

– THE – MAGNIFICENT – SEVEN

Grounds for contesting the Appeal

Here are the seven objections from the planning committee, we have tried to present a translation into English non legal speak, and also this document provides what we believe are the official reference points / documents for the legal basis of the objections. These are presented here to help you submit your own representation to the Planning Inspectorate appeal, and we would be grateful if you can use your own words for this – it will not be helpful if everyone copies and pastes from the site and this document!

Please note, we are not legally qualified so we cannot say that this covers every point or includes every reference!

1. The proposal, by reason of its prominent siting, design, excessive residential density, scale and massing would appear out of keeping and out of character with the locality, represent an over-dominant structure in the street scene and an over-intensive development with an excessive proportionate residential density, contrary to **London Plan Policy 7.4, draft London Plan Policy D2 and Bromley Local Plan Policies 4 and 37.**

In English please: - Quite simply it is far too big and ugly and attempts to cram in far too many properties for it to be sited in such a prominent locality within a small village street scene

Policy 7.4 Local character

Policy

Strategic

A Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Planning decisions

B Buildings, streets and open spaces should provide a high quality design response that:

- a has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass
- b contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
- c is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
- d allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area
- e is informed by the surrounding historic environment.

LDF preparation

C Boroughs should consider the different characters of their areas to identify landscapes, buildings and places, including on the Blue Ribbon Network, where that character should be sustained, protected and enhanced through managed change. Characterisation studies can help in this process.

Policy D2 Delivering good design

Initial evaluation

- A To identify an area's capacity for growth and understand how to deliver it in a way which strengthens what is valued in a place, boroughs should undertake an evaluation, in preparing Development Plans and area-based strategies, which covers the following elements:
- 1) socio-economic data (such as Indices of Multiple Deprivation, health and wellbeing indicators, population density, employment data, educational qualifications, crime statistics)
 - 2) housing type and tenure
 - 3) urban form and structure (for example townscape, block pattern, urban grain, extent of frontages, building heights and density)
 - 4) transport networks (particularly walking and cycling networks), and public transport connectivity (existing and planned)
 - 5) air quality and noise levels
 - 6) open space networks, green infrastructure, and water bodies
 - 7) historical evolution and heritage assets (including an assessment of their significance and contribution to local character)
 - 8) topography and hydrology
 - 9) land availability
 - 10) existing and emerging development plan designations
 - 11) existing and future uses and demand for new development, including housing requirements and social infrastructure.

Determining capacity for growth

- B The findings of the above evaluation (part A), taken together with the other policies in this Plan should inform sustainable options for growth and be used to establish the most appropriate form of development for an area in terms of scale, height, density, layout and land uses. The outcome of this process must ensure the most efficient use of land is made so that development on all sites is optimised.

Design analysis and visualisation

- C Where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform and engage Londoners in the planning process.

Design quality and development certainty

- D Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place-making based on the characteristic set out in Policy D1 London's form and characteristics.

Design scrutiny

- E Design and access statements submitted with development proposals should provide relevant information to demonstrate the proposal meets the design requirements of the London Plan.
- F Boroughs and applicants should use design review to assess and inform design options early in the planning process. Design review should be in addition to the borough's planning and urban design officers' assessment and pre-application advice. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation, before a planning application is made, if they:
 - 1) are above the applicable density indicated in Part C of Policy D6 Optimising housing density; or
 - 2) propose a building defined as a tall building by the borough (see Policy D8 Tall buildings), or that is more than 30m in height where there is no local tall building definition.
- G The format of design reviews for any development should be agreed with the borough and comply with the Mayor's guidance on review principles, process and management, ensuring that:
 - 1) design reviews are carried out transparently by independent experts in relevant disciplines

- 2) design review comments are mindful of the wider policy context and focus on interpreting policy for the specific scheme
- 3) where a scheme is reviewed more than once, subsequent design reviews reference and build on recommendations of previous design reviews
- 4) design review recommendations are appropriately recorded and communicated to officers and decision makers
- 5) schemes show how they have considered and addressed the design review recommendations
- 6) planning decisions demonstrate how design review been addressed.

