

Committee Date	26/07/22		
Address	Sports Club Worsley Bridge Road Beckenham BR3 1RL		
Application Number	21/05503/FULL1	Officer - Catherine Lockton	
Ward	Beckenham Town and Copers Cope		
Proposal	Demolition of all existing buildings on site and redevelopment to provide residential development comprising a mix of dwellinghouses and apartment blocks (part 3 and part 5 storeys in height), including provision of affordable housing, alongside the provision of public open space fronting Worsley Bridge Road, onsite play space and areas for public sports facilities, associated landscaping, car parking and ancillary works.		
Applicant Caerus Developments	Agent Ben Pope Boyer Planning		
	2nd Floor 24 Southwark Bridge Road London SE1 9HF		
Reason for referral to committee	Major application outside delegated authority	Councillor call in YES	

RECOMMENDATION	PERMISSION BE REFUSED
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<p>KEY DESIGNATIONS</p> <p>Metropolitan Open Land Biggin Hill Safeguarding Area London City Airport Safeguarding Area Green Chain Open Space Deficiency Smoke Control SCA 12</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	F2 (pavilion only)	179sqm.
Proposed	C3 Dwellinghouses Sub-station & sports wc+changing facilities	8055sqm. 60sqm.

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	11	22	13	0	46
Affordable (shared ownership)	5	12	3	0	20
Affordable (social rent)	8	17	4	0	29
Total	24	51	20	0	95

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	65 residential 8 sports/public use	73
Disabled car spaces	0	10 residential 2 sports/public use	12
Car Club	0	1	1
Cycle	0	184 residential 32 sports/public use	216

Electric car charging points	20% Active 80% Passive
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Representation summary	<i>Adjoining neighbours were consulted by letter on 07.01.22 and 24.05.22. A Site Notice was displayed at the site on 14.01.22. A Press Advert was published on 19.01.22 in the News Shopper.</i>	
Total number of responses		68
Number in support		10
Number of objections		58

Financial Contribution Heads of Term	Amount	Agreed in Principle
Affordable housing		YES
Carbon offsetting payment	£75,620	YES
Delivery and ongoing management of public open space, land for sports uses and play space		YES
Provision of one car club space		YES
Delivery of new puffin crossing on Worsley Bridge Road and commuted maintenance sum		TBC
Early stage affordable housing viability review		TBC
Late stage Affordable housing viability review		TBC
Wheelchair Accessible Units		TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The site is located within MOL and is considered to be inappropriate development which, in accordance with paragraph 147 of the NPPF, by definition, would be harmful and should not be approved except in very special circumstances. The applicant has submitted a case for VSC and it is accepted that the benefits of housing delivery, and to some extent the provision of affordable housing (albeit this matter in itself is non-compliant), will weigh in the planning balance. However, given the substantial level of harm to the openness of the MOL, it is not considered that these benefits, and any other benefits identified, collectively outweigh this harm. Therefore, the very special circumstances which have been demonstrated would not justify the proposed development on MOL.
- The proposed development would result in an unacceptable loss of playing fields at the site, and the applicant has failed to justify this loss in accordance with the requirements of paragraph 99 of the NPPF, Policy S5 of the London Plan, and Policies 20 and 58 of the Bromley Local Plan.

- The provision of housing would include 49 affordable units (comprising a mix of both affordable rent and shared-ownership/intermediate tenure). However, because the application would not meet a number of policy requirements within the development plan, including that it would result in inappropriate development within MOL, for which VSC have not been sufficiently demonstrated, it does not qualify for the fast-track route in Policy H5 of the London Plan and should therefore have been accompanied by a financial viability assessment (FVA) in order to demonstrate whether the amount of affordable housing at the site has been maximised. The applicant has failed to provide an FVA and therefore, on the basis of insufficient information, being the lack of a FVA, the application would fail to meet requirements of Policy H4 and H5 of the London Plan.
- The design of the proposed development, by reason of its layout, scale and massing, would be detrimental to the character, appearance and visual amenities of the site within which it lies, particularly given its designation as MOL, and to the surrounding area; thereby contrary to Policies D3 and D4 of the London Plan and Policies 4 and 37 of the Bromley Local Plan.
- Insufficient information has been provided to demonstrate that the proposed residential units would benefit from adequate daylight and sunlight as required by Policy D6 of the London Plan. Furthermore, the proposed residential development would fail to demonstrate that it would meet the requirements of Policy D7 with regards to the provision of 10% M4(3) dwellings. The standard of accommodation provided for the proposed residential units would therefore be unsatisfactory.
- The submitted Transport Assessment and Transport Technical Note fails to justify the level of car parking proposed for the sports facilities and the trip generation methodology is considered to be insufficient to enable assessment as to the developments impact on the strategic transport network. On the basis of insufficient information, the proposed development would thereby contrary to Policies T1, T2 and T6 of the London Plan (2021).
- Insufficient information has been provided with regards to biodiversity net gain, including errors within the submitted Metric, and as such the application fails to demonstrate a net gain as a consequence of this lack of information. The proposal would therefore fail to accord with Policy G6 of the London Plan (2021).
- The application is not considered to be significantly harmful to the amenities of neighbouring residential properties nor would it result in an unacceptable impact on archaeology or environmental matters such as air quality, contamination, noise, light pollution or drainage, subject to appropriate planning conditions.
- The Council does not currently have a 5 year housing land supply. This application includes the provision of 95 residential dwellings. This would represent significant weight as the proposal would contribute to housing supply in the Borough. However, when weighing up benefits of the development and the current undersupply of housing against the harm, it is considered that the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development. Therefore, in the overall planning balance, the proposal is not considered to be acceptable and should be refused.

1 LOCATION

1.1 The application site comprises 2.14 hectares and is located on the northern side of Worsley Bridge Road, to the west of Greycot Road. The north and east of the application site are flanked by residential development in Greycot Road, Meadowview Road and Meadow Close, which comprise predominantly two storey houses. There is also an allotment bordering the site to the north-east.



Fig.1 – Site Location Plan

1.2 There is a pavilion on the eastern boundary of the site with the remainder of the site being a sports ground. The application site is one part of a larger overall sports ground that extends further to the west.



Fig.2 – Site Plan with MOL land in green

- 1.3 The site is within land designated as Metropolitan Open Land (MOL). The sports grounds to the west and south are also designated as MOL.
- 1.4 The Environment Agency Flood map also shows that an area within the south-west of the site is located within Flood Zone 2. The site is within a Groundwater Source Protection Zone (Zone II – outer protection zone).
- 1.5 The site lies in an area of archaeological interest.
- 1.6 The site has a PTAL rating of PTAL rate of 2 (on a scale where 0 is worst and 6b is excellent).

2 PROPOSAL

- 2.1 Planning permission is sought for the demolition of all existing buildings on site and redevelopment to provide residential development comprising a mix of dwellinghouses and apartment blocks (part 3 and part 5 stories in height), including provision of affordable housing, alongside the provision of public open space fronting Worsley Bridge Road, onsite play space and areas for public sports facilities, associated landscaping, car parking and ancillary works.
- 2.2 The proposal would comprise 95 new dwellings including three apartment blocks (each with 25 units) and 20 single dwellinghouses. The single dwellinghouses would be located to the north and north/east of the site (labelled as Blocks D, E, F, G, and H on the submitted drawings) with the three apartment blocks (labelled at Blocks A, B, and C) sited to the south and west of these houses. A small area indicated for use as an allotment is proposed between housing Block F and G.

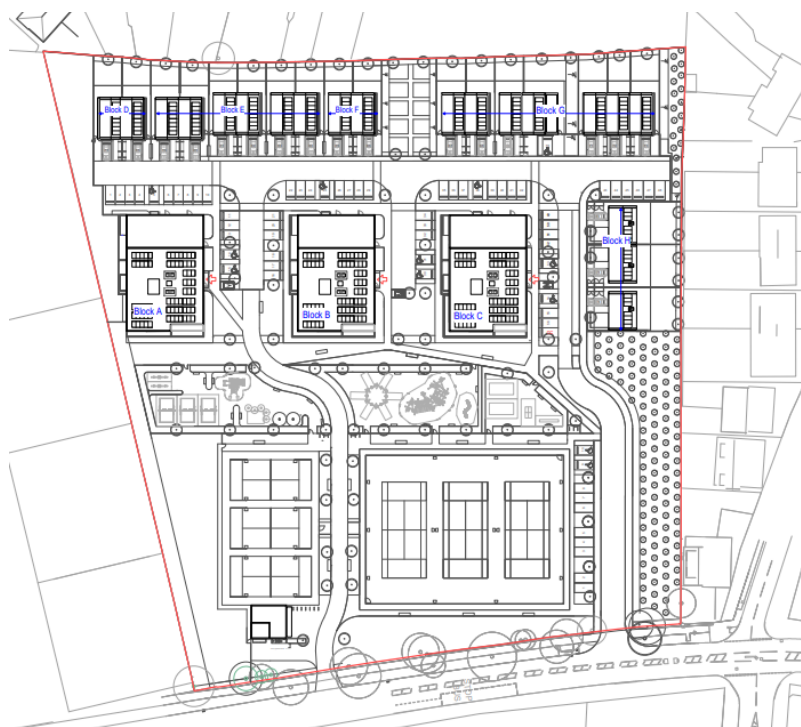


Fig.3 – Proposed Block Plan

- 2.3 To the south of the site the proposed sporting facilities would comprise 3 x Tennis courts and 3 x Padel courts with a single storey building containing a sub-station and toilet and changing facilities associated with the tennis/padel courts.
- 2.4 Between the residential apartment blocks and the courts, an area of 1,360sqm playspace is proposed including 1,082sqm of dedicated children's play equipment.
- 2.5 The main access to the site would be via the existing vehicular access from Worsley Bridge Road to the south-east of the site. An additional pedestrian access (which it is stated can also be used as an emergency vehicular access) is also proposed from Worsley Bridge Road further to the west.
- 2.6 A total of 86 car parking spaces are proposed for the development; 76 for the residential development and 10 associated with the sporting facilities. Cycling parking and refuse facilities are also proposed for the development.

3 RELEVANT PLANNING HISTORY

- 3.1 The relevant planning history relating to the application site can be summarised as follows;
- 3.2 Under ref: 84/02040/FUL, planning permission was granted for a replacement single storey sports pavilion.
- 3.3 Under ref: 97/01891/FUL, planning permission was granted for the change of use of building from sports club to sports club and playgroup.
- 3.4 Under ref: 03/00156/FULL1, planning permission was refused for a single storey side extension for function room, kitchen and toilet facilities.

4 CONSULTATION SUMMARY

A) Statutory

- 4.1 **Greater London Authority (GLA) – Objection (full comments are attached at Appendix 1)**
- The development is inappropriate development on Metropolitan Open Land. Given the harm that would be caused, the VSC put forward do not justify the proposed development on MOL. The partial loss of the playing fields is not justified, and further information is needed to determine whether the new sports facilities would outweigh this loss. As it currently stands, the proposed development is not acceptable in land use terms.
 - The provision of the 52% affordable housing must be quantified by habitable rooms, and a tenure split provided, and a viability assessment must be submitted as the proposal would be inappropriate development on MOL. Early and late stage reviews are required.

- Further clarification on design including landscaping are required to comply with design policies of the London Plan.
- Sustainable development and environmental issues: Further details are required to verify compliance with energy and environmental policies of the London Plan.
- Transport: Improvements to access arrangements, a reduction in car parking, amendments to cycle parking and further work on the travel plan and trip generation are required. Submission of a detailed construction and delivery and servicing plan is also required.

4.2 Transport for London – Objection

- Healthy Streets
 - TfL welcomes that the applicant has proposed a S106 contribution to fund the construction of a puffin crossing on Worsley Bridge Road. It should be noted that for a signalled pedestrian crossing the applicant will need to pay a commuted maintenance sum to cover 60 years of the asset life, on top of the installation and any highway works to support it. As such, it is recommended that the Council should consider whether a zebra crossing would be more appropriate for this location, given the likely relatively low frequency of pedestrian crossings.
- Car Parking
 - From the technical note provided, 76 car parking spaces for residential and 10 car parking spaces for sports facilities have been proposed. The latter is an increase from the submission at Stage 1. For the sports facilities, based on the provided trip generation assessment, this equates to a near 100 per cent mode share by car, substantially higher than the Mayor's Strategic Mode Shift target and therefore conflicting with Policy T1.
 - The Mayor's Strategic Mode Shift target for Bromley is for 75 per cent of trips to be through active travel by 2041. It should also be noted that there appears to be substantial free, marked on-street parking available on Worsley Bridge Road which could conceivably be used by users of the sports facilities. The need for these on-site car parking spaces above London Plan standards has therefore not been justified, and a significant reduction in car parking for the sports facilities is required to align with Policy T1 and T6. It is recommended that the sports facilities are car-free, with the exception of disabled persons' parking, as was proposed at Stage 1.
 - The streets surrounding the residential units are car dominated, contrary to Policy T2. Providing the additional car parking for the sports facilities increases the area of hardstanding on a designated MOL site and increases the amount of green infrastructure removed by this proposal, contrary to the Mayor's Transport Strategy. Furthermore, at Stage 1 the GLA commented that 'extensive further areas of 'wild planted areas' should be explored to help promote ecology, help enhance the greenery of the MOL site and increase visual screening of the built form'. Reducing/removing the car parking spaces for the sports facilities

and replacing it with planting will not only help to alleviate this concern but will help improve the development's compliance with the Policy T2 Healthy Streets indicators.

- The development is providing disabled persons' parking above the level in Policy T5, at 11 per cent of dwellings having a disabled persons' parking space from the outset. Policy T6 requires three per cent provision, with space for a further 7% identified but not provided. Therefore, the seven additional disabled persons' spaces should be repurposed into other ancillary space until demand arises, e.g., green space and/or improved cycle parking. This has not been shown on the updated landscape plan.
- Cycle Parking
 - From the information provided, TfL accepts that 36 short-stay spaces for the tennis and paddle tennis courts is acceptable. This should be shown on an updated plan. It must be ensured that a minimum spacing of 1m is provided between Sheffield stand and that provision for wider cycles is provided (1.8m spacing required).
 - TfL welcomes that detailed plans of the cycle stores are being prepared by the project architect. These should be provided prior to determination to assess compliance with both parts of Policy T5.
 - TfL welcomes the proposed hydraulic assistance for the stackers for the proposed residential cycle parking. However, the spacing of the cycle parking does not accord with the LCDS which requires a minimum of 1m between Sheffield stands at normal spacing, with 1.8m required between stands at wider spacing. An aisle width of 3.5m is recommended to ensure that a cyclist can manoeuvre a cycle into the stand, with an absolute minimum aisle width of 2.5m. For wider cycles, an aisle width of 3m is required.
- Trip Generation
 - The sites proposed in the transport technical note and transport assessment are the same. TfL's raise concerns with regards to the trip generation methodology. Sites outside of London were used. An updated trip generation assessment which includes sites that are within London; have a same PTAL; a similar number of dwellings and both affordable/private housing should be provided. No sites outside of London should be included in the trip generation assessment. The trip generation should also detail which direction these passengers would travel to (i.e., towards Lewisham, Beckenham etc.). This has not been provided.
 - The bus trip distribution includes routes 352, 227, 54 and 358. However, the only bus services within reasonable walking distance of the site are 351 and 181. Therefore, these trips should be reassigned to these bus services.
 - Without this information, TfL is unable to assess whether buses have sufficient capacity for the trips generated by this development and its impact on the strategic transport network.
- Delivery and Servicing

- The sites used to determine the delivery and servicing rates were the same as those in the TA, which, as above, do not represent this site. Updated TRICS data should be provided to TfL including servicing trips.

