

# 53 Jail Lane, Biggin Hill

Local Planning Authority: Bromley

Local Planning Authority reference: 23/03484/OUT

## 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

Outline application with all matters reserved for demolition of existing dwellings (51 and 53 Jail Lane), formation of access off Jail Lane and construction of up to 50 new discount market rent dwellings (use class C3) with priority for ex-service personnel, forces families and key workers, comprising a mix of houses and maisonettes together with associated parking, amenity space, landscaping and refuse.

## The applicant

The applicant is **Stonegate (Stoke Road) Ltd.**

## Strategic issues summary

**Land use principles:** The proposal constitutes inappropriate development in the Green Belt and as such should not be approved except in very special circumstances. Further information is required to assess the extent of the impact of the development on the openness of the Green Belt. The applicant must demonstrate that very special circumstances exist, prior to the Mayor's decision making stage.

**Housing:** The proposed development includes 50 Build to Rent units as 100% affordable housing by habitable room at Discount Market Rent levels. Compliance with Policy H11 of the London Plan must be appropriately secured, including clawback mechanisms, covenant and rent levels. The scheme could be eligible to follow the Fast Track Route.

**Urban design:** The development does not demonstrate that the site capacity and layout has been optimised through a design-led approach and impacts to openness of the Green Belt have been identified. A design code and further details on boundary treatments, landscaping, and public access should be provided.

**Transport:** Further information is required on Healthy streets, car and cycle parking, delivery, servicing and construction, and Travel Plans.

**Sustainable development and environment:** Further information is required on energy, circular economy whole life-cycle carbon, green infrastructure, water, and air quality.

## Recommendation

That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 99. Possible remedies set out in this report could address these deficiencies. The Mayor does not need to be consulted again if the borough decides to refuse the application.

## Context

1. On 30 January 2024, 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 on Green Belt or Metropolitan Open Land within the adopted or emerging development plan*
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 site is irregular in shape and has an approximate area of 1.17 hectares and sits behind several properties along Hawthorne Avenue and Jail Lane. To the northern boundary there is Biggin Hill Airport and to the eastern boundary there is an undeveloped area of grassland. Jail Lane consists of a row of dwellings that vary in scale between one and two storeys and have deep rear gardens that extend toward the southern boundary of the site. Similarly, the properties along Hawthorne Avenue are predominantly single storey bungalows except for a two-storey cul-de-sac at the end of the road which borders the northern boundary of the site. The land has a substantial tree line and hedgerow running along the entire eastern boundary. Similarly, there is a well-established hedge running along the western boundary that defines the rear boundary to the properties along Hawthorne Avenue. The application site is located within the Green Belt. A Site of Importance for Nature Conservation lies in the vicinity of the site. The site does not contain or is nearby to any heritage assets.
6. The site is on Jail Lane, which is borough highway and there are no parts of the Transport for London Road Network (TLRN) or Strategic Road Network (SRN) nearby. There are no stations within reasonable walking distance of the site. There are five bus services (246, 320, 464, R2, and R8) stopping within reasonable walking distance from the site. Consequently, the site has a Public Transport Accessibility Level (PTAL) of 1b, on a scale from 0 to 6b where 6b is the highest. The site also benefits from two school bus services.

7. The site is remote from the Strategic Cycle Network (SCN) and historic London Cycle Network (LCN). National Cycle Route NCN21 is within 3 kilometres of the site, however access to it is via narrow, steep, unlit and heavily trafficked country roads.

## **Details of this proposal**

8. Outline application with all matters reserved for demolition of existing dwellings (51 and 53 Jail Lane), formation of access off Jail Lane and construction of up to 50 new discount market rent dwellings (use class C3) with priority for ex-service personnel, forces families and key workers, comprising a mix of houses and maisonettes together with associated parking, amenity space, landscaping and refuse.

## **Case history**

9. Whilst the application site has planning history with the LPA, these have not been referable to the Mayor nor has GLA pre-application advice been sought. The applicant has sought pre-application advice from the LPA for this scheme.

