



THE LONDON BOROUGH
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DATE: 3 September 2018

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)

Councillor Kira Gabbert (Vice-Chairman)

Councillors Yvonne Bear, Katy Boughey, Mark Brock, Peter Dean, Nicky Dykes,
Simon Fawthrop, Will Harmer, Colin Hitchins, Charles Joel, Kate Lymer,
Richard Scoates, Michael Turner, Vanessa Allen, Kevin Brooks and Melanie Stevens

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **TUESDAY 11 SEPTEMBER 2018 AT 7.00 PM**

MARK BOWEN
Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 21 JUNE 2018**
(Pages 1 - 10)

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 5 September 2018.

5 PLANNING APPLICATION 17/05790/FULL1 - ABSOLUTE APPLICATIONS HOUSE, 6 SHERMAN ROAD, BROMLEY BR1 3JH (Pages 11 - 86)

6 PLANNING APPLICATION 18/00399/OUT - 10A SHERMAN ROAD, BROMLEY BR1 3JH (Pages 87 - 124)

7 PLANNING APPLICATION 18/01319/FULL1 - FOOTZIE SOCIAL CLUB, STATION APPROACH, LOWER SYDENHAM, LONDON SE26 5BQ (Pages 125 - 184)

8 PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO MARCH 2018 - UPDATE (Pages 185 - 204)

9 NATIONAL PLANNING POLICY FRAMEWORK 2018 (Pages 205 - 212)

10 DRAFT LONDON PLAN UPDATE (Pages 213 - 218)

11 RESPONSES TO DRAFT LOCAL PLAN MAIN MODIFICATIONS CONSULTATION (Pages 219 - 278)

12 PROPOSED RESPONSE TO SEVENOAKS AND TANDRIDGE DISTRICT COUNCIL'S DRAFT LOCAL PLAN CONSULTATIONS (Pages 279 - 296)

13 PERMITTED DEVELOPMENT FOR SHALE GAS EXPLORATION CONSULTATION (Pages 297 - 304)

14 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

Items of Business

Schedule 12A Description

15 EXEMPT MINUTES OF THE MEETING HELD ON 21 JUNE 2018 (Pages 305 - 306)

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.00 pm on 21 June 2018

Present:

Councillor Alexa Michael (Chairman)
Councillor Kira Gabbert (Vice-Chairman)
Councillors Yvonne Bear, Mark Brock, Peter Dean, Nicky Dykes,
Simon Fawthrop, Will Harmer, Colin Hitchins, Charles Joel,
Kate Lymer, Richard Scoates, Michael Turner, Vanessa Allen,
Kevin Brooks, Melanie Stevens and Kieran Terry

Also Present:

Councillors Peter Morgan

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Katy Boughey; Councillor Kieran Terry attended as substitute.

An apology for lateness was received from Councillor Melanie Stevens.

2 DECLARATIONS OF INTEREST

Visiting Member Councillor Peter Morgan declared a non-pecuniary interest in agenda item 5 (Planning Application 17/05084/FULL1) as he was a Trustee of Bromley and Sheppard's Colleges.

Councillor Melanie Stevens declared a non-pecuniary interest in agenda item 7 – Planning Enforcement Progress and Monitoring, as she resided amongst properties listed in the report.

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 MARCH AND 16 MAY 2018

RESOLVED that the Minutes of the meetings held on 13 March and 16 May 2018, be confirmed and signed as a correct record.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

5 PLANNING APPLICATION 17/05084/FULL1 - LAND ADJACENT TO BROMLEY COLLEGE, LONDON ROAD, BROMLEY (BROMLEY TOWN WARD)

Description of application – Proposed construction of three, three storey buildings to provide 24, 2 bed 4 person flats with associated parking and landscaping.

Oral representations in objection to the application were received from Mr Tony Banfield, Chair of Bromley Civic Society. Mr Banfield objected on the following grounds:-

- Concerns regarding vibration during construction work as Sheppard's College had no foundations.
- In regard to the number of flats to be provided, a previous application for 25 units was refused by Members in 2003.
- The significant importance of heritage assets. The northern aspect should have been assessed for its historic significance.
- This would be an unsustainable development, harmful to the Conservation Area and the significance of designated heritage assets.

An addendum updating the Committee on a previous application was circulated to Members and can be viewed as Annex A to these Minutes.

The Planning Officer advised that should Members be minded to permit the application, two additional conditions would be required as follows:-

1. A safeguarding condition to ensure that the listed wall was not unduly damaged during or after construction.
2. A compliance condition to ensure the Air Quality Assessment was complied with.

Members were also advised that the officer recommendation had been amended to read 'Application Permitted Subject to a Section 106 Legal Agreement'.

The published report stated that the site was allocated for 70 dwellings however, this had been updated within the five year housing land supply document and 24 units were now allocated for the site.

Ward Member Councillor Dykes considered the current proposal to be an improvement on the previous application. However, taking into consideration the representations received from the Bromley Civic Society, particularly in regard to the Conservation Area and the Listed Building, she was unsure whether the application enhanced the site.

Ward Member Councillor Harmer deemed the application to be uninspiring and of little architectural merit. This was however, an opportunity site identified in Bromley's Area Action Plan.

Councillor Fawthrop referred to the comments submitted by APCA which stated the application did not reflect the Inspector's previous decision. He suggested the applicant be requested to amend the application to be more sympathetic in regard to preserving views into and out of the Conservation Area. The proposed parking provision was inadequate and the number of electric car charging spaces should be 100%.

Councillor Turner stated that in planning terms, there were no grounds to refuse the application. This was agreed by Councillor Dean who moved that the application be granted.

Having visited the site, Councillor Terry observed that the development would be close to the Grade II listed building. In regard to landscaping, it was important to protect the building and to ensure that the tree line was retained. He therefore suggested that condition 16 be strengthened for added protection. The Planning Officer advised that Tree Preservation Orders could be issued on replacement trees in perpetuity.

Councillors Brooks supported the application. The applicant had done what was required; the site was identified within the AAP and Bromley's housing target needed to be met.

Councillor Bear requested the addition of a Dust Management Plan condition.

Councillor Joel referred to the Victorian detached houses which were demolished to make way for the Kentish Way project. These works had resulted in an improvement in traffic movement into Bromley. The current proposal was a more simple design and he suggested the applicant carry out a survey in regard to the boundary wall and that discussions take place with the owners of the adjoining property.

The Chairman agreed that the current proposal was an improvement on previous applications and met the Council's requirements in terms of wide spaces between blocks and good tree screening which would alleviate concerns of the College.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner together with the following additions and amendments:-

1. A safeguarding condition to protect the wall between the College and the site including protection against all effects during construction.
2. An Air Quality Compliance condition.

3. Condition 16 be strengthened in regard to extending the time period for retention of new landscaping beyond five years with a view to TPOs being issued on replacement trees in the future.
4. A Dust Management Plan condition.

A vote on Councillor Fawthrop's motion to provide 100% electric car charging spaces fell.

IT WAS FURTHER RESOLVED THAT PERMISSION BE GRANTED SUBJECT TO A SECTION 106 LEGAL AGREEMENT.

6 PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO MARCH 2018

Report DRR18/024

Consideration was given to an update on planning appeals received and decided for the year 2017/18.

In response to a question from the Chairman, the Planning Appeals and Enforcement Manager explained that appeal cases had increased significantly over the last year because Bromley received a higher number of planning applications compared with other Boroughs. Therefore, the refusal rate was also higher.

The Chairman requested (and Members agreed), that a fuller report be submitted for consideration in September 2018 to include:-

- cases determined under delegated authority or by Committee;
- applications determined against officer recommendation for permission;
- the outcome of appeals - whether they were upheld or dismissed;
- comparison figures with other London Boroughs;
- costs awarded for appeals which were allowed;
- list of inquiries and costs for lawyers etc.

The Chairman noted that the national figure for appeals allowed was 33%. Bromley's currently stood at 38%, a decrease on the previous year, so the Council was heading in the right direction.

RESOLVED that the report be noted and a more detailed report, including the items listed above, be submitted for consideration at the Development Control Committee meeting in September 2018.

7 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT

Report DRR18/032

Members received an update on the progress of cases:-

- currently under investigation/pending consideration;
- at the appeal stage;
- awaiting compliance period;
- where enforcement action had been instigated;
- awaiting prosecution action;
- where enforcement action had been authorised; and
- currently with the legal department awaiting further action.

The report also included a full breakdown on the range of current complaints. As this contained confidential information, it was considered under the part 2 (not for publication) section of the agenda (Agenda Item 15 – Report DRR18/032).

The Chairman noted that Planning Enforcement was a 'complaint led service' and asked what scope there was to carry out more reactive work. The Planning Appeals and Enforcement Manager explained that over 3,000 planning applications were received annually and each application had a three year statutory implementation phase. In addition to this, the Enforcement Team were actively dealing with 750 cases with limited resources. It would therefore be exceedingly difficult at the present time to undertake compliance checks as well. The Team reacted to complaints raised by people who were directly affected by schemes which were approved by the Council.

RESOLVED that a briefing/updates meeting on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018.

8 ENFORCEMENT MONITORING REPORT (APRIL 2017 TO MARCH 2018)

Report DRR19/025

The report provided an update of enforcement activity from 1 April 2017 to 31 March 2018.

No issues were raised by Members.

RESOLVED that a briefing/updates on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018.

9 DELEGATED ENFORCEMENT ACTION - JANUARY 2018 TO APRIL 2018

Report DRR18/026

Members were advised of the action taken in regard to enforcement action authorised under Delegated Authority for alleged breaches of planning control.

Members were advised that the 20 enforcement cases listed at Blackbrook Lane, Bickley (page 35 of the report), related to sub-plots of land belonging to different people who were all issued with individual notices as a result of rubbish accumulating after the land had been used as a traveller site.

RESOLVED that the report be noted.

10 DESIGNING OUT CRIME PRESENTATION

Mr Mark Headley, Designing Out Crime Officer, Metropolitan Police Service, gave the presentation which included:-

- an introduction to Secure By Design (SBD);
- what is SBD?;
- types of SBD award;
- the SBD process;
- advantages of SBD; and
- a final summary.

The presentation can be viewed in its entirety at Annex B to these Minutes.

In response to Members' questions, Mr Headley advised that evidence and statistics produced by independent accredited studies could be viewed on the website www.securebydesign.com. The research carried out could show that crime had decreased since the introduction of SBD.

The SBD Group offer a free security advice service based on current crime figures and crime trends.

It was Mr Headley's belief that some insurance companies gave weight to homeowners who held an SBD Certificate.

In regard to major developments where open spaces and alleyways were created, the SBD Group could advise on lighting, egress and access routes and car parking in an attempt to reduce potential crime issues.

The Chairman and Members thanked Mr Headley for his interesting and informative presentation.

11 LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

Report DRR18/027

National Government Guidance required Local Planning Authorities to undertake a regular review of their validation requirements for planning applications. It was necessary to ensure that the list remained fit for purpose in the context of changes to national legislation and Development Plan Policies.

The report set out:-

- the national and standard requirements for all application types (including householder applications); and
- technical supporting statements/documents required for more complex applications (which could be requested for householder applications if required).

Members were requested to formally adopt a revised Local List of Validation Requirements.

The Chief Planner advised that in accordance with changes to government guidance and standard practice, it was intended that Financial Viability information could be made publicly available.

Councillor Joel referred to pre-application enquiries and asked what documents were requested at this stage. The Chief Planner informed Members that the Council's planning portal set out the documents and information needed which varied for each type of scheme but in general details of elevation, plans and costs were required. An 'in principle' stage had recently been introduced for larger development applications.

The Bromley Portal differed from the National Portal in that it covered slightly different areas. Bromley's Local Validation Requirements may be referred to in regard to developments in Conservation Areas and Areas of Special Residential Character.

The Chairman noted that all applicants were asked for a Design and Access Statement and asked if the required documentation varied between different types of development such as normal household applications and major developments. The Chief Planner confirmed that documents required would be in proportion to the size of the development. Major applications would require fuller details.

RESOLVED that the revised Local List of Validation Requirements be formally adopted.

**12 LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME
THRESHOLD REVIEW**

Report DRR18/011

The report sought Members' agreement to raise the existing local income thresholds for 1-3 bedroom units for intermediate housing to reflect changes (primarily in house prices) over the past three years.

The Chairman referred to the 40% increase in house prices and recognised that household income thresholds needed to be realistic. The Chief Planner informed Members that the information on house prices had been obtained from the www.home.co.uk website.

In response to a question from Councillor Brooks, the Chief Planner acknowledged there were variations in house prices throughout the Borough which were due, in part, to existing housing stock. The local income thresholds identified in the report were the maximum levels.

Councillor Allen conducted a search of the website mentioned above which showed that house prices had not increased in the last three years. Together with the lack of increase in wages, she was not convinced that the proposed increase would help considering the lack of affordable housing.

RESOLVED to recommend to the Executive that:-

- (i) **the amended local upper limit intermediate housing (intermediate ownership) household income thresholds for 1, 2 and 3 bedroom units be as follows:-**
 - 1 bedroom units - £55,000**
 - 2 bedroom units - £68,800**
 - 3 bedroom units - £73,400**
 - 4 bedroom units apply GLA household upper limit of £90,000 to 4 bedroom units (intermediate ownership);**
- (ii) **the GLA household upper limit of £60,000 applies to intermediate rent products; and**
- (iii) **the amended Addendum to accompany the Council's Supplementary Planning Documents on Affordable Housing (2008) and Planning Obligations (2010) be as attached in Appendices 2 and 3 of the report.**

13 BROMLEY COUNCIL RESPONSE TO THE DRAFT LONDON PLAN

Report DRR18/030

Members considered the Council's response to the Draft London Plan which included a report submitted to the DCC meeting held on 26 January 2018 together with a finalised agreed response.

The Chairman informed Members that she had copied the Council's response to three Borough MPs, and to the Secretary of State. She confirmed to Councillors Allen and Brooks that she would also send a copy to the MP for Lewisham West and Penge.

RESOLVED that the Council's response to the Draft London Plan consultation and the process and timetable for the London Plan Examination in Public be noted.

14 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

15 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT - PART 2

Report DRR18/032

Members considered confidential information relating to Agenda Item 7 (Report DRR18/032).

RESOLVED that the confidential information be noted.

The meeting ended at 8.33 pm

Chairman

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Application No : 17/05790/FULL1

Ward:
Bromley Town

Address : Absolute Applications House 6
Sherman Road Bromley BR1 3JH

OS Grid Ref: E: 540424 N: 169661

Applicant : Prime Place (Sherman Road Bromley) LLP
Objections : YES

Description of Development:

Demolition of existing buildings (6-10 Sherman Road) and redevelopment with a mixed-use, 23-storey, scheme comprising 219 Build to Rent apartments, flexible class B1/D1 floorspace, car and cycle parking, associated access and public realm improvements

Key designations:

Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
Open Space Deficiency
Proposal Sites
Smoke Control SCA 10

Proposal

The application proposes the demolition of the existing buildings on the site (6-10 Sherman Road) and the redevelopment of the site with a mixed-use, 23 storey scheme comprising 219 Build-to-Rent apartments, flexible B1/D1 floor space, car and cycle parking, associated access and public realm improvements.

The development is to be stepped in height rising to 23 storeys within the central element and stepping down to 18 storeys to the south and four storeys to the north where the site adjoins 10A Sherman Road. The building can be considered wedge-shaped in appearance, consequently looking slimmer when viewed from the south than when viewed from the east or west. The building extends for 53.5m in width along the Sherman Road and train line frontages and measures 26.4m in width to the north and 8-9.8m in width to the south.

At ground floor level it is proposed that an area of landscaping will delineate the development from the train station function as publically accessible bicycle parking is located to the south. Cycle parking for the scheme is located within a part integral part external location. The bin storage is sited within the confines of the ground floor of the proposal, along with the foyer for residential use, communal meeting facilities, flexible B1/D1 floor space and sub-station/plant room. 2 car club

spaces and 4 disabled parking bays are to be sited adjacent to the development along the Sherman Road frontage along with a drop-off zone.

The residential use of the building begins at first floor level. Internal communal amenity space (encompassing storage and seating) is also provided. Winter gardens are proposed for the first floor units to the western elevation facing the railway.

External amenity space by way of a 'gym', 'kitchen garden' and 'the garden' are located at fourth floor level sited on top of the roof of the north-eastern elevation at the point in which the development steps in from 10A Sherman Road. A roof terrace and 'club house' are also proposed within the 17th floor which hosts a study/work zone, multifunctional space for art/yoga/film and a social/refectory zone.

EIA Considerations

The application is for a scheme which is 'EIA development'; therefore it is accompanied by an Environmental Statement, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations (2017).

The Environmental Statement (ES) assessed the likely significant environmental effects of the development, including looking specifically at the following matters:

- Construction methodology
- Townscape and visual effects including heritage
- Daylight, sunlight and overshadowing
- Wind
- Air quality
- Socio-Economic
- Cumulative Impacts
- Residual Impacts

A formal scoping opinion was not sought from the Council and as such the matters scoped out of the ES were not agreed with Officers nor were the schemes to be taken into account in terms of the assessment of cumulative impact.

The topics that the Applicant has chosen to scope out of the ES include but are not limited to:

- Noise and vibration
- Human health impacts
- Transport
- Water resources

On the 9th April, the Council requested additional information pursuant to Regulation 25 of the EIA Regulations. This Supplementary Environmental Information Report provides a response to the points raised by the Council and updates the Environmental Statement where necessary. A subsequent addendum to the Environmental Statement was received following the submission of the Reg

25 response which primarily deals with socio-economic factors following amendments to the housing mix. Further additional information was also forthcoming.

In addition to the information submitted pursuant to Regulation 25 of the EIA regulations, the developer has also submitted the following amended information:

- Amended design and access statement
- Technical Highways Note
- Amended housing schedule to take into account an increase in units by 4 and an increase in discount market rented units by 10.
- Amended floor plans and elevations to remove the first floor B1/D1 space and to introduce in-set balconies along the first floor level. The Applicant has also increased the residential unit sizes to provide minimum floor space standards in accordance with London Plan standards.

The ES and the additional information submitted should be taken into account in the determination of the application.

The EIA Regulations require that there is a systematic assessment of a project's likely significant environmental effects before consent is granted, which the Environmental Statement together with the Regulation 25 information do, as noted below. The Council and Members must take the ES and Regulation 25 information into account in making its decision on the application, as well as any other environmental-related information, which includes the representations received from statutory and other consultees. Information on those matters is set out later in the report.

The conclusions of the Environmental Statement, and the need for mitigation measures to be secured through the conditions should permission be forthcoming or via the section 106 agreement, are dealt with in the sections below.

Following the submission of the further Regulation 25 information (and subsequent updates), the Environmental Statement is considered to be compliant with the EIA Regulations and applicable legislation, in relation to its assessment of the likely significant environmental effects of the development as a whole.

The application was supported by the following documents in addition to the ES:

Air Quality Assessment (Entran, August 2017) - The report concludes that an assessment of the potential impacts during the construction phase has been carried out. This has shown that during the construction phase the proposed development is likely to release dust and Particulate Matters (PM10). It is considered that through good site practice and the implementation of suitable mitigation measures, the impact of the dust and PM10 may be effectively mitigated and the resultant impacts considered negligible. The potential for exposure of future development occupants over the objectives was assessed using the ADMS-Roads dispersion model. This indicated that concentrations of NO₂ and PM10 are likely to be below the relevant objectives at the development location. The impact

of the development with regards new exposure to local air quality is therefore considered by the author to be negligible.

BS5837 Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (Greengage, September 2017) - A visit was made to the site on the 2nd August 2017. During the survey, two category C and two category U trees were recorded within or adjacent to the proposed development site which could potentially be impacted by the proposed development. It is proposed to remove all four trees. Through consultation, Network Rail has objected to original proposals for small scale tree planting on the grounds that it would overly conflict their future site operation and as such hard landscaping is instead proposed. The author does not consider an Arboricultural Method Statement is required given the removal of all on site trees.

Construction Management Plan (Prime Place, November 2017) - The Construction Logistics Plan (CLP) is submitted in outline and gives a detailed and defined description of how the CLP will be implemented following the appointment of a Construction Logistics Manager.

Energy Strategy (Prime Place, 5th December 2017) - The proposal incorporates the Be Lean, Be Clean, Be Green methodology. In terms of Be Lean, the application proposes a high performance building fabric, high levels of air tightness, energy efficient lighting, provision of energy efficient appliances etc. With regard to Be Clean, a CHP providing low carbon heating, hot water and electricity are being provided. PV panels are also incorporated at roof top level to fulfil the Be Green requirement.

Statement of Community Involvement (Hardhat, November 2017) - The statement confirms a public consultation was held in September 2017 of which over 8500 local addresses were notified of. A project website was created along with a project email and community hotline. Meetings were held with the MP, ward councillor, Assembly Member and Babbacombe Road Residents Association.

Utilities Strategy (Prime Place, 6th December 2017) - The report details what applications have been made to connect the site to the main utilities and has correspondence appended.

Telecommunications Impact Assessment (Pager Power, November 2017) - The report concludes that a consultation response from Ofcom had not been received at the point of finalising the report and as such it is unknown whether the proposed development would have any negative impacts upon wireless fixed links. With regard to terrestrial television services, the proposed development is within the coverage area for the Crystal Palace television transmitter. A site survey was undertaken on 28 November 2017 to confirm the relevant transmitter and record the signal quality. Television services with stable image and audio quality were received at all survey locations. The signal strength was variable but generally defined as good or very good. If an impact were to occur this would most likely be in the shadow zone within 500 m of the proposed development. Specifically, homes on Palace Grove, Palace Road and Park Road to the east of the proposed development could be affected. The report notes that a post-construction television

reception survey should be considered to be conditioned however it is possible that no detrimental effects will occur in practise. Mitigation options are likely to be available in the event that an adverse impact occurs in respect of satellite television services.

Transport Assessment (Prime Place, December 2017) - The transport assessment gives a comprehensive review of the potential impacts of the scheme upon the wider transport network. The assessment notes that the development will be car limited, with two on-site and four on-street disabled parking bays be provided as well as space for two car-club vehicles and a 'drop-off' zone adjacent to the site on Sherman Road. The site is highly accessible being within a PTAL 6A area given its location next to the train station and bus routes. The development is supported by a Travel Plan and it is considered that future residents and visitors will have the potential to visit the site by sustainable transport methods.

A single vehicle crossover will be retained to provide access to two undercroft accessible parking spaces for the commercial use. All other existing vehicular crossovers, in particular the crossover adjacent to the Bromley North station pedestrian entrance, will be permanently closed and reinstated as footway. Pedestrian access to the site for the residential and commercial units will be taken directly from Sherman Road. Cycle access will be via the residential lobby fronting Sherman Road as well as to the south of the site for commercial use.

The anticipated daily servicing/delivery requirements are low - with a worst-case requirement of approximately 27 light goods vehicles per day. An outline Delivery Servicing Plan has been prepared in accordance with regional and local requirements.

The development includes dedicated storage for 316 bicycles, which exceeds the minimum standard required by local policy. 16% of this provision is in the form of Sheffield stands allowing for the securing of larger/adapted cycles.

The report concludes that the development would not result in 'severe' transport impacts, in accordance with paragraph 32 of the NPPF.

Affordable Housing Statement (Prime Place) - The affordable housing statement covers the background to the development and the proposed demographic of the Build-to-Rent apartments. The statement covers the affordability of the units and explanation of discount market rent units.

Highways Technical Note (in response to initial Highways Comments) i-Transport, May 2018)) - The note states that given the four additional units proposed through the amendments, two additional departure trips in the AM and one arrival trip in the PM are now proposed, all of which would be made on public transport. They state that in line with the comments received from TfL, there is no resultant significant impact on the local highway network and there is sufficient capacity on public transport. The remainder of the report addresses comments made by TfL and the Council in respect of the original submission.

Noise Assessment - The report concludes that where noise may be a determining factor, mitigation measures have been proposed to ensure satisfactory living conditions are capable of being met. It is stated that the residential development can be brought forward with compliant internal noise levels subject to the use of thermally insulated façade treatments to the development. The external amenity spaces will broadly achieve the external amenity requirements however it is noted that the balcony spaces on the south western facade and lower floors of the south-eastern and north-western facades are predicted to marginally exceed the desirable <55dB daytime criterion for external amenity spaces. A further assessment of noise levels should be undertaken at the detailed design stage

Archaeological Desk based Assessment - No finds, features or Archaeological Priority Areas (APA) are recorded by the GLHER within or adjacent to the study site. The closest GLHER entry is a post-medieval wall recorded c. 175m to the south-east of the study area. The historic core of Bromley, the extent of which is covered by an Archaeological Priority Area (APA) is located c. 240m south-west of the study area. The study site was located in undeveloped agricultural land to the north-east of the historic core until the arrival of the railway in the late 19th century. The existing building stock is not considered of heritage significance. The detailed review of the available evidence undertaken by this assessment has shown that the study site has a low potential for remains of archaeological interest to be present. Therefore, it is clear that the proposed development would not result in the loss of buried remains of archaeological interest.

Geo-Environmental Desk Study - Given the site's historical development, there is potential for contamination within the ground and groundwater from both on and off-site sources. Based on the preliminary risk assessment; future site occupiers, internal spaces and structure, controlled water and construction workers are identified receptors. The potential risks to identified receptors are considered to be generally low to medium. It is recommended that ground investigation is undertaken to quantify the risks and to provide geotechnical and geo-environmental information to inform further assessment of hazards present.

Flood Risk Assessment - The site is located within Flood Zone 1 on the Environment Agency's Flood Map for planning. The FRA demonstrates that the proposed development will not be unduly at risk from flooding. No specific mitigation measures are warranted. An assessment of the proposed drainage system has been undertaken and design parameters for the detailed design set out to ensure surface water flooding does not provide a hazard to person or property.

Preliminary Ecological Appraisal - The ecological appraisal found negligible and low potential for various species including badgers, roosting bats, great crested newts and reptiles. Moderate potential was found for nesting birds with confirmed presence of feral pigeon. The site has the potential to support Biodiversity Action Plan Species. It is considered that the scale and nature of the proposals will not give rise to any negative impacts upon any sites designated for nature conservation. A staged clearance of the site between the scrub and train line is required which will help protect newts and any required relocation of hedgehog. Any clearance of shrubs or trees should occur outside of bird nesting season.

Additional ecological enhancement measures are also detailed within the report to ensure the proposals increase the biodiversity value of the site.

The application was also accompanied by a planning statement and design and access statement (which was subsequently revised in May 2018 to take account of the change in plans and housing mix).

Location and Key Constraints

The site appears wedge like in shape, encompassing both office (B1 use) and a single storey car garage unit (B2 use) and measures approximately 0.2 hectares in size. Units 6-8 are three storey office buildings constructed from red-brick with a duo-pitched roof profile. The buildings adjoin the single storey flat roof car garage to the north-east. Adjoining number 10 is an MOT car repair centre known as 10A Sherman Road which is subject to a separate planning application for re-development. The site is located close to the junction with Tweedy Road which is a strategic route within the UDP and forms part of Transport for London's TLRN.

To the north of the site is a residential building known as Northpoint which is a 10 storey building constructed from a yellow facing brickwork, metallic cladding and blue coloured fenestration. The lift-shaft of the application is sited adjacent to the footway along Sherman Road and projects above the roof profile. Windows relating to the residential use are located within the north-east and south-west elevation, facing directly onto the site.

The Royal Mail sorting office is sited to the south-east of the site, with Uno Apartments and Living Building sited opposite 6-10 which are both in residential use with office use at ground floor. Uno Apartments has a maximum height of 5 storeys and is constructed primarily from a terracotta tile cladding, white render and dark grey cladding. Windows relating to the residential units also face onto the site with a separation distance of approximately 16.5m. The Living Building has a maximum height of 4 storeys and is again primarily finished with a palette of white render and a dark grey cladding. Windows pertaining to the communal and private residential use also face the development site at an approximate distance of 14.3m.

To the south-west of the site, the land adjoins a surface car park and bus interchange which lies adjacent to Bromley North Train Station, a Grade II Statutory Listed building. The train station was constructed in 1925 and is built primarily from a brown stock brick with stone dressings and a hipped clay tiled roof. The building has a double height round-headed arched doorway with large sash windows with stone surrounds. Attached on the Sherman Road elevation is a parade of 6 single storey shops. The train station lies adjacent to Northside House, a commercial building, of 5 storeys in height. There is a large area of public realm in front of the station which is included within the red-line boundary of the application site.

On the opposite side of Tweedy Road the Conservation Area continues along East Street and North Street where buildings are typically two-three storey Victoria terraces. Further to the west of the application site the area is characterised by

predominantly residential development of two-three storey traditional Victoria terraced and semi-detached dwellings.

The site is bound to the west by the train line which serves the Bromley to Grove Park service which is an interchange for services to London Bridge and other central London train stations.

The site is located within the Bromley Town Centre boundary and adjacent to the Bromley Town Centre Conservation Area. The site is within a PTAL 6A area, being of excellent public transport connectivity.

The site forms part of the wider Site 2 allocated site within the Draft Local Plan which proposes the redevelopment of the site for a mixed use including 525 residential units, 2000sqm of office accommodation , community use, 230sqm café/retail, transport interchange and parking.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

As consulted 8/1/2018

Objections

- Until Bromley Council want to complete large transport infrastructure projections such as TFL suggested tram or tube links, the Bromley North line will not cope with 100s of extra passengers directly next to the station.
- The Site is located at 69m above sea-level. This is near the top of the hill. All directions away from the site are predominantly downhill, so the 21 story development will have a gross visual impact on the area and will be seen for miles, and be a detriment to all Bromley residents.
- The development provides inadequate parking
- With the on-set of electric cars, how will residents ever be able to charge cars at their homes if they cannot park near their property?
- The left turn from the A21 to Sherman road junction is dangerous, particularly at times when trains arrive.
- Bromley North Old Town may potentially lose TV/Radio signal.
- Most people have been shocked and disgusted by the development at Bromley South, this shouldn't allow a similar scale of development
- There is no proof that the 8500 leaflets were delivered as per the Applicants statement of community involvement.
- The development, given its height, will impact upon neighbouring privacy
- At 23 storeys in height, the development does not fit with the character of the neighbourhood
- Adverse impacts upon daylight/sunlight of neighbouring properties
- Bromley North does not have the infrastructure for a development of this size

- The building is ugly
- The area is already over-populated with parking, schools and doctors feeling the brunt.
- The idea of putting a 23 storey building in the middle of a low rise area is unthinkable
- There will be a detrimental impact on local utilities
- This is piece-meal development of the Bromley North site. The aggregate impact of the subsequent development of the rest of the site has not been considered.
- There will be an environmental and social impact
- The development should be a maximum of 6 storeys
- The development will overshadow the area and impact views
- It will dominate the skyline and even tower over Northpoint
- As residents with parking permits it is already difficult enough to find a space within a bay outside of the 12-2pm restricted period. The proposed parking arrangements for both residential and commercial tenants is woefully inadequate and will lead to a rise in vehicles needing to use the bays. There will also be an inevitable increase in the volume of traffic leading to increased inconvenience and noise levels for local residents.
- The development will bring additional pollution
- The tower block looks sad with no interesting design
- Bromley council has been successful in creating a lovely village atmosphere in Bromley North and this should be cherished and maintained.
- The selling point of the development (superfast broadband, Gym) is only attractive to a limited demographic. It is reasonable to assume the tenants will be a transient population as they move to progress their careers, want to own (and park) cars, become families and have children. What about public sector employees, families, young children, the retired in this development? The developers provide no information about the length of time their tenants stay in their rental properties. Tenants will move on as things other than a gym and broadband become important to them. Imposing a large number of residents with this very skewed demographic (perhaps it should be called 'professionalication') will seriously adversely affect the existing communities around Bromley.
- The Catford Green development by Barratt London for Lewisham Council is a far more balanced development than what is proposed here in terms of mix of tenure, car parking provision and build height.
- Thames Water have highlighted difficulties in their response to the Local Plan as many locals complain about waste water problems in the local area.
- Increased pressures on drainage and sewers
- Trains can't cope
- It is acknowledged that during construction pollution levels will be raised and "assumes" proposed mitigation measures will be implemented - this is unrealistic and unacceptable. The development itself will raise pollution levels but as it is car-free the operational traffic emissions are

- considered insignificant - again this is unrealistic as there will be increased commercial traffic which will reduce air quality.
- The dwellings themselves are very small internally and some are even below minimum size standards. This will compromise the wellbeing of residents and can create social problems within the development as a whole. The lack of green space provided for residents is also cause for concern and would question the provision of "high quality communal facilities for the benefit of future residents".
 - The transport from Bromley North is inadequate to cope with this type of development
 - Unsure about where machinery and plants will be stored during construction.
 - 'Build to Rent' is a money making scheme and not in the local interest
 - Affordable housing is what is needed
 - Properties without adequate parking are difficult to let and sell
 - The block is featureless
 - The removal of parking permits only puts the parking issues elsewhere
 - The scheme impacts detrimentally upon the Grade II listed station
 - Will create poor overall water pressure
 - There is clearly a good case for a great many more homes to be built in London and as the largest borough Bromley must accept its share, however this is not the solution
 - Tree planting will do nothing to enhance the area.
 - There needs to be sufficient outdoor play spaces for young children
 - The council needs to develop an overall plan for Bromley North especially the lands both sides of the railway car park included.
 - Sufficient consideration has not been made for rubbish collection
 - The proposed development at Sherman Road providing 215 units amounts to nearly 40% of the total allocation of Units on a site which is less than 10% of the designated area.
 - Potential for unacceptable wind conditions
 - There is only one staircase up and down the development. Should there be an emergency, services and residents will be in conflict. One of the criticisms levelled at Grenfell Tower was that it was higher than could be reached by a Fire Brigade ladder, and therefore it was impossible to rescue people living above that level from outside the building. Until the Inquiry into Grenfell, permission should not be given for a single staircase building to be built to this height.
 - The transport assessment is deficient in two respects: i) the assumption that tenants in an outer borough will not have cars is self-serving on the part of the developer; and ii) platform 1 at Grove Park, where the shuttle train arrives and leaves, has no disabled access and is remarkably difficult for anyone with a buggy or luggage. It is a dead-end, both for transit to other platforms and for leaving the station.
 - Obstruction of views from North Point
 - There are little or no thoughts to the environmental sustainability with solar panels, water capture or new innovative building ideas.
 - This should be an opportunity to make an architectural statement.