4.3 Highways (London Borough of Bromley) – No objection

- Access
 - The proposals include the provision of an improvement to the existing junction onto Worsley Bridge Road. This access will have dropped kerbs and tactile paving where they meet Worsley Bridge Road. The development also proposes a public pedestrian route towards the western end of site. In addition to providing pedestrian access to the public sports facilities and residential development, the route will also provide a secondary access to emergency vehicles and an access for vehicles maintaining the proposed pumping station located in the western corner of the site. To allow for vehicular access to the pedestrian route, a crossover onto Worsley Bridge Road is proposed. To prevent unauthorised access, droppable bollards are proposed. However, the details of this are required as we don't want vehicles queuing on the highway to enter the site. There are number of trees which must take the Root Protection Area into consideration. All redundant crossovers must also be reinstated to footway level at the applicants cost.
 - A Road Safety Audit has been provided.
 - Visibility indicated on the submitted plan for the main access is acceptable.
- Internal Highway Arrangement
 - The applicant has demonstrated that a refuse vehicle can enter and exit the site in a forward gear. This is acceptable. The footway provision on both sides of road will continue to the rear of the site, where the road will become a 4.8m wide shared surface. Along the east side of the site access road, the footway will be at road level to accommodate crossover access to the proposed houses.
- Off-site Highways Improvements
 - The developer proposes a contribution towards a new Puffin/Pelican Crossing facility on Worsley Bridge Road in proximity of the site access. This will allow access to existing and new residents living on the south side Worsley Bridge Road to gain access to the open space and public sports facilities being provided within the development site. This is acceptable subject to Consultation with ward members and approval by PDS committee.
- Car parking
 - The proposed development is located in Outer London and is PTAL 2. The proposal includes provision of 76 residential parking spaces with 10 of these being disabled spaces, representing 11% of the 95 units proposed, with the addition of a car club space and two public wheelchair accessible spaces.
 - Active charging provision will be provided at 20% and passive provision will be provided at 80% of the proposed houses. Additionally, one in five on-street spaces for the flats will be

provided with active charging facilities with all remaining spaces provided with passive provision. This provision is in line with London Plan standards.

- Twenty spaces will be provided on-plot for the houses, which includes one wheelchair accessible unit. The nine on-street wheelchair spaces will be allocated to the wheelchair accessible flats, and the remaining 47 on-street spaces will be leased to individual flats. All residents will have access to the car club space which will supplement parking provision at the site.
- Cycle parking
 - The London Plan requires 1.5 long stay cycle parking spaces per 2-person one-bedroom unit, and two cycle parking spaces for all larger units. Two short stay visitor spaces are required for developments of between five and 40 units and thereafter, one space should be provided per 40 dwellings. The development would require 178 residents cycle spaces and three visitor spaces.
 - Cycle stores will be supplied at each house providing storage for two cycles in line with standards. Each apartment block will also contain a cycle store on the ground floor with space to store 46 cycles comprising 36 two-tier stands and five Sheffield stands for 10 bikes. Sheffield stand will make up over 20% of overall cycle parking provision with one Sheffield stand providing additional space on either side for two cargo bikes to park. Overall, a total of 178 long stay spaces for residents will be provided, to meet minimum standards.
 - The development will also require three visitor spaces in line with standards.
- Car Club
 - In order to support the long-term modal shift away from single occupancy car use, a Travel Plan will be put in place at the site. This includes encouraging residents of the development to use car clubs over owning a private vehicle. As well as the site's future residents, the local community will also be permitted to use the vehicle. The car club operator and the developer will seek to establish a self-financing car club scheme that will be of benefit to all occupants and the wider local community. The applicant must be made aware that they must offer the first residents 2 years annual membership of the Car Club. In the first year of the car club membership, the developer will also provide the first residents a minimum of 20 hours driving time per unit for the type of vehicle located closest to the development.
- Servicing and Delivery Arrangements
 - The proposed internal highway arrangement has been designed to ensure that a LBB specified refuse vehicle can enter and exit the site in a forward gear with a turning head provided to allow a large refuse vehicle to carry out a standard 3-point manoeuvre.
 - Deliveries to the site are likely to be comprised mostly of grocery deliveries or parcel couriers. Delivery vehicles would tend to be smaller than refuse vehicles and would be able to traverse the site in a similar way.

- Trip Generation
 - The proposed development will retain sports uses on part of the site and provide a small number of parking spaces. To provide a robust assessment, it is assumed that this will generate no more trip than the extant use, which covered the entirety of the site and provided around 35 car parking spaces. Therefore, sports facilities trip generation is not considered further in this report. This is provided Mayer Brown's addendum technical note May submission. This Technical note also provides a junction assessment as requested.
- Healthy Streets Assessment
 - The applicant has identified that the development would benefit from a pedestrian crossing point on Worsley Bridge Road in the vicinity of the site to provide improved access to the northbound bus stop, located opposite the site, and Lower Sydenham train station. A contribution of £22000 towards parking and transport study on Worsley Bridge would also be sought.

4.4 **Drainage (London Borough of Bromley) (lead local flood authority) – No objection, subject to conditions**

- Condition required: The "Flood Risk Assessment" Report carried out by mayer brown hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

4.5 **Environment Agency – No objection, subject to conditions**

- With respect to groundwater and land contamination, there is no objection to the planning application as submitted, subject to conditions (relating to contamination and associated remediation, and piling//other foundation designs using penetrative methods) being imposed on any planning permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the planning application.

4.6 **Sports England – Objection**

- The playing pitches within the field remain delineated as a paying pitch by goalposts in situ and the land is also recently described as a 'sports playing field' on the sign on the gates advertising the land for sale or let. The site is considered to be playing field until such time as it is developed into something else.
- Whether Sport England are considered as a statutory or non-statutory consultee is for the local planning authority to determine. However, a playing field remains a playing field regardless of Sport England's consultation status and the responses provided by Sport England in accordance with paragraph 99 of the NPPF would still apply.
- Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field; or land which has been used as a playing field and remains undeveloped,; or land allocated for use as a playing field; unless, in the judgement of Sport England, the

development as a whole meets with one or more of five specific exceptions.

- The proposal will result in a significant loss of playing field with a small amount of open space retained.
- The applicant claims that the application meets Sport England's policy exceptions E1, E4 and E5. However, Sport England do not consider the application meets any of these exceptions for the following reasons;
 - E1 – the applicant has provided an 'Open Space Assessment' as evidence that the application meets E1. However, Sport England does not consider that this constitutes a robust or up to date assessment of playing field provision in the borough. In comparison, the emerging Bromley Playing Pitch Strategy, which has been produced in consultation with Sport England and NGB's, whilst not yet in the public domain, is considered a robust and up to date evidence which will show that the playing field is not surplus to requirements and will not support the loss of this playing field.
 - E4 – this exception is only relevant to applications where the area of playing field to be lost as a result of the proposed development will be replaced by a new area of playing field of equivalent or better quality and quantity in a suitable location. This is clearly not the case here, where a significant area of playing field is to be lost and the portion of the site being retained for sport is clearly not of equivalent quality or quantity (the policy requires both). The fact that the playing field has been made deliberately unavailable to potential users is irrelevant in planning terms. As the Inspector noted in APP/L5810/W/18/3205616 (Former Imperial College Private Ground) 'While the planning system cannot require land to be used in a certain way, it can ensure that land is not used in a way that would prevent its future use for sports.'
 - E5 – this exception is only relevant to applications where the proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the area of playing field. Again, this is clearly not the case here. The majority of this site would be lost to housing rather than a sporting facility. While a small area to the south of the site is proposed to be retained for sport, this is considerably smaller than what currently exists and is not considered to address the loss of the wider playing field, which at its current size is flexible enough to support a number of sports. NGB colleagues' views support this. The fact that the playing field is currently unavailable to the public is again considered irrelevant for the reasons outlined above.
- The England and Wales Cricket Board (ECB) and Football Foundation (FF) have both been consulted;
 - The ECB have stated that they aren't aware of any cricket previously being played at this site; however, there is a huge demand for pitches in the local area, and were the playing fields to be developed as a cricket facility, they are confident it would be

used throughout the season, including Saturday, Sundays and midweek cricket.

- Bromley CC are seeking to take on a new ground locally to facilitate female and junior cricket activity, Orpington Ocelots CC are seeking a ground in Bromley that they can establish as their home ground, and Beckenham CC are also seeking further grounds to cater for their lower XIs and junior cricket.
- The ECB has confirmed that they have liaised with Kent Cricket who have stated “There are a number of clubs in the local area looking to take on additional facilities. This is also reflective of the PPS that demonstrates a supply/demand issue on Saturdays. There has not been a suitable process here and as far as I'm aware no local clubs or KC have been consulted since the original plans were made.”
- The comment within the Planning Statement that there is a surplus of playing pitches in the borough is incorrect in relation to cricket and the currently progressing Bromley Playing Pitch Strategy, has concluded that there is a deficit of cricket pitches in the borough, and that the loss of this playing field would permanently prevent this site being brought into use for cricket and winter playing pitch sports.
- The site is large enough to accommodate a fine turf (grass) square, outfield and ancillary facilities to support community cricket activity.
- The neighbouring site (part of Sydenham High School is used by Beckenham CC for their 3rd and 4th XI games) and low fencing/netting would be appropriate along the boundary. A minimum distance of 80m distance should be provided between the edge of the cricket square and any development (roads/property etc) and if this cannot be achieved a Labosport Ball Strike Trajectory Assessment will need to be undertaken to ensure that the new development does not prejudice cricket activity at this adjacent site, in line with the Agent of Change principle.
- The Football Foundation has stated that there is no current use of the site (presumably as the gates have been locked and any use therefore prevented). However, the goals are still up and the site was well used up and until 2015. The pavilion is still in decent condition and subject to minor renovations could be brought back into use.
 - There is significant demand for adult 11 aside grass pitches and a site visit was held in 2021 with the Orpington and Bromley Football League who expressed an interest in using the site as a Central Venue and taking on the security of tenure (referenced in Bromley's draft Playing Pitch Strategy).
 - The Orpington and Bromley Sunday League have reported that around 10% of its 86 teams are currently based

- outside of Bromley. As such, if the League is successful in setting up a central venue format, this could result in additional demand being imported into the Borough.
- Wanderers FC have also expressed interest in the site.
 - When a site visit was recently held with the Estate Agent (SHW), the Football Foundation and Kent FA were led to believe that there was a covenant in place to protect the site as a dedicated sports facility.
 - The issue regarding the contaminated soil would have been the same when football was last played on the site; it is unclear what has fundamentally changed over the last 5/6 years in this regard. Following advice from the Grounds Management Association, the Football Foundation would request that a second report is commissioned from a contaminated land consultant, with the findings then reviewed accordingly and provided to the Football Foundation to liaise with the GMA.
 - The Football Foundation on behalf of the FA strongly objects to the application.
- Sport England and the FF does not consider the report provided around ground conditions to be sufficient and reiterates that a second report from a contaminated land consultant is provided so that findings can be reviewed by the Football Foundation to liaise with the GMA. The applicant has not provided any reasons why this was not previously an issue when the site has been used for sport – the fact that it was not previously tested does not explain why there was not an issue before – clearly the site has supported sport for many years and it is unclear what has changed.
 - NGB colleagues have made it clear that there is demand for this site for sport and as such it should be retained in its entirety.
 - While tennis/padel courts are potentially welcome, it is not considered that their provision alone meets any of the policy exceptions in either Sport England policy or the NPPF and the sports facilities that the applicant intends to provide are not considered to be of sufficient benefit to outweigh the loss of playing field.
 - Any loss of the ancillary buildings on this site, which would be essential to bring this site back into use for formal sport to its full potential, is also not acceptable.
 - While potentially desirable, it is certainly not the case that an alcohol license is required in order to make this site suitable for sport.
 - The applicant's comments around financial viability for sport are irrelevant as the London Plan/NPPF does **not** allow for viability to be taken into account when determining whether it is appropriate to lose playing field/sport facilities. Viability is not considered an acceptable reason to lose playing field and there is a clearly a demand here.
 - Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's playing fields policy or with Paragraph 99 of the NPPF.

4.7 Historic England – No objection, subject to conditions

- The planning application lies in an area of archaeological interest.
- The application documentation includes an archaeological desk-based assessment report dated September 2021 by RPS Group Ltd where it is suggested from a LiDAR image, that the surface of site may have been reduced. However, aerial photographs do not appear to support this suggestion.
- Given that a projected line of a Roman road occurs within the site, it is recommended that there is an archaeological potential associated with this site. As the aerial photographs do not show archaeological features of note, it is recommended that the on-going interest can be secured by condition.

B) Local Groups

4.8 North Copers Cope Residents Association

- Loss of MOL and Impact on openness (addressed in Section 6.1)
 - Loss of MOL and further damage to openness of the area as a result of this application and other substantial redevelopment in the area (Maybrey and Dylon Works, and Footsie Site).
 - The risk of damaging the openness of the MOL and the result of doing so are demonstrated by the ongoing redevelopment of the CPFC Football Academy site bounded by Copers Cope and Worsley Bridge Roads.
 - MOL and Brownfield sites within 500m of the development site together will have yielded 853 new housing units, with the proposed development providing another 95 units increasing the yield by a further 20% to 948 units.
 - The loss of MOL from various nearby developments amounts to 6.82hectares or 19.62% of the MOL existing at the Millennium with the proposed development resulting in a total loss of 7.63hectares or 21.89% of the MOL, not taking account of the increase in developed footprint of MOL at the KCCC and CPFC Academy Grounds.
 - As a result of previous development nearby the MOL's boundaries have become increasingly difficult to defend with significant loss of land to development.
 - The physical loss of and reduction in MOL has shrunk the footprint of the 'Lungs of London' at a critical time for air pollution in London and Climate Change.
 - The important wildlife habitat and corridor for free movement around the capital which the MOL affords is shrinking.
 - Damage to the remaining views available through the MOL from surrounding residential properties.
 - Removing the land's MOL designation and sacrificing it to residential development would do significant damage to the openness of the MOL and would be irreversible.
 - The Footsie Ground and the SEGAS Ground are not comparable; the Footsie Ground sits immediately adjacent to industrial development and was a part MOL/part brownfield site whereas the

application site is an important part of the MOL with defensible boundaries.

