

Potters Farm, Turpington Lane

Local Planning Authority: Bromley

local planning authority reference: 20/04148/FULL1

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings and erection of a part 2/part 3 storey building comprising 16 affordable housing apartments with 12 parking spaces, refuse and cycle store.

The applicant

The applicant is **Clarion Housing Group** and **Langford Walker Ltd** and the architect is **Nigel Bradbury Designs**.

Strategic issues summary

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 (paragraphs 13-22).

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 (paragraphs 24-29).

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 (paragraphs 38-44).

Other issues on **Urban design** and **Transport** also require resolution prior to the Mayor's decision making stage.

Recommendation

That Bromley Council be advised that the application does not yet comply with the London Plan for the reasons set out in paragraph 57. Possible remedies set out in this report could address these deficiencies.

Context

1. On 27 October 2021 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following Category of the Schedule to the Order 2008:
 - **Category 3D:** *Development (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.*
3. Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; or, allow the Council to determine it itself. In this case, the Council need not refer the application back to the Mayor if it resolves to refuse permission.
4. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planning.london.gov.uk/pr/s/>

Site description

5. The 0.24-hectare application site is located within the Green Belt. It is situated on the junction of Turpington Lane and Bromley Common, which forms part of the Transport for London Road Network (TLRN). To the immediate east of the site is an established residential neighbourhood with 2-storey apartment blocks and on its southern boundary is the Bromley Sea Cadet Hall site, which contains a single storey hall and ancillary buildings with a large area of hardstanding used as a parade ground. The application site contains a number of single storey commercial buildings and large areas of hardstanding, which have until recently been used for storage and distribution of turf, topsoil and other materials.
6. 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. Consequently, the site has a Public Transport Access Level (PTAL) of 3 (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.

Details of this proposal

7. The application is seeking full planning permission for the demolition of the existing buildings on the Green Belt site and the erection of a part two/part 3 storey building, to provide 16 affordable housing units. Associated car parking spaces totalling 12, as well as cycle parking and a refuse store are also proposed.

Case history

8. On 15 April 2015, a planning application was submitted to the then Mayor for the demolition of existing buildings at Potters Farm and the adjacent Sea Cadets Hall and the erection of two residential blocks of part two, part three storeys, comprising a total of 39 flats, re-provision of Sea Cadets facility, with parking for 41 cars, cycle storage and landscaping. On 20 May 2015 a Stage I report was issued (GLA reference number D&P/3638/01), which advised that the proposal represented inappropriate development on Green Belt land and 'very special circumstances' had not been demonstrated to outweigh the resultant harm. The application was subsequently refused by Bromley Council. Other applications to develop the site were made, however these were not referable to the Mayor. The most recent being for the erection of two detached bungalows for social housing with car parking and landscaping, which was granted permission on appeal on 18 March 2020 (case number APP/G5180/W/19/3234830).

Strategic planning issues and relevant policies and guidance

9. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Bromley Local Plan 2019 and The London Plan 2021.
10. The following are also relevant material considerations:
 - The National Planning Policy Framework and National Planning Practice Guidance; and,
 - National Design Code.
11. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:
 - Good growth *London Plan;*
 - Green Belt *London Plan;*
 - Housing *London Plan; Housing SPG; the Mayor's Housing Strategy; Play and Informal Recreation SPG; Character and Context SPG; Good Quality Homes for All Londoners draft LPG;*

- Affordable housing *London Plan; Housing SPG; Affordable Housing and Viability SPG; the Mayor's Housing Strategy;*
- Urban design *London Plan; Character and Context SPG; Public London Charter LPG; Housing SPG; Play and Informal Recreation SPG; Good Quality Homes for All Londoners draft LPG;*
- Inclusive access *London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG;*
- Sustainable development *London Plan; Circular Economy Statements draft LPG; Whole-life Carbon Assessments draft LPG; 'Be Seen' Energy Monitoring Guidance LPG; Urban Greening Factor draft LPG; London Environment Strategy;*
- Transport and parking *London Plan; the Mayor's Transport Strategy; Sustainable Transport, Walking and Cycling draft LPG.*

12. On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#).

Land use principles – Affordable housing on PDL in Green Belt

13. London Plan Policy G2 makes clear that the Green Belt should be protected from inappropriate development and unless very special circumstances exist, development that would harm the Green Belt should be refused. The NPPF at Paragraph 149 states that the construction of new buildings should be regarded as inappropriate, except in specific circumstances.
14. One of the exceptions is set out at Paragraph 149(g) of the NPPF, which relates to:

“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 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.”

