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| Committee Date | 11.07.2024 | |
| Address | Riverside Gardens Cray Avenue Orpington | |
| Application Number | 23/04877/FULL1 | Officer - Lawrence Stannard |
| Ward | St Mary Cray | |
| Proposal | Wetland restoration engineering operations to include removal of silt and vegetation and introduce a sediment trap. | |
| Applicant | Agent | |
| Mrs Jane Askew London Borough of Bromley | | |
| Stockwell Close Bromley BR1 3UH United Kingdom | | |
| Reason for referral to committee | Outside Delegated Powers | Councillor call in |

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| RECOMMENDATION | Permission |
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| <p>KEY DESIGNATIONS</p> <p>Areas of Archaeological Significance Article 4 Direction Biggin Hill Safeguarding Area Biggin Hill Safeguarding Birds Renewal Area Urban Open Space Smoke Control SCA 26</p> |
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| Representation summary | <ul style="list-style-type: none"> • Neighbour notification letters were sent on the 9th February 2024. • The site notice was displayed on the 15th February 2024. • A press advert was published on the 14th February 2024. |
| Total number of responses | 4 |
| Number in support | 4 |
| Number of objections | 0 |

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not impact adversely upon flood risk, drainage or biodiversity.
- The development would not result in a harmful impact on the character of the area or visual amenities of the streetscene.
- The development would not result in an unacceptable impact upon the amenities of neighbouring residential properties.

2 LOCATION

- 2.1 The application site relates to Riverside Gardens which is sited on the eastern side of Cray Avenue. The site is bounded by Kent Road to the north, and Lower Road to its east.
- 2.2 The site is a designated area of Urban Open Space and hosts part of the River Cray Site of Importance for Nature Conservation, and is sited within Flood Risk Zones 2 and 3.

