



Housing, Planning & Regeneration
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BY EMAIL

22nd May 2025

Dear [REDACTED]

RE: Land South Of Burrfield Drive Waldens Road Orpington

Proposal: Residential-led mixed use development comprising approximately 350 dwellings including affordable homes and a community hub with access from Crockenhill Road to the north and Cockmannings Road to the south

I refer to your pre-application submissions and our meeting of 3rd March 2025. I apologise for the delay in writing.

In attendance on behalf of London Borough of Bromley:

- [REDACTED] – Planning Officer
- [REDACTED] – Major Team Leader
- [REDACTED] – Planning Officer
- [REDACTED] – Policy Team Leader

The submitted plans and documents for consideration are as follows:

Initially received:

- Pre-application form
- Covering Letter
- Site Location Plan
- Draft Masterplan
- Appendix 1 – Proposed Validation List
- Landscape Viewpoints
- Site Photos

Director: Sara Bowrey

Post pre-application meeting:

- Pre-application presentation
- Transport Scoping Note
- Greater London Authority pre-application response

Please note the advice in this letter is given on the basis of the information submitted. The advice set out in this letter is provided without prejudice to the Council's formal determination of any future planning application.

Proposal

The proposal will comprise of up to 350 dwellings of which 50% will be affordable. The density will range from 25-35 dwellings per hectare of semi-detached and detached 2 storey homes, 30-40 dwellings per hectare of terraced and semi-detached 2-3 storey homes and 40-50 dwellings per hectare of 2-4 storey terraced homes or apartments.

The proposal also includes a community hub, open space and associated infrastructure. Vehicular and pedestrian access will be provided from Crockenhill Road to the North and Cockmannings Road to the South, and a new primary vehicular route will run through the site connecting to Crockenhill Road and Cockmannings Road for public transport.

Location and Key Constraints

The application site covers an area of 16 hectares and is situated directly to the east of and adjacent to the settlement boundary of St Mary Cray. The site is bounded by Crockenhill Road to the north, Waldens Road to the east and Cockmannings Road to the south. To the West of the site is St Mary Cray Recreation Ground. Kevington Hall (Grade II*) is located approximately 130m north of the Site, north of Crockenhill Road. The site is currently used as agricultural land and includes two Public Footpaths, i.e. Nos 179 and 180. The agricultural land is classified as having a high likelihood of the Best and Most versatile (BMV) Land. The site falls within the Cray Valley Renewal Area, as defined within the adopted Bromley Local Plan. This is an area considered to fall within the 10% most deprived within the entire country.

The application site lies within designated Green Belt and part of the site falls within the Cray Valley Renewal Area. The eastern part of the site also contains a Site of Importance for Nature Conservation (SINC) – Kynaston Wood and the trees within the SINC are protected by a Tree Preservation Order (TPO ref: OUDC 9 1951). This is a woodland TPO so all trees of any age and species are protected.

The site is in Flood Zone 1, mapping information shows the site does have a risk of flooding from surface water in the northern portion and along the Eastern boundary of the site. The public transport accessibility of the site (PTAL) is rated PTAL 1a on a scale between 0 to 6b, where 0 is worst and 6b is excellent.

Consultations

Highways: The Access Plan shows cycling symbols on the registered footpath, it's important to note cycling is not permitted on registered footpaths.

The site has a very low (1) PTAL so a large percentage of trips are likely to be by car. This would be contrary to policies T1 and T2 of the London Plan and policies 31 and 33 of Bromley's Local Plan. Although the intentions to improve PTAL with the rerouting of a bus service through the site and also the improvement / provision of improved walking and cycling routes to nearby services and amenities is noted.

A healthy streets assessment should be carried out on the walking and cycling routes. There should also be detailed design drawings for the junction layouts and Road Safety Audit should be provided for the proposed junctions and road layouts. A full Transport Assessment will be required also.

The construction phase will have significant impacts, particularly in terms of construction vehicles. An outline CEMP to identify the major issues is required.

Drainage: This site is subject to flooding, in October 2021 there was significant flooding which caused significant disruption. There's concern of development in the path of a surface water flow route that is identified in both the Environment Agency's flood risk maps and in Bromley Councils Strategic Flood Risk Assessment Reports. As such, we require a detailed Surface Water Strategy to be submitted to address the risk of storm water flooding at the new development and the mitigation measures to be implemented. Design calculations and hydraulic modelling to be included in the report. More comments can be provided once the Flood Risk Assessment & Drainage Strategy Report is submitted.

Environmental Health: Noise: A noise assessment should be carried out to minimise exposure to noise levels that are likely to affect health and wellbeing. Reference to all relevant National, Regional and Local planning guidance, British Standards, and World Health Organisation Guidelines should be made. Bromley's Local Plan Policy 119 should be met also.

It's important to note careful design of building layout and servicing can reduce the impact of noise and vibration on a development and its surroundings. Incorporating materials and features to reduce the impact of noise on the immediate surroundings of buildings as well as between different users within buildings can help.

Conditions will be used to limit hours of operation, to provide protection for noise-sensitive developments, particularly at night. All available powers will be used to minimise and contain noise. Development will be unacceptable if it leads to a significant increase in noise levels.

Air Quality: An Air Quality Assessment should be considered; reference should be made to EPUK guidance and to London Councils guidance. The assessment should compare the existing situation with that following completion of the development (with other planned developments included) and determine the expected changes in air quality. The assessment should compare predicted pollutant concentrations with relevant air quality objectives. It should consider the current and proposed limits of the Air Quality Strategy objectives. The design and layout of a proposal is essential in reducing the exposure of all future occupants to any existing poor air quality. Bromley's Local Plan Policy 120 should be met.