## **Strategic planning issues and relevant policies and guidance**

10. 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.
11. The following are also relevant material considerations:
  - The National Planning Policy Framework and National Planning Practice Guidance;
12. 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;
  - Open land - London Plan; All London Green Grid SPG;
  - Housing - London Plan; Housing SPG; the Mayor's Housing Strategy; Play and Informal Recreation SPG; Character and Context SPG; Housing Design Standards 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; Characterisation and Growth Strategy draft LPG; Optimising

Site Capacity: A Design-Led Approach draft LPG; Housing SPG; Play and Informal Recreation SPG; Housing Design Standards draft LPG;

- Fire Safety – London Plan; Fire Safety draft LPG;
- Inclusive access - London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG
- Sustainable development - London Plan; Circular Economy Statements LPG; Whole-life Carbon Assessments LPG; ‘Be Seen’ Energy Monitoring Guidance LPG; Energy Planning Guidance; Mayor’s Environment Strategy;
- Air quality - London Plan; the Mayor’s Environment Strategy; Control of dust and emissions during construction and demolition SPG; Air quality positive draft LPG; Air quality neutral draft LPG;
- Transport and parking - London Plan; the Mayor’s Transport Strategy;
- Green Infrastructure - London Plan; the Mayor’s Environment Strategy; Preparing Borough Tree and Woodland Strategies SPG; All London Green Grid SPG; Urban Greening Factor draft LPG
- 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

### Development on Green Belt

13. The site lies within land designated as Green Belt. Policy G2 of the London Plan seeks to protect the Green Belt from “inappropriate development”, affording the strongest possible protection to the Green Belt land in line with the requirements of the NPPF in which paragraph 137 of the NPPF states “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.
14. The construction of new buildings in the Green Belt is inappropriate unless it meets the defined exceptions in paragraphs 154 and 155 of the NPPF.

### *Exceptions Test*

15. The applicant has considered the exceptions outlined in paragraph 154 of the NPPF and concluded in the submitted planning statement that none of the exceptions apply and therefore the proposal represents inappropriate

development. GLA officers have considered the information submitted and agree with the applicant's position. As such, at present the proposal represents inappropriate development on Green Belt and would need to demonstrate Very Special Circumstances (VSC).

### *Impact to openness*

16. The existing properties facing Hawthorne Avenue have a seamless interface with the Green Belt with the rear gardens transitioning into the open space. The proposed development introduces additional layers of housing and hard surfacing / streets between the gardens and open space, which will result in an impact to openness. Whilst the scale of development is consistent with the existing context, there is still considered to be an impact to openness by introducing new development on this site. A comparison between the existing and proposed site plans is provided in Figures 1 and 2 below.
17. The applicant states that the site has limited perceptual and physical connection with the Green Belt land to the east and as such there will be negligible effect on the rural qualities and contribution to the openness of the Green Belt. Based on the current information provided, which does not include a design code or detailed plans for boundary treatments, landscaping, and public access, GLA officers are of the view that there will be an impact to openness, which should be addressed. Further information is provided in the urban design section below.



**Figure 1: The existing site plan**



**Figure 2:** The proposed site plan

*Very special circumstances (VSC)*

18. Paragraph 152 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 153 of the NPPF requires substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The applicant has outlined the following VSC in the submitting planning statement:
  - I. The uniquely tailored scheme will meet an acute housing need in the context of Bromley under-delivering on housing supply;
  - II. The development will provide 100% affordable Build to Rent residential homes at Discount Market Rent levels meeting the criteria of Policy H11 of the London Plan;
  - III. The DMR homes will be targeted to ex-service personnel, families of armed forces, and keyworkers; and
  - IV. The site has a limited perceptual and physical connection to the open Green Belt to the east, will not impact openness, and in general would not impact on the purposes of the Green Belt including to check the unrestricted sprawl of large built-up areas, to prevent neighbouring

