

Committee Date	18 th April 2023		
Address	Bromley Ski Centre Sandy Lane St Pauls Cray Orpington BR5 3HY		
Application Number	22/01340/OUT	Officer - Catherine Lockton	
Ward	St Paul's Cray		
Proposal	Outline planning permission for the redevelopment of the existing disused ski centre to construct 40 residential units with associated access, landscaping and parking (Outline permission in respect of access with other matters reserved)		
Applicant Mr Adam Mason M G Mason Developments Limited		Agent Mr Peter Jeffrey Esatto Design	
16 Logs Hill Chislehurst BR7 5LW UK		Studio One 152 St Georges Road Sandwich CT13 9LD United Kingdom	
Reason for referral to committee	Major application outside delegated authority		Councillor call in

RECOMMENDATION	PERMISSION BE REFUSED
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KEY DESIGNATIONS Green Belt Archaeological Priority Area Biggin Hill Safeguarding Area London City Airport Safeguarding Area Smoke Control SCA 20

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	1	14	10		25
Affordable (shared ownership)	0	6	0	0	6
Affordable (social rent)	1	8	0	0	9
Total	2	28	10	0	40

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	100	40	-60
Disabled car spaces	0	6	+6
Car Club	0	0	0
Cycle	0	80	+80

Electric car charging points

19 spaces with active provision (41%) and remaining 27 passive provision (59%) for future use

Representation summary

*Adjoining neighbours were consulted by letter on 21.04.22.
A Site Notice was displayed at the site on 27.04.22.
A Press Advert was published on 04.05.22 in the News Shopper.*

Total number of responses

6

Number in support

0

Number of objections

6

Financial Contribution Heads of Term

Amount

Agreed in Principle

Affordable Housing

N/A

TBC

Early Stage Review Mechanism

N/A

TBC

'Be Seen' Energy Monitoring	N/A	TBC
Monitoring fees per Head of Term	£500 per Head of Term	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The context, and the indicative scale and layout of the proposed scheme, would lead to a permanent, urbanising effect thereby undermining the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open and leading to 'substantial harm' to the openness of the Green Belt as is referred to in paragraph 149(g) of the NPPF. It therefore comprises inappropriate development within the Green Belt for which very special circumstances have not been demonstrated.
- The application site is in an unsustainable location and the proposal would promote a residential development that is excessively dependent on the private motor car, which is inconsistent with the overarching strategy of promoting mixed, balanced and inclusive communities, sustainable transport and minimising greenhouse gas emissions.
- An acceptable planning obligation for provision of the affordable housing, affordable housing viability reviews, 'Be seen' energy monitoring, and the payment of carbon off-set contributions and monitoring and legal costs has not been entered into.

1 LOCATION

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



Fig.1 – Site Location Plan

- 1.2 The site comprises a 140 metre long stretch of compacted ground where the main artificial ski slope had been. A smaller 'nursery' dry ski slope for beginners was also historically located to the west of this larger facility. In addition, the site includes areas of hardstanding associated with the foundations of two club house buildings and tennis courts which have been demolished, as well as gravel areas which previously accommodated car parking. The Centre closed down in March 2016.
- 1.3 The site comprises vegetated areas including woodland, scrub, tall ruderal and grassland, whilst the boundaries include relatively mature trees. A group of mixed trees including large, veteran oaks covered by TPO stretches to the east and south respectively.



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

- 1.4 In terms of local amenities, the site is a significant distance from the closest local centres and train stations found at Sidcup and Bexley to the north and St Mary Cray to the south and which are approximately between 2km and 4km from the site. Employment uses and a large footprint Tesco retail park are found to the north at Foots Cray, together with small scale commercial retail, café/restaurant and fast-food units on Maidstone Road. These are approximately 700m-950m from the site.
- 1.5 The existing site access is on Sandy Lane and is shared with the adjacent health club to the south. Sandy Lane provides vehicle only access to St Paul's Cray to the south and Ruxley and Foots Cray to the north, with no footway provided on either side of the road at this location. The A20 is a dual carriageway/trunk road and forms part of the Transport for London Road Network (TLRN). There is no access from the site onto the A20 which is on a bridge structure over Sandy Lane. This bridge is owned and maintained by TfL. The A223 (Edgington Way/North Cray Road/Ruxley Corner Roundabout) is approximately 600m to the north of the site and forms part of the Strategic Road Network (SRN).
- 1.6 Currently, pedestrian and cycle access to the site is considered poor. Sandy Lane is a narrow, rural road without a footway for much of its length, including directly adjacent to the site. Any cycle access to and from the north requires negotiation of Ruxley Corner roundabout, which is considered hostile to cyclists. There are no dedicated pedestrian crossing facilities at the roundabout, meaning the practical walk distances to bus stops and other facilities north of the roundabout are extended. The nearest bus stops are located at the Tesco Superstore and Maidstone Road to the north. However, the access route is not considered to be acceptable as a walking route as set out above. There is no rail station within walking distance of the site.
- 1.7 The site is recorded as having a Public Transport Access Level (PTAL) of 1b.
- 1.8 The site is within an Archaeological Priority Area and the adjacent building occupied by Bannatyne's Health Club is locally listed. St Paul's Cray Village Conservation Area's boundary lies approximately 450m to the south and includes a number of statutory listed buildings.
- 1.9 Ruxley Park Golf Course and Ruxley Woods are Sites of Importance for Nature Conservation (SINC) and located in close proximity to the site. The River Cray, which lies to the west of the site, is also a Site of Special Scientific Interest (SSSI).
- 1.10 There is a principal Gas Main running east to west across the site. The site is in Flood Zone 1.

2 PROPOSAL

2.1 The application seeks outline planning permission in respect of access, with all other matters reserved. An existing and proposed movement framework plan has been submitted with the application. Parameter plans relating to massing and landscaping have also been submitted with the application, alongside an illustrative masterplan, a built form plan, and a green infrastructure plan. Existing and proposed topography plans have also been submitted. Illustrative floor plans and elevations for each of the proposed dwellinghouse types have also been submitted.



Fig.3 – Illustrative Masterplan

2.2 The proposed development includes:

- Removal of the remaining footings of the former buildings and the hard-standing;
- Construction of 40 residential units, comprising of a mixture of 1, 2 and 3 bedroom houses;

- The height of the proposed buildings would range from one to two storeys (3.1 metres to 9 metres in height above the finished ground floor level);
 - The proposed units would be divided between Market (63%) and Affordable Housing (37%);
 - 10% of units would meet Building Regulation M4(3) 'wheelchair user dwellings' requirements with the remaining 90% being designed as Building Regulation M4(2) 'accessible and adaptable dwellings';
 - A new access road would be created into the site leading to 46 car parking spaces (including 6 no. disabled spaces);
 - A shingle path would provide access from the new road and car parking area to the proposed dwellings and remainder of the site which would include areas of public open space/amenity space, allotments, and a children's play area;
 - There would be a landscape buffer zone surrounding the site between the new development and Sandy Lane, Bannatynes Health Club, the golf course, and the A20.
- 2.3 The application also proposes a new pedestrian footway along the eastern side of Sandy Lane (within the site boundary) as well as a new pedestrian footway in the verge on the western side of Sandy Lane (outside of the application site) to join with the existing footway at the A20 underbridge.

3 RELEVANT PLANNING HISTORY

- 3.1 The relevant planning history relating to the application site can be summarised as follows;
- 3.2 Planning permission was granted in 1984 for the change of use of the site from agricultural use to use as a sports field, including a ski slope and tennis court (ref: 83/01014). Subsequent planning applications have been submitted relating to the operation of the Ski Centre, as well as the additional, 'nursery' ski slope.
- 3.3 Under ref: 19/03208/OUT, outline planning permission for the redevelopment of the existing disused ski centre to construct 80 residential units with associated access, landscaping and parking was refused on 31.03.2021 for the following reasons;

"1 The proposal is considered to constitute inappropriate development which would cause substantial harm to the openness of the Green Belt and the purposes of including land within it for which no very special circumstances are considered to exist to outweigh the harm to the Green Belt and any other harm, contrary to Policy 49 of the Bromley Local Plan (2019), Policy G2 of the London Plan (2021) and the provisions of the National Planning Policy Framework (Paragraphs 133, 134 and 143 - 145).

2 The proposal would, due its overall scale and siting, visually overwhelm the adjacent locally listed building, causing less than substantial harm to its setting. As such, the proposed development is contrary to Policy 39 of the

Bromley Local Plan, Policy HC1 of the London Plan (2021) and Paragraph 197 of the NPPF.

3 The proposal would, due to its location on the site with an effective PTAL rating of 0, result in residential development that is excessively dependent on the use of private car. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policies 31 or 33 of the Bromley Local Plan, Policy T1 of the London Plan (2021) and the NPPF.

4 In the absence of an Arboricultural Method Statement, the impact of the significant recontouring works required to facilitate the proposed development and potentially foundations of the proposed buildings, upon retained and TPO protected trees located adjacent to the eastern boundary of the site cannot be fully assessed. As such, the proposal fails to demonstrate compliance with Policies 37 and 73 of the Bromley Local Plan (2019), Policy G7 of the London Plan (2021) and the NPPF.

5 In the absence of Emergence/Re-entry bat surveys of trees as well as Presence/Absence Reptile Survey, the application fails to demonstrate that the proposed development would not have an adverse effect on protected and/or Section 41 species. As such, the proposal is contrary to Policy 72 of the Bromley Local Plan (2019), Policies G5 and G6 of the London Plan (2021) and the NPPF.

6 The updated Air Quality Assessment is unsatisfactory to ensure that fails to consider what impacts may arise due to Bexley's AQMA and whether other Bromley NOx tube locations may be more representative of the likely NOx from road traffic arising from the A20. The AQA also does not include an AQNA, a Construction Dust Risk Assessment or a Dust Management Plan and fails to show any consideration of how other emissions might be mitigated. As such, it has not been demonstrated that the proposal would satisfy the requirements of Policy 120 of the Bromley Local Plan (2019), Policy SI1 of the London Plan (2021) and NPPF."

4 CONSULTATION SUMMARY

A) Statutory

4.1 Greater London Authority (GLA) – Objection

- Land use principles - The development comprises inappropriate development in the Green Belt and is therefore, by definition, harmful. Very special circumstances have not been demonstrated which clearly outweigh the harm by reason of inappropriateness. The application therefore conflicts with the NPPF and London Plan Policy G2.
- Affordable housing - 35% affordable housing, comprising a 60:40 split between social / affordable rent and intermediate housing is proposed. Tenure affordability levels have not been confirmed to demonstrate compliance with the Mayor's definition of genuinely affordable housing as set out in the London Plan.

- Transport - The site has a very poor access by foot, cycle and public transport with an effective Public Transport Access Level (PTAL) of 0. The proposals would fail to provide a genuine choice of transport modes and would consequently promote residential development that is excessively reliant on the use of cars, contrary to the London Plan. The development is therefore not supported in strategic transport terms.
- Issues are raised in terms of inclusive design, biodiversity, noise and air quality which should be addressed and mitigated.
- Recommendation: That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 74 of the Stage 1 Report. The Mayor does not need to be consulted again if the Council decides to refuse the application

4.2 Transport for London (TfL) – Objection

- Site Context
 - The site is accessed off Sandy Lane, which is a borough road. The A20, which forms part of the Transport for London Road Network (TLRN) lies adjacent to the site to the north; however, is not accessible from it, being a high speed, segregated dual carriageway road. The A233 Edginton Way/North Cray Road/Ruxley Corner Roundabout, around 600m north of the site, forms part of the Strategic Road Network (SRN).
 - Currently, pedestrian and cycle access to the site is considered poor. Sandy Lane is a narrow rural road without a footway for much of its length, including directly adjacent to the site. Any cycle access to and from the north requires negotiation of Ruxleys Corner roundabout, which is considered hostile to cyclists. There are no dedicated pedestrian crossing facilities at the roundabout, meaning the practical walk distances to bus stops and other facilities north of the roundabout are extended.
 - The nearest bus stops are located at the Tesco Superstore and Maidstone Road to the north. However, the access route is not considered to be acceptable as a walking route. There is no rail station within walking distance of the site.
 - The site has a PTAL of 1b, on a scale of 1 to 6 where 1 is the lowest. However, this is considered to be an overestimate as it assumes the walking route along Sandy Lane to bus stops to the north is suitable when in reality this access route is not considered to be acceptable as a walking route (discussed further below). As such, the effective PTAL of the site is considered to be zero.
- Access by sustainable and active modes of travel
 - The site has a very poor access by foot, cycle and public transport.
 - The applicant is proposing to provide a continuous footway along Sandy Lane from the site access towards Ruxley Corner. The deliverability of these improvements is questioned given the pinch point in terms of pavement width created by the A20 overbridge, which would be less than the recommended 2m in TfL Streetscape guidance, and the 1.8m in LB Bromley's guidance. The applicant's suggestion to achieve the recommended footway width would appear to result in disproportionate remedial action and taking this

along with the very likely low pedestrian footfall and existing constraint (being the A20 bridge) a less-than-minimum footway width at the pinch point may be considered acceptable in this case.

