required for all new development likely to generate significant travel. **MMO36** is required to ensure the provision of these assessments, together with those for Travel Plans, Construction Logistics and Servicing Plans, where appropriate, in accordance with Transport for London guidance.

Conclusions on Transport and Accessibility

75. Therefore I conclude that the policies relating to transport and accessibility are justified, effective and consistent with national policy and the London Plan and will be effective.

Issue 7 – Are the policies relating to valued environments justified, consistent with national policy and the London Plan and will they be effective?

76. The Plan sets out policies for the protection of the built heritage, open and natural space and nature conservation. Following consultations with statutory bodies and others, a number of MMs are required, in accordance with legislation, national strategies and the London Plan and London-wide strategies, to make the Plan sound.

Introduction and general design

77. The introduction to the section needs to cover the historic environment and **MM037** is needed to introduce the wording to cover this matter at paragraph 5.0.1. Similarly, **MM038** is required to cover the All London Green Grid at paragraph 5.0.4.
78. **MM039** is required to the supporting text to Policy 37 to include the reference to BS42020:2013 Biodiversity Code of practice for planning and development in order to limit any adverse impacts of development and ensure contributions are made which provide gains for biodiversity. These MMs are required for the effective implementation of the policies in the section.

Historic environment

79. The title of this section needs to include reference to the historic, rather than built, environment, through **MM040**. In a number of places MMs are necessary to ensure that the Plan complies with the wording on the historic environment in the NPPF. The MMs include: a change to paragraph 5.1.3 (Policy 38) to include “conserving the significance” of statutory listed buildings (**MM041**); referring to replacement buildings of “high architectural standard” in Policy 39 (**MM042**); MMs to Policy 41 on Conservation Areas to change the wording on the definition of Conservation Areas, as distinct from Areas of Special Residential Character (ASRCs) for example, and to provide consistency with the NPPF (**MM043**); introducing the need to refer to Historic England (HE) guidance to assess the positive contribution of a particular building (**MM044**); and at the text to Policy 41 paragraph 5.1.6 to make reference to “conserving the significance” of Conservation Areas in accordance with the NPPF (**MM045**). Despite representations on its wording, I consider that Policy 41 is sufficiently detailed for decisions on planning applications in Conservation Areas to be made. Two MMs are required at paragraph 5.1.8 to address the need to protect trees in Conservation Areas and the need and type of replacement planting, referred to in Policy 43 (**MM046** and **MM047**).
80. Policy 44 covers the protection of ASRCs. At the hearings the Council reaffirmed their support for the inclusion of such areas in the Plan. The Appendix to the Plan sets out the guidelines for the designation of these areas and includes area descriptions. **MM048** is required to reference these documents in the evidence base and **MM075** is required to ensure that the description of Chelsfield Park addresses the importance of the SINC in that area. Policy 45 covers the protection of

Historic Parks and Gardens. Paragraph 5.1.14 requires MMs (**MM049** and **MM050**) to ensure that the significance of the assets are protected and are referenced to the tests in the NPPF and the National Register maintained by HE. Policy 46 currently refers to Ancient Monuments and Archaeology. Through an MM, this needs to reflect the statutory protection which is afforded to Scheduled rather than Ancient Monuments (**MM051**). This MM is also necessary to provide clarity in the text of this policy on Areas of Archaeological Significance.

81. The text to Policy 47 currently covers "high" buildings. In order to conform to national HE guidance and the London Plan, **MM011** and **MM052** are needed to ensure the policy and text relate to "tall" buildings instead. A MM is also required to ensure that the impact of development on views of local importance, landmarks and major skyline ridges is properly assessed to protect or enhance their quality (**MM053**). These MMs are required to ensure the effective implementation of the policy.

