

<b>Committee Date</b>	25 <sup>th</sup> March 2021		<b>Agenda Item:</b>
<b>Address</b>	Bromley Ski Centre Sandy Lane St Pauls Cray		
<b>Application number</b>	19/03208/OUT	<b>Officer</b> Agnieszka Nowak-John	
<b>Ward</b>	Cray Valley East		
<b>Proposal (Summary)</b>	Outline planning permission for the redevelopment of the existing disused ski centre to construct 80 residential units with associated access, landscaping and parking.		
<b>Applicant</b>		<b>Agent</b>	
Mr Mason M G Mason Ltd 16 Logs Hill BR7 5LW		Mr Peter Jeffrey Esatto Design Studio One Campion The Forstal Canterbury CT3 1DR United Kingdom	
<b>Reason for referral to committee</b>	Strategic/Major Development		<b>Councillor call in</b>  Yes (Due to local interest)
<b>RECOMMENDATION</b>	<b>Refuse Planning Permission</b>		

#### KEY DESIGNATIONS

Green Belt  
Archaeological Priority Area

#### Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 +	<b>Total</b>
Market	8	8	22	14	<b>52</b>
Affordable (shared ownership)	3	3	5		<b>11</b>

Affordable (social rent)	5	5	7		17
<b>Total</b>	<b>16</b>	<b>16</b>	<b>34</b>	<b>14</b>	<b>80</b>

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	120	120
Disabled car spaces	0	12	12
Cycle	0	150	150

<b>Electric car charging points</b>	20% active provision and remaining 80% passive provision for future use
<b>Representation summary</b>	Neighbour letters were sent on 11 <sup>th</sup> September 2019. A site notice was displayed on 15 <sup>th</sup> October 2019. A press advert was published in News Shopper on the 25 <sup>th</sup> September 2019.
Total number of responses	26
Number in support	16
Number of objections	9

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Health	£147,733.00	yes
Education	£582,972.06	yes
Affordable Housing	35% (61:39 affordable rent/ intermediate housing split)	yes
Early Stage Review Mechanism	N/A	TBC
S278 Agreement for the construction of the new footway along Sandy Lane	TBC	TBC
Street light and road sign	TBC	TBC
<b>Total</b>	<b>TBC</b>	<b>TBC</b>

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed scheme, in its entirety, cannot be considered under the relevant NPPF exception (paragraph 145(g)) covering the partial infill or complete redevelopment of

previously developed land and must therefore, be considered as 'inappropriate development'.

- Due to its context, scale and layout the proposal would lead to 'substantial harm' to the openness of the Green Belt as is referred to in paragraph 145(g) of the Framework.
- The proposal would lead to a permanent, urbanising effect thereby undermining the purpose of the Green Belt to prevent 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 proposal would cause less than substantial harm to the adjacent locally listed building and its setting.
- The application site is located in unsustainable location and the proposal would promote a residential development that is excessively dependent on the private motor car, thereby resulting in environmental harm.
- There are significant concerns about the impact of the proposals on the biodiversity of the site in terms of protected species and TPO trees.
- The revised Air Quality Assessment provided in support of the application is insufficient to allow the application to be determined.

## 1. LOCATION

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

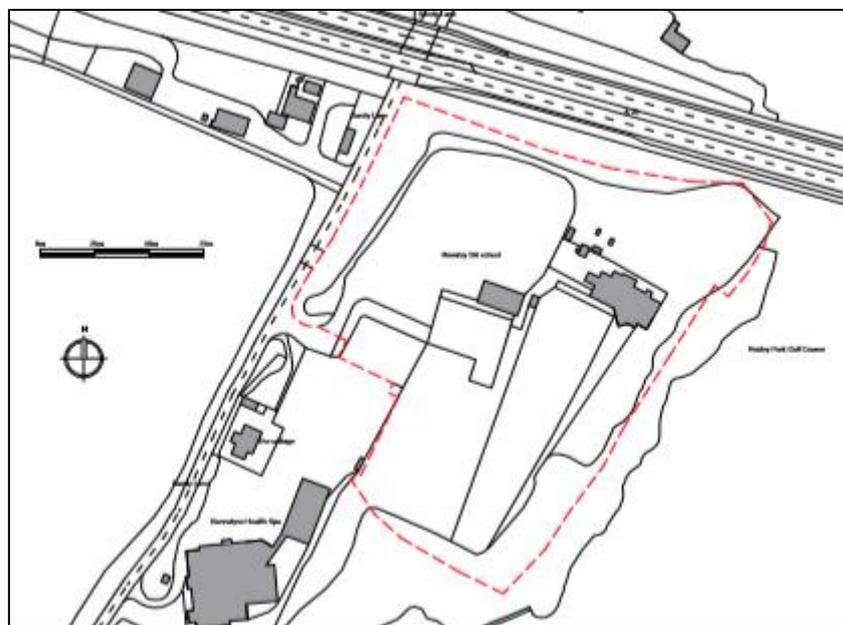


Fig.1. Site location plan.

- 1.2 The site comprises a 140 metre long stretch of compacted ground where the main artificial ski slope had been. A smaller 'nursery' dry ski slope for beginners was also historically located to the west of this larger facility. In addition, the site includes areas

of hard standing associated with the foundations of two club house buildings and tennis courts which have been demolished, as well as gravel areas which previously accommodated car parking. The Centre closed down in March 2016.

- 1.3 The site comprises vegetated areas including woodland, scrub, tall ruderal and grassland, whilst the boundaries include relatively mature trees. A group of mixed trees including large, veteran oaks covered by TPO stretches to the east and south respectively.



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

- 1.4 In terms of local amenities, the site a significant distance from the closest local centres and train stations found at Sidcup and Bexley to the north and St Mary Cray to the south and which are approximately between 2 and 4 kilometres from the site. Employment uses and a large footprint Tesco retail park are found to the north at Foot Crays, together with small scale commercial retail, cafe/restaurant and fast food units on Maidstone Road. These are approximately 700 to 950 metres from the site.
- 1.5 The site is recorded as having a Public Transport Access Level (PTAL) of 1b, however, given the lack of useable pedestrian routes the effective PTAL is considered to be zero. the site's recorded site PTAL (1b) is considered to be an over-estimate and, in reality, the effective PTAL is zero.
- 1.6 The existing site access is on Sandy Lane and is shared with the adjacent health club to the south. Sandy Lane provides vehicle only access to St Paul's Cray to the south and Ruxley and Foot Crays to the north, with no footway provided on either side of the road at this location. The A20 is a dual carriageway / trunk road and forms part of the Transport for London Road Network (TLRN). There is no access from the site onto the A20 which is on a bridge structure over Sandy Lane. This bridge is owned and maintained by TfL.

The A223 is approximately 750 metres to the north of the site and forms part of the Strategic Road Network (SRN).

- 1.7 The site is within the Archaeological Priority Area and the adjacent building occupied by Bannatyne's Health Club is locally listed. St Paul's Cray Village Conservation Area's boundary lies approximately 450 metres to the south and includes a number of statutory listed buildings.
- 1.8 Ruxley Park Golf Course and Ruxley Woods are Sites of Importance for Nature Conservation (SINC) and located in a close proximity of the site. The River Cray is also a Site of Special Scientific Interest (SSSI).
- 1.9 There is a principal Gas Main running east to west across the site. The site is in Flood Zone 1.

## **2. PROPOSAL**

2.1 The application seeks outline planning permission for:

- Removal of the remaining footings of the former buildings and the hard-standing;
- Construction of 80 residential units, comprising of a mixture of 1, 2- and 3-bedroom flats and 3 and 4 bedroom houses;
- The height of the proposed buildings would range from two to three storeys (7.6 to 9.7 metres in height above the finished ground floor level);
- A central area of public space with an extended linear lake and children's play areas would be created;
- There would be a landscape buffer zone between the new development and Sandy Lane, Bannatynes Health Club, the golf course, and the A20;
- The proposed units would be divided between Market (65%) and Affordable Housing (35%);
- 10% of units would meet 'wheelchair user dwellings' requirements with the remaining 90% being design as 'accessible and adaptable dwellings':
- 120 car parking spaces would be provided (including 12 no. disabled spaces), along with 150 cycle parking spaces.

2.2 The proposals would necessitate significant earthworks and landscaping works to level out and re-contour the existing site levels. Currently, these range from circa 50 to 71 metres AOD. In contrast, the finished floor levels of the proposed residential units are circa 50 to 58 metres AOD. There would still be a level change of approximately 8 metres from the north to the south of the site along with proposed loop access road with further significant level changes rising up towards the site boundary to the east, south and to the west down to the adjacent car park.



Fig.3. Illustrative Masterplan.

- 2.3 The application also proposes the provision of a new vehicle and pedestrian access on Sandy Lane to the north of the existing site access, as well as the creation of a new pedestrian footway along the western side of this road. This proposed new footway would provide access from the site to the existing footway on Sandy Lane to the north of the A20 and link under the bridge structure for approximately 45 metres.
- 2.4 The proposal is made in outline with all matters except the means of access reserved for subsequent approval.
- 2.5 During the course of the application the number of units has been reduced from 82 to 80. The layout of the proposal has also been amended by pulling the development further into the centre of the site.

### 3. RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1984 for the change of use of the site from agricultural use to use as a sports field, including a ski slope and tennis court (ref: 83/01014). Subsequent planning applications have been submitted relating to the operation of the Ski Centre, as well as the additional, 'nursery' ski slope.
- 3.2 PREAPP/18/00313 - 'In Principle' pre-application advice submitted for the use of the land for residential purposes. Preliminary drawings showed a scheme for 103 units.
- 3.3 In their pre-application response Officers considered that whilst the proposed development would be considered to constitute a previously developed land, the

proposed redevelopment would have a materially greater impact on openness and would conflict with the purposes of Green Belt designation. The proposed development would therefore be considered to constitute inappropriate development, for which very special circumstances would need to be demonstrated.

## 4. CONSULTATION SUMMARY

### a) Statutory

#### 4.1 Greater London Authority – Objection

The application does not comply with the London Plan and the Mayor's intend to publish London Plan, for the reasons set out below:

- **Green Belt:** Whilst some parts of the site comprise previously developed land, insufficient information has been provided to demonstrate that the majority of the site, including the ski slope, can be considered previously developed land and to enable GLA officers to assess the harm to the Green Belt. Accordingly, the proposed scheme cannot currently be considered under the relevant NPPF exception covering the partial infill and complete redevelopment of previously developed land and must, as a whole, be considered as 'inappropriate development.' Very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt and any other harm. Accordingly, the application does not comply with Policy 7.16 of the London Plan and Policy G2 of the Mayor's intend to publish London Plan. Notwithstanding this, the further information requested in paragraph 34 should be provided to enable the full assessment of the proposals.
- **Housing and affordable housing:** 35% affordable housing, comprising a 60:40 split between affordable rent/ social rent and intermediate shared ownership. The proposed scheme is potentially eligible for the 'Fast Track Route', subject to the affordability levels being confirmed and an early stage review mechanism being secured. No information on play space provision has been provided.
- **Urban design:** Taking into account the extent of previously developed land within the site, GLA officers do not consider the current proposals to represent the most optimal or compact form of development which would minimise the impact on openness. A deeper landscape set back to the north is required to mitigate noise issues given the density of the scheme. Further information is required to verify compliance with London Plan housing quality standards in terms of private amenity space provision and in relation to level changes inclusive access.
- **Environment and climate change:** Insufficient technical information has been provided in relation to energy, biodiversity, urban greening, noise and air quality and the required mitigation measures to ensure compliance with London Plan Policies 5.5, 7.10, 7.14, 7.15, 7.19 and Policies SI1, SI2, G5, G6 and D14 of the Mayor's intend to publish London Plan.
- **Transport:** The site has an effective PTAL of 0 and the scheme would fail to provide a genuine choice of transport modes and would consequently promote a residential development that is excessively reliant on the use of cars, which is contrary to the London Plan and the Mayor's intend to publish London Plan. Further discussion is required to

confirm the deliverability of the proposed off-site pedestrian footway enhancements along Sandy Lane. Car parking and cycle parking should be provided in accordance with the standards in the Mayor's intend to publish London Plan.