- TfL owns and maintains the bridge carrying the A20 over Sandy Lane and has ownership of and rights over some non-TLRN highway land in the vicinity of the site. It is possible that the proposed footway cannot be provided without impinging on TfL freehold land. The applicant would need to engage with TfL on this.
- Even if a suitable footway on Sandy Lane can be provided, the walk distances to the nearest bus stops are considered to be unacceptable. The PTAL 1b rating is only achievable when considering the bus stops at Tesco. However, to access the Tesco bus stop, pedestrians from the application site would have to walk through the Fitzroy Business Park. Despite this being recently expanded, there is no reliably clear, direct, segregated footway designed as a through-route, notably in the older 'phase 1' of the Business Park development, and entails walking amongst parked cars and past manoeuvring goods vehicles. The walk for vulnerable people is likely to be even more unattractive at night and weekends when the activity levels in the Business Park would be lower/absent. More pertinently, the Business Park is private property, with, apparently, no public right of way and it has gates that can close off this route at any time. Further, there is no footpath at the Tesco end, which requires pedestrians to walk in the road in the vicinity of the service yard, where HGVs manoeuvre. For all these reasons, this route cannot be considered as a suitable 24/7 pedestrian access route. The walk route between the site and the bus stop would have approximately a 13min walk time (from site entrance), well beyond the 8 mins allowed in the PTAL calculation. The PTAL calculation also cites the R11 also stopping at Tesco's, but it doesn't, the nearest stops are at Crittalls Corner.
- Accessing the nearest bus stops at Ruxley Roundabout (stops Ff and FL) requires at least one uncontrolled crossing of a busy, traffic-sensitive road (Edginton Way, part of the SRN). Even then, the eastbound bus stop on Maidstone Road (Stop Ff) is set well away from the roundabout, due to residential crossovers, which adds further walk distance, and there is no controlled crossing here either.
- Therefore, the site should be considered to have an effective PTAL of 0.
- The transport assessment considers that 30-40% of peak hour trips will be made by non-car modes, which would be in line with London Plan policy that seeks for 75% of all trips in outer London by 2040 to be undertaken by non-car modes. However, this is based on trip generation from developments that are not directly comparable to what is a relatively rare 'edge of London' site with specific access issues, so it is considered highly unlikely this mode share will be met in practice, particularly given the issues raised above. The application is also considered contrary to NPPF policy that requires a development to offer a genuine choice of transport modes.

- Site layout
 - The site layout provides suitable segregation of pedestrians and vehicles. In particular, car parking is in one corner of the site, rather than outside of residential front doors. This is welcomed so the development is not visually car-dominated, but it is unlikely to influence mode share significantly given the drawbacks of site location highlighted above. It should be clarified how the proposed shingle pathway would accommodate the site's delivery, servicing and refuse requirements, or achieve compliance with inclusive design standards in terms of ensuring access for those with mobility issues.
- Cycle parking
 - Two cycle parking spaces per dwelling are proposed, in line with London Plan standards. However, given the site's location away from the strategic cycle network and on the very edge of the London built-up area, cycle access to and from the site is inevitably less attractive, and any cycle trip to/from the north requires negotiating the Ruxley Corner roundabout, which has no cycle facilities. Sandy Lane itself is a narrow 'country road' in character, so is not likely to be very attractive to a wider range of residents who may wish to cycle, particularly less confident cyclists. The applicant proposes a pool of electric bikes for residents to share, which will help encourage some cycle trips that may not otherwise have been made, however it does not overcome these safety issues, perceived or otherwise. As such, the mode share for cycling is likely to be low.
- Car parking
 - The applicant is proposing 46 car parking spaces for 40 dwellings. This equates to a car parking ratio of 1.15 spaces per home which is generally in line with London Plan standards of a maximum of 1.5 spaces per dwelling for lower PTAL outer London areas. Of the proposed car parking, 6 spaces would be for Blue Badge holders. This exceeds the 10% provision required by the London Plan. In terms of electric charging provision, 41% of the spaces will be provided with active electric vehicle charging, whilst the remainder will have passive provision.
- Conclusion on transport issues
 - The site has a very poor access by foot, cycle and public transport with an effective Public Transport Access Level (PTAL) of 0. The proposals would fail to provide a genuine choice of transport modes and would consequently promote residential development that is excessively reliant on the use of cars, contrary to the London Plan. The development is therefore not supported in strategic transport terms.

4.3 Highways (local highway authority) – Objection

- This is an outline application for access only.
- Access by sustainable and active modes of travel
 - Sandy Lane has no footways in the vicinity of the site.
 - It is proposed to install a footway on the west side of Sandy Lane going north to join the existing footway on the other side of the A20

bridge. There would be a pinch point on the footway under the bridge in terms of the required width. However, the works proposed to widen the footway would appear disproportionate, both in the end result and disruption while the works are carried out. The pinch point under the bridge may therefore be considered acceptable, given the circumstances of the site, particularly as any pedestrian movements are likely to be very low.

- Also, the route through the Fitzroy Business Park and the newly developed Sidcup Logistics Park is used to justify a PTAL of 1a rather than 0. However, this is all private land with no public right of access, so it not considered appropriate.
- The footway provision to the south of the site is sporadic and pedestrians have to walk in the road in places. Para 3.3.15 of the submitted Transport Assessment concludes “Based on the accident analysis...it is understood that, despite the absence of footway provisions, there are no existing issues concerning pedestrians on this section of highway”. However, there is no indication of the numbers of pedestrians currently using this section of road and, it is considered that it would certainly deter people from walking there.
- The proposed trip rates for the development are taken from the TRICS data base. For the peak hours these are; Pedestrian 23%, Cyclists 2-4%, Public transport 7-12%, and vehicle occupants 61-68%. Given the characteristics of the site, the pedestrian and public transport rates are considered to be over-optimistic.
- Proposed Site Access
 - A Road Safety Audit for the proposed access was supplied with the application. No major issues were raised, and the design appears acceptable.
 - Given the new road would be a cul-de-sac with no public utility, the Council would not wish to adopt it.
- Parking
 - There are 40 dwellings proposed with 46 parking spaces. The layout, with the spaces away from the properties, is unusual. Standards in the London Plan would be up to 1.5 spaces per unit (max 60 spaces) (Bromley Local Plan standards would be a minimum of 45 spaces with the housing mix given). Given the high reliance on the car, including for visitors, the parking provision is likely not to be enough.
 - As part of the mitigation for the site location, it is proposed to have 100% provision of electric charger points for the proposed parking spaces (some passive). However, that does not guarantee residents will own an electric car and would still result in car-based trips.
- Refuse
 - The refuse store does not appear large enough for 40 units.
- Conclusion
 - The site is not in a sustainable location, the lack of footways and the conditions in Sandy Lane are not conducive to walking or cycling and mean that the vast majority of the trips from the site are likely to be by car. The accessibility by sustainable travel modes seem to be overstated and the trip rates for pedestrians/public transport correspondingly high.

- The number of residential units has been reduced from the previous application which will result in a reduction in the impact of the proposal including trips generated by the units. However, the application is not considered to have overcome refusal ground 3 of the previous application (ref: 19/03208) which stated;

3. The proposal would, due to its location on the site with an effective PTAL rating of 0, result in residential development that is excessively dependent on the use of private car. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policies 31 or 33 of the Bromley Local Plan, Policy T1 of the London Plan (2021) and the NPPF.

4.4 Historic England (GLAAS) – No objection, subject to conditions

- The application lies in an area of archaeological interest.
- Following the submission of the above planning application it was necessary to undertake limited archaeological trial trench evaluation to contribute to the understanding of the sites archaeological potential and its possible significance given the recorded archaeology from or near to the site.
- The results of the phase 1 area evaluation by the PCA December 2019 report demonstrates that significant land changes have occurred around the ski-slope. While the whole of the site around the ski-slope could not be accessed for this current exercise, sufficient has been undertaken to enable the on-going archaeological interest to be secured by condition.
- Advise that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a pre-commencement planning condition. However, without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 205.

4.5 Environment Agency – No objection, subject to conditions

4.6 Drainage (lead local flood authority) – No objection, subject to conditions

B) Local Groups

4.7 Orpington Field Club & Bromley Biodiversity Partnership

- The planning proposal is much improved from the previous 2019 one but members strongly object to the loss of hedgerow to the west of the site bordering Sandy Lane, including how big this gap would be, and it is questioned why this is necessary. This is particularly in relation to the impact on commuting bats.
- The development should be tightly restricted to the existing development footprint and not reduce the open feel of Sandy Lane as a country lane with hedgerows.
- If planning permission is granted for this development it is very important to maintain the openness of the green belt, retain and enhance existing

biodiversity and maintain connectivity with existing nearby wildlife sites and habitats.

- Natural England should be consulted.
- Planning permission should be conditional on the mitigation strategies in the Reptile Survey & Mitigation Strategy, Invertebrate Survey and Mitigation Strategy, Arboricultural Method Statement, and PEA.
- A management plan for the habitats on site to be written by a qualified ecologist should be provided and adhered to.
- Bat bricks and/or tubes should be installed in some of the new builds.
- Hedgehog highways should be installed.
- Cherry Laurel on site should be removed.
- Swift bricks should be installed on some of the new builds.

C) Local Residents

4.8 Objection

- Impact on Green Belt (addressed in Section 6.2)
 - The Ski Centre would have been permitted development as sporting centres are allowed on Green Belt Land.
 - This land is not a Brownfield site.
 - Housing development on a Green Belt site would be detrimental to the open space and would be an encroachment on limited resources.
 - If the current site is unsightly due to disrepair then it could be returned to open land.
 - Only the top of the ski slope can be seen from the A2, the site cannot be seen from Sandy Lane.
 - 40 houses won't open the land up and will affect the openness of the green belt more than at present.
 - The wildlife and natural growth have taken more of a hold, and it looks more natural and open than a 40 house estate will.
 - The development will create an urban environment for the area.
 - Would set a precedent for further development on adjacent Green Belt land.
- Transport impact and issues with Transport Assessment (addressed in Section 6.3)
 - The traffic numbers are from 3rd July 2019 and are out of date.
 - Nearest stations are St Mary Cray and Sidcup which are both 25min walk away minimum.
 - The walkway to the South is very narrow and important amenities such as schools and nurseries are this way. It would make this a dangerous path during busy times with increased foot traffic.
 - Increase in traffic and people along Sandy Lane will increase the chance of accidents.
 - Even with additional foot paths, cycle lanes, and an electric bike pool there will be a reliance on cars as important amenities are not the most easily accessible.
 - Most households will likely have 2 vehicles so during peak times there will be potentially up to 80 new vehicles, plus new electric bikes, needing to access Sandy Lane during peak times.