towers merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

20. Whilst the development will be contributing to the borough's housing targets, this is not considered VSC as the London Plan Strategic Housing Land Availability Assessment identifies that London's housing needs can be met without developing on sites within Green Belt. The provision of affordable housing could be considered VSC provided the application follows the Fast Track Route and affordability and other relevant considerations are secured. The LPA will need to confirm the tenure mix meets local policy as discussed in the housing section below. The DMR homes being targeted for ex-service personnel, families of armed forces, and keyworkers is a benefit, however, GLA officers query how this will be managed and secured.
21. Given the above impacts to openness identified, the development is not considered to be an improvement on the relationship between the existing properties and the Green Belt. The applicant has not provided adequate information to demonstrate that the development will impact on the purposes of the Green Belt. Therefore, the points raised in IV above are not considered to represent VSC in this case.

#### *Development on MOL conclusion*

22. The proposed development would be inappropriate development in the green belt. GLA officers are of the view that the proposed development would result in harm to Green Belt openness, however, further information is required to verify the extent of this. At this stage it is not possible for GLA officers to assess whether VSC exists to outweigh the level of harm proposed. Further joint discussions with the applicant and the LPA are required on the various impacts and benefits of the proposal. Any potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, must then be clearly outweighed by other considerations, otherwise the application would conflict with the NPPF and Policy G3 of the London Plan.

#### Residential units

23. Policy H1 of the London Plan sets 10-year housing targets for each borough including a target of 7,740 for Bromley. The principle of the addition of 50 residential homes could be supported within this context, subject to VSC for development on the Green Belt being demonstrated.
24. The applicant proposes to deliver all the 50 residential homes as Build to Rent. Policy H11 of the London Plan outlines the criteria that must be met to qualify as Build to Rent which include:
  - the development, or block or phase within the development, has at least 50 units;
  - the homes are held as Build to Rent under a covenant for at least 15 years;

- a clawback mechanism is in place that ensures there is no financial incentive to break the covenant;
  - all the units are self-contained and let separately;
  - there is unified ownership and unified management of the private and Discount Market Rent elements of the scheme;
  - longer tenancies (3 years or more) are available to all tenants. These should have break clauses for renters, which allow the tenant to end the tenancy with a month's notice any time after the first six months;
  - the scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
  - there is on-site management. This does not necessarily mean full-time dedicated on-site staff, but that all schemes need to have systems for prompt resolution of issues and some daily on-site presence; and
  - providers have a complaints procedure in place and are a member of a recognised ombudsman scheme.
25. A planning statement has been submitted which references the above criteria. These will need to be secured in the S106 agreement.

## Housing

### Affordable housing

26. Policies H4 and H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG seek to maximise the delivery of affordable housing, setting a strategic target of 50% across London. Policy H5 sets out that to achieve the strategic target of 50%, the threshold level of affordable housing on gross residential development is initially set at a minimum of 35%. In this case, a 35% affordable housing threshold would apply. Policy H11 allows for all affordable units associated with a Build to Rent scheme to be solely Discount Market Rent (DMR), preferably London Living Rent level. DMR homes must be secured in perpetuity.
27. The proposed development includes 50 Build to Rent homes as 100% affordable housing by habitable room at DMR levels. As discussed in the land use principles section above, the Build to Rent requirements of Policy H11 will need to be secured in the S106 agreement. DMR rents should be calculated assuming that housing costs do not exceed 40% of net household income and assuming that net household income is 70% of gross household income in accordance with the GLA Annual Monitoring Report. All affordable housing must be robustly secured in perpetuity, within the S106 agreement. The proposed housing mix raises no strategic concerns.



28. Provided the delivery is secured in accordance with Policy H11 Part C and the range of DMR rents agreed, the scheme could be eligible to follow the Fast Track Route on this basis.

## **Urban design**

29. 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.