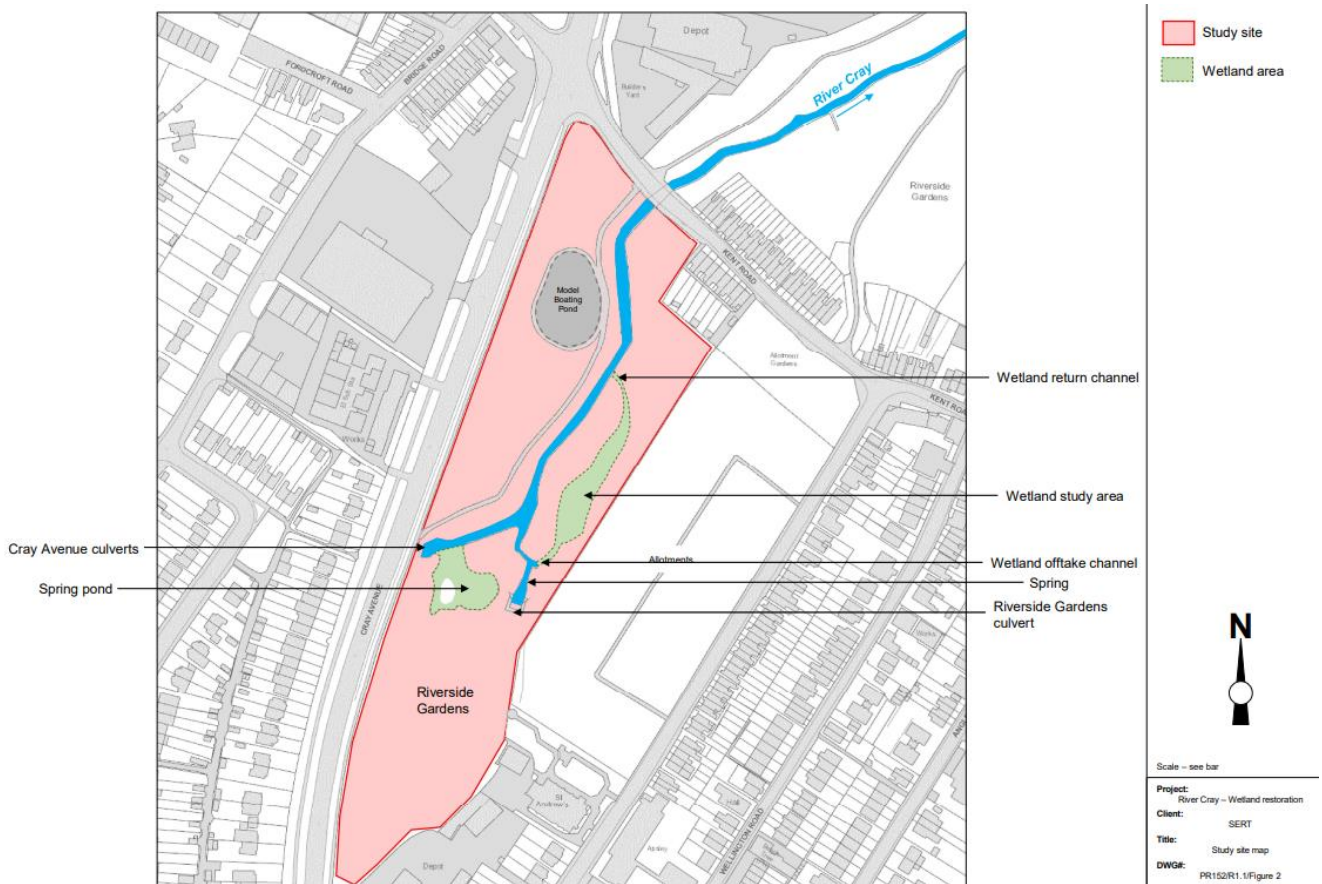


Figure 1: Site Location Plan



Figure 2: Site Aerial Image

3 PROPOSAL

- 3.1 The application seeks permission for wetland restoration engineering operations which would include the removal of silt and vegetation and the introduction of a sediment trap.
- 3.2 The works would be part of a project which aims to create conditions suitable for re-introduction of native fish species in the locality, improve water quality and habitats, and remove physical barriers for wildlife movement.