## **4.2 Transport for London – Objection**

### GLA Stage 1 Response

#### *Access by sustainable and active modes of travel*

The nearest bus stops to the site lie over 700m to the north on Maidstone Road, either side of Ruxley Corner roundabout. The bus stops at the Tesco store are closer to the site, but the access route is not currently acceptable as a walking route, as discussed further below. There is no rail station within walking distance of the site. Currently, pedestrian and cycle access to the site is poor. Sandy Lane is a narrow rural road without a footway for much of its length, including directly adjacent to the site. Any cycle access to and from the north requires negotiation of Ruxley Corner roundabout, which is hostile to cyclists. There are no dedicated pedestrian crossing facilities at the roundabout, meaning the practical walking distances to bus stops and other facilities north of the roundabout would be further extended.

The applicant has proposed to provide a continuous footway along the west side of Sandy Lane from the site access towards Ruxley Corner. However, deliverability of this new route is questioned, given the pinch point created by the A20 overbridge and the width of the existing road side verge along this entire route. The plans provided in the application do not clearly demonstrate how a suitable footway width of 2 metre and two-way carriageway width of 6 metres can be provided. Any widths less than this are unlikely to be acceptable. It is also essential that the safety barriers under the bridge remain to protect the bridge from vehicle strikes, which further reduces available width. The applicant must therefore provide a scale drawing of the proposed footway and residual Sandy Lane carriageway, with widths clearly marked and land ownership shown.

Even if a suitable footway on Sandy Lane can be provided, the walking distances to the nearest bus stops are unacceptable. The PTAL 1b rating is only achievable when considering the bus stops at Tesco's. This relies on the use of a footpath between the Fitzroy Business Park and the Tesco's service yard. Although this footpath is lit and paved, there is no natural surveillance as it passes through a field. Pedestrians from the application site would have to walk through the Business Park, where there is no clear, segregated footway, and thus pedestrians would mix with parked cars and manoeuvring goods vehicles which is unlikely to be a safe or pleasant walking environment. More pertinently, the Business Park is private property, with no public right of way and has gates that can close off this route. Finally, there is no footpath within the Tesco site, which requires pedestrians to walk in the road in the vicinity of the service yard, where HGVs manoeuvre. For these reasons, this route is not a suitable 24/7 pedestrian access route. The site therefore has an effective PTAL of 0.

The applicant's Transport Assessment states that around 75% of peak hour trips will be by car. A walk mode share of 15% is considered optimistic, given the issues highlighted above, and lack of nearby services that have attractive walking routes. As such, the site would undermine the Mayor's objective for 75% of all trips in outer London by 2040 to be undertaken by non-car modes as set out in the Mayor's intend to publish London Plan. It is also contrary to NPPF policy that requires a development to offer a genuine choice of transport modes.

### *Healthy streets*

Notwithstanding the poor quality off-site facilities, the proposed site layout is designed around the car, rather than needs of pedestrians and cyclist. The site road is a loop, with no direct walking and cycling access across the centre of the loop, further extending distances unnecessarily. There is also a level difference on the site, which is overcome by steps down to the site access. This, however, penalises less mobile residents, who must walk down the longer, more sinuous access road. This would particularly affect residents in the northern part of the site. The proposed site layout therefore compounds the issue of long walk distances to services and public transport, which further embeds car use into the development.

### *Car parking*

The applicant is proposing using the Council's car parking standards, which would allow up to 2 spaces each for the houses. Two car parking spaces per dwelling would be provided for the 14 detached houses, with 30 spaces provided for the 20 semi-detached houses (an average of 1.5 spaces per dwelling). A total of 56 car parking spaces are proposed for the 48 flats, including 2 spaces per each 3-bedroom sized flat. This slightly exceeds the intend to publish London Plan standards which set a maximum of 1.5 spaces per dwelling and should be discussed further with TfL.

### *Cycle parking*

Cycle parking should be provided in accordance with the standards set out in the Mayor's intend to publish London Plan. All cycle parking should be designed and laid out in accordance with the London Cycling Design Standards.

## **4.3 Natural England – No objection**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## **4.4 Historic England – No objection**

Following the submission of the above planning application it was necessary to undertake limited archaeological trial trench evaluation to contribute to the understanding of the sites archaeological potential and its possible significance given the recorded archaeology from or near to the site.

The results of the phase 1 area evaluation represented by the PCA December 2019 report, demonstrates that significant land changes have occurred around the ski-slope. While the whole of the site around the ski-slope could not be accessed for this current exercise, sufficient has been undertaken to enable the on-going archaeological interest to be secured by condition.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains. However, the

significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition. I therefore recommend the following condition on any consent:

*No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and*

*A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*

*B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

*Reason: The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.*

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. If the applicant does not agree to this pre-commencement condition, please let us know their reasons and any alternatives suggested. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199. The archaeological work should include:

Evaluation - An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

The model approach will be for further evaluation across the site to enable an appropriate mitigation response for each area of the site and its redevelopment.

## **b) Local groups**

### **4.5 Old St Pauls Cray Residents Society - Objection**

Sandy Lane is one of the last remaining country lanes existing on the outskirts of the Bromley borough, a narrow lane just adequate for two cars to pass containing four speed restriction humps. The lanes position, by default, provides a rush hour 'RAT RUN' so as to by-pass Crittalls Corner, intersection of the A224 Sevenoaks Way, below the A20 flyover, via Edgerton Way, A223, through to Ruxley roundabout, a section of road heavily used between Orpington and Bexley. The 'RAT RUN' passes through the village which contains a high level of

residential properties between St Mary Cray village railway viaduct and Ruxley roundabout. Sandy Lane already experiences congestion down to virtually a single line during working days and now week ends, by way of restricted parking to the west side of the lane for two thirds of its length between Ruxley roundabout and the A20 bridge over the lane as a result of the existing Fitzroy industrial estate on the north side of that bridge coupled with the SELCO delivery issue just before entering the Ruxley roundabout.

The highway and infrastructure issued has already been highlighted in our submission to the borough against the Chancerygate planning application known as 18/05599/FULL1. To introduce a new housing development within this narrow lane, just south of the A20 bridge over the lane, which has a blind bend just after the bridge, would in our opinion be adding to the present problems being experience in this area, if approved. It should be noted that the Chancerygate development application, mentioned above will, if that is approved, allow more lorry access to that site via Ruxley Corner roundabout requesting 24hr access, seven days a week.

With reference to the application submitted PLANNING STATEMENT-2367222.pdf, section 3.1, these states: Access would be from Sandy Lane the development would not directly link to any other residential areas maintaining the openness of the Green Belt area. The development would have an informal arrangement.

The application would be situated in between the dense residential areas St Mary Cray, Old St Pauls Cray, Bromley and Foots Cray Bexley. As maintaining the 'openness of the Green Belt area', should this be approved, then it will only allow a 'president' for future developments along Sandy Lane. The infrastructure within the lane is minimal, present developments north of the A20 bridge over the lane have taken up, and by development introduced new statutory services into the narrow lane. The introduction of a new development will during its construction create extensive disruption to this corner of the borough and on completion add to the volume of daytime traffic within the lane.

Section 3.3 states: The presence of the dilapidated Ski School tends to blight the area. Invasive imported vegetation such as Japanese Knot weed is invading several areas of the site.

If a site is vacated due to reasons of funding then a site will become unmaintained and unmanageable, if unattended. This is in no way a reason for a change of use from 'recreational' to 'residential'. As we understand from legislation there are safeguards against sites that affect the adjoining environment. Section 4.1 states: Mason Developments are keen to turn the derelict site into an asset for the community and developing it as a sustainable, ecological prioritised residential housing scheme with a high proportion of affordable housing is a worthwhile project that they feel passionately about.

The requirement for new housing is a national issue and all vacant land becomes a target for such redevelopment, but in this case, it would not become, as stated 'an asset for the community' but add to concentration of new housing coupled with the congestion already being experienced by those accessing the area and those living in the area. If allowed this corner of the borough with become a 'bottle neck', increasing the density of vehicle, long delays in traffic movement leading to higher pollution levels due to congestion.

Section 6.20 states: The proposed development includes a total of 82 apartments (48) and houses (34) with provision of a new vehicular and pedestrian access from Sandy Lane. A footway is proposed on the western side of Sandy Lane between the new site access and the A20 underbridge.

A considerable development, leading onto a narrow lane, within predominantly a GREEN BELT area. This site is designated as a brown field site.

The statement further states: 4.3 Bromley council have agreed (PREAPP/18/00313) that the land is designated as previously developed brownfield). 3.4 The resulting scheme is a low density response to address the need to provide quality housing on Brownfield sites. 3.2 The scheme would reflect the local vernacular in the materials used but with a contemporary edge.

These set out good reasons for receiving an approval, but only if they were in isolation. The position of this site impact upon the environment and further contribute to congestion within this corner of the borough. The existing and recent increase in industrial development in this corner of the borough already contributes to the congestion experienced. The infrastructure will need considerable funding, in and above that being contributed by CIL funding from such a scheme, a further burden on the borough finances. The development, if approved will lead, as stated earlier, increase in pressure for more applications for residential development on this existing side of the valley.

If this application, even in OUTLINE, is allowed the spread of redevelopment into the countryside more open spaces will be lost not only for the natural environment but contributing to mass development coverage of green spaces so protected by the policies of Bromley Council. As a local resident group, we accept that national housing requirements need to be addressed but density planning is not the answer so we therefore request that this application be carefully considered against the damage redevelopment causes, the views of those living in this corner of the borough and refuse this application.

### **c) Adjoining Occupiers**

#### **4.6 Objections:**

##### General (commented on in sections 6.1, 6.3, 6.9 and 7)

- Housing development on a greenbelt site would be detrimental to the open space and it would be an encroachment on our limited resources.
- If the current site is unsightly due to disrepair, then it could be razed and returned to open land.
- The proposal would be an eyesore against the slope of the hill side, at present the Ski Slope is unobtrusive and blends in.
- Over-development of this area, too dense.
- Increased pressure on the local amenities within the area e.g. schools, doctors, dentists.
- No information about where water supplies, gas, electricity, sewage etc will come from for the houses on the site and what affects it will have on existing residents and business during construction or after.

##### Transport/Highways (commented on in section 6.5)

- Current pedestrian access is precarious from the south side with the pavement petering out before the junction to the site. From the North Side foot traffic is forced to share the narrow road with cars which are unsighted due to a crest and bend.
- A lot of the school amenities stated in the report are to the north of the site. As stated in the report, the walkways to the North of the site are present but are not ideal. The walkway especially at the end of the north entrance of the road to the golf club are very narrow (you wouldn't be able to take a child's buggy down there safely) and aren't suitable for families or large groups of people. This means even though these amenities are here, the likely hood of people using them isn't very high, so they're more likely to travel by car and increase the flow of traffic on the road.
- Significant increase in traffic will only exacerbate the current problems which are already posing health and safety issue.
- Sandy Lane is at present defined as unsuitable for Heavy Goods Vehicles and to bring construction vehicles to site will invariably lead to the road being log jammed.
- The Car Parking for the amount of properties is not well defined on the plans and needs further definition.
- The traffic flow distribution numbers for the expected impact on the road after the development seem low.
- Impact on the residents and business during construction.
- Insufficient parking.

