

Committee Date	3 rd August 2023	
Address	Potters Farm Turpington Lane Bromley BR2 8JN	
Application number	20/04148/FULL1	Officer Agnieszka Nowak-John
Ward	Bromley Common and Holwood	
Proposal (Summary)	Demolition of existing buildings and erection of part two/part three storey building comprising 16 affordable housing apartments with 12 parking spaces, refuse and cycle store (AMENDED DESIGN).	
Applicant	Agent	
Clarion Housing Group/Langford Walker Ltd	Mr John Escott Robinson Escott Planning	
Reason for referral to committee	Strategic/Major Development	Councillor call in Yes Cllr Gupta: "Lawful development"
RECOMMENDATION	<u>Permission to be refused</u>	

Summary

KEY DESIGNATIONS
<ul style="list-style-type: none"> • Green Belt

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Storage and distribution centre (Class B1, B2 and B8)	248sqm

Proposed	Residential (C3)	695.8sqm
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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	0	0	0	0	0
Affordable (shared ownership) 'either or' Discounted Market Sales	9	7	0	0	16
Affordable (social rent)	0	0	0	0	0
Total	9	7	0	0	16

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	10	+2
Disabled car spaces	0	2	+2
Cycle	0	32 (long stay) 2 (short stay/visitor)	+34

Electric car charging points	12 (100%)
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Representation summary	Neighbour letters were sent on 08.01.2021 to 51 neighbouring addresses. A press advert was published in News Shopper on 20.01.2021.
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	A further round of neighbourhood consultation letters were sent on 26.10.2021 (21 day consultation). A press advert was published on 03.11.2021.
Total number of responses	20
Number in support	2
Number of objections	18

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable Housing (16 units)	NA	Yes
Carbon off-set payment-in-lieu	£24,835	Yes
Early and late stage review mechanism	NA	Yes
Reimbursement of the Council's legal costs	TBC	Yes
Monitoring fees	£500 per head of term	Yes
Total	TBC	NO

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed scheme, in its entirety, cannot be considered under the relevant NPPF exception (paragraph 149(g)) covering the partial infill or complete redevelopment of previously developed land and must therefore, be considered as 'inappropriate development'.
- Due to its context, scale and layout the proposal would lead to 'substantial harm' to the openness of the Green Belt as is referred to in paragraph 149(g) of the Framework.
- The proposal would lead to a permanent, urbanising effect thereby undermining the purpose of the Green Belt to prevent urban sprawl by keeping land permanently open.
- Very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt and any other harm.
- Although the level of affordable housing provision (100%) exceeds the policy compliant threshold, the requirement for a policy compliant tenure split has not been addressed.
- The proposed layout would offer an acceptable quality of residential standards and amenity.
- Adequate sustainability measures would be incorporated achieving the required carbon reduction.
- The proposed development is not considered to be significantly harmful to the amenities of neighbouring residential properties nor would it result in an unacceptable impact on surrounding highway network and environmental matters such as air quality, contamination, noise, light

pollution, drainage, would be subject to appropriate conditions if the application was deemed acceptable overall.

1. LOCATION

- 1.1 The application site is rectangular in shape and has an area of 0.24ha. It occupies a corner position fronting the eastern side of Bromley Common, adjacent to its junction with Turpington Lane.
- 1.2 The site comprises two single storey barn-type structures located at the south-east corner of the site with a combined floor area of approximately 248sqm and an area of hardstanding/yard to the front and side of these buildings. The site was last used as a storage and distribution centre in connection with a turf and topsoil business.



Fig. 1. View of the site from Bromley Common.

- 1.3 Access to the site is via its northern boundary fronting Turpington Lane. The site is bounded by the A21, and by Turpington Lane and Magpie Hall Lane to the north and south respectively.
- 1.4 The application site falls within the Green Belt and the Bromley Common Renewal Area.
- 1.5 To the south the site adjoins the Bromley West Kent Sea Cadets site, which comprises a number of buildings, a parade ground and a car park. The land to the south-east of Magpie Hall Lane comprises of an open expanse of Green Belt land used as the playing fields of Bishop Justus School and Princes Plain Primary School, whilst the land more immediately to the south comprises of an area of fallow land, and beyond that allotment gardens and Holy Trinity Church.
- 1.6 The land to the west comprises a part of the Bromley Common, and falls within the designated Bromley, Hayes and Keston Common Conservation Area.

- 1.7 To the east of the site lies a group of mainly three-storey flats constructed around the mid-Twentieth Century, which occupy an area between an access road to the east of the appeal site and Link Way a further 160m to the east.
- 1.8 To the north of the site is a residential development forming part of the wider scheme on the former Blue Circle Sports Ground site, which features predominately flatted forms of development, here extending generally to three storeys in height. The flatted developments and terraced dwellings of Turpington Lane continue to the north-east.
- 1.9 There are a pair of bus stops nearby on Bromley Common and a northbound stop adjacent on Turpington Lane. Together they serve five bus routes. There are no rail stations within an acceptable walking distance. The site has a Public Transport Access Level (PTAL) of 3 and partially 2 (on a scale of 0-6b where 6b is the highest). The cycle network in this location is poor with only an advisory on carriageway cycle lane running along Bromley Common. This connects with Bromley town centre.
- 1.10 The site is in Flood Zone 1 indicating at a low risk of flooding.
- 1.11 The site benefits from planning consent for demolition of the existing buildings and redevelopment of the site to provide 6 bungalows.

2. PROPOSAL

- 2.1 The originally submitted scheme has been revised by the submission dated 31st August 2021 and publicly re-consulted.
- 2.2 It is proposed to demolish the existing buildings and redevelop the site to provide 16 residential units. The proposed dwelling mix would be 9 x 1 bed and 7 x 2 bed flats (including two wheelchair accessible units).
- 2.3 The scheme proposes 100% affordable housing with the proposed tenure being “either or”:
 - 16 “any tenure” affordable units in association with our development partner Clarion or
 - 16 discount market sale (DMS) housing units based on the Pocket living model.
- 2.4 The proposal would comprise an ‘L’ shaped block which addresses both the Bromley Common and Turpington Lane frontages. The main entrance to the development would now be from Turpington Lane (Fig.2).
- 2.5 The ‘L’ shaped layout would create a semi-private area of amenity space that would be largely enclosed by the existing building. In addition to the shared amenity space, all of the units now have private amenity space either in the form of ground floor patios or balconies. Dedicated child play space would be provided within the shared amenity space.

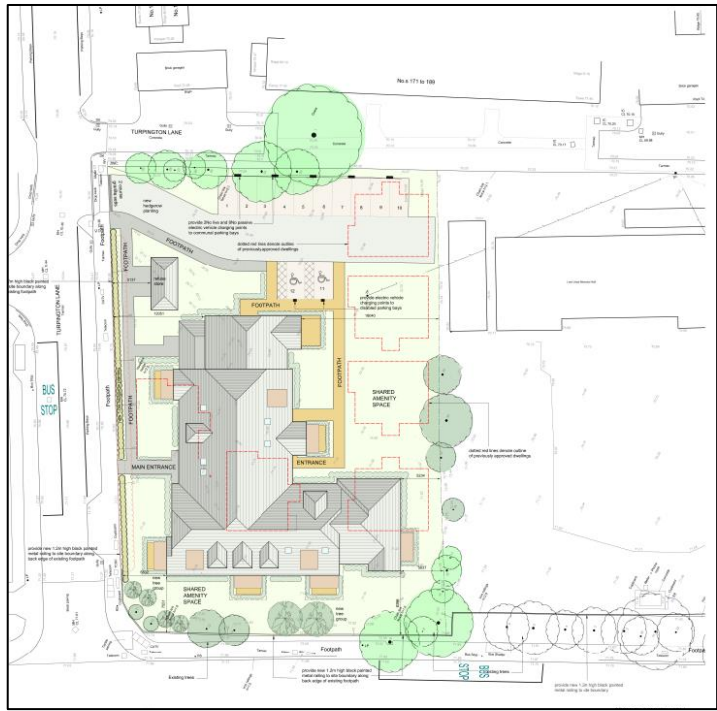


Fig.2. Proposed site layout.

- 2.6 A total of 12 parking spaces are proposed along the north western boundary, all with active electric vehicle charging points. Two of these spaces would be disabled spaces. A detached refuse store is proposed adjacent to the access driveway from Turpington Lane.
- 2.7 An internal cycle store would be provided internally within the building indicating a capacity for 32 cycle parking spaces. Additionally, 2 no Sheffield cycle hoops adjacent to main entrance for use by visitors would be provided.



Fig.3. Proposed street scene – Bromley Common (top) and Turpington Lane (bottom).

3. RELEVANT PLANNING HISTORY

- 3.1 85/00814: Planning permission refused on 1 July 1985 for the erection of a fence and storage barn.
- 3.2 85/02494: Planning permission granted on 21 November 1985 for a replacement boundary fence.
- 3.3 86/01152: Planning permission granted on 21 July 1986 for a single storey storage building.
- 3.4 86/02349: Landscaping details pursuant to the permission granted under ref. 86/01152 approved.
- 3.5 88/01279: Planning permission refused on 25 July 1988 for the removal of conditions 97 (No storage of agricultural produce or pallets or machinery shall take place outside of the walls of the building hereby permitted) and 98 (The existing buildings on the site shown to be demolished on drawing no. MP/3C/34/A shall be demolished and the site cleared of their materials and other building materials to the satisfaction of the Director of Technical Services within one month of the first use of the building hereby permitted) of permission ref. 86/01152 and 86/02349 on the following ground: "Open storage on the site would be detrimental to the visual amenities of the Green Belt and adjoining residential properties."
- 3.6 88/03991: Certificate of Lawfulness for an existing use refused on 19 June 1990 for a retail farm shop for the sale of agricultural/horticultural farm produce, potatoes, turf, top soil, fertilisers, hay and straw. A subsequent appeal was withdrawn. The ground of refusal was: "Insufficient evidence has been submitted to prove to the Council's satisfaction that retail use of the farm shop was not ancillary to the agricultural use of nearby land before the end of 1963".
- 3.7 92/00345: Planning permission refused on 24 August 1992 for use of land at Potters Farm for the purpose of handling and distribution of potatoes and turf and the parking of 6 heavy goods vehicles and 2 trailers and the use of the buildings for storage on the grounds that:
 1. The use proposed is an inappropriate use within the Green Belt wherein there is a presumption against development not associated with the essential needs of agriculture, horticulture, forestry or predominately open air recreation and there are no very special circumstances which might justify the grant of planning permission as an exception to Policy R.2 of the Bromley Borough Plan or Policy G.2 of the Draft Unitary Development Plan.
 2. The parking of heavy goods vehicles and trailers and the open storage of top soil, turf, and pallets on this site is visually intrusive and detrimental to the open undeveloped character of the Green Belt in this location.
 3. The use is detrimental to the residential amenities of adjoining properties in Turpington Lane by reason of noise, dust and general disturbance caused by

the 6 movement of lorries and vehicles associated with the operation of the activity and the deposit of large quantities of materials in the open on this site.