An assessment should also be undertaken to demonstrate that the proposals satisfy the requirements of the LPG Air Quality Neutral

It's important to note the proposed development borders an Air Quality Management Area.

Lighting: All light pollution or obtrusive light is avoided in any lighting design. It can be a source of annoyance to people, harmful to wildlife and undermine enjoyment of the countryside or the night sky.

The Institute of Lighting Professionals guidance documents should be followed, particularly, Professional Lighting Guidance Note 01, 'The Reduction of Obtrusive Light', Professional Lighting Guide PLG 05, 'The Brightness of Illuminated Advertisements' and Bromley's Local Plan Policy 122 should be met.

Construction: A Construction Management Plan (CMP) will be required by Pollution Control. The site should be categorised, to establish the level of impact from noise and dust/ air quality along with the mitigation and management required. The following guidance should be followed: Guidance on the assessment of dust from demolition and construction Institute of Air Quality Management and London Good Practice Guide: Noise & Vibration Control for Demolition and Construction CIEH guidance document. There are other documents produced by the IAQM, which may be relevant, in particular the following: 'Guidance on Monitoring in the Vicinity of Demolition and Construction Sites'. A CMP must meet the requirements of the London Borough of Bromley's: Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2022 and include measures to ensure compliance with NRMM requirements. Bromley's Local Plan Policy 123 should be met.

The Pollution Team seek to manage the impact of development when considering a development proposal. Owing to the size of the development we will seek a contribution to cover the Pollution Control Team's costs in the ongoing review of the works and monitoring of the environmental impacts through the length of the project via a section 106 Agreement.

Urban Design: No evidence has been provided to indicate that a contextual analysis has been carried out. The preapplication presentation document provides a very limited site appraisal, the applicant will need to demonstrate how site opportunities and constraints have informed the design principles and objectives.

The proposed building heights would be broadly in keeping with the surrounding context subject to the adoption of an appropriate architectural approach and detailed design considerations. A Townscape Visual Impact Assessment would be required to fully assess the impact.

It appears that the proposals are still very much at an early 'in principle' stage. Design Officers will respond further when more information becomes available.

Trees: A very substantial Soft Landscaping Plan which includes tree planting is required, it shall highlight how the development contributes to the BNG requirements and how the development will reduce the visual impact from viewpoints on all sides.

Any full application should be supported by an Arboricultural Impact Assessment to address existing tree constraints.

Planning History

There is no significant/ relevant planning history relating to the application site. The only related application was for the "Installation of a telecommunications base station comprising of a 20m monopole, supporting 6 no antennas, 2 no dishes, installation of 3No. cabinets and development ancillary thereto (56 DAY CONSULTATION BY Cornerstone REGARDING THE

NEED FOR APPROVAL OF SITING AND APPEARANCE OF TELECOMMUNICATIONS APPARATUS)" which was refused on the 31th of August 2023.

Policy Context

Relevant policies and guidance to this pre-application include:

National Planning Policy Framework (NPPF) 2024

National Planning Policy Guidance (PPG) (2019)

Housing Delivery Test Measurement Rule Book (2018)

London Plan Policies (2021)

D1 London's form, character and capacity for growth
D2 Delivering good design
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
D7 Accessible housing
D8 Public Realm
D11 Safety, securing and resilience to emergency
D12 Fire safety
D13 Agent of Change
D14 Noise
H1 Increasing housing supply
H4 Delivering affordable housing
H10 Housing size mix
S1 Developing London's social infrastructure
G1 Green Infrastructure
G2 London's Green Belt
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI1 Improving Air quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI4 Managing heat riskSI5 Water infrastructure
SI6 Digital connectivity infrastructure
SI7 Reducing waste and supporting the circular economy
SI8 Waste capacity and net waste self-sufficiency
SI13 Sustainable drainage
T1 Strategic approach to transport
T2 Healthy Streets
T3 Transport capacity, connectivity and safeguarding
T4 Accessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T7 Deliveries, servicing and construction

T9 Funding transport infrastructure through planning
DF1 Delivery of the plan and planning obligations
M1 Monitoring

Bromley Local Plan (2019)

1 Housing Supply
2 Provision of Affordable Housing
4 Housing Design
8 Side Space
13 Renewal Areas
17 Cray Valley Renewal Area
20 Community Facilities
22 Social Infrastructure in New Development
26 Health & Wellbeing
30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for all
34 Highway Infrastructure Provision
37 General Design of Development
38 Statutory Listed Buildings
39 Locally Listed Buildings
48 Skyline
49 The Green Belt
57 Outdoor Recreation and Leisure
58 Outdoor Sport, Recreational and Play
60 Public Rights of Way and Other Recreational Routes
62 Agricultural Land
69 Development and Nature Conservation Sites
70 Wildlife Features
72 Protected Species
73 Development and Trees
74 Conservation and Management of Trees and Woodland
75 Hedgerows and Development
77 Landscape Quality and Character
79 Biodiversity and Access to Nature
113 Waste Management in New Development
115 Reducing Flood Risk
116 Sustainable Urban Drainage Systems
117 Water and Wastewater Infrastructure
118 Contaminated Land
119 Noise Pollution
120 Air Quality
122 Light Pollution
123 Sustainable Design and Construction
124 Carbon Reduction, Decentralised Energy Networks and Renewable Energy
125 Delivery and Implementation of the Local Plan

London Borough Bromley Supplementary Planning Documents (SPDs):

- Affordable Housing SPD and subsequent addendums
- Planning Obligations SPD (June 2022)
- Urban Design Guide SPD (July 2023)

Key Planning Considerations

Principle of development

Green Belt

The site is designated as Green Belt land within the Bromley Local Plan. Chapter 13 'Protecting Green Belt Land' of the National Planning Policy Framework (2023), Policy G2 of the London Plan (2021), and Policy 49 of the Bromley Local Plan (2019) are particularly relevant in this respect.