Maintaining design quality

- H The design quality of development should be retained through to completion by:
- 1) having a sufficient level of design information, including key construction details provided as part of the application to ensure the quality of design can be maintained if the permitted scheme is subject to subsequent minor amendments
 - 2) ensuring the wording of the planning permission, and associated conditions and legal agreement, provide clarity regarding the quality of design
 - 3) avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter
 - 4) local planning authorities using architect retention clauses in legal agreements where appropriate.

Draft Policy 4

Housing Design

All new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing schemes will also need to respect local character, spatial standards, physical context and density. The Council will expect all of the following requirements to be demonstrated:

- a** - The site layout, buildings and space around buildings are designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas;
- b** - Minimum space standards for dwellings as set out in Policy 3.5 and Table 3.3 of the London Plan and the London Plan Housing Supplementary Planning Guidance (as updated);
- c** - The provision of sufficient external, private amenity space that is accessible and practical;
- d** - The provision of appropriate play space in accordance with the Mayor's Play and Informal Recreation SPG;
- e** - Off-street parking that is well integrated within the overall design of the development;
- f** - Density that has regard to the London Plan density matrix whilst respecting local character;
- g** - Layout that is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles;
- h** - Safety and security measures are included in the design and layout of buildings and public areas;
- i** - Ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings; and
- j** - Ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

Draft Policy 37

General Design of Development

All development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Developments will be expected to meet all of the following criteria where they are relevant:

- a** -Be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas;
- b** -Positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features;
- c** -Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity);
- d** -The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings;
- e** - Respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing;
- f** -The development should address sustainable design and construction and include where appropriate on-site energy generation;
- g** - Suitable access should be provided for people with impaired mobility and meet the principles of inclusive design. Where necessary and relevant to the development, contributions may be sought to improve accessibility around the development;
- h** -Security and crime prevention measures should be included in the design and layout of building and public areas;
- i** - Recycling and waste storage facilities are incorporated within the design layout;
- j** -Respect non designated heritage assets. Applications should be accompanied by a written statement setting out design principles and illustrative material showing the relationship of the development to the wider context.

2. The proposal would fail to demonstrate that a mixed and balanced community can be achieved and delivered with adequate affordable housing, contrary to the National Planning Policy Framework 2018, **London Plan Policies 3.9, 3.10, 3.13, draft London Plan Policies H5, H6, H7, Bromley Local Plan Policy 2**, the London Mayor's Affordable Housing and Viability SPG (2017) and the Council's planning obligation SPD (2012).

In English please: - The proposed new accommodations are luxury flats; nothing in the plan is for affordable housing for the benefit of the local community

Policy 3.9 Mixed and balanced communities

Policy

A Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.

B A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.

Policy 3.10 Definition of affordable housing

Policy

Strategic and LDF preparation

A Affordable housing is social rented, affordable rented and intermediate housing (see para 3.61), provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision

Policy 3.13 Affordable housing thresholds

Policy

Planning decisions and LDF preparation

A Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes, applying the density guidance set out in Policy [3.4](#) of this Plan and [Table 3.2](#).

B Boroughs are encouraged to seek a lower threshold through the LDF process where this can be justified in accordance with guidance, including circumstances where this will enable proposals for larger dwellings in terms of floorspace to make an equitable contribution to affordable housing provision.

Policy H5 Delivering affordable housing

- A The strategic target is for 50 per cent of all new homes delivered across London to be affordable. Specific measures to achieve this aim include:
- 1) requiring residential and mixed-use developments to provide affordable housing through the threshold approach ([Policy H6 Threshold approach to applications](#))
 - 2) using grant to increase affordable housing delivery beyond the level that would otherwise be provided
 - 3) affordable housing providers with agreements with the Mayor delivering at least 50 per cent affordable housing across their portfolio
 - 4) public sector land delivering at least 50 per cent affordable housing across its portfolio
 - 5) strategic partners with agreements with the Mayor aiming to deliver at least 60 per cent affordable housing across their portfolio.
- B Affordable housing should be provided on site in order to deliver communities which are inclusive and mixed by tenure and household income, providing choice to a range of Londoners. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.