### Development layout

30. The applicant has not provided evidence that options were explored for optimising site capacity and layout through a design-led approach, while responding to the openness of the Green Belt, in accordance with Policy D3 of the London Plan. Further, the applicant has not provided evidence of a thorough appraisal of the site's context and setting.
31. The application does not provide any detail on existing boundary conditions, and in particular the existing access road alongside the rear of the existing gardens and sheds. Opportunities for stitching the proposed development into the existing context, improving access permeability, and creating benefits for the wider area do not appear to have been explored.
32. The western site boundary is particularly sensitive due to the potential of the proposed development to turn its back towards the existing homes and gardens, and create long inactive boundary alongside the existing access road. Opportunities to consolidate access to the proposed and existing homes, or to improve the existing access road should have been explored.

### Height, scale, and massing

33. The proposed building heights of up to 3 storeys with pitched roofs, is largely in keeping with the surrounding context and could be acceptable in principle pending further townscape assessment. The LPA should agree viewpoints with the applicant, which should include the proposed access road off Jail Lane, the public footpath further east, as well as the gardens of the homes along Hawthorne Avenue.

### Residential quality

34. The internal layouts of the 1/2/3-bedroom dwellings appear to be of good quality and adhere to the space standards set out in Policy D6 of the London Plan. All dwellings appear to be dual aspect, with appropriate storage and outdoor amenity space.
35. The studio units appear to have no built-in storage, and therefore do not meet London Plan requirements. The applicant must demonstrate adequate

ventilation is provided for the kitchen areas, which do not have direct access to a window.

36. A daylight and sunlight report should be provided to ensure sufficient daylight and sunlight is maintained to surrounding properties, in accordance with Policy D6.

#### Architecture and materials

37. Given the proposed development has been submitted as an outline planning application with all matters reserved, a design code should be submitted in accordance with Policy D4 of the London Plan.

#### Landscaping and public realm

38. The scheme proposes a series of green areas across the site. A green buffer is created along the eastern site boundary, which will be fenced off and inaccessible to the public. In line with Policy G2 of the London Plan, and considering the setting, the proposal should seek to maximise public benefit from developing this Green Belt site and prioritise public access to green spaces for recreation. The applicant should seek to maximise public access to green spaces and limit fencing to an absolute minimum, prioritising hedgerows, and other natural boundary treatments. A detailed plan identifying publicly accessible and inaccessible areas, and detailed boundary treatment and design should be provided and secured by the LPA.

#### Children's play space

39. Policy S4 of the London Plan seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10 sq.m. per child that is not segregated by tenure. Further detail is provided in the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation', together with a population yield calculator.
40. While the proposal indicates play space has been provided, the applicant has not provided details on the quantum of play space. Further details on this should be provided to the LPA and appropriately secured.

#### Agent of change

41. The site is bounded to the north by Biggin Hill Airport. In line with Policy D13 of the London Plan, the development must ensure it does not compromise the day-to-day functioning and long-term viability of the adjacent airport. The proposal therefore must demonstrate that operational noise levels of the airport do not negatively affect the proposed residential uses, and mitigate against any potential adverse impact, as set out in Policy D14 of the London Plan. A noise study was carried out demonstrating that acceptable noise levels can be achieved using conventional glazing and insulation methods. The LPA should secure these mitigation measures by condition.

## Fire safety

42. Policy D12 of the London Plan requires a fire statement prepared by a suitably qualified third-party assessor, demonstrating how the proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
43. A fire statement has been submitted. The fire statement must be updated to confirm compliance with Policy D12 and include details of construction methods and materials. The revised fire statement must be secured by condition.

## Inclusive access

44. Policy D5 of the London Plan seeks to ensure that proposals achieve the highest standards of accessible and inclusive design (not just the minimum). The application material sets out that the development meets the requirements of Policy D5 in that it can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation or special treatment.
45. Policy D7 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'. This should be appropriately secured by either condition or obligation.