- The current council isn't fit and proper to oversee such a large development after the fiasco that is the Bromley South development.
- The Council should be stepping up existing projects, such as the town hall conversion into a hotel
- It will set a precedent for future high rise developments
- The supporting documentation filed with this application states that 80% of those giving feedback at the public consultations indicated that the building is too high, yet when the application is made, the applicant has increased the height of the building since the time of the consultations. This clearly makes a mockery of the consultation process, as the feedback has been totally ignored.
- It is disappointing (and condescending) to see a developer undertaking community consultation as a box ticking exercise
- A 3 year construction period with a circa 14 month superstructure programme is concerning. I would like to see the council pushing for a more innovative and sustainable construction methodology which can be installed with much shorter programmes.
- Whilst I applaud provision for disabled parking I object to the shameless use of vulnerable people as a fig leaf for what is an obscene proposal made by a greedy people.
- Waste generated from 215 flats will result in vermin, smell and noise
- Unless someone puts a stop to this soon, Bromley will become a town full of tower blocks
- Have a severe impact upon the daylight/sunlight of the Northpoint apartments
- The terrace on the fourth floor will compromise privacy of Northpoint flats. Using the online measuring tool there is only about 8m between the terrace and the windows
- Northpoint is generally a quiet block and the area as a whole is home to a stable population; the new development, a designated rental property, will have a much more transient population, who without stakeholder status may not be as considerate, for example with regard to noise emanating from open windows during the summer and impacting upon the opposite flats.
- Metered parking spaces are lost to the general public
- Fire safety should also be investigated as the rubbish bins for Northpoint are stored next to the One Stop Auto Service garage on one side, and the rubbish bins (35 bins - a significant amount of combustible material) will be alongside the other side of the garage.
- The Bromley Town Centre Area Action Plan identifies Bromley as predominantly in need of social rented housing and larger family homes. The development does include some 3-bedroom flats but the majority are studio or one-bedroom flats, which does not address locally identified need.
- Rents in central Bromley range from about 800pcm for a studio flat to 1,500 for a three bed flat, although these may be conservative figures for a new, managed facility such as the proposed development. Applying the 20% standard DMR brings these figures down to the range 640 - 1,200. Given that 'affordable' is defined as rent costing no more than

35% earnings (Shelter), tenants earning 22,000pa could afford a studio flat and 41,150pa could afford a three-bed flat. As the average wage in Bromley is currently 23,500, the availability of these flats to local people would be rather limited if Bromley agreed to allow the developers to use DMR to fulfil its 'affordable' commitments.

- This area as a whole is intended to provide 525 residential units. It seems disproportionate for about 40% of the proposed units to be squeezed onto 0.2 ha of a 3 ha site. In order to comply with the London Development Plan, and with Bromley borough's own planning policy, the development of an Opportunity Area should be considered as a whole, so that the impact on the local area can be fully realised.
- The submission states that there are a shortage of office to rent in the area however Easy Street, Northside House and the High Street have many vacancies
- Will the development constrain development potential development of the DLR/tram service to Bromley?
- Detrimently impact the conservation area
- Intimidating to people in this area at night given the building looming over the station
- Discrepancies with the information provided in the submission
- Having people renting the apartments means they won't contribute to village life
- Overcrowding on the already poor service from Bromley North to Grove Park
- Visually dominating
- Fire safety issues with such a tall building
- Highways Safety issues
- The Bromley Area Action Plan 4.8.30 requires the safeguarding of suitable land around Bromley North station to ensure that the future expansion of transport links is not precluded. This safeguarding "is to be shown as part of the masterplan for the site with a requirement to retain that safeguarding in any subsequent planning permission granted". The application ignores the requirement to safeguard land for this purpose and is therefore in conflict with this pre-existing LBB policy.
- Has the potential to impact on Bromley and Sheppard Colleges
- Application is based on privileged knowledge
- Disruption from building work
- Bland design that will date quickly
- The Applicant is not accurately recording objections to their plans from local residents
- Increase in criminal activities
- Poor quality residential units with many being single aspect
- Would result in the closure of some of the public car park during construction

As consulted 8/5/2018

- Nothing has been done to reduce the scale of the building
- The building will devour the skyline at the highest part of the town

- Out of keeping with nearby buildings
- The developers response to the Council's letter is thin in the extreme
- All previous reasons to object still stand
- Take note of the public's overwhelming objection to the scheme
- Additional traffic will make the roads congested
- Not enough infrastructure
- Object to build to rent, people should be given more opportunities to buy their own property.
- The building is an eyesore
- More houses should be built not flats
- The road is already dark and a wind tunnel.
- The flats will no doubt be 'luxury' and priced at attracting commuters willing to move from closer to London for the transport links, therefore bringing more residents to the town as opposed to dealing with the housing problems already evident for the town residents.
- No cohesion with the Grade II Listed station
- There is no requirement for an 'urban wayfinder', Bromley is well signposted
- No steer by the Developer to increase social housing
- Massive impact on public transport including trains
- Does not enhance the Conservation Area
- Bromley North Residents Association objects to the amended plans due to height, scale and bulk. This eyesore is not in keeping with the 'village' atmosphere
- Poor water pressure
- The overall site should be looked at as a master plan
- Pedestrian and cyclist safety will be compromised
- Has anyone done a survey to see how many people actually cycle and whether this many cycle spaces are required?
- We are pleased with the improvements in the East Street area but a 23 storey high-rise block will be completely out of character with the sensitive way in which the historic old town has recently been enhanced
- The amended proposals discount all objections received by the public
- The development will block light
- The documents are too technical and can't be understood
- I note the addition of several images portraying entrance areas and a roof terrace. I humbly submit that these spaces will soon become unworkable due to the sheer number of residents who the developers propose to house in this block and are there for cosmetic purposes only rather than as useful amenities for residents. I also note that there are play spaces in corridors for children - again I suggest entirely cosmetic.
- Environmentally friendly measures i.e. solar panels, biomass fuel and water capture should also be essential in all new developments which are absent in this case.
- The balconies overhanging the pavement would cause a safety issue
- the mix of community, commercial office and residential space is clearly disproportionate to local requirements. Bromley North is a hub of

business/commercial activity and there is already a proven shortage of quality office/commercial space within the Town Centre.

Support

- The look of the building is great
- Your Bromley (Business Improvement District), speaking for 600 businesses in the town centre, support the application.
- South-East London Chamber of Commerce, as the voice of business in South East London, is pleased to see provision of 200 new homes and office space.
- Space for micro-businesses and entrepreneurs is scarce in Bromley Town Centre and businesses in Bromley North would benefit from the increased footfall.
- Additional housing for rent is much needed
- The Borough should get on and build, people need more houses.
- At the moment East Street is very quiet, the new residents will create more business for the area.
- It will bring more customers into the area
- This needs to happen, there are too many families sharing one room
- Young and old would benefit
- Borough wide requirement for more houses
- The Council should support build to rent schemes
- It will tackle homelessness
- It makes sense to locate height next to Bromley North
- The design is of high quality which will set a bar for future development
- Pleased to see provision of new office space
- The development would give access to the larger business community in London given its proximity to Bromley North
- Higher density development in locations like this will ensure that we do not have to develop on the Green Belt in the south of the Borough
- The land is allocated by the Borough for a tall building
- Enhances the landscape
- Increase the offer of affordable rental accommodation in the town centre
- Provides modern accommodation in a small footprint on currently underutilised land
- Support plans to upgrade the front of the station and make a feature of the Grade II Listed station

Comments have also been received from the Agent in respect of the adjacent planning application at 10A Sherman Road for a 10 storey mixed-use scheme, which are summarised as:

- The relationship with the two proposed buildings is a material consideration to the determination of each application
- The site lies within the opportunity site at Bromley north Station and a comprehensive approach to development proposals within the policy area is required

- The DAS submitted with the 6-10 Sherman Road application does not directly address this relationship in terms of its consideration of the site constraints or the site appraisal
- The two buildings can co-exist satisfactorily
- No objections are raised to the application however, if Officers did not consider this relationship to be satisfactory, then the client for 10A would strongly object to the aspects of the Prime Place application that give rise to any concerns because nothing should be approved that would constrain the redevelopment potential of the neighbouring site.
- The two applications should be processed in parallel as representing a comprehensive approach to the redevelopment of the Bromley North opportunity site.

Comments from Consultees

Secure by Design:

Concerns are raised to the access arrangements, defensible space between the outdoor amenity areas and the residential units and general security measures. The Officer considers the scheme capable of securing Secure by Design standards which should be applied via condition.

Thames Water:

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. A piling method statement is required to be submitted and approved by the LPA prior to the start of development.

Drainage Officer:

The submitted FRA carried out by WALSH Dated 13/12/2017 to provide 10mx4mx1m deep tank to restrict surface water run-off to 5l/s for all events including the 1 in 100 year plus 40% climate is acceptable. No objections are raised subject to conditions.

Environmental Health Pollution Officer:

Air Quality: The Air Quality Assessment prepared by Entran Ltd (Revision 1.1, August 2017), considers the impact on future residents of living in an Air Quality Management Area and concludes that air quality satisfies the relevant air quality objectives. It also considers the impact of the construction and demolition phases and concludes that providing mitigation measures are put in place the impact will be negligible. I agree with these conclusions, however the Report does not consider the development in the context of "Air Quality Neutral" as defined in the London Plan (GLA 2016).

Energy: The Energy Strategy prepared by Waterstone Design Building Services Consultants Ltd, as the Air quality Report, makes no reference to the requirement to demonstrate that the development will be "Air Quality Neutral".

Environmental Impact: The EIA prepared by Greengage (December 2017) considers the requirement for the development to be Air Quality Neutral and recommends Emission standards for both the Combined Heat & Power unit as well as the gas fired boilers (Paras 7.70 and 7.71). As long as these requirements are complied with I would concur that the development is Air Quality Neutral.

Contaminated land: The Design & Access Statement recognises that the site has been occupied by light industrial businesses such as coal merchants, masons and a saw mill. All of these uses carry a risk of residual ground contamination and yet I can find no reference to any other investigation being carried out in this regard. A land contamination condition is required should permission be forthcoming.

Noise: There are two transportation noise sources in the area, namely the railway and station, and also the A21 Tweedy Road. No objections are raised subject to condition.

Lighting: The application does not include any details of boundary or car park lighting and therefore I would recommend that a suitable Condition be imposed in respect of window specifications and sound proofing.

Highways:

The site is located in an area with high PTAL rate of 6a (on a scale of 0 - 6b, where 6b is the most accessible). The new building doesn't follow the footprint of the existing building line.

The new building encroaches onto footway; this area needs to be stopped up. The applicant should be aware that the costs of stopping up process would be at their expense.

Vehicular access- A single vehicle crossover will be retained to provide access to two undercroft parking spaces for commercial use.

The site plan indicates four on street (Sherman Road) disabled bays, two car club bays and a Drop Off zone which is unacceptable as this would narrow the running width of Sherman Road further causing road congestion and be a contributory cause of road traffic accidents as well as having other direct or indirect effects on other issues such as the use of public transport, business and environment.

Public Transport- The number of trips by bus/ trains is not included within the TA. The mode share of residents that would travel by bus/ train and the trip calculations should be allocated and the expected demand for bus and train travel with regard to the potential impact on the public transport's network capacity should be discussed.

Car parking- two disabled bays for commercial element of development will be provided and none for the residential units; this is unsatisfactory.

The applicant has no justification as to not provide parking spaces. The car ownership in Bromley town ward is 1.00 per household which translates to a minimum of 215 car parking spaces. However as the development is large number of studio/1 bed units and is in a good public transport accessibility area, Highways is prepared to accept 100 car parking spaces.

The Proposed Draft Local Plan Chapter 4, Getting Around (Transport and Accessibility) states the following for residential parking standards:
Bromley Residential Parking Standards (per unit)

Bromley Residential Parking Standards (per unit)		
PTAL	1-2 bed	3 bed
0-2*	Minimum of 1	Minimum of 1.5
2*-6a	0.7 (min) – 1 (max)	1 (min) 1.5 (max)

These standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards.

Cycle parking- London plan would be adhere to. This is satisfactory.

Walking- The TA provides no detail assessment of the key walking routes to the site, which are crucial. Sherman Road is constrained and therefore consideration should be given to the number of people expected to use the footway to ensure that there are no capacity or safety issues.

Servicing/ Refuse collection will be undertaken from Sherman Road, which is unacceptable as this would narrow the carriageway creating congestion on Sherman Road.

Highway Oversailing- It is proposed the development provides balconies which will oversail the highway along Sherman Road by up to 1.5m from a height of 5m above the footway. This is acceptable in principle subject to appropriate indemnity insurance and licence.

In summary, the development comprises 215 residential units and 350sqm of commercial floorspace; with only 2 disabled bays.

An increase in parking demand in an area where a few spaces are available would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on-street manoeuvring. This would cause inconvenience and in some locations, risk to traffic and pedestrian safety

Furthermore, the drop-off zone for deliveries and disabled bays would narrow the carriageway further making it more difficult for other road users. This would be inconvenient and could cause disturbance to neighbouring residents.

Following the receipt of the Highways Comments, a Technical Highways Note was received in response. The Highways Officer makes the subsequent comments:

The site is located in an area with high PTAL rate of 6a (on a scale of 0 - 6b, where 6b is the most accessible). The new building doesn't follow the footprint of the existing building line.

The new building encroaches onto footway; this area needs to be stopped up. The applicant should be aware that the costs of stopping up process would be at his expense.

No additional information has been provided just reiterating the previous points in their original TA. Therefore I offer the following:

Vehicular access- A single vehicle crossover will be retained to provide access to two undercroft parking space for commercial use.

The site plan indicates four on street (Sherman Road) disabled bays, two car club bays and a Drop Off zone which is unacceptable. As this would narrow the running width of Sherman Road further causing road congestion and be a contributory cause of road traffic accidents as well as having other direct or indirect effects on other issues such as the use of public transport, business and environment. Moreover the "Drop Off Zone" is located in front of off-street parking (undercroft) space which would interfere with movement of the parked car and causing additional problem with the congestion and further risk to pedestrian safety.

The applicant states that "any obstruction would be temporary and likely just once per week" this is not correct; as large building with 215 units will have much more frequent servicing than once a week visit by refuse vehicles.

Car parking- two disabled bays for commercial element of development will be provided and none for the residential units; this is unsatisfactory.

The applicant has no justification as to not provide parking spaces. The car ownership in Bromley town ward is 1.00 per household which translates to a minimum of 215 car parking spaces. However as the development is large number of studio/1 bed units and in a good public transport accessibility area I am prepared to accept 100 car parking spaces.

The Proposed Draft Local Plan Chapter 4, Getting Around (Transport and Accessibility) states the following for residential parking standards:

Bromley Residential Parking Standards (per unit)
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PTAL	1-2 bed	3 bed
0-2*	Minimum of 1	Minimum of 1.5
2*-6a	0.7 (min) – 1 (max)	1 (min) 1.5 (max)

These standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards.

Again the applicant hasn't provided any justification for car free development apart from stating the site is in a good PTAL area. The applicant must note that LB Bromley is the Highway Authority and TfL is one of the consultees.

Furthermore the loss of revenue to the Council as a result of the existing Pay & Display parking bays to car club and disabled bays must be addressed.

Cycle parking- London plan would be adhered to. This is satisfactory.

Highway Oversailing- It is proposed the development provides balconies which will oversail the highway along Sherman Road by up to 1.5m from a height of 5m above the footway. This is acceptable in principle subject to appropriate indemnity insurance and licence.

In summary, an increase in parking demand in an area where a few spaces are available would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on-street manoeuvring. This would cause inconvenience and in some locations, risk to traffic and pedestrian safety

Furthermore, the drop-off zone for deliveries and disabled bays would narrow the carriageway further making it more difficult for other road users. This would be inconvenient and could cause disturbance to neighbouring residents.

Please also bear in mind that there is another application for 10A Sherman Road (18/00399/OUT) which entails Proposed outline application for the demolition of 10A Sherman Road and redevelopment with a mixed-use, 10-storey, scheme comprising 6no one bed, 3no two bed flats and B1 commercial space. If both applications receive planning consents this would reduce the width of Sherman Road for a minimum length of 37.0m causing road congestion and inconvenience to other road users.

Further comments relating to the loss of revenue were also received which stated that £47,400 highways contribution would be required given the loss of income per annum for the loss of the three bays over 10 years.

Transport for London:

Location

The A21 Tweedy Road is located approximately 60 metres to the south, which forms part of the Transport for London Road Network (TLRN). Access is currently achieved from Sherman Road, a borough road, which connects with the A21.

The site has a Public Transport Accessibility Level (PTAL) of 6a, on a scale of 0 to 6b where 6b is the most accessible. Up to 18 bus services can be accessed from Bromley North Station or stops on Tweedy Road within a short walking distance. Bromley North Station provides access to National Rail services to Grove Park at a frequency of 3 trains per hour, although it is envisaged that this frequency could increase marginally in the future.

Trip Generation and Transport Impact

The trip generation assessment is considered to be acceptable. It is not anticipated that the development trips will have a significant impact on the local transport network.

Car Parking

No standard (non-Blue Badge) car parking spaces are proposed on-site, which is strongly supported. It is proposed to provide four on-street disabled bays on Sherman Road for the residential use. This will be facilitated by the conversion of three on-street car parking bays, with one additional space created. For the commercial use two on-site disabled bays will be provided, which accords with Draft London Plan 2017 standards.

Two on-street car club bays are proposed together with a drop off bay which will be used for deliveries. This will also serve as a drop-off facility for disabled residents and taxis.

London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Furthermore, the Housing SPG (November 2012) states that each wheelchair accessible dwelling should have an associated accessible parking space, this would equate to a disabled parking requirement of 22 spaces.

Based on Draft London Plan 2017, residential developments should aspire to provide at least one disabled parking bay per dwelling for 3 per cent of dwellings from the outset (6 spaces in this instance), with a Car Park Design and Management Plan provided to demonstrate how the remaining bays (to accommodate an overall total provision of one per dwelling for ten percent of dwellings) can be provided in the future, should demand arise.

Although the development does not strictly meet London Plan/ Draft London Plan standards for disabled space provision, there are mitigating circumstances including the limited availability of on-site and on-street space, the provision of two on-street car club spaces, the disabled resident's drop-off bay, proximity to a variety of town centre services and step free access to numerous bus services. Bearing this in mind TfL would not object to the application on these grounds.

For the residential uses 20% of spaces should have active electric vehicle charging facilities, with passive provision for the remaining spaces. For the commercial uses both of the disabled parking spaces should have electric charging spaces from the outset. The on-street drop off bay should also include active charging facilities.

Both the disabled and electric vehicle spaces should be secured by planning condition and this should also ensure that the commercial bays are solely used by disabled users.

TfL welcomes that all new residents will be offered a minimum of 3 years car club membership and residents will be prevented from applying for car parking permits in the surrounding controlled parking zone (CPZ) through the s106 agreement.

The proposals include the provision of 316 cycle spaces at ground floor level for the two uses. In addition 40 cycle parking spaces are provided for Bromley North Station at ground floor. Although the parking for the residential and commercial uses complies with London Plan 2016 standards it does not meet Draft London Plan 2017 standards, which would require a total of 354 long stay spaces and 6 short stay spaces to be provided. The applicant should aspire to provide all cycle parking in accordance with Draft London Plan 2017 standards.

All cycle parking spaces should be easily accessible from adjacent cycle routes and appropriate signage should be provided. TfL would advise that shower and locker facilities are also provided for members of staff wishing to cycle to work.

All cycle parking facilities should be secured by condition.

Pedestrian Environment

A new public square is proposed between the southern boundary of the building and the retail units within the station. This will provide an area of hard and soft landscaping and will serve as the office entrance and an 'out of hours' gated entrance into the station. This is supported in principle by TfL.

The proposal also includes upgrades to the public realm at the southwestern frontage of the station. Although this does not fall within the TfL highway ownership boundary, the area is adjacent to TfL bus stops and it is requested that further consultation is undertaken with TfL in relation to the details of the proposals to ensure they do not impede access to the stops or the operation of the bus stands.

Travel Planning

A Draft Travel Plan has been submitted with the application for the residential use. The full Travel Plan should be secured, delivered, monitored and funded through the Section 106 agreement.

Deliveries and Servicing

An Outline Delivery and Servicing Plan (DSP) has been submitted within the application. The DSP should be secured by condition with the full DSP submitted and agreed prior to first occupation of the development.

Construction Access

An Outline Construction Logistics Plan (CLP) has been submitted with the application. The full CLP should be secured by condition and submitted and agreed prior to commencement of development. In particular, the CLP will need to consider how the adjacent station/ station users will be protected during construction, so Network Rail will need to be a consultee when drafting/ approving the final CLP.

Transport Mitigation Summary

In summary, the following mitigation measures are required to ensure full compliance with the London Plan:

- Three years car club membership for all residents secured through S106.
- Residents prevented from applying for parking permits in the surrounding CPZ through S106.
- The development should aspire to meet Draft London Plan 2017 cycle parking standards.
- Further discussions required with TfL in relation to public realm improvements to southwest of station.
- Travel Plan to be secured, monitored, reviewed, and enforced through the s106.
- Delivery and Servicing Management Plan and Construction Logistics Plan to be secured by condition.
- Mayoral CIL at a rate of £35 per sqm

Amended TFL comments were received in response to the amended plans which states:

The site lies away from the Transport for London Road Network (TLRN) and other TfL assets. The nearest part of the TLRN is the A21 Tweedy Road, around 100m from the site. The site lies within Bromley town centre and, as such, has a very high public transport accessibility level (PTAL) of 6a, on a scale of 0 to 6.

Due to the relatively small size of the development in terms of numbers of new homes and commercial floorspace, coupled with the town centre location with a wide range of public transport options, there is unlikely to be a significant adverse impact on the capacity of public transport, or more specifically on TfL assets and services. However, the application proposes public realm improvements in front of the station, directly adjacent to the TLRN and TfL bus stops/shelters. As such, we would expect that there is a requirement within any subsequent planning permission for the developer to consult TfL on the detail of these proposals, with TfL having the right of approval/refusal where TfL assets are affected. More generally however, the principle of improving the public realm 'off-site', and improving access to Bromley North station, is supported. The four bus stop shelters in front of the station would benefit from being replaced by new shelters, potentially with 'Countdown' sign/s, as part of the public realm works, as would a

map 'refresh' of the existing Legible London sign, so we would welcome the Council's support in seeking s106 funding to allow this, should planning permission be granted.

We support the 'car free' nature of the proposals, bar Blue Badge (BB) spaces, although we question how the provision of BB spaces on-street can be managed in such a way as to be dedicated to the development - this is a matter for the Council as the Highway Authority for Sherman Road and operator of the on-street parking scheme. The nature of the on-site commercial spaces should be clarified, as the transport statement says they are BB spaces, whereas the planning statement does not. More fundamentally, the application form only states 4 BB spaces and two car club spaces, which contradicts both the planning statement and the transport assessment. If they are not BB spaces, this would be contrary to London Plan policy (the current London Plan would allow only one non-BB space, and the draft new London Plan encourages 'car free' office development in such locations). Whilst the total number of residential BB parking bays falls short of the standard set out in Policy T6.1 of the draft London Plan, this is acceptable in this instance given the limited space available either on-site or on-street and the site's very proximity to public transport and town centre facilities. Electric vehicle charging should be provided for at least one of the on-street BB spaces and one of the car club spaces. Residents should be prevented from applying for on-street parking permits within any subsequent s106 agreement. Initial free car club membership should be provided for three years, attached to the residential unit given that they will be rented.

Cycle parking numbers (316) accords with London Plan standards - although again there are discrepancies between the planning statement, ground floor plan and transport assessment that should be clarified (316 is stated in the transport assessment). Draft London Plan standards, with a higher requirement for one bed residential units, would require a minimum of 352 spaces, plus 6 spaces for the commercial element i.e. a minimum total of 358 spaces, with around 6 short stay spaces, so the applicant should investigate how this can be met. Access to the cycle stores from Sherman Road for both residents and users of the commercial floorspace should be clarified, and demonstrated to be easy to accomplish with a range of bikes in line with TfL cycle design guidance, as it's not clear from the ground floor plan. Also, the ground floor plan mentions 'removable cycle hoops' and 'de-mountable racks' for 'future plant access', so this should be explained e.g. is this for temporary, strictly limited time periods? The provision of additional short stay cycle parking for the station is supported.

The site lies directly adjacent to Bromley North national rail station, so it would be expected that Network Rail is closely involved in terms of asset protection and maintenance of train operations/passenger safety. Finally, a construction logistics plan, deliveries and servicing plan and a travel plan should be required to be submitted to the council for approval at the appropriate time, secured through the s106 agreement.

It was later confirmed by the Applicant that the discrepancy is in the TA which identifies the 2 on site spaces as blue badge. The planning statement and

application forms are correct. In relation to cycle spaces we are proposing 360 spaces as contained in the revisions.

Conservation Officer:

The site is situated just outside the Bromley Town Centre Conservation Area and adjacent to Bromley North Station which is a Grade II listed building. Bromley College is also within 400 metres of the site and is a Grade I listed building. Therefore the following policies would be applicable from a conservation perspective: BE8 Statutory Listed Buildings, BE13 Development Adjacent to a Conservation Area. (Draft Policies 38 & 42). Section 66 of the Act also places a statutory duty on the Council to have special regard to the desirability of preserving the setting of listed buildings.

Impact on Conservation Area

The proposal would be significantly taller than anything within the northern part of the conservation area, which is generally low rise and is the historic core of Bromley. Given the high rise nature of the proposal it would be visible from many vantage points within the conservation area. The most significant views from the CA would be north from East Street, eastwards from North Street and within the immediate vicinity of Bromley North station. Further views along Tweedy Road from the junction with Widmore Road would also be impacted but at a longer distance. I find that the scale of the proposal would dominate views out of the CA from East Street, North Street and Tweedy Road (in front of the station), causing harm to the setting of the CA through its dominant presence.

Impact on Listed Buildings

The applicant has tested the impact of the proposal on both Bromley College and Bromley North Station although not the Old Town Hall. The impact on the setting of Bromley College is tested in View Z and it clearly shows no impact. View N shows the relationship between the listed Clock House on Tweedy Road and the proposal building although the distance between the 2 buildings is a mitigating factor.

The most obvious impact however is that on the adjacent Bromley North Station. A number of views have been tested and in particular View L (from North Street) and View A (from East Street) clearly show that the scale of the proposal would dwarf Bromley North Station, and from some views would be a direct backdrop, disrupting the attractive roof profile of the listed building. Whilst the proposed building may be high concept and carefully designed, I feel its sheer size would cause significant harm to the setting of the station. I would assess this harm as being "less than substantial" and therefore para 134 of the NPPF would apply. This would mean that applicant should be demonstrating that the public benefit of the scheme would outweigh this harm. It is for others to determine the public benefits overall but it has been suggested that there would be a heritage benefit through an improved forecourt to the station. This area was only recently repaved and is a generally functional space so I do not feel that the benefit would be sufficient to outweigh the harm and only very limited weight should be given to it.

Local Plan

The former site A did note this location as possibly being suitable for a taller building, although the current draft local plan site named "Land adjacent to Bromley North Station" in Appendix 10 does not make any reference to tall buildings. It does however state that proposals should "Respect and enhance the setting of the Grade II Bromley North Station building". This proposal, for the above reasons, fails to achieve this.

In conclusion: The proposal would be harmful to the setting of the listed building and the conservation area, through its over dominant height and overbearing presence. The proposal is therefore contrary to BE8 and BE13. Whilst noting that the Housing Site Allocation is 525 units, I am concerned that no overall masterplan is provided to demonstrate how this quantity is to be provided whilst still achieving site policy aims. This proposal therefore appears piecemeal and cannot be said to represent orderly development of the site.

Historic England:

The development site sits within the Northern Gateway; an area identified in the Area Action Plan for Bromley Town Centre (adopted October 2010) as potentially suitable for taller buildings and high density development (Spatial Strategy, Para. 3.2.3, and Diagram 3.2), a policy which English Heritage (as we were previously called) raised concerns about at draft stage.

Whilst the development site itself contains no designated heritage assets, it is located in close proximity to the Bromley Town Centre Conservation Area which contains a number of listed buildings, the closest being the Grade II listed Bromley North Station. Therefore high density development in this location has the potential to affect the setting of various designated heritage assets.

As you will note, Historic England has consistently raised concern about the scale of the proposed development which we consider would visually compete with the modest market town character of the Conservation Area, particularly along East Street towards the Grade II listed Bromley North Station.

This impact has been fully assessed as part of the submitted wireline and rendered townscape appraisal (see Section 6 of the Townscape Visual and Heritage Assessment, KM Heritage, 2017, and Section 7.6 of the Design and Access Statement, Be Living Ltd).

The appraisal demonstrates that the proposed tower would dominate in views along East Street (View 20: East Street, and View A - East Side of East Street), creating a stark contrast to the prevailing three storey scale along this edge of the Conservation Area. The tower would also block the silhouette and significantly detract from the architecturally considered roof of the Grade II listed Bromley North Station, reducing its civic presence and landmark status (View 22: Tweedy Road opposite Bromley North Station, and View L - North Street). We recognise that the Northpoint tower block, located to the north of the development site already

presents a moderate visual impact in these views. However, at 23 storeys, the proposed tower would significantly increase this impact.

Elsewhere within the Conservation Area, the study indicates that visual impact along the historic High Street would be limited. However, View C (Townscape Appraisal) indicates that the tower would break the roofline in important views of the Market Square, affecting the historic character in this focal part of the Conservation Area.

We are pleased to see that the submitted appraisal assesses the impact of the development in views from the Grade I listed Bromley College, and Grade II* Church of St Peter and St Paul in response to our initial concerns. On the basis of the assessment, it appears extremely unlikely that the proposed tower would significantly affect either asset.

Historic England's Position

On the basis of the submitted information, we maintain our position that the proposed tall building would cause harm to the Bromley Town Centre Conservation by visually competing with its modest market town character, as particularly evident in views along East Street. We also consider that the development would harm the setting of the Grade II listed Bromley North Station by diminishing its civic presence and landmark status along the streetscape.

In determining this application, your Council should consider whether the harm we have identified has been clearly and convincingly justified in accordance with Paragraph 132 of the National Planning Policy Framework (NPPF), and appropriately balanced by the delivery of public benefits (Para 134, NPPF).

As previously indicated, we would strongly encourage the delivery of heritage benefits (which could contribute to the wider public benefits of the scheme) as part of any approvals for this site. Specifically, enhancements to the public realm around Bromley North Station and light touch conservation to its fabric would be welcomed.

Recommendation

We would urge your Council to address the above advice, and determine the application in accordance with local and national planning policy, and in consultation with your Council's Conservation Officer.

Historic England were re-consulted on the application following amended plans however they state their original comments remain valid.

Tree Officer

The site is free from any tree constraints. The trees surrounding the site that have been included within the tree survey hold no retention value. Due to the nature of the scheme, it is acknowledged that landscaping opportunities are limited.

No objections are made to the scheme.

Network Rail:

Network Rail have provided comments in respect of asset protection, including a number of suggested conditions. No objections have been raised. Network Rail also provided a letter of support to the scheme given their interests in respect of the land ownership.

Arqiva (Telecommunications):

This proposal has the obvious potential to interfere with electronic communications services and we are pleased to see the Telecommunications Impact Assessment (the Assessment) which considers the issues of interference with television reception and wireless fixed links.

Arqiva owns and operates the terrestrial television broadcast network, which relies on fixed links. These are not addressed as such in the Assessment, but we can confirm that the location of the development proposed is not one that should result in any interference with the transmission of the radio and terrestrial broadcast networks that we operate. That said, this does not mean that the development will not cause any problems with viewer reception. This is a separate matter that does not generally concern us, but which is addressed in the Assessment.

The systems used by other operators such as the Mobile Network Operators do include direct line of sight dish links, or wireless fixed links, which are licensed and so registered with OFCOM. The Assessment indicates that OFCOM has been approached and so consideration of this matter is in hand.

London City Airport -

I have assessed this building from an aerodrome safeguarding perspective. Based on the information provided London City Airport would have no safeguarding objection to it.

GLA Stage 1 -

Principle of development: A high density residential-led Build to Rent development within this highly accessible site in a town centre and opportunity area is strongly supported, in accordance with London Plan Policies 2.13, 2.15 and 3.3 and Policies SD1, SD6, H1 and H13 of the draft London Plan. Notwithstanding this, the applicant must demonstrate that a comprehensive approach is followed and that a stand-alone development on this site would not compromise the overall development objectives for the wider Bromley North Station site.

Affordable housing: 21% affordable housing comprising 43 discount market rent (DMR) units is wholly unacceptable. The applicant must confirm the affordability of the DMR units to demonstrate compliance with the definitions set out in Policy H7 of the draft London Plan. Early and late stage review mechanisms must be secured in accordance with Policy H6 of the draft London Plan and the Mayor's Affordable

Housing and Viability SPG. Build to rent units must be secured by covenant for a minimum 15 year period, with appropriate clawback mechanisms.

Design and heritage: The proposed undersized units are wholly unacceptable and must be redesigned to ensure full compliance with minimum London Plan standards which apply to all self-contained residential schemes. The scale, height and architectural quality of the development is supported and would not harm the setting of listed buildings and would preserve and enhance the character and appearance of the adjacent conservation area.

Climate change: Further information has been requested in relation to overheating, cooling demand, the proposed communal heat network and energy centre and the potential to incorporate additional energy efficiency measures.

Transport: The applicant must increase the cycle parking provision to meet the standards in the draft London Plan.

Policy Context

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

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

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

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 2.13 Opportunity areas
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 4.2 Offices
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and design of tall buildings
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Shaping Neighbourhoods: Play and Informal Recreation (2012)

Accessible London: Achieving an Inclusive Environment (2014)

The Control of Dust and Emissions during Construction and Demolition (2014)

Sustainable Design and Construction (2014)

Housing (March 2016)

Homes for Londoners - Affordable Housing and Viability (2017)

Unitary Development Plan

BE1 Design of New Development

BE8 Statutory Listed Buildings
BE13 Development Adjacent to a Conservation Area
BE17 High Buildings and the Skyline
BE18 The Skyline
C1 Community Facilities
EMP2 Office development
EMP3 Conversion or redevelopment of Offices
EMP5 Development outside Business Areas
H1 Housing Supply
H2 and H3 Affordable housing
H7 Housing Density and Design
H9 Side Space
IMP1 Planning Obligations
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T6 Pedestrians
T7 Cyclists
T17 Servicing of Premises
T18 Road Safety

Planning Obligations SPD
Affordable Housing SPD

Bromley Town Centre Area Action Plan (AAP)

BTC5: Office Development
BTC8: Sustainable Design and Construction
BTC11: Drainage
BTC12: Water and Sewage Infrastructure Capacity
BTC13: Combined Heat and Power
BTC14: Recycling
BTC16: Noise
BTC17: Design Quality
BTC18: Public Realm
BTC19 Building Height
BTC22: Public Transport
BTC24: Walking and Cycling
BTC25: Parking
BTC31 Developer Contributions
BTC32: Public Realm Improvements
IA2: Business Improvement Areas

Emerging Local Plan

1 Housing Supply
2 Provision of Affordable Housing
4 Housing Design
8 Side Space
20 Community Facilities

30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for All
37 General Design of Development
38 Statutory Listed Buildings
42 Development Adjacent to a Conservation Area
47 Tall and Large Buildings
48 Skyline
84 Business Improvement Areas
90 Bromley Town Centre Opportunity Area
116 Sustainable Urban Drainage Systems (SUDS)
119 Noise Pollution
120 Air Quality
123 Sustainable Design and Construction
124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
125 Delivery and Implementation of the Local Plan

Planning History

The most relevant planning history relating to 6-10 Sherman Road is as follows:

83/01820/OUT: Permission refused for a detached five and a half storey block of offices including semi-basement and ground floor car parking;

84/01596/OUT: Permission refused for a four storey office block with car parking on ground floor;

85/00591/FUL: Permission refused for demolition of existing buildings and erection of 3 storey office block with parking under at ground level;

85/01090/OUT: Permission Granted for erection of 3 storey block comprising ground floor parking area with offices above;

85/02858/DET: Permission granted for part details in relation to outline permission 85/01090;

86/01798/FUL and 86/02880/FUL: Permission refused at Car Care site for three storey office unit and car parking;

86/03475/FUL: Permission granted for three storey office building;

05/01601/FULL3: Permission granted for Change of use of ground floor from office to estate agency and alterations to front elevation;

The Council issued a Screening Opinion dated 9th February 2010 pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Regulations 1999) in relation to the Redevelopment of Bromley North Station, 6-10 Sherman Road, 63-67 Tweedy

Road, car parks/ bus terminal and car repair workshops (in Station Road), comprising retention of existing station booking hall building from retail/ food and drink uses, new station booking hall building , replacement bus terminal, 500 dwellings with 650 car parking spaces, replacement 200 space station car park, 3000sqm retail/ commercial/ community uses, with public square and pedestrian routes, in buildings between 5 and 13 storeys high. The Screening Opinion confirmed that the development would not generate the need for an Environmental Impact Assessment.