#### Environmental (commented on in section 6.8)

- As a result of the current levels of traffic using Sandy Lane and the close proximity to the A20 and Main Road, pollution levels in the area are already extremely high. Any additional traffic within the area, whether this be during construction from HGV's or once built from new vehicles.

#### **4.7 Support:**

- The development would be a good use of this space to help increase housing within Orpington. The development would be welcomed by many residents and potential home owners. The proposed plans have aesthetically considered the surrounding area and ensure the character of Orpington remains. This development is needed and provides a scope to help boost the area with more business and footfall for surrounding businesses.
- The proposed plans have ensured to keep the style of the area and would be a great development to increase affordable housing in Orpington. The residential area would increase and it means homes and families will be moving in to the area rather than commercial estates and companies.
- Great for the area and means young people and families can buy houses in the area. Hopefully the council will understand the need for homes to be built in the area and allow the use of space to be converted into a residential development; meaning more business, community and scope for the area.
- Great development with a real sense of modernising the area and making good use of the site and space. The homes are much needed in the area and the surrounding infrastructure would be able to cope with the increase in people.
- The new development is needed in the area and the surrounding infrastructure would be able to cope with the increase in people.

- It means a residential growth in an area that has become rather commercial over the last few years.
- Local businesses would benefit from this development and it allows a scope for the Council to receive extra funding from tax rates/ council tax, meaning the income can be used to improve the infrastructure (if needed). The development would fit in aesthetically in the surrounding area and improve the quality.
- Great development with chance of increasing incomes for local businesses by having more residents in the area.
- Better use of the current site.
- The plans are clearly sympathetic to the area and ensure they are in keeping with the area.
- There is a clear number of properties that can accommodate a variation of people.
- The plans show a consideration of the current infrastructure and ensure that we maintain the safe road conditions for drivers and pedestrians.
- More affordable housing within the area welcomed, providing there is a help to buy scheme. Development provides much needed improvement for the local surrounding. Rather than a commercial white elephant, this housing development would enhance the area.
- The openness and visual amenity of the Green Belt won't be affected by this development.

## **5. POLICIES AND GUIDANCE**

### **5.1 National Policy Framework 2019**

### **5.2 NPPG**

### **5.3 London Plan 2021**

5.3.1 The following policies of the London Plan are relevant:

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- SD10 Strategic and local regeneration
- D1 London's form
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, securing and resilience to emergency
- D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix

- S4 Play and informal recreation
- HC1 Heritage conservation and growth
- G2 London's Green Belt
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- G9 Geodiversity
- SI-1 Improving air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

#### **5.4 Mayor Supplementary Guidance**

- Affordable Housing and Viability Supplementary Planning Guidance (2017)
- Housing (2016)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Character and Context (2014)
- Play and Informal Recreation (September 2012)

#### **5.5 Bromley Local Plan 2019**

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 8 Side Space
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access to services for all
- 34 Highway Infrastructure Provision
- 35 Transport Investment Priorities
- 37 General Design of Development
- 39 Locally Listed Buildings
- 49 Green Belt
- 68 Development and SSSI
- 69 Development and Nature Conservation Sites
- 70 Wildlife Features

72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
75	Hedgerows and Development
77	Landscape Quality and Character
79	Biodiversity and Access to Nature
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure
118	Contaminated Land
119	Noise Pollution
120	Air Quality
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. Assessment**

### **6.1 Principle of Development – Unacceptable**

#### Policy Background

- 6.1.1 The application site lies wholly within land that is designated as Green Belt in Bromley Council's Local Plan proposals map (2019). London Plan Policy G2 of the Publication London Plan set out the overarching strategic priority to protect the Green Belt from inappropriate development.
- 6.1.2 Paragraph 143 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 144 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt when making planning decisions and confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.1.3 Paragraph 145 of the NPPF confirms that the construction of new buildings should be considered inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - Not have a greater impact on the openness of the Green Belt than the existing development; or
  - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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

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

6.1.5 It is the Applicant's view that the proposed development is subject to the NPPF exception in respect of the partial infilling or complete redevelopment of previously developed land (Paragraph 145(g) of the Framework).

6.1.6 Previously developed land is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure, as set out in the NPPF, London Plan and the Mayor's intend to publish London Plan. This excludes:

- land that is or was last occupied by agricultural or forestry buildings;
- land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures;
- land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and
- land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

6.1.7 The definition states that it should not be assumed that the whole of the curtilage of a site should be developed where only part of a site includes permanent structures.

6.1.8 The application site has previously been used as an outdoor recreation centre with an artificial ski slopes and ancillary buildings. The buildings have been removed following

the closure of the ski centre. Currently present on site is a hardstanding formerly used as a car park, the foundations of the former buildings and the tennis courts, as well as areas where the former ski slopes had been. These areas are covered in carpet and/or weed membrane in places.



Fig.4. Construction of the ski slope showing nearly complete system (photo provided by the Applicant).

6.1.9 In response to the officers' questions on the extent areas where the former ski slopes had been can be classified as previously developed land, further evidence was submitted showing the scale and extent of the earthworks, and recontouring undertaken to establish the slopes. The Applicant states that whilst an advantage was taken of a pre-existing natural slope, this was only minimal, and ski slopes are mostly permanent man-made structures with a ground level raised as much as 11 metres in height (main slope). To this end, the Applicant argues that the areas of the site which can be considered to comprise previously developed land would be those which had permanent structures erected on them, namely the foundations of the demolished buildings, the associated areas of hard standing and man-made ski slopes, covering approximately 14,625sqm, i.e. approximately 53% of the curtilage.

6.1.10 The above figure appears to be validated within the Preliminary Ecological Appraisal (PEA) submitted which confirms that an extended Phase 1 Habitat survey which was conducted in May 2019 revealed that over 40% of the application site consists of natural features. As these areas do not contain any former buildings, man-made structures or associated hard standing or fixed infrastructure they do not constitute previously developed land.

6.1.11 Furthermore, although the extent of development undertaken to establish ski slopes is acknowledged and whilst it is also accepted that at the time of completion the slopes appeared quite distinct from its surroundings, this distinction has been significantly eroded over time. The earthworks have been in place for over 30 years and have developed mature vegetation on the slopes. Since the closure of the Centre in March 2016 further gradual re-colonisation of the former ski slopes by landscape continued.

This results in a feature that, to a large degree, appears blended into the surrounding landscape.

6.1.12 The PEA confirms that the vegetated areas present on the site include woodland, scrub, tall ruderal and grassland habitats. It also confirms that the areas where the former ski slopes had been, as well as those areas covered with tarmac and the concrete hardstanding are becoming vegetated. An up to date photographs of the application site undertaken during officer's site visit on 6<sup>th</sup> March 2021 are shown below (Fig.5).





Fig.5. Photographs of the application site, 6<sup>th</sup> March 2021.

6.1.13 Consequently, officers conclude that only about a half of the application site area can be classified as a previously developed land and further, out of that part, areas of the former ski slopes should be considered as a '*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time*', thereby being excluded from the previously developed land in light of the NPPF classification. To this end, officers are of the opinion that the proposed scheme, as a whole, cannot be considered under the relevant NPPF exception covering the partial infill and complete redevelopment of previously developed land and must therefore, be considered as 'inappropriate development'.

6.1.13 In any event, any exception under paragraph 145(g) only applies subject to the proviso that the proposal would not have a greater impact on openness than the existing development (first strand) or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute

to meeting an identified affordable housing need within the area of the local planning authority (second strand). These aspects are analysed in the subsequent paragraphs of this report.

*Whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development*

6.1.14 The essential characteristics of Green Belts are their openness and their permanence. The National Planning Practice Guidance (NPPG) states that assessing the impact on openness is effectively a planning judgement based on the circumstances of a particular application. Drawing on case law, the NPPG also confirms that openness is capable of having both spatial and visual aspects and it may be relevant to assess both components, as well as other factors such as duration and remediability of a proposal and the degree of activity generated. Overall, the effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage.

6.1.15 The Applicant claims that the original site had approximately 40-50,000 cubic meters of earth imported to create the slope, plus approximately 3,000 cubic meters of service buildings, whilst the combined building mass of the proposed buildings would be around 25,000 cubic meters. The areas of developed and undeveloped land have been assessed by the Applicant using the NPPF criteria, showing that former buildings footprint, hard standing and man-made areas of ski slope equate to 14,625sqm (53% of the curtilage), whilst the undeveloped Green Belt land has an area of 12,850sqm. Further, the Applicant argues that the proposed low-level development with green roofs and 100 new native trees to screen primary views, and create a visually soft environment that will not have a greater impact on the openness than the existing development.

6.1.16 The application proposes 18 semi- and 14 detached houses, and 8 pairs of linked blocks accommodating 48 flats. The ridge heights of the buildings would range between 7.7 and 9.8 metres, equating to 2 and 3 storeys. Table 1 below summarises the breakdown of areas within the proposed development:

Proposed Areas	Area [sqm]
Undeveloped / Returned Green Belt	8,110
Natural wetland	550
Private and communal gardens with hedgerows	8,385
Hardstanding/roads	3,980
Buildings with green roofs	5,150
Dedicated play space	1,275
<b>Total</b>	<b>27,450</b>

Table 1 Proposed areas within the development.

6.1.17 While the proposed buildings would have a footprint of 5,150sqm, therefore less than the combined footprint of the existing area of previously developed land, officers are mindful that areas of hard surfacing and footprints of former buildings present on the site are not enclosed by any build form. The proposed development areas including hardstanding/roads, private/communal gardens and play space would occupy

18,790sqm, thereby increasing the area of previously developed parts of the site by 4,165sqm (28.5%). To this end, the proposals would result in the increase in both the building footprint as well as the developed area coverage.

6.1.18 In volumetric terms, officers accept that should the volume of the ski slopes be taken into the calculation, the proposal would represent a decrease. Nonetheless, the presence of former ski slopes that have become incorporated in the landscape and appear as a continuum of the adjacent golf courses do not alter the openness of the Green Belt to the same extent as a number of permanent buildings would. Despite being low level, proposal would introduce around 25,000 cubic meters of the obvious mass and bulk across the site which is currently absent of buildings (Fig.6).

6.1.19 Therefore, in spatial terms, the introduction of buildings into areas which, whilst (partially) previously developed, currently contain no build form above ground level and remain substantially open, would result in a significantly greater physical presence on the site and would have demonstrably greater impact on the openness of the Green Belt. This is expressed in both quantitative terms and contextually, including the spread and dispersal of built development.