The Government attaches great importance to Green Belts. The NPPF states that 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 NPPF Paragraph 142.

Paragraph 143 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 145 of the Framework sets out that once established, Green Belts can be altered in exceptional circumstances and if it is fully evidenced and justified.

NPPF paragraphs 153-160 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very special circumstances (VSCs). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "VSCs" 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.

Therefore, the main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the VSCs necessary to justify the proposal.

Inappropriate development in the Green Belt is harmful by definition (in principle). Therefore, the harm to the Green Belt in principle remains even if there is no further harm to openness arising from the development. VSCs by their nature will also often be unique to the application site and will not be capable of being easily repeated as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form, it has been described by Appeal Inspectors as an "absence of development", and therefore any new development, built form or a more intensive use of land in the Green Belt is likely to have a greater effect on openness than the current situation. Openness takes into account the effect of built form on the otherwise open landscape and therefore the three dimensional mass of a building, as compared with a two dimensional form of a flat surface, is a critical element of this part of the assessment. This may be concluded to compromise openness and conflict with the purpose(s) of including land within Green Belts; in this case assisting in safeguarding the countryside from encroachment. With regard to "openness" the Supreme Court has also recently ruled, clarifying that "matters relevant to openness in any particular case are a matter of planning judgement, not law" and that "visual effects" are a relevant material consideration. However as mentioned above, even if there is absence of harm to openness, there may still be harm in principle to the Green Belt by reason of inappropriate development. Furthermore, it is established in the assessment of the impact of new development on the openness of the Green Belt that the land in question does not need to be prominent or visible from the public realm; as the mere fact that the development exists in the Green Belt at all is inherently harmful to openness as compared with the same land that is absent of the proposed development in question. Notwithstanding this, however, with regard to 'openness', the Supreme Court has ruled that 'matters relevant to openness in any particular case are a matter of planning judgement, not law and that "visual effects" are a relevant "material consideration"'.

Paragraph 154 of the NPPF states that development within the Green Belt is inappropriate with exceptions to this listed within paragraphs 154(a) to 154(h);

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

Paragraph 156 of the NPPF states that where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
- b. necessary improvements to local or national infrastructure; and
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

Loss of agricultural land

Paragraph 187 of the NPPF states that decision should contribute to and enhance the natural and local environment by:

- a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The site currently is agricultural land. The Natural England map shows that the site has high likelihood of Best and Most Versatile (BMV) land (The Likelihood of Best and Most Versatile (BMV) Agricultural Land – Strategic scale map London and the South East (ALC019)). Having regard to the above, the proposed development is considered to result in a significant impact to agricultural land and land which is the BMV and is within the 10% of the most deprived within the entire country.

Kynaston Wood SINC and Tree Preservation Orders (TPO ref: OUDC 9 1951)

The Kynaston Wood a site of Importance for Nature Conservation (SINC) and the trees within the SINC are protected by a Tree Preservation Order (TPO ref: OUDC 9 1951). This site is located 500m towards the East of the site.

The site, the SINC and the impact on the Green Belt has the potential for significant ecological effects on the site itself and the sites in the immediate vicinity due to the hydrological links.

The proposal would offer the opportunity for new planting and landscaping to enhance the development, although it should be native and contribute towards the biodiversity

enhancements of the site. This will need to be supported by a very substantial Soft Landscaping Plan and Arboricultural Impact Assessment.

Assessment

In relation to Green Belt, the NPPF 2024 introduces the concept of Grey Belt defined in the NPPF Glossary as:

"Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey Belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

The existing use of the site is for agricultural purposes. The proposal involves the development of 350 homes and other development in the Green Belt. As mentioned, the NPPF 2024 paragraph 155 advises that such development in the Green Belt should not be regarded as inappropriate where all of its criteria apply. However, this is subject to whether the land meets the definition of Grey Belt according to the NPPF glossary definition i.e. whether or not the land contributes to any of the stated purposes in NPPF paragraph 143:

(a) to check the unrestricted sprawl of large built-up areas;

Note: One of the underlying aims of the Green Belt is: "[...]"to prevent urban sprawl by keeping land permanently open...". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt.

This site is surrounded by residential built-up area to the North and West only. Towards the East there is minimal development until Crockenhill which is about 2km away from the proposed development location and Swanley which is about 2.5km away from the proposed development. This site could be regarded as checking the unrestricted sprawl of the large built up area of St Mary Cray from joining up with the neighbouring built up areas and therefore contribute towards the stated purpose of the Green Belt.

(b) to prevent neighbouring towns merging into one another

Note: This criterion does not appear to be applicable.

(d) to preserve the setting and special character of historic towns;

Note: This criterion does not appear to be applicable.

On this basis in relation to Grey Belt, it has not been demonstrated that the land comprises Grey Belt according to the NPPF definition and in that event NPPF paragraph 155 would not apply.

However, if the land is considered to comprise Grey Belt and NPPF paragraph 155 does apply, then the proposal would need to meet all of its criteria, and in this respect it is not clear that the development would:

a) not fundamentally undermine the purposes taken together of the remaining Green Belt,

As mentioned, the site could be regarded as checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment.

b) there is a demonstrable unmet need for the type of development proposed.