A request for a formal scoping opinion regarding the information to be provided in the Environmental Statement (under Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 was received in relation to the Redevelopment of Bromley North Station, 6-10 Sherman Road, 63-67 Tweedy Road, car parks/bus terminal and car repair workshops (in Station Road), comprising retention of existing station booking hall building from retail/food and drink uses, new station booking hall building, replacement bus terminal, 500 dwellings with 650 car parking spaces including replacement 200 space station car park, 3000sqm retail/ commercial/community uses, with public square and pedestrian routes, in buildings between 5 and 13 storeys high. The Scoping opinion confirmed that the development would not generate the need for an Environmental Impact Assessment.

DC/17/04730/EIA: The Council issued a screening opinion dated 2nd November 2017 pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of an application for the redevelopment of the site with a 21 storey building to provide approximately 203 residential units and around 4,400sqft of commercial floorspace. The Screening Opinion confirmed that, due to its scale and massing, the visual impact of the development and its impact on surrounding development would be major factors which would generate the need for an Environmental Impact Assessment.

Relevant planning history relating to adjacent garage unit (10a):

12/02227/FULL1: Permission granted for change of use from light industrial (B1) to tyre fitting and retailing (sui generis);

13/02881/VAR: approval for variation of condition 1 of 12/02227 to enable ancillary MOT testing and no other car servicing.

Considerations

The main issues to be considered in respect of this application are:

- Principle and Housing Supply
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees

- Other
- CIL
- S106

Principle and Housing Supply

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires that in dealing with a planning application, a local planning authority must have regard to: (a) the provisions of the development plan, so far as material to the application; (b) any local finance considerations, so far as material to the application; and (c) any other material considerations.

For a development which affects a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. In respect to buildings or other land in conservation areas section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In respect of development proposed outside a conservation area which would affect its setting or views into or out of the area, the desirability of preserving or enhancing the conservation area would also be a material consideration.

The National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The London Plan Policy 3.3 requires the Borough to make provision for at least 641 additional dwelling completions per year 2015-2025. The current proposal could represent a good contribution to the Council's required Housing Land Supply in a location adjacent to Bromley Town Centre.

The site is in the north of Bromley Metropolitan Town Centre, and forms part of the Bromley Town Centre Opportunity Area. London Plan Policy 2.13 seeks to promote the town centre's strategic role in the borough and realise its capacity for sustainable growth. The London Plan identifies the Opportunity Area as having indicative capacity for 2,500 new homes and 2,000 additional jobs.

The London Plan seeks mixed and balanced communities in accordance with Policy 3.9, which states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. Policies 3.11 and 3.12 confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision where priority should be accorded to the provision of affordable family housing.

Within the Bromley Town Centre Area Action Plan (BTCAAP), diagram 3.2 Spatial Strategy identifies the following for the overall site:

- (i) Key area for change;
- (ii) Possible location for a tall building;
- (iii) Potential for new improved public spaces;
- (iv) Possible interchange location;
- (v) Possible future guided public transport route;
- (vi) General traffic routes and access to car parking.

Diagram 4.1 Key Diagram identifies the following for the overall site:

- (i) Opportunity Site;
- (ii) Possible location for a tall building;
- (iii) New/improved public spaces.

The application site formed part of an Opportunity Site within the BTCAAP (Opportunity Site A). The Plan identified the overall site as capable of providing around 250 residential units, ancillary food and drink uses (A3/A4/A5) and 1000sqm of community uses. Paragraphs 5.2.1 - 5.2.6 of the Plan relate specifically to the site in addition to Policy OSA Bromley North Station. The policy and supporting text sets out in detail what was envisaged to be provided on the overall site. However, the Opportunity Site A designation was quashed in December 2011 following a High Court judgement. The Judgement focussed on the lack of reasoning of the DPD Inspector when he accepted that the overall site could be developed for 250 homes, contrary to viability information submitted to the Examination that specified a figure of 400 homes may be more viable.

The site is now allocated within the Draft Local Plan as part of the wider Site 2. The policy states that the site is capable through redevelopment of providing a mixed use including 525 residential units, 2000sqm of office accommodation, space for community use, 230sqm café/retail, transport interchange and parking. The policy goes further to state that proposals will be expected to provide a sensitive and effective transition between the adjoining low rise residential areas and the higher density town centre, respect and enhance the setting of the Grade II Listed Bromley North Station and allow for the long term aspirations for improved rail connectivity to central and east London.

The wider Site 2 allocation follows the same boundary as the previously allocated Site A, encompassing an area of 3ha either side of the Bromley North to Grove

Park railway line. As such, the requirements of the draft allocation to provide the quantity of development assigned is envisaged to encompass the wider site, and not solely the area of the site to the east of the railway line. It is noted that this application is proposing a significant quantity of the residential allocation, 42% on approximately 6.7% of the site area, without any identification as to how it is envisaged that this development would sit within the context of the wider site should it be developed to its intended capacity. It is also noted that the land to the east of the railway is not wholly the subject of this application, with the adjoining unit at 10A not proposed for development within this application. Officers are concerned as to the impacts of the development of this site as a stand-alone form, without sufficient evidence to allay fears that it would not impact detrimentally upon the rest of the site coming forward. This is specifically in respect of the land at 10A Sherman Road and other uses on the western side of the site, particularly along the train line whereby this proposal could be a barrier to any future proposals. Whilst considered on its own merits, it is noted that a separate application has been submitted by the landowner at 10A Sherman Road, immediately adjacent to this site. It is clear that the two schemes do not appear to be mutually compatible in view of the very close proximity between 6-10 Sherman Road, 10A Sherman Road and residential dwellings at Northpoint House. This further evidences the Council's concerns in this regard and emphasises the importance for the Applicant to consider a more comprehensive and coherent approach to this part of the site to prevent piecemeal development which may ultimately be harmful to the wider site delivery.

Notwithstanding the above concerns, UDP Policy H1 requires the Borough to make provision for at least 11,450 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. As a brownfield site with some vacant buildings, subject to being able to demonstrate that the site is no longer required for its current use, an increased housing provision could make a valuable contribution to the Boroughs housing supply. However, it is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations. It is also noted that 120 units are included in the 2017 Five Year Housing Land Supply Paper for Land adjacent to Bromley North Station. Appendix One of the Paper includes reference to the Sherman Road element of the overall site in relation to the 120 units. As such it is envisaged that this element of the site would come forward at an early stage of the wider site allocation. However at 120 units this was projected as being for a significantly reduced number of residential units than 219 units as submitted.

Under NPPF Section 5, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application. The emerging draft London Plan (2017) shows an increase in the housing numbers target for Bromley Borough, this is however subject to objections from the Council and is of limited weight at this early stage of its preparation. The Council's 2017 Five Year Housing Land Supply Paper shows that there is a Five Year Housing Land Supply in the Borough.

The application site is also being taken forward as a Business Improvement Area (BIA) in the Draft Local Plan. Draft Policy 84 precludes the loss of B1(a) office floorspace within BIAs and will resist proposals which compromise the primary function of the BIA. Policies EMP3 and EMP5 of the UDP also preclude the conversion or redevelopment of offices for other uses where it would lead to a local shortage of office floor space or loss of employment. It is understood that there is 596sqm of existing office floor space and it is proposed that the development will encompass 161sqm of flexible Class B1/D1 floor space including meeting room space (solely B1 use). The proposal also involves the loss of 446 sqm of Class B8 floorspace at 10 Sherman Road which was subject to a recent change of use application from warehouse to office (08/02195/FULL2 and 11/01478/EXTEND), however does not appear to have been implemented. The applicant has not addressed the requirements of UDP Policy EMP5 or Draft Policy 83 and has therefore not provided sufficient evidence to justify the loss of non-designated employment floorspace at this site. In particular, there is no record of the site being marketed for the prescribed minimum period of time and no discussion on the capability of the site to retain the current quantum of Class B8 floorspace or of a suitable alternative employment generating use. With regard to paragraph C of Draft Policy 83, the applicants contend that the site is capable of accommodating a mixed use scheme. They have not however demonstrated why the site cannot re-provide a "similar quantum" of employment generating floorspace to that which is proposed to be lost at 10 Sherman Road. A recent application was permitted for 8 Sherman Road (13/01141/FULL2) for a change of use from office to foreign language school, however again there is no evidence that this has been implemented.

The proposed meeting room, the only space providing solely B1 floor space measures approximately 40sqm with 121sqm given over to a flexible B1/D1 use. The proposal involves the redevelopment of 596 sqm of office floorspace in the Bromley North BIA for non-office purposes. Whilst UDP Policy EMP3 applies generally to any proposal relating to existing office floorspace, where the proposal site is located in a BIA, it must also be considered alongside Draft Policy 84. The Borough has three BIAs, which are recognised as the primary locations for office development and afforded the highest level of protection, including the application of an Article 4 Direction, to help facilitate forecast office floorspace need over the lifetime of the Draft Local Plan.

It is noted that the London Plan assigns Bromley Town Centre the Office Guideline 'B', which acknowledges that office re-provision in the town centre could be achieved through mixed use schemes. This is reflected in the Draft Local Plan's allocation of the site for mixed use purposes, prescribing 525 dwellings and an additional 2,000 sqm of office floorspace in Site 2. The Council could consider a wider mix of uses on the subject site, provided that the BIA's primary function as a key destination for office based business is not compromised. However, this proposal which would result a net loss in Class B1a capacity is unacceptable in principle. The Applicant has not provided any marketing information or clarification as to potential loss of employment in order to meet the requirements of policy for the loss of office space.

Justification as to the lack of employment floor space by the Applicant is noted whereby it is stated that in order to provide the number of affordable units proposed, they are unable to allocate space for commercial use to the extent that is required for a commensurate provision. Whilst the increased provision of affordable units is welcomed through the submission of the amended plans, there is no mechanism in policy for the provision of affordable units over the re-provision of commercial floor space and the viability constraints of re-providing the employment use are unknown and not addressed through the Applicant's FVA. Further to this, the site's draft location within a Business Improvement Area in the Draft Local Plan and the adopted office floor space policies carry significant weight and Officers do not consider the reasoning for the lack of provision adequately overcomes the concerns as raised. In the absence of any masterplan type or overall vision for the redevelopment of the wider site 2, it is unknown whether the re-provision of the proposed office loss herewith could be accounted for on another part of the site.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). This site is considered to be in a 'central' setting and has a PTAL rating of 6a giving an indicative density range of 35-405 dwellings per hectare / 650-1100 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 650-1100 habitable rooms / 240-435 units per hectare for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

Development should comply with the density ranges set out in table 4.2 of the UDP and table 3.2 of the London Plan and in the interests of creating mixed and balanced communities development should provide a mix of housing types and sizes. The Council's Supplementary Planning Guidance No1 - General Design and No.2 - Residential Design Guidance have similar design objectives to these policies and the NPPF. Policies 3.3 and 3.4 of the London Plan seek to increase the supply of housing and optimise the potential of sites, whilst policy 3.5 seeks to protect and enhance the quality of London's residential environment.

The density matrix is not to be applied mechanistically, and Policy 3.4 and 3.5 of the London Plan, as well as Draft Policy 4 of the Local Plan and Policy BTC2 of the BTCAAP, require a balance between optimising density with a consideration of the local context and character. The scheme proposes 219 homes of the 525 homes allocated for Site 2, which represents 42% of the total. This is to be developed on 0.2Ha of the total site area of 3Ha, which is 6.7% of the total area. The scale of the development within those parts of the Site 2 closest to existing residential areas

will need to relate sensitively to the existing scale, and is therefore likely to be lower than other parts of Site 2.

As set out above, the housing density of the development would equate to 1095 units per hectare and approximately 2740 habitable rooms. The proposed development density would sit significantly above the UDP and London Plan ranges however this is not necessarily determinative given the central town centre location. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. Whilst the principle of the redevelopment of the site for higher density housing provision may be supported in principle subject to an assessment of all other matters, Officers are concerned as to the manifestation of density in built form proposed and the impacts of this upon the character of the wider area, including adjacent listed buildings and conservation area, and the residential amenities of neighbouring properties, both of which will be discussed in more detail further within the report. There are concerns about the overall scale and massing of the development given the context of the Northern Gateway/North Village Character Areas, Bromley North Station and the suburban residential neighbourhoods in close proximity to the site, and these are a direct result of an excessively dense scheme

Whilst matters of scale and design are to be discussed further within the report, it is not considered that the site would be suitable for such a high density scheme as that proposed within this application and consideration should be given to the sensitive locality in which it sits.

Design

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 124 of the NPPF (2018) states that the creation of high quality 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 127 of the NPPF (2018) 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 Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

The Bromley Town Centre Action Plan (AAP) identifies sites which, in accordance with policy BTC19 'Building Height', may be considered suitable for the development of tall buildings. These locations have been carefully identified through a thorough process of urban design and townscape analysis which considered the environmental impacts of a tall building, their impacts on listed buildings and the town centre conservation area, impact on key views and integration in to the surrounding area. As previously discussed, current Policy BTC19 within the AAP Building Height specifies that there may be potential for the development of taller buildings in locations identified on the Key Diagram subject to design and environmental considerations, impact on listed buildings and the Bromley Town Centre Conservation Area, impact on views of the Keston Ridge and integration with the surrounding area. Appendix 5 Opportunity Area Design Principles sets out that there is potential for taller buildings on the central eastern part of the site next to the railway (responding to the existing 10 storey residential building east of the Opportunity Site), as such there is some policy support for the siting of a tall building on this part of the site.

Another relevant consideration would be the relationship of the proposal to the wider townscape; UDP Policy BE17 and London Plan Policy 7.7 are of particular relevance. Policy BE17 states that proposals for buildings which significantly

exceed the general height of buildings will be required to provide a design of outstanding architectural quality that will enhance the skyline and a complete and well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level. The London Plan, at policy 7.7 says that tall and large buildings should be part of a plan-led approach to developing an area and sets out a list of criteria which proposals for tall or large buildings will be expected to meet and which should be clearly demonstrated through the carrying out of an urban design analysis. Taller buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building. Among other considerations, taller buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level; and incorporate the highest standards of architecture and materials.

The CABE/English Heritage Guidance on Tall Buildings (2007) sets out criteria for the evaluation of tall building proposals, including relationship to context, the effect on the historic context, architectural quality and credibility of design. The guidance advises that to be acceptable, any new tall building should be in an appropriate location, be of excellent design quality in its own right and should enhance the qualities of its immediate location and wider setting. In accordance with Historic England's Advice Note 4 on Tall buildings, the principles established within the Design and Access Statement will need to satisfactorily demonstrate high quality in urban design and architecture, as well as respond to and take full account of the evaluation of heritage assets. A key theme running through these policies and guidance is that new tall buildings should respond to their physical context, respecting and complementing the form, proportion, layout and scale of adjacent development.

Layout

The proposals include a new small public square, accommodating the out of hours entrance to Bromley North and new cycle parking for the train station. Commercial uses front onto this new public square and along Sherman Road, with a flexible B1/D1 unit, a communal meeting facility, the on-site management service and two non-residential parking spaces in an undercroft. There are two entrances to the buildings with a commercially focussed entrance from the new public square, and a residential entrance on Sherman Road. There is secure resident access to the cycle store proposed between 10 and 10A Sherman Road, as well as to cycle stands along the northern edge of the site. It is unclear whether the secure access wraps around the whole building, with two entrances/exits.

The residential properties are aligned on a north-west to south-east orientation, and accessed from a single core, with large communal corridors. There are small communal amenity spaces on the ground, first, second and third floors, with a large communal amenity space and roof terrace on the 17th floor. There is also a roof terrace on the 4th floor.

Diagram 2.3 of the BTCAAP identifies the frontage along Sherman Road for the length of the site as a 'key active frontage location'. Draft policy for Site 2 in

Bromley's Draft Local Plan also notes that the allocation is suitable for mixed-use development. The proposal locates flexible B1 and D1 space at ground floor, activating most of the frontage onto Sherman Road, as well as fronting onto a new public square. This forms a positive relationship with the other non-residential uses on Sherman Road, and provides a transition from the residential properties further to the north-west and the commercial uses of the town centre. Officers do have concerns however about the function of this new square given its small size, and this concern is deepened by the lack of definition of what the proposed ground floor flexible commercial/community uses are in terms of their use, opening hours, and customer base which is undefined.

Whilst forming a relatively low proportion of the Sherman Road frontage, Officers have serious concerns about the inactive frontage from the undercroft parking area and the sub-station. The undercroft in particular will likely be unpleasant, attract antisocial behaviour, and collect litter. This is contrary to Standard 10 of the London Housing SPG, which requires active frontages to be maximised, and also contrary to Bromley's General Design Principles, which requires pedestrian routes to have 'built frontages that are active and occupied'. Further to this, the lack of prominence of the residential access is problematic due to its small size, and that the building façade is flat along Sherman Road, with no stepping of the building form away from the street. Given this entrance is serving a large number of properties, it must be read clearly from the street. The proposed design is contrary to Standard 8 of the London Housing SPG, which states that 'all main entrances to...communal entrance lobbies should be visible, clearly identifiable, and directly accessible from the public realm'.

The function and use of the route around the building between the two secure access gates is unclear in the submitted application material, and it is not clear whether residents can go between each entrance or if this is blocked off by the protruding bicycle store. The inactive and opaque glazing along the length of the northern and western façade is also concerning. Whilst this may be contradicted by the requirements of Secured by Design, the bicycle store lacks visibility as a result of its location and the materials, which fails to promote cycling sufficiently. The access route along the northern façade to the bike store is also very constrained in its layout, and will not allow for larger bicycles such as cargo bikes. The location of the bike store does not promote ease of use and therefore fails to promote cycling - this is a particularly important consideration given the nature of the scheme as being Build to Rent, so likely to attract residents who use low-costs transport such as cycles, and that the scheme is car free. This is contrary to London Plan Policy 6.9, which requires 'secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards.'

In terms of the internal layout, Officers are concerned about the ease of access and use of the refuse lobby for residents, with 4 doors to move through before you reach the lobby. This is contrary to London Housing SPG Standard 22 which states that 'communal refuse and recycling containers, communal bin enclosures and refuse and recycling stores should be easily accessible to all residents'. More focus has been afforded to the refuse store, and to providing 2 parking spaces for the commercial uses, over consideration of the bike store. Officers would question the

relative prioritisation of these different uses. Given the number of units being sought on the site, these arrangements need to be convincingly demonstrated to work with one another, and not be compromised by the different pressures on their use.

Building scale and massing

The proposed building sits to the north-east of Bromley North station, which is roughly equivalent to 3 storeys in height. Along the Sherman Road frontage of the station is a parade of 6, single storey, shops. Further to the north-east of the Site is Northpoint, which is a 10-storey block of serviced apartments. Beyond this the scale of buildings and character turns to 2-3 storey suburban housing. Opposite the site is a 5-storey residential care home, a 5-storey office block (Acorn Group) and a 3-storey equivalent Royal Mail delivery office. The Site is within the Northern Gateway Character Area, and adjacent to the historic 'North Village' Character Area, as identified in the BTCAAP.

The building is stepped in height away from Bromley North station, with 17 storeys at the south fronting the new public square, stepping up to 22 storeys and then to a maximum of 23 storeys. A portion of the building steps down to 4 storeys in the north, fronting Sherman Road and facing the adjacent building at 10A Sherman Road.

Policy 7.4 of the London Plan requires development to have 'regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass' and Policy 7.7 reiterates this need in the context of considering the appropriateness of tall buildings. Draft Policy 37 of the Local Plan also notes that buildings need to be 'imaginative to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas'. With regards to tall buildings, Draft Policy 47 of the Local Plan adds that buildings 'need to be of the highest architectural design quality and materials and appropriate to their location and historic context'. The suitability for a tall building on 6-10 Sherman Road is illustrated in Diagram 4.3, and Policy BTC19 of the BTCAAP notes that proposals need to be tested against CABE/Historic England guidance on tall buildings. The Character Area Guidelines for the Northern Gateway note that development should consider 'key frontages addressing the street while also responding to the context of the North Village and listed buildings'. North Village is characterised by its low scale buildings, and narrow fine grained frontages. The historic importance of North Village is clearly recognised in the BTCAAP, and new development needs to be sensitively designed in response to this context.

The principle of establishing a tall, gateway building on this Site is supported by Policy within the AAP. A proposal on this site needs to effectively mediate between the different character areas of Bromley, particularly addressing the interface with the historic North Village, and the residential properties surrounding the station. The principle of a taller building beyond the Conservation Area is also established on Sherman Road with the presence of Northpoint, though this building owing to its appearance and the way it addresses the street is detrimental to the townscape.

Considering the proposal in relation to the wider townscape, there is an absence of an analysis of the development compared to the surrounding building heights in the area, and more strategically in Bromley. The proposed building stands at 72m. This is taller than the current tallest building in Bromley: the Westmoreland Car Park development, at 67.49m. This is further exaggerated by the proposed buildings location on higher ground, as illustrated on page 98 of the DAS. In terms of establishing a gateway building, and a landmark in the townscape, the relative height of the proposed building in relation to the natural topography of the site, makes it overly dominant.

The building is a standalone tall building which places even greater need for the building to be of outstanding architectural quality, as it will by its nature be more isolated, and less contextual given the character of the surrounding area. On this basis, the proposals are contrary to the requirements of Policy BE17 of the UDP for buildings to be of outstanding architectural quality and to enhance the skyline. It also contrary to London Plan Policy 2.18, Housing SPG Standard 1 and the guidance from CABE/Historic England, as it does not satisfactorily relate to the natural topography of Bromley.

At a Site level, we have concerns about the proposed massing in relation to the existing context. Given the Site is part of a wider draft allocation, there is no consideration given to how building heights on 6-10 Sherman Road will relate to future development of Site 2.

The townscape appraisal submitted with the Design and Access Statement confirms that the building is not visible from many of the important historic locations of the town centre, but it highlights the slab-like appearance of the building when viewed from side-on such as from Kentish Way, Tweedy Road, and Station Road. Despite some modest stepping in the building form, there is not sufficient relief and it appears overly dominant and imposing on the skyline. This is contrary to UDP policy BE17 and draft Policy 42 and 47 of the Local Plan, which require development to enhance the skyline and the character of the surrounding area.

It is particularly telling from the approach to massing illustrated on pages 47-48 in the submitted DAS, that the massing has not evolved from first principles in a design-led process. Diagram 2 jumps immediately to fitting a pre-conceived quantum of development on the site, and then works backwards to justify this quantum by breaking down the massing. Appearance is covered in detail below, but as a general concern, the design fails to relate the massing with the materials, relying on modest contrasts in material, and brick detailing, to attempt to break down the bulk of the building.

An intention is set out in the DAS to reflect the predominant roof line of the 1 storey shopping parade along Sherman Road, however this is not achieved in the proposed design. The building, as viewed along Sherman Road and from Station Road, is currently a flat wall, with very little articulation or relief, and the way the building meets the ground, compared to the sky, offers little variation beyond the stepped building height. Policy suggests that a cue should be taken from the adjacent residential apartment block, Northpoint. Very modest attempts have been made to do so, and establish a "base" to the building. This "base" is 12 storeys

high and any relationship to Northpoint is unlikely to be perceived as it is intended to be achieved through a change in materials rather than any more significant architectural approach.

Redevelopment of this site offers an opportunity to screen Northpoint from what is a key view towards Bromley North Station, and the massing should creatively respond to this opportunity. The design does not make use of the shape of the site to create a stepped building form along Sherman Road, neither in elevation or in plan. The attempt to break down the building into 4 vertical elements is also not successful, and the relationship between the 23-storey and 4-storey portion of the building is poorly thought out. The vertical metal strip terminates in the undercroft, with little made of this dramatic variation in building height, and an opportunity missed to relate a more intimate, lower scale element of the building, with the street.

Appearance

The proposed building is to be clad in brick, with metal panelling, metal window details, metal balustrades and glazed balconies. The brick palette is made up of two contrasting brick colours - a lighter brick up to the 12th floor, and then a darker brown brick up to 23rd floor. A brief study of local character is set out in the submitted Design and Access Statement, with the use of brown bricks taking reference from the adjacent station building.

The materials attempt to delineate vertically between 4 separate elements of the building, through a strip of metal panelling. There is also an attempt to create a more horizontal emphasis up to 12th storey through brick detailing, with a more vertical emphasis from the 12th to 23rd storey.

Policy BTC17 of the BTCAAP notes that 'Where gap sites or buildings, which make no positive contribution to the character or appearance of the area, their replacement should be a stimulus to imaginative, high quality design, and be seen as an opportunity to enhance the area.' The policy goes on to note that 'It is important that new buildings should not directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well established character and appearance of its own.'

As noted under the commentary above, the design makes little attempt to relate the materials with significant variations to the massing, and the building does not effectively address the street. As a result the building reads as a single slab-like block - particularly when viewed from side-on, and is neither slender nor elegant in appearance. Whilst the reference to the local materials is understandable, the proposal for a tall building on this site is not contextual by its very nature. As such, the design could draw on the intention of Policy BTC17 of the BTCAAP and emphasise itself as a landmark building through striking and innovative use of materials, truly establishing the building as a gateway at Bromley North. This is contrary to the requirements of Policy 7.7 of the London Plan and Draft Policy 47 of the Local Plan for a tall building to be of the highest architectural quality.

The design also fails to achieve any meaningful articulation and relief on the facades, beyond the modest stepping of the building heights, and the balconies appear rather stuck-on, lacking integration into the structural form of the building. The window reveals are very shallow, and not readable at higher levels. This adds to the flat appearance of the building from Station Road and Sherman Road.

Heritage and Conservation Area Impact

As noted, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to have special regard to the desirability of preserving listed buildings and their settings. Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. These statutory provisions are considered to amount to a strong presumption against granting permission for any development which would cause harm to the setting of a listed building or the character or appearance of a conservation area, even if the harm is limited or less than substantial. That statutory presumption may, however, be outweighed by material planning considerations, provided they are strong enough to do so.

Paragraph 196 of the NPPF advises that where a proposed development will result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. Paragraph 195 of the NPPF advises that where there is substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Policy BE8, BE13 and Draft Policies 38 and 42 of the UDP and Draft Local Plan and Policy BTC17 of the Action Plan are pertinent in the assessment of the development's impact upon the Conservation Area and Statutory Listed Buildings.

The site is situated just outside the Bromley Town Centre Conservation Area and adjacent to Bromley North Station which is a Grade II listed building. Bromley College is also within 400 metres of the site and is a Grade I listed building. The Applicant has submitted a wireline and rendered townscape appraisal (see Section 6 of the Townscape Visual and Heritage Assessment, KM Heritage, 2017, and Section 7.6 of the Design and Access Statement, Be Living Ltd) in order for Officers to assess the impacts of the development upon the townscape and historic assets.

The development site sits within the Northern Gateway; an area identified in the Area Action Plan for Bromley Town Centre (adopted October 2010) as potentially suitable for taller buildings and high density development (Spatial Strategy, Para. 3.2.3, and Diagram 3.2). Therefore, given the proximity of the tall building to the designated heritage assets, it is considered that any high density development in this location has the potential to affect the setting of various designated heritage assets, the degree of harm of which therefore is required to be assessed.

Townscape and visual effect including impact on heritage has been scoped into the environmental statement. During construction, the Applicant states that the proposed development will have a negligible impact on the setting of the heritage

assets and on townscape character given the temporary nature of construction works. The Applicant has provided evidence as to why they consider the impact upon the townscape and heritage assets during operation is acceptable, concluding that 'the listed station does not rely on a low surrounding urban scale in order for its special interest to be preserved: it is a powerful architectural presence with strong landmark qualities and is - not least by being an operational railway station - a focus and destination'. The Applicant also states that 'There will be an undoubted improvement in the quality of the townscape in and around the Site over the present situation. The setting of heritage assets, close to and further away from the Site will be altered but in a positive way. The proposed height of the development does not equate to harm - it represents change that will have the most significant effect on the listed Bromley North Station and the northern part of the Bromley Town Centre Conservation Area. Both here and elsewhere, the scale of the Proposed Development will alter the backdrop or foreground of heritage assets that are already perceived in a varied urban context'. The Applicant considers that in their view the proposals cannot reasonably be considered to cause harm to the listed building. The effects of the proposed development during construction and operation is summarised in table 4.2 of the Applicant's ES however it is acknowledged that the magnitude of effect ranges from adverse, minor and negligible with regard to the construction phase, reducing to neutral and beneficial with mitigation and adverse, minor and negligible with regard to the operational phase, also reducing to neutral and beneficial with mitigation. It is noted that those views of which there is considered to be an adverse impact are within close proximity to the site, including from Tweedy Road, East Street and Kentish Way. It is somewhat confusing as to how the mitigation at the development stage reduces the impact in these cases to neutral/beneficial, given that no mitigation other than good design is proposed during the operational stages of the design.

Mitigation is proposed for both the construction phase, by way of hoardings, management of construction traffic and other measures, as well as within the operational phase by way of design, no further on-going monitoring or mitigation is required once the Proposed Development is completed. There is not considered to be any residual impacts should the mitigation be put in place.

Comments have been received from Historic England who state that they consider the development would visually compete with the modest market town character of the Conservation Area, particularly along East Street towards the Grade II listed Bromley North Station which officers agree with. The appraisal demonstrates that the proposed tower would dominate in views along East Street (View 20: East Street, and View A - East Side of East Street), creating a stark contrast to the prevailing three storey scale along this edge of the Conservation Area. Comments in this regard have also been received from the Councils Conservation Officer who notes the proposal would be significantly taller than anything within the northern part of the conservation area, which is generally low rise and is the historic core of Bromley. Given the high rise nature of the proposal the building would be visible from many vantage points within the conservation area. The most significant views from the Conservation Area would be north from East Street, eastwards from North Street and within the immediate vicinity of Bromley North station. Further views along Tweedy Road from the junction with Widmore Road would also be impacted

but at a longer distance. The Officer considers that that the scale of the proposal would dominate views out of the Conservation Area from East Street, North Street and Tweedy Road (in front of the station), causing harm to the setting of the Conservation Area through its dominant presence. Whilst Northpoint block has some harmful impacts upon the Conservation Area, this is not of the scale or massing of the proposal and as such the harm in this instance is considered far more detrimental. Further to this, it is a flaw of the scheme that the Applicant has not taken the opportunity for the development to screen Northpoint from what is a key view towards Bromley North Station, which in itself is detrimental to the townscape.

Elsewhere within the Conservation Area, the study indicates that visual impact along the historic High Street would be limited. However, View C (Townscape Appraisal) indicates that the tower would break the roofline in important views of the Market Square, affecting the historic character in this focal part of the Conservation Area. It is both the Council's and Historic England's opinion that the proposed tall building would cause harm to the Bromley Town Centre Conservation Area by visually competing with its modest market town character, as particularly evident in views along East Street.

Whilst it is appreciated that there is some policy support for a tall building within this location as noted in the AAP, the overall scale and massing of the 23 storey building is considered detrimental to the wider historic townscape, and is of such a height that it punctuates important views within the immediate locale which ultimately is considered to detrimentally impact upon the character of the area.

Impact on Listed Buildings

The applicant has tested the impact of the proposal on both Bromley College and Bromley North Station although not the Old Town Hall. The impact on the setting of Bromley College is tested in View Z and it clearly shows no impact. View N shows the relationship between the listed Clock House on Tweedy Road and the proposed building although the distance between the 2 buildings is a mitigating factor.

The Conservation Officer indicates that the building which is clearly most impacted as a result of the proposal is the Bromley North Station which is Grade II listed. A number of views have been tested and in particular View L (from North Street) and View A (from East Street) which clearly show that the scale of the proposal would dwarf Bromley North Station, and from some views would be a direct backdrop, disrupting the attractive roof profile of the listed building. Historic England add to this, stating they consider that the development would harm the setting of the Grade II listed Bromley North Station by diminishing its civic presence and landmark status along the streetscape. It is considered by the Conservation Officer that despite its design, the sheer size would cause significant harm to the setting of the station which is assessed as being "less than substantial" and therefore paragraph 196 of the NPPF would apply which allows for the harm to be weighed against public benefit. Some public benefits are proposed by the Applicant, most notably an improved forecourt to the station which is welcomed by Historic England. However, this area was only recently repaved and is a generally

functional space therefore this alone is not considered significant enough to outweigh the harm in this regard. Officers also note the public benefit that would arise from bringing forward the allocated site for residential development, however as previously discussed, the quantum of residential development does not reflect that which it is identified for within the 2017 five year housing land supply statement, nor is it proportionate in terms of land allocated in respect of the draft local plan. There is little justification for this amount of residential development to be located within this part of the site, and as such the public benefit in this regard is not considered to outweigh the harm to the protected heritage assets.

In conclusion, Officers do not agree with the ES that the development would not have a detrimental impact upon the environment in respect of townscape and heritage impacts, and the proposal is found to be contrary to Policy BE8 and BE13 of the Unitary Development Plan.

Housing Matters

Unit Size Mix:

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The majority provision at 1 and 2 beds would respond well to the size of the site and location in a town centre setting. In response to this, the applicant proposes 59% 1 bed (129 units), 32% 2 bed (70 units) and 9% 3 bed (20 units). The three bedroom properties are located from the 1st to the 15th floor and 18th to the 21st floor, the adequacy of this layout in response to the needs of the future occupiers, likely to be families, will be considered further within the report.

Affordable Housing:

Affordable housing will be sought on sites capable of providing 11 dwellings or more. The London Plan, at policy 3.8, states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites.

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing to be provided however approximately half of the site is owned by Network Rail, with the remaining part of the site owned by Prime Place. In such instances, a bespoke affordable housing

threshold would need to be determined for this scheme. As such, the public land contribution must be calculated and appropriately apportioned as part of a single, bespoke, site-wide threshold at a calculated point between 35% and 50% as laid out in the 'Homes for Londoners' Mayoral SPD. The Council and GLA together consider that 43% would be the maximum required level in this case and as such, should Members permit the application a review mechanism to this effect will be secured via the section 106 agreement.