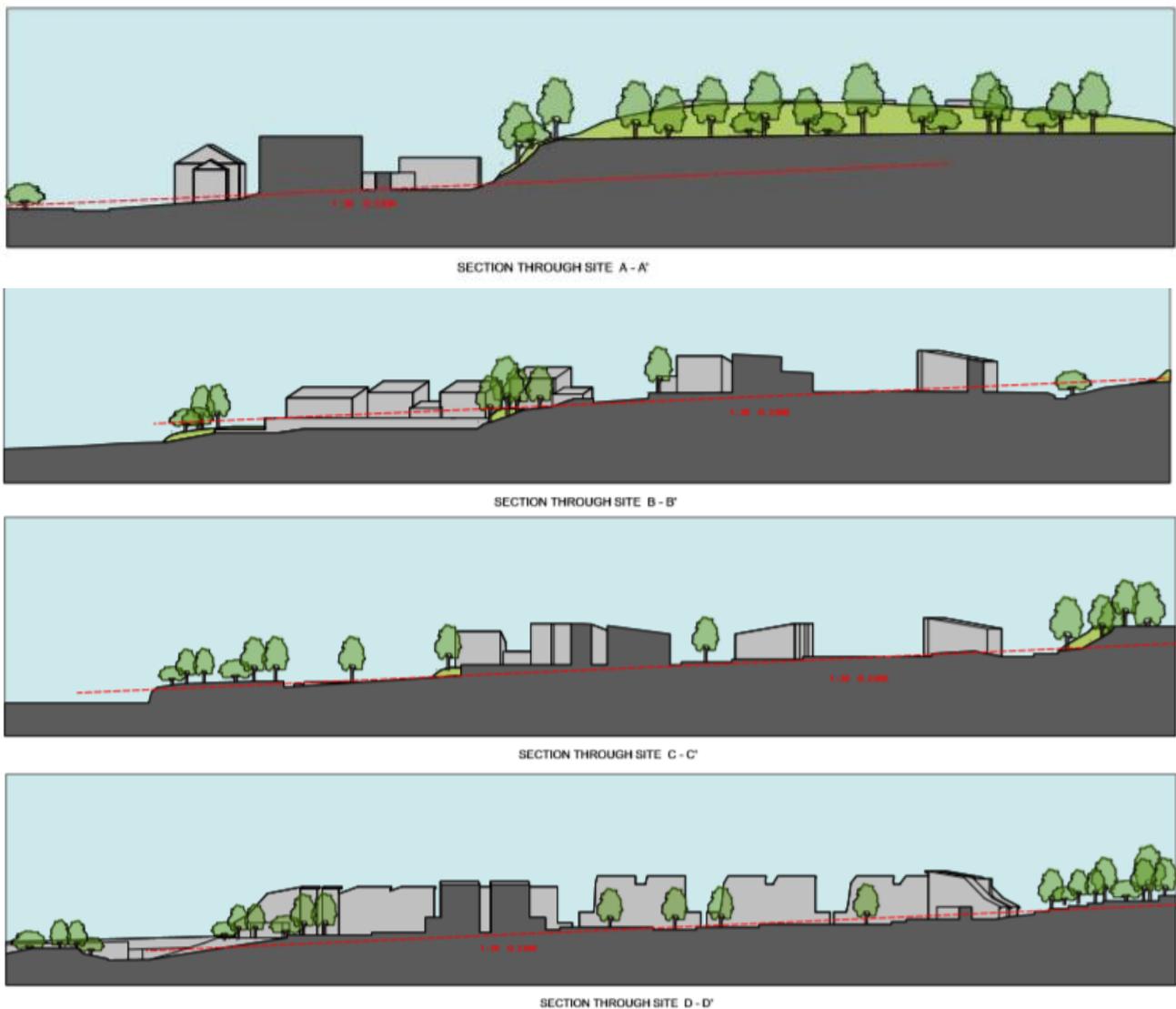


Fig.6. Proposed sections A – D.

- 6.1.20 Given the layout of the proposal, views between gaps in built form would be interrupted by other buildings whilst the areas of unbuilt space located towards the centre of the development would not be readily appreciable from the outside of the application site. As such, the proposal would be perceived as clusters of built form, which would be markedly different to the current situation whereby no parts of the site are occupied by any buildings.
- 6.1.21 The existing shrubs and trees along A20 are largely deciduous therefore during winter months the views of the site, although filtered by the vegetation, are readily available from the carriageway. The existing trees from the western screening hedgerow/woodland along Sandy Lane would be removed to facilitate the new access and on completion of the proposed development, the views through the trees to properties and associated gardens would be
- 6.1.22 The applicant proposes to plant 100 native trees to reduce the proposal's visual prominence. While officers agree that additional trees would provide a degree of screening when in leaf, this foliage would take significant time to reach a mature form/size, and would be depleted during the autumn and winter months. The proposed development would therefore be conspicuous when viewed from public vantage points, both the A20 and Sandy Lane. The proposed dwellings would be particularly noticeable at times when the occupants of the dwellings would be using internal and external lighting.
- 6.1.23 The substantial structural landscape buffer, domestic paraphernalia and vehicles using the site would likely themselves also visually reduce openness. Furthermore, in order to mitigate noise from the A20, a 3 metre high road traffic noise barrier is proposed to be installed within the treeline. Although this barrier has not been included in the visuals provided by the Applicant, officers consider that it would further detract from the openness of the Green Belt.
- 6.1.24 In any case, openness is characterised by the absence of buildings notwithstanding the degree of visibility from the public realm and in this instance, the proposed development would erode the openness of the Green Belt in both visual and spatial terms. Therefore, the scheme does not meet the exception at paragraph 145(g) on account of the effect on openness.

*Whether the proposed development would cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*

- 6.1.25 The second strand of 145(g) refers to development on the previously developed land which would meet an identified affordable housing need within the area of the local planning authority.
- 6.1.26 Officers accept that there is a shortfall in the provision of affordable housing and consequently it is also accepted that there is a clearly defined Borough-wide need for such. The proposal would deliver 28 affordable dwellings within the overall total of 80 dwellings and this would, as required by paragraph 145(g), 'contribute to meeting' an identified affordable housing need within the borough.

6.1.27 As affordable housing is proposed which would meet an identified housing need, the development proposals which are on previously developed parts of the site may be considered 'not inappropriate' as defined by the NPPF. However, this is conditional upon the development not causing substantial harm to the openness of the Green Belt. Whether substantial harm would result is a matter of judgement.

6.1.28 Historically, there were two small single-storey buildings on the site. The form of the ancillary buildings associated with the site's former use was minimal and the earthworks which took advantage of a pre-existing natural slope and had no apparent volumetric presence would not have had a harmful impact on the openness of the surrounding landscape. As such it is considered that the previous use of the site did not conflict with the purpose of including land within the Green Belt.

6.1.29 In their current state, the slopes do not appear as intrusive features having been incorporated into the surrounding landscape. To the east of the site extends the Ruxley Golf Course spreading for over 1km, which immediately adjacent to the site consists of a narrow strip of woodland, with greens and areas of rough and scrub beyond. Beyond the golf course are areas of arable and pastoral farmland with occasional hedgerows. To a large extent the application site appears as a continuum of the adjacent golf courses, thereby contributing to the openness of the wider Green Belt.

6.1.30 The site also contributes to the important transition between built-up commercial areas of Sidcup extending immediately beyond the other side of A20 dual carriageway and the sparsely developed Green Belt land surrounding the site.

6.1.31 The continuous and repetitive massing of the proposed buildings, in addition to the associated domestic paraphernalia and substantial structural landscaping, would be viewed against the backdrop of these open surroundings. Given the visual context established by the demarcation arising from the A20, the proposal would unacceptably change the character of the site and would demonstrably lead to a permanent, urbanising effect. Figure 7 below shows proposed views from north of A20.





Fig.7. Views from north of A20 (high and low).

6.1.32 As such, due to the context, scale and layout of the proposal it is considered that the harm in respect of openness would be significant. The proposal would therefore lead to ‘substantial harm’ to the openness of the Green Belt as is referred to in paragraph 145(g) of the Framework. Although the site is not undeveloped countryside, the proposal would undermine the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open and this would be at odds with the Green Belts essential characteristics of openness and permanence. On that basis officers conclude that the proposal would be inappropriate development in the Green Belt under the second strand of Paragraph 145(g) of the Framework.

*Whether there are very special circumstances that would clearly outweigh harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal*

6.1.33 Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.1.34 The Applicant’s primary position is that the entire site should be considered previously developed land and the scheme subject to NPPF exception. However, if this is not accepted by the local planning authority, the Planning Statement submitted sets out other considerations which the Applicant considers as the ‘very special circumstances’ that clearly outweigh the harm to the Green Belt and any other harm. These are summarised and commented on in the table below.

Item no.	Paragraph (Planning Statement)	Consideration	Officers assessment
1	4.1	the proposal will turn the derelict site into an asset for the community, a sustainable and ecological residential housing scheme with a high proportion of affordable housing;	<p>Allowing a site to become derelict does not represent justification for a development in a location that would otherwise be unacceptable.</p> <p>The site is in unsustainable location with an effective PTAL of 0 and would consequently promote residential development that is excessively reliant on the use of cars, thereby resulting in environmental harm (further commented on in section 6.5 of this report).</p>

			The proportion of affordable housing represents a policy compliant threshold and does not comprise very special circumstances.
2	6.07	the scheme will provide additional households to help support St Paul's and Foot Cray. Proposals will remediate an ugly site, enhance the appearance of the countryside and improve biodiversity;	<p>The location of the site is unlikely to encourage walking and future occupiers would be largely reliant on the use of a private vehicle to access day to day needs due to the lack of footpaths and alternative modes of transport.</p> <p>There are significant concerns about the impact of the proposals on the ecology of the site in terms of biodiversity, trees and urban greening.</p>
3	6.08	the proposals involve removal of existing structures, breaking up of hard surfacing, remediation of any contamination and restoration of land;	The clearance and remediation of the site would be expected of any new development.
4	6.09	any adverse impact of the new housing development will be mitigated to some degree by a substantial structural landscape buffer around the site which in the medium / long term provides some significant filtering of views into the site;	While officers agree that additional trees would provide a degree of screening when in leaf, this foliage would take significant time to reach a mature form/size, and would be depleted during the autumn and winter months. The proposed development would therefore be conspicuous when viewed from public vantage points. The proposed dwellings would be particularly noticeable at times when the occupants of the dwellings would be using internal and external lighting.
5	6.10	development is designed to be low in height and will be sensitive to the surrounding buildings and countryside, feeling of openness maintained by use of green roofs and extensive native tree planting (density is low for an "urban site");	<p>Openness is one of the most important attributes of the Green Belt and is characterised by the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.</p> <p>The proposals would have a clear and demonstrable effect on the openness of the Green Belt by introducing build form to land which is presently free from buildings.</p>
6	6.11	attractive in form and appearance, materials drawn from a palate which reflects local traditions. Good design, effective hard and	Paragraph 127 of the Framework identifies that all development should add to the quality of an area; be visually attractive as a result of good architecture;

		soft landscaping will mitigate adverse impacts;	and should be sympathetic to the local character and landscape. Those requirements apply to all development.
7	6.13	whilst there is some harm flowing from the development of an open field for 82 units there are more important and significant benefits as a result of the remediation and restoration of the site – visual benefits of removing the ugly and incongruous ski slope outweighs visual impact of new housing;	<p>Supporting text to Policy G2 of the London Plan acknowledges that despite being open in character, some parts of the Green Belt do not provide significant benefits to Londoners as they have become derelict and unsightly. It goes on to state that ‘this is not, however, an acceptable reason to allow development to take place. These derelict sites may be making positive contributions to biodiversity, flood prevention, and climate resilience’.</p> <p>The acceptability of the scheme is defined by the impact on openness. The presence on the site former ski slopes that blended into the surrounding landscape does not alter the openness of the Green Belt to the same extent as a number of permanent houses would. The proposal would lead to a permanent, urbanising effect thereby undermining the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open.</p>
8	6.14	there are limited views of this site from the A20 and Sandy Lane in addition to the Bannatyne Health Club (locally listed);	The views of the site, although filtered by the vegetation, are readily available from the A20, especially during winter months.
9	6.16	once remodelled the site is relatively flat. There are no elevated parts where the proposed development could appear dominant and intrusive;	As item 5
10	6.17	a landscape buffer will be included that will incorporate a boundary of trees;	As item 4
11	6.18	houses will be designed to reflect the local vernacular. In our view this will provide a visually interesting and pleasing vista from the limited parts of the listed asset from which the development will be seen;	As item 6
12	6.27	northern end of St Paul’s Cray will be enhanced by removal of ugly, intrusive, incongruous ski slope and provision of softer landscaped edge;	As items 1 and 10