It may be concluded the site would contribute towards meeting the demand for housing.

c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.

Note: The current PTAL rating for this site is poor (currently 1a/1b) as such would not be located in a particularly sustainable location and is likely to require travel to the site by private transport such as the car. Further details would need to be submitted at application stage to show how the PTAL rating would improve and whether the site could then be considered to be in a sustainable location.

d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

The "Golden Rules" do apply in this instance as affordable housing is proposed. The information pack states 50% affordable housing, although no information is provided regarding tenure mix or housing size mix. This information should be provided as part of any formal application, having regard to paragraph 2.1.17 of the Local Plan and Local Plan policy 2

Given the current situation as set out above it is considered that the proposal would not comply with the Green Belt provision under NPPF paragraph 155 in any event as the purpose of the Green Belt to check the unrestricted sprawl of built up areas can not be met. It remains to be assessed against NPPF 154 as follows.

The proposal involves a small provision of community facilities, as such it is possible that the proposed community facility will provide outdoor recreation (NPPF paragraph 154b). Notwithstanding this, such facilities should still preserve the openness of the Green Belt and should not conflict with the purposes of including land within it. Furthermore, the amount/scale of the stables should also preserve openness.

The remainder of the proposal will provide for residential development. 350 dwellings varying in typology and density are to be provided of which 50% will be affordable. The proposed dwellings are likely to be considered under NPPF paragraph 154f. Although, the erection of 350 new dwellings will cause substantial harm to the openness of the Green Belt as there will be an increase in building footprint and building mass on the untouched Green Belt. 350 dwellings will result in visual clutter and detract from the character of the area and conflict with the existing purpose of the Green Belt.

The proposed development will result in a significant increase and impact of vehicle movements which will impact the openness and the visual amenities of the Green Belt.

If the proposal would be concluded to be inappropriate development, then it would be necessary to determine whether there would be any other harm arising from the development and whether there would be any VSCs to clearly outweigh the harm to the Green Belt the other harm identified. The proposal does not offer VSCs and if any were to be required the Applicant

should note that VSC by their nature will also often be unique to the application site and will not capable of being easily repeated as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

Housing Supply

Housing is a priority for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

Paragraph 123 of the NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Bromley Local Plan Policy 1 sets out the Council's housing supply policy. It states that the Council will make provision of a minimum of 641 additional homes per annum over the ten year period, and where possible, over the fifteen year period which will be achieved by;

- a) The development of allocated sites and sites with planning permission;
- b) Town Centre renewal involving the provision of housing;
- c) The development of housing within Renewal Areas
- d) The development or redevelopment of windfall sites;
- e) The conversion of suitable properties
- f) Mixed use developments including housing in suitable locations;
- g) The provision of suitable non self-contained units;
- h) Vacant properties being brought back into use;
- i) Resisting the loss of existing housing except where accommodation is unsuitable and incapable of being adapted for continued residential use or where the proposal meets an identified need for community facilities; and
- j) The development of housing in broad locations (additional large sites within Bromley Town Centre, Orpington Town Centre and other areas where there is existing large scale retail and sites due to public sector restructuring and other land disposal).

Bromley Local Plan Policy 4 advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The current published five year housing land supply (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee in November 2021 and acknowledged as a significant undersupply.

Subsequent to this, an appeal decision from October 2024 (appeal ref: APP/G5180/W/24/3340223) concluded that the Council had a supply of 2,628 units or 2.4 years; this figure assumes the new London Plan target of 774 units per annum applies from

FY 2019/20 and factors in shortfall in delivery against past targets since 2019. This is considered to be a very significant level of undersupply. For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply.

The Housing Delivery Test 2023 results (published in December 2024) indicate that housing delivery against Bromley's housing requirement has fallen below 75% over the HDT period; this requires the addition of a 20% buffer to the Council's housing requirement over the FYHLS period (in accordance with Footnote 8 of the NPPF). It also means that, for the purposes of assessing relevant planning applications, the presumption in favour of sustainable development may apply.

The Council is in the process of preparing an updated FYHLS position, reflecting changes since the last published position in November 2021.

The NPPF (2024) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that this means approving development proposals that accord with an up-to-date development plan without delay.

Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Having regard to footnote 8 of the NPPF, the policies which are most important for determining this application, including Policy 1 of the Bromley Local Plan, are out-of-date and consequently the presumption in favour of sustainable development as set out in Paragraph 11(d) is engaged.

Whilst this proposal would provide approximately 350 new dwellings, with policy compliant affordable housing contribution representing a significant contribution to the supply of housing within the Borough, the site is located within The Green Belt, which is an area or asset of importance for the purposes of Paragraph 11(d). In the event that the policies protecting this area or asset of importance provide a strong reason for refusal, the presumption in favour of sustainable development may not apply.

The proposal is subject to an assessment including the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of the adjoining and future residential occupiers of the scheme and car parking and transport implications.

Housing Matters (Unit size, mix and fire safety)

New development is expected to provide mixed and balanced communities. The Bromley Local Plan does not set a prescriptive unit size breakdown and individual sites are assessed on a case by case basis in consultation with the Council's Housing Department. The 2014 Strategic Housing Market Assessment (SHMA) highlights that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%)

and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis.

The application does not include the detailed design of the dwellings, the proposal indicates that the dwellings would be a mixture of two storey or three storey one to four bedroom properties. More detail is required on tenure mix, housing size mix with regard to paragraph 2.1.17 of the Local Plan and Local Plan Policy 2 in any formal submission.