In this case, the Applicant is proposing that the development comes forward as a Build to Rent scheme and a proportion of the Build to Rent units would be provided at London Living Rent (LLR) levels. Whilst the Council do not have any current policies to take into account this tenure, LLR is now recognised as an affordable product in its own right and has clear support within The Mayor's 2017 Housing and Viability SPG.

The applicant proposes 43 units (14.9% by habitable room) at LLR following the submission of amended plans. The viability information has been scrutinised by an independent consultant on behalf of the Council which indicated that the provision of UDP minimum target of 35% affordable housing is not achievable. The viability status of the scheme is acknowledged and Officers have accepted that the minimum target of 35% affordable housing cannot be achieved with this scheme and that a lower amount of affordable housing can be accepted due to viability considerations. However, Officers are of the opinion, on the basis of the viability information seen, that a minimum quantum of 14.9% of the residential development should be provided as on-site affordable housing in the form of London Living Rent units. The S106 Agreement would include review mechanisms in accordance with the Mayor's Affordable Housing and Viability SPG (2017) (with a cap of 43% quantum of affordable provision) to allow any uplift in affordable housing to be provided on site or a contribution to be made as appropriate. On the basis of achieving this, the scheme would be in compliance with adopted and emerging affordable housing policy.

Should permission be forthcoming, a covenant must be applied to the proposed Build to Rent units in accordance with the Mayor's Affordable Housing and Viability SPG, and Policy 3.8 of the London Plan. The covenant must be for a minimum of 15 years and must be secured in the Section 106 agreement. In addition, the intermediate LLR affordable homes must be secured in perpetuity via Section 106. Furthermore, the Section 106 must also secure the inclusion of a clawback mechanism (to recoup affordable housing contributions in the event of the covenant being broken and units being sold as open market sale). Other provisions, including unified ownership and management, length of tenancy and certainty over rent levels, will also be secured.

Standard of Residential Accommodation:

Policy 3.5 of the London Plan sets out the Mayor's aspirations for the quality and design of housing developments. Part 2 of the Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage

facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

The 2016 Minor Alterations to the London Plan adopted the DCLG Technical Housing Standards - nationally described space standard (March 2015) which standard 24 of the SPG says that all new dwellings should meet. Furthermore, the Minor Alterations at paragraph 3.48 state that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet 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. As set out in approved document part M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey.

In accordance with the Technical Housing Standards, the minimum gross internal areas specified for new dwellings will not be adequate for wheelchair housing (Category 3 homes in Part M), where additional area is required to accommodate increased circulation and functionality to meet the needs of wheelchair users.

The proposed units all comply with the space standards set out in the Technical Housing Standards and the proposed wheelchair adaptable units (32 in total, 15% provision) will have an internal area in excess of the minimum floor space standards.

Following the submission of amended plans, the remaining units are considered to meet the minimum housing standard.

All units must benefit from private amenity space which must comply with the requirements set out in the Mayor's Housing SPG. Only "in exceptional circumstances where site constraints make it impossible to provide private open space for all dwellings, then a proportion of dwellings may instead be provided with additional floorspace equivalent to the area of the private open space requirement" (Para.2.3.32 Housing SPG). This must be added to the minimum GIA. Further to this, the Mayor's Play and Informal Recreation SPG notes the importance of doorstep play space which is defined as a landscaped space including engaging play features for young children under 5 that are close to their homes, and places for carers to sit and talk.

Based on the expected child occupancy of the development, the London Plan requires a minimum 149.7 square metres of play space for the development. Each unit would be provided with both private and communal amenity space however it is acknowledged that this is to varying levels of acceptability. Winter Gardens are proposed to the units facing the railway line at first floor level, whilst the premise of winter gardens is considered acceptable in principle, the amenity spaces measure less than the required 5sqm as per the SPG (approximately 4.2sqm). Further to this, balconies to the front and rear of the development measure less than 5sqm on most other floors however it is acknowledged that this is primarily to one bedroom units. No justification has been put forward by the Applicant as to the inadequacy of the private amenity areas, however Officers do note the extent of the communal

amenity areas on the fourth and seventeenth floors as well as internal children's play space with the first three levels, which will be accessible to all residents. Whilst this does go some way in alleviating concerns in this regard, the quality of this space is subject to further assessment.

Internal children's play space is provided within floors 1-3 and provides 34sqm of space accessed from the internal corridor. Whilst the provision of dedicated floor space for this purpose is welcomed, it is acknowledged that the space will suffer from any sense of outlook or adequate access to sunlight given its internal setting with opaque windows to the north-east elevation. This is the case to all three of the dedicated play space areas which is regrettable and which would not create a positive or welcoming space for families to use. Concern is also raised as to the proximity of these areas to the neighbouring residential dwellings and possible noise and nuisance impacts. Further to this, the external amenity area of the fourth floor measures 182sqm and is to provide 'external child play space' and 'garden' area, the layout of these areas are unknown but could be covered by condition should permission be forthcoming. Of most concern to Officers in respect of the communal fourth floor area, is the lack of defensible space between the communal area and habitable room window to unit 04.A.07. The success of the space would be subject to the strict management of the area to prevent any undue noise and disturbance to the adjacent units. The layout of the space will also be required to be conditioned to ensure sufficient mitigation is proposed to alleviate any undue impacts upon the habitable room and the unit at 04.A.06. Further amenity space is provided at level 17 by way of an internal 'clubhouse' and external 'roof terrace' measuring 318sqm in total. Again, the provision of this space is welcomed however concern is raised as to the access arrangements which pass directly in front of units 17.A.05 and 17.A.01 at a corridor width of 1.5m. Officers consider that whilst the access arrangements to the communal space will cause some noise and nuisance impacts to adjacent properties given the confined entranceway, this can be considered a 'buyer beware' situation and not a cogent reason to refuse the application. Officers are also aware of potential issues regarding wind climate through providing amenity space at higher levels. Through the submission of additional information to supplement the ES at the Reg 25 stage it has been clarified that 2.5m screening is proposed around the perimeter of both the 17th and 4th floors which will create a suitable climate.

As noted, a number of the private balconies fail to meet the minimum 5sqm requirement for outdoor amenity space. However, in this case weight is given to the provision of a number of large communal areas provided within the development, including the clubhouse and outside seating areas. In the balance the terraces are only marginally below the requirement outlined above and when taking into account the level of shared space this is considered to be on balance acceptable.

With regard to the internal cores of the buildings, the circulation space is provided with natural light as per standard 14 of the London Housing SPG (2017) which is found to be acceptable. Standard 12 states each core should be accessible to generally no more than eight units on each floor however in this case on 14 of the floors within the proposed building between 11 to 12 units would share the same

core on each floor, which does not accord with the ratios set out in the Mayor's Housing SPG.

However, the Mayor's Affordable Housing and Viability SPG establishes the principle for an appropriate degree of flexibility to be provided to Build to Rent schemes on this specific standard, providing this can be justified based on higher levels of on-site management standards being secured as part of a comprehensive, professionally managed Build to Rent offer. As such, whilst a greater degree of flexibility may be provided in this regard, the applicant must provide further detail of the on-site management arrangements should permission be forthcoming.

In terms of natural light provision, it is noted that the majority of the units are single aspect, of most concern to Officers are those with a north-west orientation. The Applicant has submitted a daylight/sunlight assessment as part of the ES and whilst this is not required to consider the impact on future occupants' amenity no separate document to this effect has been submitted. The GLA within their Stage 1 comments states that whilst the majority of the units within the scheme would be single aspect, these would be east and west facing and would enjoy generally good levels of daylighting, with larger dual aspect units provided at the northern and southern ends of the building. In view of the site constraints and the high density nature of the proposal, GLA officers are satisfied that the number of single aspect units has been minimised however, notwithstanding this, the number of single aspect units within the scheme reinforces the need for all units to meet or exceed minimum space standards. It is noted that those units which fall below the minimum room size standards are to the south of the development and as such concerns in this regard are therefore mitigated by the orientation. Officers consider that the units most impacted in this regard are those to the lower floors facing the railway line whereby the residential quality is further compromised as a result of some of the units having undersized private amenity area. However, whilst there are a number of single aspect units, none of these are truly northward facing and as such the level of daylight/sunlight is considered on balance, to be acceptable. The implications on residential amenity as a result of the single aspect units are considered to be further mitigated by the access of future occupiers to the communal amenity areas.

The GLA in the Stage 1 response states that although Bromley North Station is a terminating station, the proximity of the railway to the north of the site presents potential issues for residential quality in terms of noise and vibration - particularly for single aspect units which Officers agree with. The applicant has undertaken a noise assessment which demonstrates that noise impacts can be satisfactorily mitigated through acoustic design measures to ensure that the development would meet British Standards. Comments from the Council's Environmental Health Officer in this regard note that there are two transportation noise sources in the area, namely the railway and station, and also the A21 Tweedy Road. The Officer states that subject to conditions requiring details of glazing/ventilation to be submitted whereby no development shall be occupied until the soundproofing details are fully agreed to. No objections are raised subject to condition and the impact in this regard is considered to be acceptable.

Impact on Neighbouring Amenities

Policy BE1 of the UDP seeks 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.

Daylight/sunlight

The building is proposed at 23 storeys in height and of a width in excess of 50m. The buildings most impacted as a result of its siting would be those within the immediate locale including the residential/commercial units opposite the site to the south-east, unit 10A which currently operates as a car garage to the north, Northpoint flats to the north and the users of Bromley North Station to the west. Given the overall size and scale of the proposal, the development will also be appreciable from surrounding roads including Station Road, Glebe Road, Florence Road and Babbacombe Road to the west and Palace Grove, Palace Road and the resulting part of Sherman Road to the east and north. The building will also be viewed from a number of viewpoints within the town centre and further afield as evidenced within the submitted Townscape assessment.

A daylight/sunlight assessment has been submitted within the environmental statement which considers the impact of the development upon neighbouring owner/occupiers. It is clear within this submission that there are a number of residential units significantly impacted as a result of the development. Of the 29 buildings surveyed, 25% do not meet the required 27% vertical sky component which the BRE guidelines suggest is a reasonable level of daylight amenity. The properties most impacted are those sited on Sherman Road, Station Road and Palace Grove.

When comparing the No Skyline (NSL) for existing buildings against that proposed following development, BRE guidelines state that if the no-sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. 12% of existing residential rooms assessed do not meet the 80% requirement in this regard. The properties most impacted are those sited on Palace Grove and Sherman Road.

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed. 97% of rooms assessed with the relevant existing residential properties surrounding the Site benefit from at least 25% total APSH (baseline), with at least 5% APSH in winter months.

One property within North Court does not meet the baseline sun on the ground figure and as such does not achieve at least two hours of sunlight to at least 50% of the external amenity area on the 21st March.

The most impacted properties are considered as follows:

3 Sherman Road - The property has 19 windows and 11 rooms looking over the site. Only one room meets the BRE recommendations for VSC but all 11 rooms meet the NSL assessment. When the absolute retained levels of NSL are considered with the Proposed Development in place, all but two rooms retain in excess of 90% of their area receiving sky view with the Proposed Development in place. One of the other rooms retains in excess of 73% of its area receiving sky view and the other in excess of 88% of its area. While there will be a noticeable change in daylight potential to the windows in this property, the daylight amenity internal to the rooms is stated as being reasonably good.

1 Sherman Road - This property contains 64 windows serving 25 rooms that overlook the development site. 14 of the windows meet the BRE recommendations in respect of the VSC analysis and 13 of the rooms meet the recommendations in respect of the NSL analysis. 41 of the 64 windows are found to have major negative effects in terms of VSC which 12 do not meet NSL levels. This is the property with the most immediate and direct outlook over the site and also hosts a number of single aspect north facing windows to 10 units. The Applicant has assessed the impact of a 10 storey building in this case on 1 Sherman Road and found no material difference in terms of the classification of the impacts to the property by comparison to position for the Proposed Development, albeit there is inevitably some reduction in terms of the relative change experienced by individual windows and rooms. The Applicant states therefore that that the height of the Proposed Development is not the principal factor behind the loss of daylight to this property, and that larger scale daylight effects to this property are to be expected if a tall building is to be implemented on the Site.

Northpoint - There are 102 windows serving 87 rooms in this property that face over the Site. 64 of the windows will meet the BRE Guidelines recommendations and 78 of the rooms will meet the recommendations in relation to NSL. The daylight/sunlight assessment within the ES states that windows in this property generally have very high levels of existing daylight potential, typically recording existing levels of VSC in excess of 30% VSC, which is noticeably in excess of the suggested 27% VSC threshold in the BRE. The majority of the windows retain well in excess of 20% VSC in absolute terms with the Proposed Development in place. Those which do not meet the 20% level all retain in excess of 18% VSC which is considered an acceptable level within an urban location. The NSL analysis shows a very high rate of compliance with the BRE guidance across this property, with 90% of the rooms meeting the typical recommendations. There are nine rooms where reductions occur beyond the BRE and these are all of a minor extent with no relative change exceeding 26.2%.

With regard to sunlight, there are 224 rooms surrounding the Site which are relevant for the sunlight amenity assessment, and there are a number of properties

which will experience negligible effects from the proposed development. The properties most impacted are considered to be:

Northpoint - 49 of the 87 rooms in this property meet the typical BRE recommendations for APSH. The 38 rooms that do not meet the BRE reflect relative changes of a major negative extent. The Applicant considers that the existing levels of sunlight in the baseline situation for this property are very high, with most windows recording over 10% APSH in winter and over 40% APSH annually. As such, a higher degree of relative change to some of the windows in this property is likely to occur due to the comparison to these high existing levels when a building of any height is considered. It is also noted that the vast amount of rooms impacted are bedrooms which are considered less important than living spaces for the purposes of this assessment with 10 living rooms impacted. Again, it is considered by the Applicant that given the sites designation for a tall building, an impact upon surrounding properties is expected.

With regard to overshadowing the quantitative sun on ground assessment confirms that any overshadowing effects to surrounding amenity areas will be negligible. The analysis shows that whilst the Proposed Development will cast longer shadows than any of the existing surrounding buildings, they will move fairly quickly over the surrounding area, with no prolonged effects on sensitive receptors.

The report within the Environmental Statement also considers the impact on daylight and sunlight to existing residential receptors during the demolition and construction phase. During demolition and construction the level of effect in relation to daylight, sunlight and overshadowing to surrounding properties would be less than the final built out development, as the extent of the permanent development increases throughout the construction phase. As the scheme nears completion, the impacts will gradually adjust to those of the completed development.

Overall, the daylight effect of the implementation of the Proposed Development on the surrounding properties is considered by the Environmental Statement to be generally minor to moderate adverse, long term and local in nature with an isolated major adverse effect in respect of 1 Sherman Road. Overall, the sunlight effect to the surrounding properties is considered to be minor adverse, long term and local in nature with an isolated moderate adverse effect in respect of 1 Sherman Road. The overshadowing effect of the construction of the Proposed Development is negligible adverse, long term and local in nature. Cumulatively, there are no relevant consented schemes that would influence the daylight, sunlight and overshadowing effected detailed in the report. The Applicant confirms there is no appropriate mitigation in respect of the demolition and construction phase or operational phase as such the residual effect of the Proposed Development remains the same as that of the completed development and can be considered harmful to the environment.

It is clear that the development will cause significant impacts on nearby properties, most specifically 1 and 3 Sherman Road and the Northpoint development to the north. These properties currently have existing high levels of sunlight given the relatively low rise nature of the surrounding land uses and as such it can be considered that any development of a larger nature than that which exists will

cause some detrimental impact. In this case, the proposed 23 storey building, at the width and massing proposed, will give rise to considerable loss of daylight and in some cases, sunlight. This must be weighed however in the balance with the allocation of the site to provide 120 units which will inevitably require a much more dense form of development than that which currently exists. It was noted within the Applicant's evidence that a 10 storey building would have a similar impact in terms of loss of daylight than the proposal, and as such should the site be developed for any type of 'tall building' as per the allocation, this will inevitably cause an impact upon the surrounding properties. Whilst it is appreciated that the scale of the building has not been justified as per the wider Site 2 draft allocation, in that it is not robustly evidenced that a building of this size and scale is appropriate given the absence of a wider site masterplan, it is envisaged that the eastern part of the site (including 10A) will come forward to provide a larger quantity of housing which will result in taller building heights. Further to this, it is the clear direction of the GLA for higher density development to be located around key transport nodes and a degree of flexibility to allow for this to occur is considered acceptable. On balance, Officers consider that whilst the impact of the development upon daylight/sunlight of neighbouring residents is significant, it is clear that should the site come forward as a development opportunity as forecast in the five year housing land supply, this impact must be accepted. As such Officers consider that on balance, the impact in this regard must be accepted.

Overlooking/ loss of privacy and overbearing impacts

It is clear that there will be a greater perceived level of overlooking as a result of the numerous windows and balconies proposed for the full height and width of the proposed development. That which is most impacted is likely to be the properties opposite the development and Northpoint Flats to the north. The development is sited approximately 14m from 1 Sherman Road and 13m from 3 Sherman Road where the building height is reduced to 4 storeys. At the closest point, the proposed building is sited 15m from Northpoint however the development is reduced to 4 storeys to the north to mitigate issues of perceived and actual overlooking. Windows within the northern elevation up to the fourth floor are obscurely glazed to prevent privacy impacts. It is the case that there will be some mutual overlooking from the fourth floor outside amenity area, however this is a communal space with transient people movements, unlikely to be used significantly throughout the day. Subject to appropriate management of the space to prevent night time use, the distances between Northpoint (which is angled away from the development site) and the proposal is considered to be acceptable. The building steps away from Northpoint at fourth storey level between 0-10m which is considered acceptable to prevent any harmful privacy impacts.

With regard to the properties at 1-3 Sherman Road, whilst there will be some visual impact occurring by virtue of the siting of a tall building within 13-14m of habitable room windows, weight is given to the sites location within a central, town centre location close to a transport hub where high density development is encouraged and relationships between buildings such as this are not uncommon. Furthermore, as previously stated, the site is allocated with 10A for a development of 120 units which inevitably will involve a higher density development than that which exists, as such a level of visual intrusion is likely to occur even if the site was developed

within the outlined parameters of the housing supply document. On balance, whilst the development will cause some perceived loss of privacy and visual intrusion, this is not considered so severe within its setting to warrant a stand-alone ground of refusal.

Officers do note however that the proposed application for a 10 storey development at 10A Sherman Road would cause significant overbearing impacts resulting from development of the adjacent land at this scale, particularly to the outdoor amenity space at fourth floor level. Whilst the applications are to be considered on their own merits, the conflict between the two sites in terms of amenity evidences the requirement for the site to be brought forward as a whole as part of a more comprehensive, holistic development. The siting of a 23 storey block on land at 6-10 Sherman Road, without including the site at 10A would result in a parcel of land with little development opportunity given the constraints of its siting, therefore prejudicing the wider site allocation.

Wind and Microclimate

There will be a resultant impact upon the microclimate of the locale by the development of a tall building. The submission contains an assessment chapter in the ES which assesses the likely significant effects of the construction and operational phases of the Proposed Development in terms of the local wind environment. The chapter also describes the legislative and policy framework, the assessment methodology; the baseline conditions at the Site and surroundings; the likely significant environmental effects; the mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual effects after these measures have been employed. The study area modelled for the analysis includes the Site and the surrounding existing, permitted and proposed properties likely to be affected by the Proposed Development. In order to assess the 'worst case scenario' the model excludes both soft and hard landscaping.

The results show that at the construction phase the result would progressively vary with wind speeds likely to increase during period of demolition as the site will become relatively free of obstructions and wind is likely to gather speed in open areas. As construction develops, the potential effects during various stages of construction will vary and may be of lesser magnitude than those that will be experienced once the Proposed Development has been completed. Any undesirable wind conditions during construction are temporary and the areas within the immediate vicinity of the Site will not be open to the public. Once the development is operational, it is stated that wind speeds will tend to increase in some areas especially areas in close proximity to the Site.

The results indicate that most areas remain suitable for sitting and standing with some exceptions where winds tend to accelerate. In particular wind conditions along Sherman Road for the stretch of the Site and extending north. The report states whilst this is a noticeable increase in wind speeds in these areas, particularly during the windiest periods of the year, wind conditions remain suitable for pedestrian strolling and general pedestrian circulation, although not for pedestrian standing (i.e. for people accessing buildings). It is further stated that at

balcony and roof top level the results show occurrences of exceedance of the comfort criteria for standing and sitting particularly at the roof top of the building, therefore these areas are not suitable for people accessing them without appropriate safety equipment; it is noted that it was considered within the addendum that the balconies can be safely access with mitigation which is to be conditioned to be submitted should permission be forthcoming. With regard to pedestrian safety the only location where the criterion for safety is exceeded is in the north-west corner of the existing Northpoint building. This area does not appear to be intended for frequent pedestrian use, however mitigation will be required if the area is accessed by people.

The report concludes that mitigation will be required which includes tree planting, recessed entrances, restricted maintenance to roof top level, perimeter screening to the outside terrace areas and wind mitigation to the balconies. The mitigation to the south facing balconies is not outlined and as such this would be subject to condition for details to be submitted should permission be forthcoming. Furthermore, conditions are also required that a further mitigation study should be submitted prior to occupation to optimise the wind comfort levels in respect of the 17th floor amenity area, testing options for landscaping in order to mitigate any undue wind impacts. The effect on the development without mitigation would be negligible to minor negative significance in respect of pedestrian comfort and negligible significance for all receptors except 1 receptor where the impact will be of minor to moderate significance. With the mitigation, the effects are expected to be negligible to minor adverse which subject to conditions, is considered acceptable in accordance with London Plan Policies 7.6 and 7.7 and UDP policy BE17. The combined effects of the proposed development with other development schemes is considered acceptable.

Noise and vibration

Noise and vibration is not considered in the Environmental Statement which due to the absence of a scoping opinion has not been agreed by the Council. Whilst it is surprising that noise and vibration has been scoped out in its entirety given the sites location along a main arterial route and adjacent to the train station, it is not a statutory requirement of the Applicant to apply for a formal opinion, although it is considered best practice.

The site lies between Sherman Road and the Bromley North Branch Railway Line, approximately 55 metres to the north-east of the busy, arterial A21 road. The rail line carries three passenger trains per hour in each direction, during the day, connecting to Grove Park. The site is influenced by sound arising from road traffic in the area, particularly the A21, with occasional acoustic contributions arising from slow-moving rail traffic entering and exiting the railway station. Where the analysis indicates that noise may be a determining factor, mitigation measures have been proposed to ensure satisfactory living conditions are capable of being met. It is stated that the residential development can be brought forward with compliant internal noise levels subject to the use of thermally insulated façade treatments to the development. The external amenity spaces will broadly achieve the external amenity requirements however it is noted that the balcony spaces on the south western facade and lower floors of the south-eastern and north-western facades

are predicted to marginally exceed the desirable <55dB daytime criterion for external amenity spaces. Therefore, whilst the inclusion of glazed balustrades will improve these conditions to "marginal compliance" a further assessment of noise levels should be undertaken at the detailed design stage which will be subject to conditions should permission be forthcoming to assess further mitigation in this regard. It was concluded that subject to conditions, noise does not present a constraint to residential development on the site.

Whilst the impact of the development upon surrounding land uses has not been considered, it is not considered likely, given the two raised areas of amenity space with 2.7m boundary treatment, that the development would cause any appreciable impact in this regard however should permission be forthcoming a condition will be required for an updated acoustic assessment to be submitted which should outline any required mitigation. With regard to noise impacts from development and construction, this is considered to be temporary in nature and as such acceptable subject to conditions as set out within the construction management plan. No objections are raised by the Council's Environmental Health Officer.

With regard to vibration impacts, no assessment of construction vibration has been submitted with the Applicant stating that 'construction noise and vibration effects will be governed by appropriate planning conditions, which will govern times, noise limits and vibration limits. The Construction Environmental Management Plan (CEMP); to be prepared by the principle contractor, post-planning, will be derived in accordance with these limiting criteria and will describe the specific techniques and phasing that will be employed within the demolition and construction phases of the Proposed Development'. It is also stated that given the type and frequency of the vibration of the train line, no assessment of this has been made. Officers are happy that these can be covered by stringent conditions should permission be forthcoming.

Socio-Economic Impacts

The submission contains an assessment chapter in the ES which was replaced within the submission of the ES Reg 25 response (addendum) which assesses the likely significant effects of the operational phases of the Proposed Development in terms of the wider socio-economics at the local, Borough, Regional and National level.

The operational and development phases of the application are considered to create a moderate positive impact over the long term. With regard to the expenditure of the additional residents during the operational phase, this is considered to have a major positive impact. The scheme is considered to have negligible impacts upon healthcare, education and community facilities given that it is considered there is a surplus of vacancies within the set criteria to account for the increase in population. It is stated that the development will be designed in accordance with the principles of 'Secure by Design' and is considered within the report to improve the connectivity and activity of the space, which Officers concur with. The proposed development is considered to have a minor positive impact on the local area. With regard to open and play space, negligible impacts are proposed given sufficient areas of open space within the locale.

It is concluded that the provision of 219 new homes to the area comprising a mix of unit sizes is considered to have a long-term moderate positive impact upon housing therefore no mitigation is required. Mitigation is also not required in respect of employment and economy, healthcare, local education, community facilities, crime or open space as a result of either minor/major positive or negligible impacts.

With regard to cumulative impacts, it is considered unlikely that the Proposed Development would generate any cumulative impacts that would warrant mitigation with regard to those aspects identified above that result in a Positive impact.

Amended information was submitted in May 2018 which included a revised socio-economic chapter. The findings of the chapter remain as per the original submission however dental practices were taken into consideration when assessing healthcare impact, in line with the Reg 25 requirement.

Officers consider that whilst the impacts on economic and employment benefits seem overly positive as assessed in the ES, on balance the impact of the scheme upon socio-economic factors is considered to be acceptable.

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

The scheme is car free in nature with four blue badge car parking spaces proposed on-street within the red line boundary. The works are facilitated by the conversion of three on-street car parking bays with one additional bay created. For the commercial use two on-site disabled bays will be provided with a further two on-street car club bays and a drop-off bay which will be used for deliveries which will also serve as a drop-off bay which will be used as a drop-off facility for disabled residents and taxis. Two under-croft spaces are proposed for commercial vehicles. In total, 3 car spaces are lost and 7 are to be created in various functions leading to an additional four on-street with an additional two spaces within an internal under-croft area. A minimum of 3 years car club membership for all residents will be provided and secured through section 106 agreement should permission be forthcoming.

The site is located in an area with high PTAL rate of 6a (on a scale of 0 - 6b, where 6b is the most accessible).

With regard to vehicular access, a single vehicle crossover will be retained to provide access to two under-croft parking space for commercial use. The access and on-street parking bays is considered unacceptable by the Council's Highways Officer given that he considers this to narrow the running width of Sherman Road to an unacceptable degree, this is further exacerbated by the servicing/ refuse collection which is proposed to be undertaken from Sherman Road. The narrowing of the road is considered to cause road congestion and be a contributory cause of road traffic accidents as well as having other direct or indirect effects on other issues such as the use of public transport, business and the environment.

Following the receipt of the Highways Officers initial comments, a transport statement was submitted by the Applicant to address the outstanding highways issues. With regard to the narrowing of Sherman Road, the Applicant states that as existing some of the bays on the northern side of the road overlap with those on the southern side with the application increasing this cross-over by 13.4m. They further note that the delivery bay will not be within constant use and will be prohibited for long term parking through the TRO. They also state that Sherman Road is not a through route for large vehicles. The highways officer does not agree with this as he states that a building with 219 units will be serviced frequently by refuse vehicles and as such the extent of the reduced width of the road is still considered to cause unacceptable congestion and highways safety impacts.

With regard to public transport, the number of trips by bus/trains was found not to have been included within the TA which the Officer found unacceptable. The Applicant's submitted highways note following the Highways Officers initial comments clarified the bus/train trips and no further concern in this regard was found. TfL also reviewed the trip generation information and concluded that the proposed development will not have a significant impact on the local transport network.

In respect of car parking, the applicant has not provided justification for the non-provision of parking. The car ownership in Bromley town ward is 1.00 per household which translates to a minimum of 219 car parking spaces. However as the development is large number of studio/1 bed units and in a good public transport accessibility area, the highways team are prepared to accept 100 car parking spaces. The Proposed Draft Local Plan Chapter 4, Getting Around (Transport and Accessibility) states the following for residential parking standards:

Bromley Residential Parking Standards (per unit)		
PTAL	1-2 bed	3 bed
0-2*	Minimum of 1	Minimum of 1.5
2*-6a	0.7 (min) – 1 (max)	1 (min) 1.5 (max)

The Applicant within the Highways Note states that they do not consider the draft local plan parking standards are in conformity to the current of draft London Plan. They state that parking for 100 vehicles in a controlled parking zone and within a town centre would undermine walking, cycling and public transport contrary to Policy 30 on the London Plan. The Highways Officer in his initial comments stated that the standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards, and as such should be given weight despite not being strictly in conformity with the London Plan requirements or TfL's comments which support the car free approach. As such, the Officer considers that the lack of parking spaces would allow for an increase in parking demand in an area where a few on-street spaces are available and would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on-street manoeuvring. This would cause inconvenience and in some locations, risk to traffic and pedestrian safety.

Although the development does not strictly meet London Plan/ Draft London Plan standards for disabled space provision, TfL consider there to be mitigating circumstances including the limited availability of on-site and on-street space, the provision of two on-street car club spaces, the disabled resident's drop-off bay, proximity to a variety of town centre services and step free access to numerous bus services. Bearing this in mind TfL would not object to the application on these grounds.

For the residential uses 20% of spaces should have active electric vehicle charging facilities, with passive provision for the remaining spaces. For the commercial uses both of the disabled parking spaces should have electric charging spaces from the outset. The on-street drop off bay should also include active charging facilities which will be secured by condition should permission be forthcoming.

No objections are made to the level of cycle parking which is considered to meet the London Plan standards.

The development proposes balconies which will over sail the highway along Sherman Road by up to 1.5m from a height of 5m above the footway. This is acceptable in principle subject to appropriate indemnity insurance and licence. The new building also encroaches onto the footway; this area needs to be stopped up. The applicant should be aware that the costs of stopping up process would be at his expense.

Comments have been received from TfL in respect of the new public realm improvements proposed for the south-western frontage of Bromley North Station. TfL states that whilst this does not fall within the TfL highway ownership boundary, the area is adjacent to TfL bus stops and it is requested that further consultation in undertaken with TfL in relation to the details of the proposals to ensure they do not impede access to the stops or the operation of the bus stands. Should permission be forthcoming, a condition to this effect will be required.

A Draft Travel Plan, outline delivery and servicing plan and draft construction management plan has been submitted with the application for the development. The documents should be secured, delivered, monitored, updated where

necessary and funded through the Section 106 agreement and/or condition should permission be forthcoming.

In conclusion, the lack of parking spaces provided and proposed location of the on-street delivery and car parking space is considered to inconvenience and in some locations cause a risk to traffic and pedestrian safety which is considered contrary to Policy T18 and T3 of the Unitary Development plan and Draft Policy 30, 31 and 32 of the Draft Local Plan.

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that 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 5.2 Minimising Carbon Dioxide 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 and Be green: use renewable energy.

An energy assessment has been provided with the application. The report concludes that the proposal incorporates the Be Lean, Be Clean, Be Green methodology. In terms of Be Lean, the application proposes a high performance building fabric, high levels of air tightness, energy efficient lighting, provision of energy efficient appliances etc. With regard to Be Clean, a CHP providing low carbon heating, hot water and electricity are being provided. PV panels are also incorporated at roof top level to fulfil the Be Green requirement. The scheme is not considered to be carbon neutral despite the above practises, and as such a carbon off-setting sum is required to be paid should permission be forthcoming in respect of the residential units totalling £220, 536.

Following the submission of a revised Energy Strategy, the Council's Policy Officer is satisfied with the findings subject to the contribution which will be secured through a future section 106 agreement.

Air Quality

Policy 7.14 of the London Plan aims to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans.

Air Quality was scoped in to the Environment Statement and a chapter on Air Quality has been submitted with the application. The report states that an assessment of the potential impacts during the construction phase have been carried out. This has shown that during the construction phase the proposed development will release dust and PM10 (particle pollution) during site activities. The precise behaviour of the dust, its residence time in the atmosphere, and the distance it may travel before being deposited would depend upon a number of factors. These include wind direction and strength, local topography and the presence of intervening structures (buildings, etc.) that may intercept dust before it reaches sensitive locations. Furthermore, dust would be naturally suppressed by rainfall. It is considered that the risk to dust soiling and human health during demolition and construction to be medium however during earthworks and trackout, the impact is considered to be low.

In respect of operational phase impacts, the proposed development includes land uses sensitive to long and short term pollutant concentration exposure and as such has the potential to introduce new receptors into an area of poor quality. With regard to NO₂ concentrations, future occupants of the site would not be exposed to NO₂ concentrations above the relevant air quality objectives therefore the impact of the Proposed Development with regards new exposure to this pollutant is considered to be negligible. Future occupants of the Site would not be exposed to PM10 concentrations above the relevant air quality objectives therefore the impact of the Proposed Development with regards new exposure to this pollutant is considered to be negligible. The impacts of the proposed energy centre are not considered significant.

It is considered that through good site practice and the implementation of suitable mitigation measures (including community consultation, erection of site notices with contact details, recording of all dust and air quality complaints and taking of appropriate measures, site monitoring etc.) the impact of the dust and PM10 may be effectively mitigated and the resultant impacts considered negligible. The potential for exposure of future development occupants over the objectives was assessed using the ADMS-Roads dispersion model. This indicated that concentrations of NO₂ and PM10 are likely to be below the relevant objectives at the development location. The impact of the development with regards new exposure to local air quality is therefore considered by the author to be negligible.

In terms of residual impacts including all development within 200m, the impacts are not considered to be significant when incorporating the outlined mitigation methods. The impacts would be described as negligible. The development itself is considered to be air quality neutral, and when considered cumulatively with committed developments within 350m of the boundary, is predicted to be negligible as each development should have suitable mitigation measures. The impact of operational traffic emissions on local air quality is anticipated to be negligible and consequently the cumulative effects are also predicted to be negligible. In conclusion therefore, concerns are not raised in respect of the Air Quality arising from the proposed development during construction and once completed.

No objections to the findings are made by the Council's Environmental Health Officer.

Flooding and Drainage

Policy 5.13 of the London Plan states that Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

A water resources chapter has been scoped out on the basis that there are unlikely to be any significant impacts associated with flood risk and drainage. However, no consideration has been given to other potential impacts on surface water resources during either construction or operation such as: discharge of demolition and construction site runoff during earthmoving and general works, and any accidental spillages or contamination of that runoff; and increase in potable water demand during operation of the scheme. The provision of information on contamination of run-off during demolition and construction should be provided and/or form part of the construction management plan (CMP) and can be conditioned as necessary.

The site is located within Flood Zone 1 on the Environment Agency's Flood Map for planning. The submitted FRA demonstrates that the proposed development will not be unduly at risk from flooding. No specific mitigation measures are warranted. An assessment of the proposed drainage system has been undertaken and design parameters for the detailed design set out to ensure surface water flooding does not provide a hazard to person or property.