- The proposal would isolate and separate the Meadow Close Allotments making them vulnerable to development with the loss of further MOL.
- The proposed S106 benefits would offer no meaningful compensation to the Community in reparation for the further damage to and loss of MOL.
- Proposal would set a dangerous precedent on the MOL which offers none of the significant benefits bestowed on the community by the KCCC and CPFC developments which needed exceptionally strong VSC justifications to gain planning permission.
- If the SEGAS site were to be developed that would inevitably put the continued existence of the adjacent Sydenham High School Sports Ground under threat.
- Lack of VSC (addressed in Section 6.1)
 - The developer has not made an adequate case for development and the Very Special Circumstances (VSC) adduced should not override the presumption that any building on MOL is inappropriate.
 - There are only very limited types of development which are permissible on MOL which are mainly sports related and the proposal does not offer sufficient or adequately defined opportunity for sporting activity to justify the development.
 - The VSC do not offer a sustainable argument.
 - The VSC do not match the benefits bestowed for young sports players by the KCCC and CPFC developments.
 - The Council's housing numbers are understood to be improving and against that background the applicant's arguments with regards to housing supply and VSC seem weaker and less sustainable.
 - Provision of the playspace does not constitute a VSC.
 - The assertion that substantial economic benefits is too vague and the exact economic benefits mentioned in the planning statement as VSC are not fully explained with any benefits that do flow from the construction phase being transitory and short lived.
 - The ecological benefits are not clearly identified nor stated how they will be delivered so should not be afforded any weight as VSC.
 - The site is in poor condition but this is because the owners have allowed it to become derelict and does not constitute VSC.
- Loss of land for sports use (addressed in Section 6.1)
 - Land available for sporting use has been greatly reduced at a time when it is important for health reasons.
 - The land should be used as an extension to one of the immediately adjacent sports grounds.
 - The site deserves to be and should be conserved fully for sporting use and as part of the wildlife corridor linking the Pool River, the allotments, Sedgehill School's playing fields and beyond those Beckenham Place Park.

- The total area of the SEGAS Sports Ground is 2.14 hectares or 21,400 sq metres all of which had been dedicated to sports use until it was allowed to become derelict over the last 7 to 8 years and the vague proposals offer only 0.531 of a hectare devoted to sporting use for the future at the front of the proposed development, so the area for sporting use cannot be described as large.
- The open space to the front of the site will be cut through twice by the access roads reducing the playing space size and making it too small for either football or cricket pitches.
- The application states that it will deliver sporting land which is incorrect as it will result in a loss of sporting land and does not deliver any new land for sporting use.
- There are numerous tennis courts in the immediate area and it seems unlikely there would be huge demand for additional courts if not partnered with an existing club facility.
- Without a robust plan as to how the sporting facilities will be used it is feared that they would not attract sufficient use and would fall into disuse and disrepair as happened with the existing land and this raises concerns about the viability of the proposals.
- The proposed residual sporting use of a part of the site would not justify abandoning the current MOL designation.
- The site has been intended for sporting use and has been solely used as such since from at least 1927 to 2014.
- Local sports and leisure activity could be better served by a more imaginative use of the site than proposed.
- Impact on character of area (addressed in Section 6.4)
 - The North New Beckenham has a special and unique predominantly sports field MOL and interwoven residential development character. Development would cause damage to the special nature and character of the unique north New Beckenham area.
 - Permitting the proposed 95 unit development, with 75 of those units in three 5 storey blocks of flats, on land intended for and used only for sport for virtually a century, would be entirely out of character with the residential development immediately adjacent to the North New Beckenham MOL.
 - Predominantly multi storey flatted development is out of character with the North Copers Cope area between Brackley Road and the River Pool and the two storey residential developments immediately adjacent in Greycot Road, Meadowview Road, Meadow Close, Maroons Way and Hansons Way.
 - Density of development would be unprecedented when considered against any pre or post Millennium developments between Brackley Road and the Pool River along either Copers Cope or Worsley Bridge Roads.
 - MOL sits on 3 sides of the site; Sydenham High Girls School (GDST) Sports Ground to the north, the Meadow Close Allotments to the east, and KCCC and CPFC grounds to the south and south-west so the site forms part of the contiguous North New Beckenham MOL. Built environment sits only adjacent to one and

a half of its four sides and offers a role in the area's character by not being built on.

- Environmental impacts (addressed in Sections 6.5, 6.9 and 6.10)
 - Increase to hard built footprint which too often channels rainwater runoff to sewers rather than allowing natural drainage.
 - Site has become a nature reserve
 - The site could be used for an environmentally positive purpose such as woodland or nature reserve.
 - Adverse impact on wildlife
- Playspace concerns (addressed in paragraphs 6.3.15-6.3.18)
 - Concern over the operation and management of the child play space and hours of use due to its location on private land.
 - Location of young children's play areas in close proximity to roads seems naïve and potentially dangerous.
 - No parking provision for the playspace.
- Issues with Ecology Appraisal (addressed in paragraphs 6.5.11-6.5.18)
 - The authors of the Ecology Appraisal have failed to visit the sites
 - The appraisal offers no proposals for enhancing and improving biodiversity and ecology of the site.
- Contamination (addressed in paragraphs 6.10.17-6.10.26)
 - Do not believe the contamination problem has caused any pollution and would not do if the site was not developed on and retained for sporting and leisure use.
 - Disturbing the land for the purpose of development would appear to have the potential effect of converting a dormant and benign contamination into a polluting event.
 - Exact remediation required not specified.
 - Contamination related problems could be considered more critical to a residential development due to garden activity supporting the case for retaining the land as sports MOL.
 - The contamination is being used to discourage the development of alternative uses for the land.
 - If there was a problem with contamination then it would be expected that the contaminants would have leached downwards and sideways into ground water and draining into nearby Pool River which the Environment Agency would be able to confirm.
 - If there is contamination which presents a real risk of pollution and health hazard then a liability claim for clean-up and remediation should be made against British Gas having sold on contaminated land as the successor business to South Suburban Gas Company to allow it to be restored for sporting use.
 - The Council's Environmental Health Department, the Environment Agency and Thames Water should ensure that a full and proper assessment is made as part of the determination process.
- Impact on local infrastructure (addressed in Section 6.12)
 - Impact from existing development on nearby MOL and brownfield sites along with this proposal will put pressure on existing local services and local infrastructure (doctors, dentists, schools, libraries and other necessary public facilities).

- The applicants Transport Assessment and Travel Plan fails to comment on the accessibility of health facilities.
- The development along with other nearby development will place additional strains on transport infrastructure and systems including the rail network at Lower Sydenham.
- S106 benefits should be negotiated to better enhance GP and Dentist surgeries in the area and the sporting facilities.
- Boyer Open Space Assessment incorrectly describes the CPFC Academy facility for adult football usage which it is not as it caters predominantly for children and young people from the age of 7 up to 23 with only a very small number being over 18 and so should be described as a youth facility.
- The pre-school listed in the Boyer Open Space Assessment at 167 Copers Cope Road is incorrect as there is no pre-school on Copers Cope Road.
- The list of local facilities in Boyer Open Space Assessment is inaccurate.
- Issues with Transport Assessment (addressed in Section 6.6)
 - The Mayer Brown desk top study Transport Assessment is flawed and inadequate.
 - Unique circumstances of nearby KCCC and CPFC sites in relation to vehicle movements have not been considered within the Transport Assessment.
 - The site is accepted as having a low PTAL score but is stated as being easily accessible, which it is not.
 - The transport statement is misleading as the 181 bus only passes the northern end of the road and not the site itself.
 - The transport Assessment and Travel Plan fails to address the influences on on-street parking resulting from existing developments in the area.
 - The Transport Assessment incorrectly states the number of train services per hour from Lower Sydenham.
 - The Transport Assessment and Travel Plan fail to properly assess the accessibility of town centres from the site and the nearest stated parade cannot be reasonably classed as a town centre.
- Lack of on-site parking provision for the development as car ownership on North New Beckenham is essential for the vast majority of people (addressed in Section 6.6)
- Other matters (these would not be material planning considerations in the determination of the application)
 - Development site appear to be incorrectly and misleadingly styled and should be SEGAS (South Eastern Gas Board) Sports Ground.
 - The Council could designate the site as a Valued Community Asset

C) Local Residents

4.9 Support

- Traffic calming measures are welcomed and pedestrian crossing will make it safer and easier to cross Worsley Bridge Road.

- The front part of the site will be open to the public with child playspace and sports facilities; 3 new tennis and 3 new Padel courts.
- Additional affordable places to play tennis and engage with the local community is a positive thing as will not only help the current demand but support future growth.
- Development is highly sustainable with green roofs, new trees and plants, ecology gardens and allotments.
- New homes including 20 family homes and at least 50% affordable housing.
- A housing partner has been selected who will be offering the For Market Sale dwellings as Shared Ownership homes making the scheme 100% affordable.
- Layout has been designed to minimise impact on neighbours with larger buildings positioned in the middle.
- All houses will have their own parking spaces.
- Development sensitive to the needs of local residents.
- The proposal achieves a good balance between green space and built up space.

4.10 Objection

- Impact on neighbouring residents (addressed in Section 6.7 and 6.10)
 - Impact from construction traffic, noise, dust and general disruption
 - Loss of light
 - Overshadowing
 - Loss of view and on skyline from neighbouring properties
 - Impact to visual amenity
 - Loss of privacy and overlooking
 - Increase in air, light and noise pollution to the area
 - Access road too close to existing residents
 - Public access to site raises security concerns for residents who back onto the site
 - The public space along the frontage of the site will give drivers the impression of an open green area but existing residents will have an outlook of five storey buildings
 - Impact on mental health of existing residents
 - Lack of access to site from those living in the North to balance the impact of the development
- Impact on MOL (addressed in Section 6.1)
 - There are no very special circumstances to allow the development on Metropolitan Open Land
 - MOL should be protected and is there to prevent urban sprawl and protect against over-development
 - The proposed development will take away the last of the MOL in the immediate area and would significantly impact the openness in both the visual and spatial dimension for the local residents who overlook the MOL
 - The land has been allowed to reach its current disused and poor state by the owners which is believed is because the owners had a long term view to enhance the possibility of obtaining planning

permission for development leading to profit for the owners and developers.

- Impact on highway (addressed in Section 6.6)
 - Parking allocation is not sufficient and along with additional visitors to proposed open area the parking will overspill to surrounding roads that are already congested as a result of recent developments.
 - The car-dominance which policies seek to end cannot be done by removing parking spaces in new developments as people will just park in surrounding streets and there are already too many cars parked on the road.
 - Increase in traffic in area and from the proposed road in and out of the site will lead to more congestion.
 - Road safety issues from increased motorists, pedestrians and cyclist, new crossing and location of entrance/exit road.
 - Worsley Bridge Road was proposed as a Quietway for walking and cycling which would definitely not be possible if the new development takes place.
- Impact of development on area (addressed in Section 6.4)
 - Overdevelopment.
 - Overcrowding.
 - The proposed buildings are too high at five storeys and would exceed the general height of the homes in the immediate surroundings.
 - Flats are out of character with surrounding low-rise low-density housing.
 - The proposed buildings are of poor design.
 - How will the site be maintained – boundaries/planting
- Loss of sports use (addressed in Section 6.1)
 - Under the grounds covenant the site should be continued to be used as a sports facility
 - Land should be returned to a sports centre with community use
 - The substitution of a tennis court for 3 x Padel Courts and a single football pitch for 3 x tennis courts does not enhance the application nor address resident's concerns
- Proposed sports use/public area (addressed in Sections 6.1 and 6.7)
 - No more football pitches are required in the area and there is concern from noise levels, unsociable behaviour, and floodlighting of this use.
 - Combination of public sports facilities within a residential setting does not seem compatible
 - The open space allocated only for sporting activities does not encourage those to use the space unless they play those sports
 - The proposed sports pitches are not enough to justify the 96 houses and flats on the land
 - The proposed playing fields and Children's Play Area will be hidden and underutilised due to boundary fence and hedgerow and only access from within the site
- Contamination (addressed in paragraphs 6.10.17-6.10.26)
 - Local residents have never been advised of contamination of site

- Site is not contaminated
- Impact on local environment, climate change and wildlife (addressed in Sections 6.5 and 6.9)
 - There are bats on site
 - The area is currently of scientific interest regarding birds and species that are in decline
 - Negative impact on local environment/natural habitats with removal of trees, grassland and hedgerows
- Increase pressure on infrastructure (addressed in Section 6.12)
 - Local infrastructure/amenities in area need enhancing (schools/health facilities/public transport) to address increase in population
 - Increased use of Main Sewer not considered
 - Impact on number of users using Lower Sydenham train station causing congestion
 - Lack of convenience shops in the area
- No demand for new homes in area (addressed in Section 6.1)
 - There are around 7000 new homes in the area with all the other developments
 - Already a lot of new developments in the area
- Error in reports (addressed in Sections 6.4, 6.5, 6.6, 6.9, and 6.10)
 - Flood Risk Report is invalid
 - Air Quality Report baseline data is incorrect
 - Transport Assessment and Travel Plan is incorrect
 - Fire Statement Document is incorrect
 - Construction and Environment Management Plan document is incorrect
 - Planning Statement document contains various inaccuracies
 - Documents relating to a right turn at the lights at the end of Worsley Bridge Road and Southend Lane are incorrect as there is no right turn as well as a low bridge to the left
 - Drawings by Davis are out of date and have incorrect tower block information
 - The hedgerow along Worsley Bridge Road is not maintained as stated
 - Foxes on site have not been considered in the Ecological Report
 - Statement of Community Involvement states the maximum height will be 3 storey, not 5 storey
 - The traffic report makes no mention of the sports fields
- Evidence of a Roman Road under the playing field that needs investigation (addressed in Section 6.11)
- Is the proposed development even affordable? (addressed in Section 6.2)
- Other Matters (these would not be material planning considerations in the determination of the application)
 - Developers should look to repurpose existing buildings or land with existing buildings
 - Area would be better developed as a community garden/growing space, sports facilities or left to rewild
 - There are supporting comments submitted by members of Langley Park Tennis who do not live near this proposal.

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

5 POLICIES AND GUIDANCE

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The London Plan 2021 is the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, *“if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.*

5.4 **National Policy Framework (2021)**

5.5 **National SPG - Technical housing standards – Nationally Described Space Standard (March 2015)**

5.6 The application falls to be determined in accordance with the following policies:

5.7 **The London Plan (2021)**

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- D1 London’s form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, securing and resilience to emergency

D12	Fire safety
D13	Agent of Change
D14	Noise
H1	Increasing housing supply
H4	Delivery affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
H10	Housing size mix
S1	Developing London's social infrastructure
S4	Play and informal recreation
S5	Sports and recreation facilities
G1	Green Infrastructure
G3	Metropolitan Open Land
G4	Open space
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
SI 1	Improving Air quality
SI 2	Minimising greenhouse gas emissions
SI 3	Energy infrastructure
SI 4	Managing heat risk
SI 5	Water infrastructure
SI 7	Reducing waste and supporting the circular economy
SI 8	Waste capacity and net waste self-sufficiency
SI 12	Flood risk management
SI 13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Accessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential parking
T6.4	Hotel and leisure uses parking
T6.5	Non-residential disabled persons parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning
DF1	Delivery of the plan and planning obligations
M1	Monitoring

The relevant London Plan SPGs are:

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Control of Dust and Emissions During Construction and Demolition (2014)

- Housing (2016)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Homes for Londoners: Affordable Homes Programme 2021-2026 Funding Guidance (November 2020)
- Energy Assessment Guidance (2022)

5.8 Bromley Local Plan (2019)

1	Housing Supply
2	Affordable Housing
4	Housing Design
20	Community Facilities
21	Opportunities for Community Facilities
22	Social Infrastructure in New Developments
30	Parking
32	Road Safety
33	Access to services for all
34	Highway Infrastructure Provision
37	General Design of Development
46	Ancient Monuments and Archaeology
50	Metropolitan Open Land
54	South East London Green Chain
57	Outdoor Recreation and Leisure
59	Public Open Space Deficiency
60	Public Rights of Way and Other Recreational Routes
70	Wildlife Features
72	Protected Species
73	Development and Trees
77	Landscape Quality and Character
78	Green Corridors
79	Biodiversity and Access to Nature
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon Reduction, Decentralised Energy Networks & Renewable Energy
125	Delivery and Implementation of the Local Plan

The relevant Bromley SPGs are:

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2010) and subsequent addendums
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

6 ASSESSMENT

6.1 Principle of Development (Land Use) - Unacceptable

Metropolitan Open Land (MOL)

MOL Designation

- 6.1.1 The application site is designated as Metropolitan Open Land (MOL) and also forms part of the South East London Green Chain (SELGC). Policy G3 of the London Plan makes clear that MOL enjoys the same status and level of protection as Green Belt; it should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Therefore, in accordance with paragraph 147 of the NPPF, inappropriate development within MOL should also be refused except in Very Special Circumstances (VSC).
- 6.1.2 It is noted that the applicant argues that the site should no longer be considered as MOL due to its contaminated state, lack of public access and that it is no longer used as a sport playing field. However, paragraph 140 of the NPPF sets out that once established Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.
- 6.1.3 In light of the above it is not relevant to argue that the site does not fulfil the criteria for MOL. The site is designated as MOL in the 2019 Bromley Local Plan and therefore development on the site as a whole should be considered in the context of demonstrating very special circumstances or exceptions as set out in the NPPF.