3.7.1 The above application was subsequently dismissed at appeal.

3.8 92/00346: Certificate of Lawfulness for an existing use refused on 24 August 1992 for the use of land at Potters Farm for the purpose of handling and distribution of potatoes and turf and the parking of 6 heavy goods vehicles and 2 trailers and the use of the buildings for storage on the following ground:

Insufficient evidence has been submitted to prove to the Council's satisfaction that the uses described were operating from the land in 1968 and have continued without interruption since that time.

3.9 On 19 October 1993, three simultaneous planning appeals were dismissed by the Secretary of State (APP/D/93/G5180/1; APP/C/92/G5180/623815; APP/A/93/G5180/219927). These related to the Certificate of Lawfulness refused under ref. 92/00346 and enforcement action taken in 1992 against the change of use of land from agricultural use with ancillary farm shop to use for the following purposes: (1) distribution centre for turf, topsoil, fertilizer, hay & straw & potatoes, (2) use of buildings for storage of turf, topsoil, potatoes. The requirements of the Notice included the following: (i) cessation of the use of the land for the parking of heavy goods vehicles, tractors and trailers; (ii) cessation of the use of the land for the maintenance and servicing of heavy goods vehicles, tractors and trailers; (iii) cessation the use of the potato bagging machine; (iv) removal of hard standing (other than the accessway); (v) restore the surface of the site (other than the accessway); (vi) cessation of use of the site as a distribution centre; (vii) remove all pallets from the site.

3.10 95/01496: Planning application (retrospective) refused on 21 August 1995 for the retention of the exiting hard surface on the following ground: "The retention of the hardstanding would be inappropriate within the Green Belt, would be detrimental to the visual amenities of the area and would be contrary to Policies G.2 and EMP9 of the Unitary Development Plan."

3.11 The above application was allowed on appeal on 16 December 1996. In allowing the appeal, the Planning Inspector recognised the need for large vehicles to manoeuvre safely within the site space and prevent loading and unloading taking place on the highway, which would pose a road safety hazard. Whilst the Inspector acknowledged that the use of the area outside the storage building permitted in 1986 was controlled, the use of the building itself was unrestricted. In light of these conclusions, the Inspector concluded that very special circumstances existed to permit the additional area of hardstanding, and therefore justify such development in the Green Belt.

3.12 Application ref: 07/00607: Planning permission refused on 13 April 2007 for the installation of a 20m replica telegraph pole with shrouded antennas and 4 equipment cabinets on the grounds that:

1. The proposed phone mast and equipment cabinet would be obtrusive and highly prominent features in the street scene and would by virtue of its size and location within the Green Belt have a detrimental impact on the visual amenity of the area contrary to Policies G1, BE1 and BE22 of the Unitary Development Plan.
2. The proposal by virtue of its siting and appearance would contribute to an undue proliferation of street furniture in the area and would have a deleterious impact on the visual appearance and residential amenities of the locality thereby contrary to Policies BE1 and BE22 of the Unitary Development Plan.
3. The proposal would be harmful to the amenities of the area in general and constitutes inappropriate development in the Green Belt contrary to Policies G1 and BE22 of the Unitary Development Plan.

3.13 15/00802/FULL1 - Demolition of existing buildings at Potters Farm and Sea Cadets Magpie Hall Lane and erection of 2 part two storey, part 3 storey buildings to provide new sea cadet premises and parade ground together with 39 apartments; provision of 41 car parking spaces (including 7 for sea cadets), refuse and cycle stores and associated landscaping and tree planting. Application refused on 22nd June 2015 for the following reasons:

- 1 The proposal is considered to constitute inappropriate development which would have a substantially detrimental impact upon 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 contrary to Policy G1 of the Unitary Development Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework (2012).
- 2 The proposal would, by reason of its scale, mass, height, bulk and detailed design, represent an unacceptable level of development which would be detrimental to the open character and setting of the site within the streetscape and its contribution to the openness and character of the Green Belt. Furthermore, by virtue of the lack of suitable ground floor level entrances and amenity areas the proposal results in a poor level of activity, permeability and legibility to the serious detriment of securing high quality design and public realm. Consequently, the proposal fails to comply with the aims and objectives of the National Planning Policy Framework (2012) and Policies BE1, G1 and H7 of the Unitary Development Plan, Policies 7.1, 7.4, 7.5, 7.6 and 7.16 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
- 3 The proposal, by virtue of the access arrangements, failure of all units to meet London Plan minimum sizes and lack of sufficient private and communal amenity space fails to demonstrate that a high-quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore, it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access and internal layout. The proposal is

therefore contrary to Policies H7 and BE1 of the Unitary Development Plan, Policies 3.5, 7.1, 7.2, 7.4 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the National Planning Policy Framework (2012).

- 4 The energy statement as submitted is based on incorrect policy and as such falls short of the required savings contrary to Policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan.
- 5 The proposal would, in the absence of any evidence to demonstrate the unsuitability and non-viability of the site for Class B1, B2 or B8 uses, lead to the loss of an existing viable small business use contrary to Policy EMP5 of the Unitary Development Plan.

3.14 Subsequent planning appeal ref. APP/G5180/W/15/3129314 (Appendix 1) was dismissed on 13th April 2016. The Inspector identified that the proposed scheme would constitute inappropriate development in the Green Belt for the purposes of the Framework and would harm openness. In addition, the Inspector considered that the development would fail to provide acceptable living conditions for future occupants' and harm the availability of local employment sites. The Inspector concluded that no very special circumstances have been demonstrated to justify the development.

3.15 15/05147/FULL1 - Demolition of existing buildings and removal of existing yard area and other structures. Construction of 2 two bedroom and 5 three bedroom two storey terraced houses with 14 car parking spaces. Retention of existing open areas, new landscaping and tree planting. Application refused on 10th February 2016 for the following reasons:

3.16 Subsequent planning appeal ref. APP/G5180/W/16/3145669 (Appendix 2) was dismissed on 26th October 2016. In determining the appeal, the Planning Inspector concluded:

"I have found that the proposal would constitute inappropriate development that would conflict with national and local policy to protect the Green Belt, and this is a matter to which the Framework requires me to attach substantial weight. I have also found that the proposal would be harmful to the openness of the Green Belt. As openness is one of the most important attributes of the Green Belt, this constitutes substantial additional harm that further weighs against the proposals. In addition, I am unconvinced that that the proposal would not lead to the loss of an existing viable small business site and this is also a matter of moderate weight against the proposed development.

"I have though found, on balance, that the proposed development would result in a modest benefit to the character and appearance of the area and this is a matter of moderate weight in its favour. As explained, within the context of the Green Belt, the modest contribution the development would make to housing supply attracts only limited weight in favour of the proposal.

“In the final balance therefore, the considerations advanced in support of the proposals cannot be seen as sufficient to clearly outweigh the harm to the Green Belt that would arise as a result of the development. The very special circumstances necessary to justify the proposal do not therefore exist.”

3.17 16/03939/FULL1 - Demolition of existing buildings and removal of existing yard area and other structures. Construction of 2 two bedroom and 4 three bedroom two storey terraced houses with 12 car parking spaces. Landscaping, cycle store and refuse collection point. Application refused on 1st December 2016.

1 The proposal is considered to constitute inappropriate development which would have a substantially detrimental impact upon 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 contrary to Policy G1 of the Unitary Development Plan, Draft Policy 49 of the Proposed Submission Draft Local Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework.

2 The proposal would, by reason of its scale, mass, height, bulk represent an unacceptable level of development which would erode the wider openness of the Green Belt detrimental to the open character and setting of the site within the locality and its contribution to the character, openness and permanence of the Green Belt and safeguarding of the countryside from encroachment and unrestricted sprawl of large built-up areas contrary to Policy G1 of the Unitary Development Plan, Draft Policy 49 of the Proposed Submission Draft Local Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework.

3 The proposal would, in the absence of adequate and robust evidence to demonstrate the unsuitability and non-viability of the site for Class B1, B2 or B8 uses, lead to the loss of an existing viable small business use of the site contrary to Policy EMP5 of the Unitary Development Plan, Draft Policy 83 of the Proposed Submission Draft Local Plan and Policy 4.4 of the London Plan and the National Planning Policy Framework.

3.18 Subsequent appeal ref. APP/G5180/W/16/3165767 (Appendix 3) was dismissed on 24th July 2018. The Inspector concluded that the proposal would be inappropriate development in the Green Belt as defined by the Framework stating “The proposal would erode the openness of the Green Belt. As outlined above I give only limited weight to each material consideration cited to support the proposal and conclude that taken together they do not outweigh the harm that the scheme would cause. Consequently, I conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. For the reasons given above and having regard to all other matters raised I conclude that the scheme is not sustainable development for which the Framework indicates that there should be a presumption in favour and therefore the appeal should be dismissed”.

- 3.19 18/04265/FULL1 - Demolition of existing buildings and removal of existing yard area. Erection of 3 detached bungalows with car parking, landscaping and tree planting and provision of boundary fencing/railings. Application permitted on 18th February 2019.
- 3.20 16/05502/B8RES - Change of use of barn (B8 storage) to dwellinghouses (Class C3) to form 2 one bed units and 1 two bed unit (56 day application for prior approval for prior approval in respect of transport, highways, contamination, floor risk and noise under Class P, Schedule 2, Part 3 of the GPDO 2015). Prior approval granted on 18th January 2017.
- 3.21 17/01827/PLUD - Single storey detached warehouse building (Lawful Development Certificate for a proposed development under Class H, Part 7 of the General Permitted Development Order, 2015) - Proposed commercial use. Certificate issued on 11th July 2017.
- 3.22 18/04265/FULL1 - Demolition of existing buildings and removal of existing yard area. Erection of 3 detached bungalows with car parking, landscaping and tree planting and provision of boundary fencing/railings – Application permitted on 18th February 2019.
- 3.23 19/01505/FULL1 - Erection of two detached bungalows for social housing with car parking and landscaping. Application refused on 2nd July 2019 for the following reasons:
- 1 The proposal is considered to constitute inappropriate development which would cause substantial harm and have a detrimental impact on 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 contrary to Policy 49 of the Bromley Local Plan, Policy 7.16 of the London Plan and the provisions of the National Planning Policy Framework.
 - 2 No information has been provided to identify an affordable housing provider to operate the development for affordable housing in order for the LPA to ensure that the housing units will contribute to meeting an identified affordable housing need contrary to Policy 2 of the Bromley Local Plan and the National Planning Policy Framework.
- 3.24 Subsequent planning appeal ref. APP/G5180/W/19/3234830 (Appendix 4) was allowed on 18 March 2020. The Inspector concluded that the erection of two single storey bungalows (in addition to the previously granted three single storey bungalows) due to their limited scale and the proposed layout which included an open area of landscaped amenity space adjacent to the most prominent northern and western boundaries of the site, the site would continue to make a positive contribution to the transition between the built-up area and the wider Green Belt, albeit that this contribution would be diminished compared to the existing and permitted site layouts. The bungalows would generally be viewed against the backdrop of either the existing buildings or the approved housing development, and despite the reduction in openness and the suburban

character of the bungalows, in his view the proposal would not appear as significant unrestricted urban sprawl or encroachment into the countryside.