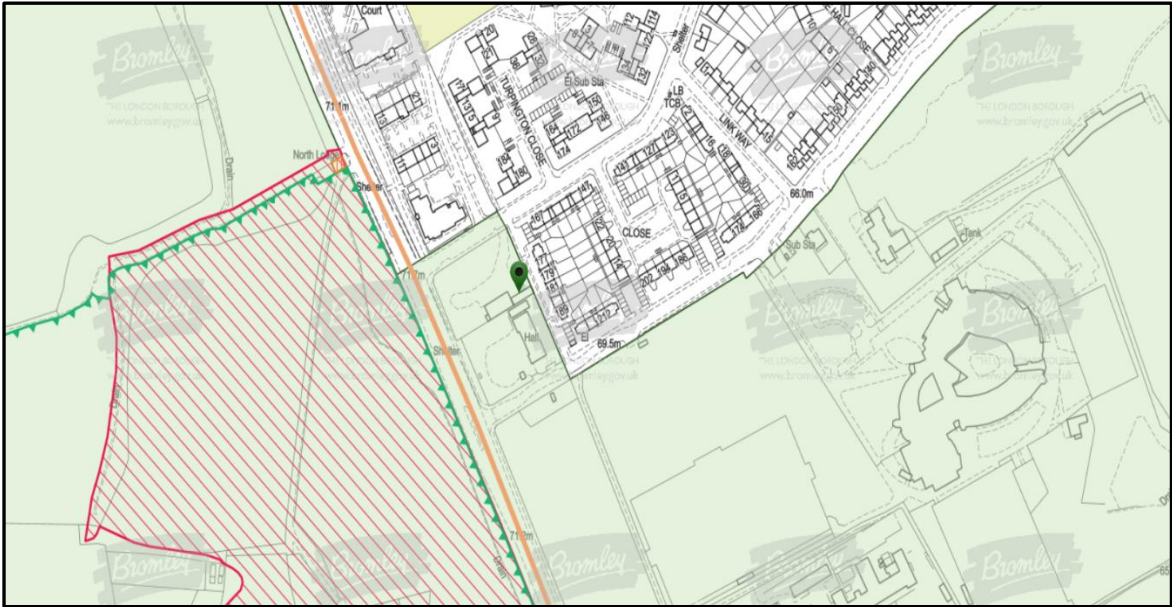
15. The NPPF defines previously developed land (PDL) as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed

surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private 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 in the process of time.”

16. Part of the application site is currently occupied by buildings and hardstanding and therefore could meet the definition of PDL land as defined in the NPPF. The information contained in the supporting documents submitted with the application indicates that the existing buildings on the site account for a combined footprint of 248 sq.m. and the hardstanding totals 778 sq.m., for a total of 1,026 sq.m. of developed land. The proposal involves the erection of residential buildings (providing 100% affordable housing) and associated hardstanding and parking amounting to 1,354 sq.m. of PDL. Of this total the building footprint accounts for 835 sq.m. and other elements of the proposal 519 sq.m. The proposed quantum of developed land would result in a net increase of 328 sq.m. The developed area would now represent 56% of the site versus the existing 43%. It should, however, be noted that the percentage of the developed land that would now be building footprint increases from 10% to 35%.
17. In terms of height, the proposed building would be taller than the single storey buildings on the site. Given the increase in building footprint and height, with the resulting volumetric changes, the proposal would have a greater impact on the openness of the Green Belt and therefore does not meet the first part of the exception at Paragraph 149(g) of the NPPF.
18. As mentioned at paragraph 13, developments providing affordable housing on PDL that meet an identified need and do not cause substantial harm to the Green Belt are not considered inappropriate. The application proposes 16 new affordable units and the Bromley Local Plan acknowledges that there is a housing need within the borough. This meets part of the test set out at part 2 of Paragraph 149(g). In terms of harm, as concluded above there will be a greater impact on the openness of the Green Belt.
19. Having concluded that there will be a greater impact on the openness of the Green Belt due to the increased amount of developed land and volume of the building, an assessment of the scheme's visual impact is important in determining the severity of this change. The site (highlighted by the green marker in Figure 1) sits on the edge of the Green Belt and to the immediate north and east are residential buildings similar in height to the proposal. Bromley Common (A21) separates the site from the large expanse of Green Belt to the west and PDL, occupied by one storey buildings and hard standing, is to the immediate south.