## **Transport**

### Healthy Streets & Active Travel Zone Assessment

46. To meet the mode share target of Policy T1 of the London Plan for outer London, it is essential that infrastructure for active travel both on and off the site and that for buses is good and consequently improvements are necessary. Therefore, an appropriate contribution towards bus shelters with Countdown and ensuring that the nearest stops to the site meet TfL standards and guidance should be secured.
47. As noted in Policy T4 of the London Plan, transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Whilst a transport statement has been provided, it has not been prepared in line with TfL guidance. There is no Active Travel Zone assessment, identifying and auditing walking and cycling routes to key destinations such as bus stops, shops, and schools, which should include an assessment in night hours. The ATZ should be provided to the LPA to identify and then secure appropriate active travel improvements to be delivered through the S106 or S278 agreements and / or works in kind.

## Cycling

48. A total of 100 long-stay spaces and 4 short-stay spaces are proposed, which meets the minimum quantity standard outlined in Policy T5 of the London Plan. However, full compliance with the London Cycle Design Standards (LCDS) is also required by Policy T5. The amendments required to achieve full compliance with Policy T5 will be set out by TfL and sent to the LPA separately.
49. Cycle parking should be better arranged so that residents and their visitors can access this easily and conveniently and it is secure. Further details will be provided to the LPA.

#### Car parking

50. The site is proposed to have a total of 55 car parking spaces, which equates to a parking ratio of 1.1 spaces per dwelling. This does accord with maximum London Plan standards for this site. However, no justification has been provided to show that this is the necessary provision given its location and nature, with relatively good access to bus services. A reduction in car parking could also enable concerns about cycle parking to be better addressed and could allow further greening of the site. Furthermore, it would also help achieve the Mayor's strategic mode shift target outlined in Policy T1. Any car parking spaces should be leased, not sold with the property, in line with Policy T6.1 B.
51. No disabled persons' parking bays have been proposed, which is contrary to Policy T6.1, which requires disabled persons' parking spaces for 3% of homes provided from the outset, with a further 7% identified if demand arises in the future.
52. 20% of all car parking will be provided with active charging, and the other 80% passive charging. Officers could support provision of all disabled persons' parking spaces with active charging facilities from the outset.
53. It is also welcomed that car parking is set behind, rather than the front of the homes, so that it minimises severance and improves safety for pedestrians and cyclists.

#### Transport network impacts

54. Officers do not foresee a significant impact on the local or strategic highway or public transport capacity, other than in respect of concerns outlined elsewhere.

#### Delivery and Servicing and construction

55. A full delivery and servicing plan should be secured by condition to align with Policy T7. A full Construction Logistics Plan (CLP) should be secured by condition to align with Policy T7.

#### Travel Plan

56. Given the concerns raised above regarding the ability of the development to meet London Plan mode share targets set out in Policy T1, an effective, full Travel Plan (TP) will need to be secured by condition and follow best practice and practically support sustainable travel by occupiers and visitors to this development. This should include targets at years 1, 3 and 5 in line with the Mayor's Strategic Mode Shift target. The TP should include clear measures to

increase active travel and use of buses, such as bus maps and timetables and walking and cycle information, funded via the S106 agreement. As proposed the development is highly unlikely to meet the 75% active travel mode-shift target outlined in Policy T1 and thus an effective well-funded TP will be essential alongside improvements to active travel and bus infrastructure.

## **Sustainable development**

### Energy strategy

57. The London Plan requires all major developments to meet a net-zero carbon target. Reductions in carbon emissions beyond Part L of the 2021 Building Regulations should be met on-site. Only where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site a contribution to a carbon offset fund or reductions provided off site can be considered.