Open and Natural Space

82. Policy 49 sets out the policy for Green Belt, which is in accordance with the NPPF. In order to allow development where the Council considers there are exceptional circumstances as set out in the NPPF, the Council has carried out a partial review of Green Belt, MOL and UOS in the period 2012-14. The Council considers that it has taken a strategic approach to these areas, striking a balance between the protection offered by policy 1.1(B) of the London Plan and the amount of development required.
83. The partial review undertaken considered only changes where the Council considered exceptional circumstances existed to justify changes to Green Belt and MOL boundaries and that the criteria for a change to UOS set out in Policy 55 were met. The main areas affected are shown on Policies Map Set Part 2 (SD3b) and I have drawn conclusions on them in the relevant sections of this report. I have concluded that exceptional circumstances exist to justify all of the changes to the Green Belt required in the Plan.
84. Policy 50 sets out the policies for MOL, which has the same level of protection as Green Belt. The text goes on to set out the criteria for its designation in accordance with the London Plan. There were a number of requests for the release of sites currently with MOL designation for other uses. However, the partial review of the Green Belt, MOL and UOS has already considered the amount of land which needs to be released for specific uses and sites have been allocated where exceptional circumstances exist. Concerns that further Green Belt/MOL should have been released to meet housing need are in themselves not justified, given the amount of housing provided. The Plan already provides for more than the minimum housing requirement and in the light of the London Plan's protection for the Green Belt, the exceptional circumstances do not exist for the further deletions to provide more housing. Having taken into account comments received, the site visits undertaken and for the reasons given elsewhere in this

report, I do not consider that any further changes are necessary to Green Belt and MOL.

85. Policies 51 and 52 define the types of extensions, alterations and replacement dwellings which would be inappropriate in the Green Belt and MOL, building on the relevant paragraph of the NPPF. The 10% net increase allowed in Policy 51 represents the Council's interpretation of what constitutes a "material increase" in the NPPF and does not conflict with its provisions. Policy 55 covers UOS. Whilst concerns have been raised about the development of educational buildings in UOS even where there is demonstrable need, the policy also contains safeguards which limit the impact on the open nature of the area. The impacts on any sports facilities would be considered as part of any planning application. A sequential test has already been applied in the allocation of these sites.
86. Policy 56 covers Local Green Space, which was allocated following consultation. The selection of sites was made using criteria which are set out in the background paper on this matter and meet the criteria in the NPPF. A number of sites were omitted from the text of the policy in error and **MM054** needs to be made to ensure all relevant sites are included in the policy. In addition, **MM076** is required to give further detail on the funding of Site 48, Chislehurst Recreation Ground. Subject to these MMs, which are required for the effective implementation of the policy, and having regard to the criteria in the background paper, I do not consider that there are any further sites which need to be included in the policy or any further changes made to it.
87. Policies 58 and 59 aim to retain sports and recreational facilities and secure improvement to open space provision. The aims and objectives of the policies, set out in the text, reflect paragraph 74 of the NPPF and Sport England's policy statement. Whilst the Council have not undertaken its own playing pitch assessment during Plan preparation, Sport England would be a consultee on development on sports and recreational facilities and would advise on the impact of any such development.

Nature conservation

88. **MM055** is required in the introduction to the policies on nature conservation to clarify that they do not form part of the text to Policy 68. Two MMs are required to the text of this section to reference the Council's duties under various Acts in respect of biodiversity and protected species. These are: **MM056** to highlight the Council's duty to have regard to biodiversity; and, **MM057** which explains the role of the Council's Biodiversity Plan in relation to its statutory duties and lists species and habitats which it is desirable to preserve, including ancient trees. Policy 70, which covers wildlife features, needs **MM058** to strengthen the policy by referencing the Borough's nature conservation objectives and **MM059** is required to ensure that development is covered by the relevant nature conservation British

Standards. Both MMs are required for the effective implementation of the policy.

89. Policy 72 needs **MM060** to ensure that reference is also made to the UK Biodiversity Plan and Bromley Priority Species when development is under consideration. Policy 73 covers development and trees. **MM061** is required since there needs to be specific provision for safeguarding trees in Conservation Areas and **MM062** is required to clarify which species of trees should be planted on development sites. Policy 74, covering the conservation and management of trees and woodlands, requires **MM063** to clarify which species should be planted on development sites. Ancient hedgerows are omitted from the Policy 75, which covers hedgerows and development, and **MM064** is necessary to include this topic, together with various references to the species required on development sites. Green Corridors are recognised in the London Plan and an additional paragraph is needed, **MM065**, which sets out the requirement for Councils to establish ecological networks in addition to the All London Green Grid. All the MMs are required to reflect national policies and those in the London Plan.

Conclusions on valued environments

90. Therefore I conclude that subject to the proposed MMs the policies relating to valued environments are justified, consistent with national policy and the London Plan and effective, subject to the MMs set out above.

Issue 8 – Are the policies covering employment in Bromley justified, consistent with national policy and the London Plan and will they be effective?