- The minimum number of car spaces per house are shown which is less than the likely number of new cars including any potential carpool.
- The proposed trip generation is not correct as there will be much more reliance on cars.
- People use Sandy Lane as a cut through and during rush hour it's not uncommon to have long convoys of cars come at once due to traffic lights by Homebase.
- More cars will make it harder and more dangerous for the existing residents at Homefarm cottages to access their car park.
- The plan for greener, less car based transport is very weak as it relies on promoting lift sharing, electric bike and carpool, people working from home and potentially putting up posters/leaflets about alternative transport links.
- The encouragement of electric car charging stations and solar panels will make it greener but would not dissuade the use of cars, increasing traffic on the roads.
- The issue of cars and traffic was a main factor in the last proposal.
- The idea of a carpool is likely to be redundant as people will have their own cars rather than share them.
- Sight lines and access are difficult with traffic coming under the A20 being on a bend.
- Sandy Lane is a country lane and should be protected as such.
- Footpaths would narrow the lane further.
- There are no public transport links.
- There is already a road safety issue with the commercial development near Ruxley Roundabout.
- The documents state the area is accessed by four roads, but there are issues with all these accesses.
- The Transport assessment and Travel plan are not correct and use incorrect or old data to show that the PTAL rating should be changed from '0'.
- The reference to the walking path (on Page 17 of the transport assessment) now being shorter due to a path that is going to be created by another development through the Fitzroy industrial park are wrong as the path will still be via several heavy goods yards and will not be available 24/7 as the Industrial park is private and closes approximately 18:00.
- The walking distances on page 20 table 6 are not correct as the Bull PH, Cray Valley Golf Club, St Pauls Leisure park, and the area of St Pauls parade and 2 of the schools mentioned are south of the development and 150m of road in this direction is without pavement.
- The data about proposed modal journeys is old and if the route to the south on foot is discounted and replaced with car journeys heading north how will that change numbers.
- How will the electric bike pool be managed.
- Electric charging points for all car parking spaces is good but does not mean all cars will be electric.
- Page 427 of the London Plan states "Boroughs should consider standards that allow for higher levels of provision where there is

clear evidence that this would support additional family housing" should be noted and more car parking should be provisioned highlighting the lack of transport options and the inappropriate nature of this site for so many houses.

- Other matters
 - Contamination should be dealt with regardless of development.
 - Issues with the writer of the Circular Economy Statement.
 - The application documents are inaccurate and refer to the wrong areas.

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 The application falls to be determined in accordance with the following policies:
- 5.5 **National Policy Framework (NPPF) (2021)**
- 5.6 **National Planning Policy Guidance (NPPG)**
- 5.7 National SPG - Technical housing standards – Nationally Described Space Standard (March 2015)

5.8 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
SD10	Strategic and local regeneration
D1	London's form, character and capacity for growth
D2	Infrastructure requirements for sustainable densities
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
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
S4	Play and informal recreation
HC1	Heritage conservation and growth
G1	Green Infrastructure
G2	London's Green Belt
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
G9	Geodiversity
SI 1	Improving Air quality
SI 2	Minimising greenhouse gas emissions
SI 3	Energy infrastructure
SI 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 13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Accessing and mitigating transport impacts
T5	Cycling
T6	Car parking

T6.1	Residential parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning
DF1	Delivery of the plan and planning obligations
M1	Monitoring

The relevant London Plan SPG/LPGs are:

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- Character and Context SPG (2014)
- Green Infrastructure and Open Environments: The All London Green Grid SPG (2021)
- London Environment Strategy (2018)
- 'Be Seen' energy monitoring guidance (2021)
- Energy Assessment Guidance (2022)
- Mayor's Environment Strategy (2018)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Mayor's Transport Strategy (2018)
- Mayor's Housing: Supplementary Planning Guidance (2015)
- Housing (2016)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Homes for Londoners: Affordable Homes Programme 2021-2026 Funding Guidance (November 2020)
- Whole Life-Cycle Carbo Assessments LPG (2022)
- Circular Economy Statements LPG (2022)
- Urban Greening Factor LPG (2023)
- Sustainable Transport and Walking LPG (2022)
- Air Quality Positive LPG (2023)
- Air Quality Neutral LPG (2023)
- Draft Fire Safety LPG (2022)

5.9 **Bromley Local Plan (2019)**

1	Housing Supply
2	Affordable Housing
4	Housing Design
8	Side Space
30	Parking
31	Relieving Congestion
32	Road Safety
33	Access to services for all
34	Highway Infrastructure Provision
35	Transport Investment Priorities
37	General Design of Development
39	Locally Listed Buildings

49	Green Belt
68	Development and SSSI
69	Development and Nature Conservation Sites
70	Wildlife Features
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
75	Hedgerows and Development
77	Landscape Quality and Character
79	Biodiversity and Access to Nature
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure
118	Contaminated Land
119	Noise Pollution
120	Air Quality
121	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 (2022)
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

6 ASSESSMENT

6.1 Procedural Matters

- 6.1.1 Paragraph: 005 Reference ID: 14-005-20140306 of the National Planning Practice Guidance (NPPG) states that;

“An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more ‘reserved matters’”.

- 6.1.2 Paragraph: 006 Reference ID: 14-006-20140306 of the NPPG further states that;

“Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be ‘reserved’ for later determination). These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- *‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*
- *‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*
- *‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*
- *‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*
- *‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.”*

6.1.3 The applicant has submitted an outline application in respect of access only with all other matters (i.e. appearance, landscaping, layout and scale) reserved.

6.2 Principle of Development – Unacceptable

Housing supply and presumption in favour of sustainable development

- 6.2.1 Policy H1 Increasing Housing Supply (clause B 2) of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the new London Plan set the context in the use of brownfield sustainable sites for new housing delivery.
- 6.2.2 The current 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.
- 6.2.3 The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted 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 (11d.i); or any adverse impacts of doing

so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (11d.ii).

- 6.2.4 However, paragraph 11(d)(i) includes a footnote reference to those policies relating to areas or assets of particular importance, including Green Belt, AONB, National Parks etc. The application site lies within the designated Green Belt and therefore the provisions of paragraph 11 and the titled balance in favour of sustainable development does not apply in the event that the policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

Green Belt

- 6.2.5 The application site lies wholly within land that is designated as Green Belt in Bromley Council's Local Plan proposals map (2019).
- 6.2.6 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Green Belt serves the following five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.2.7 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 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt when making planning decisions and confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.2.8 Paragraph 149 of the NPPF confirms that the construction of new buildings should be considered inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- Not have a greater impact on the openness of the Green Belt than the existing development; or*
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.2.9 London Plan Policy G2 paragraph 8.2.1 states that the Mayor strongly supports the current extent of London's Green Belt. In accordance with national guidance, Policy G2 states inappropriate development should be refused, except in very special circumstances.

6.2.10 Paragraph 8.2.2 of Policy G2 highlights that openness and permanence are essential characteristics of the Green Belt, but, despite being open in character, some parts of the Green Belt do not provide significant benefits to Londoners as they have become derelict and unsightly. This is not, however, an acceptable reason to allow development to take place. These derelict sites may be making positive contributions to biodiversity, flood prevention, and climate resilience. The Mayor will work with boroughs and other strategic partners to enhance access to the Green Belt and to improve the quality of these areas in ways that are appropriate within the Green Belt.

6.2.11 Policy 49 of the Local Plan relates to the Green Belt and reflects the specific aims and objectives of the 2012 NPPF. It states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. It is noted that the weight to be attached to Policy 49 of the Local Plan is reduced in light of changes to the NPPF Green Belt advice in 2019, including the addition of 149 g (second clause/leg).

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

Whether the proposal would represent inappropriate development in the Green Belt

6.2.13 The Applicant's covering letter considers that the proposal would meet the second leg of paragraph 149(g) of the NPPF as it would re-use previously developed land, contribute to meeting affordable housing need in the

borough and would not result in substantial harm to the openness of the Green Belt. The applicant has therefore not set out any very special circumstances.

- 6.2.14 Previously developed land is defined within the NPPF 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 associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 6.2.15 The application site was previously in use as an outdoor recreation centre with artificial ski slopes and ancillary buildings. The buildings have been removed following the closure of the ski centre and currently present on site is a hardstanding formerly used as a car park, the foundations of the former buildings and the tennis courts, as well as areas where the former ski slopes had been. These areas are covered in carpet and/or weed membrane in places.
- 6.2.16 The Applicant has submitted evidence showing the scale and extent of the earthworks and recontouring undertaken to establish the ski slopes.



Fig.4 – Construction of ski slope (photographs provided by applicant)

- 6.2.17 During the consideration of the previously refused application (ref: 19/03208/OUT) the LPA and GLA undertook an assessment of the extent of previously developed land. It was accepted that the foundations of the former ski centre buildings (now demolished), the tennis courts, and hard landscaping associated with the car parking would be considered as previously developed land. The LPA and GLA also acknowledged that whilst advantage was taken of a pre-existing natural slope during the construction of the ski slopes in the 1980s, there was also significant earthworks and recontouring undertaken to establish the slopes and create a continuous slope to reach the pre-existing mound on the site.

- 6.2.18 Furthermore, the accompanying Preliminary Ecological Appraisal (PEA) (30.05.19) prepared by Adonis Ecology also confirmed within the extended Phase 1 Habitat survey, conducted in May 2019, that over 40% of the application site consists of natural features, as opposed to hardstanding/buildings. Officers therefore concluded that about half the site could be considered as previously developed land. However, out of that part, Officers also considered that areas of the former ski slopes should be considered as a 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time', thereby being excluded from the previously developed land in light of the NPPF classification.
- 6.2.19 The applicant has submitted an Addendum to Preliminary Ecological Appraisal (PEA), Reptile Survey, Botanical Survey and Invertebrate Survey Reports and Associated Mitigation Strategies (30.06.22) prepared by Adonis Ecology which acknowledges that since the 2019 survey whilst the areas of both the ski slopes and hardstanding are slowly becoming more densely vegetated, significant areas of bare surface were still present. An Officer site visit on 04.08.22 also confirms this conclusion with photographs taken shown below (Fig.5).





Fig.5 – Photographs from Officer site visit (04.08.2022)

6.2.20 The previously refused application (ref: 19/03208/OUT) proposed development across the whole site, and as such included land which would not be considered as previously developed land.



Fig.6 – Illustrative Masterplan proposed for refused application ref: 19/03208/OUT

6.2.21 The proposed new dwellings have now been confined to the area of land which comprise the foundations of the former ski centre buildings (now demolished), the tennis courts, and hard landscaping associated with the car parking and the northern section of the ski slope, which whilst now gradually becoming more densely vegetated still includes significant areas of bare surface and carpet/weed membrane. Based on the information available, Officers are in agreement that this can be considered the extent of the previously developed land.



Fig.7 – Existing Block Plan to show PDL



Fig.8 – Illustrative Masterplan

6.2.22 It is noted that the new vehicular access road and a small area of the proposed car parking area would fall outside of this area of PDL. However, it may be considered that these parts of the development, which are not buildings, would be an engineering operation to be considered under paragraph 150 of the NPPF which allows for certain other forms of development to be considered as not inappropriate in the Green Belt

provided they preserve its openness and do not conflict with the purposes of including land within it.

- 6.2.23 Any exception under paragraph 149(g) (redevelopment of previously developed land) only applies subject to the proviso that the proposal would not have a greater impact on openness than the existing development (first strand), or not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land **and** contribute to meeting an identified affordable housing need within the area of the local planning authority (second strand).

Affordable housing

- 6.2.24 Policy H4 of the London Plan (Delivering Affordable Housing) requires all major developments of 10 or more units, which trigger affordable housing requirements, to provide affordable housing through the threshold approach (Policy H5 Threshold approach to application).
- 6.2.25 Policy H4 seeks to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.
- 6.2.26 Policy H5 of the London Plan identifies a minimum threshold of 35% affordable housing (by habitable room), with a threshold of 50% applied to public sector owned sites and industrial sites where there is a net loss of industrial capacity. This application is subject to the 35% threshold for affordable housing, as the site is in commercial/private ownership and outdoor recreational use.
- 6.2.27 Policy H5 C of the London Plan, further states that in order to follow the Fast Track Route of the threshold approach, meaning site specific viability information does not need to be provided, 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.”*
- 6.2.28 In terms of tenure split, Policy H6 of the London Plan sets out the Mayor's preference for at least 30% low cost rent (social rent or London Affordable Rent) and 30% as intermediate housing products, with the remaining 40% to be determined by the Council (and comprising either low cost rented homes or intermediate based on identified need).