### Energy strategy compliance

58. An energy statement has been submitted with the application. The energy statement does not yet comply Policies SI2, SI3 and SI4 of the London Plan. The applicant is required to further refine the energy strategy and submit further information to fully comply with London Plan requirements. Full details have been provided to the Council and applicant in a technical memo that should be responded to in full; however outstanding policy requirements include:

- Be Lean – further clarifications on specification and amendment of discrepancies with GAL methodology;
- Managing heat risk – further details to demonstrate the cooling hierarchy has been followed;
- Be Clean – Comment on appropriateness of centralised system and DHN connection;
- Be Green – demonstration that renewable energy has been maximised, including roof layouts showing the extent of PV provision and SCOP of the proposed air source heat pumps;
- Be Seen – confirmation of compliance with this element of policy, with compliance to be secured within the S106 agreement;
- Energy infrastructure – further justification of the energy strategy in terms of the appropriateness of design of the district heating network connection is required.

### *Carbon savings*

59. The development is estimated to achieve a 67% reduction in CO2 emissions compared to 2021 Building Regulations. The development falls short of the net zero-carbon target in Policy SI2, although it meets the minimum 35% reduction on site required by policy. As such, a carbon offset payment is required to be secured. This should be calculated based on a net-zero carbon target using the GLA's recommended carbon offset price (£95/tonne) or, where a local price has been set, the borough's carbon offset price. The draft S106 agreement should be submitted when available to evidence the agreement with the borough.

## Whole Life-cycle Carbon

60. In accordance with Policy SI2 of the London Plan, the applicant is required to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint.
61. It appears that no WLC assessment has been submitted. All applicants are expected to submit a completed WLC assessment template (as an Excel document, not a PDF) and follow the GLA WLC guidance; both of which are available [here](#). The applicant should submit a WLC assessment template in full. This is important to allow results to be recorded and tracked through to the post-construction stages, and to allow a proper review of the results against material quantities and other assumptions made. As per the GLA 'Whole Life-cycle Carbon Assessment – March 2022 – guidance document' this assessment should comply with EN 15978 and cover all building elements.
62. A condition should be secured requiring the applicant to submit a post-construction assessment to report on the development's actual WLC emissions. The template and suggested condition wording are available on the GLA [website](#)<sup>1</sup>.

## Circular economy

63. Policy D3 of the London Plan requires development proposals to integrate circular economy principles as part of the design process. Policy SI7 of the London Plan requires planning applications that are referable to the Mayor of London to submit a circular economy statement, following the Circular Economy Statements LPG.
64. The applicant is required to submit a circular economy statement in accordance with the GLA guidance. In line with Policy SI7, a circular economy statement should be submitted to support all referable applications.
65. This should be developed in line with the London Plan Guidance: Circular Economy Statements (March 2022). Applicants are expected to submit the completed CE template (as an Excel document, not a PDF) and an accompanying written report in line with the GLA guidance. The latest London Plan Guidance and GLA CE template are both available [here](#).
66. Whilst it is understood that this is an outline planning application, the applicant should provide the following supporting information in line with the minimum submission requirements of the GLA guidance as appendices to the CES: pre-redevelopment audit and pre-demolition audit.
67. Whilst the applicant refers to materials and waste in the submitted sustainability statement, this information is very high-level and insufficient to demonstrate compliance with Policy SI7 and its associated guidance.

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<sup>1</sup> <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/whole-life-cycle-carbon-assessments-guidance>

68. A condition should be secured requiring the applicant to submit a post-construction report. The template and suggested condition wording are available on the GLA [website](#)<sup>2</sup>.

### Digital connectivity

69. A 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 in line with Policy SI6 of the London Plan.

## **Environmental issues**

### Biodiversity

70. Policy G6 of the London Plan states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 further states that development proposals should aim to secure net biodiversity gain. Trading rules should also be satisfied.
71. Evidence provided within the Biodiversity Net Gain Assessment (pg. 11) states that the development will provide a +13.75% increase in biodiversity net gain, and a +168.82% increase in hedgerow units based on the current site masterplan. The applicant should confirm that trading rules have been satisfied.
72. Recommendations in the Preliminary Ecological Appraisal should be implemented or robust justification should be given as to why they cannot be. The applicant should prepare an Ecological Management Plan (EMP) to support long-term maintenance and habitat creation. The EMP should be secured by condition.