In addition, a Fire Statement is required for all major developments. London Plan Policy D12 and London Fire safety LPG set out the detail requirements. The statement should be prepared by a qualified fire engineer.

Standard of residential accommodation

NPPF paragraph 135 sets an expectation that new development will be designed to create places that are safe, inclusive and accessible and have a 'high standard' of amenity for existing and future users.

London Plan Policy D6 relates to 'Housing quality and standards', and states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

London Plan Policy D7 Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which the Building Regulations Part M volume 1 applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which the Building Regulations Part M volume 1 applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The relevant category of Building Control Compliance should be secured by planning conditions. The proposal should either provide directly accessible/adaptable homes and/or opportunity for future adaptation to comply with this requirement. In this case it is proposed to provide 350 new dwelling(s) and category M4(2) is applicable, and this could be managed by conditions.

Bromley Local plan Policy 4 sets out the requirements for new residential development to ensure a good standard of amenity. The London Plan Guidance - Housing Design Standards (June 2023) sets out the guidance in respect to the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. The London Plan Guidance - Housing Design Standards (June 2023) also deals with the quality of residential accommodation, it sets out the standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements.

The application does not include detailed design of the dwellings, however the proposal indicates that the dwellings would be a mixture of single storey 2-bedroom and two storey 3-5 bedroom units. Notwithstanding this, however, the proposal should nonetheless be designed to meet the London Plan Policy 6 Housing Quality and Standards requirements including the

minimum gross internal floor area and built-in storage requirements for the relevant dwelling types, and with appropriate outlook.

London Plan Policy D12 requires that in the interests of fire safety of all building users all development proposals must achieve the highest standards of fire safety. Any forthcoming proposal should provide a fire safety strategy to demonstrate that the development would comply with London Plan Policy D12, and the Council's validation requirements, such as compliant means of access and escape, compliant windows/doors and any necessary fire suppression measures.

Affordable housing- local affordable housing need

The Bromley Local Plan Policy 2 refers to the level of need for affordable housing.

“2.1.29 The South-East London sub region commissioned a SHMA that was carried out in 2014. The study demonstrates a high level of need across the sub-region and highlights a number of key challenges and issues, including a total housing requirement of 7188 units per annum across the sub region and an estimate of net annual affordable housing need of 5,000 units per annum in South East London. In Bromley there is a net annual need for affordable housing of about 1400 units per annum.”

Affordable housing delivery figures as published by the GLA for 2018/19 – 2022/23 set out that the total number of affordable dwellings completed in Bromley during the 5 year time period is 553 units highlighting still that there is a significant need for affordable housing in the borough, both from unmet need established in the 2014 SHMA and from whatever need has (and continues to) materialise since the SHMA was produced.

Policy H4 of the London Plan states that the strategic aim to deliver 50% of all new homes as genuinely affordable can be assisted by measures such as using grant to increase affordable housing delivery beyond the level that would otherwise be provided (Criteria 2).

Policy H5 allows applications which provide affordable housing at or above a relevant threshold level (in this case 35%) and which meet criteria in part C of the policy, to follow a fast-track route, meaning site specific viability information does not need to be provided. This reflects policy 2 of the Local Plan. Fast-track schemes are required to have an early-stage review mechanism. Applications which propose less than the relevant threshold level must follow the viability tested route, which requires site-specific viability evidence to be provided to justify the maximum level of affordable housing. Viability tested schemes are required to have early and late-stage review mechanisms.

The application does include affordable housing of 50% (175 dwellings) which would contribute to the supply of affordable housing within the Borough.

Design, landscaping and Heritage Impacts

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should

achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

London Plan Policy D3 relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of a site. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. Development Plan policies related to density and development capacity are intended to "optimise" development on a site and not necessarily to "maximise" development on a site.

London Plan Policy D4 outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.

Policy 8 of the Bromley Local Plan states that for new residential development of two or more storeys, the Council will normally require a minimum separation of 1m to be retained from the flank wall to the side boundary of the site for the full height and length, but where higher standards of separation already exist, a more generous side space should be provided.

Policy 37 of the Bromley Local Plan expects all development proposals to be of a high standard of design and layout and, amongst other matters, to be imaginative and attractive to look at, of a good architectural quality and to complement the scale, proportion, form, layout and materials of adjacent buildings and areas, as well as positively contributing to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.

Bromley Local Plan Policy 73 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Bromley Local Plan Policy 77 states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions. Bromley Local Plan Policy 48 (Skyline) states that "The Council will require developments which may impact on the skyline to demonstrate how they will protect or enhance the quality of the views, vistas, gaps and skyline listed below." The nearest view of local importance to this development is "View from Chelsfield Green looking North towards the Cray Valleys". Therefore, it is advised that the applicants should take this skyline into consideration. Also, heritage assets make an important contribution in the borough to place making and are valued highly by local residents. To the north side of the application site, there are statutory listed buildings, i.e. Kevington Cottages, Yew Tree Cottage and Blueberry Farm and a locally listed building, i.e. Aspris Woodview School. The visual impacts on these heritage buildings should be carefully assessed and a Townscape and Heritage Visual Impact Assessment should be submitted at application stage.

Design is considered separately from the Green Belt although it can have inherent similarities. In this case, and as mentioned above in relation to "optimising site capacity", the proposal would provide 350 dwellings on vacant open and undeveloped land. This would be incongruous and out of keeping with the open character and appearance of the surrounding area. The application provides a very limited site appraisal, the specific design of the dwellings is not shown, the applicant will need to demonstrate how site opportunities and constraints have informed the design principles and objectives. The proposed building heights would broadly keep with the surrounding context subject to the adoption of an appropriate architectural approach and detailed design considerations.