Figure 1: Site Location



- 20. Given the site's location, the greatest potential for there to be visual impact on the Green Belt would be from views along Bromley Common/Turpington Lane. In existing south-easterly and easterly views into the Green Belt from Bromley Common and Turpington Lane, there are no expansive views and the residential buildings surrounding the application site dominate these views. This is evident in Figure 2 and Figure 3.

Figure 2: Existing site context (1)



Figure 3: Existing site context (2)



21. In addition, the proposal, with its materiality, height and massing, would easily fit the surrounding residential areas and the Green Belt, causing no adverse visual impact to the latter. GLA officers, therefore, do not consider that the proposal would cause substantial harm to the openness of the Green Belt.

Figure 4: CGI of proposal



22. As the proposal involves the provision of affordable housing on PDL and would not cause substantial harm to the openness of the Green Belt, it is determined that it meets the exception at part two of Paragraph 149(g) of the NPPF and is therefore not inappropriate development in the context of national policy. Given that the proposal is not considered inappropriate development, it also accords with London Plan Policy G2.

Housing

23. 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. The application is proposing 16, wholly affordable, new housing units comprised of 6 one-bed and 10 two-bed flats. The units would contribute to the above target and their provision is supported.

Affordable housing

24. Policy H4 of the London Plan seeks to maximise the delivery of affordable housing, with the Mayor setting a strategic target of 50%. Policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG set out a 'threshold approach', whereby schemes meeting or exceeding a specific percentage of affordable housing by habitable room, without public subsidy, and other criteria such as tenure mix are eligible for the Fast Track Route (FTR). Such applications are not required to submit viability information to the GLA and are also exempted from a late stage review mechanism. On non-industrial privately-owned land, the threshold is 35%.
25. Additionally, 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.
26. Appropriate tenure splits should be determined through the Development Plan process or by supplementary planning guidance. In this instance, Policy 2 of the Bromley Local Plan expects at least 35% affordable housing, with a tenure mix of 60% social rent/affordable rent and 40% intermediate homes.
27. The scheme proposes 100% affordable housing. Given this offer, the scheme would qualify for the Fast Track Route provided that the final affordable tenure mix is considered acceptable by the Mayor and the Council. Details of the proposed tenure mix should be provided to the GLA prior to Stage 2 referral. An early stage viability review mechanism will be required to ensure that the scheme is built out once permission is granted.
28. The applicant is reminded that the Mayor's preferred low-cost rent tenures are Social Rent and London Affordable Rent. With regard to intermediate tenure, London Living Rent and Shared Ownership are the Mayor's preferred products. These units should be provided in line with the household income cap and affordability eligibility criteria for intermediate products set out in the London Plan and the Mayor's Affordable Homes Programme Fund. Moreover, paragraph 4.6.9 of the London Plan, paragraph 2.50 of the Mayor's Affordable Housing and Viability SPG and paragraph 3.78 of the London Plan Annual Monitoring Report are clear that shared ownership units should be affordable for households within a range of incomes below the upper limit of £90,000.
29. A draft of the Section 106 agreement must be provided to the GLA for review as soon as one is available to ensure that the early stage review, affordability and eligibility of the affordable units have been secured in compliance with the

Urban design

30. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.
31. In terms of layout, the building is positioned in the middle of the site with expansive areas of communal realm surrounding the building. Although well-activated at ground floor, this creates little sense of ownership and limited defensible private space. As such, more generous private gardens should be considered.
32. The approach to height and massing is similar to other recent developments in the vicinity and is supported.
33. Regarding residential quality, the applicant should confirm that all units would meet the London Plan and Mayor's Housing SPG internal space standards and that 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. Each unit would have access to a private garden or balcony; this is welcomed. However, ground floor dwellings should have private entrances, accessed directly from the public realm, wherever possible.
34. The proposed material palette is appropriate given the site's context. Key details should be secured by condition to ensure an exemplary quality of architecture is delivered.

Play space

35. 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. Using the GLA's 2019 child play space calculator, the applicant should demonstrate how the proposal will provide the required quantum of on-site play space.

Fire safety

36. A fire safety statement prepared by suitably qualified personnel at BWC Fire Ltd has been submitted with the application in accordance with Policy D12 of the London Plan. The statement, however, does not address the requirements of the London Plan Policy D12 and D5. The statement should therefore be revised, to demonstrate compliance with the criteria set out at Policy D12B and the provision of fire evacuation lifts as required by Policy D5 and submitted to the GLA prior to the Mayor making his final determination on this application.