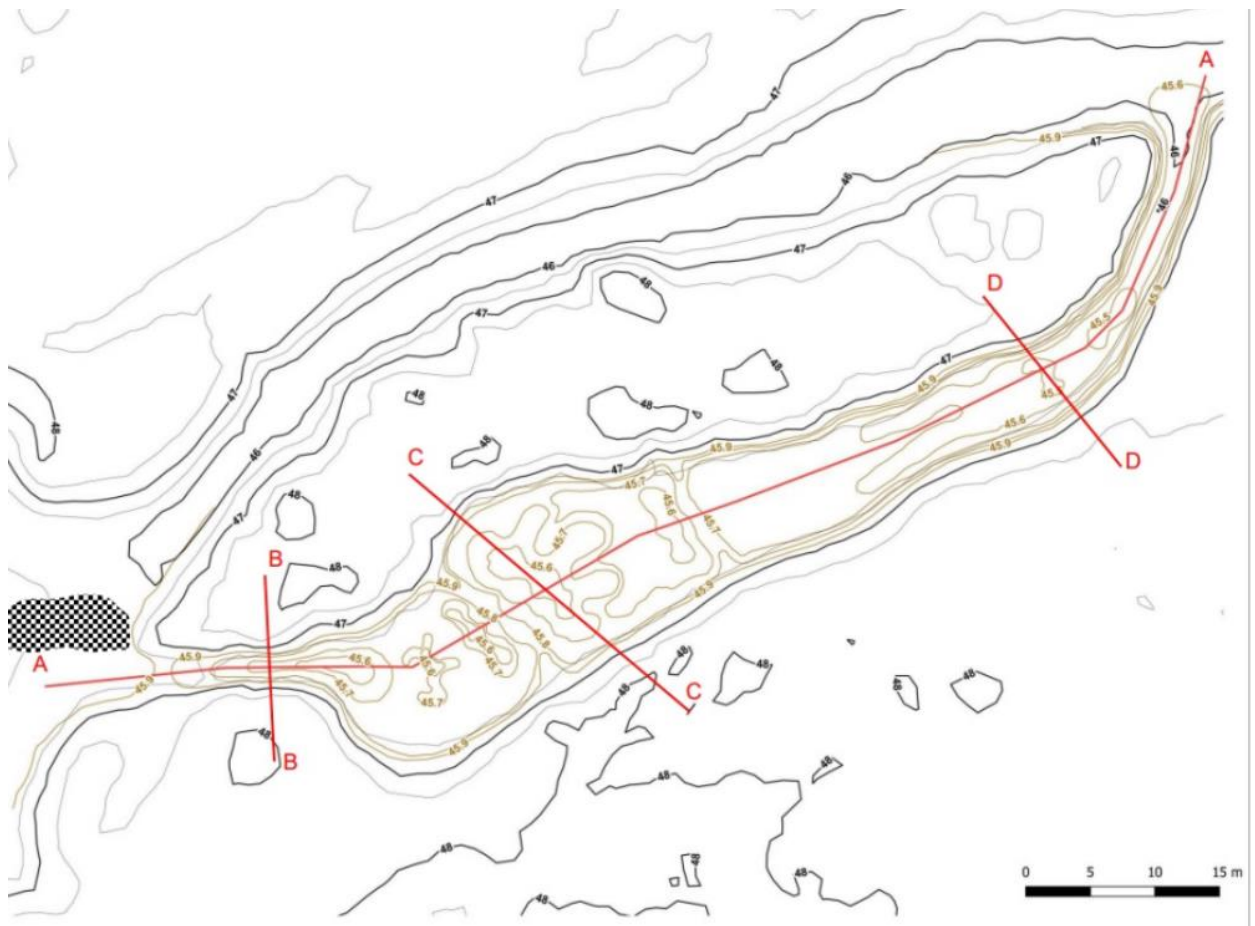


Figure 3: Proposed Contour Plan



Figure 4: Proposed Site Plan

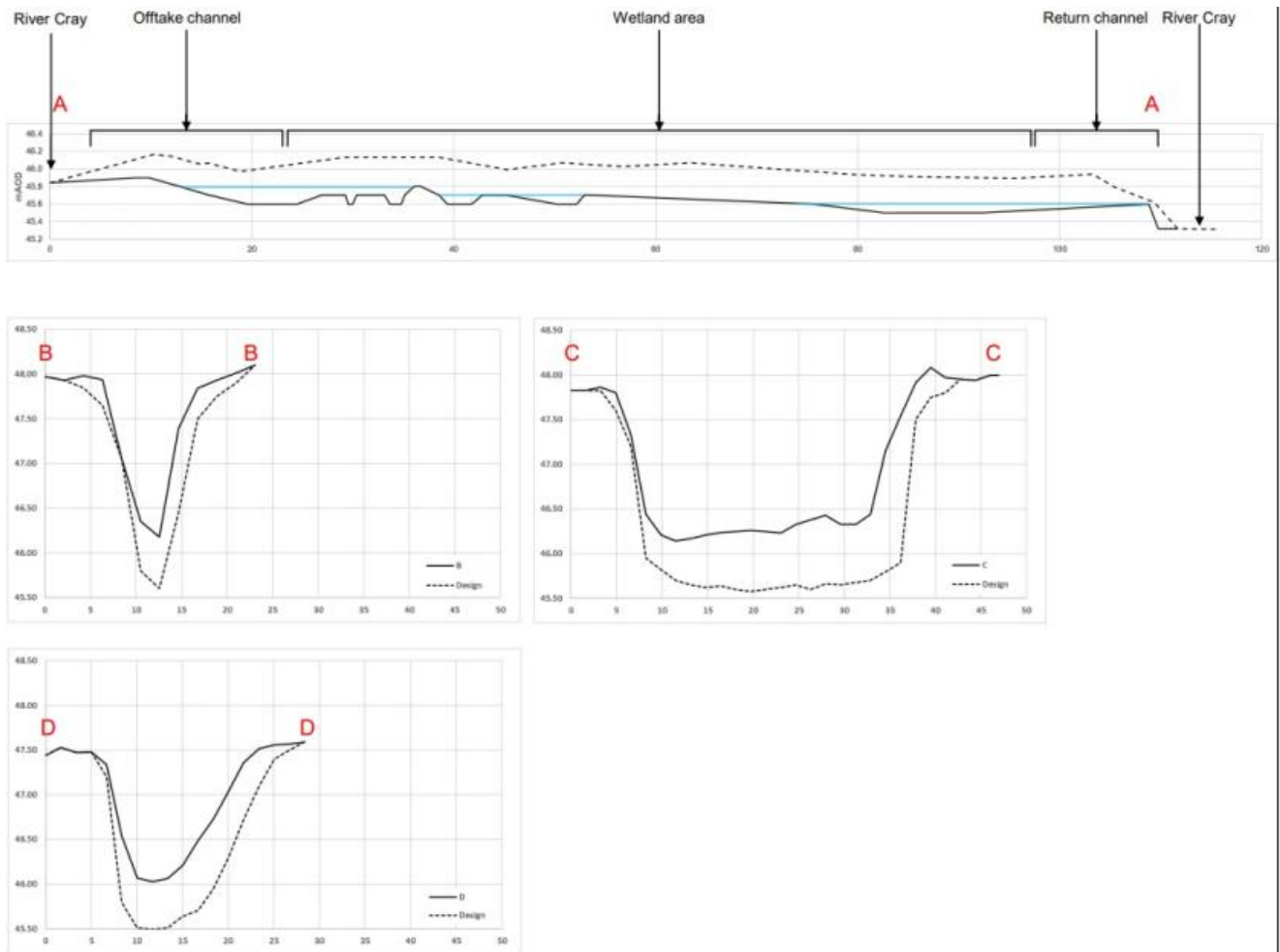


Figure 5: Design Sections Proposed

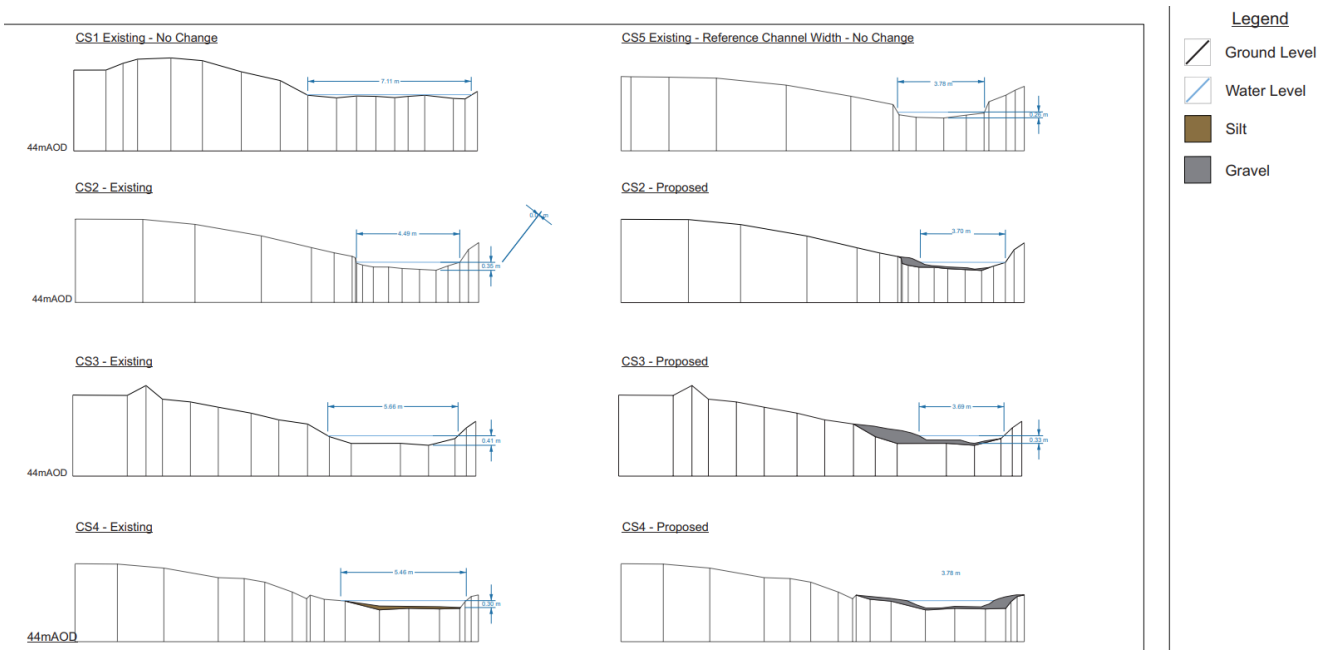


Figure 6: Existing and Proposed Channel Sections



Inlet channel upstream



Inlet channel middle



Inlet channel bottom – towards wetland

Figure 7: Photos of existing site

4 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant / recent planning history.

- 23/02124/TELCOM – Installation of 15m high Phase 8 monopole and associated ancillary works – Prior approval granted.

5 CONSULTATION SUMMARY

A) Statutory

Bromley Biodiversity Partnership:

- We confirm our strong support for this project, which has included involvement from members of the Bromley Biodiversity Partnership.
- The project will be beneficial for the River Cray and its surroundings.
- The Preliminary Ecological Assessment includes appropriate recommendations to ensure that existing wildlife will be taken into consideration during the works.

Drainage Officer:

- We welcome this restoration scheme, we however need to consult the Environment Agency because most of the works are done to the Main River. The impact of the works on flooding downstream must be known.

Environment Agency:

