



THE LONDON BOROUGH
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Planning Obligations Supplementary Planning Document

June 2022

Bromley Council

Planning Obligations Supplementary Planning Document – June 2022

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1 Introduction

Background

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

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

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

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

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

What are planning obligations?

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

Limitation on use of Planning Obligations:

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

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

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

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

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

³ Available from:

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

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

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

2 Policy framework

Overview

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

Figure 1 – Policy Framework



National planning policy and guidance

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

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

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

London planning policy and guidance

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

Policy DF1 Delivery of the Plan and Planning Obligations

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

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

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

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

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

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

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

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

Local planning policy

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

Policy 125 - Delivery and implementation of the Local Plan

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

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

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

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

Community Infrastructure Levy

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

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

3 Basis for Planning Obligations

Overview

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

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

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

Bromley Corporate Strategy⁹

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

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

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

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

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

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

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

Bromley Local Plan

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

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

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

London Plan

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

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

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

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

Objectives of this Guidance

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

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

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

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

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

4 General Principles

Overview

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

S106 Requirements versus Community Infrastructure Levy Payments

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

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

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

Pooled Contributions

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

Maintenance Payments

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

Management of Development

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

Timing of Obligations

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

Administration and Monitoring

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

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

Viability

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

5 Affordable Housing

Overview

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

Tenure and Type

- 5.5 Policy 2 of the Local Plan requires **60% social-rented/affordable rented housing** and **40% intermediate** provision, unless it can be demonstrated that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities. The London Plan Policy H6 requires **a minimum of 30% low-cost rented homes either London Affordable Rent or Social Rent** and **a minimum of 30% intermediate products which meet the definition of genuinely affordable housing** (including London Living Rent and London Shared ownership); the remaining 40% affordable provision to be determined by the borough. The Local Plan tenure split is consistent with the London Plan. Paragraph 4.5.3 of the London Plan requires that affordable housing provision should be calculated on the basis of habitable rooms or habitable floorspace.
- 5.6 The Council have local intermediate income thresholds which apply to intermediate housing in the Borough. These local thresholds help to ensure that the intermediate housing units can be accessed initially by people on lower incomes compared to applying the London-wide thresholds from the outset. The following household income thresholds (upper limit) apply to 1, 2 and 3 bedroom units for intermediate ownership products¹⁰:

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

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

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

Approach

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

Viability Appraisals

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

Viability Reviews

¹¹ And mid-term reviews for larger phased schemes.

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

Off-site Provision and Payments in lieu

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

Additional requirements for non-standard residential development

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

- Purpose Built Rent (Policy H16)

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

6 On Site Amenity Space and Green Infrastructure

Overview

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

External Private Amenity Space and Play Space

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

Green Infrastructure

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

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

7 Community, Health and Educational Facilities

Overview

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

On-site provision

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

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

Loss of facilities

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

Facilitating the provision of services

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

Public Access and Local Participation

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

8 Control of Development and Management Plans

Overview

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

Operational Management - General Amenity and Local Environmental Factors

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

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

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

Control of Occupancy and Operation

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

Heritage Management

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

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

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

9 Highways and Transport

Overview

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

Network Management

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

Transport Assessment

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

¹⁶ Chapter 10 of the London Plan - Table 10.1 -

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

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

Travel Plans

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

Construction Logistics Plan¹⁹

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

Delivery and Service Plans²⁰

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

Parking

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

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

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

²⁰ ibid

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

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

Parking Design and Management Plans

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

Residential Parking permits

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

Cycling

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

Cycle Parking

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

Other Cycle Provision

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

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

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

Public Transport

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

Highways Infrastructure

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

Strategic Transport Improvements

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

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

10 Local Employment and Services

Overview

10.1 The Bromley Local Plan sets out in Policies 81 to 86 the importance of improving and retaining employment floorspace in the borough. Policy 80 seeks to focus economic growth at three strategic priority areas - Bromley Town Centre, Cray Business Corridor, and Biggin Hill Strategic Outer London Development Centre (SOLDC). Policies 103 to 108 relate specifically to the Biggin Hill SOLDC. Policy 13 set out priorities for designated Renewal Areas, which should also serve as areas of focus for local employment – these areas being:

- Crystal Palace, Penge & Anerley
- The Cray Valley
- Orpington, Goddington and Knoll
- Mottingham
- Ravensbourne, Plaistow and Sundridge

10.2 Policy E2 of the London Plan requires development proposals that involve the loss of existing employment space in areas where there is a shortage of lower-cost space (or workspace of particular types, uses or sizes), should ensure that an equivalent amount of employment space is re-provided in the proposal appropriate in terms of type, use and size. This should incorporate the needs existing businesses that are to be displaced where possible. In addition, London Plan Policy E11 requires that development proposals should support employment and skills development.

Flexible Workspace / Affordable Workspace

10.3 Policy E2 of the London Plan requires development proposals for new B Use Class business floorspace²¹ greater than 2,500 sq.m. (gross external area) to consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises. Development of B Use Class business uses²² should ensure that the space is fit for purpose having regard to the type and use of the space.

10.4 Policy E3 defines affordable workspace as space let at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose, including specific sectors that have social value such as charities, voluntary and community organisations, or social enterprises for specific sectors that have cultural value such as creative and artists' workspace. Policy E3 states that consideration should be given to the need for affordable workspace (in the B Use Class²³) to be provided as part of development proposals, where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site.

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

²² Ibid

²³ Ibid

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

Local Employment and Skills

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

11 Open Spaces and Outdoor Sport

Overview

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

Development effecting existing Open Space and Outdoor Sport

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

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

Creation of new or improved Open Space and Outdoor Sport

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

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

12 Sustainable Development

Overview

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

Carbon Reduction

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

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

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

Energy Hierarchy

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

i) **Be Lean: Energy Reduction**

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

ii) **Be Clean: Decentralised energy**

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

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

iii) **Be Green: Renewable Energy**

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

iv) **Be Seen: Monitoring**

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

Carbon Offset payment

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

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

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

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

Sustainable Drainage Systems (SuDS)

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

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

Flood Defence Infrastructure

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

Water Infrastructure

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

Waste Management

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

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

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

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

Air Quality

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

13 Urban Centres and Public Realm

Overview

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

Public Realm Improvements

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

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

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

Town Centre Management

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

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

Crime and Safety

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

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

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

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

Appendices

Appendix 1 – Monitoring and Legal Agreement Template and Charges

Monitoring Charges

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

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

Legal Fees and Section 106 templates

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

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

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

Appendix 2 - Planning Obligations Assessment Matrix

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

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

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

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