Inclusive access

37. Policy D7 of the London Plan requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The proposal responds positively to Policy D7 of the London Plan and meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and Building Regulation requirement M4 (3) 'wheelchair user dwellings'. This should be secured by the Council.

Sustainable development and Environmental issues

Energy strategy

38. London Plan Policy SI2 requires all major developments to be net zero carbon. Where it is robustly demonstrated that this cannot be achieved onsite, a cash in lieu contribution to the borough's carbon offset fund is one of two options available to make up the shortfall. The applicant has submitted an energy assessment in accordance with London Plan Policy SI2; however, a significant amount of information is missing including a Carbon Emissions Reporting spreadsheet. Further information on renewable energy, energy costs, cooling and overheating, energy flexibility and heating infrastructure. A commitment to designing the development to enable post-construction 'Be seen' energy monitoring is required. Full details of the outstanding issues associated with energy have been provided directly to the applicant and Council.

Whole Life Carbon

39. London Plan Policy SI2 requires development proposals that are referable to the Mayor to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint. Prior to Stage 2 referral, the applicant should therefore submit a completed WLC assessment template (as an Excel document) and follow the GLA WLC guidance; both of which are available here: <https://www.london.gov.uk/what-we-do/planning/london-plan/london-plan-guidance/whole-life-cycle-carbon-assessments-guidance>. As per the GLA 'Whole Life-cycle Carbon Assessment – draft for consultation – guidance document' this assessment should comply with EN 15978 and cover all building elements.

Circular Economy

40. London Plan Policy SI7 requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, whilst Policy D3 requires development proposals to integrate circular economy principles as part of the design process. The GLA has released draft guidance for developers on how to prepare Circular Economy Statements and a 'Design for a circular economy' Primer that helps to explain the principles and benefits of circular economy projects. Therefore, the applicant is required to submit a Circular Economy Statement in accordance with the GLA [guidance](#).

Urban greening

41. London Plan Policies G1 and G5 emphasise the importance of urban greening in development. Acceptable urban greening features include street trees, green roofs, green walls, rain gardens and hedgerows. The greening strategy proposed for the development results in an urban greening factor (UGF) score of 0.60. This is supported.

Sustainable drainage and flood risk

42. 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. The Council should ensure that a final surface water management strategy is appropriately secured by condition. Regarding water efficiency, a maximum indoor water consumption of 105 l/person/day for the residential units will be achieved as required by Policy SI5. Compliance with Policy SI5 should be secured by the Council.

Biodiversity

43. 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. The Preliminary Ecological Appraisal makes recommendations for enhancements to the scheme, yet no specific information on provisions has been provided. There remains significant potential for additional street trees and naturally occurring endemic vegetation fronting Turpington Lane. It is recommended that a qualitative tree survey be undertaken of the existing trees, which should include an appropriate retention and protection strategy for on-site trees. The Council should secure an ecological appraisal, which sets out a summary of the methods, results and proposed mitigation and biodiversity enhancement measures.

Digital connectivity

44. In line with London Plan Policy SI6, the development should contribute to London's global competitiveness now and in the future in terms of the availability of sufficient digital infrastructure. As such, a planning condition should be secured requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development.

Transport

Healthy Streets

45. 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

46. 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

47. 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

48. 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.
49. 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.
50. 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.
51. 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

52. 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

53. 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.

Local planning authority's position

54. Bromley Council planning officers are currently assessing the application. In due course the Council will formally consider the application at a planning committee meeting.

Legal considerations

55. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application. In this case, the Council need not refer the application back to the Mayor if it resolves to refuse permission. There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

56. There are no financial considerations at this stage.

Conclusion

57. London Plan policies on Green Belt, affordable housing, urban design, sustainable development, environmental issues and transport are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:
 - **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.

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

For further information, contact GLA Planning Unit (Development Management Team):

Andrew Payne, Principal Strategic Planner (case officer)

email: andrew.payne@london.gov.uk

Justine Mahanga, Team Leader – Development Management

email: Justine.mahanga@london.gov.uk

Allison Flight, Deputy Head of Development Management

email: alison.flight@london.gov.uk

John Finlayson, Head of Development Management

email: john.finlayson@london.gov.uk

Lucinda Turner, Assistant Director of Planning

email: lucinda.turner@london.gov.uk

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