6.2.29 Therefore, to be considered eligible for the 'Fast Track Route', a policy compliant tenure split is required, without public subsidy, alongside an Early Stage Review Mechanism, which would be triggered if an agreed level of progress on implementation is not made within two years of the date of planning permission being granted (or an appropriate alternative period agreed). Bromley Council's Local Plan sets a target for 35% affordable housing with a 60/40 split between social rent/ affordable rent housing and intermediate provision.

6.2.30 The applicant's affordable housing statement confirms the following;

- 35% habitable rooms for affordable purposes (*58 affordable rooms out of a total of 164 are proposed as the living areas of the two storey houses incorporate separate lounge/dining rooms*);
- 60% habitable rooms social/affordable rent and 40% intermediate (*rents and intermediate product not confirmed at this stage*);
- Affordable rent units – 1 x 1 bedroom semi-detached unit (one storey) and 8 x 2 bedroom terraced units (two storey);
- Intermediate units – 6 x 2 bed terraced units (two storey);
- Early discussions have been undertaken with CCHA Housing Association and interest expressed from other 'housing associations' including London Borough of Bromley (contact: Lydia Lee);
- Affordable units to be secured via a S106.
- The specific units to be allocated to affordable housing have not yet been confirmed and will form part of ongoing discussions with the Housing Associations with the sizes and type of unit shown within Fig.1 of the Affordable Housing Statement.

6.2.31 Taking account of the above, subject to further clarification on the affordability levels proposed and the requirements set out above being addressed in terms of grant funding during any subsequent reserved matters application, and the provision of an early stage review, the proposed scheme would be considered eligible for the 'Fast Track Route'. This is confirmed by the GLA within their Stage 1 Report. Further discussion would be required to clarify the affordability levels to assess whether the proposal satisfies the London Plan with regard to social rent/London Affordable Rent; London Living Rent and London Shared Ownership. This will be agreed through the completion of a s106 legal agreement should permission be granted.

Whether the proposed development would cause substantial harm to the openness of the Green Belt than the existing development

6.2.32 The application proposes a policy compliant level of affordable housing which would meet an identified housing need. The remaining limb of the NPPF exception at paragraph 149 (g) is therefore relevant. Therefore, the key question is whether the proposed development would cause substantial harm to the openness of the Green Belt.

- 6.2.33 The NPPF (2021) states that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Practice Guidance (NPPG) further advises that assessing the impact on openness is effectively a planning judgement based on the circumstances of a particular application. Drawing on case law, the NPPG also confirms that openness is capable of having both spatial and visual aspects, in that the visual impact of the proposal may be relevant as could its volume. Other relevant factors include the duration of the development and its remediability, as well as the degree of activity likely to be generated, such as traffic generation.
- 6.2.34 The Applicant indicates that the areas of land containing the former buildings, hard-standing and man-made areas of ski slope equate to 14,000sqm and the undeveloped land equates to an area of 13,444sqm.
- 6.2.35 Whilst the application is for Outline permission with all matters reserved other than access, the applicant has still provided a Massing Parameter Plan to indicate how the proposed 40 new residential units would be accommodated within the site. The application would therefore result in the construction of 40 buildings which would comprise:
- 10 two-storey houses, plus roof (rising to 8.7 metres in height);
 - 26 two-storey houses, plus roof (rising to 9 metres in height);
 - 4 single-storey houses (rising to 3.1 metres in height).



Fig.9 – Massing Parameter Plan

- 6.2.36 The proposed building footprint would amount to a total of 2,650sq.m and 2,780sq.m of hardstanding associated with the vehicle access and parking (5,430sqm in total). The access and parking area is also restricted to the car parking area to the west of the site adjacent to Sandy Lane. The proposed buildings and hardstanding would therefore be less than the combined footprint of the existing area of previously developed land. However, the existing areas of hard surfacing and the footprints of the former buildings present on the site were not enclosed by any built form. Whereas, the proposed development areas would include private gardens, allotments, and communal playspace thereby increasing the developed area by another 4,320sqm. Accordingly, whilst the area of development would be approximately 9,750sqm, which is 4,250sqm less than the existing area of previously developed land, the number of buildings on site would significantly increase.

- 6.2.37 In volumetric terms, Officers note that the recontouring of the site would result in the existing site levels being reduced, particularly around the former ski slopes. Nevertheless, in their current state, the slopes do not appear as intrusive features having been largely incorporated into the surrounding landscape. To the east of the site extends the Ruxley Golf Course spreading for over 1km, which immediately adjacent to the site consists of a narrow strip of woodland, with greens and areas of rough and scrub beyond. Beyond the golf course are areas of arable and pastoral farmland with occasional hedgerows. Therefore, Officers consider that to a large extent the application site appears as a continuum of the adjacent golf courses, thereby contributing to the openness of the wider Green Belt.
- 6.2.38 It is noted that the applicant argues that the site appears as urban rather than rural due to its lawful use as a ski centre and therefore it lacks openness. However, at present there are no buildings on site and as such Officers consider that the site possesses an open nature.
- 6.2.39 The site also contributes to the important transition between built-up commercial areas of Sidcup extending to the north-west beyond the other side of A20 dual carriageway and the sparsely developed Green Belt land which surrounds the site. The continuous and repetitive massing of the proposed 40 new residential buildings, in addition to the associated domestic paraphernalia and substantial structural landscaping, would be viewed against the backdrop of these open surroundings.



Fig.10 – 3D Visualisation of the proposal looking from the west

- 6.2.40 The presence of existing shrubs and trees along the A20 are noted, but these are largely deciduous and as such during winter months the views of the site, although filtered by the vegetation, are readily available from the carriageway. The existing trees along the western boundary with Sandy Lane are also noted although the proposed new access would result in a break to this existing vegetation. Furthermore, the proposed dwellings would

be particularly noticeable at times when the occupants of the dwellings would be using internal and external lighting. The development would therefore still appear conspicuous when viewed from these public vantage points.

- 6.2.41 In addition, the degree of activity likely to be generated by the proposed 40 new dwellings of between 1-3 bedrooms, particularly with regards to the increased number of vehicles entering and exiting the site, would further detract from the openness of the Green Belt.
- 6.2.42 It is noted that the building footprint is around half that of the previously refused planning application and that this current application proposes half the amount of dwellings (40 dwellings rather than the 80 proposed under ref: 19/03208). The amount of hardstanding would also be 1,200sqm less than that previously proposed under ref: 19/03208. The proposal would therefore result in a more compact form of development than that of the previously refused application.
- 6.2.43 Notwithstanding the above, in spatial terms the introduction of 40 new buildings into areas which, whilst previously developed, currently contain no built form above ground level, would result in a significantly greater physical presence on the site compared to the existing situation. Furthermore, given the existing visual context established by the demarcation arising from the A20, the proposal would unacceptably change the character of the site and would demonstrably lead to a permanent, urbanising effect.
- 6.2.44 Taking account of the context, and the indicative scale and layout of the proposal, it is considered that the harm in respect of openness would be significant and whilst the site is not undeveloped countryside, the proposal would undermine the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open. The proposal would therefore lead to 'substantial harm' to the openness of the Green Belt as is referred to in paragraph 149(g) of the Framework. Accordingly, Officers do not consider that the NPPF exception at paragraph 149(g)(ii) applies and the proposals therefore comprise inappropriate development within the Green Belt. Very special circumstances must therefore be demonstrated.

Very Special Circumstances

- 6.2.45 The Applicant's Covering Letter indicates that they consider that the proposed development would not cause substantial harm to the Green Belt and therefore would not result in inappropriate development. As such, no very special circumstances have been argued by the applicant.
- 6.2.46 It is noted that the applicant does state within their Design and Access Statement that they consider that the disused ski slope is negatively impacting the visual appearance of the Green Belt and its unmanaged nature poses the risk of invasive species taking hold including Japanese Knotweed. However, this is not considered to constitute very special circumstances.

- 6.2.47 It is also noted that the GLA, within their Stage 1 Report, do not consider that there are any very special circumstances which exist in this case which would clearly outweigh the harm caused by reason of inappropriateness and any other harm. The GLA state that this position takes into account the quantum of housing provision, the proposed percentage of affordable housing and noting other material planning considerations relating to the site location and accessibility in relation to sustainable and active travel options and the potential impact on biodiversity. Officers are in agreement with the GLA's view on this matter. Nevertheless, the case for very special circumstances has not been made by the applicant.

Conclusion – Land use principles

- 6.2.48 In summary, Officers do not consider that the proposed development would meet the exceptions outlined within paragraph 149 of the NPPF and as such would comprise inappropriate development in the Green Belt which is therefore, by definition, harmful. Very special circumstances have not been demonstrated to clearly outweigh the harm by reason of inappropriateness. The application therefore conflicts with the NPPF, Policy G2 of the London Plan Policy G2 and Policy 49 of the Bromley Local Plan.

6.3 Transport and Highways - Unacceptable

- 6.3.1 The application is an outline application with all matters reserved other than Access. "Access" as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in relation to reserved matters, means the *'accessibility to and within the site, for vehicle, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.'*
- 6.3.2 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.
- 6.3.3 Policy T1 of the London Plan advises that development proposals should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.
- 6.3.4 London Plan Policy T2 relates to Health Streets and states that development proposals should demonstrate how they will deliver improvements that would support the TfL Healthy Streets Indicators, as well as being permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.
- 6.3.5 In addition, promoting accessibility and local permeability by creating places that are easy to get to and move through is a key urban design objective. As set out in the National Design Guide (NDG), patterns of movement for people are integral to well-designed places. They include walking and

cycling, access to facilities and employment, parking and the convenience of public transport. A permeable, connected network of routes for all modes of transport, is key to creating sustainable neighbourhoods and healthy, connected communities.

- 6.3.6 It is noted that one of the main issues with the previously refused application at this site (ref: 19/03208/OUT) was the poor accessibility of the site with an effective PTAL of 0, which was considered to result in a residential development that is excessively dependent on the use of the private car and thus inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions and Policies 31 and 33 of the Bromley Local Plan, Policy T1 of the London Plan and the NPPF.

Access by sustainable and active modes of travel

- 6.3.7 The site is accessed from Sandy Lane, which is a narrow rural road without a footway for much of its length, including directly adjacent to the site. To the south of the application site, Sandy Lane extends approximately 900m to the junction with Main Road and Chapman's Lane, St Marys Cray. To the north Sandy Lane extends approximately 600m to the A223 Edgington Way/North Cray Road/Ruxley Corner Roundabout, which forms part of the Strategic Road Network (SRN). The A20, which is a high speed, segregated dual carriageway road and forms part of the Transport for London Road Network (TLRN), lies adjacent to the site to the north; however, it intersects Sandy Lane by way of an overbridge and is not accessible from it.
- 6.3.8 TfL have advised that any cycle access to and from the north requires negotiation of Ruxleys Corner roundabout, which is considered hostile to cyclists. In addition, there are no dedicated pedestrian crossing facilities at the roundabout, meaning the practical walk distances to bus stops and other facilities north of the roundabout are extended.
- 6.3.9 It is noted that the applicant argues that a PTAL 1b rating is achievable for the site when considering the bus stops at Tesco. However, this assumes a walking route through the Fitzroy Business Park to the Tesco bus stop, which the applicant acknowledges is private property, with no public right of way and it has gates that can close off this route at any time. There is therefore no reliably clear, direct, segregated footway to these bus stops, and even if it was possible, the walk for vulnerable people is likely to be even more unattractive at night and weekends when the activity levels in the Business Park would be lower/absent. TfL also advise that there is no footpath at the Tesco end, and as such this route would require pedestrians to walk in the road in the vicinity of the service yard, where HGVs manoeuvre. Accordingly, this route cannot be considered as a suitable 24/7 pedestrian access route. The bus stops at Tesco are therefore around a 13minute walk, which is well beyond the 8minutes allowed in the PTAL calculation.
- 6.3.10 In addition, the nearest bus stops at Ruxley Roundabout (stops Ff and FL) require at least one uncontrolled crossing of a busy, traffic-sensitive road

(Edgington Way, part of the Strategic Road Network (SRN)). Furthermore, the eastbound bus stop on Maidstone Road (Stop Ff) is set well away from the roundabout, due to residential crossovers, which adds further walk distance. Furthermore, there are no railway stations within reasonable walking distance of the site.