Comments have been made from the GLA within their Stage 1 comments which state that the applicant's drainage strategy would achieve a run-off rate of 5 litres per second for a 1 in 100 year storm event, through the provision of a below ground water attenuation tank. Whilst this approach is generally acceptable, the potential for above ground Sustainable Urban Drainage Systems (e.g. green roofs) must be fully explored in accordance with the drainage hierarchy before the proposed development can be considered compliant with London Plan Policy 5.13 and Policy S113 of the draft London Plan.

Comments have been received from the Council's Drainage Officer who raises no objection to the submitted FRA and recommends conditions for compliance with the document. A condition is also proposed which requires the Applicant to consider the use of SUDS as requested.

Pollution and Contamination

The phase 1 contamination assessment has been submitted and its findings are summarised above. Given the site's historical development, there is potential for contamination within the ground and groundwater from both on and off-site sources. The potential risks to identified receptors are considered to be generally low to medium. It is recommended that ground investigation is undertaken to

quantify the risks and to provide geotechnical and geo-environmental information to inform further assessment of hazards present. The Council's Environmental Health Officer recommends a standard contamination condition to assess this further including the submission of a contaminated land assessment and remedial strategy to be submitted for consideration.

The site is also located adjacent to an Air Quality Management Area and air quality, contamination and odour abatement conditions would be necessary to mitigate impacts of the development if it was considered acceptable in all other respects.

Electronic and Airspace Interference

The impacts from the development upon digital terrestrial and satellite television reception were not scoped in to the environmental statement by the Applicant however a Telecommunications Impact Assessment was submitted in support of the application. The report concludes that a consultation response from Ofcom had not been received at the point of finalising the report and as such it is unknown whether the proposed development would have any negative impacts upon wireless fixed links. With regard to terrestrial television services, the proposed development is within the coverage area for the Crystal Palace television transmitter. A site survey was undertaken on 28 November 2017 to confirm the relevant transmitter and record the signal quality. Television services with stable image and audio quality were received at all survey locations. The signal strength was variable but generally defined as good or very good. If an impact were to occur this would most likely be in the shadow zone within 500 m of the proposed development. Specifically, homes on Palace Grove, Palace Road and Park Road to the east of the proposed development could be affected. The report notes that a post-construction television reception survey should be considered to be conditioned however it is possible that no detrimental effects will occur in practise; should permission be forthcoming this would occur. Mitigation options are likely to be available in the event that an adverse impact occurs in respect of satellite television services.

Comments have been received from Arqiva who owns and operates the terrestrial television broadcast network, which relies on fixed links. These are not addressed as such in the Assessment, but it was confirmed that the location of the development proposed is not one that should result in any interference with the transmission of the radio and terrestrial broadcast networks that they operate.

With regard to impacts upon airspace, comments have been received from London City Airport who would have no safeguarding objection to the application. Neither Biggin Hill Airport nor the Civil Aviation Authority has commented on the application.

Archaeology

The application site lies in an area of archaeological interest. The NPPF (Section 16) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.

Paragraph 189 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss... Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The applicant submitted a desk based Archaeological Assessment (DBA). The findings of the report are summarised above. Comments were received from Historic England who state that they do not consider that the application falls within the GLAAS Charter and as such have no comments to make.

Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in Section 15. Paragraph 175 of the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged.

UDP Policies NE2, NE3 and NE5 seek to protect wildlife features and protected species requiring development proposals to incorporate appropriate mitigation where damage may occur. Policy NE7 requires proposals for new development to take particular account of existing trees and landscape features on the site and adjoining land.

It is also entirely appropriate for a development of this nature and scale to enhance opportunities for ecology and biodiversity as part of a detailed landscaping scheme (for example through the inclusion of bird/bat boxes, log piles etc.).

During the survey, two category C and two category U trees were recorded within or adjacent to the proposed development site which could potentially be impacted by the proposed development. It is proposed to remove all four trees.

Through consultation, Network Rail has objected to original proposals for small scale tree planting on the grounds that it would overly conflict their future site operation and as such hard landscaping is instead proposed.

Comments have been received from the Council's Tree Officer who states that the site is free from any tree constraints. The trees surrounding the site that have been included within the tree survey hold no retention value. Due to the nature of the scheme, it is acknowledged that landscaping opportunities are limited and no objections are raised to the application.

An ecological appraisal was submitted and concluded that there was negligible and low potential for various species including badgers, roosting bats, great crested newts and reptiles. Moderate potential was found for nesting birds with confirmed presence of feral pigeon. The site has the potential to support Biodiversity Action Plan Species. It is considered that the scale and nature of the proposals will not give rise to any negative impacts upon any sites designated for nature conservation. Subject to appropriate conditions ensuring compliance with the recommendations of the report, Officers consider the impact on ecology to be acceptable.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF (paragraph 56) also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

The applicant has agreed in principle to pay the following amounts:

Health: £287,547
Education: £ 383,642.13
Highways: £47,400
Carbon Off-setting: £220,536

The scheme would also be subject to Mayoral CIL.

In accordance with Policy BTC31 of the Bromley Town Centre Area Action Plan(Adopted October 2010) all development coming forward in the town centre will be required to make a significant contribution towards the necessary, planned improvements for the town centre which includes planned improvements to the public transport infrastructure for this region of the town centre. It is considered that a high quality enhancement of the public realm in the town centre would provide benefit to the development and its future residents and it is crucial that projects achieve the necessary quality threshold required for the town centre. Furthermore it is also considered that a high quality enhancement of the connectivity and accessibility of the site would be of benefit to the development and its future residents.

The Council has planned a programme of improvements for the Bromley North Station area which will enhance its role as a major transport interchange and create a Northern Gateway into the town centre. A major element of these proposals will consist of the implementation of significant improvements to the bus interchange and improved pedestrian links to the town centre at a cost of £4m, these are as laid out in the Draft Allocation for Site 2. All development coming forward in this area will have an impact on the use of this infrastructure and therefore, be required to contribute to the costs of these improvements.

Given the location of the site within the Bromley Town Centre boundary, the Council requested from the Applicant a Town Centre contribution of £760,000. This is based on the fact that as stated in the Draft Local Plan, the Council has a site allocation of 525 units for the whole of Site 2 - The Land Adjacent to Bromley North Station, with a specific allocation of 100 units on the applicant's site along with the site at 10A. The applicant is therefore required to contribute 19% of the total cost of £4,000,000 which is derived from feasibility studies undertaken by the Town Centre team, for the proposed bus stands which is £760,000. There is no standard formula for the calculation of this contribution and the amount is decided on a case by case basis having regard to various factors including the use, scale and impact of the development and how this may be mitigated by contributions to current or proposed Town Centre Improvement projects

The Applicant states that they have also costed the provision of bus stands and this has been accounted for as part of a wider proposed development for the allocation site. As such, it is the applicant's view that a financial contribution should not be required in respect of this application. The applicant will however be contributing towards the cost of new paving to the front of the station. They have costed this as £125,000 which has been taken into account in the viability appraisal. The applicant states that it is considered that the requested contribution of £760,000 in respect of Town Centre works would fail to meet the Regulation 122

tests of being necessary to make the development acceptable in planning terms, or fair or reasonable in relation to the proposed development.

Officers consider that the request for the town centre contribution is reasonable and necessary, directly relating to the draft site allocation requirements as laid out within the Draft Local Plan whereby it states the land is part of the wider Site 2 draft allocated whereby redevelopment is envisaged for a mixed use including 525 residential units, 2000sqm of office accommodation, space for community use, 230sqm café/retail, transport interchange and parking. It would be for all development coming forward within this area to contribute towards the transport infrastructure and other identified redevelopment requirements. By not agreeing to meet these contributions, the proposal is considered contrary to Policies IMP1 of the UDP, BTC31 of the AAP and Draft Policy 1. Officers do not consider that the Applicants offer of £125,000 is reasonable or justified and do not agree that the works to the station forecourt are of priority within this area given that they have recently been upgraded and are functional.

Should the Applicant have agreed to pay the contribution, Officers would have apportioned the moneys as per the S106 priorities as laid out in the London Plan Policy 8.2.

Environmental Impact Assessment Conclusions

The ES considers the environmental impacts of the development in terms of the following technical topics: Construction methodology, townscape and visual effects including heritage, daylight, sunlight and overshadowing, wind, air quality, socio-economic, cumulative impacts and residual Impacts.

The developer has submitted additional information and points of clarification, which included Additional Environmental Information (April 2018), Environmental Statement Addendum (May 2018) and Response to Reg 25 and Environmental Statement Addendum Response (June 2018) pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This information has been taken into account in the determination of the planning application.

As required, third party representations have been taken into account and where points have been raised they have been worked into the substance of the report where appropriate. The methodology for the assessment of the ES is accepted.

Chapters 9 and 10 of the ES set out cumulative effects and the residual effects of the scheme. Adverse combined cumulative effects have not been identified considering surrounding development and socio-economic impacts. With regard to cumulative impacts, for the majority of impact areas, where the Proposed Development has the potential to generate environmental impacts, a range of mitigation measures have been recommended to address any significant negative impacts that may occur during both the construction and operation phases. The exception to this is an isolated major adverse residual daylight effect identified for a receptor to the northwest of the Site. Further analysis has shown that this level of impact would be anticipated for any tall building at the Site, even one just 30m in

height and Officers consider the impact in this regard is considered, on balance, to be acceptable.

Of most concern to Officers however is the impact of the development upon the townscape and heritage assets as set out in chapter 4.0. Whilst the chapter concludes that the impacts are neutral, commentary based on third party representations and Officers opinion in regard to the design, scale and layout of the proposal consider that the development unduly impacts upon the adjacent heritage assets and as such would cause harm to the wider environment contrary to local, regional and national policy.

Conclusion

In conclusion, the scheme is considered _excessively dense, and justification has not been provided to support the excessive quantum of development within a constrained portion of the wider site allocation. As a result of the excessive density the building is considered overly dominant in scale from a strategic townscape level and also at a site-level in terms of the relationship with adjacent buildings. The development is considered to visually compete with the modest market town character of the Conservation Area and the scale of the proposal would dominate views out of the Conservation Area and would harm the setting of the Grade II listed Bromley North Station by diminishing its civic presence and landmark status along the streetscape. There is little relief or articulation achieved through the massing of the building and the relationship between the proposed materials and the massing is poorly considered. The absence of articulation and relief and lack of variation in material makes the building look plain leading to the buildings reading as a slab-like block thereby exacerbating the harm.

With regard to layout, the role and function of the new public square in relation to the activities of the station and the new uses proposed at ground floor have not been considered fully. The residential entrance lacks prominence on Sherman Road and there is inactive frontage from the undercroft and sub-station. The access arrangement around the perimeter of the building has also not been fully considered and the access to the bike store is physically constrained; in essence the proposed arrangement of the bike store, refuse store and commercial parking is unsatisfactory. On balance, the design and layout of the proposal is considered contrary to Policies BE1, BE8, BE13 and BE17 of the Unitary Development Plan, Policies BTC2 and BTC32 of the AAP, Draft Policy 4, 37, 38, 42 and 47 of the Local Plan, Policies 3.4,3.5,6.9 ,7.4,7.7 ,7.6 and 2.18 of the London Plan and the Mayor's Housing SPG and paragraph 196 of the NPPF whereby it is considered that there is no public benefit to outweigh the harm to the heritage assets.

As well as the concerns as laid out in respect of the design, scale and massing of the proposal, the development is considered contrary to policies EMP3 and EMP5 of the Unitary Development Plan and Draft Policies 83 and 84 of the Draft Local Plan in that there has been insufficient justification for the loss of B1 and B8 floor space as a result of the proposal. The Applicant has not provided any marketing information or clarification as to potential loss of employment in order to meet the requirements of policy for the loss of office space and non-designated employment uses.

Officers are further concerned as to the impacts of the development of this site as a stand-alone form of development. Without information to suggest the contrary, the proposal is considered to jeopardise the deliverability of both the wider Draft Site 2 allocation, contrary to Policies 1, 30, 31 and 32 of the Draft Local Plan.

Additionally, the application is considered to provide insufficient parking and would jeopardise highways safety as a result of being car-free in nature (with the exception of blue badge parking) and narrowing the Sherman Road highway causing unacceptable congestion and highways safety impacts. The lack of parking spaces provided and the proposed location of the on-street delivery and car parking spaces is considered to inconvenience and in some locations cause a risk to traffic and pedestrian safety which is considered contrary to Policy T18 and T3 of the Unitary Development plan and Draft Policy 30, 31 and 32 of the Draft Local Plan.

Finally, there is a strong policy requirement for the Applicant to provide a town centre contribution as a result of its siting within the Bromley Town Centre boundary. The sum of £760,000 is well justified based on the principles of the redevelopment of the Draft Site 2 and it is not considered that the Applicant has demonstrated any cogent reasons as to why they should not be required to contribute this obligation. As such, without sound justified reasoning, the proposal is considered contrary to IMP1, BTC31 and Draft Policy 1.

Under NPPF Section 6, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application.

In spite of the benefits of housing provision and taking into account the policies and material planning considerations set out above the harm caused by this specific proposal is such that on balance the application should be refused.

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

RECOMMENDATION: APPLICATION BE REFUSED - SUBJECT TO ANY DIRECTION FROM THE MAYOR OF LONDON

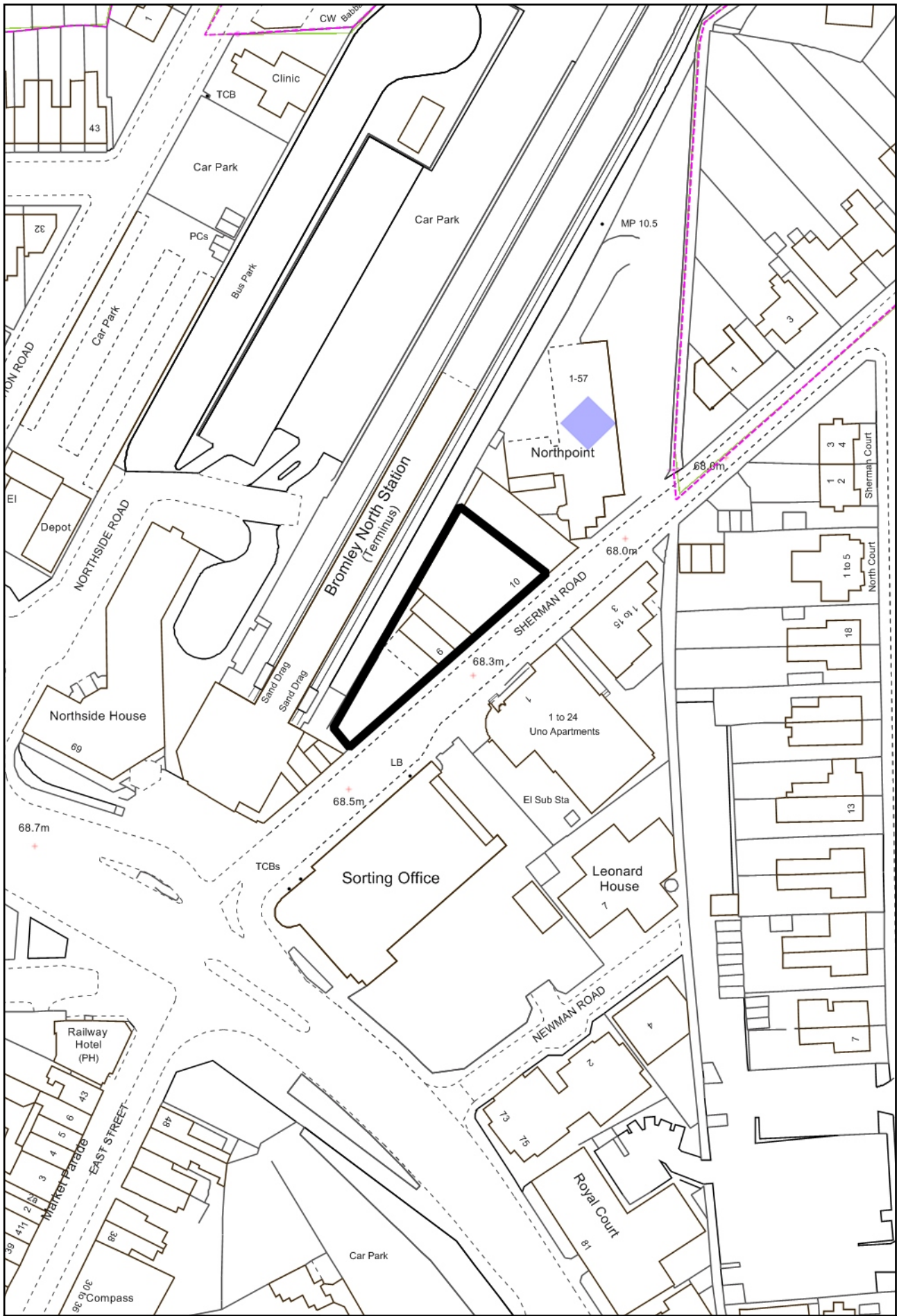
The reasons for refusal are:

- 1 The proposed development is considered lacking justification for its excessive density which contributes to its overly dominant scale from a strategic townscape level and also at a site-level resulting in a proposal which visually competes with the modest market town character and harms the setting of the Conservation Area and Grade II listed Bromley North Station by diminishing its civic presence and landmark status along the streetscape. The building is considered of poor design with little relief or articulation achieved through the massing of the building resulting in a slab-like block thereby exacerbating the harm. The layout of the wider**

public realm, entrances along Sherman Road and the inactive frontages are not fully considered and allow for an unsatisfactory layout in respect of bike store, refuse storey and commercial parking. The proposal is thereby considered contrary to Policies BE1, BE8, BE13 and BE17 of the Unitary Development Plan, Policies BTC2 and BTC32 of the AAP, Draft Policy 4, 37, 38, 42 and 47 of the Local Plan, Policies 3.4, 3.5, 6.9, 7.4, 7.7, 7.6 and 2.18 of the London Plan and the Mayor's Housing SPG and paragraph 196 of the NPPF whereby it is considered that there is no public benefit to outweigh the harm to the heritage assets.

- 2 The proposal would, in the absence of sufficient marketing information to demonstrate the contrary, result in the loss of employment floor space and non-designated employment floor space being contrary to Policies EMP3 and EMP5 of the Unitary Development Plan (2006) and Draft Policies 83 and 84 of the Draft Local Plan.
- 3 The proposal, by reason of insufficient parking spaces and the proposed location of the on-street delivery and car parking spaces is considered to inconvenience and in some locations cause a risk to traffic and pedestrian safety which is considered contrary to Policy T18 and T3 of the Unitary Development plan and Draft Policy 30, 31 and 32 of the Draft Local Plan.
- 4 The application fails to provide the required town centre contribution which is considered relevant and necessary in order to make the development acceptable, and without reasoned justification for the lack of agreement is considered contrary to Policies IMP1 of the Unitary Development Plan, BTC31 of the Bromley Town Centre Area Action Plan and Draft Policy 1 of the Draft Local Plan
- 5 In the absence of information to suggest otherwise, the stand-alone nature of the development is considered to jeopardise the deliverability of the wider draft allocation by virtue of its size, scale and design contrary to Draft Policies 1, 30, 31 and 32 of the Draft Local Plan.

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17/05790/FULL1 - 6-10 Sherman
Road



Monday, July 16,
2018

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Application No : 18/00399/OUT

Ward:
Bromley Town

Address : 10A Sherman Road Bromley BR1 3JH

OS Grid Ref: E: 540450 N: 169684

Applicant : South East Living Group

Objections : YES

Description of Development:

Proposed outline application for the demolition of 10A Sherman Road and redevelopment with a mixed-use, 10-storey, scheme comprising 6no. one bed, 3 no. two bed flats and B1 commercial space.

Key designations:

Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
Open Space Deficiency
Proposal Sites
Smoke Control SCA 10

Proposal

The application is submitted in outline to consider matters of access and layout for the demolition of the existing building (10A Sherman Road) and the redevelopment of the site with a mixed-use, 10 storey scheme comprising 6no. one bed and 3no. two bed units with B1 commercial space.

In respect of the layout of the scheme, the block replicates the floor plan at ground floor level of the garage building with a set-back from the highway. At first floor level, the proposal steps in 1m from the flank boundaries for the remaining height of the proposal and set in from the rear given the constraints of the adjacent Northpoint development. It is proposed that the building will house 9 units of 1 and 2 bedrooms over the six upper floors with the lower three floors proposed for commercial floor space (381.5sqm). The site measures 0.03ha in size and is rectangular in shape.

Whilst the development is in outline provision to consider layout and highways, it is acknowledged within the development description that the proposal is to be 10 storeys and illustrative drawings and reports have been provided to support this. Illustrative images of the design of the building, including materials and roof treatments have also been provided.

The scheme is proposed to be car free with the use of an existing car club outside 3 Sherman Road. Residential and commercial cycle parking is provided internally.

Following receipt of TfL's comments, revised parking plans were submitted which now include two disabled parking bays to the front of 10 Sherman Road.

The application was supported by the following documents:

Transport Assessment (Sarnlea Limited, January 2018) - The report states that the development is in accordance with local and national policy and the proposal has been assessed in terms of its accessibility by non-car borne modes and the level of accessibility is good and in accordance with a development of this type and scale. The report also considers that the site layout is suitable and fit for purpose in terms of highways safety.

Daylight and Sunlight report (GVA, January 2018) - The report concludes that the impact of the proposed development would be considered acceptable given the proximity of existing neighbours, extraordinarily high baseline values and adequacy of retained values, together with the significant overall degree of compliance with the BRE default recommendations.

Energy Statement (AJ Energy Consultants Limited, January 2018) - It is not feasible to incorporate a CHP plant. Photovoltaic panels are proposed for the roof level. The report concludes that the incorporation of the energy efficiency measures, and photovoltaic panels equates to a reduction of 35.7% against the TER 2013 for the scheme, which exceeds the local policy requirements.

Acoustic Assessment (Sharps Redmore, March 2018) - The report states that acceptable external levels at amenity spaces can be achieved with a good acoustic design, which would include layout and orientation. Reasonable internal noise levels can be achieved using conventional acoustic glazing and alternative means of ventilation with appropriate acoustic performance as set out. Specifications for these systems would need to be dealt with post grant of planning permission and incorporated into the building design.

Flood Risk Assessment (Monson, March 2018) - The report shows that there is no significant risk of flooding to the development site from all sources. The impact that the development could have elsewhere has also been considered, and it has been demonstrated that the proposals will reduce the risk of flooding offsite by including a sustainable drainage system within the scheme design. It is therefore concluded that the proposed development will meet the requirements of the NPPF and local planning policy with respect to flood risk.

Air Quality Assessment (Redmore Environmental, March 2018) - Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. The dispersion modelling assessment indicated that predicted pollution levels were below the relevant criteria at all locations across the development. The site is therefore considered suitable for residential use from an air quality perspective. Potential emissions from the development were assessed in order to determine compliance with the air quality neutral requirements of the

London Plan. The results indicated an acceptable level of building and transport emissions from a scheme of this nature. As such, the development was considered to be air quality neutral.

Bat Survey (Greenspace Ecological Solutions, March 2018) - With exception of the small area (3m) of loose flashing on the north-eastern elevation, the existing garage offers no visible PRF for roosting bats. Although connectivity for bats exists to the north, the area is well lit by artificial light and when considering the lack of thermal stability and the nature of the PRF, its potential to support roosting bats is considered Negligible. No trees exist within the site and those present on the boundary support no features suitable for use by bats. All trees within and adjacent to the site have Negligible potential for roosting bats.

Heritage Assessment (April 2018) - The report concludes that the Station's significance has been diluted over time and is separated from the main part of the Bromley Town Centre Conservation Area by Tweedy Road. The proposed re-development of 10A Sherman is considered to cause less than substantial harm to the setting and the significance of the listed Station. This harm would however be at the lower end of the spectrum.

Contamination Desk Study Report (Geo-Environmental, April 2018) - The proposed end use of the site is assumed to comprise a residential development without soft landscaping. As such, sensitive uses such as in private gardens with gardening activities (including dust being tracked back into buildings) and growing vegetables are not considered as part of the end use scenario for this site and there is no risk of harm to end users from soil contamination. The built environment and groundwater are considered to be at moderate to low risk of possible contamination within the Made Ground. There is also a low risk posed to end users from ground gases. A list of recommendations have been put forward for compliance.

Baseline Television Signal Survey and Television Reception Impact Assessment (GTech Surveys Limited, March 2018) - Whilst widespread interference to DTT service reception is not expected, the proposed development and use of tower cranes may cause slight interference to several existing properties located to the immediate southeast on Sherman Road; particularly the Mission Care and Living buildings. Due to the lack of viewers in any theoretical signal shadow zones, the proposed development is unlikely to have any adverse effect on the reception of digital satellite television services such as Sky and Freesat. Mitigation solutions exist that will quickly restore the reception of television services leaving no long-term adverse effects for any viewer.

A design and access statement, planning statement, Townscape and Visual Impact Assessment and scheme of community involvement have been submitted in support of the application.

Location and Key Constraints

The site is located on Sherman Road, to the north east of Bromley North Station where there is a single storey industrial building on the site, occupied by a tyre

fitting and MOT servicing garage measuring 239sqm in size. The site is a narrow, broadly rectangular, fragment of land between a 10 storey residential apartment block (Northpoint) and 6-10 Sherman Road (redevelopment of 6-10 Sherman Road is proposed in a separate full planning application for demolition of the existing buildings (6-10 Sherman Road) and redevelopment with a mixed-use, 23-storey, scheme comprising 219 Build to Rent apartments, flexible class B1/D1 floorspace, car and cycle parking, associated access and public realm improvements under reference 17/05790/FULL1.

6-10 Sherman Road is currently made up of three, 3-storey, office buildings and a single storey industrial building that is currently vacant. Adding to the mixed-use, commercial character of this part of Sherman Road, there is also a Royal Mail delivery office, a mixed office and residential block (Acorn Group), and the continuation of Bromley North station includes a shopping parade of 6 shops. The rear of 10A Sherman Road site runs along the railway track. The site is located close to the junction with Tweedy Road which is a strategic route within the UDP and forms part of Transport for London's TLRN.

On the opposite side of Tweedy Road the Conservation Area continues along East Street and North Street where buildings are typically two-three storey Victoria terraces. Further to the west of the application site the area is characterised by predominantly residential development of two-three storey traditional Victorian terraced and semi-detached dwellings. The site is located within the Bromley Town Centre boundary.

The site forms part of the wider Site 2 allocated site within the Draft Local Plan which proposes the redevelopment of the site for a mixed use including 525 residential units, 2000sqm of office accommodation, community use, 230sqm café/retail, transport interchange and parking. The site is identified within the Five Year Housing Land Supply document for the re-development of the land east of the railway line, along with 6-10 Sherman Road, for 120 units.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections

- Too tall
- Overlooking
- No parking facilities
- Out of keeping with village feel and conservation area
- Trains from Grove Park are already over crowded
- Highways Safety and junction capacity issues
- Impact on daylight and sunlight
- Piecemeal development is a wasted opportunity
- No outside space
- Poor aesthetic design

- Nothing should go ahead until there is an acceptable scheme for the whole of the Bromley North site
- Wind tunnel impacts
- Water pressure impacts
- Undue pressure on local amenities
- The development is of no benefit to local community or future residents
- There is no lack of B1 space within the local area
- Out of character with neighbouring low rise buildings
- There will be nothing stopping residents of the proposed development to enter the courtyard area of Northpoint and gain access to the property of Northpoint - this is a massive and unnecessary security risk.
- Dust, air and noise pollution to adjacent occupiers
- Bromley North station is a Grade 2 listed building and the black metal design of the proposed development is not in keeping with the character of the area.
- High rise development reduced social and community interaction
- High rise is isolating and dehumanising
- Tall buildings offer increased profits for developers. However, the higher a building rises, the more expensive is the construction. Thus, the tallest buildings tend to be luxury units, often for global investors. Tall buildings inflate the price of adjacent land, thus making the protection of historic buildings and affordable housing less achievable. In this way, they increase inequality.
- high-rises use almost twice as much energy per square metre as mid-rise structures and are not green
- This area has largely retained its Victorian character which should be preserved
- Object to single staircase buildings in multiple occupancy
- The net usable space, with huge corridors, will put off some business users looking for modestly priced accommodation.
- 12 cycle spaces isn't enough
- The surveys which have been carried out, particularly in relation to the effect of daylight, sunlight and overshadowing are flawed as they cover only a very limited area in the immediate vicinity of the proposed development.
- The façade is not in keeping with local architecture
- The road will become very dark and claustrophobic with increased high rise properties
- The site is part of an area designated by Bromley Council to be developed to include 525 residential units. The remainder being the Station Car park/ Bus station Area bounded by Tweedy Road and Babbacombe Road. The proposed development at Sherman Road providing 9 units amounts to nearly 2% of the total allocation of Units on a site which is less than 1% of the designated area. This overdevelopment is completely unnecessary and totally disproportionate
- There is existing office space which isn't used, why is more required?

Support

- Not sure if this development is the right one, but something should be done with the premises given their locality to amenities and services
- Residents should be welcomed into the town
- Good for businesses

Comments from Consultees

Thames Water - No objections subject to conditions

London City Airport - No objections subject to the building being appropriately lit with aviation obstruction lighting.

Highways - This is an outline application. The site is located in an area with high PTAL rate of 6a (on a scale of 1 - 6, where 6b is the most accessible). Furthermore there are On Street-parking within the vicinity of the site via dedicated "Pay & Display" bays.

Vehicular access- None indicated on the submitted plan

Car Parking- None indicated on the submitted plan, this is regrettable and the applicant should be aware that the resident's rights to Parking Permits would be restricted; this will prevent the development contributing to on street parking congestion. Furthermore the applicant is showing two disabled bays on Sherman Road this is unsatisfactory as this would narrow the carriageway further causing road congestion and be a contributory cause of road traffic accidents as well as having other direct or indirect effects on other issues such as the use of public transport, business and environment however this is not a reason for refusal as the length of road narrowing is limited to two cars length.

Servicing- Refuse collection and servicing will take place on-street from Sherman Road. This is satisfactory in principle.

Cycle parking- London plan would be adhered to. This is satisfactory.

Bin Store- indicated

Please also bear in mind that there is another application for 6-10 Sherman Road (17/05790/FULL1) which entails the redevelopment of the site with a mixed-use, 23-storey, scheme comprising 215 Build to Rent apartments, flexible class B1/D1 floorspace, including class B1 meeting room. If both applications receive approval this would reduce the width of Sherman Road for a minimum length of 37.0m causing road congestion and inconvenience to other road users.

Environmental Health Officer - No objections are raised subject to the imposition of conditions relating to the compliance with the acoustic report and restricting the noise levels from the commercial units.

Historic England - The development site contains no designated heritage assets, but is located in close proximity to the Bromley Town Centre Conservation Area which incorporates the Grade II listed Bromley North Station at its north east end.

A visual impact assessment of the proposed development in views from Bromley North Station would be helpful in gaining a clear understanding of the level of impact on the setting of the Listed Building and Conservation Area. However, due to the slightly larger scale of the neighbouring Northpoint tower block, we consider it very unlikely that this development would have a significant impact on the existing setting of these, or any other designated heritage assets in the vicinity.

We therefore confirm that Historic England has no objection to these proposals.

Following the submission of Historic England's comments a TVIA was submitted however Historic England were re-consulted and did not wish to provide any additional comments.

Conservation Officer - I note the contents of the applicant's Heritage Statement. The applicant has submitted Accurate Visual Representations which I feel illustrate how visually dominant and visually harmful the proposed structure would be behind the listed Bromley North Station. Viewpoints 4 & 6 illustrate this harm although I would like to have also seen some additional views between these 2 points. I would also note that whilst fixed viewpoints are helpful, we must also consider the kinetic quality of views as one moves around the area near the proposal site. This dominant impact is in my view harmful to the listed building's setting and detracts from the attractive silhouette and strong visual lines of the railway station's roof profile and cupola. The indicative height of the proposal is in stark contrast to building heights inside the conservation area and most of the surrounding buildings with the exception of Northpoint which I would consider to be harmful to the setting of the listed building, but its construction predates the listing in 1990.

In this respect I find the impact on the setting of both the conservation area and listed building to be harmful in a manner that could be classed as "less than substantial" with respect to paragraph 196 of the NPPF. No clear public benefit is offered that would outweigh this harm.

We are also obligated to have "special regard to the desirability of preserving the building or its setting" when considering applications that affect the setting of a listed building, Sect 66 Planning (Listed Building and Conservation Areas) Act 1990.

The proposal is contrary to policies BE8 and BE13 for the above reasons of excessive indicative height and visual impact.

Drainage Officer - No objection subject to conditions.

Transport for London - No trip generation assessment has been undertaken for the proposed development. This is considered to be acceptable in principle given the scale of the development (9 residential dwellings and 382 sqm of office). The development trips will have negligible impact on the local transport network.

The proposed development will be car free which is strongly supported by TfL, and in line with current and emerging London Plan policy. No disabled car parking

spaces are proposed. A car club bay is present opposite the site and residents of this development will be offered 2 years free membership to the car club. This is welcomed by TfL and should be secured by S106 agreement. The S106 should also prevent prospective residents being eligible for parking permits in the neighbouring CPZ.

London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Furthermore, the Housing SPG (November 2012) states that each wheelchair accessible dwelling should have an associated accessible parking space. As the development proposes two wheelchair adaptable units, the proposal should strictly include two wheelchair accessible spaces for the residential use. To strictly meet the London Plan and Draft London Plan 2017 disabled car parking standard for the office use one disabled bay should also be provided.

Even though it may not be possible to provide three disabled spaces, the applicant should aim to provide a minimum of two disabled car parking spaces (a minimum of one for the residential use and one for the office use) and should identify where these could be located on-street, considering existing restrictions/ bay configurations. If there is not scope to add two additional disabled bays to the existing on-street configuration, two of the existing on-street pay and display bays should be converted to disabled bays. The provision of any disabled spaces should be secured by condition.

The proposals include the provision of 12 cycle spaces for the residential use and 10 for the office use which will be provided in separate ground floor stores. The cycle parking for the office use is in accordance with London Plan 2016 and Draft London Plan 2017 standards. Although the cycle parking for the residential use complies with London Plan 2016 standards it does not meet Draft London Plan 2017 standards (a requirement for 15 residential spaces). The applicant should aspire to provide all cycle parking in accordance with Draft London Plan 2017 standards. All cycle parking spaces should be easily accessible from adjacent cycle routes and appropriate signage should be provided. The applicant should consider enlarging the size of the bike stores as there appears to be very limited space to access the stands. TfL would advise that shower and locker facilities are also provided for members of staff wishing to cycle to work. All cycle parking facilities should be secured by condition.

A Draft Travel Plan has been submitted with the application for the residential and office use. The full Travel Plan should be secured, delivered, monitored and funded through the Section 106 agreement.

No Construction Logistics Plan (CLP) has been submitted with the application. A CLP should be secured by condition and submitted and agreed prior to commencement of development. In particular, the CLP will need to consider how Bromley North station users will be protected during construction, so Network Rail will need to be a consultee when drafting/ approving the final CLP.

Network Rail - The Developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Informatives are proposed.

Arquiva: The report sets out the recommendations as discussed with Arquiva and no further comments are made.