- 3.25 20/01561/FULL1 - Erection of a detached two bedroom bungalow for affordable housing with car parking and landscaping - application permitted on 25.09.2020.

4. CONSULATION SUMMARY

a) Statutory

- 4.1 **Greater London Authority (GLA) – Whilst the proposal is supported in principle, the application does not yet comply with the London Plan but the possible remedies, as set out in the GLAs full report, could address these deficiencies (a copy of the GLAs full report is attached at Appendix 5).**

Land use principles: Having met the exception at part two of Paragraph 149(g) of the NPPF, the proposed development is not considered inappropriate and therefore accords with London Plan Policy G2.

Affordable housing: The application is proposing 100% affordable housing and would qualify for the Fast Track Route provided that the final affordable tenure mix is considered acceptable by the Mayor and the Council.

Sustainable development and Environmental issues: Further information on renewable energy, energy costs, cooling and overheating, energy flexibility and heating infrastructure is required and a WLC assessment and circular economy statement must be submitted.

Urban design: Broadly supported; however, further information on residential quality, play space and fire safety is required.

Transport: A Healthy Streets assessment and ATZ must be provided and necessary improvements agreed; significant improvement to cycle parking design is needed and a reduction in car parking is sought; a link to the cycle lane and bus stops on Bromley Common is required; and, various transport-related plans, disabled persons' parking and EVCP secured by condition.

- 4.2 **TFL – Further information required (Comments received as part of the GLA Stage 1 response referred to above).**

Healthy Streets: All developments should support the Mayor's Healthy Streets approach by delivering improvements to support the ten Healthy Street indicators in line with Policy T2 of the London Plan. A Healthy Streets Assessment and Active Travel Zone should therefore be provided prior to the Mayor making his final decision on this application.

Walking and cycling: In line with the Mayor's Healthy Streets approach, modes of sustainable and active travel should be prioritised over vehicles. A pedestrian only access to the development from Turpington Lane is proposed;

however, its width should be increased to a minimum of two metres in line with TfL's Streetscape guidance. Notwithstanding, the applicant is encouraged to provide an additional access route for pedestrians and cyclists that links directly to Bromley Common. This would create a direct route to the Bromley Common cycle lane and bus stops. The installation of a raised table across the vehicular access to prioritise pedestrian movement is also recommended.

Vehicular access: In line with Vision Zero objectives, the Council is strongly encouraged to secure the removal of the on-street parking space nearest to the proposed vehicular access which would otherwise create a blind spot, especially given the nearby bus stop.

Parking: The proposed 32 long-stay cycle parking spaces are the minimum required by London Plan Policy T5. It is, however, unclear how this number could fit within the small store identified. Further detail should therefore be provided to demonstrate compliance with the London Cycling Design Standards (LCDS) as is required by Policy T5. In addition, at least two suitably designed and located short-stay cycle spaces are required.

A total of 12 car parking spaces, including two for disabled persons, is proposed. This is the maximum amount prescribed by London Plan Policy T6.1. However, a parking ratio of 0.75 is likely to result in the level of vehicular trips exceeding the Mayor's strategic mode shift target which for outer London Boroughs is for 75 percent of trips to be made via active and sustainable transport by 2041. As such a reduction in parking is sought.

In terms of electric vehicle charging points (EVCP), from the outset both of the disabled persons' spaces and 20 percent of general car parking spaces would be equipped with charging points. Whilst this meets the minimum requirements of Policy T6, it is recommended that all the parking spaces have active charging from the outset.

The disabled persons' parking and EVCP should be secured by condition along with a parking design and management plan. The Council should determine whether a permit-free agreement and on-street parking controls would be appropriate given the high car ownership in the area.

Trip generation: Although there are shortfalls within the submitted trip generation assessment, the development should not have a significant impact on the surrounding highway and public transport network.

Transport-related plans: A full delivery and servicing plan and a construction logistics plan should be secured by condition in line with London Plan Policy T7. These should be prepared in line with TfL guidance and provide detail on how the impact on the surrounding transport network will be minimised and adherence to the Mayor's Vision Zero approach. A travel plan should also be secured. It should contain targets that are at least in line with the Mayor's strategic mode shift target for outer London and in particular promote active travel.

4.3 Thames Water – no objection subject to conditions and informative.

b) Local groups – no representations

c) Adjoining Occupiers

Objections

- **Principle (addressed in section 6.1)**
 - Protection of the Green Belt and needs of the local community should be given priority over developer's greed
 - Unsuitable area for such development
 - Abuse and exploitation of the greenbelt
 - The amenity land of this property will be lost when the A21 is widened and converted to a dual carriageway.

- **Design (addressed in section 6.3)**
 - Overdevelopment of the site.
 - Hideous development.

- **Amenity (addressed in section 6.4)**
 - The drawings show that the existing 6ft fence to the front of the property would be replaced with a 1.2m high fence. This is not acceptable in terms of safety/security and safeguarding of both the cadets and the property. The cadets age from 12 years old and therefore their security and safety whilst on site is imperative.

- **Highways (addressed in sections 6.5)**
 - Increase in car parking stress on Turppington Lane and Brosse Way due to insufficient and inadequate off street car parking spaces provision.
 - Increase in traffic along Bromley Common and the impact it would have on safety of the children attending local schools.
 - The buses are to capacity and the A21 now has more frequent and longer traffic jams. Rat runs will require 20 mph speed limits and only those fit enough and brave enough to ride bicycles will be able to make any progress.
 - The plan proposes a turning circle/ garage area, in the event of an accident where a car was to lose control, the vehicle could cross boundary's and destroy the porta cabin on the adjoining site.

- **Environmental (addressed in sections 6.8 and 6.9)**
 - The impact of the additional traffic on pollution
 - The sewage system in the locality cannot cope with the existing properties let alone 16 more toilets and baths dumping waste into it
 - Noise and pollution from construction
 - Lack of information on waste water management. The current system will not be able to cope with the extra waste water and this could have serious implications for the Bromley Sea Cadet Unit.

- **Miscellaneous (addressed below)**
 - No permission has been granted to remove and replace the fence between the application sites and the Bromley Sea Cadet site. On the deeds for the Bromley Sea Cadet unit this boundary is the responsibility of any developer of the proposed land.

Officers' response: Party wall agreements and property deeds are civil matters and not material planning considerations.

Support

- The site has been derelict for over 7 years
- The commercial use created a lot of problems for local residents
- The permitted bungalows would be out of character
- The proposed block would fit well with the surroundings
- Improvements to the Turpington Lane through landscaping and planting
- Social housing permitted on Green Belt land
- Will address the housing need
- Current site harms the Green Belt

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

- 5.1 Section 38(5) states that 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].
- 5.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

National Policy Framework (NPPF) 2021.

- 5.3 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Practice Guidance (NPPG)

- 5.4 Relevant paragraphs are referred to in the main assessment The London Plan (March 2021).

The London Plan (2021)

- 5.5 The relevant policies are:

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- SD10 Strategic and local regeneration
- D1 London's form
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards

D7	Accessible housing
D11	Safety, securing and resilience to emergency
D14	Noise
H1	Increasing housing supply
H4	Delivery affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
H10	Housing size mix
S4	Play and informal recreation
HC1	Heritage conservation and growth
G2	London's Green Belt
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
SI-1	Improving air quality
SI-2	Minimising greenhouse gas emissions
SI-3	Energy infrastructure
SI-8	Waste capacity and net waste self-sufficiency
SI 13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy streets
T3	Transport capacity, connectivity and safeguarding
T4	Accessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential parking
T7	Deliveries, servicing and construction
DF1	Delivery of the plan and planning obligations
M1	Monitoring

Mayor Supplementary Guidance

5.6 The relevant SPGS are:

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context (2014)
- Accessible London: Achieving an Inclusive Environment (2014)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Housing (2016)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Sustainable Transport, Walking and Cycling, Urban Greening Factor LPG
- Air Quality Neutral and Air Quality Positive LPG
- Energy Assessment Guidance (2021)
- Accessible London: Achieving an Inclusive Environment (2014)
- The control of dust and emissions during construction and demolition (2014)

The new London Plan guidance provides further information about how the London Plan should be implemented. This includes the draft Fire Safety LPG and the recently adopted LPGs on Sustainable Transport, Walking and Cycling, Urban Greening Factor, Air Quality Neutral and Air Quality Positive.

Bromley Local Plan (2019)

5.7 Relevant policies are:

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 16 Bromley Common Renewal Area
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access to services for all
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 42 Development Adjacent to a Conservation Area
- 49 Green Belt
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 75 Hedgerows and Development
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon Reduction, Decentralised Energy Networks and Renewable Energy
- 125 Delivery and Implementation of the Local Plan

Bromley Supplementary Guidance

5.7 Relevant Guidance are:

- Urban Design Guide (2023)
- Planning Obligations (2022)

6. Assessment

6.1 Principle of Development – Unacceptable

6.1.1 The loss of the employment floorspace has been established as acceptable in the previously approved applications on the site.

Green Belt

6.1.2 The application site lies wholly within land that is designated as Green Belt in Bromley Council's Local Plan proposals map (2019). London Plan Policy G2 of the London Plan set out the overarching strategic priority to protect the Green Belt from inappropriate development.

6.1.3 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.

6.1.4 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.

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

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

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

6.1.7 Part of the application site is currently occupied by buildings and hardstanding and therefore meets the definition of previously developed land (PDL) as defined in the NPPF. The information contained in the Planning Statement submitted with the application indicates that the existing buildings on the site account for a combined footprint of 248sqm and the hardstanding totals 778sqm, equating to 1,026sqm of previously developed land (42.7%).