- 6.3.11 The footway provision to the south of the site is sporadic and pedestrians have to walk in the road in places. Para 3.3.15 of the accompanying Transport Assessment prepared by Sanderson Associates (March 2022) concludes “Based on the accident analysis... it is understood that, despite the absence of footway provisions, there are no existing issues concerning pedestrians on this section of highway”. However, the Council’s Highways Officer has advised that there is no indication of the numbers of pedestrians currently using this section of road and, that they consider the lack of pavement would deter people from walking there.
- 6.3.12 The site therefore has a very poor access by foot, cycle and public transport. As such, whilst the site is recorded as having a Public Transport Access Level (PTAL) of 1b, given the lack of useable pedestrian routes the site’s recorded PTAL of 1b is considered to be an over-estimate and, in reality, both TfL and LBB Highways Officers consider the effective PTAL to be zero.
- 6.3.13 As part of the development, the applicant proposes a new footway along the western (opposite) side of Sandy Lane to lead from the site northwards, meaning residents would have to cross over Sandy Lane to reach this new footpath. This is proposed to link up to the existing footway under the A20 overbridge to provide a continuous footway towards Ruxley Corner to improve pedestrian links to the north of the site. Both TfL and the Council’s Highways Officers raised concerns in respect of the deliverability of these improvements due to the pinch point created by the A20 overbridge at which the pavement reduces to less than the minimum recommended width. The applicant has therefore submitted plans to indicate how the footpath under the bridge could be widened, by reducing the width of the kerb on the eastern side and realigning the road under the bridge.
- 6.3.14 The applicants also state that the proposed footpath approaching the underpass from the new development currently proposed at 1.7m in width could be designed to conform to the required width of 2m. However, this may necessitate an incursion onto TFL freehold land of 0.3m to achieve this. TfL have advised that this would require a separate s278 agreement which may be possible but has not yet been engaged.
- 6.3.15 TfL and Council Highways Officers has advised that the applicant’s proposal to realign this section of road and existing pavement under the A20 overbridge would appear disproportionate, both in the end result and disruption while the works are carried out. As such, if the development was considered to be acceptable as a whole, due to combination of the existing constraint (being the A20 bridge), the likely very low pedestrian footfall and disproportionate remedial action required to increase the width of the footway under the bridge, then in this instance a less-than-minimum footway

may be considered acceptable as it is unlikely to present an 'an unacceptable impact on highway safety' (NPPF para 111).

- 6.3.16 Moreover, the applicant is proposing this new footway to improve pedestrian movement to the north. However, even if a suitable footway on Sandy Lane can be provided, the walk distances to the nearest bus stops are still considered to be unacceptable. Therefore, even with the proposed new footway, the site would still have an effective PTAL of 0.
- 6.3.17 The transport assessment considers that 30-40% of peak hour trips will be made by non-car modes, which would be in line with London Plan policy that seeks for 75% of all trips in outer London by 2040 to be undertaken by non-car modes. However, TfL and the Council's Highways Officers have advised that this is based on trip generation from developments that are not directly comparable to what is a relatively rare 'edge of London' site with specific access issues, so it is considered over optimistic and that it is highly unlikely this mode share will be met in practice, particularly given the issues raised above.
- 6.3.18 It is also necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it. The development would be inaccessible to people who don't have a private motor car and could therefore adversely affect those objectives.
- 6.3.19 Taking into account the above, both TfL and Council Highway Officers have raised significant objections to the application in relation to the site's very poor accessibility by sustainable and active modes of travel which would be contrary to both London Plan and Bromley Local Plan policies. The application is also considered contrary to NPPF policy that requires a development to offer a genuine choice of transport modes.
- 6.3.20 Promoting accessibility and local permeability by creating places that are easy to get to and move through is also a key urban design objective. As set out in the National Design Guide (NDG), patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities and employment, parking and the convenience of public transport. A permeable, connected network of routes for all modes of transport, is key to creating sustainable neighbourhoods and healthy, connected communities.
- 6.3.21 From an urban design perspective, the proposal to locate housing in an isolated and disconnected location is also not supported. The form and density of development and reliance on use of the private car due to the site's location and poor access to public transport means that the proposals would not accord with the overarching urban design and development principles set out in national, regional and local policies.

Site access and layout

- 6.3.22 A Stage 1 Road Safety Audit prepared by Sanderson Associates (March 2022) for the proposed access is supplied with the application. The Council's Highways Officer has reviewed the Audit and advises that no major issues were raised, and the design appears acceptable. They have also confirmed that given the new road is a cul-de-sac with no public utility, the Council would not wish to adopt it.
- 6.3.23 Car parking is proposed in one corner of the site, rather than outside of residential front doors. It is considered that confining the car parking area to one area is unlikely to influence mode share significantly given the disadvantages of site location highlighted above. Furthermore, the spaces would be a significant distance from a number of the homes with access then on foot via a shingle path.
- 6.3.24 The applicant states that the proposed shingle pathway would also accommodate the site's delivery, servicing and refuse requirements. However, the practicalities of this are unclear or whether it would achieve compliance with inclusive design standards in terms of ensuring appropriate access for those with mobility issues. Notwithstanding these concerns, it is noted that layout is a reserved matter and as such if approval was granted, a more appropriate layout to address these concerns could be provided through a reserved matters application.

Car Parking

- 6.3.25 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision with Policy T6.1 of the London Plan setting maximum car parking standards.
- 6.3.26 The application is proposing 46 car parking spaces for the 40 dwellings, which equates to a car parking ratio of 1.15 spaces per home. London Plan standards allow for a maximum of 1.5 spaces per dwelling for lower PTAL Outer London areas. As the provision would generally be in line with London Plan the level of proposed car parking proportionate to the development may be considered acceptable.
- 6.3.27 Of the proposed car parking, 6 spaces would be for Blue Badge holders which would exceed the 10% provision required by the London Plan. However, this matter could be dealt with by way of conditions requiring a detailed car parking plan and a car parking management plan, should permission be granted.
- 6.3.28 As part of the mitigation for the site location, it is proposed to have 100% provision of electric charging points for the proposed parking spaces with 41% of the spaces provided with active electric vehicle charging, and the remaining 59% passive. Whilst a higher proportion of active EV charging points than the 20% required under Policy T6.1 is welcomed, it does not

guarantee residents will own an electric car and would still result in car-based trips.

Cycle Parking

- 6.3.29 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.
- 6.3.30 Two cycle parking spaces per dwelling are proposed, which is in line with London Plan standards, although visitor spaces should also be included. However, as mentioned above, given the site's location away from the strategic cycle network and on the very edge of the London built-up area, cycle access to and from the site is considered to be inevitably less attractive, particularly as any cycle trip to/from the north requires negotiating the Ruxley Corner roundabout, which has no cycle facilities. Sandy Lane itself is a narrow 'country road' in character, so is not likely to be very attractive to a wider range of residents who may wish to cycle.
- 6.3.31 It is acknowledged that the applicant proposes a pool of electric bikes for residents to share, which will help encourage some cycle trips that may not otherwise have been made. However, this would not overcome the safety issues, perceived or otherwise. As such, TfL have advised that the mode share for cycling is likely to be low.

Summary

- 6.3.32 The objection to the proposal raised within the refusal of previous application ref: 19/03208/OUT on the grounds of the location of the site and its lack of accessibility by modes other than the car remains. Accordingly, the site's location would not be made sustainable through limiting the need to travel and/or offering a genuine choice of transport modes and therefore would deliver a residential scheme that is overly reliant on the use of private cars, thereby resulting in environmental harm and would fail to create mixed, balanced and inclusive communities. As such, the proposed development would undermine Bromley Local Plan policies, the strategic aims of the Mayoral's modal shift, as well as the overarching transport objectives of the NPPF.

6.4 Housing and Standard of Accommodation – Acceptable in principle

Dwelling mix

- 6.4.1 London Plan Policy H10 seeks to ensure that new developments offer a range of unit sizes and types and tenures of housing, taking into account the housing requirements of different groups. Policy H10 sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes housing need and demand, the nature and location of a site, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods.

- 6.4.2 The Strategic Housing Market Assessment (SHMA) 2014 identified the highest level of need across all housing tenures within the Borough up to 2031 is for 1-bedroom units (53%) followed by 2-bedroom (21%) and 3-bedroom (20%) units.
- 6.4.3 The scheme proposes a range of 1-3 bedroom dwellinghouses which is considered to be acceptable in principle in terms of housing mix.

Internal Amenity: Size, Privacy, Outlook and Daylighting

- 6.2.1 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.
- 6.2.2 Policy D6 part B of the London Plan also states that qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 of the London Plan sets out key qualitative aspects which should be addressed in the design of housing developments. Housing development should maximise the provision of dual aspect dwellings to provide good daylight, outlook, and ventilation.
- 6.4.4 Whilst the scheme is in outline form, the applicant has provided indicative residential floorplans and sections for the housing typologies proposed which show that the internal space would achieve the thresholds of the technical standards. All units are also shown to be dual aspect which is supported.
- 6.4.5 Full assessment of the key qualitative aspects of the design including daylight and sunlight provision for the proposed units, and consideration of privacy and outlook for prospective occupants would normally be required at reserved matters stage once the detail of the building form and materials are known. Compliance of any reserved matters applications with the housing quality standards set out above would also need to be secured by condition.

Amenity space

- 6.4.6 Part F9 of Policy D6 of the London Plan requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings (and an extra 1sqm for each additional occupant) – para 3.6.9 advises that this private space can be in the form of a garden, terrace, roof garden, courtyard garden or balcony. Additional private or shared outdoor space (roof areas, podiums and courtyards) is also encouraged.
- 6.4.7 Bromley Local Plan Policy 4 c requires 'sufficient external, private amenity space that is accessible & practical'.
- 6.4.8 All of the proposed units have private amenity space that accords with the above London Plan standards and would amount to a total of 1,940sq.m.

An allotment area and communal amenity space are also indicated which is supported.

- 6.4.9 Any further planning application for detailed layout, scale and landscaping matters would need to demonstrate that proposed amenity space is usable in light of varying site levels.

Playspace

- 6.4.10 Policy S4 of the London Plan states residential developments should incorporate high quality, accessible play provision for all ages, of at least 10sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. Play space provision should be available to all housing tenures within immediately adjacent blocks and courtyards to promote social inclusion.
- 6.4.11 Using the methodology within the Mayor's Play and Informal Recreation SPG, the proposed scheme would generate the need for 264.8 sq.m. of playspace.
- 6.4.12 A 290 sq.m. dedicated play space is proposed within the central open space which would be fronted by homes, alongside the amenity green. Further details of the design and layout of the play space, including details of play equipment for all ages and long-term management of the area would be required by condition should permission be granted.