13	6.28	proposals would provide a wide range of housing from 1-4 bedroom dwellings, widen housing choice in private and affordable sector with 40% units for affordable purposes;	The Affordable Housing offer equates to 35% units, which represents a policy compliant position but does not comprise very special circumstances.
14	6.28 (2)	proposals will have significant green credentials and represent a very sustainable form of development, a visionary approach, which should help achieve wider community objectives to secure low carbon future;	<p>Zero carbon is a mandatory baseline policy requirement for this type of scheme and does not comprise very special circumstances.</p> <p>The sustainable measures that would be incorporated into the buildings' fabric would not be visionary, innovative or outstanding and would not extend beyond compliance with normal development control policies.</p> <p>Further, given the unsustainable location, the proposal would also result in environmental harm due to future occupants' dependency on the private motor car.</p>
15	6.29	assessment of the impact of the proposals identified some harm from developing a greenfield site for housing however there is now a presumption in favour of sustainable development;	NPPF Paragraph 11(d)(i) / footnote 6 disapplies the presumption in favour of the development that might otherwise exist. See paragraphs 6.1.34 – 6.1.39 of this report.
16	6.31	proposals would remediate the site and restore it to a state which would make a very positive contribution to the character and appearance of the countryside, adverse effects mitigated by substantial structural planting, support local businesses, provide housing choice, support local school and other community activities/ services;	Site remediation and restoration would be expected of any new development.
17	6.32	Council's 15-year supply of housing is inclusive of previously developed windfall sites, NPPF paragraph 11 (a) states LPAs should positively seek opportunities to meet development needs of their area and planning permission should be granted for sustainable development;	The application of policies in the NPPF that protect areas or assets of particular importance (i.e. Green Belt) provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.
18	6.33	meets broad tests of sustainable development (social, economic, environmental);	As item 15

19	6.34	the scheme addresses some local consultation concerns;	This argument does not comprise very special circumstances.
20	6.35	application has demonstrated exceptional circumstances of this proposal which creates an important opportunity, more flexible and positive policies of NPPF allow for such circumstances to over-ride other policies which might restrict development more tightly.	'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. This is further commented in paragraphs 6.1.41 – 6.1.48 of this report.

### Presumption in favour of sustainable development

6.1.35 Paragraph 6.29 of the Planning Statement states as follows:

*'Our assessment of the impact of the proposals identified some harm resulting from the development of a greenfield site for housing development in a location adjacent to but beyond the existing built confines of St Pauls Cray. In the past, that might have been a fatal flaw which would have resulted in a refusal of planning permission. However, there is now a presumption in favour of sustainable development and recent changes to planning a positive presumption for such development and a move from a negative, prescriptive policy straight-jacket approach to one which is more flexible, proactive and visionary.'*

6.1.36 The current position in respect of Bromley's Housing Trajectory, including the Five Year Housing Land Supply (FYHLS), was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply.

6.1.37 According to paragraph 11(d) of the NPPF in the absence of a 5 year housing land supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

6.1.38 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [6];

or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.1.39 In the recent judgment *Monkhill Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 1993 (24 July 2019) the High Court considered

it key that paragraph 11(d)(i) is read with the footnote [6] which lists relevant policies in the NPPF including those relating to land designated as Green Belt.

6.1.40 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 6” 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.

#### *Green Belt Balance*

6.1.41 For the reasons set out in the previous sections of this report officers concluded that the proposal would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. Officers consider that the nature of 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 144 of the Framework substantial weight is attached to this harm. In addition, officers concluded that the harm to openness would be caused to a substantial degree in both spatial and visual terms. This further weighs against the proposal.

6.1.42 There are also a number of other planning considerations which would weigh against the proposal when balancing the benefits proposed against the harm and degree of compliance with strategic planning policies.

6.1.43 Firstly, substantial weight is attached to the fact that the application site would not be a sustainable location for a major residential development, as the site is not, and would not be as a result of the proposal, adequately served by public transport (see section 6.5 of this report). Officers are unconvinced that the extensive earthworks necessary to implement the proposals would not impact on the group of TPO trees around the site boundary and this is a matter to which a significant weight is attached. In addition, failure to demonstrate that the proposals would not have an adverse effect on the biodiversity of the site carries further significant weight. Considerable weight is attached to the absence of satisfactory information demonstrating that no air quality concerns arise from the proposal. Finally, further considerable weight is attached to the harm of the locally listed building.

6.1.44 In terms of benefits, officers attach substantial weight to the proposal’s contribution to housing land supply at a time when Bromley does not have a five year supply of housing land. The contribution of the application site towards meeting affordable housing needs carries further significant weight in support of the proposal. A moderate weight is apportioned to the positive benefits the proposal would have in supporting local businesses and other community activities/ services.

6.1.45 In the final balance, however, the considerations advanced in support of the proposals cannot be seen as sufficient to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, openness and purposes of the Green Belt, and any

other harm. Consequently, when applying the Green Belt balance, officers conclude that the very special circumstances have not been demonstrated.

## **6.2 Housing – Acceptable**

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

### *Current Housing Land Supply Position*

6.2.2 As previously indicated, the current position in respect of the FYHLS is 2,690 units, or 3.31 years supply.

6.2.3 The application proposes 80 residential units, of which 48 units would be 1, 2 and 3 bedroom sized flats and 34 houses. In terms of tenure, 28 residential units would be affordable and 52 market tenure. This represents an affordable housing offer of 38% by habitable room and 35% by unit, with a 61:39 tenure split proposed in terms of affordable rent housing and intermediate shared ownership housing by unit (59:41 by habitable room).

### Affordable Housing

6.2.4 Policy 2 of the Local Plan makes reference to the level of need for affordable housing (from all sources – not just units progressed through the planning system) in the supporting text as follows:

*2.1.29 The South-East London sub region commissioned a Strategic Housing Market Assessment (SHMA) that was carried out in 2014. The study demonstrates a high level of need across the sub-region and highlights a number of key challenges and issues, including a total housing requirement of 7188 units per annum across the sub region and an estimate of net annual affordable housing need of 5,000 units per annum in South East London. In Bromley there is a net annual need for affordable housing of about 1400 units per annum.*

6.2.5 The latest Authority Monitoring Report (2018/19) published in November 2020 sets out affordable housing delivery figures. The total number of affordable dwellings completed in Bromley during the 5 year time period is 623 units highlighting still that there is a significant need for affordable housing in the borough, both from unmet need established in the 2014 SHMA and from whatever need has (and continues to) materialise since the SHMA was produced.

6.2.6 Policy H4 of the London Plan seeks to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H5 of the London Plan identifies a minimum threshold of 35% affordable housing (by habitable room), with a threshold of 50% applied to public sector owned sites and industrial sites where there is a net loss of industrial capacity. This application

is subject to the 35% threshold for affordable housing, as the site is in commercial/private ownership and outdoor recreational use.

- 6.2.7 To be considered eligible for the 'Fast Track Route', a policy compliant tenure split is required, without public subsidy, alongside an Early Stage Review Mechanism, which would be triggered if an agreed level of progress on implementation is not made within two years of the date of planning permission being granted (or an appropriate alternative period agreed). Bromley Council's Local Plan sets a target for 35% affordable housing with a 60/40 split between social rent/ affordable rent housing and intermediate provision.
- 6.2.8 As such, subject to further clarification on the affordability levels proposed and the requirements set out above being addressed in terms of grant funding and the provision of an early stage review, the proposed scheme would be considered eligible for the 'Fast Track Route'. Further discussion would be required to clarify the affordability levels to assess whether the proposal satisfies the London Plan with regard to social rent/London Affordable Rent; London Living Rent and London Shared Ownership.

#### Dwelling mix

- 6.2.9 London Plan Policy H10 seeks to ensure that new developments offer a range of unit sizes and types and tenures of housing, taking into account the housing requirements of different groups. Policy H10 sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes housing need and demand, the nature and location of a site, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods.
- 6.2.10 The Strategic Housing Market Assessment (SHMA) 2014 identified the highest level of need across all housing tenures within the Borough up to 2031 is for 1-bedroom units (53%) followed by 2-bedroom (21%) and 3-bedroom (20%) units.
- 6.2.11 The scheme proposes 48 family-sized three and four-bedroom dwellings, which represent 60% of the total residential units provision. Notwithstanding the provisions of SHMA, no objection to the resulting housing mix is raised, taking into account the site location and its characteristics and PTAL.

#### Residential standards

- 6.2.12 Whilst the scheme is in an outline form, the applicant has provided an indicative residential floorplans and sections for the housing typologies proposed. These would be acceptable with internal space achieving the thresholds of the technical standards and all units being dual aspect.
- 6.2.13 The proposal has been designed to avoid directly facing windows. Officers are satisfied that only minimal and oblique views into corners of the habitable rooms would be afforded, thereby preventing any mutual overlooking. In terms of outlook, the layout of the buildings and flats means that windows serving habitable rooms would generally not be enclosed by adjacent parts of the proposed development.

6.2.14 Officers accept that the proposed internal layout of the dwellings has been optimised and no objections are raised in this regard. Full assessment of daylight and sunlight provision for the proposed units would normally be required at reserved matters stage once the detail of the building form and materials are known. Compliance of any reserved matters applications with the housing quality standards set out above would also need to be secured by condition.

#### *Amenity space and play space*

6.2.15 Proposed houses and ground floor flats would benefit from private gardens. For upper floor flats private amenity space has been designed as part open part glazed loggias/winter gardens. Applicant states that these spaces would provide amenity spaces that would achieve acceptable noise levels by mitigating the noise generated due to the proximity of the flats to the A20 dual carriageway. Further information and design details would be required at Reserved Matters Stage.

#### *Children's play space*

6.2.16 Policy S4 of the London Plan states residential developments should incorporate high quality, accessible play provision for all ages, of at least 10sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. Play space provision should be available to all housing tenures within immediately adjacent blocks and courtyards to promote social inclusion.

6.2.17 Using the methodology within the Mayor's Play and Informal Recreation SPG, approximately 63 children are predicted to live in the development, of which 15 (27%) would be under 5; 11 (21%) would be at the age 5-11 and 8 (15%) would be 12 and older. This gives rise to a total child playspace requirement of approximately 632sqm.

6.2.18 Further information provided by the Applicant demonstrates that the play space requirements generated by the development can easily be met on site. The proposed development has a provision for multi-functional space of 3340sqm, which would be subdivided into Formal Play Space 520sqm, Youth Space 270sqm and Incidental 2550sqm.

#### Accessibility, Adaptability and Wheelchair Accessibility

6.2.19 Policy D3 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design (not just the minimum). Policy D5 of the London Plan requires 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'. These should be distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled. 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.

6.2.20 The site and its immediate boundaries include particularly steep gradients to the east and south. Following concerns raised by the GLA officers relating to the future site levels and gradients the layout of the proposed scheme has been amended to introduce cross site connections along with a pedestrian accessible slope to shorten travel distances. Further sections have been provided demonstrating gradients not exceeding 1:20 to ensure an inclusive and accessible environment in terms of pedestrian movement. Appropriate conditions would be required to ensure that any future Reserved Matters Application complies with the relevant requirements.

### **6.3 Design (density, layout, height, scale, massing and appearance) - Unacceptable**

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.

#### Density

6.3.2 Policies D1 to D4 of the London Plan place great emphasis on a design-led approach to ensure development makes the best use of land, with consideration given to site context, public transport, walking and cycling accessibility and the capacity of surrounding infrastructure.

6.3.3 The density of the scheme amounts to approximately 29 units per hectare (2.8ha site). Sandy Lane is situated in a suburban location with housing at a very low density within the Green Belt designation. In view of the location and proximity to surrounding services and amenities, as well as very low PTAL rating (1b), topography, and wider Green Belt context, officers consider that the site could not support a higher housing density.