6.1.8 However, officers note that the extent of the PDL as identified on the Existing Site Layout drawing appears to be overestimated and inconsistent with the habitat map presented in the Appendix 1 of the Preliminary Ecological Appraisal (PEA) submitted (Fig. 4). Furthermore, the PEA advises that the survey of the site (undertaken in December 2020) revealed that the hardstanding had established a thin layer of soil in places permitting vegetation to grow. Up-to-date photographs of the application site undertaken during the most recent site visit on 20th July 2023 are shown below (Fig.5).

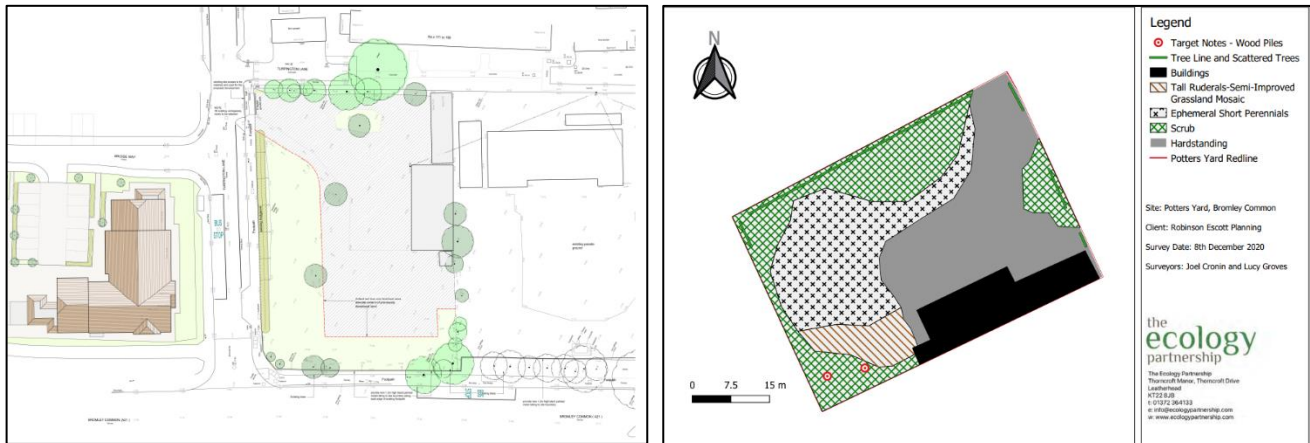


Fig.4. The extent of the PDL outlined and the Habitat Map.



Fig.5. Photographs of the application site.

6.1.9 Whilst the applicant's view is that the entire application site is classified as previously developed land (PDL) as defined in the NPPF, officers view is that less than a half of the application site area can be defined as a previously developed land and further to this, out of that part, some areas of the hardstanding should be considered as a 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time', thereby being excluded from the previously developed land in light of the NPPF classification. To this end, officers are of the opinion that the proposed scheme, as a whole, cannot be considered under the relevant NPPF exception covering the partial infill and complete redevelopment of previously developed land (149(g)) and must therefore, be considered as 'inappropriate development'.

6.1.10 In any event, any exception under paragraph 149(g) only applies subject to the proviso that the proposal would not have a greater impact on openness than the existing development (first strand) or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need

within the area of the local planning authority (second strand). These aspects are analysed in the subsequent paragraphs of this report.

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

- 6.1.11 The essential characteristics of Green Belts are their openness and their permanence. The National Planning Practice Guidance (NPPG) states that assessing the impact on openness is effectively a planning judgement based on the circumstances of a particular application. Drawing on case law, the NPPG also confirms that openness is capable of having both spatial and visual aspects and it may be relevant to assess both components, as well as other factors such as duration and remediability of a proposal and the degree of activity generated. Overall, the effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage.
- 6.1.12 The proposal involves the erection of a residential building and associated hardstanding and parking amounting to 1,423sqm. As such, the proposed quantum of developed land would result in a net increase of 397sqm, meaning that the developed area as proposed would represent 59% of the site, as opposed to the existing 43%.
- 6.1.13 Of the 1,423sqm quantum of developed land, the built form footprint (flatted block and refuse store) would account for 720sqm and other elements of the proposal would have an area of 703sqm. In result, the percentage of the developed land that would be covered with a built form would increase from 10% to 30%. To this end, the proposals would result in the increase in both the building footprint, as well as the developed area coverage.
- 6.1.14 The existing level of development within the boundaries of the application site is minimal. In terms of height, the proposed building would be 7.27m taller than building 1 and 6.91m taller than building 2 currently present on site.
- 6.1.15 In volumetric terms, the proposal would introduce around 6,139 cubic meters (nearly 600% increase over existing) of highly visible build form across the part of the site which is currently absent of buildings. The areas of unbuilt space would be located towards the rear of the proposed development and these open aspects would not be readily appreciable from within the streetscene where, despite the proposed landscaped strip along the A21 and Turpington Lane frontages, it would appear as an uninterrupted mass of development (Fig.6).



Fig. 6. CGI of the proposal as seen from the junction of Bromley Common and Turpington Lane.

6.1.16 Openness concerns freedom from built form, i.e., an absence of development. The introduction of a building of the proposed scale into an area of the site which, whilst (partially) previously developed, currently contains no built form above ground level and remains substantially open, would result in a significantly greater physical presence on the site and would have demonstrably greater impact on the openness of the Green Belt. This is expressed in both quantitative terms and contextually.

6.1.17 Notwithstanding the view of officers that parts of the proposed scheme will involve building on land which cannot be considered as previously developed land, in this instance, the proposal would also erode the openness of the Green Belt in both visual and spatial terms. Therefore, the scheme does not meet the first strand of the exception under Paragraph 149(g) of the NPPF.

6.1.18 The second strand of 149(g) refers to development on the previously developed land which would meet an identified affordable housing need within the area of the local planning authority.

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

6.1.19 Again, noting that parts of the proposed development would involve building on land which officers do not consider is previously developed, officers accept that there is a shortfall in the provision of affordable housing and consequently it is also accepted that there is a clearly defined borough-wide need for such. The proposal would deliver 16 affordable dwellings, and this would, as required by paragraph 149(g), 'contribute to meeting' an identified affordable housing need within the borough.

6.1.20 As affordable housing is proposed which would meet an identified housing need, the development proposals which are on previously developed parts of the site may be considered 'not inappropriate' as defined by the NPPF. The remaining limb of the NPPF exception at paragraph 149 (g) is therefore relevant, however, this is conditional upon the development not causing substantial harm to the openness of the Green Belt. Whether substantial harm would result is a matter of judgement, based on an assessment of the severity of this change.

6.1.21 The application site is situated in a prominent location and is readily visible from nearby dwellings as well as the busy highway of the A21. The site (highlighted by the green marker in fig.7) sits on the edge of the Green Belt and to the immediate north and east are residential buildings similar in height to the proposal.



Fig. 7. Location of the site in the Green Belt context.

6.1.22 Despite the existing buildings on the site and hard surfacing, it has an open character and contributes to the openness of the Green Belt. It forms a perceptible continuation of the less developed Green Belt which stretches from the south and south-east and west and represents a clearly defined and recognisable boundary to the relatively dense flatted development to the east and north.

6.1.23 The recent appeal decision relating to the application site under planning permission 19/01505/FULL1 (Appendix 4) is a material consideration in judging the extent of harm to openness (as are the other appeal decisions – See Planning History section). The Inspector observed that the site contributes to the important transition between the built-up area extending to the north and east of the site, and the openness of the wider Green Belt, both in terms of the site itself and in combination with the limited scale of built development on the adjacent Sea Cadet site. Beyond, the playing field associated with a school provides green open space on the other side of Magpie Hall Lane.

- 6.1.24 The Inspector noted that the site is of a separate character to the wider Green Belt due to the self-contained and previously developed nature of the compound as well as the visual context established by nearby built development and the demarcation arising from highways, particularly the A21.
- 6.1.25 In this light, he concluded that the appeal scheme for the erection of two single storey bungalows (in addition to the previously granted three single storey bungalows) due to their limited scale and the proposed layout which included an open area of landscaped amenity space adjacent to the most prominent northern and western boundaries of the site, the site would continue to make a positive contribution to the transition between the built-up area and the wider Green Belt, albeit that this contribution would be diminished compared to the existing and permitted site layouts. The bungalows would generally be viewed against the backdrop of either the existing buildings or the approved housing development, and despite the reduction in openness and the suburban character of the bungalows, in his view the proposal would not appear as significant unrestricted urban sprawl or encroachment into the countryside.
- 6.1.26 Officers acknowledge that the application site benefits from extant consents for 6 bungalows and accept this fallback position constitutes a material consideration in assessment of this application. In this instance, the permitted dwellings, due to their limited scale and the proposed layout, were considered to allow the site to continue to make a positive contribution to the transition between the built-up area and the wider Green Belt.
- 6.1.27 To the contrary, the proposed development would involve substantial part two/part three storey building which would occupy part of historically undeveloped area of the site and would sit closer to the A21 than the existing and permitted development (fallback position). Given the visually prominent and significant increase in volumetric presence of the build form on the site, as well as the character of the flatted block, the building would appear as an urban form more akin to the neighbouring residential development as opposed to open Green Belt land. This would be markedly different to the current situation whereby vast majority of the site is not occupied by any buildings. The proposal would be perceived as a continuation of the dense residential development of the Blue Circle scheme (Fig.8).



Fig. 8. CGI of the proposal as seen from the junction of Bromley Common.

6.1.28 The applicants acknowledge in paragraph 7.10 of their Planning Statement that “...the current scheme would undoubtedly result in a development of greater scale and result in a greater degree of visual change than the permitted schemes...”.

6.1.29 Although the urban context surrounding the site is acknowledged, this does not alter the Green Belt designation of the site and the need to maintain the Green Belt’s characteristics of openness and permanence. The site is a contributor to the openness of the Green Belt, both in terms of the site itself and in respect of the transition it provides between the undeveloped Green Belt and the dense built-up area beyond.

6.1.30 With the proposed building, the site would no longer make this positive contribution when compared to the existing condition or the permitted housing/bungalow development (fallback). The proposal would effectively turn the largely open site that limits the extent of the urban area, into an extension of the surrounding built-up area. The erosion of openness and the urban character of the proposed development would demonstrably lead to a permanent, urbanising effect.

6.1.31 For this reason, officers do not agree with the conclusion of the GLA within their Stage 1 Report for this application, that the proposal would not cause substantial harm to the openness of the Green Belt.