Also, given that the proposal could potentially include the provision of more than 150 units on a Green Belt site, this will make the scheme referable to the Mayor of London. However, officers cannot provide any detailed design assessment at this stage given that there are no detailed floor and elevation plans for the development. Further, more detailed pre-application engagement should be undertaken and officers strongly recommend an independent design review be undertaken by the Bromley Design Review Panel as part of the pre-application process. Further details can be found on the council's website here:

<https://www.bromley.gov.uk/planning/bromley-design-review-panel>

Residential Amenity:

Policies 4 and 37 of the Bromley Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed new buildings would be relatively separated from existing neighbouring properties and from each other and may not have additional adverse effects in terms of overshadowing and overbearing effect. Nonetheless, the proposed internal layouts should be carefully designed to avoid mutually harmful overlooking of the new dwellings. The proposed traffic and trip generation should be set out, particularly as new accesses are proposed on Cockmannings Road, Crockenhill Road and along the Eastern Boundary of the Site which could have greater amenity effects.

Transport and Highways:

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. NPPF paragraph 109 requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

The application site lies in an area with a public transport accessibility level (PTAL) 1a rating which is very low (where on a scale 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be more dependent upon private transport such as the car or bicycle rather than public transport. This low PTAL presents a significant issue with regards to sustainability of the proposed development which must be addressed.

It is noted that the proposals intention is to improve the PTAL rating with the rerouting of a bus service through the site and the improvement of the walking and cycling routes. The site will have two new accesses, one from Crockenhill Road and one accesses from Cockmannings Road. Detailed design drawings for the junction layouts and a Road Safety Audit will be required at application stage.

Pedestrian and cycle connections to the surrounding existing networks will need to be thoroughly assessed via a comprehensive Active Travel Zone (ATZ) assessment. Key destinations should be identified and routes to them from the site audited for usability, directness, accessibility and safety, with improvements identified and funded via the s106 agreement. Key destinations should include secondary schools, stations, shops, parks, health facilities and other services. The ATZ should cover both day and night, noting that street/background lighting may be more limited on the edge of the built up area.

Consideration should be given to providing key services on site, for example health centre and food store so that travel distances are reduced and are more likely to be undertaken by active travel.

The site layout would need to be designed around active travel and public transport use, not private vehicles, and car parking should be inconspicuous and not dominate the public realm. Electric vehicle (EV) charging should at least meet, but should be encouraged to exceed current London Plan standards.

Pedestrian and cycle desire lines should be catered for, with direct, not circuitous, routes, be well-lit and surfaced, accessible to all and with natural surveillance for all-day and year-round

use. The site should be permeable to the surrounds on all sides for pedestrians and cyclists, with no 'dead ends' that may unnecessarily increase walk distances. Cycle parking should meet London Plan and London Cycle Design (LCDS) standards. The aim of the design should be to make active travel and public transport use the first choice for residents and visitors, with private vehicles a secondary consideration. The design should aim for an 'out of sight, out of mind' approach towards private vehicles, with parking and traffic speeds tightly controlled by design from the outset, rather than retrofitted after construction.

The current proposal includes use of the existing public right of way and the creation of new public right of way. The applicant has highlighted that this will improve pedestrian connectivity to public transport services and reduce the reliance on private vehicles. Which will most likely improve the PTAL of the site. Whilst there may be some improvement to the use of the proposed footpath link and connection to public transport by some residents of the proposed development, concern is raised that it is more likely that the majority of residents and the majority of their trips would continue to be mostly reliant and dependent on the private car. As such the proposed development is not concluded to be sustainably located.

Car parking numbers have not been provided but it would be expected to meet the London Plan standards, taking into account future rather than current PTAL.

Climate change, sustainable construction and energy saving

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and the Bromley Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy SI2 Minimising greenhouse gas emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be Clean: supply energy efficiently, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures. Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

Carbon reduction should be considered at the beginning of the process, as integral to the design in accordance with Policy SI2 'Minimising greenhouse gas emissions' of the London Plan. Policy SI2 states that:

"A Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

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

B Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

C A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

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

Part E of Policy SI2 also states that 'major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions'.

In line with part B of Policy SI2 any formal submission should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. The Energy Strategy should utilise the GLA's Energy Assessment Guidance (2022).

In addition, in accordance with Policy SI4 the energy strategy should also demonstrate how the proposal will "reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:

- 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure*
- 2) minimise internal heat generation through energy efficient design*
- 3) manage the heat within the building through exposed internal thermal mass and high ceilings*
- 4) provide passive ventilation*
- 5) provide mechanical ventilation*
- 6) provide active cooling systems."*

You are strongly encouraged to consider carbon reduction and overheating at the beginning of the process as integral to the design.

An Air Quality Assessment should be considered, the assessment should compare the existing situation with that following completion of the development and determine the expected changes in air quality. The assessment should compare predicted pollutant concentrations with relevant air quality objectives. It should consider the current and proposed limits of the Air Quality Strategy objectives. The design and layout of a proposal is essential in reducing the exposure of all future occupants to any existing poor air quality. Bromley's Local Plan Policy 120 should be met.