Inappropriate Development in MOL

- 6.1.4 Paragraph 147 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 149 of the NPPF goes on to set out conditions where the construction of new buildings in MOL is not considered inappropriate development, and includes under clause

"(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"

and clause

"(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to

the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

- 6.1.5 The applicant argues that whole site should be considered as previously developed land (PDL); that the existing buildings and hardstanding within the site constitute PDL and that the pitches associated with the site’s use as a sports playing field fall inside the curtilage of the clubhouse and thus are also PDL.
- 6.1.6 To justify this view with regards to PDL, the Planning Statement makes reference to an appeal case at Oxford Brookes University. It states that the site is similar and thereby the whole site could be considered PDL. However, Officers do not agree that the site is comparable. The appeal case discusses open areas within the university campus as a whole, whereas the application site is principally a recreational greenfield use, with the clubhouse use a secondary (pseudo-ancillary) use. This is a significant difference to the Oxford Brookes appeal scheme.
- 6.1.7 The NPPF defines previously developed land (PDL) as *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any fixed surface infrastructure.”* Furthermore, it excludes *“land in built-up areas such as residential gardens, parks, recreation grounds and allotments...”*.
- 6.1.8 To the south-eastern corner of the application site there is a small area of hardstanding, which was used as the vehicular access to the site and car park and a single storey clubhouse and storage facility. However, the remainder of the site is open, green space, albeit in an overgrown state and comprises redundant playing fields. The Local Planning Authority and the GLA therefore consider that the majority of the site does not constitute previously developed land.



Fig.4 – Aerial view of site (Source: Design and Access Statement)

6.1.9 Furthermore, the proposed development would result in the construction of residential buildings over a substantial part of the playing fields/open space to the northern part of the site, causing substantially greater harm to its openness, both visually and spatially, and undermining one of the essential characteristics of MOL, which is permanence. Accordingly, the proposed development would fail to meet the exceptions set out within paragraph 149 of the NPPF in relation to inappropriate development and as such, in accordance with paragraph 147, VSC must be demonstrated to justify the development.

Very Special Circumstances (VSC)

6.1.10 Paragraph 148 states that “*Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.*”

6.1.11 The applicant has set out a VSC case within the accompanying Planning Statement which includes:

- private housing delivery;
- affordable housing delivery;
- public open space/sporting facilities;
- child play space;
- economic benefits;
- biodiversity and ecological enhancement to the SE London Green Chain; and
- decontamination of contaminated land.

6.1.12 Collectively, the applicant considers that the benefits of the proposal clearly outweigh the harm identified to the MOL and amount to VSC.

- 6.1.13 The applicants supporting Planning Statement also references the recent appeal decision at the nearby Footzie Social Club (APP/G5180/W/20/3257010) and states that this shows that the policies in the development plan most relevant to the determination of applications in the Borough are now out of date, meaning they attract reduced weight for the purposes of assessing applications involving housing development in the Borough. The Planning Statement also argues that in allowing the appeals on the Footzie site, the Inspector agreed that Bromley Council could not demonstrate a five-year housing land supply and therefore gave “very substantial weight” to the delivery of housing (including some affordable housing) within the proposed development.
- 6.1.14 The current with regards to Bromley’s housing supply position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply. It is noted that the trajectory assumes the new London Plan target of 774 units per annum applies from FY 2020/21.
- 6.1.15 The proposal would provide 95 new residential units comprising 46 properties for market sale and 49 properties for affordable (20 for shared ownership and 29 for social rent). In light of a lack of 5YHLS, the proposed 95 dwellings can be afforded significant weight. However, as also acknowledged by the GLA within their Stage 1 Report, local authorities must also give “substantial weight” to any harm caused to Green Belt/MOL and that the level of harm will differ from case to case, meaning in turn that the delivery of housing will not always outweigh the harm caused to Green Belt/MOL.
- 6.1.16 In particular, it should be noted that, as stated by the Inspector within the appeal decision (APP/G5180/W/20/3257010), the Footzie application site contained a number of buildings and hardstandings associated with the former use and some 37.98% of the total site was considered to be previously developed land. The new buildings for this appeal scheme were located only within the previously developed part of the site, with the remaining area (some 63% of the site) being laid out as open space for public use. The context of the Footzie site, which lies immediately to the south of the new residential development at both the former Dylon premises and Maybrey Works site was also considered by the Inspector in their overall consideration of the appeal. The Footzie site is therefore considered to be significantly different to the application site and is not considered to set a precedent for future building of houses on MOL. Moreover, the delivery of housing must be balanced against the level of harm caused to the MOL.
- 6.1.17 This application proposal would include the construction of 95 dwellings plus associated development on undeveloped green open space. Officers agree with conclusion by the GLA within their Stage 1 Report for this application, that the harm to openness would be considered in this case to be substantial and irreversible, as it would effectively turn a green field that limits the extent of the

urban area, into an extension of the built-up area. Accordingly, in this case the level of harm to MOL is considered to be substantial and the delivery of housing alone is not considered to outweigh this harm.

- 6.1.18 With regards specifically to the delivery of affordable housing, the proposed development is stated as providing 52% affordable housing (50% by habitable room). It is noted that the applicant has stated that they intend for the scheme to be occupied at 100% affordable; however, they have failed to provide revised documentation to reflect this and are only willing to secure 52% through S106 legal agreement. As such the intention to provide 100% affordable housing is not afforded any weight.
- 6.1.19 In terms of the provision of sporting facilities, the existing use of the site is as playing fields with ancillary pavilion and hardstanding. As such, in accordance with Policy S5 of the London Plan and Policy 58 of the Bromley Local Plan, sporting facilities would be a requirement of any development on this site. Moreover, as a result of the proposal, a significant proportion of these existing playing fields would be lost to residential and associated development. The policy requirements relating to the loss of playing fields is discussed fully below, but fundamentally the playing fields are not considered to be surplus to requirements, the resultant provision would not be of equivalent or better quantity and quality, nor would the proposed sports facilities be considered of sufficient benefit to outweigh the loss of the playing fields and sporting use of the site. As such, given the policy non-compliance relating to this matter, the provision of sporting facilities in the case for VSC can be afforded very little weight.
- 6.1.20 The provision of a public park is welcomed given the site's location adjacent to an area of Local Open Space Deficiency, as designated within the Bromley Local Plan. In terms of the play space, a total of 1,360sqm of children's playspace with 1,082sqm of dedicated play equipment is proposed. The proposed residential part of the development is required to provide 577sqm in accordance with Policy S4 of the London Plan and therefore the additional amount provided would amount to 783sqm. It is noted that this additional provision would enhance the recreational value of that part of the site above what may currently exist. However, in the context of the site as a whole, it is considered that this can only be apportioned moderate weight.
- 6.1.21 The economic benefits from construction are considered to be temporary and can be achieved through developing another more appropriate site in London. As such, it is considered that these can only be given moderate weight. The payment of CIL is a requirement for all new residential developments and would not be considered as a VSC.
- 6.1.22 The biodiversity and ecological enhancements are noted and welcomed. However, these are also policy requirements for all development proposals and as such the enhancements would need to be significantly greater than required by policy to be given more significant weight. Furthermore, in line with the GLA's comments, it is considered that these benefits could be achieved without the level of development proposed, and that the impact of building

over the existing open green space and thus eroding the link in the green chain would reduce the overall weight that can be attributed to this VSC.

- 6.1.23 The decontamination of the site is considered to be a necessary part of development and can only be afforded very moderate weight in terms of VSC.
- 6.1.24 The GLA also advise that the applicant does not indicate that alternative sites have been considered to demonstrate that there are no available brownfields in the area and that the application site is the only site suitable, viable and available to accommodate the proposed development.
- 6.1.25 Taking into account all the above, the proposed development would result in inappropriate development in MOL and would cause substantial harm to its openness. In accordance with paragraph 148 of the NPPF, substantial weight must be given to any harm caused and as such the VSC must clearly outweigh this harm. The benefits of housing delivery, and to some extent the provision of affordable housing, will weigh in the balance. However, Officers do not consider that these benefits, and any other benefits identified, clearly and demonstrably outweigh the harm to the MOL. Accordingly, Officers do not consider that very special circumstances have been demonstrated that would justify the proposed development on MOL.

Loss of playing fields - unacceptable

- 6.1.26 Paragraphs 84 and 99 of the NPPF seek to ensure the retention of sports facilities whilst paragraph 92 seeks to achieve healthy, inclusive safe places and notes the contribution of green infrastructure and sports facilities.
- 6.1.27 London Plan Policy S5 C supports paragraph 99 of the NPPF and states that existing sports and recreation facilities (including playing fields) should be retained unless;

*“1) an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements (for the existing or alternative sports and recreational provision) at the local and sub-regional level. Where published, a borough’s assessment of need for sports and recreation facilities should inform this assessment; or
2) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
3) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

- 6.1.28 Policy 58 (Outdoor Sport, Recreation and Play) of the Bromley Local Plan supports both National and Regional policy.
- 6.1.29 The applicant maintains that the use of the site as a playing field has ceased as it has not been used since 2014. However, whilst the site may have not been used as a playing field for some years, it appears as a result of this

private site being shut by the owner, the lawful planning use of the site is still considered to be that of a playing field/outdoor sports facility.

- 6.1.30 The applicant has also challenged whether Sport England should have been consulted on the basis that the land has not been used a playing field for more than 5 years. However, whilst the application may fall outside Sport England's statutory remit, given that the lawful use of the site is that of a playing field, it was considered appropriate to notify Sport England of the application and they have provided comments based on the criteria contained within paragraph 99 of the NPPF. Their comments are therefore considered relevant to the consideration of the application.
- 6.1.31 With regards to point 1 of Policy S5 C, the accompanying Planning statement (paragraph 6.55) refers to their own supporting Open Space Assessment, stating that this '*shows that there is a good supply such that the theoretical loss of the sports facility from the application site is acceptable*'. However, Sport England have advised that they strongly disagree with this evidence provided by the applicant to justify the loss of the playing field.
- 6.1.32 The supporting Open Space Assessment prepared by Boyer Planning (October 2021) is not considered to be a robust or up to date assessment of playing field in the borough and has not been produced in consultation with either Sport England or the National Governing Bodies (NGB) for sport. Sport England advises that the referenced 2017 document titled 'Open Space, Sport and Recreation Assessment' published by the LB Bromley is also not considered constitute a robust or up to date evidence base.
- 6.1.33 Rather, Sport England have advised that they would expect such an evidence base to be produced in line with its guidance for undertaking a Playing Pitch Strategy; a step by step process involving a tailored approach including a thorough assessment of all playing field land conditions and ancillary facilities (at an appropriate time during the relevant sports season) in consultation with all local clubs in order to ascertain level of use which is further checked and challenged by NGB's in order to ensure that assessment data is robust. Supply and demand information is then thoroughly assessed by the PPS steering group in order to develop the strategy.
- 6.1.34 In comparison to the applicant's Open Space Assessment, a Playing Pitch and Outdoor Sport Assessment is currently being produced for LB Bromley in consultation with Sport England and NGB's, and all indications are that this playing field is not surplus to requirements. Whilst this document has not yet been published, it is soon to be in the public domain, and Officers and Sport England consider this to be a robust assessment of supply and demand and are satisfied that it will not support the loss of this playing field.
- 6.1.35 It should also be noted that neither the NPPF or London Plan Policy S5 allows for a marketing assessment, nor do they allow for viability to be taken into account. Consideration with regards to the marketing report in relation to other relevant policies will be considered below. Nevertheless, sufficient evidence

has not been provided to show the playing fields as being surplus to requirements as required by Policy S5 C (1).

- 6.1.36 Policy S5 C (2) requires any loss of sports or recreational land and facilities to be replaced by equivalent or better provision in terms of both quality and quantity. While the proposal would include tennis/padel courts, the provision of sporting facilities being retained on site would clearly not be of equivalent quantity **and** quality. As such, the application would fail to meet this part of the policy.
- 6.1.37 Sport England have also stated clearly that they believe it to be irrelevant to the consideration of the application that the site is not currently publicly accessible as this is a decision on the part of the owner/operator. They refer to a recent appeal at Former Imperial College Private Ground, Udney Park Road (ref: APP/L5810/W/18/3205616), in which the Inspector noted that *'While the planning system cannot require land to be used in a certain way, it can ensure that land is not used in a way that would prevent its future use for sports.'*
- 6.1.38 With regards to the final part (3) of Policy S5 C, the development is required to be for alternative sports and recreational provision with benefits which clearly outweigh the loss of the current or former use. Again, while tennis/padel courts are potentially welcome, as stated above, only a small area to the south of the site is proposed to be retained for sporting use. This would be considerably smaller than that which currently exists, and, as advised by Sport England, is not considered to outweigh the loss of the wider playing field which at its current size is flexible enough to support a number of sports of which the relevant NGB's state there is demand for in the area. In addition, the majority of this site would be lost to housing rather than a sporting facility. As such, it is not considered that the sports facilities proposed are of sufficient benefit to outweigh the loss of the playing fields and sporting use of the site.
- 6.1.39 Having regard to all the above, the proposal would fail to meet the requirements of paragraph 99 of the NPPF, Policy S5 of the London Plan and Policy 58 of the Bromley Local Plan and would result in an unacceptable loss of playing fields, which these policies seek to resist. As commented by the GLA, it should also be noted that the partial loss of the playing fields would also still be contrary to Policy G3 of the London Plan given it is the result of inappropriate development.
- 6.1.40 It is acknowledged that Policy 20 of the Bromley Local Plan, which relates to Community Facilities, also applies to recreation and sports facilities as clarified by supporting text paragraph 3.1.4. This Policy states that:
- '...Planning permission will not be granted for proposals that would lead to the loss of community facilities, unless alternative enhanced provision is to be made in an equally accessible location for the community it serves, or it can be demonstrated that there is no longer a need for them or other forms of social infrastructure. Where a proposal for alternative social infrastructure*

involves a change of use not permitted under the GPDO Use Classes Order, the lack of need for the specific use class must first be demonstrated.'