#### Layout, height, scale and massing

6.3.4 Policies D1-D3 and D8 of the London Plan and the Housing SPG (2016) apply to the design and layout of development and set out a range of urban design principles relating to the quality of public realm, the provision of convenient, welcoming and legible and permeable movement routes and the importance of designing out crime by, in particular, maximising the provision of active frontages.

6.3.5 The proposed buildings would be designed to reflect the local vernacular. The layout of the scheme follows a circular loop route which would include on street parking and two areas of landscaping, with residential units orientated to front the street and with private gardens to the rear.

6.3.6 The GLA officers concluded that the layout proposed appears to be car-orientated and when taking into account the extent of previously developed land within the site, the proposals are not considered to represent the most optimal or compact form of development which would minimise the impact on openness.

- 6.3.7 The existing site levels would be significantly reduced to facilitate the implementation of the scheme. The ridge heights of the proposed buildings would range between 2 and 3 storeys with the dwellings at the rear of the site siting lower than the existing ground levels. The taller buildings would be placed at the lower part of the site to the north and would sit lower than those smaller buildings to the south. An amended layout provided in response to the comments made by GLA shows the development that was pulled further into the centre of the site, increasing distances to the boundaries.
- 6.3.8 Overall, while the rationale for the massing strategy is understood, the proposed development was found to cause substantial harm to the openness of the Green Belt in both visual and spatial terms, and on account of scale and layout.

#### Appearance

- 6.3.9 The acceptability or otherwise of the development would be largely dependent on the detailed design of the individual buildings. Had the principle of development been considered as acceptable, a submission and approval of a design code including architectural details and materials, would have been required at the Reserved Matters Stage to ensure that a high-quality built scheme is delivered.
- 6.3.10 Further details of a 3-metre-high road traffic noise barrier proposed to be installed along the northern boundary would also be required.

#### Heritage Impact

- 6.3.11 The adjacent Former Cray Valley Hospital currently occupied by Bannatyne's Health Club is locally listed (a non-designated heritage asset as classified by the NPPF).
- 6.3.12 Paragraph 197 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policies 37 (j) and 39 of the Local Plan require developments to respect non designated heritage assets and their settings.
- 6.3.13 The 1896 Ordnance Survey Map shows undeveloped land around the locally listed building and officers consider that this is an integral part of its character and setting. Consequently, the Applicant should demonstrate that the proposal satisfies the tests set out in the Setting of Heritage Assets by Historic England.
- 6.3.14 LBB Conservation Officer advised that due to the resulting land levels, the proposed development would overwhelm the locally listed building. Further, the proposal is also considered to introduce a high level of development including new roads and areas of hardstanding which would be inappropriate in this rural setting, and would cause less than substantial harm to the setting of the locally listed building.

#### Designing out Crime

6.3.15 Despite the outline form of the application, the Metropolitan Police Crime Prevention officer raised a number of concerns regarding the proposal

- The layout and orientation of buildings paths and parking areas;
- The proposed lighting of the highway, footpaths and communal areas;
- The boundary treatments for the external perimeter, and each block or dwelling;
- The permeability and security of the dwellings and ease of access into blocks;
- Security for the refuse storage areas, a secure mail delivery and visitor strategies, measures to reduce opportunities for anti-social behaviour and criminal damage, and the incorporation of suitably tested and accredited doors and windows.

6.3.16 Given the high crime rate in the area, submission of further details pursuant to the achievement of Secured by Design accreditation would have been requested as part of the reserved matters submission if the scheme was recommended for an approval.

#### **6.4 Residential Amenity - Acceptable**

6.4.1 The Bannatyne's Health adjacent to the cottage building is currently used as a fitness/health centre and spa, therefore the nearest residential property would be The Cottage located more than 50m to the south-west of the application site. Given the resulting separation distances no loss of privacy, outlook or daylight and sunlight would result.

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

#### **6.5 Transport and Highways - Unacceptable**

6.5.1 Paragraph 103 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. 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.

6.5.2 Both TfL and LBB highway officers raised significant objections in relation to the feasibility of the proposed footway provision due to land ownership, site's accessibility by sustainable and active modes of travel, across-site accessibility to less mobile residents and the car parking provision.

6.5.3 In response of the objections raised by the TfL, the applicant provided further information regarding the land ownership; a scaled drawing was also provided in an attempt to show how a footway width of 2m can be achieved without impinging on the existing two-way carriageway width of 6m (except for an area under the bridge where the width is reduced due to presence of the safety barriers protecting the bridge from vehicle strikes). The layout of the proposal has been amended to introduce cross site connections along with a pedestrian accessible slope to shorten travel distances. Further information was also provided on the existing pedestrian links in relation to the off-site facilities, as well as the confirmation of the reduction in number of car parking spaces.

6.5.4 Upon the review of the above additional information TFL commented as follows:

“Taking the points in turn:

a) Sandy Lane footway:

I note there is a pinch point on the footway under the bridge, with a footway width 1702mm at its minimum. The carriageway adjacent to this pinch point also seems to be slightly narrower than the stated 6387mm. TfL Streetscape guidance states:

*A preferred minimum clear footway of 2,000mm in width must be maintained. Clearance of 450mm must be maintained from the carriageway.*

It's not as clear on carriageway width, but 6000mm min two way is suggested. While this guidance has been developed primarily for the Transport for London Road Network (TLRN), the principles are equally applicable to any street in London should a local authority choose to adopt them. National guidance (Inclusive Mobility 2002) advises that ideally the width of the footway should be 2000mm to facilitate two people in wheelchairs to pass each other comfortably. Where this width is not possible, a clear width of 1500mm should be provided, with an absolute clear minimum width of 1000mm in exceptional cases.

Given the above, and likely low level of pedestrian movements in this location, the council as highway authority for Sandy Lane, may consider the minimum 1702mm footway acceptable, though your highway colleagues would need to advise on this and the residual carriageway width under the bridge.

b) Access to bus stops/Tesco's

The location of the site and consequent walk distances in relation to services is fixed, there are no ways to realistically mitigate. Inevitably, it will be quicker and more convenient for residents to drive to say Tesco's, or the nearest station with a car park, particularly with universal household access to a car parking space/s. Cycle access is also relatively unattractive, again a function of site location and consequent difficulty in mitigating, and all these factors will undermine Mayoral mode shift targets, as explained in the Stage 1 report. This is simply a fact, and as such will clearly need to be considered by decision makers alongside the other policy issues and benefits/disbenefits of the proposal.

c) On site pedestrian routes

Inclusion of a more direct footpath within the site is welcomed.

d) Car parking

Reduction of car parking to meet Publication London Plan policy (1.5 spaces per dwelling) is welcomed.”

6.5.5 LBB Highway Officer confirms that taking into account the information supplied by the Applicant regarding land ownership, the footway proposed can be provided, subject to

legal agreements. The comments from TfL regarding the width of the footway under the bridge are noted however given the likely low level of pedestrian movements in this location, it is therefore considered that a minimum footway width of around 1.7m for this relatively short distance, as well as the resulting residual carriageway width under the bridge, is acceptable.

- 6.5.6 Notwithstanding that, it would still be about 600m to the Ruxley roundabout where pedestrians would need to cross Edgington Way to access most facilities apart from Tesco's. That is over 1km from the site which people will not want to walk with a big shop. The footpath to the south of the site is in poor condition and unlikely to be conducive to encouraging walking. Overall, the current condition Sandy Lane is not a road where walking or cycling should be encouraged. The original objection to the proposal raised on the grounds of the location of the site and its lack of accessibility by modes other than the car remains.
- 6.5.7 In the light of the above, at present the site has an effective PTAL of 0 and, even if the proposed pedestrian footway is delivered, the site's location would not be made sustainable through limiting the need to travel and/or offering a genuine choice of transport modes. The proposal would deliver a residential scheme that is reliant on the use of cars, thereby resulting in environmental harm. As such, the proposed development would undermine the strategic aims of the Mayor's modal shift as well as the overarching transport objectives of the NPPF.

#### *Site Access*

- 6.5.8 A Road Safety Audit for the proposed access was supplied and despite some design measures that would need to be taken into account during the detailed design stage, the proposal was found to be generally acceptable in this respect. Given the new road is basically a cul-de-sac with no public utility the Council would not wish to adopt it.

#### *Construction Environmental Management Plan*

- 6.5.9 An outline Construction Environmental Management Plan (CEMP) was provided with the application listing what would be provided within a detailed CEMP when a contractor is appointed. Given the size of the site there appears enough room to provide unloading, turning and storage areas, however, the southern section of Sandy Lane is signed as unsuitable for HGV's, therefore large vehicles would need to approach and leave the site from / to the north. Officers consider the proposed content of the CEMP as insufficient. Should planning permission be granted, a more detailed CEMP would be required.

### **6.7 Biodiversity (Trees, protected species and urban greening) - Unacceptable**

- 6.7.1 NPPF Policy 170 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.7.2 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.” 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.

6.7.3 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats. Policy 73 requires proposals for new development will be required 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

6.7.4 Tree Survey Report and Preliminary Arboricultural Impact Assessment (June 2019) submitted in support of the application advises that a total of four trees, a small hedgerow, a small, immature area of woodland and a relatively low number of other trees within an existing screening hedgerow/woodland (T20 – T23, H1 and W1, all Category B) would require removal to facilitate the proposed development. The report asserts that this would result in only a very low loss of amenity on site, and additional tree planting that should be included in the proposed design for the site would mitigate for any loss of amenity from tree removal.

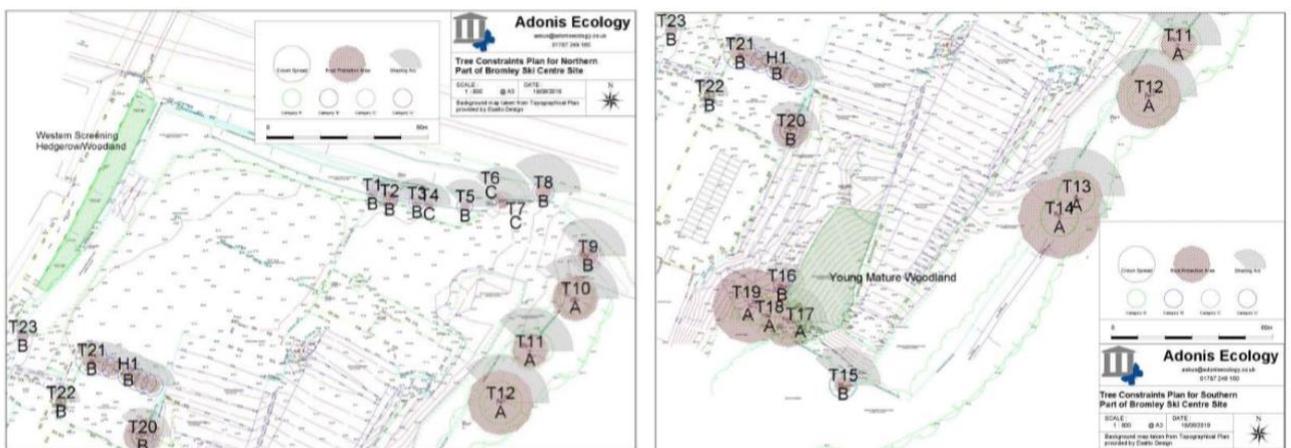


Fig.9. Tree constraint plans (Tree Survey Report).

6.7.5 However, officers note that the report identifies further six other trees, just to the east of the site boundary (labelled T9-T14 in the Fig.9 below), may be affected by re-contouring works and potentially building foundations or hard surfacing may fall over their root protection areas (RPAs). All but one of these trees are very large, mature or over mature trees in fair physiological condition assigned as Category A trees, i.e. trees of particular visual importance as arboricultural and/or landscape features, and an estimated remaining life expectancy of at least 40 years. These trees have high amenity and conservation value, and should be retained.