Wheelchair unit and inclusive living environment

- 6.4.13 Policy D3 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design (not just the minimum). Policy D5 of the London Plan requires development proposals to achieve the highest standards of accessible and inclusive design. 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. These should be distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled.
- 6.4.14 The applicant's Accessible Housing Statement acknowledges the requirements of Policies D5 and D7 and, should permission be granted, compliance with Policy D7 would be secured by condition, with further information and design details to be provided at Reserved Matters Stage

6.5 Urban Design – Unacceptable

- 6.5.1 Policies D1 to D4 of the London Plan place great emphasis on a design-led approach to ensure development makes the best use of land, with consideration given to site context, public transport, walking and cycling accessibility and the capacity of surrounding infrastructure.
- 6.5.2 The proposals comprise a low density car orientated form of development. The density of development would be approximately 40 dwellings per hectare within the developable area, and car parking provision would be at 1.15 spaces per dwelling.
- 6.5.3 The application site has limited connectivity to nearby community facilities such as shops, schools, and public transport. Pedestrian access and ease of movement should be prioritised (and considered alongside the access requirements for motor vehicles). As stated above, the form and density of development and reliance on use of the private car due to the site's location and poor access to public transport means that the proposals would not accord with the overarching urban design and development principles. It is also noted that the GLA Officer advises that this would not accord with the principles set out in the London Plan in terms of optimising density, making the best use of land or encouraging the use of active or sustainable travel options.
- 6.5.4 While this is an outline application in respect of access with all other matters reserved, alongside the Design and Access Statement and Movement Framework plan, the application documents include an Illustrative Masterplan, Landscape Parameter plan and Massing Parameter plan. These plans define the overall layout and form of development. A built form plan and indicative elevations and floor plans for the proposed dwellings have also been provided. Although not for approval, these plans indicate the overall layout and form of development including scale, use and landscape.



6.5.5 It is therefore reasonable to assume that the layout, form, scale and massing which the proposed development would eventually take, would need to take a similar approach to that set out in the application in order to limit the development to the area of previously developed land and to achieve the amount of residential floorspace proposed. Notwithstanding this, there appears to be scope within the site to improve the layout of the site which could be dealt with through a reserved matters application should permission be granted. In particular, the location of the car parking all in one area and the concerns regarding access for residents with mobility issues, servicing, and refuse could be overcome with a more appropriate layout of the overall site.

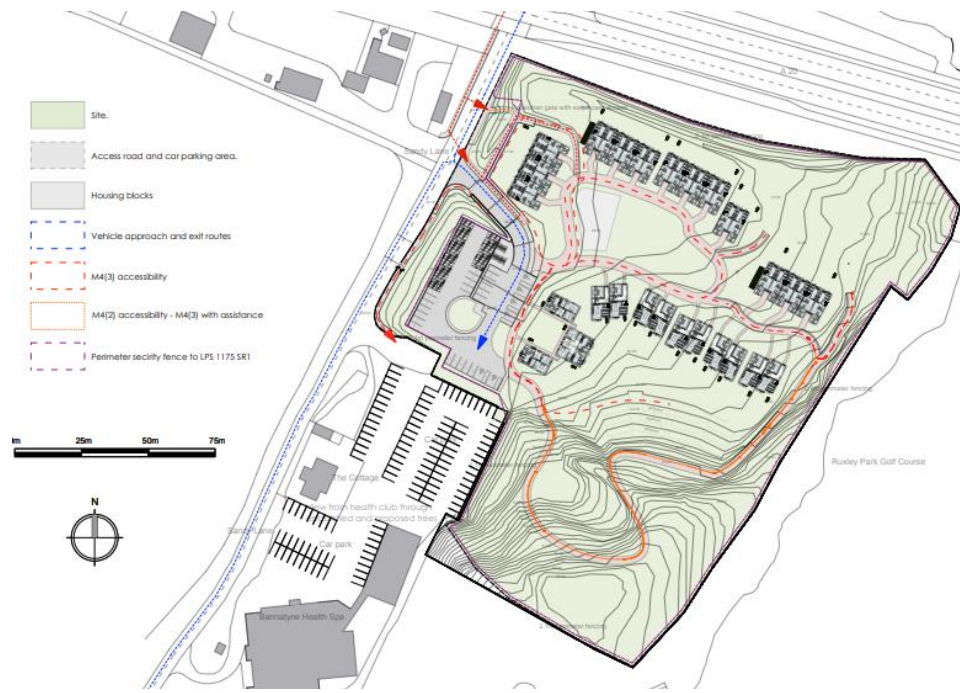


Fig.12 – Movement Framework Plan - Proposed

- 6.5.6 It is also noted that the design and access statement and parameter plans have not been provided in such a way (i.e. numbered) that they can be used to inform conditions for any subsequent reserved matters application(s). Officers acknowledge the submission pack includes relevant baseline information, (site) objectives and design principles. However, the way these are set out and illustrated does not provide the clear framework needed to assess and manage design quality through the reserved matters process.

Designing out Crime (acceptable)

- 6.5.7 Designing Out Crime Officer from the Metropolitan Police has advised that the development is in a secluded, high crime location. They consider that the development can and should achieve Secured by Design to Gold standard.
- 6.5.8 The accompanying Design and Access Statement covers some of the measures discussed with the Designing Out Crime Officer. However, they have advised that for the benefit of the future residents a Secure by Design condition to incorporate the aims and principles of Secured by Design to reduce opportunities for criminal activity should be imposed on any approval.

Fire Safety (acceptable)

- 6.5.9 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).

- 6.5.10 Paragraph 5.4.1 of the London Plan Draft Fire Safety LPG states that; *“Outline planning applications should be accompanied by an Outline Fire Statement which, as a minimum should commit to meeting the highest standards of fire safety in the proposed development. The level of detail included within the Outline Fire Statement will vary depending on which (if any) reserved matters are submitted with the application”.*
- 6.5.11 Access is the only reserved matter submitted with this application. The Draft Fire Safety LPG clarifies further that the fire safety measures to be included at this stage are the ‘Access for fire service personnel, vehicles and equipment’. The LPG also states that commitment to principles of Policy D12 should be included at outline stage, with the details of how the requirements will meet these principles to be included in subsequent reserved matters submissions.
- 6.5.12 Paragraph 5.4.2 of the Draft Fire Safety LPG is also noted which states that; *“Where parameter plans have been submitted with an outline planning application there should be sufficient information included to demonstrate that any fire safety measure can be accommodated in the minimum parameter scenario, where relevant”.*
- 6.5.13 The application is accompanied by a Fire statement form (25/08/2022). The information submitted within the Fire statement form is considered to be acceptable to demonstrate a commitment to principles of Policy D12 and that the access to the development for fire service personnel, vehicles and equipment can be achieved. If approved, any subsequent reserved matters applications would need to demonstrate the relevant detailed requirements as to how the development would meet Policy D12 in relation to all other matters.

6.6 Heritage Impact - Acceptable

- 6.6.1 The site is not located within or adjacent to a conservation area nor does it include any listed buildings or structures. However, the adjacent Former Cray Valley Hospital currently occupied by Bannatyne’s Health Club, which lies to the south of the application site, is locally listed (a non-designated heritage asset as classified by the NPPF).
- 6.6.2 Paragraph 203 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.6.3 Policies 37(j) and 39 of the Bromley Local Plan require developments to respect non designated heritage assets and their settings.

- 6.6.4 It is noted that one of the reasons for refusal relating to the previously refused application at this site for 80 new dwellings (ref: 19/03208/OUT) included the harm to this adjacent locally listed building.
- 6.6.5 The quantum of development proposed under this current application has been reduced and the layout altered to move the development away from the southern boundary which is shared with this locally listed building. On the basis of this revised layout, and reduction in the scale of the development, the Council's Conservation Officer has advised that the development now proposed would not result in harm to the setting of the locally listed building.

6.7 Residential Amenity - Acceptable

- 6.7.1 The nearest residential properties would be The Cottage located more than 50m to the south-west of the application site, and Olney which is located on the opposite side of Sandy Lane. Given the resulting separation distances no loss of privacy, outlook or daylight and sunlight would result.
- 6.7.2 In regard to noise, the housing use would introduce a greater level of activity to the site and the immediate area, however, in Officers view, any potential disturbance and noise generated by the development would not be of such significance as to result in a harmful impact on the amenity of existing neighbours.

6.8 The Natural Environment and Green Infrastructure (Trees/Urban Greening/Biodiversity) – Acceptable

- 6.8.1 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.
- 6.8.2 London Plan Policy G6 Part D advises that “Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.” Policy G5 of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design.
- 6.8.3 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats. Policy 73 requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of

visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

Trees

- 6.8.4 Tree Preservation Order (TPO) 2683 was made in 2020 following an established threat to the significant trees lining the southern and eastern boundary.
- 6.8.5 It is noted that the previously refused application at this site (ref: 19/03208/OUT) failed to sufficiently demonstrate that the proposed development would be acceptable in terms of its impact on retained and TPO protected trees.
- 6.8.6 This current application is supported by an Arboricultural Method Statement and Tree Protection Plan prepared by Adonis Ecology (dated 22nd March 2022) that sets out a method statement.
- 6.8.7 The Council's Tree Officer has advised that the revisions to the layout, alleviate the concerns raised previously, as there is sufficient space to accommodate the proposals and secure protection to protected trees on the periphery of the site. A condition requiring the development to be implemented in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan would be required on any approval of planning permission.
- 6.8.8 A detailed landscaping scheme is also an important part of this site. This can also be secured by way of an appropriate condition on any approval.

Biodiversity – Protected Species

- 6.8.9 It is noted that the previously refused application at this site (ref: 19/03208/OUT) failed to sufficiently demonstrate that the proposed development would not have an adverse effect on protected and/or Section 41 species¹.
- 6.8.10 The application is accompanied by a number of ecological documents prepared by Adonis Ecology;
- Preliminary Ecological Appraisal (PEA) (17th June 2019)
 - Botanical Survey Report (10th November 2020)
 - Invertebrate Survey and Mitigation Strategy (6th November 2020)
 - Reptile Survey and Mitigation Strategy (17th March 2022)
 - Letter from Adonis Ecology relating to bats (17th March 2022)
 - Addendum to PEA (30th June 2022)

¹ List of habitats and species of principal importance in England as identified by Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act.

- 6.8.11 The above documents have been reviewed by the Land Use Consultants Ltd (LUC) on behalf of the Council who have confirmed that the survey reports have been undertaken appropriately and are consistent with the relevant guidelines. The PEA Addendum also addresses that an additional survey was required due to the time lapse since the original PEA was undertaken and is considered to contain sufficient information regarding any changes to the site since the previous survey, alongside the provision of an updated assessment of the ecological value of the site.

Bats

- 6.8.12 During the PEA, a Ground Level Assessment of trees on site was undertaken in relation to roosting bats with the majority of trees considered to lack potential roost features. Clarification with regards to bats has been provided by Adonis Ecology (Letter dated 17th March 2022) which states that trees with bat roost potential are to be avoided during construction and this avoidance includes a buffer of the vegetation surrounding the trees (to account for root protection areas). Furthermore, no access or additional lighting is proposed within this buffer, enabling a dark corridor to benefit roosting and commuting/foraging bats.
- 6.8.13 The PEA includes the following mitigation measures;

“Following any assessment of trees to be removed for bats ... any trees considered to have no more than a low potential to support roosting bats should be soft felled. Soft felling should consist of the tree being cut in sections, making sure that cuts go either side of any cavities in the trees, with each section to be gently lowered to the ground. The sections should be examined for bats by a bat licensed ecologist who should oversee the felling. This should take place in the spring (mid-March to end of April), after the young are weaned and independent, or autumn (September to late October), before hibernation occurs.

To prevent any risk of disturbance to bats that may roost in trees either on site or off site, sensitive lighting of the site should be used as outlined below, both during and post-development:

- minimise security lighting so far as possible;*
- avoid any lighting of mature trees, hedgerows, scrub and other vegetated habitat, either on or off site;*
- lighting on site should be restricted to low-level lighting, or should be fitted with hoods or directional lighting to minimise overall lighting and avoid light directed at the sky, or any vegetated features;*
- have lighting on as short a timer as possible so that lights are turned off when not in use.*

Further, it is recommended that where possible, warm spectrum LED lights (less than 3000K) are used, as LED bulbs produce the least amount of UV light possible (Gaston et al., 2012). Correlated Colour Temperatures in the ‘warm’ range are considered to have a low relative attractiveness for insects compared to white lights (Eisenbeis, 2009) and are thought to have a lower

impact on light sensitive bat species (Stone, 2013). The brightness of the lamps should also be kept as low as feasibly possible and lighting should be kept at as low a height level as possible. This should reduce the attraction effects of the lighting on insects and reduce the effects of the lighting on bats (ILE/BCT, 2009).