General policies

91. The Plan sets out policies to support employment growth with 3 strategic priority areas: Bromley Town Centre, Cray Business Corridor (CBC) and Biggin Hill SOLDC. The Borough is a “restricted Borough” in terms of protection against the loss of employment land under the Mayor’s SPG on Land for Industry and Transport. The London Plan goes on to identify Strategic Industrial Locations (SIL), in accordance with policy 2.17 of the London Plan, and Locally Significant Industrial Sites (LSIS), for which detailed policies are set out in this Plan.
92. Whilst the data informing the evidence base of this chapter of the Plan is from the earlier part of this decade, there has been some updating in the latter parts of the Plan’s preparation, both by the Council and the GLA. Concerns have been raised that the allocations are based on jobs required rather than floorspace needs. There are differences of opinion on how many jobs would be created on the existing and allocated sites and points were made during the hearings about the need for further infrastructure improvements, especially in the CBC SIL. Both Policies 80 and 81 promote and guide development to the three priority areas and to other designated town centres, where there is scope to intensify and redevelop the uses on some of the existing

employment land and develop new sites. These policies are sufficiently detailed to promote positive planning for employment in accordance with paragraph 182 of the NPPF.

93. Policy 81 defines the SIL and its permitted and safeguarded uses. However, the second paragraph of the policy is unclear and **MMO66** is required to ensure full consideration of the implications of ancillary non-Class B uses proposed as part of any planning application, in order to ensure the effective implementation of the policy. Overall there is only limited space for expansion in the allocated sites in the SIL, since some of them abut Green Belt. However, the Plan's spatial strategy, based on that of the London Plan, includes intensifying and re-using existing sites and therefore the policy complies with the overall strategy of the Plan.
94. Policy 82 covers Locally Significant Industrial Sites (LSIS) and sets out acceptable uses within them and the criteria for changes of use to other employment uses. Whilst there is likely to be a limited amount of expansion of office floorspace in the Borough, together with retail, these uses are mainly directed to town centres and office clusters. Bromley Town Centre is identified for further office development with Class B1(a) space specifically protected in Policy 84. Policy 85 seeks to protect office clusters and **MMO05** is required to provide clarity on the maintenance of the supply of office space in these areas. There have been some losses of office space in the Borough to housing through permitted development rights. However, Policy 86 sets criteria for redevelopment or changes of use for offices outside office clusters and town centres to control these changes. The wording on proposed changes of use on non-designated employment land in Policy 83 are unclear as currently worded and requires **MMO67** to ensure clarity and remove repetition, making the policy effective. The criteria would then reflect the "restricted" status of the Borough in terms of the protection of employment land.
95. The Plan sets up an appropriate shopping hierarchy with policies for each type of centre. The Council intends to review the BTCAAP on the adoption of this Plan, which will set out the detailed policies for the development of Bromley Town Centre, including the retail component. Policy 93 covers The Glades, which is the main shopping centre in Bromley Town Centre. However, **MMO68** is necessary to acknowledge that other main town centre uses are changing, reflecting consumer trends, like increases in restaurants, and that the floorspace mentioned in the supporting text to Policy 93 is that within The Glades, rather than the town centre as a whole.
96. Policy 98 covers premises including hot food takeaways, with the wording stating that proposals should not result in an over-concentration of such premises, with consideration being given to the needs, health and wellbeing of local residents. **MMO69** is required to show that the matter of health and wellbeing of residents is only one of a number of issues, including traffic, noise and fumes, in the consideration of such applications. The Plan already has regard to health and wellbeing in Policy 26 and the evidence base (SD42) lists a

number of other sources, including the London Plan policy 4.6 and the GLA takeaway toolkit, which can be taken account in the implementation of the policy.