6.1.32 As such, due to the scale and layout of the proposal it is considered that the harm in respect of openness would be significant and irreversible. The proposal would therefore result in ‘substantial harm’ to the openness of the Green Belt as is referred to in paragraph 149(g) of the Framework. Although the site is not undeveloped countryside, the proposal would undermine the defined purpose

of the Green Belt to prevent urban sprawl by keeping land permanently open and this would be in conflict with the Green Belt's essential characteristics of openness and permanence. On that basis officers conclude that the proposal would be inappropriate development in the Green Belt under the second strand of Paragraph 149(g) of the Framework.

Whether the proposal would comprise appropriate development in the Green Belt having regard to the provisions of paragraph 149(f)

6.1.33 With regards to paragraph 149(f) of the Framework, this refers to limited affordable housing for local community needs under policies set out in the development plan. The fifth bullet point of Policy 49 of the Local Plan also refers to the construction of limited affordable housing for local community needs in the Green Belt, under policies set out in the Local Plan.

6.1.34 Whilst considering the applicability of this exception under the costs appeal ref. APP/G5180/W/19/3234830 (full decision attached at Appendix 6), it has been established that as the Local Plan does not contain policies which allow for the provision of affordable housing in the Green Belt, such as rural exception sites, the fifth bullet point of Policy 49 has no practical effect in respect of such proposals, which in turn means that the exception at 149(f) cannot be engaged. Whilst that may not have been the intention, when read objectively that is what the Policy leads to.

Very special circumstances

6.1.35 Paragraph 148 of the NPPF advises that substantial weight should be given to any harm to the Green Belt. It adds that very special circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

6.1.36 The following arguments asserting very special circumstances have been set out in the Planning, Design and Access Statement submitted in support of the proposal:

- the supply of housing and its contribution to meeting affordable need (which the applicant considers to have very substantial weight);
- visual enhancement benefits provided by the scheme (which the applicant considers to have substantial weight); and
- the fact that the site is brought into a viable long-term use and termination of the commercial use (which the applicant considers to have moderate weight).

The supply of housing

6.1.37 The current Five Year Housing Land Supply (period of 2021/22 – 2025/26) position was agreed at Development Control Committee on 2nd November 2021. 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. It is noted that the trajectory assumes the new London Plan target of 774 units per annum applies from FY 2020/21.

6.1.38 According to paragraph 11(d) of the NPPF in the absence of a 5 year housing land supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. For decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [7]; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.1.39 With regard to housing supply, paragraph 11(d)(i) needs to be read with the footnote [7] which lists relevant policies in the NPPF including those relating to land designated as Green Belt.

6.1.40 Consequently, notwithstanding the absence of a five year supply of housing and the diminution of weight afforded to Local Plan Policy 1, Paragraph 11(d) limb (i) prioritises the application of "Footnote 7" policies for the protection of the relevant "areas or assets of particular importance", and where the application of those policies produces a clear reason for refusal there is no role for 11(d)(ii). In such circumstance, the presumption in favour of the development that might otherwise exist (tilted balance) is effectively disapplied.

6.1.41 Further to this, the applicant cites the Dylon appeal which gave very substantial weight to housing supply. Officers acknowledge that the Dylon scheme comprised a delivery of 151 units, almost 10 times as many as proposed under this current application. Notably, however, the Dylon site is within Metropolitan Open Land and the tilted balance in paragraph 11(d) was therefore applied. The Dylon scheme also included the provision of a new public park, which was also afforded significant weight by the Inspector. The nature of and the circumstances of this application are therefore considered to be different to the Appeal cases referred to.

6.1.42 With regard to the affordable housing element, a delivery of a policy compliant threshold and tenure would not comprise very special circumstances. In this instance, the level of affordable housing provision (100%) exceeds the policy compliant threshold, however, the priority need for affordable rented accommodation has not been addressed in the proposal, which is intended for either intermediate housing (shared ownership) or discounted market sale (DMS).

6.1.43 The affordable housing need within the borough is greatest for social-rent and affordable rent tenures. In terms of intermediate housing the borough seeks to ensure proposed products meet definitions in the Local Plan and London Plan. DMS housing is an affordable housing product as per the NPPF but would not

be considered to meet the definition of genuinely affordable housing as per London Plan Policies H4 and H6 and the London Housing Strategy. It would therefore only attract limited weight in terms of affordable housing delivery.

6.1.44 In any case, weight can only be given to the guaranteed provision which needs to be secured in the legal agreement. In this instance, the applicant remains non-committal in respect of the tenure proposed meaning that no such agreement can be secured. This is further commented on in the Housing section of this report.

Visual enhancement

6.1.45 Allowing a site to become derelict and unattractive in appearance does not represent justification for a development in a location that would otherwise be unacceptable. Supporting text to Policy G2 of the London Plan acknowledges that despite being open in character, some parts of the Green Belt do not provide significant benefits to Londoners as they have become derelict and unsightly. It goes on to state that 'this is not, however, an acceptable reason to allow development to take place. These derelict sites may be making positive contributions to biodiversity, flood prevention, and climate resilience'. The acceptability of the scheme is defined by the impact on openness. The current condition does not alter the openness of the Green Belt to the extent the proposed building would.

6.1.46 In any case, it is considered that improvements to the landscaping and appearance of the site would be an expectation, rather than a justification, of any major development. This is not considered to represent very special circumstances.

Securing a viable long-term future for the site and cessation of the commercial fallback.

6.1.47 Green Belt is an entirely different context to e.g. a vacant town centre site. Bringing the latter back into use has cumulative benefits for the centre, which is not the case in relation to a designated Green Belt land. Green Belt sites are often unused, which can support the fundamental purpose and characteristic for the designation itself, i.e. to protect openness.

6.1.48 In this instance, the site benefits from the extant planning permission(s) for a residential use, which is assumed to be an intention to cease the commercial use. Given this fallback position, it is not considered that this would amount to a very special circumstance.

Conclusions on Very Special Circumstances and Green Belt Balance

6.1.49 For the reasons set out in the previous sections of this report officers conclude that the proposal would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. Officers consider that the nature of the harm that would arise in this regard would result from the conflict with the Green Belt purpose of preventing urban sprawl by keeping land permanently

open. Consistent with paragraph 148 of the Framework, substantial weight is attached to this harm. In addition, officers concluded that the harm to openness would be caused to a substantial degree in both spatial and visual terms. This further weighs against the proposal.

6.1.50 In terms of the supply of housing, “Footnote 7” of the Framework makes it clear that land designated as Green Belt is one example of a specific policy in the Framework which indicates that development should be restricted. Given the harm to the Green Belt identified in this proposal, the decision taking criteria set out in paragraph 11 are not engaged, regardless of the five year housing land supply position. Further to this, the application does not propose a significant quantum of dwellings. Therefore, bearing in mind the moderate contribution that would be made by the 16 units proposed, the provision of housing would not attract very substantial weight when assessed against the substantial weight given to the harm to the Green Belt by virtue of the inappropriate development and other harm.

6.1.51 The contribution towards meeting affordable housing needs could add more substantial weight in support of the proposal, however, the lack of clarity on what is proposed and what can be secured in the s106 agreement diminishes the weight that could be otherwise attributed, if a high percentage of genuinely affordable housing was secured.

6.1.52 Securing a viable long-term future for the site and cessation of the commercial use cannot attract any weight given the fallback position.

6.1.53 In the final balance, therefore, the considerations advanced in favour of the proposal cannot be seen as sufficient to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, openness and purposes of the Green Belt, and any other harm. Consequently, when applying the Green Belt balance, officers conclude that the very special circumstances necessary to justify the development have not been demonstrated.

6.2 Housing – Unacceptable

6.2.1 Policy H1 of the London Plan, in seeking to increase the supply of housing in London, sets borough housing targets and allocates to the London Borough of Bromley a target of 7,740 for the period 2019/20 to 2028/29. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

6.2.2 The application proposes 16 affordable units on a partially previously developed site that falls within Metropolitan Green Belt land. The NPPF makes it clear that development in the Green Belt should be allowed only in exceptional circumstances which have not been demonstrated in this case.

Affordable Housing

- 6.2.3 Policy H4 of the London Plan 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). 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.
- 6.2.4 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.
- 6.2.5 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 and have sought grant to increase the level of affordable housing.”
- 6.2.6 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).
- 6.2.7 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). Policy 2 of the Bromley Local Plan prescribes a tenure mix of 60% social rent/affordable rent and 40% intermediate homes.
- 6.2.8 As set out in London Plan Policy H5D, schemes delivering 75% or more affordable housing may follow the Fast Track Route whatever the tenure mix, if this is acceptable to the borough or the Mayor where relevant.
- 6.2.9 The scheme proposes 100% affordable housing. While the planning statement submitted is silent on tenure, the application form suggests ‘social, affordable or intermediate rent’ units would be provided. Given this lack of clarity, the

applicants were requested to confirm the actual intended tenure to allow for proper determination of the application. In their letter dated 8th June 2022 the applicants advise they propose “either or”:

- 16 “any tenure” affordable units in association with our development partner Clarion or
- 16 discount market sale (DMS) housing units based on the Pocket living model.

6.2.10 As the proposed tenure is not policy compliant, the application cannot benefit from the Fast Track route and must follow the Viability Tested Route. In line with the requirements of London Plan Policy H5, the applicants were requested to submit a Financial Viability Assessment (FVA).

Financial Viability Assessment

6.2.11 The viability report provided prepared by BNP Paribas (BNPP) (August 2022) looks at shared ownership units only and indicates a deficit of c. -£186,000. This level of deficit was considered acceptable to the applicant at that time. BNPP did not test a reduced affordable provision in line with the plan target of 35% and required tenure mix of 60/40 affordable rent/intermediate tenure.

6.2.12 BNPP’s report has been assessed by an independent consultant appointed by the Council (BPS) who concluded that a scheme with 100% shared ownership units would generate a surplus of c. £635,447 which could be used as contribution towards additional affordable housing. Given a lack of agreement between the viability consultants, the final viability position has not been finalised.

6.2.13 In the light of the above, officers advised that further sensitivity testing should be undertaken in order to assess whether there is any capacity for preferable tenure (social rent), in order to demonstrate that priority need for affordable rented accommodation is appropriately addressed. When testing a 60/40 tenure split between affordable rent and shared ownership it is reasonable to test overall provision not exceeding the plan policy requirement of 35% provision. This would be the maximum overall affordable housing provision the Council could seek and therefore the alternative option to the scheme as proposed. The applicants were asked for the confirmation that they agree to cover the cost of the additional viability work; however, they did not agree.