- Overheating

London plan Policy SI 4 states development proposals should minimise adverse impact on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure. An Energy strategy demonstrate how the proposal can reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy as follow will be required: -

- 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure;
 - 2) minimise internal heat generation through energy efficient design
 - 3) manage the heat within the building through exposed internal thermal mass and high ceilings
 - 4) provide passive ventilation
 - 5) provide mechanical ventilation
 - 6) Provide active cooling systems
- Whole life cycle assessment

For GLA referable application and in line with LP Policy SI 2.F, a Whole Life-Cycle Carbon Assessment prepared in line with the London Planning Guidance – Whole Life-cycle Carbon Assessment would be required. I attach the following link for the guidance.

www.london.gov.uk/sites/default/files/lpg_-_wlca_consultation_report.pdf

The Calculation of whole life-cycle carbon emission through a nationally recognised WLC Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions should be prepared.

- Circular economy

For a GLA referable application and in line with LP Policy SI 7, a Circular Economy Statement should be submitted to demonstrate the following:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled;
- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life;
- 3) opportunities for managing as much waste as possible on site;
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use;
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy;
- 6) how performance will be monitored and reported.

The Circular Economy should be prepared in line with the London Planning Guidance – Circular Economy (March 2022). I attach the following link for information

www.london.gov.uk/sites/default/files/circular_economy_statements_lpg_0.pdf

Drainage and Flooding

Paragraph 170 of the NPPF highlights that new development should avoid areas which are vulnerable such as flooding by directing development away from areas at highest risk (whether existing or future), but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The Technical Guidance published alongside the Framework details that for these purposes, areas at risk of flooding constitutes land within Flood Zones 2 and 3.

Paragraph 181 of the NPPF goes on to say that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where

appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.

London Plan Policy SI 13 Sustainable Drainage states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Bromley Local Plan Policy 116 details 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.

The application site lies within a Flood Zone 1 an area which is typically deemed lower risk. Although this site is subject to flooding, in 2021 it was evident during a significant flooding event that as a result of surface water running across the field (following its natural route towards the River Cray) the surface water flow carried topsoil from the field into residential areas causing significant disruption over several days. Despite the proposed development providing sustainable drainage system across the area at risk is still a concern as development near these areas could still be impacted from flooding. Mapping indicates a water depth of around 900mm and flow velocity above 0.25m/s showing the severity of surface water flooding. A detailed Flood Risk Assessment and Surface Water Strategy shall be submitted to address risk of surface water flooding on the new development and highlight the mitigation measures to be implemented. Design calculations and hydraulic modelling should be included also.

Green infrastructure/ Natural Environment

Paragraph 180 of the NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Ecology

Government guidance encourages Local Planning Authorities to consider the full impact of a proposal on protected species before taking a decision on a planning application. The case of *Bagshaw v Wyre Borough Council* [2014] EWHC 508) also highlights the importance of ecological assessment surveys to establish the extent of threat to protected species before taking a planning application decision. Garden land is often important for biodiversity and there

is potential for the site to accommodate habitat for protected species, including commuting and foraging bats, including the dwellinghouse.

Although the application site itself is not a site designated for nature conservation it directly abuts and is close to the designated Sites of Importance for Nature Conservation (SINCs) Kynaston Wood. The site also lies in a Green Belt which is close to areas of woodland. Given these circumstances and features the site has the potential to offer suitable habitat and/or commuting/ foraging habitat for important and protected species. The proposal may also remove/ lose some open and vegetated land detrimental to biodiversity/wildlife habitat and if so this may reduce the ability of the hedgerow and meadow to act as carbon sinks, both within the vegetation itself and within the soil beneath it. Any forthcoming planning application should contain an ecological survey of the site including the trees to be removed and retained for habitat for important and protected species with any necessary mitigation incorporated. The application site and proposed development would offer the opportunity for biodiversity enhancements including new planting and landscaping, which should be of native species, and this could be provided in an ecology and biodiversity enhancement plan as part of a planning condition, had the development been considered acceptable overall.

Biodiversity Net Gain (BNG) and Urban Greening Factor

Paragraph 187 of the NPPF (2024) outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- *Biodiversity*

London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that “Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”

In addition, as required by Policy G6 of the London Plan, and moreover, by law, under the Environment Act 2021, the proposal will have to deliver a mandatory biodiversity net gain of least 10%. The regulations require certain information to be submitted in relation to Biodiversity Net Gain. The legislation stipulates that the LPA should not validate a submitted application which doesn't have either an Exemption Statement or the Minimum Information Requirements and the Statutory (pre-development value) Metric.

This blog has more information on the content of the new planning application forms:

[Biodiversity net gain details required from 12 February 2024 | Planning Portal Blog](#)

The new forms require the applicant to provide details relating to the minimum information requirements specified by the BNG legislation, including reference to the statutory documentation. The minimum requirements include a biodiversity statement, the pre-development biodiversity value of the onsite habitat, including the completed metric calculation tool used to show calculations, a statement on biodiversity value, a description of any irreplaceable habitat, and a plan of onsite habitat. In addition to the minimum requirements, a Biodiversity Net Gain Statement/Plan, accompanied by the post-development Biodiversity

Metric, should be provided in order to demonstrate a biodiversity net gain for habitats of at least 10%. This should be informed by the best available ecological information and addressed from the start of the development process.

The mandatory biodiversity net gain condition would be applied to any planning permission subsequently granted. In addition, a s106 or a separate planning condition that details how any onsite significant gain will be secured for the 30 years will also be required.