- 6.7.6 The report asserts that an Arboricultural Method Statement and Tree Protection Plan confirming the schedule of tree works, protective and impact avoidance measures and planting proposed for the site could be secured via planning condition.
- 6.7.7 LBB Tree Officer reviewed the submission and confirmed that given the substantial re-contouring works across the site, the impact of these level changes on T9-T14 trees was not clear. Concerns were also raised over the design and layout of the proposed development, and the resulting pruning pressures, major landscaping operations and impacts on tree rooting environment to the detriment of retained trees. It is therefore important that sufficient offset is provided to ensure retained trees are protected and measures for the protection of these high amenity value trees are set out at the planning stage rather than being subject to a condition, especially given the fact that a Tree Preservation Order (TPO) has been subsequently served for the group on the 13<sup>th</sup> February 2020.
- 6.7.8 Following the above comments, the layout of the proposal has been amended to pull the development further into the centre of the site, resulting in additional space on the western and southern boundaries, so that cars can be parked between buildings rather than at rear thereof, and allowing the buildings to be moved away from the protected trees by further 4 meters.
- 6.7.9 Whilst officers appreciate that these changes should, in theory, lessen the potential harm, until an Arboricultural Impact/Method Assessment is received, the impact upon retained trees and those now protected cannot be fully assessed. To this end, the application currently conflicts with Policies 37 and 73 of the Bromley Local Plan.

### Biodiversity

- 6.7.10 The Preliminary Ecological Appraisal (PEA) submitted in support of the application asserts that overall, the site is considered to be of moderate ecological value at a local level. However, officers note that the site is rated 'High' in the 'Rare or Exceptional Features' criterium, which means that it has species or habitats present in quantity that is considered rare and of high importance at a local level. In this instance, the rating was afforded due to a large population of a Section 41 species. Figure 8 below shows the habitats and features present on the site at the time of the habitat survey (May 2019).
- 6.7.11 A desk study and Phase 1 Habitat survey conducted in identified potentially significant risk of impact on the following protected and/or Section 41 species/species groups from the proposed works:
- moderate risk of indirect impact to potentially roosting, foraging and/or commuting bats from additional lighting on site;
  - moderate risk of direct impact and/or harm to widespread reptiles from site clearance works and loss of habitat;
  - low to moderate risk of impact to plant and invertebrate communities due to habitat loss;
  - moderate risk of direct harm to nesting birds, hedgehogs and common toads; and
  - low risk of direct harm to individual badgers which may occur on or use the site.

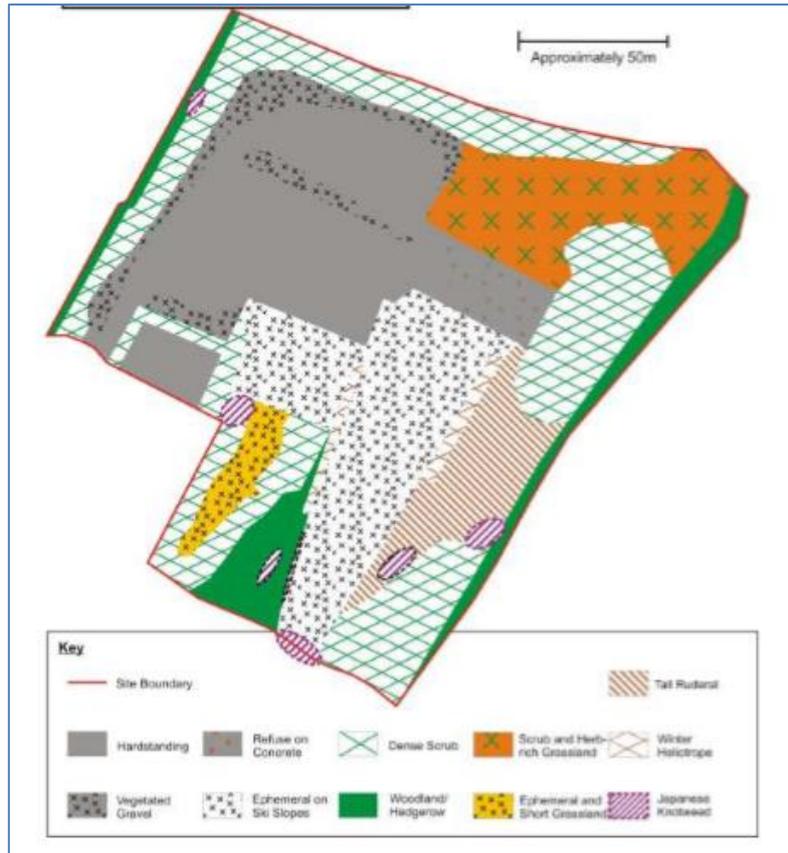


Fig.8. Habitats and Features on Bromley Ski Centre Site (Preliminary Ecological Appraisal).

6.7.12 The Council's ecology consultants reviewed the supporting information on behalf of the Council and confirmed that the Preliminary Ecological Appraisal does not adequately assess, mitigate or compensate the ecology impacts associated with this development. Further information requested included Ground Level Assessment of trees; Emergence/Re-entry bat surveys of trees; Presence/Absence Reptile Survey; Botanical Survey; and Invertebrate Survey. It was highlighted that whilst mitigation strategies have been outlined, insufficient detail has been provided and these cannot be the subject of 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 was considered a reasonable view, as the illustrative masterplan provides limited space for the mitigation measures to be implemented and the planning application provides no specification or details of these commitments or other measures (e.g. offset land or receptor sites), which demonstrates that they could be delivered if required.

6.7.13 In response to the above comments the Proposed Mitigation Strategy Sufficient to Mitigate for likely Worst Case Scenario Findings at former Bromley Ski Centre Site (Adonis Ecology Ltd. 31st January) was provided to show that the site can accommodate a likely Worst Case Scenario. Evaluation of this strategy is included in the further assessment below.

## *Bats*

- 6.7.13 The Preliminary Ecological Appraisal Report (Adonis Ecology, June 2019), identified mature trees adjacent to the eastern boundary of the site as having at least moderate potential for roosting bats, while the boundary features were considered to provide likely moderate to high value foraging and commuting habitat for bats. As the Proposed Mitigation Strategy Sufficient to Mitigate for likely Worst Case Scenario Findings confirmed that these trees and the boundary features are to be retained, and as further gardens and vegetated areas would be provided within the proposed development, it was considered that the risk of direct impact to foraging and/or commuting bats from the proposed development would be negligible.
- 6.7.14 Notwithstanding the above, given the concerns raised regarding the impact on those trees during the construction phase of the proposed development, including during the re-contouring the site, officers consider it premature to accept the claim that the aforementioned risk would be negligible.

## *Botanical Survey*

- 6.7.15 A botanical survey report submitted identified heath speedwell *Veronica officinalis*, which is recorded in the Kent Rare Plant Register as being present within the site. The report also identified Japanese knotweed and variegated yellow archangel as being present within the site; both of which are listed as invasive species on Schedule 9 of the Wildlife & Countryside Act, 1981 (as amended). Recommendations for mitigation of any impact to rare plants or impacts resulting from invasive species removal are considered sufficient and should form part of a condition appended to any planning approval.

## *Invertebrates*

- 6.7.16 An invertebrate survey report submitted identified 129 invertebrate species, including one Section 41 species and a small number of Nationally Scarce species. Nevertheless, invertebrate diversity within the site was considered to be relatively low. Design recommendations for the green roofs, in combination with the ground level habitats to be provided, are considered to be appropriate to mitigate for the loss of biodiversity that could result from the proposed scheme; and should form part of a condition appended to any planning approval for the site.

## *Reptiles*

- 6.7.17 No plans/drawings or survey data showing presence/absence of reptiles has been provided, despite being specifically requested, and contradictions exist between the Illustrative Masterplan and the PEA report. Further information continues to be therefore required to confirm the exact location, size and type of habitats proposed and how these would act as sufficient receptor sites for reptiles, both during the construction and operational phases of the development. Off-site receptor sites and translocation should be considered if these cannot be adequately provided on site.
- 6.7.18 In the absence of the Reptile Survey data, there is insufficient evidence to support the conclusion that reptile populations (if present within the site) could be adequately

supported within the areas of habitat to be retained/re-provided within the proposed scheme. In addition, the suitability of some of these areas for reptiles is considered to be limited, due to the lack of connectivity to other areas of habitat, levels of shading and the levels of human disturbance that would likely occur (e.g. the proposed pond and grassland area within the centre of the site, and potential shading of habitats at the boundaries of the site by adjacent trees and residential plot fences). Furthermore, it is not clear where and how reptiles would be accommodated during the construction phase of the proposed development, including during the work required to level the ground.

6.7.19 Officers consider that further surveys cannot be the subject of 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). To this end, the application has failed to demonstrate that the proposal would not have a detrimental impact on the biodiversity of the site.

#### Urban greening and Net Biodiversity Gain

6.7.20 The application does not demonstrate how the development would secure a net biodiversity gain. The application should include a comprehensive and quantified evaluation of the baseline biodiversity value of this site and clearly set out how the development will result in net gains from this baseline. GLA officers requested that an Urban Greening Factor (UGF) assessment is provided. A benchmark target score of 0.4 is to be applied to a residential development such as this. A UGF assessment of the existing site should also be carried out to demonstrate net gains in terms of urban greening.

6.7.21 Following the above request, the Urban Greening Factor (UGF) assessment has been undertaken for the existing site and also one has been modelled for the proposed site. The Applicant confirmed that net gain in urban greening is 0.22 with a UGF 0.57. In regard to the Net Biodiversity Gain, the Applicant claims that it is difficult to quantify without further information on species present on the site and is actually difficult to demonstrate on the site at all, because any newly created habitats score lower than the same habitat that may be existing (as the calculated 'value' of new habitats is reduced as they take time to establish and it can be difficult to achieve the desired quality of habitat). Therefore, as the Applicant concludes, unless substantially more high quality habitats are established than those that are being lost or only low-quality habitats are lost (which at the moment cannot be confirmed unless it can be demonstrated that these habitats are not used by reptiles) the Net Biodiversity Gain is difficult to achieve.

6.7.22 Officers agree that achieving the target UGF score would be more difficult on a site that already has good quality habitats and significant vegetative site coverage. In actual fact, this validates the proposal unacceptability in terms of the resulting adverse effect on protected species.

6.7.23 In terms of the UGF calculations provided, officers note that the assessment of the existing site does not appear to indicate all of the surface cover types present on site, such as hedges. It would be necessary, therefore, to provide a colour-coded diagram of the areas included so that net gains in urban greening indicated can be adequately

verified. In regard to biodiversity gains, given current concerns in terms of potential impacts on TPO trees as well as existing habitats and protected species, this policy requirement has not been satisfied.

## **6.8 Environmental Health considerations – Unacceptable**

### Noise

- 6.8.1 London Plan Policy D13 states that development should manage noise to improve health and quality of life by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles.
- 6.8.2 The site is located adjacent to the A20 dual carriageway, which generates relatively persistent and continuous road based noise. Noise monitoring has been undertaken by the Applicant which demonstrates that noise levels range between 68dBA to the north of the site and 62dBA towards the south. The applicant's noise impact assessment outlines various ways in which the existing noise levels could be mitigated, including through the use of sound insulation, winter gardens and controlling noise levels through a 'whole dwelling ventilation' strategy for each residential unit to control noise levels within units. In addition to this, a 3 metre high road traffic noise barrier is proposed. Residents would be able to open windows in order to purge odours and obtain fresh air; however, this would reduce the effectiveness of the noise insulation strategy.
- 6.8.3 Taking into account the density, layout and landscaping of the proposed development, GLA officers considered that a more generous landscape buffer could be provided along the northern boundary. In response to these comments the layout has been amended to include a deeper landscape set back to the north in order to help mitigate noise issues. The Applicant also confirmed that the separation distance between the A20 and the rear of the flats would be a minimum of 31m, and that there would be no openable windows to the rear of the flats.
- 6.8.4 In the light of the above, officers are satisfied that subject to appropriate conditions ensuring that residential units and private amenity spaces are provided in accordance with the relevant World Health Organisation and British Standards, the proposed development would meet the noise nuisance prevention requirements.