Further sensitivity testing

6.2.14 On officers’ request, BPS have retested the scheme with the provision of affordable housing at a policy compliant threshold level. Their appraisal shows that a 35% provision with a tenure split of 60% London Affordable Rent (LAR) and 40% Shared Ownership (SO), produces a deficit of c. -£70k, which is less than the -£186,000 deficit outlined by BNPP in their original FVA.

6.2.15 Subsequently, BPS have tested the scheme at 35% provision amending the tenure split to 50:50 (3 Shared Ownership units and 3 LAR units). The results of this appraisal indicate a small surplus of c. £46k and this would be the

maximum level of affordable housing and optimum tenure split that could be delivered leaving the scheme technically viable.

6.2.16 Officers appreciate that if this is to be agreed, there could generally be limited Registered Provider interest for a very limited number of affordable rent properties as such on-site provision with this mix and quantum could prove difficult.

6.2.17 Clarion Housing Group are joint applicants and whilst it can be presumed that they would manage the affordable housing proposed, it has not been confirmed that Clarion Housing Group would be willing to take the site forward developed as 16 shared ownership units as this would fall below the normal threshold that they would consider taking-on. However, it was also advised that they have a sizeable amount of housing stock in the immediate area, and this is why a final decision as to tenure was awaited.

6.2.18 Weight can only be given to the guaranteed provision of affordable housing which needs to be secured in the legal agreement. In this instance Clarion have been unable to confirm that they would be willing to take the site forward as 16 shared ownership units, therefore, no such agreement can be secured. To this end, officers asked for the confirmation that only shared ownership model is being pursued. However, despite numerous requests for clarification, the applicant has been unwilling to confirm which of the alternative tenure models intended would be pursued. In the email from Robinson Escott dated 20th July 2023, the applicant states that they agree, in principle, to: “16 units in intermediate housing tenure to include discounted market sales” as a head of term within any S106 legal agreement entered into. This demonstrates reluctance from the applicant to commit to a particular affordable housing tenure.

Discounted market sale (DMS) housing

6.2.19 Notwithstanding the above, it needs to be reiterated that the applicants’ viability report considers shared ownership tenure only. Officers acknowledge that the discounted market sales housing (DMS), albeit classified as Affordable Housing in Annex 2 of the NPPF Glossary, is not considered as genuinely affordable tenure in the London Plan and would be generally unaffordable to most of the highest need customers on Bromley’s housing register. It would therefore only attract limited weight in terms of affordable housing delivery.

6.2.20 In terms of viability, the DMS provision might actually provide greater financial surplus, therefore should be subjected to an alternative financial viability appraisal.

Grant

6.2.21 Policy H5 C of the London Plan requires schemes to demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 and have sought grant to increase the level of affordable housing

6.2.22 Despite the scheme proposing 100% affordable housing, a grant could be utilised to increase amount of priority tenures. Whilst Clarion Housing Group are joint applicants, and it is therefore expected that grant funding could be accessed, as discussed, it has not been confirmed that Clarion Housing Group would be willing to take the site forward. No other evidence of grant funding being sought has been provided in the application and no clarification has been offered in response to officers' queries, thereby making the proposal contrary to the policy requirements.

Fallback position

6.2.23 Officers acknowledge that the extant consents for 6 bungalows (19/01505/FULL1 and 20/01561/FULL1 respectively) include the delivery of 3 affordable units, as secured by unilateral undertakings.

6.2.24 The applicants argue that the fallback position would provide only 3 units in shared ownership tenure as opposed to 16 shared ownership units. This is technically incorrect as whilst the undertakings are clear in respect of the requirement to transfer the units to a registered provider, the usual clauses defining tenure of affordable housing have not been included. Therefore, in practice, there seems to be no legal mechanism that would ensure a delivery of such tenure.

6.2.25 Further to this, this argument would only be relevant if the applicants were committing to the delivery of shared ownership rather than insisting on keeping the discounted market sale housing as an alternative option. Noting the need to address the lack of social rented provision, delivery of shared ownership housing would attract more weight than DMS, as it is more genuinely affordable product that is accessible to a wider range of people as the deposit requirements are significantly less than DMS.

Conclusion

6.2.26 Overall, given the lack of clarity to the affordable housing provision and given the viability aspects of the proposed development remain unresolved, it has not been demonstrated that the proposal maximises affordable housing provision and the application fails to meet requirements of Policy H4, H5 and H6 of the London Plan and Policy 2 of the BLP, and should be refused on this basis.

Housing mix

6.2.27 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need.

6.2.28 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis.

6.2.29 The application proposes 9 x 1 bed and 7 x 2 bed units. It is considered that the proposal provides an acceptable range of housing unit sizes and would be compliant with Policy 1 of the Bromley Local Plan in this respect.

Housing Quality and Standards

Internal Amenity

6.2.30 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.

6.2.31 The proposed development has been designed to ensure that all units achieve or exceed the London Plan and Mayor's Housing SPG minimum internal space standards and each unit at second floor would have a floor to ceiling height of at least 2.5 metres for at least 75% of the internal area. The revised 2nd floor layout complies with the requirement for 75% of the apartment floor area to be at full height (i.e. 2.5m).

6.2.32 The proposed layout of the building and individual dwellings means that windows serving habitable rooms would generally not be enclosed by adjacent parts of the development. The units are considered to benefit from adequate privacy and daylighting conditions.

6.2.33 A more genuine attempt should have been made to increase the number of dual aspect units; officers also note that 2 of the units would be single aspect north facing (flats 7 and 13). These units would have an internal floor area exceeding the minimal thresholds, therefore, on balance, no objections are raised.

6.2.34 It is noted that the GLA officers consider that ground floor dwellings should have private entrances, accessed directly from the public realm. In this instance ground floor level Flat 1 and Flat 2 would be accessed externally leaving Flat 7 as the only unit accessed internally within the northern wing. Whilst this arrangement is not conducive to social integration and would do little to foster a sense of community for future residents, it is not considered that it could form a sufficient reason for refusal.

Private outdoor space

6.2.35 Policy D6 of the London Plan and Standards 26 and 27 of the Mayor's Housing SPG requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

6.2.36 All of the units would have private amenity space either in the form of ground floor patios or balconies which would all meet the minimum size requirements for private amenity space.

6.2.37 In addition to that, the 'L' shaped layout creates a well screened semi-enclosed communal amenity space which would benefit from a southern aspect and a more private/less public feel.

Children play space

6.2.38 In accordance with Policy S4 of the London Plan, development proposals that include housing should provide play space for children based on the short and long-term needs of the expected child population generated by the scheme.

6.2.39 The Mayoral SPG states that on-site play space should be provided within new development resulting a child yield of greater than ten children. The SPG advises that whilst 5-11 year olds could walk 400 m to access play, provisions for under 5s should be made within 100m of their homes (doorstep play).

6.2.40 Based on the proposed housing mix and tenure, and the site's predominant PTAL level of 3, the estimated child yield of this proposal would be around 3.5 children. This gives rise to a total child play space requirement of approximately 35sqm, of which at least 20sqm should be allocated for a doorstep play for under 5's.

6.2.41 A provision of a shared amenity area with a child play space has been shown on the proposed site layout drawing, demonstrating that the required quantum can be provided on-site. It is also considered that incidental play opportunities could be presented within the remaining shared amenity spaces across the site.

6.2.42 Overall, officers consider that the proposal is able to deliver a play space provision of sufficient capacity to ensure that children living in the development would be adequately catered for. However, details of play equipment and its maintenance would need to be secured through planning condition to ensure it would be genuinely playable and of good quality.

6.3 Urban Design – Acceptable

6.3.1 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.

Layout

6.3.2 Notwithstanding the harm to the green belt identified, the development proposal for a flatted block is considered acceptable in principle subject to detailed design considerations. The revised scheme would visually continue and terminate the existing ribbon of development fronting Bromley Common, mark the junction, and activate the street frontage of Turpington Lane.

6.3.3 The revised layout responds to the established building line to the north and addresses both Bromley Common and Turpington Lane with a reconfigured L-shape building form. This realignment creates a good quality communal amenity space with southern aspect and a more private feel. Additional changes made which include a reduction in the number of car parking spaces proposed, the introduction of designated pedestrian footpaths, and the creation of defensible space separating ground floor private amenity areas from communal access paths (in the form of hedge planting) are welcomed.

Scale and Massing, Architecture

6.3.4 The proposed part 2 storey/part 3 storey building is considered acceptable given the scale of the immediate surrounding context i.e. 3 storey flatted blocks to the north and east.

6.3.5 The traditional style architecture largely seeks to replicate the local vernacular, notably the neighbouring buildings to the north of the site featuring prominent front facing gables, clipped hip roofs and pitch roof dormers.

6.3.6 The building would not appear out of keeping within this context and is broadly sympathetic to the character and appearance of the surrounding area particularly the ribbon of development fronting Bromley Common.

6.3.7 Whilst the design approach is relatively restrained, the scale of the building would be prominent. As such the quality of materials and architectural detailing would be particularly important, i.e. brick finish, brickwork detailing, timber/aluminium framed windows and would need to be secured by condition, should consent be granted.

Landscape

6.3.8 The retention of the existing trees on site is welcomed. The proposed boundary treatment fronting Bromley Common and Turpington Lane (1.2 metre railings and planted hedgerows) are considered to be acceptable and appropriate in this context.

6.3.9 In the event of granting approval, a revised Landscape Plan should be required to accompany the Planting Plan submitted, and should include details of surface treatments (i.e. permeable paving), seating/furniture, external lighting and play space provision.

6.3.10 Overall, the proposal, with its materiality, height and massing, would respond satisfactorily to the surrounding residential development to the north.

Heritage

6.3.11 Opposite the site is the Bromley Common Conservation Area. Officers are satisfied that the proposal would not adversely affect the setting of the Conservation Area. As such, the proposal satisfies Policy 42 of the Local Plan

which seeks development proposals adjacent to a Conservation Area to preserve or enhance its setting and not detract from view into or out of the area.

Fire Safety

6.3.12 The proposed building would consist of one single staircase core. The core would serve ground plus two storeys with a top floor being less than 11m high, therefore would not be classified as a relevant building (18m or more in height, or 7 or more storeys whichever is reached first) as prescribed by the Health and Safety Executive's (HSE) Planning Gateway One regulations. The building would also fall below the minimum height threshold requiring the provision of two staircases.

6.3.13 The application is accompanied by a Fire Statement (in accordance with Policy D12 of the London Plan) providing details of the proposed emergency access, means of escape and how the building has been designed to comply with fire requirements.