- 6.1.41 With regard to the demonstration that there is no longer a need for the existing provision paragraph 3.1.8 includes the requirement of *robust marketing at a realistic value reflecting the existing use value.*
- 6.1.42 The application is accompanied by a Marketing Report provided by SHW (17th September 2021). Whilst this Marketing Report is not relevant in relation to the assessment of the application against Policies S5 of the London Plan and 58 of the Local Plan, it should be considered in relation to Policy 20 (as stated above).
- 6.1.43 The Marketing Report states that marketing has been undertaken from 2nd Feb 2021 with on-site advertisement, as well as SHW marketing brochure and online platform.
- 6.1.44 The marketing resulted in significant interest; 107 formal enquiries from the ongoing marketing; 30 parties have viewed the pitch on open viewing dates or bespoke viewing; and 23 offers from 20 parties have been received. However, the report states that no credible or acceptable offers were made noting in paragraph 1.21 that they were unacceptable *'principally on the basis that no party has proposed an acceptable price along with appropriate proof of funding to purchase and reinstate the sports playing field to active sports use.'*
- 6.1.45 Paragraph 4.08 of the Marketing Report indicates that *'Most offers are below a price point we would reasonably expect to be suitable'*. However, the Report and subsequent information submitted by the applicant on 20th May 2022 failed to provide evidence that the figure which was reasonably expected to be suitable is *'a realistic value reflecting its existing use value'* as required by the Local Plan.
- 6.1.46 Paragraph 1.09 of the Marketing Report also states that *'The costs of reinstatement and remediation are expected to be vast and up to a value of circa £2,000,000.'* Additionally, the Marketing Report and information submitted on 20th May 2022 indicates that all offering parties failed to provide evidence which demonstrated they had the required funds to cover the estimated remediation costs. However, in response to a potential purchaser the figure appears to have been reduced by £500,000 to *'more than £1.5m'*. The information submitted by the applicant on 20th May 2022 advises that the remediation costs are estimated between £1,000,000 to £2,000,000. However, Officers consider that the matter of funding remediation is one for the new purchaser to resolve and not relevant to the seller.
- 6.1.47 Paragraph 1.24 of the Marketing Report suggests that *'there is not presently a deliverable interest or demand for the site's continued existing sport use by a single party or joint venture group which has the necessary funds to undertake the reinstatement of the sports pitches and pavilion.'* However, having regard to the above, it is not considered that the suggested lack of deliverable interest or demand is adequately demonstrated nor that the

marketing has been 'robust at a realistic value' as required by Local Plan Policy 20.

6.2 Housing - Unacceptable

Affordable housing

- 6.2.1 The London Plan requires affordable housing on units of 10 units or more. London Plan Policy H4 Delivering Affordable Housing sets out specific measures to aim to deliver the strategic target of 50% of all homes in London being affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.
- 6.2.2 London Plan Policy H5 Threshold approach to applications, allows applications which provide affordable housing at or above a relevant threshold level, which in this case is a minimum of 35% by habitable room, **and** which meet the remaining criteria in part C of the policy, to follow a fast-track route.
- 6.2.3 Part C of Policy H5 states to follow the Fast Track Route of the threshold approach, applications must meet **all** the following criteria:;
- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy*
 - 2) be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure)*
 - 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant*
 - 4) demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing.*
- 6.2.4 Policy H6 of the London Plan sets out a preferred tenure split of at least 30% low-cost rent (London Affordable Rent or social rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy. It is the expectation, however, that the remaining 40% is weighted towards affordable rented products.
- 6.2.5 Policy 2 of the Bromley Local Plan states that for proposals providing over 11 residential units, the Council will seek 35% provision with 60% social rented/affordable rented housing and 40% intermediate provision. Low cost rented units must be appropriately secured at London Affordable Rent or social rented levels. The affordability of intermediate units must be in accordance with the Mayor's qualifying income levels, as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report, including a range of income thresholds. Affordability thresholds must be secured in the section 106 agreement attached to any permission, as well as the relevant review mechanisms.

- 6.2.6 The applicant proposes that 49 of the 95 units would be provided for affordable housing equating to a minimum of 52% affordable housing by units (50% by habitable room). This is above the threshold required by Policy 2 of the Bromley Local Plan, with a tenure split of 59% affordable rent:41% intermediate. It is considered the tenure split would be acceptable.
- 6.2.7 The affordable rent units would comprise 8 x 1 bedroom units, 17 x 2 bedroom units, and 4 x 3 bedroom units. Whilst the Council's Housing Team have advised that at present the main need for affordable units is 2 and 3 bedroom properties and that a higher proportion of 3 bedroom units would be preferred, with the wheelchair accessible dwellings being 3 bedroom units rather than the 1 and 2 bed proposed, the applicant has provided a policy compliant mix and as such it is considered acceptable.

Notwithstanding the above, whilst the development which proposes 50% affordable housing (by habitable room) with an acceptable tenure mix would be welcomed on a site that is appropriate for development, as required by clause C(3) of Policy H5 it must also "*meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant*" to be eligible to follow the Fast Track Route. In addition, the applicant's have not demonstrated that they *have sought grant to increase the level of affordable housing proposed as required by clause C(4)*.

- 6.2.8 The GLA and the Local Planning Authority consider that in this case the principle of development is inappropriate (as set out above) and thus it would fail to meet clause C of Policy H5, as the proposals are not considered to meet policy requirements in relation to preventing inappropriate development and harm to MOL for which VSC have not been sufficiently demonstrated to outweigh this harm. Therefore, the application would not *meet other relevant policy requirements and obligations to the satisfaction of the borough nor the Mayor* and thus cannot follow the Fast Track Route. Accordingly, in accordance with clause F of Policy H5 the application must follow the Viability Tested Route. This requires detailed viability evidence to be submitted to support the application to ascertain the maximum level of affordable housing deliverable on a scheme.
- 6.2.9 A Financial Viability Assessment (FVA) was requested by the local planning authority on 8th March 2022 following the receipt of the GLA's Stage 1 Report. No Financial Viability has been submitted by the applicant and it is argued within the letter from Boyer Planning on 20th May 2022 that;

"Whilst the site is located within MOL, the applicant has demonstrated VSCs in accordance with the NPPF. It states that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Collectively, we consider that the benefits of the proposal clearly outweigh the harm identified to the MOL and amount to Very Special Circumstances; therefore, justifying the grant of planning permission for the proposed development. The development is, therefore, compliant with the

policy objectives at Section 13 of the NPPF, Policy 50 of the Local Plan and London Plan Policy G3.

The proposals would provide 50% affordable housing (by habitable room) without public subsidy and with a policy compliant tenure split. This is well in excess of the minimum required threshold to follow the FTR (at 35%). As such, and notwithstanding that the site is located in MOL, it is not considered reasonable that the proposals be subject to viability assessment and there appears to be no justification why the scheme cannot be subject to the FTR.

In addition, as set out above, the applicant is committed to ensuring that the scheme be occupied as 100% affordable housing. If so, this would demonstrate maximum delivery of affordable housing on the site. Notwithstanding, the proposal is already delivering well in excess of the minimum required threshold.”

- 6.2.10 As stated within paragraph 6.1.18 of this report, whilst it is noted that the applicant has stated that they intend for the scheme to be occupied at 100% affordable, they have confirmed that the scheme would only deliver 52% affordable housing and are not willing to secure the provision of 100% affordable housing within a S106 agreement. Therefore, no weight can be given to the applicants’ intention to provide a fully-affordable scheme.
- 6.2.11 Having regards to all the above, Officers still consider that the application would not meet the criteria set out within Policy H5 C of the London Plan, and as such in accordance with Policy H5 F an FVA must be submitted to support the application to ensure that the delivery of affordable housing is maximised in line with the Mayor of London’s strategic aims. No FVA has been received and therefore a full assessment of the proposal in relation to affordable housing policies cannot be undertaken. Therefore, on the basis of insufficient information, being the lack of a FVA, the application would fail to meet requirements of Policy H4 and H5 of the London Plan and the strategic aim and should be refused on this basis.

Housing mix

- 6.2.12 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need.
- 6.2.13 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis.
- 6.2.14 The application proposes the following mix in terms of unit sizes across all tenures;

Unit Size	Number of units proposed
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1 bed	24
2 bed	51
3 bed	20

6.2.15 It is considered that the proposal provides an acceptable range of housing unit sizes and would be compliant with Policy 1 of the Bromley Local Plan in this respect.

6.3 **Standard of residential accommodation - unacceptable**

6.3.1 The NPPF paragraph 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

Internal Floor Area

6.3.2 The space standards for residential development are set out in Table 3.1 of the London Plan and the Government published 'Technical housing standards - nationally described space standard'. This is supported by Policy D6 of the London Plan, the Mayor's 'Housing' SPG 2016 and Bromley Local Plan Policies 4 and Policy 37.

6.3.3 The submitted floor plans contain details of furniture and layouts for each of the proposed residential units and indicate the total GIA for each unit and the number of occupants that would be accommodated. The application is accompanied by a schedule of accommodation.

6.3.4 The submitted documents demonstrate that all the proposed units would meet or exceed the required GIA for their size/number of occupiers as well as provide suitable rooms sizes and layouts. The section drawings indicate that the floor to ceiling heights for the residential units would also accord with the minimum requirement of 2.5m for at least 75 per cent of the GIA.

6.3.5 The separation distances between the proposed residential buildings and the location of windows serving habitable rooms would also be considered acceptable to help minimise mutual overlooking whilst still maintaining a good degree of outlook for prospective occupants.

6.3.6 With the proposed apartment blocks, each residential core does not propose more than six units on each floor. The GLA raised concerns within their \Stage 1 Report with regards to separate ground floor access to the residential dwellings within the apartment blocks. However, the applicant has advised that whilst this option was explored, the rear corridor access was preferred to allow circulation areas (where less daylight is required) to be positioned to the rear of the apartments, where less daylight is viable.

6.3.7 The majority of the units would be dual aspect with the exception of the two middle units within Blocks A, B and C resulting in a total of 18 total units that would be only single aspect. However, the applicant has confirmed that these single aspect units would all either be east or west facing and would have their

own private balconies. However, the GLA raised concerns with regards to the lack of assessment within the Daylight and Sunlight Report in relation to the light to the proposed residential units. No Report has been submitted by the applicant and therefore Officers are unable to fully assess that the residential accommodation would fully meet the standards set out within London Plan Policy D6 and Policies 4 and 37 of the Bromley Local Plan.

Wheelchair unit and inclusive living environment

- 6.3.8 In accordance with Policy D7 of the London Plan and Local Plan Policy 4, 90% of new housing should meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings' and 10% of the new housing should meet Requirement M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Paragraph 3.7.4 goes on to say that;

“Standard M4(3) wheelchair user dwellings distinguishes between ‘wheelchair accessible’ (a home readily usable by a wheelchair user at the point of completion) and ‘wheelchair adaptable’ (a home that can be easily adapted to meet the needs of a wheelchair user). Planning Practice Guidance states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, otherwise M4(3) dwellings should be wheelchair adaptable.”

- 6.3.9 The Scheme proposes the delivery of 10 Wheelchair Units; 9 flatted units within the apartment blocks and 1 single dwellinghouse. Of these Wheelchair Units 3 will be social rented, 3 for shared ownership/intermediate rent and 4 for private sale.
- 6.3.10 The Design and Access Statement indicates that all units would be M4(2) compliant with the 10 Wheelchair Units being M4(3). In accordance with Policy D7 paragraph 3.7.4, the three proposed social rented units would be required to meet Standard M4(3)(2b) 'wheelchair accessible' with the other seven units meeting Standard M4(3)(2a) 'wheelchair adaptable'.
- 6.3.11 The Council's Housing Occupational Therapist has reviewed the submitted documents and there are a number of matters that require clarification. Some of these issues can be dealt with by way of a suitable condition requiring further detailed plans. However, fundamentally they have advised that the size of the kitchen/living/dining room (KLD) for the proposed wheelchair units on the second floor of each of the apartment blocks would be below that required for M4(3). This reduced area will impact on the living space for a wheelchair user and as such if this size cannot be met, this unit cannot be considered as an M4(3) dwelling. As the floor plans for the apartment blocks are the same, this would result in three of the proposed M4(3) units being non-compliant.
- 6.3.12 Having regards to the above, the proposed development would fail to meet the requirements of Policy D7 with regards to the provision of 10% M4(3) dwellings.

Private outdoor space

- 6.3.13 Policy D6 of the London Plan and Standards 26 and 27 of the Mayor's Housing SPG requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
- 6.3.14 The proposed new single dwellinghouses would all have private rear gardens and the proposed flats would all benefit from private balconies which would all meet or exceed the minimum size requirements for private amenity space.

Child play space

- 6.3.15 Policy S4 of the London Plan states that that development proposals that include housing should provide play space for children based on the short and long-term needs of the expected child population generated by the scheme.
- 6.3.16 The London Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (2012) suggests that there should be a clear requirement for all new residential developments generating more than 10 children to provide suitable play space as part of a new development and sets a benchmark of 10sq.m. of useable child play space to be provided per child, with under-fives space provided on-site as a minimum.
- 6.3.17 The proposal would provide 1,360sqm of children's playspace with 1,082sqm of dedicated play equipment, which would exceed the 577sqm that the GLA Child Yield calculator indicates is necessary for the scheme.
- 6.3.18 A detailed design of the play area to ensure it is appropriate in terms of its use would also be required. Therefore, a condition would be placed on any approval to ensure the space is laid out to in a way to adequately protect the amenities of all neighbouring properties and to secure the best practical use of the space. The play area would also be publicly accessible and the delivery and long-term management of this public park would be secured through a S106 agreement.

6.4 Design, Scale, Layout and Landscaping - Unacceptable

- 6.4.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.4.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 6.4.3 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use

of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

- 6.4.4 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 6.4.5 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality of Local Places, and Policy 37 of the Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.

Site layout

- 6.4.6 The accompanying Design and Access Statement indicates that the development proposals for this site have undergone a number of iterations in respect of site layout, built form, and landscape approach.
- 6.4.7 The proposed scheme seeks to increase the area of proposed public open space fronting the site and reduce the number of blocks in what is a sensitive MOL setting. It is also noted that the GLA have advised that the location of the proposed built form, away from the public southern edge of the site, is generally supported, as is the stepping down in height in response to the surrounding residential buildings in the context of development within MOL. However, the Council's Urban Design Officer has advised that whilst these changes in the layout from previous iterations are supported in principle, there are number of issues in relation to layout, scale and massing, and landscape which have been poorly considered.
- 6.4.8 The layout has significantly changed from the pre-app consultation stage, reverting back (in part) to an early iteration with a linear arrangement of pavilion blocks framed by terraced housing. Reverting back to this rigid layout where the buildings sit detached from, rather than integrated within, the landscape is a stark contrast to the previous approach of creating a green extension through the site with a balance of public and private amenity spaces. Similarly, the original design intent to create east/west visual corridors to retain a connection with the adjacent playing fields has been omitted from the current scheme. The siting of 'Block A' close to the western boundary appears particularly unsympathetic in this setting and is indicative of the general disconnect between the site and its surroundings.



Fig.5 – Applicants Proposed CGI Aerial View

- 6.4.9 Given the nature of the MOL setting and the surrounding context, Officers consider that a landscape-led approach should have been utilised to inform the layout of buildings and spaces. The ‘private’ residential area beyond the ‘public’ sports pitches and play space is largely limited to parking courts with no amenity space at street level creating a blunt contrast in character between the northern and southern parts of the site. Accordingly, the site appears to have been envisaged as 2 separate, unrelated zones resulting in a clear severance of green space as reflected by the layout. The GLA have also commented on the lack of refinement with regards to all edge conditions of the site.
- 6.4.10 The uniform arrangement of the apartment blocks creates notable areas of space ‘leakage’ where the relationship between buildings and spaces is poor; these blocks frame only infill parking courts resulting in a weak relationship with the park and the character of the MOL setting.