- *Landscaping and Urban Greening*

Policy G5 of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design. The Mayor has developed an Urban Greening Factor (UGF) model to assist boroughs and developers in determining the appropriate provision of urban greening for new developments, which is outlined within Policy G5 and Table 8.2 of the London Plan. A target score of 0.4 is required for predominantly residential developments and compliance with this should be demonstrated as part of any formal application within an accompanying Landscaping Strategy. Further guidance is available within the Mayor's Urban Greening Factor (UGF) LPG.

Policy G7 of the London Plan relates to Trees and woodlands and requires development proposals to ensure that, wherever possible, existing trees of value are retained (Category A, B and lesser category trees where these are considered by the local planning authority to be of importance to amenity and biodiversity, as defined by BS 5837:2012). If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

All soft and hard landscaping should be considered in conjunction with the requirements of Policies G5 and G6 of the London Plan, as well as other matters such as playspace, external lighting, car and cycle parking, and surface water drainage. Soft landscaping should ensure a high proportion of native and wild plant species of home grown stock are utilised and should avoid invasive species. Consideration should also be given to the ongoing management of any communal spaces to ensure that the benefits that these spaces provide can be maintained for the long term.

- *Protected Species*

Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

A Preliminary Ecological Appraisal (PEA) should be undertaken and where this identifies the potential for a development to impact upon protected and/or priority species or habitats, Phase 2 Ecology surveys will need to be undertaken and submitted with any formal application, along with any potential impacts and mitigation proposals.

Planning Obligations and CIL

The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021.

Further details on the London Borough of Bromley CIL can be found at: https://www.bromley.gov.uk/info/1004/planning_policy/1179/bromleys_community_infrastructure_levy.

The Mayor of London's CIL is a material consideration. Further information is available at <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>.

Please submit a CIL form with any formal application.

The Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance. The Council expects that the draft Heads of Terms will have been agreed by the time an application is submitted for formal consideration. This will ensure early instruction to the Council's Legal Advisor to prepare a draft S106 can be made, thereby avoiding delay in issuing a permission.

Please be aware that the applicant/developer will be liable for the payment of the Council's legal costs in preparing the S106.

The Council's Planning Obligations SPD (June 2022) is available online.

External consultees

You may wish to contact other relevant organisations external to the Council that will be consultees during the processing of a planning application, prior to finalising the proposal for submission for a planning decision. It is the case that consultees may raise issues that cannot be identified during the Council's consideration of a pre-application enquiry. This may include the Environment Agency or Natural England.

Additional Considerations

Please note that the advice provided above is limited to the 'in-principle' aspects of the pre-application proposals and is based on the material provided with your pre-application request. At application stage the scheme presented would need to address additional matters including, but not exclusively, the following:

- Air Quality in line with National and London Plan policies
- Accessible housing in line with London Plan Policy D7
- Designing out crime in accordance with 'Secured by Design' principles.
- Site-wide Energy Assessment to demonstrate policy compliant climate change measures in line with Local Plan and London Plan policies.
- Environmental Impact Assessment
- Fire Safety in line with London Plan policy D12
- Flooding and Drainage including an assessment of surface water using Sustainable Urban Drainage Systems
- Land Contamination Assessment

- Landscaping, biodiversity net gain and Urban Greening Factor (UGF) of the site in line with London Plan policies G4 to G6 and national requirements on BNG
- Planning obligations (full Heads of terms to be provided with an application)
- A Statement of Community Involvement showing consultation with the local community.
- Noise and vibration Impact Assessments
- Landscaping and biodiversity gain from the site
- Water use / Water infrastructure in line with London Plan policy SI 5

Validation Requirements

I would draw your attention to the fact that the Council has a published Local Information Requirements document. The adopted document can be viewed on the Council's website and sets out material that will be considered essential to accompany your application.

At Officer's discretion, the Council can decline to validate an application not accompanied by relevant documents.

Pre-commencement conditions

The Council is seeking to reduce the number of pre commencement conditions for all applications, should planning permission be granted for any forthcoming application on this site. In view of this the Council would encourage the submission of sufficient information to enable details to be agreed at application stage for matters including (but not exclusively) drainage, materials, landscaping, parking, slab levels, Designing Out Crime, refuse/recycling arrangement, cycle parking, highway matters (visibility splays, details of turning areas, position of wheel wash, Construction Management Plan etc).

Summary and Disclaimer

In summary, there are significant constraints related to the development of this site. The information provided with the pre-application submission has not justified the harm of the development on the Green Belt by virtue of it being inappropriate and the impact it will have on openness and visual amenities of the Green Belt. Also, the issues on the loss of good agricultural land, the potential loss of hedgerows, the impacts on the SIN, the potential loss of biodiversity and impact on protected species as a result of the development would not be supported by the officers. Officers are of the opinion that should an application be submitted which is similar to the revised proposal discussed above it would, on balance, still be unlikely to be viewed favourably or supported by Officers. However, it is of course open for you to apply for formal determination. I trust that you appreciate that all pre application advice given is without prejudice to the recommendation or final decision on any application submitted.

A number of other matters would also be of consideration and the policy considerations relating to these have been highlighted. However, you will appreciate that insufficient information has been provided at this stage to comment further on the acceptability of these matters.

The comments provided within this letter are therefore reflective of the detail provided in relation to the scheme at this stage and Officers would expect that further pre-application advice is sought as the scheme progresses. Details of our pre-application fee schedule is available on our website; <https://www.bromley.gov.uk/planning-applications/pre-application-planning-advice>. Please contact us for further details if required.

I trust that you appreciate that all pre application advice given is without prejudice to the recommendation or final decision on any application submitted.

I hope that the above advice and comments are helpful, and that they summarise the issues that were discussed.

Yours sincerely,



Principal Planner – Major Developments
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