### Air quality

- 6.8.5 Policy S11 of the London Plan states that London's air quality should be significantly improved and exposure to poor air quality should be reduced, especially for vulnerable people. Policy S11 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution.

6.8.6 The GLA raised concerns in relation to the results of the monitoring of the baseline air quality levels showing that concentrations of NO<sub>2</sub> were close to and slightly above the UK Air Quality Objective value limit (40µg/m<sup>3</sup>). Additionally, modelling relied on in the assessment assumes that the future scheme would comply with the objective limit at ground floor level. However, no dispersion modelling has been provided to support this claim and insufficient detail is provided in relation to the proposed mitigation measures, or the assessment of transport emissions.

6.8.7 In response to the above, a revised Air Quality Assessment (AQA) has been provided. LBB Environmental Health officers reviewed the updated report and made the following further observations:

- The application site is the expansion in size of the Air Quality Management Area (AQMA) by approximately 200% so that the eastern boundary of the AQMA now runs along Sandy Lane, immediately adjacent to the application site.
- The Air Quality Assessment (AQA) continues to fail to refer to the AQMA that covers the entirety of the London Borough of Bexley area, the borough boundary running down the centre of Edgington Way/Maidstone Road.
- Despite the AQA referring to guidance relating to Air Quality Neutral, and the need for a Air Quality Neutral Assessment (AQNA) being highlighted in earlier observations, the AQA does not contain a AQNA.
- The AQA does not contain a construction dust risk assessment or a dust management plan, although does state the AQA does *not* cover demolition or construction activities because information on such activities was not available at the time of the planning application.
- The source data for local NO<sub>x</sub> emissions continues to be poorly indexed, although appear to be some of the Council's NO<sub>x</sub> tube monitoring locations. The NO<sub>x</sub> tube locations used in the AQA appear to be those closest to the application site, however there are other areas only slightly further away that may be more representative of heavy traffic volumes. The AQA does not include any commentary on the reason for excluding the data from these areas.
- The AQA does not appear to refer to emissions arising from/associated with the development (e.g. details of any CHP scheme), although it is noted in other supporting documents that the proposal is for the development of a carbon neutral site.
- Local air quality monitoring using NO<sub>x</sub> tubes has been carried out over a 3 month period. Three months is a *minimum* time period, short duration sampling preferably covering a 6 months/2 seasons period as recommended in earlier Environmental Health observations.
- The Conclusions and Recommendations state the development to be APEC Category A. While the AQA correctly refers to the APEC criteria in Table 7: "*No air quality grounds for refusal*", it then fails to show any consideration for: "*however mitigation of any emissions should be considered*".

6.8.8 In summary, the updated AQA fails to consider what impacts may arise due to Bexley's AQMA and whether other Bromley NO<sub>x</sub> tube locations may be more representative of the likely NO<sub>x</sub> from road traffic arising from the A20. The AQA also does not include an AQNA, a Construction Dust Risk Assessment or a Dust Management Plan and fails to show any consideration of how other emissions might be mitigated. While some developments approach construction related emissions in a phased way, this AQA does not seek to do so, simply stating that the information was not available at time of writing. To this end, officers consider that the revised Air Quality Assessment provided

in support of this application be considered to contain insufficient information to allow the application to be determined at this time, and that further clarification and details need to be provided. In the absence of further clarification/information, it is recommended that the application should be refused for the reasons stated above and in order to safeguard the local environment and the prospective occupiers.

## Contamination

- 6.8.9 Phase 1 desk study submitted is considered as acceptable and sufficient to satisfy the requirements of part A of the land contamination assessment condition, i.e. detailed history of the site's uses and a site investigation strategy based on the relevant information discovered by the desk study.
- 6.8.10 While detailed, the Phase 2 (intrusive investigation) report accepts that relatively large contamination hotspots could have been missed by the random sampling pattern investigation carried out and recommends further sampling be carried out to reduce uncertainty, and to monitor ground gas near the northern boundary. In addition, the report emphasises that what it contains is an indicative remediation strategy and not the proposed remediation strategy. Full consideration of all the remediation options cannot take place until the further sampling as recommended in the report has been carried out.
- 6.8.11 The Phase 2 intrusive investigation report must therefore be considered incomplete until such time as the further sampling and investigation recommended has been carried out and the Phase 2 report has been updated to include the findings of the additional sampling and investigation.
- 6.8.12 The Phase 2 intrusive investigation report is very clear that it is an indicative remediation strategy only. A full options appraisal can only be completed once the results of the further sampling and investigation are known. The remediation strategy proposed by the developer can then be based on these options, tailoring the remediation solution to the requirements of the development and various land uses around the site.
- 6.8.13 It is therefore recommended that in an event of granting planning permission a land contamination assessment condition (parts B – F) would need to be attached to prevent harm to human health and pollution of the environment.

## **6.9 Drainage and flooding - Acceptable**

- 6.9.1 The site lies within Flood Zone 1 with a low risk of flooding. The Council's Drainage Officer points out that there are no public foul or surface water sewers near the site and the applicant will need to make arrangements as to how to dispose foul and surface water run-off.
- 6.9.2 The application is supported by a flood risk and sustainable drainage assessment (July 2019) which advises that a new surface water and foul water system would need to be constructed on the site. The surface water drainage strategy proposes two attenuation and infiltration ponds, which would have the potential to accommodate surface water run-off from the site during the 1 in 100 year storm events, taking into

account climate change. Other sustainable urban drainage (SuDs) measures such as open landscaping and green roofs are proposed. This approach is considered acceptable and in line with the drainage hierarchy in Policy SI13 of the London Plan. A condition requiring the submission of a detailed design based on the submitted strategy would be required should the planning permission be granted.

6.9.3 With regard to foul sewerage there is an existing sewer on Sandy Lane and Thames Water advise that it would be most practical for the site to connect with this and confirm that it would be able to accept a gravity peak for the proposed number of residential units.

## **6.10 Energy and Sustainability - Acceptable**

6.10.1 Policy SI 2 'Minimising greenhouse gas emissions' of the London Plan states that:

- A Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
  - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
  - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
  - 4) be seen: monitor, verify and report on energy performance.
- B Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.
- C A minimum on-site reduction of at least 35 per cent beyond Building Regulations 152 is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
  - 2) off-site provided that an alternative proposal is identified, and delivery is certain.

6.10.2 Initially, the Energy Strategy submitted proposed two options for the site: one with solar panels and the other with biomass CHP, both being considered separately. In response to some detailed points of clarification raised by the GLA officers, the energy strategy was updated to show a single combined option to ensure that the performance at each stage of the energy hierarchy is maximised. The updated option would include biomass CHP to the flats, which would seem the most practical as the roofs to the blocks of flats are likely to face north and the maintenance etc. of the plant can be incorporated into the service charges to the occupants; and solar PVs to the houses which would allow the houses to be self-contained with no reliance on the other units on the site.

6.10.2 It is proposed that a "zero carbon" development would be achieved entirely on site, which is welcome. The provisional modelling also suggests that energy efficiency

could reduce the carbon emissions by 19% which is above the 10% minimum required. The use of biomass boilers and PVs is an acceptable solution to provide renewable heat and power, as is the approach to managing overheating. Additional information would need to be submitted should the scheme be permitted and a Reserve Matters application forthcoming.

## **6.11 Archaeology - Acceptable**

6.11.1 The planning application lies in an area of archaeological interest. Historic England Archaeology Adviser confirmed that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using planning condition requiring an approval of a written scheme of investigation (WSI) before works commence on site. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199.

## **7. Other Issues**

### CIL

7.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

7.2 The Council is in the process of adopting a local CIL charging schedule which may affect this proposal.

### Heads of Terms

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

- Affordable Housing 35% (61:39 affordable rent/ intermediate housing split based on 80 units) – eligible for Fast Track
- Early stage review mechanism
- Health £147,733
- Education £582,972
- S278 Agreement for the construction of the new footway along Sandy Lane
- Street light and road sign
- Reimbursement of the Council's legal costs

7.4 These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

## **8. Conclusion**

8.1 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. In addition, the harm to openness would be caused to a substantial degree in both spatial and visual terms.

- 8.2 The substantial level of harm that would arise from the development to the Green Belt is considered to outweigh any housing land supply benefit that would arise.
- 8.3 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.
- 8.4 The site is not in a sustainable location, the current lack of footways and the conditions in Sandy Lane are not conducive to walking or cycling and mean that the vast majority of the trips from the site would likely to be by private modes of transport. Even if the proposed pedestrian footway was delivered, the scheme would fail to provide a genuine choice of transport modes and would promote residential development that is excessively reliant on the use of cars, thereby resulting in environmental harm.
- 8.5 The proposal is considered to detract from the adjacent locally listed building whilst causing harm to its setting.
- 8.6 Insufficient information was provided to demonstrate that the proposed development would be acceptable in terms of its impact on biodiversity of the site, adjoining TPO trees and air quality.
- 8.7 To this end, it is recommended that the appeal be contested for the reasons set out below.

## **9. Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

- 1 The proposal is considered to constitute inappropriate development which would cause substantial harm to the openness of the Green Belt and the purposes of including land within it for which no very special circumstances are considered to exist to outweigh the harm to the Green Belt and any other harm, contrary to Policy 49 of the Bromley Local Plan (2019), Policy G2 of the London Plan (2021) and the provisions of the National Planning Policy Framework (Paragraphs 133, 134 and 143 – 145).**
- 2 The proposal would, due its overall scale and siting, visually overwhelm the adjacent locally listed building, causing less than substantial harm to its setting. As such, the proposed development is contrary to Policy 39 of the Bromley Local Plan, Policy HC1 of the London Plan (2021) and Paragraph 197 of the NPPF.**
- 3 The proposal would, due to its location on the site with an effective PTAL rating of 0, result in residential development that is excessively dependent on the use of private car. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policies 31 or 33 of the Bromley Local Plan, Policy T1 of the London Plan (2021) and the NPPF.**

- 4 In the absence of an Arboricultural Method Statement, the impact of the significant re-contouring works required to facilitate the proposed development and potentially foundations of the proposed buildings, upon retained and TPO protected trees located adjacent to the eastern boundary of the site cannot be fully assessed. As such, the proposal fails to demonstrate compliance with Policies 37 and 73 of the Bromley Local Plan (2019), Policy G7 of the London Plan (2021) and the NPPF.**
- 5 In the absence of Emergence/Re-entry bat surveys of trees as well as Presence/Absence Reptile Survey, the application fails to demonstrate that the proposed development would not have an adverse effect on protected and/or Section 41 species. As such, the proposal is contrary to Policy 72 of the Bromley Local Plan (2019), Policies G5 and G6 of the London Plan (2021) and the NPPF.**
- 6 The updated Air Quality Assessment is unsatisfactory to ensure that fails to consider what impacts may arise due to Bexley's AQMA and whether other Bromley NOx tube locations may be more representative of the likely NOx from road traffic arising from the A20. The AQA also does not include an AQNA, a Construction Dust Risk Assessment or a Dust Management Plan and fails to show any consideration of how other emissions might be mitigated. As such, it has not been demonstrated that the proposal would satisfy the requirements of Policy 120 of the Bromley Local Plan (2019), Policy SI1 of the London Plan (2021) and NPPF.**