### Green Infrastructure and Urban Greening

73. The proposed development presents a considered approach to integrating green infrastructure and urban greening across the scheme which is supported and should be brought to fruition. This includes the incorporation of meadow grassland and biodiverse green roofs which support multifunctionality, in accordance with Policy G1 of the London Plan. The opportunity for the provision of biosolar roofing should be explored.
74. The applicant also links to the wider green infrastructure network through native planting within an ecological and landscape buffer zone, along with the inclusion of bird nesting boxes and insect habitats.
75. The applicant states that the proposed development would achieve an urban greening factor score of 0.58, however this statement appears unsupported. A drawing showing the surface cover types and accompanying UGF calculation

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<sup>2</sup> <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/circular-economy-statement-guidance>

should be submitted prior to Stage 2. This should be presented as a standalone document. Further information can be found [here](#).

76. The UGF score calculation should be prepared based on the illustrative masterplan and clear assumptions to demonstrate that the UGF target score of 0.4 would be achievable. Given it is an outline application, it is important that the current quality and quantity of greening is secured and delivered through subsequent stages of planning. Delivery of the UGF at reserved matters phases should be secured by condition and within a design code for subsequent phases of the proposed development.

#### Flood risk management

77. The site is in Flood Zone 1 and is greater than 1 hectare in area. A Flood Risk Assessment (FRA) has been submitted as required under the National Planning Policy Framework (NPPF).
78. The FRA adequately assesses the risk of flooding from fluvial/tidal, pluvial, sewer, ground water and reservoir flooding, which is low.
79. The FRA generally complies with Policy SI.12 of the London Plan.

#### Sustainable drainage

80. The drainage strategy proposes to restrict runoff to the greenfield runoff rate, draining via infiltration, which is welcomed.
81. It is proposed that all surface water will be attenuated in geocellular storage and then infiltrated to ground. The site is currently greenfield, and soakaways are present in the surrounding area. However, site specific infiltration testing has not been undertaken so a conservative rate has been used for the estimation. Infiltration testing is required to inform the volume of storage required for the site and is to be secured by condition.
82. Section 6 of the Sustainability Energy Report states “The proposal includes the installation of green roofs to selected buildings and this will assist in reduce the rate of rainwater runoff and will increase biodiversity.” Confirmation should be provided for the inclusion of green roofs and added to the Foul and Surface Water Strategy Plan in Appendix G. Rainwater harvesting should be provided to satisfy the requirements of Policy SI.13 of the London Plan or robust justification provided for being excluded.
83. A simplified calculation method has been used which provides a range of attenuation volumes. This does not provide sufficient detail to support the proposed drainage strategy. Hydraulic calculations should be provided including a range of return periods and storm durations. It is also noted that the Flood Studies Report (FSR) method has been used for the estimation of rainfall for simulation of the drainage networks. This method underpredicts rainfall intensity in the London area. As such, the drainage simulations should instead use the latest Flood Estimation Handbook (FEH22) method.



84. A maintenance plan detailing the maintenance arrangements for the different elements of the surface water drainage system needs to be provided. This should include who is responsible, maintenance activities / frequencies, and access.
85. An assessment of exceedance flood flow routes above the 100-year event plus 40% climate change should be provided.
86. The LPA should ensure that the Bromley's version of the London Sustainable Drainage Proforma is completed and accompanies the planning application. The proformas for all LPAs can be found [here](#).
87. The surface water drainage strategy does not comply with Policy SI.13.

#### Water efficiency

88. The Sustainability Statement identifies a water consumption target for the residential component of the development as 110 l/person/day. This is higher than the maximum of 105 l/person/day set by Policy SI.5 of the London Plan.
89. Water efficient fittings and metering is proposed, which is welcomed. Leak detection and water monitoring systems should be considered.
90. The applicant should also include water harvesting and reuse to reduce consumption of water across the site. This can be integrated with the surface water drainage system to provide a dual benefit.
91. The proposed development does not currently meet the requirements of Policy SI.5.