Fig.6 – General Arrangement Plan for landscaping (Source: Landscape Design Statement)

6.4.11 The accompanying Landscape Design Statement prepared by Davis Landscape Architecture Limited (ref: L0688DS01 Rev: A) refers to 'a series of spaces and character zones to aid legibility and define public, private and semi-private areas'. However, these largely comprise of a public open space, a residential street, and 'wildlife spaces' along the perimeter edge. As stated above, the proposed layout shows a clear severance between the northern and southern parts of the site. Rather than a sequence of spaces and character areas which converge and connect with subtle transitional zones as you move through the site, the experience at street level would be limited to more stark divisions between green space (public), access road/parking courts (private residential), and ecological buffers (peripheral).

- 6.4.12 The 'buffer zone' space between the apartment blocks and the public playspace ('The Lawns') envisaged as passive public space to sit and dwell is also likely to feel 'private' in nature given the proximity of the adjacent residential blocks. The interface with the adjoining car parks (separated by a hedge) also appears unresolved. Furthermore, whilst the removal of the proposed vehicle access road to the west is supported, the legibility of the main pedestrian route which terminates in a passive space abutting a car park between Blocks A and B to the north is poorly considered.
- 6.4.13 The greening of the 'street zone' to the north is limited to structural planting, and opportunities for integrated SUDs appear to have diminished from what was originally envisaged. Whilst the benefits of narrowing the carriageway, pedestrian crossing points, and shared surfaces are accepted, the proposed use of Asphalt as part of the hard landscape strategy is not considered acceptable in this setting.



Fig.7 – Applicant CGI View between the apartment blocks (left) and houses (right)

- 6.4.14 The Council's Urban Design Officer also questions the location of the proposed communal allotments situated in between terraced blocks, as the opportunity to create a synergy with the adjacent allotment site could be better utilised by creating a more meaningful space in the north-east corner of the site.

Scale, height, and massing

- 6.4.15 The proposal includes three identical apartment blocks, and their centralised massing is considered to appear 'alien' within the existing surrounding context; the scale and height jarring with the immediate low-rise neighbours. These blocks would appear at odds with, and unrelated to their finer grain surroundings, and their siting and design appears disconnected from neighbouring buildings and the spaces in between.



Fig.8 - Proposed Elevations of Blocks A, B & C as viewed from Worsley Bridge Road



Fig.9 – Applicants CGI of proposed Blocks A, B and C with access road

6.4.16 The Council's Urban Design Officer has advised that the uniform height of 5 storeys across the three blocks would create a notable step change in scale negatively impacting on the openness of the setting as indicated by Views 1, 3, 7, within the accompanying Townscape and Visual Impact Assessment (TVIA). It is also noted that the provision of short-mid range views from Worsley Bridge Road is limited. It is also noted that the GLA commented in their Stage 1 Report that the accompanying TVIA contained limited information.



Fig.10 – Existing View 1 (Source: TVIA)



Fig.11 – Proposed View 1 (Source: TVIA)



Fig.12 – Existing View 3 (Source: TVIA)



Fig.13 – Proposed View 3 (Source: TVIA)



Fig.14 – View 7 Existing (Source: TVIA)



Fig.15 – Proposed View 7 (Source: TVIA)

- 6.4.17 In addition, no variation in height or scale of buildings from the eastern urban edge to the open playing fields to the west has been proposed, resulting in an unsympathetic response to the character of the setting. The uniform height and appearance of 3 identical flatted blocks would place a significant emphasis on the architectural approach in terms of articulation and facade treatment in order to create some differentiation between these buildings, the form and character of which are considered to be at odds with the surroundings.
- 6.4.18 The rationale for terraced houses fronting the northern boundary in response to the existing two storey houses to the north and east is accepted. However, the detached and semi-detached houses fronting the eastern boundary

appear 'separate' and unrelated to the much larger adjacent blocks. The rationale for the single detached property is unclear.



Fig.16 - Front elevation of Blocks D, E, F and G across the northern edge of the site



Elevation 1. Block H . Front

Fig.17 – Front elevation of Block H across the eastern edge of the site

Summary

- 6.4.19 The Council's Urban Design Officer advises that proposed application is poorly conceived with many of the initial design principles and key moves which had evolved throughout the design process being disregarded.
- 6.4.20 The proposed blocks would appear disconnected from, and unrelated to, neighbouring buildings and the spaces in between. The siting and scale of the apartment blocks represent an unsympathetic approach to the character of the setting and the surrounding context, particularly given its location within MOL. The landscape strategy has created separate, unrelated spaces and a clear severance across the site contrary to the integrated landscape-led aspirations initially envisaged.
- 6.4.21 Taking account all the above, it is considered that the design, by reason of its proposed layout, scale and massing would be detrimental to the character, appearance and visual amenities of the site within which it lies, particularly given its designation as MOL, and to the surrounding area; thereby contrary to Policies D3 and D4 of the London Plan and Policies 4 and 37 of the Bromley Local Plan.

Fire Safety

- 6.4.22 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread,

and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole (London Plan Policy D12).

- 6.4.23 The application is supported by a Fire Statement (30 September 2021) and Fire Safety Strategy (30 September 2021) both prepared by Hydrock Consultants Limited. The Fire Safety Strategy has been reviewed and meets the requirements of Policy D12. Compliance to the fire statement will be conditioned however, compliance with the Building Regulations will still be required at the appropriate stage of the development.

Secured by Design

- 6.4.24 Supporting paragraph 3.3.14 of Policy D3 of the London Plan states development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by Policy D11 of the London Plan (Safety, security and resilience to emergency) and Bromley Local Plan Policy 37 (General Design of Development).
- 6.4.25 The application makes reference to Secured by Design on page 77 of the accompanying Design and Access Statement. The Designing Out Crime Officer (DOCO) has reviewed the application documents and has advised they consider that the development can achieve the security requirements of Secured by Design with some modification and with the guidance of Secured by Design officers and the Homes 2019, which can be dealt with by way of an appropriate condition on any approval. A two-part condition is recommended requiring the principles and physical security requirements to be dealt with pre-commencement and the Secured by design accreditation achieved prior to occupation.

6.5 Green Infrastructure and the Natural Environment – Unacceptable

- 6.5.1 NPPF Policy 174 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.5.2 Policy G1 states that London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. It also requires development proposals to incorporate green infrastructure to achieve multiple benefits.

Urban Greening

- 6.5.3 The application is supported by an Arboricultural Impact Assessment prepared by ACD Environmental (Rev A dated 21/09/2021), as well as a Landscape Design Statement prepared by Davis Landscape Architecture Limited (ref: L0688DS01 Rev: A) and a number of landscape drawings indicating proposed landscaping.
- 6.5.4 Policy G5 of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening by including urban greening as a fundamental element of site and building design. Clause B of Policy G5 states that a target score of 0.4 is recommended for developments that are predominantly residential.
- 6.5.5 Policy 77 of the Bromley Local Plan also seeks to ensure that development proposals safeguard the quality and character of the local landscape and include appropriate restoration and enhancement of the local landscape. This aligns with Policy 37(c) of the Bromley Local Plan which requires developments to create attractive settings with hard or soft landscaping (including enhancing biodiversity) within the space about buildings.
- 6.5.6 The proposed development would provide an Urban Greening Factor (UGF) of 0.42 as outlined within Appendix 2 of the accompanying Landscape Design Statement. The landscaping info provides details of a mix of native and pollinator friendly planting for the woodland edge and amenity spaces. A Landscape General Arrangement Plan (Drawing no. L0688L01 Rev K) has also been submitted to accompany the application.
- 6.5.7 The UGF would accord with the requirements of Policy G5.

Trees

- 6.5.8 Policy G7 of the London Plan relates to Tree and woodlands and requires development proposals to that, wherever possible, existing trees of value are retained. This is supported by Policy 73 of the Bromley Local Plan.
- 6.5.9 The Council's Tree Officer has advised that the trees proposed for removal are relatively low value and outweighed by the extent of the proposed planting. However, a condition requiring the submission of a tree protection plan and Arboricultural Method Statement prior to the commencement of development to ensure that the trees that will be retained will not be damaged during development works is recommended on any approval. A suitable landscaping condition to secure the proposed planting is would also be required.
- 6.5.10 In addition, the Council's Arboricultural Services Officer has advised that the proposed new crossover onto Worsley Bridge Road does not appear to be within the Root Protection Area (RPA) of any of the street trees along the Worsley Bridge Road.

Biodiversity

- 6.5.11 London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that “Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”
- 6.5.12 The site falls outside of any designations for ecological value however there is a water course and SINC site around 150m to the west. The site has a large number of species records associated with it and is considered likely to have a moderate biodiversity value according to Green Information for Greater London (GiGL) data.
- 6.5.13 The application is supported by an Ecological Appraisal (May 2022), Biodiversity Net Gain Assessment Technical Briefing Note (May 2022) both prepared by Aspect Ecology, as well as the Biodiversity Net Gain (BNG) Metric spreadsheet.
- 6.5.14 The Ecological Assessment comprises a Phase 1 Preliminary Ecological Appraisal including desk study and site walkover. This has identified further need for species survey as the site is considered to have some potential to support protected species. Reptile refugia were set up and one emergence survey was undertaken to ascertain bat presence/absence within building B1 (which is considered to have low potential). No other species surveys were required as large areas of the site comprise amenity grassland.
- 6.5.15 A summary of ecological enhancements within the report includes native planting and species-specific enhancement but does not detail numbers and location. Therefore, a full programme would be required as part of a planning condition on any approval. Further conditions for the long-term management of the ecological features introduced (Landscape Ecological Management Plan – LEMP), landscaping plan to include native species and a sensitive lighting condition given the identified habitat for bats would also be required.
- 6.5.16 The submitted BNG Metric returns a net gain in terms of habitat units provided. However, it also returns a trading summary error where medium distinctiveness scrub is not offset by habitat of a similar or higher level of distinctiveness. The development removes a large area of mixed scrub. The Ecological Report argues this habitat has a low ecological value. However, the Metric input shows this scrub to be poor condition, but with medium distinctiveness which contradicts the ecologist’s opinion at Para 4.3.1 of the Ecological Report.
- 6.5.17 The Metric Trading error is a concern because the net gain calculation should not trade down in terms of distinctiveness and condition; which is why the Metric flags the error in this case. The original Metric data provided a significant loss. Furthermore, the Metric data dated 7th June does not detail how the habitats will be created to provide a net gain.

6.5.18 Having regards to the above, the proposed application provides insufficient information with regards to biodiversity net gain, including errors within the submitted Metric, and fails to demonstrate a net gain as a consequence of this lack of information, contrary to Policy G6 of the London Plan and Policy 37 of the Local Plan.

6.6 Transport and Highways – Unacceptable

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

6.6.2 Policy T1 of the London Plan advises that development proposals in Pouter London should facilitate the delivery of the Mayor's strategic target of 75 per cent of all trips to be made by foot, cycle or public transport by 2041.

6.6.3 The site has a Public Transport Accessibility Level (PTAL) of 2, on a scale of 1-6b, where 6b is the highest. The site is approximately 470m from the National Cycle Network (Route 21, Waterlink Way) on Kangley Bridge Road.

6.6.4 The application is supported by a Transport Assessment (September 2021), Transport Technical Note (May 2022), Residential Travel Plan (May 2022), Stage 1 – Road Safety Audit (May 2022), all prepared by Mayer Brown.

Healthy Streets and Access

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

6.6.6 The supporting Transport Assessment includes an Active Travel Zone Assessment which TfL has advised is deemed acceptable in this instance. The applicant has identified that there is no formalised pedestrian crossing over Worsley Bridge Road to access bus services on Worsley Bridge Road and proposes a S106 contribution to fund the construction of a puffin crossing. TfL have advised that a signalled pedestrian crossing would also require the applicant to pay a commuted maintenance sum to cover 60 years of the asset life, on top of installation and any highway works to support it. If the application were to be considered acceptable, further discussions to secure these works and the commuted sum through a S106 agreement would be required.

6.6.7 TfL have raised concerns with regards to the car dominated layout of the proposed residential area of the site, which is contrary to Policy T2. In addition, pedestrian and cyclist access to the residential element of the scheme involves walking through the sporting facilities with no opportunity for overlooking from neighbouring properties when these facilities are not in use, which raises personal safety, particularly at night.

6.6.8 The development would include two accesses to the site; one being via the existing access from Worsley Bridge Road proposed as the main vehicular access, and the other a secondary pedestrian route towards the western end of site, which would also provide a secondary access to emergency vehicles and an access for vehicles maintaining the proposed pumping station. To allow for vehicular access to this secondary pedestrian route, a crossover onto Worsley Bridge Road is proposed with droppable bollards proposed to prevent unauthorised access. Bromley's Highways Officer has advised that the proposed vehicular access arrangements are acceptable.

Car Parking

6.6.9 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision.

6.6.10 Policy T6.1 of the London Plan sets the maximum car parking standards for residential developments. The site is within Outer London PTAL 2, and as such in accordance with Policy T6.1 of the London Plan the maximum car parking provision is up to 0.75 spaces per 1-2 bed dwelling and up to 1 space per 3-bed dwelling.

6.6.11 76 car parking spaces are proposed for the residential units (including 1 space for the proposed car club) which would be the maximum number of car parking spaces allowed in accordance with Policy T6.1. This would also include 10 spaces designated for disabled persons' parking, resulting in 11% of dwellings having a disabled persons' parking space from the outset, which would exceed the requirements of the London Plan.

6.6.12 Policy T6.1 of the London Plan requires 3% provision from the outset, with space for a further 7% identified should the provision become insufficient. As such, the proposed development is only required to provide three disabled parking spaces from the outset. TfL and the GLA have raised concerns that providing disabled persons' parking above the level in Policy T6.1 risks their misuse. If approved, a condition requiring a Parking Design and Management Plan would be necessary to ensure the use of these disabled parking spaces by Blue Badge holders only.

6.6.13 The accompanying Transport Assessment states that 20 per cent of the car parking spaces for the residential development would have active electric charging facilities, with passive provision for all remaining spaces. This would accord with the requirements of Policy T6.1. The spaces have not been indicated on the submitted drawings; however, acceptable provision could be managed by way of appropriate conditions on any approval.

6.6.14 10 car parking spaces (2 of which are indicated to be for disabled persons' parking) are indicated to be provided for the proposed sports facilities. TfL have advised that based on the provided trip generation assessment, this equates to a near 100% mode share by car, substantially higher than the Mayor's Strategic Mode Shift target and therefore conflicting with Policy T1 of the London Plan.

- 6.6.15 Policy T6.4 of the London Plan clearly states that in location of PTAL 0-3, car parking provision for leisure uses should be assessed on a case-by-case basis and should be consistent with the Healthy Streets Approach, mode share and active travel targets, as well as the aim to improve public transport reliability and reduce congestion and traffic levels. The need for these 10 on-site car parking spaces has not been adequately justified and would not align with either Policy T1 or T6 of the London Plan.
- 6.6.16 It is noted that the Council's Highways Officer has requested a contribution of £22000 towards parking and transport study on Worsley Bridge. However, the LPA do not consider this would be reasonable given that the level of residential car parking proposed would be at the maximum level allowed by Policy T6.1 of the London Plan and the lack of evidence provided by the applicant to justify the level of car parking proposed for the sports use.