Policy H6 Threshold approach to applications

A The threshold approach applies to development proposals which are capable of delivering more than ten units or which have a combined floor space greater than 1,000 sqm (see paragraph 4.6.14 for exclusions to the threshold approach and 4.6.15 for scheme types with bespoke approaches).

B The threshold level of affordable housing is initially set at:

- 1) a minimum of 35 per cent
- 2) 50 per cent for public sector land
- 3) 50 per cent for Strategic Industrial Locations, Locally Significant Industrial Sites and other industrial sites deemed appropriate to release for other uses (see [Policy E7 Intensification, co-location and substitution of land for industry, logistics and services to support London's economic function](#)).

The 35 per cent threshold will be reviewed in 2021 and if appropriate increased through Supplementary Planning Guidance.

C To follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:

- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy
- 2) be consistent with the relevant tenure split ([Policy H7 Affordable housing tenure](#))
- 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant
- 4) demonstrate that they have taken account of the strategic 50 per cent target in [Policy H5 Delivering affordable housing](#) and have sought grant where required to increase the level of affordable housing beyond 35 per cent.

- D Fast tracked applications are not required to provide a viability assessment at application stage. To ensure an applicant fully intends to build out the permission, the requirement for an Early Stage Viability Review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough).
- E Where an application does not meet the requirements set out in part C it must follow the **Viability Tested Route**. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application:
- 1) the borough, and where relevant the Mayor, should scrutinise the viability information to ascertain the maximum level of affordable housing using the methodology and assumptions set out in this Plan and the Affordable Housing and Viability SPG
 - 2) viability tested schemes will be subject to:
 - a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough)
 - b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough)
 - c) Mid Term Reviews prior to implementation of phases for larger phased schemes.
- F Where a viability assessment is required to ascertain the maximum level of affordable housing deliverable on a scheme, the assessment should be treated transparently and undertaken in line with the Mayor's Affordable Housing and Viability SPG.

Scheme amendments – Section 73 applications and deeds of variations

- G For schemes that were approved under the Fast Track Route, any subsequent applications to vary the consent will not be required to submit viability information, providing the resultant development continues to meet the relevant threshold and the criteria in part C.
- H For schemes where the original permission did not meet the threshold or required tenure split, viability information will be required where an application is submitted to vary the consent and this would alter the

economic circumstances of the scheme. Such cases will be assessed under the Viability Tested Route.

- I Any proposed amendments that result in a reduction in affordable housing, affordability or other obligations or requirements of the original permission should be rigorously assessed under the Viability Tested Route. In such instances, a full viability review should be undertaken that reconsiders the value, costs, profit requirements and land value of the scheme.
- J The Mayor should be consulted on any proposed amendments on referable schemes that change the level of affordable housing from that which was secured through the original planning permission.

Policy H7 Affordable housing tenure

- A The Mayor is committed to delivering genuinely affordable housing. The following split of affordable products should be applied to development:
- 1) a minimum of 30 per cent low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent/ London Affordable Rent)
 - 2) a minimum of 30 per cent intermediate products which meet the definition of affordable housing, including London Living Rent and London Shared ownership
 - 3) 40 per cent to be determined by the relevant borough based on identified need, provided they are consistent with the definition of affordable housing.
- These minimums will be reviewed in 2021, and if necessary, updated through Supplementary Planning Guidance.
- B Only schemes delivering the threshold level of affordable housing with a tenure split that meets the requirements set out in part A can follow the Fast Track Route for viability.

Draft Policy 2

Provision of Affordable Housing

In order to meet the needs of the Borough, affordable housing will be sought on all housing developments capable of providing 11 residential units or more or where the residential floorspace is more than 1000sqm, irrespective of the number of dwellings.

On all sites at, or above, this threshold negotiations will take place to determine the number of affordable dwellings to be provided. In negotiating the amount of affordable housing on each site, the Council will seek 35% provision with 60% social-rented/affordable rented housing and 40% intermediate provision, unless it can be demonstrated that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities. The affordability of different elements of the scheme should not immediately be apparent from the siting, design and layout.