6.3.14 LBB Building Control was consulted and confirmed that the fire statement submitted is acceptable. Compliance to the fire statement will be conditioned however, compliance with the Building Regulations will still be required at the appropriate stage of the development.

Designing out Crime

6.3.15 London Plan Policy D3 states that measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by Local Plan Policy 37(h) (General Design).

6.3.16 Designing out Crime Officer confirmed that Secure by Design (SbD) is achievable on site. As such, a requirement for a Secure by Design accreditation would be included within planning conditions, should the permission be granted.

6.4 Neighbouring Amenity - Acceptable

6.4.1 Local Policy 37 requires all development proposals to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

6.4.2 Given the sitting and scale of the proposed building, it is considered that the proposal would not compromise the amenities currently enjoyed by the surrounding residential properties.

6.4.3 Concerns were received to the 1.2 metres high fence proposed for the southern boundary on the grounds of undermining safety/security and safeguarding of both the cadets and the adjoining Sea Cadets building. In response to this issue, the applicants confirmed that they have no objections to erecting a new fence on this boundary at an appropriate height and they asked for this matter to be dealt with by way of the normal boundary and enclosures condition. In officers view, subject to an appropriate boundary treatment the potential adverse impact on safeguarding would be satisfactorily addressed.

6.5 Transport and Highway Matters - Acceptable

Access

6.5.1 Vehicular access would continue to be taken from Turpington Lane at the northeast boundary of the site. Similarly, no change to the approved pedestrian access arrangement is proposed and as such, pedestrian access would be taken from Turpington Lane. This is not objectionable.

Car Parking

6.5.2 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. The site has a PTAL rating of 2-3.

6.5.3 The development would be served by 12 car parking spaces, including 2 accessible spaces, at a ratio of 0.7 space per dwelling. All car parking spaces would be provided with active Electric Vehicle Charging Points.

6.5.4 It is noted that TfL raised concerns that a parking ratio of 0.75 is likely to result in the level of vehicular trips exceeding the Mayor's strategic mode shift target which for outer London Boroughs is for 75 percent of trips to be made via active and sustainable transport by 2041. Notwithstanding, the proposed car parking provision does not exceed the maximum parking standard as set out in the London Plan based on the unit size mix proposed and site's PTAL, therefore no objection is raised in this regard.

6.5.5 Allocation of Blue Badge parking should be managed through a Parking Management Plan which would be secured through a planning condition in the event of granting approval.

Trip generation

6.5.6 The proposal would likely generate in the order to 16 two-way person trips during the morning peak hour and 10 two-way person trips during the evening peak hour, meaning that the current scheme could result in 7 additional person trips during the morning peak hour and 4 additional person trips during the evening peak hour when compared with the fallback position (6 dwellings). It is considered that these trips would not result in a material and adverse impact on the surrounding transport network.

6.5.7 On the basis of the above, no further consideration of the effect of the development proposals on the local transport network is considered necessary. A Travel Plan would be imposed on any approval in order to further promote sustainable transport modes amongst residents and visitors to and from the site.

Cycle parking

6.5.8 The development proposals include the provision of 32 long stay cycle parking spaces within a secure, lockable cycle store located at the northeast boundary of the proposed building containing double stack racks. Further 2 short-stay cycle spaces in the form of Sheffield stands are proposed to be located near the main entrance to the building.

6.5.9 This provision represents the minimum required by London Plan; however, it is unclear how this number of cycles would be able to fit given the dimensions of the store proposed. In the event of granting permission, further detail would need to be secured via condition to demonstrate compliance with the London Cycling Design Standards (LCDS) as is required by Policy T5.

Servicing

6.5.10 Servicing and refuse collection would continue to be undertaken on street on Turpington Road, as per approach outlined within the previously consented scheme. A dedicated bin store would be provided for residents and would be located at the northeast boundary of the site to minimise carry distance for both residents and refuse collection operatives.

6.5.11 The Council's Waste Services were consulted and confirmed that in terms of capacity the proposed provision is generally acceptable, however concerns were raised to the location the Refuse Collection Vehicle (RCV) would be stationed for collection, given the proximity to a bus stop and a road junction, and the potential risk of overtaking. The Council's highway division has raised no objection to this element of the proposal. To this end officers, although mindful of such potential risk, do not consider that it can be demonstrated that an unacceptable impact on highway safety would result.

6.5.12 No details setting out measures relating to the demolition and construction process for the site were submitted for consideration, therefore a condition requiring submission of a Construction and Environmental Management Plan prior to commencement of development would need to be secured in any approval.

6.6 Green infrastructure and Natural Environment - Acceptable

Trees and Urban Greening

6.6.1 Policy G5 of the London Plan states 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.

- 6.6.2 London Plan Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.
- 6.6.3 At a local level, Policy 73 (Development and Trees) of the LBB Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 6.6.4 London Plan Policy G5 emphasises the importance of urban greening in development. Acceptable urban greening features include street trees, green roofs, green walls, rain gardens and hedgerows. Predominantly residential developments should have a score of 0.4.
- 6.6.5 The scattered trees and tree line would be retained. The greening strategy proposed for the development results in an urban greening factor (UGF) score of 0.60, which is supported.

Biodiversity

- 6.6.6 Policy G6 of the London Plan makes clear that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain, informed by the best available ecological information and addressed from the start of the development process.
- 6.6.7 The Preliminary Ecological Appraisal (PEA) prepared by the Ecology Partnership demonstrates that the site is not designated for its nature or conservation value and does not lie adjacent to any statutory sites. There are no internationally designated sites within 10km of the site. Jubilee Country Park (LNR) is located approximately 1.3km north east of the site. The site is also located approximately 1.2km from Crofton Woods (SSSI) and approximately 1.9km from Keston and Hayes Common (SSSI) and lies within the zones of influence for these sites.
- 6.6.8 There are a number of priority habitats within 2km of the site including deciduous woodland located approximately 85m from the site, traditional orchards approximately 300m from the site, ancient and semi-natural woodland approximately 520m from the site and ancient replanted woodland approximately 780m from the site. The PEA states that the desktop study undertaken revealed that whilst no European Protected Species (EPS) licences were granted within 2km of the site boundary, a small number of bat EPS licences were located just outside the 2km search area.
- 6.6.9 The site consists primarily of hard standing and ephemeral short perennials with areas of scrub, tall ruderals/semi-improved grassland mosaic, scattered

trees and a tree line around the site edges. The habitats on site were considered to have potential for supporting reptiles and nesting birds, some foraging and commuting bats but 'negligible' potential to support roosting bats. The site is not considered to support suitable habitats for GCN, badgers, dormice, otters or water voles.

Reptiles

6.6.10 In terms of reptiles, the PEA advises that small areas of on-site habitat are suitable for reptile species (the scrub and tall ruderals/semi-improved grassland mosaic areas), but these areas are limited in their extents and being largely surrounded by residential development, have limited connectivity to other suitable habitat areas. Consequently, it is considered that a full reptile survey was not required, however, it is recommended that the areas of suitable habitat are subject to sensitive clearance as a precaution should clearance be required.

Birds

6.6.11 Birds are likely to use the trees and scrub on site for breeding. It is recommended that any vegetation clearance is undertaken outside the breeding bird season (March-September inclusive) or immediately after a nesting bird check by a suitably qualified ecologist. If an active nest is identified, works in the vicinity of the nest must cease until the birds have fledged the nest.

Bats

6.6.12 The scattered trees, tree line and scrub areas offer some foraging and commuting opportunities for bats. However, these areas are limited in their extents and are understood to be largely retained within the proposals, therefore no further surveys are recommended in the PEA.

Site Enhancements

6.6.13 Recommendations for enhancements have been made within the PEA, aimed at improving the ecological value of the site and providing a net gain in biodiversity post-development, including:

- installation of bat boxes on retained mature boundary trees or the proposed building (recommended boxes include Schwegler bird nest boxes or other similar woodcrete bird nest boxes),
- use of sensitive lighting,
- precautionary site clearance,
- enhancement planting along the boundaries using native species,
- maintenance of the scattered and tree line as darkened flight paths/sections.

6.6.14 Other potential enhancements included new shrub and herb planting to be incorporated within the newly created garden habitats or communal areas, the use of raised beds and planters and living walls, as well as hedgehog-friendly fencing.

6.6.15 Overall, the PEA concludes that the loss of the small habitat areas for the re-development is not considered to result in any indirect ecological impacts that would be considered significant. Officers consider it prudent, however, that any potential approval should be subject to an up-to-date ecological appraisal setting out detailed biodiversity enhancement measures, given the site appraisal was undertaken in December 2020.

6.7 Environmental Matters

Air Quality

6.7.1 The area falls within Bromley's Air Quality Management Area and an air quality assessment has been requested in order to make sure that the proposal meets Bromley Local Plan Policy 120.

6.7.2 The Air Quality Assessment (AQA) by Lustre Consulting, dated September 2021 provided in response to the officers' request considers the impact of local traffic emissions across the proposed development, using modelled data adjusted for accuracy based on local monitoring data. For all the receptor positions along the development façade levels were shown to be below the annual mean objectives. In relation to the construction, the proposal has been identified as having a low risk from the dust impacts.

6.7.3 The AQA confirms that the site meets the Air Quality Neutral for building emissions, but the proposed development would not be air quality neutral in relation to transport and that mitigation measures should be considered.

6.7.4 The recommended mitigation measures are set out in paragraphs 7.5 and 7.6 of the AQA report, namely, that there should be at least one rapid charge EV point and that there should be provision of a travel plan to encourage sustainable means of transport. Both measures would need to be incorporated in the scheme through the imposition of appropriate conditions should the consent be granted.

Contaminated Land

6.7.5 The Planning, Design and Access Statement submitted in support of the application indicates that the current buildings and yard area have a lawful use for storage purposes and for the use of the hard surfaces by heavy goods vehicles ancillary to this use. Although the storage appears mainly to be for turf and topsoil, there is also the potential for other storage which may have a contaminative nature. It is also a distribution centre and with heavy good vehicles there is the potential for petroleum storage and associated possible leakage on-site. It is therefore recommended that a standard land contamination assessment condition is attached to any approval to prevent harm to human health and pollution of the environment.

Noise and Vibration

- 6.7.6 The dominant noise source associated with the site is a road traffic noise given the closeness of the A21. A Noise Impact Assessment has not been carried out, however the Council Environmental Health confirmed that subject to an appropriate condition being attached to the planning consent, should it be granted, the proposed development can include provisions to adequately protect the proposed residential use from external noise in line with planning policy objectives.
- 6.7.7 Such condition should secure a scheme of mitigation, covering façade, glazing and ventilation specifications, in light of the results of an acoustic assessment of the worst-case day time and night time ambient background noise levels affecting this location in order to achieve suitable internal noise levels in line with guidance in BS8233:2014.