GLA Stage 1 Comments can be summarised as:

Principle of development: A high density residential-led mix use development within this highly accessible site within a town centre and opportunity area is strongly supported in principle, in accordance with London Plan and the draft London Plan. Notwithstanding this, there is strategic concern that allowing this site to come forward in isolation could undermine the successful delivery of a more comprehensive development, contrary to Local Plan objectives.

Affordable housing: No affordable housing is proposed. This is wholly unacceptable. Whilst a payment in lieu may be acceptable given the number of units and site constraints, the applicant must submit a Financial Viability Appraisal for rigorous assessment by GLA officers to ensure that the maximum level of affordable housing is secured.

Design and heritage: Insufficient information has been submitted to enable GLA officers to assess the design merits of the scheme. The applicant must provide a detailed Townscape and Visual Impact Assessment, including fully rendered visualisations showing the potential impact on heritage assets and on local views.

Climate change: Further information on overheating and the proposed renewable energy system must be provided. Mitigation for the remaining shortfall in carbon dioxide reductions must be secured through a Section 106 agreement.

Transport: A minimum of one on-street disabled parking bay must be secured alongside an increase in cycle parking provision to meet the minimum standard in the draft London Plan.

Policy Context

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

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

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

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan

2.13 Opportunity areas

3.1 Ensuring equal life chances for all

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.7 Large residential developments

3.8 Housing choice

3.9 Mixed and balanced communities

4.2 Offices

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.4a Electricity and gas supply

5.6 Decentralised energy in development proposals

5.7 Renewable energy

5.9 Overheating and cooling
5.10 Urban greening
5.11 Green roofs and development site environs
5.13 Sustainable drainage
5.14 Water quality and wastewater infrastructure
5.15 Water use and supplies
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.13 Parking
7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public Realm
7.6 Architecture
7.7 Location and design of tall buildings
7.8 Heritage assets and archaeology
7.13 Safety, security and resilience to emergency
7.14 Improving Air Quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
8.2 Planning obligations
8.3 Community infrastructure levy

Shaping Neighbourhoods: Play and Informal Recreation (2012)
Accessible London: Achieving an Inclusive Environment (2014)
The Control of Dust and Emissions during Construction and Demolition (2014)
Sustainable Design and Construction (2014)
Housing (March 2016)
Homes for Londoners - Affordable Housing and Viability (2017)

Unitary Development Plan

BE1 Design of New Development
BE8 Statutory Listed Buildings
BE13 Development Adjacent to a Conservation Area
BE17 High Buildings and the Skyline
BE18 The Skyline
C1 Community Facilities
EMP2 Office development
EMP3 Conversion or redevelopment of Offices
EMP5 Development outside Business Areas
H1 Housing Supply
H2 and H3 Affordable housing
H7 Housing Density and Design
H9 Side Space
IMP1 Planning Obligations
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking

T6 Pedestrians
T7 Cyclists
T17 Servicing of Premises
T18 Road Safety

Planning Obligations SPD
Affordable Housing SPD

Bromley Town Centre Area Action Plan (AAP)

BTC5: Office Development
BTC8: Sustainable Design and Construction
BTC11: Drainage
BT12: Water and Sewage Infrastructure Capacity
BTC13: Combined Heat and Power
BTC14: Recycling
BTC16: Noise
BTC17: Design Quality
BTC18: Public Realm
BTC19 Building Height
BTC22: Public Transport
BTC24: Walking and Cycling
BTC25: Parking
BTC31 Developer Contributions
BTC32: Public Realm Improvements
IA2: Business Improvement Areas

Emerging Local Plan

1 Housing Supply
2 Provision of Affordable Housing
4 Housing Design
8 Side Space
20 Community Facilities
30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for All
37 General Design of Development
38 Statutory Listed Buildings
42 Development Adjacent to a Conservation Area
47 Tall and Large Buildings
48 Skyline
83 Non-Designated Employment Land
84 Business Improvement Areas
90 Bromley Town Centre Opportunity Area
116 Sustainable Urban Drainage Systems (SUDS)
119 Noise Pollution
120 Air Quality
123 Sustainable Design and Construction

124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
125 Delivery and Implementation of the Local Plan

Planning History

The relevant planning history relating to the application site is summarised as follows:

12/02227/FULL2 - Change of use from light industrial (B1) to tyre fitting and retailing place (Sui Generis) - Permitted

12/02228/ADV - 2 Non-illuminated signs - Advertisement Consent Granted

13/02881/VAR - Variation of condition 1 of planning permission 12/02227/FULL2 to allow for MOT testing and no other car service works - Approved

Considerations

The main issues to be considered in respect of this application are:

- Principle and Housing Supply
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other
- CIL
- S106

Principle and Housing Supply

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires that in dealing with a planning application, a local planning authority must have regard to: (a) the provisions of the development plan, so far as material to the application; (b) any local finance considerations, so far as material to the application; and (c) any other material considerations.

For proposed development which affects a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. In respect to buildings or other land in conservation

areas section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In respect of development proposed outside a conservation area which would affect its setting or views into or out of the area, the desirability of preserving or enhancing the conservation area would also be a material consideration.

The National Planning Policy Framework (NPPF) states in Paragraph 11 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The London Plan Policy 3.3 requires the Borough to make provision for at least 641 additional dwelling completions per year 2015-2025. The current proposal could represent a positive contribution to the Council's required Housing Land Supply in a location adjacent to Bromley Town Centre.

The site is in the north of Bromley Metropolitan Town Centre, and forms part of the Bromley Town Centre Opportunity Area. London Plan Policy 2.13 seeks to promote the town centre's strategic role in the borough and realise its capacity for sustainable growth. The London Plan identifies the Opportunity Area as having indicative capacity for 2,500 new homes and 2,000 additional jobs.

The London Plan seeks mixed and balanced communities in accordance with Policy 3.9, which states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. Policies 3.11 and 3.12 confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision where priority should be accorded to the provision of affordable family housing.

Within the Bromley Town Centre Area Action Plan, diagram 3.2 Spatial Strategy identifies the following for the overall site:

- (i) Key area for change;
- (ii) Possible location for a tall building;
- (iii) Potential for new improved public spaces;
- (iv) Possible interchange location;
- (v) Possible future guided public transport route;
- (vi) General traffic routes and access to car parking.

Diagram 4.1 Key Diagram identifies the following for the overall site:

- (i) Opportunity Site;
- (ii) Possible location for a tall building;
- (iii) New/improved public spaces.

The application site formed part of an Opportunity Site within the BTCAAP (Opportunity Site A). The Plan identified the overall site as capable of providing around 250 residential units, ancillary food and drink uses (A3/A4/A5) and 1000sqm of community uses. Paragraphs 5.2.1 - 5.2.6 of the Plan relate specifically to the site in addition to Policy OSA Bromley North Station. The policy and supporting text sets out in detail what was envisaged to be provided on the overall site. However, the Opportunity Site A designation and was quashed in December 2011 following a High Court judgement. The Judgement focusses on the lack of reasoning of the DPD Inspector when he accepted that the overall site could be developed for 250 homes, contrary to viability information submitted to the Examination that specified a figure of 400 homes may be more viable.

The site is allocated within the Draft Local Plan as part of the wider Site 2. The policy states that the site is capable through redevelopment of providing a mixed use including 525 residential units, 2000sqm of office accommodation, space for community use, 230sqm café/retail, transport interchange and parking. The policy goes further to state that proposals will be expected to provide a sensitive and effective transition between the adjoining low rise residential areas and the higher density town centre, respect and enhance the setting of the Grade II Listed Bromley North Station and allow for the long term aspirations for improved rail connectivity to central and east London.

The wider Site 2 allocation follows the same boundary as the previously allocated Site A, encompassing an area of 3ha either side of the Bromley North to Grove Park railway line. As such, the requirements of the draft allocation to provide the quantity of development assigned is envisaged to encompass the wider site, and not solely the area of the site to the east of the railway line. It is also noted that the land to the east of the railway is not wholly the subject of this application, with the adjoining units at 6-10 Sherman Road not proposed for development within this application (however they are subject to a separate proposal 17/05790/FULL1). Officers are concerned as to the impacts of the development of this site as a stand-alone form, specifically given that the scale of the development is not fixed within this application, and without sufficient evidence to allay fears that it would not impact detrimentally upon the deliverability of the wider site. This is specifically in respect of the land at 6-10 Sherman Road and other uses on the western side of the site, particularly along the train line whereby this proposal could be a barrier to any future proposals. It is clear that the two submitted schemes do not appear to be mutually compatible in view of the very close proximity between 6-10 Sherman Road, 10A Sherman Road and residential dwellings at Northpoint House which have the ability to appear cramped and discordant and would not appear as a holistic, well designed form of development. This further evidences the Council's concerns in this regard and emphasises the importance for the Applicant to consider a more comprehensive and coherent approach to this part of the site to

prevent piecemeal development which may ultimately be harmful to the wider site delivery.

This site is located within a prime central brownfield location and proposes only 9 units with no justification of the height or density proposed. In the absence of such, Officers remain concerned as to the lack of reasoned justification for the low density of the scheme and it is reiterated again that a wider comprehensive scheme including 6-10 Sherman Road would be far more successful in terms of land use and housing provision.

Notwithstanding the above concerns, UDP Policy H1 requires the Borough to make provision for at least 11,450 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. As a brownfield site, subject to being able to demonstrate that the site is no longer required for its current use, an increased housing provision could make a valuable contribution to the Boroughs housing supply however this should be done in an appropriate manner. It is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations. It is also noted that 120 units are included in the 2017 Five Year Housing Land Supply Paper for Land adjacent to Bromley North Station. Appendix One of the Paper includes reference to the Sherman Road element of the overall site in relation to the 120 units. As such it is envisaged that this element of the site would come forward at an early stage of the wider site allocation. However at 120 units this was projected as being for a significantly higher number of units than submitted, and for the whole of the eastern land, not a portion of this as proposed within this application.

Under NPPF Section 5, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application. The emerging draft London Plan (2017) shows an increase in the housing numbers target for Bromley Borough, this is however subject to objections from the Council and is of limited weight at this early stage of its preparation. The Council's 2017 Five Year Housing Supply Paper shows that there is a Five Year supply in the Borough.

The building at 10A Sherman Road is currently used as an MOT testing centre and tyre fitting and retailing place. The application scheme proposes the redevelopment of 239 sqm of non-designated employment floorspace, currently occupied by an MOT service (Class B2), with 392 sqm of Class B1a floorspace. Therefore, UDP Policy EMP5 and Draft Local Plan Policy 83 need to be considered. UDP Policy EMP5 supports the redevelopment of non-designated employment premises for Class B1 purposes. Draft Policy 83 includes stipulations relating to changes of use to a "non-employment generating use", with the implication that first preference be given to "industrial and related employment uses". Whilst the proposed Class B1a space is not industrial, if flexibly designed, it could readily accommodate light or high-tech industrial elements. Permitted development rights also allow changes to other B class uses.

Further, the proposal to develop new Class B1a floorspace is supported by the site's location in a proposed Business Improvement Area (BIA). Draft Policy 84 encourages improvements to the quality and quantity of office floorspace in these locations, including through mixed use schemes, where the primary function of the BIA as a key destination for office based business is not compromised. Whilst the Council's objective is to retain existing non-designated industrial premises where suitable and viable, this should be weighed against the proposed net increase in employment-generating floorspace in the form of Class B1a space and the site's BIA designation. On balance, the application is consistent with current and proposed business and employment policies.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). This site is considered to be in a 'central' setting and has a PTAL rating of 6a giving an indicative density range of 35-405 dwellings per hectare / 650-1100 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 650-1100 habitable rooms / 240-435 units per hectare for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

Development should comply with the density ranges set out in table 4.2 of the UDP and table 3.2 of the London Plan and in the interests of creating mixed and balanced communities development should provide a mix of housing types and sizes. The Council's Supplementary Planning Guidance No1 - General Design and No.2 - Residential Design Guidance have similar design objectives to these policies and the NPPF. Policies 3.3 and 3.4 of the London Plan seek to increase the supply of housing and optimise the potential of sites, whilst policy 3.5 seeks to protect and enhance the quality of London's residential environment.

The proposed scheme includes 9 new homes on a site area of 0.03Ha, with the number of units being fixed in the application. As the scheme is mixed-use, the calculation of residential density is based on a site area that is reduced by an amount that is equivalent to the proportion of total floorspace allocated to non-residential uses. This equates to a proposed residential density of 414 dwellings per hectare and approximately 733.33 habitable room per hectare.

Policy BTC2 of the BTCAAP requires development to accord with the density matrix in the London Plan. The policy notes that given the heritage/conservation sensitivity of some sites, density will not be the determining factor in considering the appropriateness of development. This is reinforced in Draft Policy 4 of the Local Plan where development should have regard to the London Plan, balanced

against respecting local character. At a site-specific level, the site policy for Site 2 notes that proposals will be expected to 'provide a sensitive and effective transition between the adjoining low rise residential areas and the higher density town centre' and to 'respect and enhance the setting of the Grade II listed Bromley North station building'.

The density matrix is not to be applied mechanistically, and Policy 3.4 and 3.5 of the London Plan, as well as Draft Policy 4 of the Local Plan and Policy BTC2 of the BTCAAP, require a balance between optimising density with a consideration of the local context and character. It is noted that the existing commercial floorspace is increased through the proposals, however at 414 dwellings per hectare, the proposed residential density slightly exceeds the recommended range for the site, and so is broadly in line with London Plan policy and meets the criteria set out in Policy H7.

Whilst the density is broadly in line with policy, the proposed scheme gives rise to questions as to whether it is making best use of a sustainable brownfield location which will be discussed further within the report.

Design

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 124 of the NPPF (2018) states that the creation of high quality 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 127 of the NPPF (2018) 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 Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's

access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

The application is in outline with matters of appearance, scale and landscaping reserved, as such the extent in which the external appearance of the proposal can be considered is limited.

The proposal applies in detail for the layout of the Site as part of the outline planning application.

The illustrative internal arrangement within the building includes commercial uses on the ground floor up to the second floor, and the 9 residential apartments are located from the third to ninth floor. The 6no. 1 bed apartments are located on the third to the fifth floor, with two units per floor. The 3no. 2 bed apartments are located on the sixth floor to the ninth floor, with a duplex apartment at floor 8 and 9. The proposal includes separate entrances for the commercial and residential uses from Sherman Road, but with a shared stair core and lift. The secure commercial and residential bike parking are accessed from a third entrance from Sherman Road, which also provides access to the bin store.

Diagram 2.3 of the BTCAAP identifies the frontage along Sherman Road for the length of the site as a 'key active frontage location'. Site policy for the draft allocation in the Local Plan notes that the Site is suitable for mixed-use redevelopment. The proposal responds to this policy by introducing commercial uses at ground, first and second floor. Whilst this introduces a degree of active frontage, the illustrative proposal for three entrances in such a constrained site does not use the space efficiently, and the residential entrance does not possess the stature and prominence that it should. The illustrative materials for the ground floor, with the stated design aim of creating a solid mass to the building, also adds to the inactivity and unattractiveness of the base. This is contrary to London

Housing SPG Standard 8, which states that 'all main entrances to...communal entrance lobbies should be visible, clearly identifiable, and directly accessible from the public realm'. The width in the illustrative design for the refuse and bike corridor is also very narrow at 1400mm, which will make accessing the bike stores difficult. It is also likely that there will be conflicts between access to the refuse bins, and access to the bike store. These are matters for future consideration within a reserved matters application.

At ground floor, the proposal builds out to the site boundary on all sides, except that the building is slightly stepped away from the pavement on Sherman Road. This replicates the footprint of the existing building, but it adds to the lack of presence of the entrance. On the southern, western and northern elevations, the illustrative design introduces a 1m offset, as well as a cut-back to improve the relationship with Northpoint. As scale is not being fixed, there is no mechanism through which to secure this however should be considered within a future reserved matters application. As an illustrative approach, the 1m offset does allow for the introduction of bay windows on the southern elevation, which is a positive approach to improving light to the deep floorplans and to address the issue of there being relatively little window frontage however as scale is not being fixed there is no planning mechanism in which to fix this. Due to the angle of the adjacent residential block, and that the closest part of Northpoint is the core, the direct visibility is limited. Nonetheless, the illustrative design for a cut back from the second floor angles the windows away from Northpoint, so as not to have any direct views.

Impact on Conservation Area and Statutory Listed Building

The proposed building sits to the north-east of Bromley North station, which is roughly equivalent to 3 storeys. Along the Sherman Road frontage of the station is a parade of 6, single storey, shops. Adjoining the site on its southern edge, is 6-10 Sherman Road, which is currently a 3 storey office and single storey industrial unit. The submitted planning application for 6-10 Sherman Road includes a building of 23 storeys to adjoin the site. Where the two sites meet, the proposed building is 23 storeys at the back on the railway side, and there is a 4-storey terrace on Sherman Road, which provides a separation. Northpoint is a 10-storey block of serviced apartments. Opposite the site is a 5-storey residential care home, a 5-storey mixed residential and office block (Acorn Group) and a 3-storey equivalent Royal Mail delivery office. Beyond this the scale of buildings and character on Sherman Road turns to 2-3 storey suburban housing. The Site is within the Northern Gateway Character Area, and adjacent to the historic 'North Village' Character Area, as identified in the BTCAAP.

Policy 7.4 of the London Plan requires development to have 'regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass' and Policy 7.7 reiterates this need in the context of considering the appropriateness of tall buildings. Policy BE1 of the Unitary Development Plan and Draft Policy 37 of the Local Plan also notes that buildings need to be 'imaginative to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas'. With regards to tall buildings, UDP Policy BE17 and Draft Policy 47 of the Local Plan

adds that buildings 'need to be of the highest architectural design quality and materials and appropriate to their location and historic context'. The suitability for a tall building on 6-10 Sherman Road is illustrated in Diagram 4.3, and Policy BTC19 of the BTCAAP notes that proposals need to be tested against CABE/Historic England guidance on tall buildings.

Whilst the description of development states that the proposal is limited to 10 storeys, the Applicant has reserved scale in this outline planning application. The definition of a storey height is not set, so this level of control is insufficient to fix the building height and the maximum perimeters of this are unknown. The minimum height can be estimated on the minimum floor to ceiling heights as laid out in the London Plan and it is presumed that this is reflective of the illustrative material submitted with the application. The historic context of the Site, including the adjacent Grade II Listed Bromley North station building and the Bromley Town Centre Conservation Area, means that understanding the proposed scale of the building is critical to assessing its impact. It is not possible to assess the application without this information being fixed within the application and without information in this regard, Officers can only assume, given that the maximum height of the building is unknown, that there would be harm to the Statutory Listed Building and adjacent Conservation Area as a result of the proposal. The Conservation Officer has also indicated that a building of the presumed minimum height, would also cause harm to the Listed Building given that the impact on Northpoint can be understood and when viewed from the top of North Street it is visually dominant immediately behind the listed Bromley North Station. This impact according to the Officer is that the proposed development at its minimum parameters would be harmful to the listed building's setting and detract from the attractive silhouette and strong visual lines of the railway station's roof profile and cupola. The Officer goes further to state that the minimum height of the proposal is also in stark contrast to building heights inside the conservation area and most of the surrounding buildings with the exception of Northpoint. On balance, Officers consider that the submission of the application with scale and appearance reserved does not allow for the flexibility that is required for the design of a tall building and in such a sensitive context, is wholly unacceptable.

Comments have been received from Historic England who state that due to the slightly larger scale of the neighbouring Northpoint tower block, they consider it very unlikely that the development would have a significant impact on the existing setting of these, or any other designated heritage assets in the vicinity however Officers consider that given that the scale of the development is not fixed within the application, the impacts of this are unknown and as such cannot be assessed despite the submission of illustrative elevations, townscape analysis and TVIA.

Materiality

The details of appearance are not being fixed through this outline application, but the Applicant has indicated in the illustrative material that the building will feature black metal cladding panels, framed glazing and frameless glass balustrades for the balconies.

Policy BTC17 of the BTCAAP notes that 'new buildings should not directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own'. Draft Policy 37 of the Local Plan also notes that materials should complement the adjacent buildings and areas. Policy 7.7 of the London Plan requires buildings of this height to be of the highest architectural quality and materials. The site is also adjacent to the Conservation Area, which is protected directly under Draft Policy 41 of the Local Plan, and with development adjacent to the Conservation Area guided by Draft Policy 42, which requires its setting to be preserved or enhanced.

Illustrations of the potential elevation materials are provided in the Design and Access Statement. However, as appearance is reserved there is no commitment in this application to continuing with the illustrative approach set out. It is therefore not possible to assess the impact of the proposed appearance on the Conservation Area or listed Bromley North station building, or assess it against Policy 7.4 and 7.7 of the London Plan, Draft Policy 37, 42 and 47 of the Local Plan or Policy BTC17 and BTC19 of the BTCAAP.

The illustrative proposal for metal panelling relates to the existing black panelling and orange panelling on the two buildings opposite the site. Officers are concerned about the potential of further panelling on this site, adjacent to the grey metal panelling of Northpoint, to lead to a dominance of this material on Sherman Road, and erode the character of the Conservation Area. Comments are also received from the GLA which also raise concern over the use of panelling given the existing unattractive impact this has on the street from nearby buildings.

Officers have concerns about illustrative designs for the entrances, and have concerns about the design intent for a 'solid mass of metal panelling' at the ground floor. Whilst appearance is not being fixed, the principle of establishing an attractive and active frontage is very important, and required by the BTCAAP. The illustrative design for the ground floor frontage lacks visibility and does not address the street positively.

Conclusively the impact of the building's appearance on the adjacent Conservation Area, the listed Bromley North station, and the wider streetscape cannot be assessed given detail has not been provided on the proposed materials and detailing however, it is considered that the building at the minimum extent of 10 storeys is considered harmful.

Housing Standards

Unit Size Mix:

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The size of the site and location in a town centre setting

would respond well to the provision of 1 and 2 bedroom flats as is the intended provision highlighted within the illustrative drawings.

Affordable Housing:

Affordable housing will be sought on sites capable of providing 11 dwellings or more. The London Plan, at policy 3.8, states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites.

The development is not considered liable for the provision of affordable housing on site as set out in Policy H2 given that it proposes 9 units. It is noted that the GLA consider that whilst only 9 units are proposed, the units substantially exceed the minimum space standards in the London Plan which demonstrates that the site has capacity for 10 units and therefore consider Policy H6 of the Draft London Plan applies and affordable housing should be required. Additionally they state given the total gross internal floor space (1,422 sqm), Draft Policy H6 again applies which triggers the requirement for affordable unit provision. The GLA go further stating that affordable housing should be provided on site in order to deliver inclusive and mixed communities, in accordance with London Plan Policy 3.12, Policy H5 of the draft London Plan, and the Mayor's Affordable Housing and Viability SPG. The GLA go further, stating that as only 9 residential units are proposed, which would be accommodated on the 3rd to 9th floor sharing a single lift core, it is accepted that the provision and management of affordable homes on-site may be impractical and, consequently, off-site provision or a cash in lieu payment may be appropriate in this instance.

Whilst Officers acknowledge that the units are oversized and are aware of the requirements within policy 3.13 of the London Plan in respect of 'capacity to provide 10 or more homes', the proposal is at the extreme limits of the SRQ (table 3.2) capacity. It is considered that whilst 12 units are theoretically capable of being provided (0.03 ha site x 405 (u/ha) =12.15), this does not take account of the illustrative plans which set the bottom floors as commercial floor space. Further to this, Draft Policy H6 states that schemes would be eligible for affordable housing provision if they have a combined floor space greater than 1000sqm however this is not replicated within the Adopted Housing SPG or Adopted London Plan (2016) which makes no mention of a 'combined floor space' requirement.

The NPPF at paragraph 48 states from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Draft London Plan is in its very early stages, and is yet to be examined in public and it is anticipated there will be considerable objection to the plan however these objections are yet to be made public. As such, Officers consider that minimal weight can be given to Draft Policy H6 and as such the affordable housing requirements as set out in Policy H2 of the Unitary Development Plan are afforded most weight whereby it is concluded that affordable housing is not required for the site.

Standard of Residential Accommodation:

Policy 3.5 of the London Plan sets out the Mayor's aspirations for the quality and design of housing developments. Part 2 of the Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

The 2016 Minor Alterations to the London Plan adopted the DCLG Technical Housing Standards - nationally described space standard (March 2015) which standard 24 of the SPG says that all new dwellings should meet. Furthermore, the Minor Alterations at paragraph 3.48 state that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' which can be conditioned to be forthcoming should outline permission be granted. Generally this will require a lift where a dwelling is accessed above or below the entrance storey which within the illustrative drawings is shown to be included.

Whilst a matter for a future reserved matters application, the indicative floor plans show compliance with the London Plan Housing Standards however the submitted drawings do not provide area measurements for all private amenity spaces, nor confirm that they all meet London Plan requirements for 5sqm per 1-2 bed flat. This policy requirement should be met for all apartments and would be conditioned to be forthcoming within a future application.

Officers are particularly concerned about the rooms to the rear of the building, including the bedroom with the angled window facing north, and the living/kitchen/dining rooms that have a deep floor plan. Should the application proceed to the reserved matters stage, a daylight/sunlight assessment considering future residential amenity will be required to be submitted once the floorplans are fixed in order to assess impact.

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

The scheme is car free in nature with two blue badge car parking spaces proposed on-street. It is proposed that the scheme will use existing car club bays within the vicinity of the site.

Comments have been received from the Council's Highways Officer who states that there are no car parking spaces indicated on the submitted plan which is regrettable however given the size and location of the development this is not considered a reason to object to the application. The applicant should be aware that the resident's rights to Parking Permits would be restricted. This will prevent the development contributing to on street parking congestion. In respect of on street parking, the applicant is showing two disabled bays on Sherman Road which is unsatisfactory as this would narrow the carriageway causing road congestion and ultimately highway safety issues however the Officer does not consider the narrowing of the road would be a cogent reason for refusal, given that this is for only 10m of road length. The Officer goes on to state that refuse collection and servicing will take place on-street from Sherman Road which is satisfactory in principle and no objections are made to the cycle parking which is commensurate with London Plan standards.

Further to the above comments, TfL have also commented on the application stating:

The proposed development will be car free which is strongly supported by TfL, and in line with current and emerging London Plan policy. No disabled car parking spaces are proposed. A car club bay is present opposite the site and residents of this development will be offered 2 years free membership to the car club. This is welcomed by TfL and should be secured by S106 agreement. The S106 should also prevent prospective residents being eligible for parking permits in the neighbouring CPZ.

London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Furthermore, the Housing SPG (November 2012) states that each wheelchair accessible dwelling should have an associated accessible parking space. As the development proposes two wheelchair adaptable units, the proposal should strictly include two wheelchair accessible spaces for the residential use. To strictly meet the London Plan and Draft London Plan 2017 disabled car parking standard for the office use one disabled bay should also be provided. Amended plans were

subsequently submitted to include two blue badge spaces to the front of 10 Sherman Road.

Whilst no highways objections are raised to the reduction in road width in respect of this application given that it is for a maximum length of 2 bays, it is noted that the application at 6-10 Sherman Road proposes 7 on street parking bays which if built concurrently with this scheme would result in 9 on street parking bays which would cause an unsatisfactory highways safety impact given the cross-over with the bays on the northern side of the road further exacerbated by the servicing/ refuse collection which is proposed to be undertaken from Sherman Road. The narrowing of the road is considered to cause road congestion and be a contributory cause of road traffic accidents as well as having other direct or indirect effects on other issues such as the use of public transport, business and the environment. Should the current application at 6-10 Sherman Road not come forward for any reason, the site is identified within the 5 year housing land supply document for 120 residential units, which in itself would bring a requirement for on-street parking space on the Sherman Road frontage. Officers consider that given the piecemeal nature of the development on this eastern part of the wider Site A allocation, it is clear that should the developments not come forward together with a more holistic and comprehensive parking layout, the cumulative impact of on-street parking within this locale would be unacceptable.

In conclusion, the proposed location of the on-street blue badge spaces when considered cumulatively with any future requirement for parking on the wider site allocation is considered to inconvenience and in some locations cause a risk to traffic and pedestrian safety which is considered contrary to Policy T18 and T3 of the Unitary Development plan and Draft Policy 30, 31 and 32 of the Draft Local Plan.

Neighbouring amenity

Policy BE1 of the UDP seeks 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.

Daylight/sunlight

The building is proposed at 10 storeys of an undetermined height and of a width measuring 9.1m at ground floor level and approximately 7m at all other floors. The buildings most impacted as a result of its siting would be those within the immediate locale including the residential/commercial units opposite the site to the south-east, units 6-10 which currently operate in B1a and B2 use classes to the west, Northpoint flats to the north-east and the users of Bromley North Station to the north-west. Given the overall size and scale of the proposal, the development will also be appreciable from surrounding roads including Station Road, Glebe Road, Florence Road and Babbacombe Road to the west and Palace Grove, Palace Road and the resulting part of Sherman Road to the east and north however to a lesser extent given its direct siting behind the Northpoint building. The

building will also be viewed from a number of viewpoints within the town centre as evidenced within the submitted Townscape assessment, most prominently from East Street.

A daylight/sunlight assessment has been submitted which considers the impact of the development upon neighbouring owner/occupiers. It is clear within this submission that there are a number of residential units significantly impacted as a result of the development most particularly Northpoint, 3 Sherman Road and 1 Sherman Road.

With regard to Northpoint, it was considered that the potentially affected windows currently achieve extraordinarily high levels of VSC (Vertical Sky Component). It is stated that post-development, the VSC values would be considered commensurate with a suburban context. It was confirmed that there would be no material effects to existing No-Sky Line within the potentially affected areas. With regard to the APSH (annual probable sunlight hours) the report is clear that existing values are high and post-development the residual APSH values would be considered as commensurate with the context however would be noticeable to occupants.

The report states that in respect of 3 Sherman Road the VSC would be considered commensurate with the existing and emerging context however the difference between the current and proposed values would be noticeable to occupants. With regard to No-Sky Line, there would be no material difference to existing values. It was stated that with regard to the APSH that as the property is north-facing there is no reasonable expectation of sunlight amenity and as such was not analysed in further detail.

In respect of 1 Sherman Road, the report states that post-development, the vast majority would retain in excess of the BRE target recommendation of at least 27%VSC, or less than 20% difference, the point at which the BRE considers VSC changes may become noticeable to occupants. In respect of a limited number of self-obstructed window locations there would be greater percentage differences, albeit these would represent a no-worsening of the baseline scenario. With regard to No Sky-Line there would be no change in most rooms with an overall no worsening of the baseline scenario.

The fixed building layout, and illustrative massing does lead to a reduction in daylight and sunlight to surrounding properties, particularly Number 1 and 3 Sherman Road, as well as Northpoint, which will be noticeable to future occupants. These are the buildings closest to the site, which is not unexpected. Whilst the VSC test highlights a number of fails against the BRE Guidelines, the Average Daylight Factor test demonstrates a high level of compliance as currently modelled. There is policy support for establishing frontage development to Sherman Road, and for a dense scheme on the site, however, given the scale is not being fixed, the height of the building could be increased, in which case the daylight and sunlight impact will need to be re-evaluated.

Officers note that the daylight/sunlight assessment makes no reference to the current application site at 6-10 Sherman Road, nor the proposal to develop this for a 23 storey residential tower. Whilst the applications should be considered on their

own merits, the impact of the 10 storey tower on the daylight/sunlight of 6-10 Sherman Road will also be required to be considered at a future stage to ensure that this does not impact upon the deliverability of the wider site allocation for the number of units envisaged within this portion of the site (as envisaged within the 5 year housing land supply document) and the Draft Site 2 requirements.

Overlooking/Overbearing impacts

It is clear that there will be a greater perceived level of overlooking to number 3 Sherman Road as a result of the illustrative front facing balconies proposed for the upper floors of the proposed development. The development is sited approximately 13m from 3 Sherman Road however weight is given to the sites location within a central, town centre location close to a transport hub where high density development is encouraged and relationships between buildings such as this are not uncommon and may be found to be acceptable. Whilst Northpoint is sited between 1-23m from the development, given the absence of windows to the north-east elevation there is not considered to be any undue privacy impacts however this will again require assessing at reserved matters stage.

It is acknowledged that that 120 units are included in the 2017 Five Year Housing Land Supply Paper for Land adjacent to Bromley North Station which inevitably will involve a higher density development than that which exists, as such a level of visual intrusion is likely to occur even if the site was developed within the outlined parameters of the housing supply document. However, there is no long term strategic vision for the site at 10A to come forward as a stand-alone development, and as such the impact of the proposal upon existing land uses must be considered.

The application site sits adjacent to Northpoint to the north and due to its angled nature, is sited 1-23m in distance from the neighbouring residential block. Given the lift shaft, the closest habitable room windows will be located 9m from the flank elevation of the development which has a fixed height of 10 storeys. It can be considered that a building of 10 storeys at the minimum floor to ceiling height within this location will have a detrimental overbearing impact upon owner/occupiers of the Northpoint building and will cause significant detrimental impacts upon the outlook from these apertures given the proximity and illustrative height of the proposal which would only be exacerbated by the illustrative dark cladding materials. Whilst it is acknowledged that the materials could be altered through the reserved matters stage, the storey height is fixed, and as such Officers consider the impact upon the neighbouring residential amenity of the Northpoint residents facing the development site to be harmful contrary to Policy BE1 of the Unitary Development Plan.

It is further acknowledged that a development of 10 storeys could potentially impact upon the development opportunity of the wider site allocation (6-10 Sherman Road), in that the proximity of the proposal could result in detrimental overbearing or outlook impacts. Whilst both applications must be considered on their own merits, a scheme has been submitted for the development of 6-10 Sherman Road and in its current form Officers would consider that the development at 10A may have a detrimental impact upon the outlook from the

fourth floor dedicated amenity space within the 6-10 application and to a lesser extent the north facing habitable windows sited approximately 10m from the boundary, resulting in an oppressive and overbearing form. It is considered again that whilst the applications should be considered on their own merits, the impact of the 10 storey tower on the amenity of 6-10 Sherman Road given the unknown impact of the scale and appearance of the building is not considered satisfactory to Officers who are concerned as to the impact this would have upon the deliverability of the wider site. It is reiterated that to overcome these issues, it is recommended that the site comes forward as a comprehensive form of development.

Wind and Microclimate

There will be a resultant impact upon the microclimate of the locale by the development of a tall building. No wind and microclimate report has been produced to accompany the application and as such, given that the height of the development is not fixed, this is considered acceptable to accompany any future reserved matters application should permission be forthcoming.

Noise and Vibration

The site lies between Sherman Road and the Bromley North Branch Railway Line, approximately 85 metres to the north-east of the busy, arterial A21 road. The rail line carries three passenger trains per hour in each direction, during the day, connecting to Grove Park. The site is influenced by sound arising from road traffic in the area, particularly the A21, with occasional acoustic contributions arising from slow-moving rail traffic entering and exiting the railway station.

An acoustic assessment has been submitted with the application. The report states that acceptable external levels at amenity spaces can be achieved with a good acoustic design, which would include layout and orientation. Reasonable internal noise levels can be achieved using conventional acoustic glazing and alternative means of ventilation with appropriate acoustic performance as set out.