The affordable housing should be made available for transfer or occupation before a certain proportion (to be determined through negotiations between the Council and developer) of the market housing is occupied.

Where an applicant proposes a level below the 35%, or the tenure mix is not policy compliant, the Council will require evidence within a Financial Viability Appraisal that will be independently assessed.

Payments in lieu

Where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that:

- it would be impractical to transfer the affordable housing to a registered provider (RP); or
- on-site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed; or
- on-site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location.

3. In the absence of a financial viability assessment and legal agreement confirming adequate planning obligation can be provided, the proposal would fail to support the delivery of local infrastructure, facilities and services to meet the needs generated by this proposed development and to mitigate the impact of the proposal, contrary to **Bromley Local Plan Policy 125** and Bromley Planning Obligations SPD (2010).

In English please: - We think this means that there is insufficient financial and planning evidence to confirm that the new replacement building could fulfil all of the requirements currently met by the existing building.

Draft Policy 125

Delivery and implementation of the Local Plan

The Council will work with partners to deliver the vision, objectives and policies of this Local Plan:

- Requiring development to provide for the infrastructure, facilities, amenities and other planning benefits that are necessary to support and serve it;
- Working with relevant providers and developers to ensure necessary infrastructure is secured and delivered in time to support Bromley's consolidated growth and development and provide facilities for the borough's communities;
- Using planning obligations where appropriate alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and to mitigate the impact of development;
- Working with neighbouring boroughs to co-ordinate delivery across boundaries; and,
- Monitoring the implementation of the Local Plan, and publish results annually in the Authority Monitoring Report.

4. The proposed waste storage location for the residential and public house, by reason of its distance from the road and absence of a dedicated waste collection area for the residential and public house use would fail to provide adequate waste storage provision for the future users. In the absence of a dedicated waste storage area for the retail unit and the proposal would represent a cramped and poor design layout, contrary to **London Plan Policy 5.16** and **Bromley Local Plan Policy 113**.

In English please: - The bins and waste storage area for the new pub and flats are too small and too far from the road. There is no dedicated waste storage area for the retail unit.

Policy 5.16 Waste net self-sufficiency

- [Policy](#)
- [Supporting text](#)

Policy

Strategic

A The Mayor will work with London boroughs and waste authorities, the London Waste and Recycling Board (LWfRB), the Environment Agency, the private sector, voluntary and community sector groups, and neighbouring regions and authorities to:

- a manage as much of London's waste within London as practicable, working towards managing the equivalent of 100% of London's waste within London by 2026
- b create positive environmental and economic impacts from waste processing
- c work towards zero biodegradable or recyclable waste to landfill by 2026.

B This will be achieved by:

- a minimising waste
- b encouraging the reuse of and reduction in the use of materials
- c exceeding recycling/composting levels in local authority collected waste (LACW) of 45 per cent by 2015, 50 per cent by 2020 and aspiring to achieve 60 per cent by 2031
- d exceeding recycling/composting levels in commercial and industrial waste of 70 per cent by 2020
- e exceeding recycling and reuse levels in construction, excavation and demolition (CE&D) waste of 95 per cent by 2020
- f improving London's net self-sufficiency through reducing the proportion of waste exported from the capital over time
- g working with neighbouring regional and district authorities to co-ordinate strategic waste management across the greater south east of England.

Draft Policy 113

Waste Management in New Development

Major development proposals will be required to implement Site Waste Management Plans to reduce waste on site and manage remaining waste sustainably.

New development will be required to include adequate space to support recycling and efficient waste collection.

Integrated waste management in new development will be supported where appropriate.

Although re-use and recycling rates construction, excavation and demolition waste in London are high, the London Plan sets a target of 95% to be recycled by 2020. London Plan policy 5.18 states that boroughs should require developers to produce site waste management plans to arrange for the efficient handling of construction, excavation and demolition waste.