Biggin Hill SOLDC

97. The Biggin Hill SOLDC is identified in Table 2.1 of the London Plan with a strategic function of greater than sub-regional importance, which could provide beneficial economic growth for the Borough. The airport, which forms a significant area of the SOLDC, has experienced growth in airport-related employment uses but is set largely within Green Belt. The uses proposed need access to the airport and there are no alternative sites which are not within the Green Belt, which covers most of the airport area. The Council has therefore commissioned a number of studies (SD70a-c) to evaluate how realistic and sustainable patterns of economic growth for airport-related uses can be accommodated without harming the openness of the Green Belt and the purposes for including land in it. These studies have resulted in about 30ha being allocated on three sites for employment uses within the SOLDC area, within the Green Belt.
98. The 3 areas being released from the Green Belt in the Plan are: land at West Camp; land in the Terminal Area; and, land east of South Camp. The land at West Camp is already substantially built-up and the openness of this area has already been diminished to the extent that it no longer fulfils Green Belt purposes in preventing urban sprawl, preventing encroachment into the countryside and preventing towns merging into one another. It does have part of the RAF Biggin Hill Conservation Area and listed buildings within it for which protection could be beneficial but this is already given by its Conservation Area status. Therefore the removal of this area from the Green Belt is justified and consistent with national policy.
99. The land around the Terminal Area is substantially built up as far as the fire station with a new hangar building having been added. The area beyond to the north is less intensively developed and provides a buffer area between the airport and Leaves Green and a defensible boundary can be provided between these areas. The release of land to the south is justified on the basis that it would preserve openness but would not fulfil Green Belt functions in preventing sprawl, protecting the countryside from encroachment and preventing towns from merging into one another. Although the area adjoins RAF Biggin Hill Conservation Area, it would not have an adverse impact on its setting. Therefore the removal of this area from the Green Belt is justified and consistent with national policy.
100. Land east of South Camp is more open but includes some buildings and airport apron. The use of the site would be compatible with air-side uses, although large-scale uses could visually merge this area with the buildings at the South Camp, creating a greater impact, and bringing them closer to East Camp. The woodland around this part of the site creates a well-defined, defensible boundary to the countryside and the SINC to the north, preserving openness. However, this part of

the Green Belt has only a limited function in preventing built-up areas from merging into one another. Therefore the removal of this area from the Green Belt is justified and consistent with national policy.

101. Therefore I consider that the exceptional circumstances for the release of the above Green Belt areas land exist. These include: the pressing need for the development of the SOLDC and the lack of land to do this without the use of Green Belt; the lack of alternative locations for the uses proposed; and, the significant economic benefits of the airport to the Borough and the wider economy. The release of the three sites to be released from the Green Belt would not result in harm to the openness of the Green Belt or to the purposes of including land in the Green Belt.
102. The airport disputes the cautious nature of the consultant reports about the growth of the airport as they have interest from existing and potential business at the airport for expansion. They propose a further three areas for allocation from Green Belt to employment uses. However, the Plan has already been positive in releasing land which would accommodate one additional large hangar along with land for other uses. In addition, there is still land available elsewhere in the SOLDC where uses such as an aviation college could be accommodated, in accordance with the London Plan Town Centres SPG.
103. Furthermore, the three further areas proposed for release from the Green Belt by the airport serve important Green Belt functions. The former tip site is currently open with a public footpath along its edge with open countryside beyond, which has views across the airport site at some points. As such, it maintains openness, prevents urban sprawl and safeguards the countryside from encroachment. The land between East Camp and South Camp is more enclosed but has a role in keeping land open and preventing urban sprawl. The land to the north of the Terminal area contains some limited development but is generally open, with views from the A223. It also prevents sprawl, prevents neighbouring areas from coalescing by providing a break between the airport and Leaves Green and safeguards the countryside from encroachment. Land at East Camp contains some buildings which might be suitable for redevelopment or refurbishment for airport related uses. However, the surrounding land performs a useful role in protecting the countryside from encroachment, particularly at Cudham Lodge Woods and the wider SINC. As such, this land should remain in the Green Belt.
104. Notwithstanding that the Green Belt designation in itself may be a potential deterrent to growth, I consider that there is no substantive evidence of any need to take out further large areas of Green Belt other than those already proposed, which then might not be developed. There is still considerable uncertainty about the general health of the UK economy and the extent to which the airport would be successful in attracting footloose global companies, for which there is competition around London. There is strategic support in the London Plan for the protection of Green Belt and I consider that the scale of

the changes to the Green Belt in the Plan represent a balanced and positive approach to sustainable development in the area.

105. In addition to proposing areas to be removed from the Green Belt, the airport also suggested a MM which would provide a single flexible policy for airport development, rather than a mix of a general policy and area policies as proposed by the Council. In a Plan of this nature which has to combine both strategic policies and more detailed ones for specific areas, it can be helpful to developers to know what types of development will be acceptable in which areas, in terms of their impact on Green Belt and other matters. Therefore, I consider that the Plan is sound with the policies in their current form. However, Policy 108 requires **MM006** to make it clear that it is the buildings at East Camp that will be safeguarded for aviation-related employment generating uses, rather than the land, to make the policy effective. The airport has also suggested that the SOLDC includes all the airport's operational land within its boundary. At present it does not include the former tip site. Given my conclusions above, there would not be any advantage in this land being included since the intention is for it to remain undeveloped in the Plan period and kept within the Green Belt.