It is also recommended that the works should not take place between sunset and sunrise between April and September (the main season of bat activity), and any security or spot lighting required should be kept to a minimum, and where possible be placed on a short timer to reduce the extent of lighting on site during development.”

- 6.8.14 It is considered that the above mitigation measures should be made conditions on any approval, to be reviewed and approved by an ecologist and the LPA.

Reptiles

- 6.8.15 Low populations of common reptile species were recorded during the reptile survey, and it is acknowledged that without mitigation, the proposed development would result in a very low risk of impact to the local grass snake population via direct loss of suitable habitat alongside a moderate risk of killing and/or injuring individuals. The reptile mitigation strategy, as described in the Reptile Survey and Mitigation Strategy report, contains relevant details on receptor site creation, exclusion strategy alongside directions for site clearance activities and avoidance measures.
- 6.8.16 LUC have advised that they consider these robust for ensuring viability of the local reptile populations and ensuring connectivity within the proposed development, and that these measures should be secured as conditions of planning on any approval, to be discharged in an Ecological Management Plan (EMP).

Botany – notable species and Schedule 9 Invasive non-native species

- 6.8.17 No legally protected or Section 41 species were recorded on site during the botanical survey, with just one notable species recorded in one location. Significant areas of Japanese knotweed were recorded throughout the site, with occurrences of other London Invasive Species Initiative (LISI) also recorded.
- 6.8.18 The following mitigation measures were included within the Botanical Survey Report (Adonis Ecology);

“In the event that impact to the area of short grassland containing the heath speedwell cannot be avoided, the topsoil should be scraped from this area prior to re-profiling, and should then be retained on site, in an area where it will not be impacted by further works. The soil should be re-placed as topsoil in an area intended as open or partly shaded grassland, ideally within a

similar location of the site, in order to retain the seed bank on site. The soil should not be placed in an area which will be frequently mown.

To avoid any risk of causing Japanese knotweed to spread in the wild, no works should be undertaken in close proximity to this plant (within 8m to ensure no risk) prior to it being eradicated from the site. Locations where this species was found are shown on Figure 1 in Appendix 1, but it was considered further plants could occur within dense scrub areas of the site which could not be accessed. It may be necessary to reduce/remove some dense vegetation to check other areas for Japanese knotweed prior to the eradication programme commencing. Any such works should only be undertaken in accordance with the recommendations of the PEA (Adonis Ecology, 2019), reptile (Adonis Ecology, 20201) and invertebrate (Adonis Ecology, 20202) reports for the site and should be undertaken with considerable care to ensure no Japanese knotweed is inadvertently cut during the works.

The removal or treatment of Japanese knotweed from/on a site should be undertaken only by a specialist Japanese knotweed removal company, with the site to be confirmed as clear of Japanese knotweed prior to works close to these areas commencing, and with any plants and associated soil that may be removed from the site to be disposed of as hazardous waste.

As outlined above, variegated yellow archangel is not as invasive as Japanese knotweed but should still be removed and disposed of as hazardous waste, or should be disposed of on site.

It is recommended that, where possible, site clearance be undertaken in line with the Good Practice Bio-Security Guidelines set out by the London Invasive Species Initiative (LISI). The main points of this guidance are to follow the check, clean and dry method as follows: • CHECK your equipment and clothing for live organisms, particularly in areas that are damp or hard to inspect. • CLEAN and wash all equipment, footwear and clothing thoroughly. • DRY all equipment and clothing.”

- 6.8.19 LUC have confirmed that the above mitigation measures that have been proposed regarding the notable species and invasive non-native species are considered to be consistent with standard practice and that they welcome the acknowledgement of works to determine specific locations of Japanese knotweed be undertaken sensitively with regard to reptiles and invertebrates. A biosecurity plan is recommended to be included as a condition of planning on any approval, set out and discharged within a project Construction Environmental Management Plan (CEMP).

Invertebrates

- 6.8.20 A relatively high number of invertebrate species were recorded within the site boundaries, with surveys undertaken across three separate months to ensure the data collected was representative of summer assemblages. No statutory protected invertebrate species were recorded, however one

Section 41 species, eight species of conservation importance and four species of provisional conservation significance were recorded.

- 6.8.21 LUC have advised that the mitigation measures proposed within the Invertebrate Survey and Mitigation Strategy report are thought to be robust and in line with standard practice. These include the provision of similar habitats for invertebrate species (i.e. green roofs) in accordance with standards provided by Buglife². It is advised that a condition requiring the species and composition of the green , to be reviewed by an ecologist, be placed on any approval to ensure compliance with the report, as well as approved by the council prior to finalising the design.

Additional species

- 6.8.22 LUC have advised that the mitigation measures proposed for badger, Hazel dormice, nesting birds and Section 41 species is suitable and in line with common practice and proportional to the level of impact taking into account landscape and setting.
- 6.8.23 The following mitigation measures were included within the Preliminary Ecological Appraisal (Adonis Ecology);

“To prevent risk of harm to hedgehogs and common toads, any clearance of tree/scrub areas should be undertaken with care, using light machinery and not by pulling/dragging or digging out the vegetation with a digger. This clearance should avoid the period when hedgehogs have young (June to mid-August) as they are highly likely to abandon young if disturbed.

Grassland clearance should be undertaken in two stages, the first being a cut to approximately 10cm in height. This could be undertaken at any time of year. The grassland should then be strimmed to ground level during the common toad (and reptile) active season, taken to be March to mid-October.

If any hedgehogs or common toads are found during the works, they should be picked up using sturdy gloves and be moved to a nearby hedgerow or area of scrub that is not being impacted, out of harm's way, and be allowed to make their own escape to safety. If a hedgehog is found with young, the hedgehog and young must be moved together to a place of safety.

During any site clearance works, if any large buried stumps or significant buried deadwood is found, it should be dug out of the ground using a large digger bucket, and should be placed back in the ground in another area of the site that is not being impacted by the proposed works. As much soil as possible should be retained around the stump/wood.

To prevent risk of harm to badgers, as well as any other small animals that may occasionally be present on the site, the following general precautions should be undertaken:

² Buglife (2019). Creating Green Roofs for Invertebrates: A Best Practice Guide. Buglife, Peterborough.

- *any trenches or holes which will be left overnight should either be fully covered, or have a wooden plank placed in them in such a way that any wildlife that falls in can climb out safely. Alternatively, one end of the trench should be sloped or stepped to allow animals to climb out;*
- *materials brought to the site for the construction works should be kept off the ground on pallets, so as to prevent small animals seeking refuge within them and coming into harm's way;*
- *rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge, and thus coming into harm's way."*

Summary – Protected Species

6.8.24 As stated above, LUC have recommended that the mitigation measures within the accompanying ecological reports are captured within the appropriate project management plans (i.e. EMP, CEMP) to be approved and discharged by an ecologist and LPA. In addition, any plans relating to sensitive lighting approaches and plans for provisions for protected species (i.e. bird and bat boxes), should also be submitted via condition on any approval; to include the specific measures with regard to bats in the letter dated 17th March 2022 (Adonis Ecology).

6.8.25 LUC have concluded that support could be given to the outline planning application, provided that the proposed mitigation measures are made conditions of planning.

Biodiversity Net Gain (BNG)

6.8.26 The application is accompanied by a Biodiversity Net Gain Assessment (20.01.23) prepared by Adonis Ecology and supporting Biodiversity Metric 3.0.

6.8.27 The use of Metric version 3.0 is accepted in light of the work already done, and therefore it is accepted that the newer version of the Metric is not required in this instance. However, there are a number of discrepancies within the metric provided;

- The stated baseline habitat units is 9.19 and this is considerably more than the previous baseline of 6.69. The explanation for this in the BNG Report is not detailed and states at paragraph 2.1.3 that the site condition was largely similar to the survey 3 years previous. Some increase in scrub was recorded, and the Metric outlines that there is an increase in 'other woodland' and 'ruderal vegetation' recorded on the second survey and this appears to account for the higher baseline score.
- The Metric file seems to have disabled macros, making it difficult to access certain information. The detailed results tab is missing, along with all other tabs after 'hedgerow creation'. It is unclear how the measuring software used has created this discrepancy. However, an overprovision of site area created would skew the results positively.

- 6.8.28 Notwithstanding the above, the BNG report sets out the breakdowns for the retained and created habitat along with the changes in condition to be achieved for the enhanced habitat and collectively the proposals will create a significant gain of 64.26% with a hedgerow gain also recorded.
- 6.8.29 The information provided has demonstrated that a biodiversity net gain is achievable at the site. However, the submission of supporting information to clarify the discrepancies outlined above would be required as part of any reserved matters application should the application be granted.

Urban Greening

- 6.8.30 Policy G5 of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 6.8.31 The application is accompanied by an Urban Greening Factor site plan (drawing no. E391/OP/0-90 r2) and Urban Greening Factor Calculation which demonstrates that the proposal would achieve an Urban Greening Factor of 0.91 which exceeds the minimum 0.4 recommendation outlined within Policy G5 for a residential development.
- 6.8.32 If the application is considered acceptable, a condition requiring full details of the Urban Greening including species details where relevant would be necessary in conjunction with a detailed landscaping scheme as part of a reserved matters application.

6.9 Energy and Sustainability - Acceptable

- 6.9.1 Carbon reduction should be considered at the beginning of the process, as integral to the design. Policy SI 2 'Minimising greenhouse gas emissions' of the London Plan states that:
- A Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
 - 1) be lean: use less energy and manage demand during operation
 - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
 - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
 - 4) be seen: monitor, verify and report on energy performance.
 - B Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

- C A minimum on-site reduction of at least 35 per cent beyond Building Regulations¹⁵² is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
 - 2) off-site provided that an alternative proposal is identified, and delivery is certain.

Energy Strategy

- 6.9.2 The application is accompanied by an Energy Assessment prepared by Fenton Energy (14th March 2022). The applicant's energy strategy envisages the scheme being net-zero carbon and carbon negative. This would be achieved through energy efficiency measures which would achieve a 23% reduction in CO₂ emissions, which exceeds the minimum requirement of 10%. Air Source Heat Pumps combined with PV panels on roofs and car ports, would add an 89.86% reduction in CO₂ emissions. Together this results in a saving of 74 tonnes of carbon dioxide per year. The overall saving on CO₂ over and above Building Regulations would therefore be 113%.
- 6.9.3 The proposed energy strategy would accord with the requirements of Policy SI 2 at this stage. However, should planning permission be granted, further information would be required as part of a reserved matters application which would include details of the siting of the PV panels and heat pumps. This would be required by way of a condition on any approval.
- 6.9.4 As the proposal is to achieve "zero carbon" on site, no carbon off-setting payment would be due.

Whole Life-Cycle Carbon and Circular Economy

- 6.9.5 The applicant has provided a Circular Economy Statement prepared by Esatto Design Architecture (2022) and has completed the GLA's Whole Life Carbon Assessment spreadsheet. The information provided at this stage is at a high level, given the outline nature of the application.
- 6.9.6 If approved, any subsequent application for reserved matters will require a WLC assessment in accordance with the planning application submission requirements.
- 6.9.7 Any approval of planning permission would also require a condition securing the submission of a Circular Economy statement with each reserved matters application, which should review and address the information provided at outline stage and update any default values used as far as possible.

6.10 Archaeology - Acceptable

- 6.9.1 The planning application lies in an area of archaeological interest. The Historic England Archaeology Adviser has advised that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using planning condition requiring an approval of a written scheme of investigation (WSI) before works commence on site. They have also advised that without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 205.