5. In the absence of information to demonstrate that the proposed replacement public house would be viable and in view of the existing community function and services provided by the existing public house, to residents and communities, it is considered that the proposal would result in a loss of a highly valued public house in the area without adequate replacement contrary to **draft London Plan Policy HC7 and Bromley Local Plan Policies 20 and 23**.

In English please: - There is no evidence that the new pub would viable or that it would be granted the same level of licencing as the existing pub that enjoys live music and occasional late opening granted.

Policy HC7 Protecting public houses

A Boroughs should:

- 1) protect public houses where they have a heritage, economic, social or cultural value to local communities, and where they contribute to wider policy objectives for town centres, night-time economy areas and Creative Enterprise Zones
- 2) support proposals for new public houses to stimulate town centre regeneration, cultural quarters, the night-time economy and mixed-use development, where appropriate.

B Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

C Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.

Draft Policy 20

Community Facilities

The Council will promote the quality of life and the health and wellbeing of those living and working in the Borough and engage with providers and agencies to ensure the provision, enhancement and retention of a wide range of appropriate social infrastructure, including facilities for health and education; recreation, sports and play facilities, places of worship and venues for cultural and social activities, as well as the provision of community safety infrastructure such as police facilities, ambulance and fire stations.

Development which meets an identified need for such facilities will be encouraged to locate to maximise accessibility and will normally be permitted provided that it is accessible to the members of the community it is intended to serve by a full range of transport modes.

Planning permission will not be granted for proposals that would lead to the loss of community facilities, unless alternative enhanced provision is to be made in an equally accessible location for the community it serves, or it can be demonstrated that there is no longer a need for them or other forms of social infrastructure. Where a proposal for alternative social infrastructure involves a change of use not permitted under the GDPO Use Classes Order, the lack of need for the specific use class must first be demonstrated.

Additionally, in respect of facilities identified by local communities as having significant value, planning permission for alternative uses will only be considered where it can be demonstrated that no prospective purchasers exist that would be willing to pay both a suitable price and maintain the existing use.

Draft Policy 23

Public Houses

The loss of public houses will be resisted by the Council except where :

- a** - there is an alternative public house within a 500 metre walking distance of the site and, if the public house is located within a local parade or shopping centre, the diverse offer of that parade or centre is not significantly affected by the loss, and,
- b** - where it can be demonstrated that the business is no longer financially viable as a public house, including the submission of evidence of active marketing as a pub for a substantial period of time.

Where the above criteria are met any change of use must be sympathetic to the design, character and heritage value original building if it is considered to be a positive contribution to local character.

6. In the absence of a bat survey, it is considered that the impact on biodiversity cannot be fully assessed and it is not demonstrated the proposal would comply with **Bromley Local Plan Policy 72, London Plan Policy 7.19 and draft London Plan Policy G6.**

In English please: - Although there was a bat survey carried out it was inconclusive; the presence of bats would not be enough to prevent this planning proposal.

Draft Policy 72

Protected Species

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.

Policy 7.19 Biodiversity and access to nature

- [Policy](#)
- [Supporting text](#)

Policy

Strategic

A The Mayor will work with all relevant partners to ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. This means planning for nature from the beginning of the development process and taking opportunities for positive gains for nature through the layout, design and materials of development proposals and appropriate biodiversity action plans.

B Any proposals promoted or brought forward by the London Plan will not adversely affect the integrity of any European site of nature conservation importance (to include special areas of conservation (SACs), special protection areas (SPAs), Ramsar, proposed and candidate sites) either alone or in combination with other plans and projects. Whilst all development proposals must address this policy, it is of particular importance when considering the following policies within the London Plan: [1.1](#), [2.1](#), [2.2](#), [2.3](#), [2.4](#), [2.5](#), [2.6](#), [2.7](#), [2.8](#), [2.9](#), [2.10](#), [2.11](#), [2.12](#), [2.13](#), [2.14](#), [2.15](#), [2.16](#) and [2.17](#), [3.1](#), [3.3](#), [3.7](#), [5.4A](#), [5.14](#), [5.15](#), [5.17](#), [5.20](#), [6.3](#), [6.9](#), [7.14](#), [7.15](#), [7.25](#), [7.26](#) and [7.27](#) and [8.1](#). Whilst all opportunity and intensification areas must address the policy in general, specific locations requiring consideration are referenced in [Annex 1](#).