Crystal Palace SOLDC

106. The Crystal Palace SOLDC includes a number of uses within the area of Crystal Palace park and Policy 111 needs to reflect areas where growth can be promoted positively and areas where there are constraints including the protection of heritage assets. The strategic functions of the SOLDC have already been defined in Table 2.1 of the London Plan and include leisure, tourism, arts, sports and culture. As currently worded, the policy and its text do not fully reflect the functions of the SOLDC and the need to enhance as well as conserve the positive aspects of the area, including heritage assets, the significance of which needs to be highlighted. A masterplan has been produced by the GLA and the current status of this document and its objectives need to be included in the text. **MM070**, **MM071** and **MM072** are required to ensure that these changes are made to ensure the effective implementation of the policy.

Conclusions on employment

107. Therefore I conclude that, subject to MMs, the policies covering employment in Bromley are justified, consistent with national policy and the London Plan and will be effective.

Issue 9 - Are the policies covering environmental challenges in Bromley justified, consistent with national policy and will they be effective?

108. The Plan has been prepared having regard to policy 5.17 of the London Plan which covers waste management. A group of SE London Boroughs has been working together on the apportionment targets set and these have fed in to capacity updates in the Technical Paper which feeds into the Plan policies (SD71a/b). These are sufficient to provide for the Plan period. In addition, Policy 114 guides development for

new waste management facilities through a sequential test to areas where they are more likely to be acceptable.

109. Some allocated sites are at flood risk. A Strategic Flood Risk Assessment (SFRA) has informed the Plan's allocations, together with comments from the Environment Agency. The approach to the development of Policy 115 is consistent with the NPPF and its Technical Appendix in applying the sequential and exception tests and any mitigation required has been identified in the relevant site policy.
110. Policy 123 covers sustainable design and construction. **MM073** is required to make reference to the need for food growing spaces in development, in accordance with the Mayor's Sustainable Design and Construction SPG.
111. Therefore I conclude that, subject to the proposed MM, the policies covering environmental challenges in Bromley are justified, consistent with national policy and the London Plan and will be effective.

Issue 10 – Does the Plan have clear and effective mechanisms for implementation, delivery and monitoring?

112. Policy 125 covers the delivery of and implementation of Plan and the Infrastructure Delivery Plan Schedule is included as Appendix 10.13 of the Plan. In order to ensure effective implementation, **MM074** is required to ensure that it is clear that the policy covers contributions and works under S278 of the Highways Act as well as S106 agreements. The MM also clarifies that the limitations on the pooling of contributions under Community Infrastructure Levy Regulation 123 do not apply to contributions under S278 of the Highways Act.
113. Therefore I conclude that, subject to the proposed MM, the Plan includes all the necessary elements in terms of clear and effective mechanisms for implementation, delivery and monitoring.

Public Sector Equality Duty

114. Throughout the examination I have had due regard to the aims set out in s149(1) of the Equality Act 2010. This has included my consideration of the Plan's provisions to meet the needs of travellers, accessible and adaptable housing, inclusive design and accessible environments to meet the needs of others who may have protected characteristics. I am satisfied that the Plan, as modified in accordance with my recommendations, provides for fair and equal treatment for all of Bromley's communities.

Assessment of Legal Compliance

115. My examination of the legal compliance of the Plan is summarised below.
116. The Plan has been prepared in accordance with the Council's Local Development Scheme 2016 (SD13).

117. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
118. Sustainability Appraisal has been carried out and is adequate.
119. The Plan complies with the Habitats Regulations. The Habitats Regulations Appropriate Assessment (AA) Screening Report November 2016 sets out why an AA is not necessary.
120. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These include: reducing flood risk, air quality, sustainable design and construction, carbon dioxide reduction, decentralised energy networks and renewable energy.
121. I have already found under my consideration of the main issues that the Plan's policies and proposals are consistent with the relevant policies of the London Plan. Overall, I am satisfied that the Plan is in general conformity with the London Plan.
122. The Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

123. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
124. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix to this report, the Bromley Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

E A Hill

Inspector

This report is accompanied by an Appendix containing the Main Modifications.