Initial comments were received from the Environment Agency which sought to request further details in relation to excavation works and in-channel enhancements. Following the submission of further information the following comments were received;

- We are able to remove our objection to the proposed development, subject to the inclusion of the condition provided below in the attached appendices titled 'Section 1 – Planning conditions' on any permission provided, relating to unexpected contamination.
- We appreciate the submission of an FRA for this application to comply with NPPF footnote 59.

B) Local Groups

The following comments were received from local groups.

Riverside Gardens Riverfly Monitoring Initiative

- We have not counted any fish in the Cray since October 2023 and are concerned the fish have been killed off by the pollution from the outfall.
- Would be in favour of the river restoration works outlined in the proposal.
- We believe this would help mitigate the pollution problem caused by the outfall and positively improve the local environment and biodiversity.

The CRA20TEN Residents Association

- This project will be beneficial to the health of the river and to its wildlife.
- It has our full support.

C) Adjoining Occupiers

The following comments were received from adjoining occupiers (summarised);

Support

- When reed beds were first installed to filter the water from the surface water drain outlet, a dam was built to prevent waste water entering the river Cray directly – which was dismantled by people. New dam is obviously needed – but please ensure it is constructed so it can't be easily destroyed.
- Work is supported by locals to protect the river, its wildlife and plant contents.
- Should enhance biodiversity.
- Will hopefully reduce polluting incidents in the main flow of the River Cray.
- Would improve the aesthetics of the river and gardens.

6 POLICIES AND GUIDANCE

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

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

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

6.3 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

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

6.5 National Planning Policy Framework 2023

6.6 The London Plan (2021)

- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI12 Flood risk management
- SI13 Sustainable drainage
- SI 14 Waterways - strategic role
- SI 17 Protecting and enhancing London's waterways

6.7 Bromley Local Plan 2019

- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 17 Cray Valley Renewal Area
- 37 General Design of Development
- 55 Urban Open Space
- 69 Development and Nature Conservation Sites
- 70 Wildlife Features
- 73 Development and Trees
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 123 Sustainable Design and Construction

6.8 Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (July 2023)