Planning decisions

C Development Proposals should:

- wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity
- prioritise assisting in achieving targets in biodiversity action plans (BAPs), set out in Table 7.3, and/or improving access to nature in areas deficient in accessible wildlife sites
- not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP.

D On Sites of Importance for Nature Conservation development proposals should:

- a give the highest protection to sites with existing or proposed international designations^[1] (SACs, SPAs, Ramsar sites) and national designations^[2] (SSSIs, NNRs) in line with the relevant EU and UK guidance and regulations^[3]
- b give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance
- c give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.

E When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

- 1 avoid adverse impact to the biodiversity interest
- 2 minimize impact and seek mitigation
- 3 only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

LDF preparation

F In their LDFs, Boroughs should:

- a use the procedures in the Mayor's Biodiversity Strategy to identify and secure the appropriate management of sites of borough and local importance for nature conservation in consultation with the London Wildlife Sites Board.
- b identify areas deficient in accessible wildlife sites and seek opportunities to address them
- c include policies and proposals for the protection of protected/priority species and habitats and the enhancement of their populations and their extent via appropriate BAP targets
- d ensure sites of European or National Nature Conservation Importance are clearly identified.
- e identify and protect and enhance corridors of movement, such as green corridors, that are of strategic importance in enabling species to colonise, re-colonise and move between sites

^[1] Designated under European Union Council Directive on the conservation of wild birds (79/409/EEC) 1992, European Union Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC) 1992 and Ramsar Convention on wetlands of international importance especially as waterfowl habitat 1971

^[2] Designated under the Wildlife and Countryside Act 1981 as amended by the Countryside Rights of Way Act 2000

^[3] Conservation of Species and Habitats Regulations (2010) (as amended)

Policy G6 Biodiversity and access to nature

- A Sites of Importance for Nature Conservation (SINCs) should be protected. The greatest protection should be given to the most significant sites.
 - B In developing Development Plan policies, boroughs should:
 - 1) use the relevant procedures to identify SINCs and green corridors. When undertaking comprehensive reviews of SINCs across a borough or when identifying or amending Sites of Metropolitan Importance boroughs should consult the London Wildlife Sites Board
 - 2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
 - 3) seek opportunities to create habitats that are of particular relevance and benefit in an urban context
 - 4) include policies and proposals for the protection and conservation of priority species and habitats and opportunities for increasing species populations
 - 5) ensure sites of European or national nature conservation importance are clearly identified and appropriately assessed.
 - C Where harm to a SINC (other than a European (International) designated site) is unavoidable, the following approach should be applied to minimise development impacts:
 - 1) avoid adverse impact to the special biodiversity interest of the site
 - 2) minimise the spatial impact and mitigate it by improving the quality or management of the rest of the site
 - 3) seek appropriate off-site compensation only in exceptional cases where the benefits of the development proposal clearly outweigh the biodiversity impacts.
 - D Biodiversity enhancement should be considered from the start of the development process.
-
- E Proposals which create new or improved habitats that result in positive gains for biodiversity should be considered positively, as should measures to reduce deficiencies in access to wildlife sites.

7. The proposed development would result in the loss of a non-designated heritage asset which would not be adequately replaced by the replacement public house to the detriment of the local community contrary to **Policy 40 of the Bromley Local Plan**.

In English please: - Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process. The Bromley Planning Officer believes that our beautiful building is part of this minority.

Draft Policy 40

Other Non-Designated Heritage Assets

Where non-designated heritage assets are highlighted as at risk of harm from a planning application, clearly demonstrable reasons or evidence of their significance will be required. Where the Council agrees that such assets are worthy of protection, proposals to replace such buildings will be assessed against paragraph 135 of the National Planning Policy Framework (NPPF), taking into account the scale of harm or loss and the significance of the heritage asset.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.