Specifications for these systems would need to be dealt with post grant of planning permission and incorporated into the building design. No objections are raised by the Council's Environmental Health Officer subject to the imposition of conditions relating to the compliance with the acoustic report and restricting the noise levels from the commercial units. It is further noted that a revised acoustic assessment will be required to be submitted with any future reserved matters application once the appearance and scale of the development is fixed. Whilst the impact of the development upon surrounding land uses has not been considered, it is not considered likely, given the absence of communal outdoor space and the number of private balconies, that the development would cause any appreciable impact in this regard however should permission be forthcoming a condition will be required for an updated acoustic assessment to be submitted which should outline any required mitigation in this regard. With regard to noise impacts from development and construction, this is considered to be temporary in nature and as such acceptable subject to conditions as set out within the construction management plan. No objections are raised by the Council's Environmental Health Officer.

With regard to vibration impacts, no assessment of construction vibration has been submitted. It is considered that given that the appearance and scale of the development is indicative at this point vibration effects will be governed by appropriate planning conditions which would seek further clarification of these matters at reserved matter stage. This condition would also be expanded to consider the impact of the train tracks upon future residential occupants' amenity.

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that 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 5.2 Minimising Carbon Dioxide 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 and Be green: use renewable energy.

The Applicant has provided an energy statement. The Agent notes that given the size of the scheme is not feasible to incorporate a CHP plant. Photovoltaic panels are proposed for the roof level however at the moment these are illustrative and will be subject to the reserved matters application to consider their siting and appearance. The report concludes that the incorporation of the energy efficiency measures, and photovoltaic panels equates to a reduction of 35.7% against the TER 2013 for the scheme. A payment-in-lieu amount has been calculated as £14,165.20 and agreed by the Applicant however it is understood that this will be amended as necessary at reserved matters stage should permission be forthcoming.

Air Quality

Policy 7.14 of the London Plan aims to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans.

Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level which can be subject to condition for compliance. The dispersion modelling assessment indicated that predicted pollution levels were

below the relevant criteria at all locations across the development. The site is therefore considered suitable for residential use from an air quality perspective. Potential emissions from the development were assessed in order to determine compliance with the air quality neutral requirements of the London Plan. The results indicated an acceptable level of building and transport emissions from a scheme of this nature. As such, the development was considered to be air quality neutral and acceptable by Officers. If required, an updated report will be considered at the reserved matters stage.

Drainage

Policy 5.13 of the London Plan states that Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

The Applicant submitted a Flood Risk Assessment which stated that there is no significant risk of flooding to the development site from all sources. The impact that the development could have elsewhere has also been considered, and it has been demonstrated that the proposals will reduce the risk of flooding offsite by including a sustainable drainage system within the scheme design.

Comments have been received Drainage Officer who states that following the submission of a revised FRA, it is concluded that the development is committed to using underground tank to restrict surface water run-off to 0.8l/s which is acceptable. Subject to conditions for a surface water drainage strategy to be submitted, no objections are raised. No objections are also raised by Thames Water subject to conditions.

If required, an updated flood risk assessment will be submitted at the reserved matters stage.

Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 175/176 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

UDP Policies NE2, NE3 and NE5 seek to protect wildlife features and protected species requiring development proposals to incorporate appropriate mitigation

where damage may occur. Policy NE7 requires proposals for new development to take particular account of existing trees and landscape features on the site and adjoining land.

It is also entirely appropriate for a development of this nature and scale to enhance opportunities for ecology and biodiversity as part of a detailed landscaping scheme however it is noted that landscaping is a reserved matter for future consideration.

With regard to the potential for bats, a bat survey was submitted with the application in which it was found that there is a negligible potential for roosting bats to be found on the site and that all trees within and adjacent to the site also have negligible potential for bats.

Details of landscaping are not being fixed as part of this outline planning application, but the illustrative proposal includes an indication of sedum roofs on areas of flat roof as the building steps in massing, and each apartment has an area of private amenity space.

Public Realm

There are no improvements proposed to the public realm. Diagram 3.2 and 4.1, 4.2, and Policy BTC32 of the BTCAAP envisage improved public space at Bromley North and an improved junction/crossing to Tweedy Road, encouraging movement to High Street with better wayfinding. Whilst the scheme does not propose any public realm as part of the site, given it is part of the Draft Site 2 allocation, it would be expected that contributions would be sought towards the wider public realm improvements around Bromley North Station, and to improve the crossing at Tweedy Road to the town centre.

According to the Council's Draft Local Plan, for Site 2 - The Land Adjacent to Bromley North Station, the Council has a site allocation of 525 units for the whole of the site. It is also reasonable that all development coming forward within Site 2 be expected to contribute towards the development of the proposed public transport interchange. The area of the applicant's scheme has a specific allocation of 11.25 units which is 2.145% of the 525 units allocated for the whole of Site 2. The applicant is therefore required to contribute 2.145% of the total cost of £4,000,000 for proposed bus stands to be installed as part of the transport interchange enhancements. This amounts to £85,800 which has been agreed with the Applicant and will be secured via a S.106 if permission should be forthcoming.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being

stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

The applicant has agreed, in principle, to pay a payment in lieu for carbon off-setting and a town centre contribution as discussed above as well as a mechanism within the S.106 for use of the existing car club on Sherman Road.

The scheme would also be subject to Mayoral CIL.

Conclusion

The application is in outline with matters of scale and appearance reserved for future consideration. As a result, it is not considered that there is sufficient detail to allow Officers to consider the impact upon the Grade II Listed train station or the adjacent Conservation Area, given the absence of parameter plans to ascertain maximum heights however it is acknowledged that at its minimum extent there would be some harm to the wider townscape, conservation area and listed building.

Officers are concerned as to the impacts of the development of this site as a stand-alone form, specifically given that the scale of the development is not fixed within this application. As a result, given that the impacts of the scale of the development cannot be considered, the proposal is considered to jeopardise the deliverability of the wider Draft Site 2 allocation. Furthermore, the impact of the building's appearance on the adjacent Conservation Area, the listed Bromley North station, and the wider streetscape cannot be assessed given detail has not been provided on the proposed height, materials and detailing. As such, without sufficient information to suggest otherwise, officers consider that there is insufficient information to conclude that there would be no adverse impact upon the adjacent heritage assets. Concern is moreover raised as to the impact of the scheme at its minimum height upon designated heritage assets. Whilst it is noted that the development would make a contribution to the Borough's five year housing land supply by providing residential development on an allocated site, the harm and lack of information identified is considered to outweigh the benefits in this regard.

Additionally, it is noted that 120 units are included in the 2017 Five Year Housing Land Supply Paper for Land adjacent to Bromley North Station, which in itself would bring a requirement for on-street parking space on the Sherman Road frontage. Officers consider that given the piecemeal nature of the development, it is clear that should the developments not come forward together with a more holistic and comprehensive parking layout, the cumulative impact of on-street parking within this locale would be unacceptable.

With respect to neighbouring amenity, it can be considered that a building of 10 storeys at the minimum floor to ceiling height within this location will have a detrimental overbearing impact upon owner/occupiers of the Northpoint building and will cause significant detrimental impacts upon the outlook from these apertures given the proximity and illustrative height of the proposal. It is further considered that a development of 10 storeys could potentially impact upon the development opportunity of the wider site allocation (6-10 Sherman Road), in that the proximity of the proposal could result in detrimental overbearing or outlook impacts which may stifle future development opportunities.

Under NPPF Section 5, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application.

In spite of the benefits of housing provision and taking into account the policies and material planning considerations set out above the harm caused by this specific proposal is such that on balance the application should be refused.

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

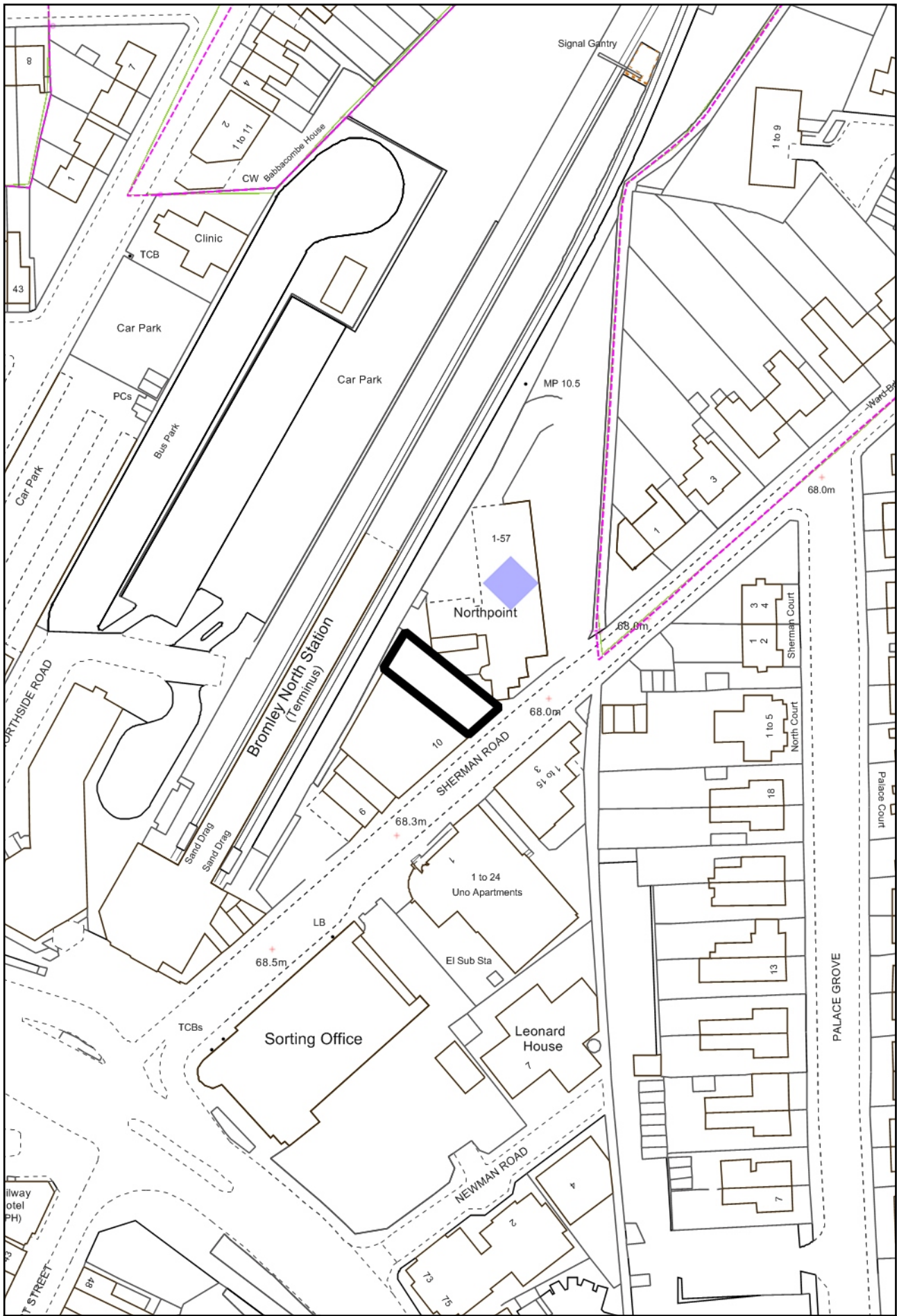
RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:


- 1 In the absence of information to suggest otherwise, the proposed development is considered to harm the Statutory Listed Bromley North Station and Bromley Town Centre Conservation Area contrary to Policy BE8 and BE13 of the Unitary Development Plan, Draft Policies 38 and 42 of the Draft Local Plan and Policy 7.8 of the London Plan.**
- 2 The proposed development is considered to result in a detrimental overbearing impact upon the owner/occupiers of Northpoint, preventing adequate outlook from habitable room windows contrary to Policies BE1 and H8 of the Unitary Development Plan and Draft Policy 4 and 37 of the Draft Local Plan.**
- 3 In the absence of information to suggest otherwise, the stand-alone nature of the development is considered to compromise the deliverability of the wider draft allocation by virtue of providing an unacceptable piecemeal development of an unknown scale and appearance and lack of justification as to the density of the proposed development and would also cause an**


unacceptable impact upon highways safety contrary to Policies T18 and T3 of the Unitary Development Plan and Draft Policies 1, 30, 31 and 32 of the Draft Local Plan and London Plan Policy 3.7

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 Ordnance Survey 100017661.


18/00399/OUT - 10A Sherman Road



Monday, July 16,
 2018

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Application No : 18/ 01319/FULL1

Ward: Copers Cope

Address : Footzie Social Club Station Approach Lower Sydenham London SE26 5BQ

OS Grid Ref: E: 536826 N: 171157

Applicant : Iain Hutchinson

Objections : YES

Description of Development:

Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey development with basement parking, comprising 151 residential units (63 x one bedroom, 80 x two bedroom and 8 x 3 bedroom) together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.

Location and Key Designations

Metropolitan Open Land (MOL)

Adjacent to a Site of Interest for Nature Conservation

Biggin Hill Safeguarding Area

London City Airport Safeguarding Area

Flood Zone 2/3

Green Chain

River Centre Line

Smoke Control

PTAL 2

The 1.8 ha site is located on the outskirts of Beckenham close to Sydenham and the borough boundary with London Borough of Lewisham. The site is designated as Metropolitan Open Land (MOL) and is broadly triangular in shape. The site is bound to the West by railway tracks and a line of mature trees, to the North by the Maybrey Works site (allowed on appeal in July 2018 following a public inquiry held in May 2018) and the first phase Dylon development which are both located within a designated business area for industrial purposes, and to the East and South by the River Pool and a line of strong tree belt.

The site is open in nature and is visible on Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and further afield.

At present, there are three pavilion buildings along the western edges of the site and an access track. The open space has historically been used as a playing field albeit some time ago. In more recent times the site has been allowed to fall into a poor state of repair being used for storage of vans and a dumping ground for un-roadworthy vehicles and ad hoc items. In addition, a significant area of hardstanding is being used as a construction and storage compound for the adjacent Dylon development. A number of vehicles are also being parked on the open areas of the site and it appears to be associated with the on-going construction works at Dylon site. This matter has been referred to the Planning Enforcement Team for further investigation.

The surrounding area is dominated by large areas of open space that are designated as Metropolitan Open Land (MOL) and are part of the South East London Green Chain – a series of connected public open spaces. Most of these surrounding open spaces are used as playing fields. The site is also situated within one of the views of local importance from the Addington Hills. This makes the site particularly sensitive to new development. Furthermore, approximately 80% of the site is located within Flood Zone 3.

Background

The application is being reported to Planning Development Control Committee as the applicant has exercised his right of appeal to the Planning Inspectorate on the grounds of non-determination.

Members are advised to consider the suggested grounds to contest the appeal as set out in this report, including the updated consultation response received from the Environment Agency on the 3rd August 2018 and updated information as to the affordable housing tenure submitted by the applicant on the 17th August 2018.

Proposal

Full planning permission is sought for the demolition of all existing structures and erection of two buildings (North and South Block) to provide 151 residential flats with a basement car park and an area of open space to be accessible by members of the public. The proposal comprises:

- 63 x one bed, 80 x two bed and 8 x three bed;
- 115 car parking spaces (including 15 disabled spaces);
- 310 cycle parking spaces (260 for residents and 50 for visitors);
- 54 units would be affordable (36.8% by unit and 36.2% by habitable room); and,
- 15 wheelchair accessible units (10%) comprising 6 x one bed and 9 x two bed.

The details and break down of this proposed housing and affordable housing mix, size and tenure are set out in the following tables:

Tenure	Unit	% by unit	Habitable Room	% by habitable
Market	97	64.2	254	63.8
Social	32	21.2	83	20.9
Intermediate	22	14.6	61	15.3
Total	151	100	398	100

					Market		Affordable			
							Social rent		Intermediate	
Unit size	Total unit	%	Total habitable	%	Unit	%	Unit	%	Unit	%
1bed	63	42	126	32	44	45.4	14	44	5	22.7
2bed	80	53	240	60	46	47.4	17	53	17	77.3
3bed	8	5	32	8	7	7.2	1	3	0	0
Total	151	100	398	100	97	100	32	100	22	100

The development would comprise two residential blocks (North and South Block), positioned along the western edge of the site with a gap of 29 metres between the blocks. The highest part of the North block would be basement plus 8 storeys (52.8m AOD/26 metres) and would step down in height with the lowest part being 5 storeys (43.1m AOD). The Southern block would comprise basement plus 5 storeys (43.8m AOD/16.4 metres) on its northern end stepping down to 3 storeys (37.1m AOD) towards the southern end.

The proposed buildings would include an undercroft parking level with residential accommodation sitting at podium level and above. The proposed podium between the blocks would be landscaped. The eastern edge of the built development would be provided with steps and connect to the public open space at ground floor level.

Due to the topography of the site, the ground floor comprises metal grilles along the east elevation as a result of the podium design, which responds to the flood risk designation of the site. The north, south and west facades are punctuated with main entrances, fenestration and balconies serving the ground floor units and openings to the refuse and car park areas.

The building would be constructed primarily of London stock bricks, with translucent cast channel-glass detailing on the top floor, aluminium windows and white powder galvanised steel balconies. Winter gardens are proposed for units facing onto the western boundary of the site (adjacent to the railway).

An access road would run down the western edge of the site leading to 2 disabled parking spaces and 3 drop-off areas. A further access would be provided through the Dylon development from Worsley Bridge Road leading to the undercroft parking area. To the east, the remainder of the MOL would be re-landscaped to include new public paths, outdoor space with children's play area.

Based on the submitted drawings, a comparison between the existing site, the previous appeal scheme and the current proposal is set out below:

	Existing site coverage	Previous refused (3 rd) scheme, under ref: 17/00170/FUL	Current proposal Dwg O04A/DS7-05	Difference between proposed and existing site coverage
Proposed units and building heights	N/A	229 units; 4 to 8 storey plus basement	151 units; 3 to 8 storey plus basement	N.B. No residential building currently on site, only single storey pavilion buildings associated with the former social club. Various unauthorized structures/ uses.
Building footprint (sq.m)	833	3,304	2, 981	Increase by 2,148
Hardstanding/ Private space footprint (sq.m)	7,012	4,009	3,716	Reduce by 3,296
Combined built development footprint (sq.m)	7,845	7313	6,697	Reduce by 1,148
Green space footprint (including the river) (sq.m)	10,804	11,336	11,952	Increase by 1,148
Total (sq.m)	18,649	18,649	18,649	18,649

The submitted drawings suggest that the proposal would result in a reduction of hardstanding measures 3, 296sq.m and there would be an increase in green space. This suggestion is not accepted as the Council's aerial photo record indicates that the "existing" hardstanding area has been expanded extensively since 2006. This includes a large temporary construction compound associated to the construction work at the Dylon factory site. The Council's aerial photo and planning application record also indicate that the site has been paved without any formal consent.

As suggested in the submitted drawings, it is note that the proposed hardstanding area would be less than the previous scheme measuring 4,009sq.m. This is due to the removal of surface level parking spaces and minor changes to the siting of the access road leading to the basement car park.

Irrespective of the above, it is important to note that there would be a substantial increase in building scale and volume for the proposed flats compared to the existing single storey buildings on site.

The applicant has submitted the following reports to support the application:

Planning, Design and Access Statement (prepared by West and Partners)

This document seeks to explain the background to the application and assess the proposal against development plan policies. The statement sets out the applicant's rationale for the proposal in terms of developing MOL, housing need, provision of public open space, the detailed design of the proposal, transport, flood risk, contamination, energy and sustainability and economic and social benefits.

The applicant suggests that the proposal would result in more than a 19% (242sq.m) reduction in brownfield development with a corresponding net increase in open land area. In their view this is a marked improvement when taken together with the proposed public open space. This document suggests that the proposed changes to the building footprint and new siting and massing of the buildings sufficiently address the Appeal Inspector's comments on the previous proposal.

The applicant does not consider that the Council's 5YHLS should be relied upon in the determination of this application. This is on basis of a planning appeal decision (Appeal Ref: 3174961; Dated 22nd March 2018) related to Land at the junction of South Eden Park Road and Bucknall Way, a Local Plan Examination Statement prepared by Lichfield's submitted on the 1st December 2017 and the London SHMA (2013). It is stated that the Council have a deficit in terms of 5 Year Supply as the London SHMA (2013) identified housing need in Bromley to be 1,315 dwellings per annum and when taken with the most up to date evidence base of the draft New London Plan there is an increased housing need for Bromley of 1,424 per annum.

On the issue of MOL, this report concluded that the proposal would reduce built coverage on site. The proposal, including the massing of the buildings, is said to address the Inspector's comments on the impact of the previous proposal on the openness of MOL.

A total of 54 affordable housing units (35.8%) would be provided, of which 16 would be social rent units and 38 intermediate units (achieving a split of 30% rented and 70% intermediate).

The applicant suggests the following amount to very special circumstances which justify allowing the proposal in the MOL:

- The Council has no other readily available new land to meet the current and draft London Plan housing targets;
- The level of affordable housing proposed would be policy-compliant;
- Provision of a new public open space on the eastern part of the site and possible link to the Waterlink Way;
- Economic benefits of the proposal;
- The site is in a highly accessible location;
- S106 contributions to mitigate the impact of the development;
- Provision of an onsite car club vehicle;
- Contribution towards bus stop improvements;
- Planning obligations towards carbon offsetting, education and health;

- Mayoral CIL

At Addendum E the applicant has included a 'Statement of Truth' prepared by a current tenant on the site which confirms that the site has been used for a range of commercial activities since 1994. The applicant is seeking to establish that a large proportion of the site has been 'developed' for quite some time and therefore significant weight should be given to the status of part of the site as previously developed/brownfield land.

Design and Access Statement (prepared by Ian Ritchie Architects - Appendix 1)

This document describes the site, surrounding context, details of the proposal including unit breakdown and location and detailed internal layouts, comparison with the previous application and the applicant's assessment of the proposal in relation to relevant development plan policies. The applicant describes the proposal as an extension to the Dylon scheme which they refer to as Phase 1. The proposal is described as enhancing the urban character of the area on a brownfield site/ previously developed land and would not compromise the openness of the wider MOL as the footprint of the proposal would be less than that of the existing buildings. The proposal would provide high quality new buildings acting as a discreet backdrop to the new MOL landscape.

Officers accept that the Dylon site has some relevance in that it is an adjacent development and has a degree of similarity in terms of architectural language including scale and massing of the residential blocks. However, the Dylon site was not designated as MOL and therefore the circumstances and context of that development are significantly different to the current proposal. Officers are not disputing that Dylon is an urban site but for reasons that will be demonstrated throughout this report do not accept that the an acceptable "extension" of the Dylon development. Consequently it is not appropriate to refer to the current proposal as "Phase 2" of the Dylon development.

This document sets out the differences between the first application DC/15/00701/FULL1, the second application DC/15/04759/FULL1, the third application (DC/17/00170/FULL1) and the current proposal.

This statement confirms that the site comprises an area of 18,649sq.m, the footprint of the new buildings would be 2,981 whilst the GEA would be 20,089sq.m. The density equates to 81 u/ha or 214hr/ha.

Shadow diagrams have been provided that show the proposed landscaped space would be largely overshadowed during the evening all year round (although to a lesser extent than the previous proposal) but would receive a minimum of 2 hours sunlight all year round during the day thus meeting BRE guidelines.

Addendum Transport Assessment and Residential Travel Plan (prepared by Royal Haskoning DHV – Appendix 2 and Appendix 3)

This statement sets out an analysis of existing transport links, local highway operation, transport demand arising from the proposal, junction capacity assessment and relevant policy considerations.

The proposal includes provision for 115 car parking spaces and 310 cycle parking spaces. There is also a commitment to provide a car club with 2 spaces on site.

As a result of parking surveys undertaken, the assessment concludes that the surrounding area is subject to commuter parking during the day but there is sufficient parking capacity in the area at night. In any event the proposed provision of onsite car parking meets maximum London Plan and UDP standards. The junction capacity modelling for Worsley Bridge Road/Station Approach/Montana Gardens indicates that the proposal will not have a significant impact.

The applicant considers that the development would not result in a 'severe' transport impact and as such the scheme accords with national transport policy.

The travel plan has been prepared in line with TfL guidance and includes an action plan. An outline **construction logistics plan has been provided (Appendix 11)**.

Flood Risk Assessment (prepared by RPS – Appendix 4 (i))

This report has been submitted because the site is designated as Flood Zone 2 (medium probability) and Zone 3 (high probability). The report covers relevant planning policy, existing and proposed drainage, flood risk mitigation, surface water management and sequential test.

The applicant's FRA has been prepared in liaison with the Environment Agency whose advice has informed the slab levels of the buildings, the extent of landscaping and surface water drainage solutions. Detailed site-specific flood monitoring has been undertaken in addition to site-specific flood storage calculations. The FRA concludes that this site is suitable for residential development subject to conditions to control flood risk mitigation and drainage.

Foul Sewerage Drainage Assessment (prepared by GDM – Appendix 4 (ii))

This report sets out the approach to foul drainage. A modified single stack system would be used and would connect to the public foul water sewer in Worsley Bridge Road, via Phase 1.

Tree Survey Report (prepared by Ian Richie Architects – Appendix 5)

This report confirms that there are number of trees on the site including Poplar trees along the western edge adjacent to the railway line, and Willows, Oaks and Sycamores growing along the banks of the River Pool. The trees are estimated to be between 40-50 years old. The report categorises the majority of the trees as Grade C (poor condition) with some of the Willows and Sycamore being Grade B (fair condition). The report assumes that the trees have received no maintenance and the Poplars have suffered from a poor level of care affecting their health. The Poplars are incompatible with the environment and contribute to leaf problems on the adjacent railway. The Willows are a valuable ecological species and are effective for stabilizing the bank of the River Pool. The Sycamore and two of the Oak trees require some maintenance. A pair of Oak trees have been significantly damaged and should be removed.

The report includes details of measures to protect trees during construction and a proposed new tree schedule which includes a number of new trees in the landscaped section of the site.

Phase 1 Habitat Survey (prepared by Betts Ecology - Appendix 6)

This report indicates that the site is not located within any or within 2km from any statutory designated sites. This report concludes that the proposal is expected to have no or only minor adverse impacts on ecology and biodiversity. The buildings within the site boundary and trees on site are considered to have negligible or low potential for roosting bats and no further surveys are recommended. A method statement is proposed to be agreed with the LPA to ensure site clearance work is done outside the bird nesting season and River Pool can be protected during construction. Additional planting should make use of native species and new buildings should include bird and bat boxes. Any works to trees should be undertaken outside of the bird nesting season.

Geotechnical and Geo-environmental Ground Investigation Report (prepared by Geosphere Environmental Ltd – Appendix 7)

The purpose of this report is to assess the ground conditions of the site and the potential risk to human health and the environment. An intrusive investigation has been undertaken and a number of potential contaminant sources and pathways to receptors were identified. The investigation confirmed that some contaminants are present at elevated concentrations in excess of guideline values. Consequently mitigation measures are proposed in terms of further surveys, use of top soils, appropriate piling methods and drainage solutions.

Planning Noise and Vibration Report (prepared by Cole Jarman – Appendix 8)

Noise and vibration surveys were undertaken to assess the impact of adjacent uses. The site is exposed to noise and vibration from the adjacent railway, factories and commercial uses. The report indicates that the level of railway noise for balconies for the west-facing walls would be at or below 55dB. Wintergardens are considered to be a suitable solution for the west-facing units. Alternative means of ventilation are recommended for some residential properties to maintain suitable levels of amenity and remove any sole reliance upon openable windows for ventilation.

Air Quality Assessment (prepared by Air Quality Consultants – Appendix 9)

This site lies within an Air Quality Management Area. This report sets out the site description and baseline conditions for air quality, addressing construction and operational phase impacts and appropriate mitigation. The report concludes that during construction a package of mitigation measures to minimise dust emissions would be necessary but with mitigation measures in place the overall impacts will not be significant. During operation, traffic generated by the proposal will affect air quality at existing properties along the local road network. However, the assessment concludes that the emissions will result in imperceptible increases. Concentrations will remain well below the objectives and the impacts would be negligible.

The proposed development includes an energy centre with a CHP plant. It is not anticipated that this would give rise to any adverse air quality impacts.

Overall the assessment concludes that with mitigation measures in place the construction and operational air quality impacts of the development are judged to be insignificant.

Energy Statement and Sustainability Appraisal (prepared by Isambard Environmental – Appendix 10 –(i))

This statement has been prepared in line with the principles of the London Plan Energy Hierarchy.

In the first stage of the Energy Hierarchy (Be Lean) fabric efficiency measures will reduce regulated CO₂ emissions by 35.28tCO₂/yr (13.28%) over the Building Regulation compliant figures. As a part of the energy efficiency improvements all practical measures have been implemented to minimise risks of overheating and calculations have shown that the solar gain limits in summer have not been exceeded.

For the second stage of the Energy Hierarchy (Be Clean) and Policy 5.6 of the London Plan, 2016 it is proposed that the requirements to reduce CO₂ emissions will be met with the installation of a CHP system and communal heat network for the site. The proposed CHP system, a PowerBox PB70SNG using natural gas, will reduce regulated CO₂ emissions by 96.79tCO₂/yr (36.42%) over the Be Lean figures. For the third stage of the Energy Hierarchy (Be Green) it is proposed that 89.49kW of PV panels will be installed on the south facing roof which will reduce regulated CO₂ emissions by 57.29tCO₂/yr (21.56%) over the Be Clean figures.

Overall, regulated CO₂ emissions will be reduced by 189.36tCO₂/yr (71.26%) after implementing the three stages of the Energy Hierarchy.

The report suggested that a carbon offsetting payment of £137,466 would be required to meet 100% reduction in regulated carbon emissions.

The proposal has been assessed against the **Home Quality Mark Pre Assessment (Appendix 10 – ii)**. The report suggests that the residential development would achieve an average of 3.5 star rating.

Affordable Housing Statement (prepared by West and Partners- Appendix 12)

This statement indicates that 54 affordable units (36%) will be provided in the south block. This document outlines the breakdown of private and affordable units and confirms that the units will meet all necessary quality standards. The proposal would provide a UDP policy compliant level of affordable housing but with tenure mix to be negotiated.

Daylight and Sunlight Assessment (prepared by West and Partners – Appendix 13)

This technical report assesses the impact of the proposal upon the future occupiers of the development as well as adjoining occupiers. The report has been prepared having regard to BRE Report 209 'Site layout Planning for Daylight and Sunlight – a guide to good practice'. In terms of neighbouring developments it is only necessary to assess the impact on the approved Dylon scheme as other residential properties

are far enough away from the site not to be affected and the adjacent commercial properties fall outside of the scope of assessment. Commercial buildings are not afforded the same level of protection in this respect. The report concludes that the proposed development would not have a significant adverse impact on the adjacent Dylon scheme and that the new units would meet the recommended BRE levels for daylight and sunlight.

Desk-top Archaeological Assessment (prepared by Isambard Archaeology – Appendix 14- (i))

The report reviewed and identified the archaeology assets of the site and concluded that the impact on archaeological significance is low.

Archaeological Evaluation (prepared by Compass Archaeology – Appendix 14- (ii))

This report concluded that there is no archaeological or environmental evidence for prehistoric activity on this site and no further work is required.

Playing pitch assessment (prepared by West & Partners – Appendix 15)

A letter dated 13th May 2015 from the agent (West & Partners) states that there are 58 football pitches in the borough. It is said that the proposal would retain open space for play purposes, would not result in unacceptable loss and would comply with Sport England policies. A letter dated 7th May 2015 from the applicant (Relta Limited) states that the site was acquired in 2007 and that there have been no sports activities except car boot sales between 2003 and 2009.

Landscape Management Plan (prepared by Ian Ritchie Architects – Appendix 16)

This document sets out detailed proposals for the management and maintenance of the open space aspect of the proposal which would be sited to the east of the two residential blocks. The open landscaped area would comprise large areas of planting as well as a playground. It is intended to make the open space accessible to the public.

Outdoor Gym and Playground (prepared by Ian Ritchie Architects – Appendix 17)

This document sets out the detailed design proposal for the public open space proposed within the eastern section of the site. The document includes a number of artistic images of how the space could look.

Visual Assessment (prepared by Cityscape Visual – Appendix 18)

This report has been prepared to address the comments raised by the Appeal Inspector. The report contains details of the design revisions and the Accurate Verified Views taken from 9 viewpoints surrounding the site. The report suggests that the proposal will by virtue of its mass, scale, form and design have an acceptable visual impact on the MOL.

Design assessment (prepared by Paul Finch, OBE – Appendix 19)

This is an independent design statement explaining the design and quality of the proposal and observations.

Housing Need, Delivery and Supply Assessment Review (prepared by NLP)

This report states that the Council is unable to deliver a 5-year supply of housing land in Bromley. It is also said that the Council's housing requirement and MOL designation of the site are out-of-date. In line with NPPF paras 14 and 49, the shortfall in housing supply alone is enough, it is said, to trigger the operation of the "tilted balance" and there should be a presumption in favour of approving this application.

It is said that the objectively assessed housing need should be used to benchmark and calculate the required housing supply, not the housing requirement. Very limited weight should be given to the extant Development Plan (Bromley Draft Local Plan and UDP), it adds, as it is time expired and not up-to-date for the purpose of housing provision. As the development plan does not meet the full current OAN it is said not to comply with the NPPF.

The (then) draft NPPF introduces a new housing delivery test and a new definition of a deliverable site. It is said that the Council's draft Local Plan is seeking to achieve (rather than exceed) a minimum annual average housing target which is based upon out-of-date evidence as the draft Local Plan is based on the 2013 SHLAA, rather than the 2017 SHLAA. It is argued that the weight to be attached to the draft Local Plan should be limited and should be considered to be unsound.

This report states that 52 percent of housing completions in Bromley were allowed at appeal and the actual delivery would have been far less than the identified delivery.

The report states that the Council has failed to meet the current and emerging draft London Plan requirements for housing and affordable housing. Great weight should therefore be attached to this application as it would contribute to market and affordable housing delivery in Bromley.

Metropolitan Open Land (MOL) Assessment (prepared by NLP)

This assessment has been prepared to examine the effect of the proposal on MOL and to establish whether very special circumstances exist to justify development on the MOL. The report sets out the comments from the previous Appeal Inspector in respect of the MOL designation and covers relevant national and development plan policies. It acknowledges that residential development would, by definition, be inappropriate but enhancement of the retained open space and provision of open access together with remediation of the Pool river would be appropriate in MOL terms.

The report describes the townscape character of the site and its surroundings, with focus upon where the site can be viewed from within the surrounding area and wider borough. The report concludes that the site is a low-quality urban site which differs in character from the remainder of the MOL. The site is not publically accessible, is not well maintained and plays a limited role when viewed from public places.

The report considers the landscape and visual impact of the proposal. The proposed building would be sited in an area that is already occupied by buildings. The report states that there would be no material change to the overall 'developed area' across the site and would not cause actual harm to the MOL. Whilst part of the site is

designated as Green Chain it is not open to the public; the proposal would improve this by opening up the site for public use. The report suggests that the effect on openness of this part of the MOL would be limited due to the limited views of the site and lack of access to it.