Lighting

- 6.7.8 The lighting should be designed to meet the guidance from the Institute of Lighting Professionals, 'The reduction of obtrusive light' Guidance Note 01/21, with respect to the sites lighting environment and will not exceed 2 lux at any habitable window, meeting the illuminated limits on surrounding premises for E3 Medium Brightness zone respectively.
- 6.7.9 Whilst a Lighting Strategy has not been submitted in support of the proposal, given the characteristics of the scheme, its layout and location, officers accept that the development should comfortably fall within the recommended guidance levels at any habitable window within the development itself and on surrounding premises, thereby no concerns are raised on Pollution Control grounds. As discussed in the ecology section above, a lighting condition would be necessary in the event of granting permission to ensure there would be no impact on bats.

6.8 Drainage and flooding – Acceptable

- 6.8.1 Policy SI13 of the London Plan states that drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.
- 6.8.2 Policy 116 (Sustainable Urban Drainage System) of the LBB Local Plan states that all developments should seek to incorporate Sustainable Urban Drainage Systems or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 6.8.3 The site is in Flood Zone 1, less than one hectare in size and at a low risk of flooding. In terms of surface water management, permeable surfacing, with geocellular storage crates, is proposed. This is acceptable in principle and the final surface water management strategy would need to be appropriately secured by condition, should a planning consent be granted.

6.8.4 Surface Water Management Strategy Report carried out by Herrington Consulting Ltd submitted in support of the application advises that consideration had been given to the use of grey water recycling, however, the applicants' resistance to the appearance of the recycled water and the cost of the systems does not currently make them a viable option. They have therefore not been included in the proposals.

6.8.5 The Council's drainage officer and Thames Water raised no objections to the proposal; however, it was requested that in order to maximise SUDS measures on site, a soakage test as well as soakaway design need to be carried out to determine the suitability of the soil for infiltration. These details would be secured through an appropriately worded condition in the event of approval.

6.9 Energy and Sustainability - Acceptable

Minimising Greenhouse Gas Emissions

6.9.1 The London Plan Policy SI2 'Minimising greenhouse gas emissions' states that Major development should be net zero-carbon, reducing greenhouse gas emissions in accordance with the energy hierarchy:

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

6.9.2 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.

6.9.3 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required – Of the 35% residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.

6.9.4 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

6.9.5 Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life Cycle Carbon Assessment and demonstrate actions taken to reduce life cycle carbon emissions.

6.9.6 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.

- 6.9.7 The updated Energy Statement by Bluesky Unlimited (2021) demonstrates that improvements have been made to the energy efficiency of the scheme such that it would meet the London Plan requirement of a total reduction of 45.13% in emissions from energy efficiency, low-carbon and renewable technologies.
- 6.9.8 This would be achieved through the installation of Dimplex Edel air source heat pump hot water cylinders into each of the apartments, alongside an array of 28 x 400W photovoltaic panels (11.2 kW).
- 6.9.9 Notwithstanding the policy compliant carbon saving, to achieve the required net zero carbon a financial payment is required. Based on the use of the SAP 10 emission factors a financial contribution of £24,835 would be required and would need to be secured through S106 legal agreement.

Water efficiency

- 6.9.10 Surface Water Management Strategy Report carried out by Herrington Consulting Ltd submitted in support of the application advises that regarding water efficiency, a maximum indoor water consumption of 105 l/person/day for the residential units would be achieved as required by London Plan Policy S15.

7. Other Issues

Equalities Impact

- 7.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 7.2 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.
- 7.3 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.
- 7.4 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.

- 7.5 The protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 7.6 The building has been designed to take account of the specific needs of disabled people. All units have been designed to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of the dwellings (2) would meet Building Regulation requirement M4(3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users and those whose mobility may become impaired with age.
- 7.7 The development proposal offers new opportunities to access affordable housing in the renewal area, thereby helping to address the Council's acute affordable housing delivery shortages. However, the level and tenure of affordable housing proposed could be inaccessible to middle and lower household income ranges (particularly with the DMS tenure) and therefore might have a negative impact for people in the categories of age, disability, pregnancy and maternity, race, and sex (women) who are less economically active and who may find the price or the type of affordable units prohibitive. The affordability of the units has not been confirmed or justified via independently examined Viability Appraisal and it cannot be demonstrated that the tenure of affordable housing proposed would contribute towards sustainable mixed and balanced communities.
- 7.8 There are also negative impacts expected in relation to construction, such as increased vehicular movements, noise and air quality would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the impacts.
- 7.9 In conclusion, it is considered that LB Bromley has had due regard to section 149 of the Equality Act 2010 in its consideration of this application and resulting recommendations to the Plan Sub Committee.

Community Infrastructure Levy

- 7.10 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable for the Mayoral CIL (subject to applicable affordable housing relief).
- 7.11 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. Proposals involving social, or affordable, housing (conditions apply)

can apply for relief from CIL for the social housing part of the development. This is set out in Regulation 49 of the CIL Regulations 2010 (as amended).

S106 Legal Agreement

7.12 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.13 Policy 125 of the Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

7.14 Officers have identified a number of planning obligations which are required to mitigate the impacts of this development, the reasons for which have been set out in this report. The development, as proposed, would necessitate the following obligations:

- Affordable Housing 100% (16 units in intermediate housing tenure)
- Carbon off-set payment-in-lieu £24,835
- Early and late stage review mechanism
- Reimbursement of the Council's legal costs
- Monitoring fees £500 per head of term

7.15 Officers consider that these obligations 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.

7.16 At the time of writing, the applicant has agreed all but Affordable Housing planning obligation (to include intermediate tenure only). The applicants maintain that the proposed 16 units of affordable housing should include discounted market sales. As such, given the lack of clarity and an agreement to the above heads of terms, a reason for refusal relating to the lack of acceptable planning obligations is recommended.

8. Planning Balance and Conclusion

- 8.1 The site is located within the Green Belt and is considered to be inappropriate development. This is, by definition, harmful to the Green Belt. Officers consider that the nature of the harm that would arise in this regard would result from the conflict with the Green Belt purpose of preventing urban sprawl by keeping land permanently open. Consistent with paragraph 148 of the Framework, substantial weight is attached to this harm. In addition, officers concluded that the harm to openness would be caused to a substantial degree in both spatial and visual terms. This further weighs against the proposal.
- 8.2 The Council does not currently have a 5 year housing land supply. However, the site is included within the protected areas listed in footnote 7 of the NPPF as it is designated as Green Belt. As set out in this report, the application of the Green Belt policies provide a clear reason for refusing the development proposed. Consequently, notwithstanding the absence of a five year supply of housing, the presumption in favour of the development that might otherwise exist (titled balance) is effectively disengaged.
- 8.3 Whilst the development proposal would offer new opportunities to access housing in the renewal area, helping to address the Council's acute housing delivery shortages, the application does not propose a significant quantum of dwellings. Therefore, bearing in mind the moderate contribution that would be made by the 16 units proposed, the provision of housing would not attract very substantial weight when assessed against the substantial weight given to the harm to the Green Belt by virtue of the inappropriate development and other harm.
- 8.4 Although the level of affordable housing provision (100%) exceeds the policy compliant threshold, the requirement for a policy compliant tenure split has not been addressed in the proposal, which is intended for either intermediate housing (shared ownership) or discounted market sale (DMS). As the affordable housing need within the borough is greatest for social-rent and affordable rent tenures, it would therefore only attract limited weight in terms of affordable housing delivery.
- 8.5 In any case, weight can only be given to the guaranteed provision which needs to be secured in the legal agreement. In this instance, the applicant remains non-committal in respect of the tenure proposed meaning that no such agreement can be secured. Therefore, whilst the contribution towards meeting affordable housing need could add more weight in support of the proposal, the lack of clarity on what is proposed and what can be secured in the s106 agreement diminishes the weight that could be otherwise attributed, if a high percentage of genuinely affordable housing was secured.
- 8.6 It is acknowledged that the site benefits from extant permissions for the erection of 6 single storey bungalows, of which 3 are to be affordable. Officers accept that fallback position constitutes a material consideration where there is a genuine prospect that the fallback scheme(s) will come forward, however the weight of the fallback as a material consideration is still a matter for the decision

maker. In this instance, for the reasons given in the report, the fallback position does not weight in favour of the current scheme in respect of the harm to the Green Belt and affordable housing delivery.

- 8.7 Notwithstanding the harm to the Green Belt, the design of the proposal, with its materiality, height and massing, would respond satisfactorily to the surrounding residential development to the north and would represent an efficient use of the land. The proposed layout would afford an acceptable quality of residential standards and amenity.
- 8.8 Adequate sustainability measures would be incorporated achieving the required carbon reduction.
- 8.9 The proposed development is not considered to be significantly harmful to the amenities of neighbouring residential properties nor would it result in an unacceptable impact on surrounding highway network. Environmental matters such as air quality, contamination, noise, light pollution, drainage, would be subject to appropriate conditions if the application was deemed acceptable overall.
- 8.10 In accordance with paragraph 147 of the NPPF, inappropriate development should not be approved except in very special circumstances. The applicant has submitted a case for VSC and it is accepted that the benefits of housing delivery, and to some degree the provision of affordable housing (albeit this matter in itself is non-compliant), would weigh in the balance. However, given the substantial level of harm to the openness of the Green Belt and the harm that would arise in this regard would result from the conflict with the Green Belt purpose of preventing urban sprawl by keeping land permanently open, it is not considered that these benefits outweigh this harm. Therefore, the very special circumstances which have been put forward would not justify the proposed development.
- 8.11 Taking account of the above, the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development. Therefore, as the scheme is not sustainable development for which the Framework indicates that there should be a presumption in favour, the planning permission should be refused.
- 8.12 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

- 1 The proposal would constitute inappropriate development and 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 Chapter 13 of the National Planning Policy Framework (2021).

- 2 On the basis of insufficient information, being the lack of clarity to the affordable housing provision and given the viability aspects of the proposed development remain unresolved, it has not been demonstrated that the proposal maximises affordable housing provision contrary to the requirements of Policy H4, H5 and H6 of the London Plan and Policy 2 of the Bromley Local Plan.**

- 3 An acceptable planning obligation for provision of the Carbon Offset Contribution, Affordable Housing, early and late stage viability review mechanisms and the payment of 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).**