Car Club

- 6.6.17 In order to support the long-term modal shift away from single occupancy car use, a Travel Plan will be put in place at the site. This includes encouraging residents of the development to use car clubs over owning a private vehicle. As well as the site's future residents, the local community will also be permitted to use the vehicle.
- 6.6.18 The car club operator and the developer should seek to establish a self-financing car club scheme that will be of benefit to all occupants and the wider local community. The Council's Highways Officer has advised that this must include offering the first residents 2 years annual membership of the Car Club. In the first year of the car club membership, the developer should also provide the first residents a minimum of 20 hours driving time per unit for the type of vehicle located closest to the development.
- 6.6.19 The provision of the Car Club Membership would be dealt with by way of a S106 agreement on any approval to ensure its delivery.

Cycle Parking

- 6.6.20 The quantum of cycle parking should be in line with Policy T5 of the London Plan, and the quality should follow the London Cycle Design Standards (LCDS), as also required by Policy T5.
- 6.6.21 For the residential part of the proposed development a total of 184 cycle parking spaces would be provided; 178 long stay spaces for the occupiers of the residential units and 6 short stay spaces for visitors. The cycle parking for the propose residential development is indicated on submitted drawing no. SK1003. Each dwellinghouse would be provided with its own cycle store within the front garden area allowing for 2 cycles (a total of 40 spaces). Each apartment block would contain a cycle store at ground floor level comprising 46 spaces (a total of 138 spaces across the three blocks). The 6 visitor cycle

parking spaces would be provided by one Sheffield stand outside the entrance to each apartment block.

- 6.6.22 Whilst the number of cycle parking spaces for the proposed residential development would accord with the requirements of Policy T5, TfL have advised that the provision indicated on drawing no. SK1003 would not accord with the LCDS.
- 6.6.23 The cycle parking for the proposed sports facilities is indicated on submitted drawing no. SK1005 and indicates 32 short-stay spaces for the tennis and paddle tennis courts. TfL has advised that 36 spaces should be provided, and it must be ensured that a minimum spacing of 1m is provided between Sheffield stand and that provision for wider cycles is provided (1.8m spacing required). This matter could be dealt with by way of an appropriate condition on any approval.

Trip Generation

- 6.6.24 TfL have advised that the trip generation methodology used in both the submitted Transport Assessment and Transport Technical Note does not accurately reflect the development as sites outside of London have been used. In addition, the trip generation does not detail which direction these passengers would be traveling to. The bus trip distribution also includes bus stops which are not within reasonable walking distance of the site and therefore, these trips should be reassigned to these bus services.
- 6.6.25 The submitted trip generation documentation is therefore not considered sufficient to enable assessment as to whether buses have sufficient capacity for the trips generated by this development and its impact on the strategic transport network.

Travel Plan

- 6.6.26 The application has been accompanied by an outline Travel Plan. A full Travel Plan would be required by way of a condition on any approval.

Construction, Delivery and Servicing

- 6.6.27 TfL have advised that the sites used to determine the delivery and servicing rates are the same as those in the Transport Assessment, which, as above, do not represent this site. A detailed Delivery and Servicing Plan would be required through condition, in line with Policy T7 of the London Plan.
- 6.6.28 A draft Construction and Environmental Management Plan (CEMP) has been submitted to support the application. Further consideration of the level of on-site operational parking and arrival and departure times for construction are required. A full CEMP would be required through condition in line with London Plan Policy T7.

Refuse/Recycling

- 6.6.29 The refuse and recycling facilities for the proposed residential development are indicated on drawing no's SK1001 and SK1002. The refuse/recycling storage areas for each of the apartment blocks would be provided at ground floor with internal and external access. These drawings and information contained within the accompanying Transport Assessment also detail the access arrangements for the proposed refuse/recycling vehicles. Full details of the proposed refuse/recycling enclosures for the single dwellinghouses could be secured by way of a condition on any approval.
- 6.6.30 In the absence of sufficient justification for the level of car parking proposed for the sports facilities and the impact on the strategic transport network, the proposal would undermine the strategic aims of the London Plan which are to reduce the dominance of vehicles on London's roads and to promote sustainable modes of travel. The development would therefore be contrary to Policies T1, T2 and T6 of the London Plan (2021).

6.7 **Impact on Neighbouring Amenity – acceptable**

- 6.7.1 Policy 37 (e) of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.7.2 The north of the application site adjoins the rear gardens of properties on Meadowview Road (no.'s 97-115 (odd)) and Meadow Close (2-28 even), as well as the Meadow Close Allotments. It is also noted that the site would also be somewhat visible from the front of no.'s 25 and 27 Meadow Close, although these properties adjoin the allotment and do not immediately adjoin the site. To the east of the site, the rear gardens of Greycot Road (The Croft, and 1-11 (odd)). The side boundary of No. 189 Worsley Bridge Road also adjoins the site. There is also a residential property to the south immediately opposite the application site on Worsley Bridge Road (Bank Cottage).

Daylight and Sunlight

- 6.7.3 A Daylight and Sunlight Report prepared by Point 2 Surveyors (September 2021) accompanies the application. Paragraph 5.3 of the Report states that only the residential properties along Meadowview Road and Meadow Close to the north, and Greycot Road to the east would require due consideration in respect of the potential effects upon their daylight and sunlight amenity given their proximity to the site. Paragraph 5.4 goes on to state that by reference to the BRE guideline methodology, the preliminary distance to height ratio and 25° section line checks were carried out to assess whether the scale and proximity of the Proposed Development to the neighbouring properties was sufficient so as not to cause any undue harm to their daylight and sunlight availability.

6.7.4 The Report advises that by reference to the 2D Proximity Diagrams prepared by the applicant team, it was determined that in each instance, that the Proposed Development was;

- “Either a sufficient height and distance away from the windows facing towards the site such that any effect upon either their daylight or sunlight amenity is likely to be small; or
- In all cases, the Proposed Development comfortably sits below a 25° line drawn from the centre of the lowest window and as such is unlikely to give rise to a substantial effect upon the daylight and sunlight to the neighbouring properties.”

6.7.5 As such the Report concludes that there would be no appreciable effect upon the daylight and sunlight amenity currently enjoyed by the neighbouring residents and as such no further detailed testing was required.

Outlook, Overlooking, and Loss of Privacy

6.7.6 The accompanying Design and Access Statement indicates that the rear of the two storey dwellinghouses (Blocks D, E, F) proposed to the north of the application site, which would abut the rear boundaries of the properties on Meadowview Road and Meadow Close, would be sited between 19.5m and 36.7m from the rear elevations of these properties. The rear of the two storey dwellinghouses (Block H) and the side of the two storey dwellinghouse at Block G proposed to the east of the application site would also be sited between 23.5m and 28.6m from the rear elevations of the closest dwellings on Greycot Road. It is also noted that no windows are proposed within the side elevation of the dwelling within Block G located closest to the east.

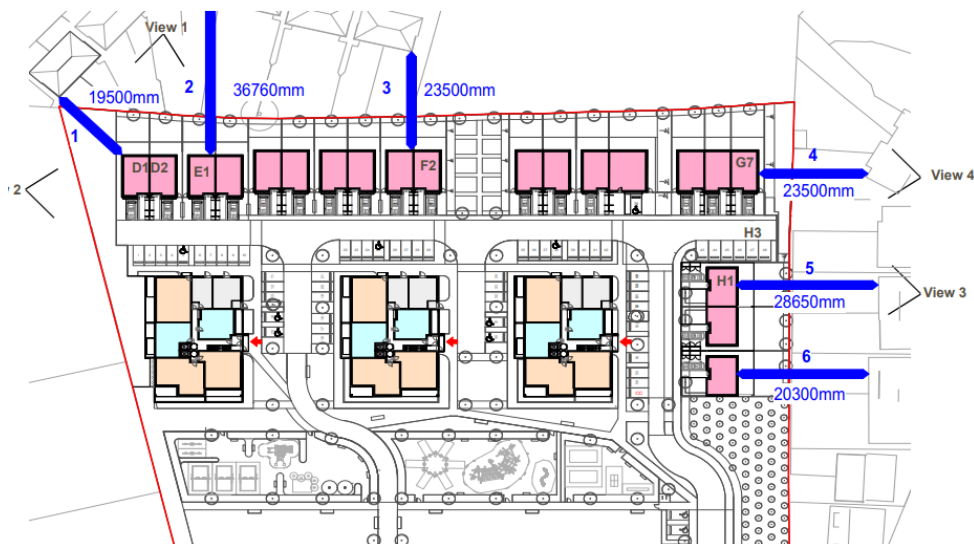


Fig.18 – Separation distances to neighbours (Source: Design and Access Statement)

6.7.7 It is also acknowledged that the taller five storey apartment blocks are located a greater distance from these neighbouring dwellings to the north and east.

- 6.7.8 Taking account of the above, whilst the proposed development would be visible from these neighbouring dwellings, the overall impact on the outlook and privacy to the neighbouring occupiers is considered to be sufficiently mitigated by the proposed siting and separation distances.

Noise and Disturbance

- 6.7.9 Concerns have been raised with regards to the potential noise and disturbance to neighbouring properties caused by the development, which includes a large playground area and sports facilities. However, the existing use of the site is as a playing field, and whilst it may not have been used as such recently, it was used for this purpose for a number of years. Furthermore, this use is somewhat limited to daylight hours, although it is noted that lighting is proposed, therefore conditions could be placed on any approval to limit the use of the sports facilities in the evenings as considered necessary.
- 6.7.10 As stated within paragraph 6.4.25 of this report, if the application was considered to be acceptable a condition requiring Secure By Design accreditation would also be imposed on any approval which would help to ensure that design measures are implemented to improve safety and security.

Other Matters

- 6.7.11 Concerns raised locally with regards to the impact on traffic, parking and the highway network and the environmental impacts of the development such as contamination, air and light pollution, which may also have a related impact on neighbouring residents, have been considered separately within the relevant sections of this report.

6.8 Energy and Sustainability – Acceptable

- 6.8.1 Policy SI 2 of the London Plan - Minimising greenhouse gas emissions - requires major development to be net zero-carbon, reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- “1) *be lean: use less energy and manage demand during operation*
- 2) *be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly*
- 3) *be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site*
- 4) *be seen: monitor, verify and report on energy performance.”*

- 6.8.2 Policy SI 2 also requires a minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.

- 6.8.3 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- “1) *through a cash in lieu contribution to the borough’s carbon offset fund,*
 - or*
 - 2) *off-site provided that an alternative proposal is identified, and delivery is certain.”*
- 6.8.4 Part E of Policy SI 2 also states that ‘*major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions*’.
- 6.8.5 Policy SI 4 states that major development should demonstrate through the energy strategy how the proposal will “reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy’.
- 6.8.6 The application is accompanied by an Energy Statement (August 2021) prepared by AES Sustainability Consultants Ltd. The accompanying energy assessment and carbon reduction strategy is considered to be in line with guidance and the applicants are aiming to exceed the minimum requirements of the policy. Additional information was requested by the GLA within their Stage 1 Report, and the applicant has provided updates where relevant. This would be further scrutinised by the GLA at Stage 2.
- 6.8.7 If the application was deemed acceptable, a carbon off-setting payment would be secured as part of a S106 legal agreement.

Whole Life Carbon and Circular Economy

- 6.8.8 London Plan Policy SI 2 also requires application which are referable to the Mayor of London to provide a Whole Life-Cycle Carbon Assessment to demonstrate actions taken to reduce life-cycle carbon emissions. London Plan Policy SI7 requires development applications that are referable to the Mayor to submit a Circular Economy Statement, whilst London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process.
- 6.8.9 Following the GLA’s Stage 1 Report, the applicant submitted a Whole Life-Cycle Carbon Assessment and Reporting (17th September 2021) and Whole Life-Cycle Carbon excel document (dated 15th September 2021) both prepared by ADW Developments; and Circular Economy Statement (9th May 2022) prepared by Bluesky Unlimited. These documents would be further scrutinised by the GLA at Stage 2.

6.9 Drainage and Flooding – Acceptable

- 6.9.1 Policy SI 13 (Sustainable Drainage) of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should be a preference for green over grey features in line with the drainage hierarchy set out within the Policy. This is supported by Policy 116 of the Bromley Local Plan (2019).
- 6.9.2 The site lies mostly within Flood Zone 1, although a small part of the south-west corner lies within Flood Zone 2. The site is also located within a Source Protection Zone for groundwater abstraction.
- 6.9.3 The application has been accompanied by a Flood Risk Assessment (April 2022) prepared by Mayer Brown. The Council's Drainage Officer has raised no objections to the proposed development subject to a condition requiring compliance with the details set out within the supporting Flood Risk Assessment.
- 6.9.4 Thames Water have raised no objections to the proposed development subject to informatives and a condition requiring the submission of a piling method statement.
- 6.9.5 The Environment Agency have advised that as there is no intention to discharge to ground from the proposed development, they have no comments on the drainage scheme from a groundwater protection prospective.

6.10 **Environmental Health – Acceptable**

Air Quality

- 6.10.1 Policies SI 1 of the London Plan and 120 of the Bromley Local Plan detail the need to tackle poor air quality.
- 6.10.2 The site lies within an Air Quality Management Area (AQMA). The application is supported by an Air Quality Assessment (September 2021) and Air Quality Mitigation document (March 2022) both prepared by Air Quality Consultants.

Operational Phase

- 6.10.3 For future residents of the proposed development, it has been shown to be acceptable, with concentrations well below the air quality objectives throughout the site. The assessment has also demonstrated that pollutant concentrations from the additional traffic generated by the proposed development will have a negligible impact on air quality conditions at all existing receptors along the local road network.
- 6.10.4 The proposal also indicates a number of design measures to be implemented to minimise the air quality impacts of the development on the local area and is presented in Section 9 of the AQA, which includes the use of air-source heat pumps (ASHP) for the provision of heat and hot water.

Construction Phase

- 6.10.5 The site has been identified as a High-Risk site during earthworks and Medium Risk during demolition, construction and track out, all of which is set out in Table 14 of the AQA.
- 6.10.6 The GLA's SPG on The Control of Dust and Emissions During Construction and Demolition (GLA, 2014b), along with the Institute of Air Quality Management (IAQM) guidance, describes measures that should be employed, as appropriate, to reduce the impacts, along with guidance on what monitoring should be undertaken during the construction phase. The measures are described in Appendix A8 of the AQA. With these measures introduced it should reduce dust emissions and the overall effect will be 'not significant'.
- 6.10.7 The Council's Environmental Health Officer has advised that appropriate construction mitigation measures set out in the report and described in Appendix A8, are required to be included in a Dust Management Plan for the works, which could be incorporated within a Construction Environmental Management Plan.
- 6.10.8 Having regard to the above, a condition requiring the submission of a more detailed Construction and Environmental Management Plan (CEMP) would be required on any approval, picking up the specific requirements set out in the Air Quality Assessment. The CEMP should also cover additional details, including matters to do with noise and vibration during construction as detailed separately below.
- 6.10.9 A condition specifically relating to Non-Road Mobile Machinery (NRMM) and compliance with emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance, is also required on any approval.