#### Air quality

92. Policy SI1 of the London Plan states that development proposals should not lead to deterioration of existing poor air quality; should not create any new areas that exceed air quality limits or delay compliance in areas that are in exceedance of legal limits; and should not create unacceptable risk of high levels of exposure to poor air quality. Development proposals must be at least Air Quality Neutral and large-scale development proposals should provide an air quality positive statement.
93. The proposed development will not lead to adverse impacts on local air quality and conditions for future residents/occupiers. Therefore, the development is considered to be compliant with Policy SI1.
94. An Air Quality Neutral Assessment was undertaken. It has been determined that the proposed development is not air quality neutral. The development features air source heat pumps and no new combustion sources and therefore can be considered air quality neutral in terms of building emissions. However, the trip rate generated by the development is higher than the transport emissions benchmark.

95. Mitigation measures have been outlined to address the increase in transport emissions arising from the development. This includes the provision of electric vehicle charge points, passive electric vehicle charge points and secure cycle parking. These are beneficial, however may not be sufficient to reduce the trips generated by the development; the provision of electric vehicle charge points is not equivalent to the uptake of electric vehicles. To comply with Air Quality Neutral Guidance, a timed and enforced plan would be needed to demonstrate the effectiveness of this as a mitigation measure. Currently there is no guarantee when the development would achieve air quality neutral. Additional measures should be considered and secured by the LPA.
96. The air quality assessment does not state if the development has emergency generators. If there are none, it is recommended that this is stated. If there will be, the emissions from this source should be screened and assessed if necessary. To comply with GLA guidance, backup or emergency generators should not run for more than 50 hours annually.

### **Local planning authority's position**

97. 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**

98. 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**

99. There are no financial considerations at this stage.

### **Conclusion**

100. London Plan policies on land use principles, Green Belt, housing, urban design, transport, sustainability, and environment are relevant to this application. The application does not comply with these policies, as summarised below:

- **Land use principles:** The proposal constitutes inappropriate development in the Green Belt and as such should not be approved except in very special circumstances. Further information is required to assess the extent of the impact of the development on the openness of the Green Belt. The applicant must demonstrate that very special circumstances exist, prior to the Mayor's decision making stage.
- **Housing:** The proposed development includes 50 Build to Rent units as 100% affordable housing by habitable room at Discount Market Rent levels. Compliance with Policy H11 of the London Plan must be appropriately secured, including clawback mechanisms, covenant and rent levels. The scheme could be eligible to follow the Fast Track Route.
- **Urban design:** The development does not demonstrate that the site capacity and layout has been optimised through a design-led approach and impacts to openness of the Green Belt have been identified. A design code and further details on boundary treatments, landscaping, and public access should be provided.
- **Sustainable development and environment:** Further information is required on energy, circular economy whole life-cycle carbon, green infrastructure, water, and air quality.
- **Transport:** Further information is required on Healthy streets, car and cycle parking, delivery, servicing and construction, and Travel Plans.

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

**Zeb McInnes, Senior Strategic Planner (case officer)**

email: [zeb.mcinnnes@london.gov.uk](mailto:zeb.mcinnnes@london.gov.uk)

**\*\*\*Name\*\*\*, Team Leader – Development Management**

email: [\\*\\*\\*name\\*\\*\\*@london.gov.uk](mailto:***name***@london.gov.uk)

**Allison Flight, Deputy Head of Development Management**

email: [alison.flight@london.gov.uk](mailto:alison.flight@london.gov.uk)

**John Finlayson, Head of Development Management**

email: [john.finlayson@london.gov.uk](mailto:john.finlayson@london.gov.uk)

**Lucinda Turner, Assistant Director of Planning**

email: [lucinda.turner@london.gov.uk](mailto:lucinda.turner@london.gov.uk)

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.