6.11 Drainage and Flooding – Acceptable

- 6.11.1 Policy 116 of the Bromley Local Plan (2019) states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible. This is supported by Policy SI 13 (Sustainable Drainage) of the London Plan (2021).
- 6.11.2 The site lies within Flood Zone 1 with a low risk of flooding. The application is supported by a Flood Risk and SuDS Assessment prepared by Herrington Consulting Ltd (March 2022). This concludes that the most viable solution for managing all of the surface water runoff discharged from the proposed development will be to discharge surface water runoff into the underlying geology, relying on infiltration based SuDS, including; green roofs, water butts, geocellular soakaways, and permeable surfacing systems.
- 6.11.3 The Council's Drainage Officer and Thames Water have raised no objections to the proposed development subject to informatives and a condition requiring the submission of the detailed design measures as stated within the submitted Flood Risk & Sustainable Drainage Assessment to be imposed on any approval.

6.12 Environmental Health - Acceptable

Noise

- 6.12.1 London Plan Policy D14 states that development should manage noise to improve health and quality of life by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles.
- 6.12.2 Local Plan policy 119 states that new noise sensitive development should be located away from existing noise emitting uses unless it can be demonstrated that satisfactory living and working standards can be achieved

and that there will be no adverse impacts on the continued operation of the existing use.

- 6.12.3 The site is located adjacent to the A20 dual carriageway, a busy high speed dual carriageway road with fast moving traffic including heavy goods vehicles, which generates relatively persistent and continuous road based noise.
- 6.12.4 The application is accompanied by a Noise Impact Assessment (NIA) prepared by Acoustics Plus (06/04/2022). The NIA indicates that the external average noise levels within the area of the site in which housing is proposed would range between 68dBA to the north of the site and 62dBA towards the south. Therefore, specific mitigation would be required to make the residential homes compliant with internal noise levels set out in British Standards in terms of building fabric, sound insulation and glazing, alongside appropriate measures in terms of ventilation to address overheating during the summer when windows may need to be closed in order to achieve the required internal noise levels. Mechanical ventilation is therefore proposed.
- 6.12.5 London Plan cooling hierarchy in Policy SI 4 identifies active cooling as the lowest priority. Therefore, active cooling as a means to addressing acoustic issues, i.e. if opening windows causes noise issues, should not be relied on for ventilation.
- 6.12.6 The NPPG (Para 006 Reference ID: 30-006-20190722) also says that when considering noise (particularly night time noise) relevant factors to consider are whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions).
- 6.12.7 The design and layout of new development should ensure that noise sensitive areas and rooms are located away from parts of the site most exposed to noise wherever practicable.
- 6.12.8 It is recognised that the application seeks outline permission with all matters reserved except access, as such the layout and appearance proposed is illustrative at this stage. Notwithstanding this, the area identified to be PDL lies to the north of the site, adjacent to the A20, and as such the overall layout of development on the site is somewhat confined.
- 6.12.9 Furthermore, the outside spaces in terms of the amenity green and gardens are unlikely to meet the World Health Organisation guideline of 55 dB. It is noted that page 28 of the Design and Access Statement shows in outline the presence of an acoustic barrier between the A20 and the residential development to help mitigate the existing noise levels.
- 6.12.10 In the light of the above, and given the application seeks outline permission with all matters reserved except access, the Council's Environmental Health Officer has advised that the design of the site layout and the dwellings

should ensure that internal noise levels can be achieved with open windows in as many properties as possible to demonstrate good acoustic design, and where it is not possible to meet internal target levels with windows open, façade openings used to provide whole dwelling ventilation (e.g., trickle ventilators, MVHR, mechanical ventilation) should be assessed in the 'open' position and, in this scenario, the internal LAeq and LAmix levels should not be exceeded.

6.12.11 An acoustic assessment would therefore be required, by way of a condition on any approval, which would include a full scheme of mitigation, as necessary in light of the results of the assessment, (covering façade, glazing and ventilation specifications) to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmix (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided.

6.12.12 Air source heat pumps are also proposed as part of the development and therefore a condition relating to the MCS 020 Planning Standard for Air Source Heat Pumps assessment would be required on any approval to ensure that it either meets the noise criteria set out within this assessment, or that anti-vibration mounts and other noise attenuation measures will be provided as necessary.

Air Quality

6.12.13 Policy SI 1 of the London Plan states that London's air quality should be significantly improved and exposure to poor air quality should be reduced, especially for vulnerable people. Policy SI 1 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution. More specifically it requires all developments to be Air Quality Neutral, as a minimum. The London Plan Air Quality Neutral LPG provides further guidance and advises that this relates to both building and transport emissions.

6.12.14 The application is accompanied by an Air Quality Assessment (AQA) (March 2022) prepared by Stroma.

6.12.15 The Council's Environmental Health Officer has advised that the AQA shows the development is Air Quality Neutral and also mentions developing a dust management plan. Therefore, the submission of a full Dust Management Plan (DMP) would be required by way of a condition should the application be approved.

6.12.16 The GLA's Stage 1 Report advises that *'the proposed development would generate daily vehicle trips which would generate emissions and would therefore contribute towards air pollution to some extent given the car orientated nature of the development'*.

6.12.17 The applicant's AQA utilises a daily trip rate of 36; although the basis of this is unclear. In addition, as stated within the Transport section above, TfL and the Council's Highways Officers have queried the trip generation calculations within the Transport Assessment given the relatively rare 'edge of London' site with specific access issues. As such, as highlighted by the GLA Stage 1 Report, the anticipated vehicle trips and resultant emissions are likely to be greater given the heavy reliance on cars and as such it is unclear whether the proposals would comply fully with London Plan Policy SI 1, and mitigation may be needed to ensure compliance with the air quality neutral standard.

6.12.18 No further information was submitted by the applicant to specifically address the above and should planning permission be granted, this would need to be addressed prior to Stage 2 referral to the GLA.

Contamination

6.12.19 The application is accompanied by a Phase 1 Desk Study Report (July 2019) and Phase 2 Ground Investigation Report (July 2019) both prepared by ground&water.

6.12.20 The Phase 2 Ground Investigation Report provided an indicative remediation strategy, described within Section 8 of the report, based on the data obtained to date. However, further sampling was stated as being required to decrease uncertainty and increase sampling density.

6.12.21 The Phase 2 Report made the following comments and recommendations:

- Lead and asbestos detected within the Made Ground were not considered a significant risk; However, remediation was considered necessary across all soft landscaped areas due to a significant site wide human health risk for PAHs.
- For soft landscaped areas, the BRE Cover Systems was recommended to be implemented with a 530mm capping of clean Topsoil/Sub-soil based on current data, although an actual cover thickness would need to be calculated once a source of imported Topsoil was known with available chemical results certificates. It was recommended that the BRE Cover System should include a capping of at least 150mm of BS3882 compliant Topsoil as a growing medium.
- Asbestos Management Strategy should be put in place to ensure that this and any other potentially asbestos containing materials are identified and removed from site in a suitable manner to prevent cross-contamination.
- The conceptual site model was amended from the one presented in the Phase 1 report (desk study), where no significant site-wide deep Made Ground was encountered after exploration and chemical testing revealed low levels of soil organic matter, and no shallow groundwater, the site was therefore unlikely to be at risk from significant ground-gas emissions.
- A landfill assessment has been undertaken as part of the desk study, which states that these off-site sources pose a moderate risk of ground-gas. Ground-gas monitoring should be undertaken to classify the risk of ground-gas.

- 6.12.22 The Council's Environmental Health Officer has advised that the original sampling has limited locations, so additional sampling is required for chemical soil analysis as well as for ground gas monitoring. It should also be that the sampling regime was based on a different layout plan to that proposed.
- 6.12.23 The proposed remediation strategy is to use a BRE Cover System and it should be noted that if capillary rise is a concern, a capillary break layer should be incorporated into the cover system. The report states that the 'site investigations were conducted during May 2019, when groundwater levels should be falling from their annual maximum (highest elevation). The long-term groundwater elevation might increase at some time in the future due to seasonal fluctuation in weather conditions. Isolated pockets of groundwater may be perched within any Made Ground found at other locations around the site.' It is also understood that the BRE cover system is not appropriate where there is a slope with a gradient in excess of one in 12.
- 6.12.24 Given the topography of the site, there is concern as to whether the cover system will be placed in areas where this gradient is exceeded. It is therefore unclear as to whether the indicative proposed system will be appropriate given the reasons above and that some form of capillary layer and or engineered cover system would be more appropriate.
- 6.12.25 On the basis of the above, the Council's Environmental Health Officer has advised that in an event of granting planning permission a revised Ground Investigation report, along with a finalised Remediation Strategy will be required before works can commence on-site. Accordingly, a land contamination assessment condition (parts B – F) would need to be attached to any approval to prevent harm to human health and pollution of the environment.

6.13 Planning Obligations and CIL

CIL

- 6.13.1 The Mayor of London's CIL and Bromley's Local CIL are both a material consideration. CIL is payable on this application and the applicant has submitted the relevant form.

Planning Obligations (Heads of terms)

- 6.13.2 The following planning obligations will need to be secured as part of an S106 legal agreement should permission be granted:
- Affordable Housing 35% (60:40 affordable rent/intermediate housing split based on 40 units) – eligible for Fast Track
 - Early stage review mechanism
 - Be Seen Energy Monitoring
 - Monitoring fee

- 6.13.3 The applicant would also be required to pay the Council's legal fees in relation to the completion of the legal agreement.
- 6.13.4 These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 6.13.5 The applicant has not confirmed the above planning obligations nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is recommended.

7 CONCLUSION

- 7.1 The proposal, due to its context and the indicative scale and layout of the proposed scheme, would result in substantial harm to the openness of the Green Belt, as is referred to in paragraph 149(g) of the NPPF. It would lead to a permanent, urbanising effect which would undermine the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open. The proposal therefore comprises inappropriate development within the Green Belt for which no very special circumstances have been demonstrated by the applicant. The benefits of the application, in terms of the supply of housing (including affordable housing) are acknowledged, however, this would not outweigh the harm to the Green Belt.
- 7.2 The site is not in a sustainable location, the current lack of footways and the conditions in Sandy Lane are not conducive to walking or cycling and mean that the vast majority of the trips from the site would likely to be by private modes of transport. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions outlined within Policy T1 and SI 1 of the London Plan.
- 7.3 The application would also be contrary to the inclusive neighbourhood approach set out in Policy D5 of the London Plan which seeks to ensure that people are able to easily access services, facilities and amenities that are relevant to them and enable them to safely and easily move around by active travel modes through high-quality, people-focused spaces, while enjoying barrier-free access to surrounding areas. Even if the proposed pedestrian footway was delivered, the nearest services, facilities and amenities would be beyond reasonable walking distance and, given the distance from the site to local bus stops and rail stations, the scheme would fail to provide a genuine choice of transport modes, and would promote residential development that is excessively reliant on the use of cars, thereby resulting in environmental harm.
- 7.4 The applicant has not confirmed the required planning obligations, as stated within Section 6.13 nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is also recommended.

- 7.5** 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 cause substantial harm to the openness of the Green Belt and the purposes of including land within it and is considered to constitute inappropriate development for which no very special circumstances have been provided to outweigh the harm to the Green Belt and any other harm. The proposal is thereby contrary to Policy 49 of the Bromley Local Plan (2019), Policy G2 of the London Plan (2021) and the provisions of the National Planning Policy Framework (2021) (Paragraphs 137-138, and 147 – 149).**
- 2. The proposal would, due to its location in an area with a low PTAL rating and poor accessibility, result in residential development that is excessively dependent on the use of private car and fails to provide inclusive neighbourhoods which allow people to safely and easily move around by active travel modes. The proposal is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, thereby contrary to Policies 31 or 33 of the Bromley Local Plan (2019), Policies T1, D5 and SI 1 of the London Plan (2021) and the NPPF (2021).**
- 3. An acceptable planning obligation for provision of the affordable housing, affordable housing viability reviews, 'Be seen' Energy monitoring, and the payment of carbon off-set contributions and monitoring and legal costs has not been entered into. The application is thereby contrary to Policy 125 of the Bromley Local Plan (2019), Policy DF1 of the London Plan (2021), and Bromley Planning Obligation Supplementary Planning Document (June 2022).**