7 ASSESSMENT

7.1 Flooding, Drainage and Biodiversity – Acceptable

- 7.1.1 The application is for wetland restoration engineering operations to include the removal of silt and vegetation and the introduction of a sediment trap.
- 7.1.2 The supporting documents include a project outline which indicate that the works would be part of a project which aims to create conditions suitable for re-introduction of native fish species in the locality, improve water quality and habitats, and remove physical barriers for wildlife movement.
- 7.1.3 The application site lies within Flood Zones 2 and 3, with the River Cray running through the site.
- 7.1.4 Policy SI 13 of the London Plan and Policy 116 of the Bromley Local Plan relate to Sustainable Urban Drainage Systems (SUDS). Policy 116 states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible. Applications for developments located within Flood Zones 2, 3a and 3b and in Flood Zone 1 for areas identified as hot spots in Bromley's Surface water Management Plan (SWAMP), Preliminary Flood Risk Assessment (PFRA) and in the Strategic Flood Risk Assessment must be accompanied by a site-specific Flood Risk Assessment (FRA). Policies SI 12 of the London Plan and 115 of the Bromley Local Plan relate specifically to Flood Risk Management and Reducing Flood Risk.
- 7.1.5 The application is supported by a Flood Risk Assessment (prepared by South East Rivers Trust) which outlines that water quality in this stretch of the river is affected by a large surface water outfall, with waters joining the river at the top of Riverside Gardens.
- 7.1.6 It further outlines that the outfall discharge originally re-directed into the wetland, but due to the inlet channel getting blocked from silt and vegetation the outfall now discharges directly into the river, contributing to significant amounts of suspended silt and pollutants present in the urban surface runoff, resulting in the water quality and habitat degradation.
- 7.1.7 The proposal seeks to restore the functionality of the wetland by reprofiling the inlet channel and wetland profile to allow sufficient retention time to remove suspended silt. Material removed from the wetland will be used to narrow the adjacent section of the river by creating a side berm. The resulting faster flows will expose gravels necessary for development of typical aquatic vegetation and suitable for characteristic fish and invertebrates.
- 7.1.8 The excavation of the wetland area, and its reconnection with the River Cray will increase flood water storage within the site, further decreasing already negligible fluvial flood risk outside of the channel itself. The scheme itself will not increase surface water runoff due to the nature of the proposals within permeable grassland and the restoration of wetlands.
- 7.1.9 The Council's Drainage Officer and the Environment Agency were consulted on the proposed development and have raised no objection subject to conditions to ensure the proposal is carried out in accordance with the submitted documents and to ensure that

if contamination not previously identified is found then no further development is carried out until a remediation strategy is submitted and approved.

7.1.10 The Bromley Biodiversity Partnership has also confirmed that they have been involved with the project and would support it, considering that the project would be beneficial for the River Cray and its surroundings, and that the Preliminary Ecological Assessment submitted includes appropriate recommendations to ensure that existing wildlife would be taken into consideration during the works.

7.2 Residential Amenity – Acceptable

7.2.1 The proposed development would not consist of any works that would result in any unacceptable impact upon light, outlook or visual amenity to nearby residential properties.

7.2.2 Furthermore, the works would increase flood water storage within the site and would not result in any additional flood risk to the surrounding area and the nearby residential properties.

7.2.3 Having regard to the above, it is considered that the development would not result in any unacceptable impact upon residential amenity.

7.3 Urban Open Space - Acceptable

7.3.1 Policy 55 outlines the proposals for built development in Urban Open Space (UOS) will be permitted if the development is related to the existing use, is small scale and supports outdoor recreational uses, or any replacement buildings do not exceed the site coverage of existing development.

7.3.2 The proposal would not result in any additional or replacement buildings on the site, and would be considered to support the outdoor recreational use of Riverside Gardens. It is not considered that the development would conflict with the Urban Open Space designation of the application site.

8 **CONCLUSION**

8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not harm the amenities of neighbouring properties or the character of the area in general, and would not impact detrimentally upon flood risk, drainage or biodiversity.

8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

Recommendation: Application Permitted

Conditions

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Materials in accordance with plans**
- 4. Unexpected Contamination**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.