Air Quality Neutral

- 6.10.10 The proposed development is air quality neutral in terms of building emissions. However, it exceeds the air quality neutral benchmark derived for an average development in outer London in terms of transport emissions and as such the submitted Air Quality Mitigation report seeks to provide measures to reduce the Air Quality Neutral figures to meet the benchmark requirements. The Mitigation report concludes that 'Overall, the development will not have any adverse impacts on air quality during the construction and operational phases provided the suggested mitigation measures are in place, which should be secured by condition.'
- 6.10.11 The Council's Environmental Health Officer has advised that the report has aimed to meet the 'air quality neutral' benchmark with additional mitigation measures being included. A condition is therefore recommended on any

approval to ensure full compliance with all the mitigation measures detailed within paragraph 4.1 of the Air Quality Mitigation report.

Noise

- 6.10.12 London Plan Policy D14 (Noise) states that development should reduce, manage and mitigate noise to improve health and quality of life. . Policy D13 (Agent of Change) places the responsibility for mitigating impacts from existing noise and other nuisance- generating activities or uses on the proposed new noise sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. This is supported by Bromley Local Plan Policy 119.
- 6.10.13 The application is supported by a Technical Note: Noise Impact Assessment (September 2021) prepared by Mayer Brown. The report has provided details on noise monitoring undertaken at the site to determine existing noise levels and reviews the suitability of the site for residential development in line with “ProPG: Professional Practice Guidance on Planning and Noise: Residential Design Guide”. The dominant noise source characterising the site was identified as being the road traffic noise associated with vehicle movements on Worsley Bridge Road.
- 6.10.14 The layout of the proposed residential development, along with the position of the noise monitoring location is indicated on page 7 of the Report. Although the noise monitoring period was limited i.e., only a three-hour period 11:00 to 14:00 hours on Wednesday 18th August 2021, the assessment has analysed the data in accordance with the shortened measurement procedure of CRTN. The calculated noise level at the facades, with the location of the proposed properties being 75 metres away from Worsley Bridge Road, give a typical daytime level of 49-50 dB LAeq,16hour and typical night-time level of 42-43 dB LAeq,16hour at a location contiguous with the front elevations of the proposed buildings.
- 6.10.15 The Report concluded that the noise will be adequately controlled with the use of standard thermal double glazing and alternative means of ventilation (which will be installed as a matter of course to comply with the relevant statutory requirements of the Building Regulations 2010 (as amended)). The noise levels are also compatible with using opening windows to provide ventilation as the primary means of mitigating overheating, whilst maintaining acceptable internal noise levels. Noise levels in external amenity areas will also be acceptable controlled in line with ProPG guidance.
- 6.10.16 The accompanying Construction Environmental Management Plan by Construction Planning Associates (April 2022 Issue 03) sets out some mitigation and controls for managing the impacts from noise and vibration during the construction phase of development. However, more detail is required with reference to the London Good Practice Guide: Noise & Vibration Control for Demolition and Construction, which should also include details of monitoring and the development of a Complaint Procedure. This could be

covered by way of a condition on any approval for a more detailed CEMP to be submitted and approved prior to commencement of the development.

Contaminated Land

- 6.10.17 Policy 118 of the Bromley Local Plan states that where the development of contaminated land, or land suspected of being contaminated, is proposed, details of site investigations and remedial action should be submitted.
- 6.10.18 The application is supported by a Ground Investigation Report (September 2021) prepared by Wilson Bailey Geotechnical & Environmental and associated borehole logs test results and ground report data documents, also undertaken by Wilson Bailey Geotechnical & Environmental.
- 6.10.19 The Council's Environmental Health Officer has advised that the submitted information by the independent Soil Consultant provides sufficient evidence of the need for remediation of the site and the costs involved whether that be as continuation of its current use as a football pitch or for other use.
- 6.10.20 With respect to a residential with plant uptake end use associated with a proposed residential development, they have advised that the measured concentrations of lead, arsenic and poly-aromatic hydrocarbons are assessed as being elevated and requiring remedial action to render the site suitable. The report has concluded that a 'detailed remediation Options Appraisal will be required in due course to determine the most viable and most appropriate approach to the remediation works, which will then need to be formalised in a Remediation Strategy.' The Council's Environmental Health Officer has advised that it should include the controls that will need to be in place and the proposals for a Verification Plan to demonstrate that the proposed remediation works have been carried out and completed in accordance with the proposed strategy.
- 6.10.21 Having regard to the above, the Council's Environmental Health Officer has recommended that a contaminated land condition be placed on any approval, which includes the compliance with the submitted documents and the submission of a Remediation Strategy before works can commence, and subsequent closure reports.

Groundwater and Contaminated Land

- 6.10.22 Controlled waters are particularly sensitive in this location because the site partially lies upon Secondary Aquifers associated with the superficial deposits. Furthermore, the site lies within Source Protection Zone 2 (SPZ2), with groundwater levels believed to be shallow.
- 6.10.23 The Environment Agency (EA) have advised that the submitted 'ground investigation report' by Wilson Bailey Partnership Ltd (dated 09 September 2021 with reference J02106, Issue 3) highlights potential contaminative former uses and sensitive groundwater resources. However, further details are required to be submitted, including a suitable conceptual site model and a

review of unacceptable risks. Shallow/perched groundwater has been identified, but not assessed as a receptor.

6.10.24 Accordingly, the EA has advised that given the location of the groundwater and the potential contaminative layer identified beneath the site, they would expect further analysis to be undertaken to establish the risk to controlled waters. Therefore, whilst the EA raise no objection to the proposed development, a number of conditions are recommended on any approval to cover the above requirements.

6.10.25 With respect to any proposals for piling through made ground, the EA has advised that a piling risk assessment (PRA) will be required, by way of a condition of any approval, to demonstrate that the chosen piling method does not result in deformation of the ground that may lead to an increase in the risk of near-surface pollutants migrating to underlying aquifers. The risk assessment must investigate whether water environment source-pathway-receptor linkages exist.

6.10.26 In addition, the EA have highlighted that the handling, transport and disposal of the contaminated soil should be dealt with in accordance with the relevant waste management legislation and as such recommend an informative to this effect on any approval.

Lighting

6.10.27 Policy D8 of the London Plan considers the Public Realm, which includes external lighting, and states that it should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.

6.10.28 Policy S5 (Sports and recreation facilities) of the London Plan supports the provision of sports lighting within reasonable hours for sports and recreation facilities, where there is an identified need, where it is required to increase their potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity.

6.10.29 Policy 122 (Light Pollution) of the Bromley Local Plan seeks to ensure that lighting in new development, including flood lighting, is at an appropriate level so as to minimise impact on amenity whilst ensuring safe and secure places. It should have no adverse effect on residential amenity through glare or hours of operation, not be visible from the wider area, and have no adverse impact on road safety, landscape or nature conservation.

6.10.30 The application is accompanied by an Outdoor LED Tennis Lighting Design document prepared by Luminance Pro Lighting Systems Ltd (dated 05/05/2022) which proposes lighting for the tennis and padel courts.

6.10.31 The Council's Environmental Health Officer has advised that the submission provides lux contour maps which shows that the light trespass, i.e. the light spill into the residential windows, will be below 2 lux which is in accordance

with the criteria in the Institute of Lighting Engineers Guidance ILE guidance Note 1 for the reduction of obtrusive light 2020 and is acceptable.

6.10.32 Whilst the submitted details consider the impact on residential windows, no reference has been made with regards to the impact of the lighting on nature conservation. Therefore, notwithstanding the lighting information provided at application stage, the Council would wish to control the type and operation of any future lighting at the site. Accordingly, a lighting condition would be required on any approval. The applicants have not provided any details with regards to the external lighting for the proposed residential development. However, this can also be considered as part of a condition on any approval.

6.11 **Archaeology – Acceptable**

6.11.1 The application site lies in an area of archaeological interest.

6.11.2 Paragraph 194 of the NPPF requires the submission of an appropriate desk-based assessment and, where necessary, a field evaluation, where development is proposed on a site which includes, or has the potential to include, heritage assets with archaeological interest. An archaeological desk-based assessment report (September 2021) prepared by RPS Group Ltd has been submitted in support of the application.

6.11.3 The Greater London Archaeological Advisory Service (GLAAS) has advised that given that a projected line of a Roman road occurs within the site, it is recommended that there is an archaeological potential associated with this site and that the development could cause harm to archaeological remains. As such, field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that GLAAS Officers consider a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

6.11.4 Accordingly, if the application is considered acceptable a suitable condition could be placed on any approval.

6.12 **Planning Obligations and CIL**

CIL

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

6.12.2 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021.

Heads of Terms – Infrastructure impact and mitigations:

6.12.3 Should planning permission be recommended, the applicant has identified that the following planning obligations will need to be secured as part of an S106 legal agreement, should permission be granted:

- Affordable housing;
- Carbon offsetting payment;
- Delivery and ongoing management of public open space, land for sports uses and play space;
- Provision of one car club space;
- Delivery of new puffin crossing on Worsley Bridge Road; and
- Monitoring and legal costs.

6.12.4 Notwithstanding the applicant's suggested Heads of Term, the Council has identified a number of other planning obligations which it considers necessary to mitigate the impacts of this development should permission be granted.

- Early stage affordable housing viability review;
- Late stage Affordable housing viability review; and
- Wheelchair Accessible Units.
- Maintenance of new puffin crossing on Worsley Bridge Road

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

6.12.6 The Heads of Term have not been fully agreed at time of writing this report and should permission be granted further discussions to agree these necessary planning obligations would be required.

7 PLANNING BALANCE AND CONCLUSION

7.1 The site is located within MOL and is considered to be inappropriate development which, in accordance with paragraph 147 of the NPPF, by definition, would be harmful and should not be approved except in very special circumstances. The applicant has submitted a case for VSC and it is accepted that the benefits of housing delivery, and to some extent the provision of affordable housing (albeit this matter in itself is non-compliant), will weigh in the balance. However, given the substantial level of harm to the openness of the MOL, it is not considered that these benefits, and any other benefits identified, collectively outweigh this harm. Therefore, the very special circumstances which have been put forward would not justify the proposed development on MOL.

7.2 The Council does not currently have a 5 year housing land supply. The NPPF advises in paragraph 11d(i) that the presumption in favour of sustainable

development will apply (including in instances where a FYHLS cannot be demonstrated) unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

- 7.3 It is considered that the site is not included within the protected areas listed in footnote 6 of the NPPF as it is designated as MOL, a designation specifically within the Development Plan. Paragraph 11d(ii) is relevant to the site and states that the presumption in favour of sustainable development will apply unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4 The application would provide 95 residential dwellings, 50% of which would be affordable (by habitable room). This would result in a significant contribution to the supply of housing within the Borough in favour of this development. However, given the harm to the MOL and the other adverse impacts which have been identified throughout this report, the LPA are of the view that the adverse impacts would not be significantly and demonstrably outweighed by the benefits.
- 7.5 The proposed development would also result in an unacceptable loss of playing fields at the site, and the applicant has failed to justify this loss in accordance with the requirements of paragraph 99 of the NPPF, Policy S5 of the London Plan, and Policies 20 and 58 of the Bromley Local Plan.
- 7.6 The applicant has failed to provide a financial viability assessment to confirm if the scheme can support more affordable housing than what is offered. Therefore, on the basis of insufficient information, being the lack of a FVA, the application would fail to demonstrate that it would maximise the delivery of affordable housing and is therefore contrary to Policies H4 and H5 of the London Plan (2021).
- 7.7 The design of the proposed development, by reason of its layout, scale and massing, would be detrimental to the character, appearance and visual amenities of the site within which it lies, particularly given its designation as MOL, and to the surrounding area; thereby contrary to Policies D3 and D4 of the London Plan and Policies 4 and 37 of the Bromley Local Plan.
- 7.8 Insufficient information has been provided to demonstrate that the proposed residential units would benefit from adequate daylight and sunlight as required by Policy D6 of the London Plan. Furthermore, the proposed residential development has failed to demonstrate that it would meet the requirements of Policy D7 with regards to the provision of 10% M4(3) dwellings. The standard of accommodation provided for the proposed residential units would therefore be unsatisfactory.
- 7.9 The submitted Transport Assessment and Transport Technical Note fails to justify the level of car parking proposed for the sports facilities and the trip generation methodology is considered be insufficient to enable assessment

as to the developments' impact on the strategic transport network. On the basis of insufficient information, the proposed development would thereby be contrary to Policies T1, T2 and T6 of the London Plan (2021).

- 7.10 Insufficient information has been provided with regards to biodiversity net gain, including errors within the submitted Metric, and as such the application fails to demonstrate a net gain as a consequence of this lack of information. The proposal would therefore fail to accord with Policy G6 of the London Plan (2021).
- 7.10.1 The application is not considered to be significantly harmful to the amenities of neighbouring residential properties nor would it result in an unacceptable impact on archaeology or environmental matters such as air quality, contamination, noise, light pollution, drainage, subject to appropriate conditions if the application was deemed acceptable overall.
- 7.11 Taking account of the above, and in regards to paragraph 11(d)(ii) of the NPPF, when weighing up benefits of the development and the current undersupply of housing against the harm, it is considered that the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development. Therefore, in the planning balance, the proposal is not considered to be acceptable and should be refused on this basis.
- 7.12 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

For the following reasons;

- 1. The proposal would constitute inappropriate development on Metropolitan Open Land, and would result in substantially greater harm to its openness, both visually and spatially, undermining one of the essential characteristics of Metropolitan Open Land, which is permanence. The Very Special Circumstances proposed by the applicant do not justify this harm and as such the application is contrary to Chapter 13 of the National Planning Policy Framework (2021), Policy G3 of the London Plan and Policy 50 of the Bromley Local Plan (2019).**
- 2. The proposal would result in the unacceptable loss of existing playing fields at the site, and the applicant has failed to justify this loss in accordance with the requirements of paragraph 99 of the National Planning Policy Framework (2021), Policy S5 of the London Plan (2021), and Policies 20 and 58 of the Bromley Local Plan (2019).**
- 3. On the basis of insufficient information, being the lack of a Financial Viability Assessment to demonstrate that the scheme would maximise**

the delivery of affordable housing, the application is contrary to Policies H4 and H5 of the London Plan (2021).

- 4. The design of the proposed development, by reason of its layout, scale and massing, would be detrimental to the character, appearance and visual amenities of the site within which it lies, particularly given its designation as Metropolitan Open Land, and to the surrounding area; thereby contrary to Policies D3 and D4 of the London Plan (2021) and Policies 4 and 37 of the Bromley Local Plan (2019).**
- 5. Insufficient information has been provided to demonstrate that the proposed residential units would benefit from adequate daylight and sunlight, or that 10% of the units would meet the requirements of Building Regulation M4(3) 'wheelchair user dwellings'. The standard of accommodation provided for the proposed residential units would therefore be unsatisfactory and would be contrary to Policies D6 and D7 of the London Plan (2021) and Policy 4 of the Bromley Local Plan (2019).**
- 6. In the absence of sufficient justification for the level of car parking proposed for the sports facilities and the impact on the strategic transport network, the proposal would undermine the strategic aims of the London Plan which are to reduce the dominance of vehicles on London's roads and to promote sustainable modes of travel. The development would therefore be contrary to Policies T1, T2 and T6 of the London Plan (2021).**
- 7. Insufficient information has been provided to demonstrate how biodiversity would be enhanced and a net gain secured, contrary to Policy G6 of the London Plan (2021) and policy 37 of the Bromley Local Plan (2019).**