The report suggests that due to its use, urban character and immediate context, the site is distinct and separate from the remainder of the MOL. It is noted that the wider MOL has a number of buildings on it, many of which were approved after designation of the MOL and it is therefore argued that there is precedent for residential and other buildings being approved on MOL and Green Chain land in this locality.

The report suggests that the site does not meet any of the London Plan MOL criteria for designation. It further suggests that the site does not serve a Green Belt or MOL purpose, whereas the proposed green space within the development would meet MOL objectives.

The report sets out potential benefits of the proposal being improved public access, enhanced outdoor recreation facilities, landscape, visual amenity and biodiversity enhancements and improving damaged land. As well as these benefits the report suggests that housing need and delivery and the socio-economic benefits arising from the proposal are material considerations of sufficient weight to outweigh the harm caused by the proposal and therefore very special circumstances exist.

Economic and Regeneration Benefits Assessment (prepared by NLP)

The report provides an assessment of the economic benefits which would arise from the proposal. The following benefits are stated:

- Construction benefits
 - £37.1 million construction value, 214 construction jobs and further 324 supply chain jobs.
- Operational and expenditure benefits
 - £831,000 first occupation expenditure
 - £875,000 resident expenditure
 - 6 supported jobs from increased expenditure in local area
- Local Authority revenue benefits
 - Mayor CIL, education, health and other S106 contribution £0.98 million
 - £1.2 million New Homes Bonus
 - £239,000 Council Tax receipts per year

Comments from Local Residents and Groups

The owner(s)/occupier(s) of the neighbouring properties (including the adjacent Dylon site) were consulted. A site notice was displayed and this application was also advertised in the local press.

7 letters of objection were received. The grounds of objection are summarised as follows:

Density, scale and height

- Scale and massing of the proposal would be excessive and would not outweigh the benefits it could bring to this area; and,
- Excessive density and height. The site is situated on the border of Beckenham and adjacent to a light industry area where there is a great degree of openness. The proposed developments, together with the adjacent phase 1 development and emerging development (Maybrey Works) are totally overbearing and would radically alter the local environment.

Transportation and highway

- Vehicular access is not acceptable;
- Inadequate parking spaces;
- Increased traffic pressure and impact upon the surrounding area;
- Cumulative impact including the Bellway development adjoining the site;
- Worsley Bridge Road is already struggling to cope with the influx of traffic, particularly at the junction with Southend Lane with serious backlogs during rush hour;
- Whilst parking spaces would be provided, there is no information indicating how the proposal can be accommodated on the surrounding roads;
- The existing road should be amended or re-designed to accommodate the increased traffic;
- Consideration should be given to the cyclist and their safety; and,
- There is insufficient parking on the road.

Residential amenities

- Loss of light;
- Overshadowing; and,
- Loss of privacy.

Inadequate infrastructure to support the scale of the proposal

- Train station and network capacity already saturated. The proposal would increase the pressure on public transport;
- Inadequate school places in the area and the proposal would further reduce capacity; and,
- Inadequate General Practice/NHS to support the proposal.

Flooding

- The proposal would increase the risk of flooding in the area. The communal garden area and underground car park in the Dylon scheme are flooded.
- Cumulative impact of development on local flooding.

Need for more housing/ development

- The latest 5YHLS indicates that the Council can meet its housing target plus 5% buffer. The provision of housing does not constitute very special circumstances for development of MOL land;
- No additional demand for more development in the area as Dylon Works is struggling to sell their flats; and,

- High rise developments are not conducive to a successful community nor are they a good place to bring young children up in.

Development in Bromley's green spaces

- Would set a worrying precedent within the area, harming Bromley's green spaces in favour of overly dense and imposing development.

Appearance

- The character of the area is currently comprised of low-rise industrial units, small-scale residential properties and open sports pitches. The introduction of a part 4 and part 8 storey building would cause cumulative harm to the openness of, and visual links within, the MOL;
- This proposal would have a wall-like appearance when viewed from the road. The proposed high-rise apartments would be akin to the imposing structures which blight the central London landscape;
- The proposal would be similar in character to the Dylon scheme, expanding the view of a huge housing complex into MOL land. The appearance of the proposal would be out of keeping with the rear and surrounding green open space area; and,
- The proposal would have an unacceptable and adverse visual impact on the MOL and surrounding area. There is an excessive cluster of tall towers in the area. Houses or two storey flats with a reduced number of units would have less impact and put less strain on local resources.

Inadequate family units and affordable family units

- Only 8% of the proposed units would be 3 bed units of which only 1 unit would be affordable;

Land use

- Inappropriate development in MOL; and,
- The land is clearly distinguishable from the built-up area. The openness of the MOL affords numerous views toward the application site and these should be maintained.

Quality of accommodation

- A high concentration of single-aspect units would face onto the railway line and industrial estate, exposing them to a high level of noise, resulting in very poor quality accommodation.

Comments from Consultees

GLA (summary):

The proposal does not comply with the London Plan and the following should be addressed before the application is referred back to the Mayor:

Principle of Development: The proposal represents an inappropriate development on Metropolitan Open Land (MOL) and very special circumstances have not been demonstrated at this time to outweigh the harm caused to the openness of the MOL.

Affordable Housing: 36.2% affordable housing by habitable rooms proposed with a split of 30% social rent and 70%. Subject to the applicant exploring a grant in line with draft London Plan Policy H6 and the Mayor's Housing and Viability SPD, the proposal would qualify for the Fast Track Route. An early review mechanism must be secured by Section 106 legal agreement and details of the proposed rent levels should be submitted

Urban Design: While the scale of development has been reduced and the layout amended, the height, mass, and density would still be harmful to the open character and quality of the MOL.

Climate Change: Further information/clarifications/commitments related to overheating and cooling demand and solar photovoltaics installation are required before the carbon dioxide savings can be verified. Any remaining regulated emission must be met through a contribution to the borough's offset fund.

Transport: The proposal is broadly acceptable from a strategic transport perspective. However, changes are required in respect of cycle access and parking and detailed conditions / obligations are required in relation to bus stop improvements, travel planning, delivery and servicing and construction logistics, EVCPs and residents' on-street parking permit restrictions.

TfL (summary): In principle TfL considers the proposal to be acceptable from a strategic transport perspective. However to ensure the application complies fully with current and emerging London Plan transport policies, the following matters should be considered and addressed:

- Provision of a contraflow cycle route from Worsley Bridge Road to the site;
- A small increase in long-stay cycle parking to meet draft London Plan standards;
- Electric Vehicle Car Parking Spaces secured by condition, at a ratio of 20:80 active to passive to meet draft London Plan standards;
- A £30,000 contribution by s106 towards delivering step-free access works at the nearest bus stop;
- Travel Plan incorporating car club provision and memberships to be secured by s106;
- A Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) be secured by condition; and,
- Mayoral CIL.

Environment Agency (summary): A formal objection was initially raised by the Environment Agency who required more detailed information on level-for-level floodplain compensation calculations, including a post-development topographic survey and section drawings confirming the difference in flood depths between the pre-development and post-development situation.

The applicant has provided an updated Flood Risk Assessment which includes spot height elevations confirming the water entry grille thresholds of the undercroft car park and level of ground floor.

The Environment Agency has been consulted on the updated details provided and advised that the proposal will meet the National Planning Policy Framework requirements provided that a scheme of compensatory floodplain storage works and measures detailed within the Flood Risk Assessment (March 2018 and June 2018) are secured by planning conditions. They requested that the scheme shall include a sequence of works covering the transition from the existing situation to the completed development, including the finished landscape surface, whilst preventing an increased risk of flooding during the work.

They also required, should any unexpected contamination not previously identified be found to be present at the site, that no further development be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. Detail of sustainable drainage schemes confirming there is no resultant unacceptable risk to controlled water shall also be submitted and approved by the Local Planning Authority. Piling or any other foundation designs using penetrative methods may give rise to unacceptable risk to groundwater and shall not be permitted other than with the express written consent of the Local Planning Authority.

Sport England: Object on the grounds of loss of a playing area. Should the Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the DCLG Planning Casework Unit.

Network Rail: No objection is raised provided that the proposal, both during construction and after completion of works on site, does not: encroach onto Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; damage the company's infrastructure or adversely affect any railway land or structure; place additional load on cuttings; over-sail or encroach upon the air-space of any Network Rail land; or obstruct or interfere with any existing or proposed works associated with Network Rail development.

No building should be within 2 metres from Network Rail's boundary. Any scaffolding must not over-sail the railway, and protective netting must be installed.

Should vibro-compaction/displacement piling plant be used during the development, a detailed method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail land.

Trespass proof fence with a minimum height of 1.8 metres and a vehicle incursion barrier or high kerbs should be installed to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing. Adequate maintenance

provision must be made for both parties and no part of such works shall encroach upon Network Rail land.

No surface water shall be discharged or run-off onto Network Rail's property. The surface water drainage including maintenance and external lighting details should be submitted and Network Rail's Asset Protection Engineer's shall be consulted. The site is adjacent to the railway line and future residents would be subject to noise/vibration. The current train timetable may be subject to change without notification. Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with them to enable approval of detailed works. More information can be obtained at <https://www.networkrail.co.uk/communities/lineside-neighbours/working-by-the-railway/>

Historic England- Archaeology (summary): No objection to the proposal and no further archaeology work is required.

London Borough of Lewisham: No response received

Secure by Design (Summary): In principle the proposal is acceptable as it will provide managed housing in an underdeveloped site that has been prone to higher than expected crime. A health and safety audit of the play area should be undertaken. There should be a secure boundary to the residents' area and secured parking. A management and security plan should be provided. The proposal is appropriate for Secure by Design Accreditation and the applicant should liaise with the Design out Crime Officer.

Environmental Health Pollution (summary):

Air quality: An Air Quality assessment prepared by Air Quality Consultants (Report ref J2131/2/F1, 17 January 2017 and March 2018) is submitted and no objection is raised on air quality ground. There is scope to provide additional mitigation measures such as adoption of a car free and car capped development, provision of cycle storage, travel plan, car club bays and green walls. It is recommended that these details be secured by a planning condition.

Contamination: An Geotechnical and Geoenvironmental Ground Investigation Report prepared by Geosphere Environmental Ltd (Report ref 821,GI-PHASE 2/SG,PD/04-08-14/V2) is submitted and no objection is raised. It is recommended that the details of relevant remediation works be secured by a planning condition.

Noise: A Noise and Vibration Report prepared by Cole Jarman Associates (Report ref 11/4200/R2) is submitted and no objection is raised. It is recommended that proposed glazing and ventilation, soundproofing and external lighting be secured by a planning condition.

Environmental Health Housing (summary): It is reasonable to assume a dwelling with two or more bedrooms would be occupied by a family with children. The majority of these proposed flats would have no view of the communal external recreational

space. The only communal living space in the proposed flats would be combined with the kitchen area which is not desirable.

Strategic Housing (summary): The revised affordable housing mix and tenure would comply with the policy requirement and is considered acceptable. Details of 10% wheelchair units and clarification of the developer setting up as a register provider should be provided.

Drainage Advisor: The submitted Flood Risk Assessment (prepared by RPS Ref: RCEF 60978-001R dated March 2018) including the additional documents indicate that Geocellular Crate Soakaway, green roofs and permeable paving would be used to restrict the discharge rate into the Pool River to a maximum of 5l/s for all events including the 1 in 100 plus climate change storm event. This is acceptable. The detail of the surface water drainage scheme and an assessment of the hydrological and hydrogeological context of the development should be secured prior to the commencement of the development.

Tree Officer: The aerial photography indicates that there are limited trees which would be immediately impacted by the proposed development. It may be unnecessary to remove the Poplar trees. In order to ensure the correct Root Protection Areas have been calculated and the appropriate protection is given to the retained trees, it is recommended that an arboricultural method statement, tree protection plan and soft and hard landscaping details be secured by planning conditions.

Rights of Way Officer: No response was received.

Highways: In summary, the proposal would have a reduced travel demand in comparison with the previously refused schemes. The site has a PTAL rating of 2 and a total of 115 parking spaces (0.76 spaces per unit) and 310 cycle storage spaces would be provided at surface level and basement. The level of parking and cycle storage would comply with the London Plan requirement. 2 car club spaces would be provided. A turning head is proposed at the end of the site's estate road allowing a large refuse vehicle to enter and leave the site in a forward gear. Adequate tracking plans are submitted.

The proposal would result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal control junction. The access arrangement lacks detail and is unsatisfactory in terms of legibility and permeability. However, this is not sufficient to warrant a refusal on highway grounds. The relationship between the development and station in terms of wayfinding, distance and quality requires more careful consideration.

The following details/provision should be secured by planning conditions:

- H01 (Access), H03 (Car Parking), H18 (Refuse), H22 (Cycle Parking), H23 (Lighting), H25 (Servicing facilities), H29 (Construction Management Plan) and H30 (Travel Plan)

The following details/provision should be secured via a S106 Legal Agreement:

- 2 car club spaces to be located at surface level and a car club operator to be appointed to operate a minimum of 1 car for at least 2 years.
- A financial contribution (£5,000) to be secured for a period of 7 years to make any changes (e.g. provision of waiting restrictions and possibility of introducing pay and display bays around the site) should parking become a problem after the development is complete.
- A financial contribution (£30,000) is requested by TfL to improve pedestrian accessibility to the local bus stops on Worsley Bridge Road, including changes to the waiting restrictions on the highway, improved signage, creation of step-free access to the bus stops and a new bus shelter to support southbound bus services.

Also, TfL has requested a cycling environmental review system (CERS) audit to identify any required improvements to the cycle links. In order to improve safety and convenience for cyclists and in line with London Plan Policy 6.9, the applicant should also investigate a contraflow cycle lane on the access road (south westbound) for those accessing the site from Worsley Bridge Road.

Policy Context

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

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

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

According to paragraph 48 of the (new) NPPF, decision-takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan with the NPPF.

The Greater London Authority is preparing a new London Plan. Statutory public consultation on the draft London Plan ended on 2 March 2018. The 2016 consolidated London Plan is still the adopted development plan.

The Council is preparing a new Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4 December 2017 and the Inspector's report is awaited. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley therefore comprises the Bromley UDP (July 2006) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework 2018 (NPPF)

The NPPF contains a wide range of guidance relevant to the application, specifically sections covering sustainable development, delivering a wide choice of quality homes, requiring good design, conserving and enhancing the natural environment, decision-taking and implementation.

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives:

An economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

A social role – to support strong, vibrant and healthy communities, by ensuring that sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,

An environmental role – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 makes it clear that a presumption in favour of sustainable development applies to both plan-making and decision-taking. For decision-taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay'; or,
- where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless;
 - o the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [*defined to include policies relating to "land designated as Green Belt"*]; or
 - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 127 states that planning decisions should 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;
- Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change;
- 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 and support local facilities and transport networks;
- 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.

Section 13 of the NPPF (paras 133-142) sets out the Government's planning policy for 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.

The Green Belt is intended to serve five purposes (para. 134):

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

Paragraph 136 states that once the Green Belt boundaries are established they should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.

Paragraph 143 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (para. 144).

The construction of new buildings in the Green Belt should be regarded as inappropriate unless the proposal falls within one of the following exceptions:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments;
- extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- limited affordable housing for local community needs under the policies set out in the development plan;
- limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - o not have a greater impact on the openness of the Green Belt than the existing development; or
 - o not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the rear of the local planning authority.

Paragraph 153 states that in determining planning applications, local planning authorities should expect new development to: 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption'.

Paragraph 155 states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.'

Paragraph 163 states that 'local planning authorities should ensure that flood risk is not increased elsewhere'. Paragraph 165 requires major development to incorporate sustainable drainage systems.

Relevant London Plan Policies include:

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 2.6 Outer London: vision and strategy
- Policy 2.7 Outer London: economy
- Policy 2.8 Outer London: transport
- Policy 2.18 Green Infrastructure: The Multi-Functional Network of Green and Open Spaces
- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy
 Policy 5.8 Innovative energy technologies
 Policy 5.9 Overheating and cooling
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.14 Water quality and wastewater Infrastructure
 Policy 5.15 Water use and supplies
 Policy 5.16 Waste self-sufficiency
 Policy 5.17 Waste capacity
 Policy 5.18 Construction, excavation and demolition waste
 Policy 5.21 Contaminated land
 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.13 Parking
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.7 Location and design of tall and large buildings
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.17 Metropolitan Open Land
 Policy 7.19 Biodiversity and access to nature
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

The relevant London Plan SPG's are:

- Land for Industry and Transport (September 2012)
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Housing (2016)
- Energy Strategy
- Affordable Housing and Viability (2016)

Relevant UDP policies include:

H1 Housing Supply
 H2 Affordable Housing
 H7 Housing Density and Design
 T1 Transport Demand
 T2 Assessment of Transport Effects
 T3 Parking
 T5 Access for People with Restricted Mobility

T6 Pedestrians
T7 Cyclists
T9 and T10 Public Transport
T15 Traffic Management
T18 Road Safety
BE1 Design of New Development
BE4 Public Realm
BE17 High Buildings
BE18 The Skyline
NE2 and NE3 Development and Nature Conservation Sites
NE7 Development and Trees
NE12 Landscape Quality and Character
G2 Metropolitan Open Land
G7 South East London Green Chain
L6 Playing Fields
ER7 Contaminated Land
IMP1 Planning Obligations

The following Planning Documents produced by the Council are relevant:

- 5 Year Housing Land Supply Paper
- Affordable Housing SPD
- Planning Obligations SPD
- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

Relevant Draft Local Plan Policies include:

1. Housing supply
2. Provision of affordable housing
4. Housing design
30. Parking
31. Relieving congestion
32. Road safety
33. Access for all
37. General design of development
47. Tall and large buildings
48. Skyline
49. The Green Belt
50. Metropolitan Open Land
73. Development and trees
77. Landscape quality and character
113. Waste management in new development
115. Reducing flood risk
116. Sustainable urban drainage systems
119. Noise pollution
120. Air quality
123. Sustainable design and construction
124. Carbon dioxide reduction, decentralised energy networks and renewable energy

Relevant draft London plan policies should also be considered.

Planning Application History

History for this site includes:

88/01449 – Full permission was granted
Single storey stable block and formation of car park.

89/01826: - Full permission was refused
Use of sports ground for car boot sales.

95/00294: Full permission was granted
Single storey detached building for use as a mini cab office.

14/02176: Full permission was refused
Temporary static caravan for security purposes (retrospective)

15/00701: Full permission (1st Submission) was refused. A subsequent appeal was withdrawn by the applicant.

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8/9/10/11/12 storey building comprising 296 residential units (148 x one bed; 135 x two bed and 13 x three bed units) together with the construction of an estate road, 222 car parking spaces, 488 cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The grounds of refusal were:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan,

The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.

3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain or provide adequate amenity in terms of noise when windows are open; fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).
4. This site lies within Flood Zone 2 and 3 and meets the requirements for Sequential Test in the NPPF. Despite the ability of the design to mitigate flood risk, the approach taken has significant adverse effects on the quality of the development. As such it has not been demonstrated that an appropriate solution to mitigate potential flood risk can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.12 of the London Plan.

15/04759: Full application (2nd submission) was submitted. An appeal was lodged on the basis of non-determination and was subsequently dismissed (Dated 2nd August 2016; PIN ref; App/G5180/W/16/3144248).

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8 part 9 storey building comprising 253 residential units (128 x one bed; 115 x two bed and 10 x three bed units) together with the construction of an estate road, car and cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The Council resolved to contest the appeal on the following grounds:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).

2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain; or provide adequate amenity in terms of noise when windows are open fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayor's Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).
4. This site lies within Flood Zone 2 and 3 and meets the requirements for Sequential Test in the NPPF. Despite the ability of the design to mitigate flood risk, the approach taken has significant adverse effects on the quality of the development. As such it has not been demonstrated that an appropriate solution to mitigate potential flood risk can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.12 of the London Plan.

The appeal was dismissed with the following conclusions (the full appeal decision is attached as Appendix 3). Relevant extracts of the Inspector's decision will be discussed in the analysis section below.

"I consider that the extent of harm that would be caused through inappropriate development, loss of openness and to the character and appearance of the surroundings are factors that cause the proposed development to conflict with the DP to a substantial degree.

I find that the scheme would not represent sustainable development as defined in paragraph 7 of the Framework because of its failure to meet the environmental criteria set out in that paragraph, through the harm to the character of the surroundings.

Even though the policies for the supply of housing may be out of date, I conclude that the identified harm significantly and demonstrably outweighs the benefits in favour of the proposal identified above, when assessed against

the policies of the Framework as a whole. Very special circumstances to justify the grant of planning permission do not, therefore, exist in this case.

Consequently, for the reasons given above I conclude that the appeal should be dismissed”

17/00170/FULL1: Full application (3rd submission) was refused. A subsequent appeal was withdrawn by the applicant, resulting in an order by the Inspectorate that the applicant pay the Council's costs in part.

Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey (+ basement) scheme. Refused for the following reasons:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and insufficient affordable housing provision is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2016) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form, amount of development, number of single aspect units, adverse impact on the Landscape and failure to improve or enhance the character of the area amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. On the basis of the information submitted, the applicant has failed to demonstrate that the proposal would deliver a policy-compliant provision of affordable housing contrary to Policy H2 of the Unitary Development Plan, Policy 3.11 of the London Plan (2016) and Bromley's Affordable Housing SPD (2008).

Relevant history for the adjacent Dylon site includes:

09/01664: Full permission was refused and subsequently allowed at appeal (Dated 15/15/2010; PIN ref: APP/G5180/A/09/2114194) for:

Mixed use redevelopment comprising basement car parking and 2 part five/ six/ seven/ eight storey blocks for use as Class B1 office accommodation (6884 sqm)/ Class A1 retail (449 sqm)/ Class A3 cafe/ restaurant (135sq.m)/ Class D1 creche (437sq.m) and 149 flats (32 one bedroom/ 78 two bedroom/ 39 three bedroom).

13/01973 and 13/03467: Applications for detailed permissions were submitted. An appeal was lodged on non-determination ground. The appeals were allowed (Dated 16th Feb 2015: PIN ref: APP/G5180/A/14/2219910).

Erection of five storey building comprising 74 residential units; A1 retail; A3 cafe/restaurant and a D1 creche in place of Block A03 forming part of the approved planning permission 09/01664 for the redevelopment of the Dylon site.

14/01752: Full planning was refused.

Erection of a five storey building comprising 55 residential units; B1 office; A1 retail; A3 cafe/restaurant; and a D1 creche in place of Block A03 of the approved permission ref. 09/01664/FULL1 for the redevelopment of the Dylon site.

15/04692: A material amendment application was approved.

Section 73 application for a minor material amendment to 09/01664/FULL1 (Mixed use development comprising basement car parking and 2 part 5/6/7/8 storey blocks for use as Class B1 office accommodation (6884sqm)/ Class A1 retail (449sqm)/ Class A3 café/restaurant (135qsqm)/ Class D1 crèche (437sqm) and 149 flats (32 one bed/ 78 2 bed/ 39 3 bed) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation, reduction of size of the basement, revised elevational details and external materials and samples.

15/04702: A material amendment application was approved.

Section 73 application for a minor material amendment to 13/01973/FULL1 (amendment to block A03 forming part of pp 09/01664);(to provide a total of 223 residential units, A1 retail unit, A3 café/restaurant unit, D1 crèche and associated works) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation and reduction of size of the basement.

Total approved development on the Dylon site is 223 residential units and 1,021 sqm of commercial floorspace (A1/A3/D1).

Also of relevance is an application for Maybrey Business Park

16/05897: Full planning was refused and subsequent planning appeal was allowed on 16 July 2018 (Appeal ref: APP/G5180/W/17/3181977) for:

Demolition of existing buildings and comprehensive redevelopment of the site to provide new buildings ranging from five to nine storeys in height comprising 159 residential units (Use Class C3), 1,129sq m commercial floorspace (Use Class B1a-

c), residents gym (Use Class D2) together with associated car and cycle parking, landscaping and infrastructure works.

ASSESSMENT

The main issues to be considered are:

- Main differences from previous proposal;
- Principle of Development;
- Meeting the MOL designation criteria;
- Housing Need and Supply;
- Density;
- Design
 - Appropriateness of tall buildings
 - Impact on landscape
 - Design quality
- Trees and Ecology;
- Housing Issues:
 - Housing mix and tenure
 - Standard of accommodation
 - Outlook and privacy
 - Wheelchair Standard
 - Play space
- Highways and Traffic Issues;
 - Parking spaces and car club
 - Bicycles;
 - Trip generation;
 - Access
- Impact on neighbouring properties;
- Sustainability and Energy;
- Flood Risk; and,
- Planning Obligations.

Main differences from the previous proposal

This is the fourth planning application proposing a residential development on this site within Metropolitan Open Land (MOL). This application has been submitted in order to try to overcome the reasons for refusing the previous scheme (3rd application ref: 17/00170/FULL1) and the reasons given by the inspector for dismissing the scheme considered at appeal (2nd application ref: 15/04759). In order to assist with the assessment of the current application, it would be useful to identify the main differences from the previous refused scheme.

Reduction in residential units

The total number of proposed residential units has been reduced from 229 units to 151 units (78 fewer units when compared with the last/3rd scheme under ref: 17/00170/FULL1).

Increased distance between two blocks

The design has been amended to provide an increased distance between the proposed residential blocks (North and South Block) in an attempt to reduce the overall mass of the built form. The new buildings would be positioned along the western boundary of the site adjacent to the railway with a 29 metre gap between the blocks with a podium level incorporating a soft landscape area.

The applicant believes that the introduction of a wider gap between the proposed residential blocks with a dropping roof height towards the south of the site would help to create visual openness.

Reduction in height

The current proposal has a height range of basement plus 3 – 8 storeys whereas the previous proposal (3rd scheme) was for basement plus 4 – 8 storeys. (The second scheme – ref: 15/04759 – was for basement plus 9 storeys and the first application DC/15/00701/FULL1 was proposed at basement plus 8 – 12 storeys). The reduction in scale attempts to address concerns regarding the scale and mass. The north wing of the northern block would reflect the height of the Dylon scheme on the shared boundary at basement plus 8 storeys, the lowest part of the development (basement plus 4 storeys) would be located on the southern boundary of the site adjacent to the remaining MOL.

The facades have been remodelled in an attempt to reduce the dominant appearance of the block, particularly on the eastern side facing the open space. Furthermore, top floor setbacks are proposed in an attempt to provide a varied roof scape and reduce the scale of the blocks. The materials palette has been refined to include more glazed areas as well as winter gardens on the western elevations.

Removal of surface level/ground floor parking spaces

A total of 29 surface level parking spaces along the proposed access road, adjacent to the railway line, are removed from the current proposal. This reduces the overall hardstanding area by approximately 334sq.m when compared with the last scheme.

Single aspect units

The applicant has stated that there are no single aspect units in the current proposal. Whilst there is no single aspect north-facing family unit, the number of single aspect units proposed remains high (60 units equates to 40%).

Winter gardens have been introduced for the west-facing units in an attempt to overcome previous concerns relating to noise and ventilation for the residential units on this side of the building.

Principle of the Development

The site is designated as Metropolitan Open Land (MOL) and forms part of the South London Green Chain. Consequently the principle of developing the site for residential purposes must be considered in this context.

The current extent of Metropolitan Open Land is strongly supported by London Plan Policy 7.17 which also seeks to protect it from development having an adverse impact on its openness. Policy 7.17 of the London Plan states that in planning decisions

regarding MOL “inappropriate development should be refused except in very special circumstances, giving the same level of protection as in the Green Belt”. Supporting paragraph 7.56 to the MOL policy makes it clear that the Green Belt policy guidance in the NPPF applies equally to MOL. It further states that “the Mayor is keen to see improvements in overall quality and accessibility”.

Policy 7.17 acknowledges the importance of the Green Chain to London in terms of open space network, recreation and biodiversity. The Green Chain should be designated as MOL due to its London-wide importance.

As stated above, section 13 of the NPPF sets out the Government’s policies for Green Belts.

This proposed residential development, which includes the introduction of substantial new buildings, does not fall within the exceptions set out in paragraph 145 of the NPPF. The proposed development would constitute inappropriate development in MOL. The harm which arises by reason of this appropriateness should be given substantial weight.

Meeting the MOL designation criteria

Policy G2 of the UDP is consistent with corresponding national and London Plan policy. It confirms that “inappropriate development” will not be permitted on MOL unless “very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or other harm”. The policy also identifies that “the construction of buildings”, which describes the proposed residential development, constitutes inappropriate development on MOL and thus causes harm to it.

Policy G7 of the UDP seeks to protect the Green Chain. The policy states that “Development proposals will be required to respect and not harm the character or function of the Green Chain and the Green Chain Walk, as defined on the Proposals Map”. Measures to protect this designated area are to include the use of suitable screening, landscaping or, in appropriate areas, the planting of native vegetation and enhancing of wildlife habitats. This approach is supported by the Council’s draft Local Plan Policies 49 and 50.

The Council will protect land within the Green Chain, as defined on the Proposals Map, and promote it as a recreational resource whilst conserving and, where appropriate, enhancing the landscape. The South East London Green Chain comprises a number of open spaces in a variety of ownerships and largely in recreational use which extend in a virtually continuous arc from the Thames, through the London Boroughs of Bexley, Greenwich, Lewisham and Bromley. The boroughs jointly administer the Green Chain in accordance with the objectives in the Green Policy Document, agreed by the South East London Green Chain Joint Committee in 1977. The well-established partnership between boroughs maintains the Green Chain as a valuable recreational amenity, landscape and nature conservation reserve for the wider south-east London area.

The applicant has retrospectively applied the policy tests of London Plan Policy 7.17 used when considering whether to designate land as MOL in the preparation of a

Local Plan and asserts that when considering a proposal for development on MOL, it is appropriate to undertake an assessment to establish whether the land meets these tests. The applicant has asserted, as part of that assessment, that the land is erroneously designated as MOL as it does not satisfy the MOL designation criteria set out in the policy because part of the site contains structures and hardstanding, there is no public access to it and it does not contain any landscape features of national or metropolitan value. While it forms part of a Green Chain the applicant considered that it fails to meet MOL policy requirements.

Officers disagree with the applicant's assessment. The site does meet the criteria in London Plan Policy 7.17 which states that, to designate land as MOL, it must meet at least one of the following criteria:

- a) it contributes to the physical structure of London by being clearly distinguishable from the built up area;
- b) it includes open air facilities, especially for leisure, recreation sport, arts and culture activities which serve either the whole or significant parts of London Borough Bromley;
- c) it contains features or landscapes of either national or metropolitan value;
- d) it forms part of a Green Chain or link in the network of green infrastructure and meets one of the above criteria.

The site is clearly distinguishable from the built up area to the north and west of the site, in particular when viewed from the neighbouring roads. The existing pavilions on site are low-level which reflect the wider landscape of MOL. The site also forms part of the Green Chain. As such, it is considered that the applicant has misapplied the policy above. This view is supported by the Appeal Inspector who dismissed the second proposal. Paragraph 37 of the inspector report (*Appeal ref: APP/G5180/W/16/3144248*) states "the site nonetheless makes a contribution to the larger open area through the fact of its designation and, as with land in Green Belt, the extent of visibility of the site does not necessarily reduce the impact of the contribution that it makes. It is 'openness' that is the critical fact, with visual impact being judged under difference criteria".

This view is also endorsed by the Greater London Authority in their Stage 1 report which states that "*the applicant has retrospectively applied the policy tests of London Plan Policy 7.17 used when considering the designate land as MOL in the preparation of a Local Plan and concludes the site does not meet any of MOL designation criteria or purpose. As expressed in the previous Mayor's representation on the earlier proposal, the application process is not the channel for challenging the designation of MOL. This needs to be done via the Local Development Framework process, so that MOL boundaries can be considered strategically by the Council and the Mayor. It should also be noted that the Bromley Draft Local Plan is currently undergoing an independent examination and there is no indication that the site designation as MOL will change. As such, officers disagree with the applicant's Assessment regarding MOL designation or that it demonstrates the existence of VSC*".

In addition, officers would also point out that there is no requirement in either the NPPF or the Local Plan to undertake a full review of Green Belt and MOL boundaries.

The applicant has sought to make a case for very special circumstances through the submission of their document titled 'MOL Assessment' (the details of which have been set out above). Very special circumstances are stated by the applicant to apply because:

- The applicant contends that Bromley does not have a 5-year housing land supply.
- Based on the updated site survey, the proposal represents a small gain in openness with less hardstanding when compared with the previous scheme.
- The site does not meet the London Plan criteria as defined in 7.17 for designating MOL and is of poor landscape character and visual amenity. The proposal would improve the condition of MOL by providing a publicly accessible open space including biodiversity improvement. The proposed open space would meet MOL criteria.
- The site is located close to Lower Sydenham Railway Station, industrial estate and nearby commercial retail park.
- The benefits of the proposed development are considered by the applicant to outweigh the loss to MOL because of the carefully considered, exemplary and quality design of the proposed development and the improvements to the existing MOL land by making it publicly accessible.

Having established that the proposed development for housing is clearly inappropriate development, it is necessary to consider, in addition, the harm that would arise both in terms of visual impact and openness.

It is important to note that the adjacent Dylon factory site and Maybrey Works site are designated as a business area in the UDP and were occupied by modest industrial buildings. The policies relevant when assessing proposals planning merits for residential development outside MOL are significantly different from those that apply to MOL.

Officers consider that this site is separate from the built-up development to the north and despite being physically separated from the remaining open space by the river and planting along the boundaries, the site does form part of the wider MOL to the south and east and is an important buffer between built form and open landscape. Given that there is on-going major development at the former industrial sites to the north (Dylon and Maybrey Works), the need to ensure that there is no further encroachment of development onto MOL is even greater.

At the present time the site is not open to public use, has been allowed to fall into a poor condition and is being used for a range of different uses which include ad-hoc storage, a builder's compound and parking. The Council's Planning Investigation Team is currently investigating the range of uses taking place on the site.

The applicant is of the view that openness on this site has already been compromised due to the low level development on the site. As a result, it is said that the site now has limited openness and the proposed buildings will not materially reduce it further.

Officers do not accept this. Over 58 percent of the site measuring 10,804sq.m (58%) is covered by vegetation and remains free from any built form at ground floor level.

The applicant contends that the proposal would be located on a previously developed land as the site is already largely covered by hardstanding. It is said that the proposal would result in an overall reduction of hardstanding on site. Officers do not accept that the extent of hardstanding currently on the site is the lawful baseline against which to assess the proposal. The aerial photos reveal that the green open space within the site has been extensively eroded in the past 10 years with increased ad-hoc and unauthorised uses/activities.

The latest and most obvious loss of green open space is the hardstanding area associated with the Dylon construction works and storage purposes. While the temporary use of a neighbouring site for construction works/storage purpose would not necessarily require planning permission, the paving/hardstanding areas have extensively and significantly increased in the past 12 years without any planning application records. As such, the suggestion that the proposed development would reduce the lawful built coverage of this “previously developed” site is not correct.

Irrespective of the above, the applicant has indicated that the proposal would result in a slight increase in green space across the site when compared with the last refused scheme. This is primarily due to the removal of surface level parking and inclusion of the soft landscaping area at the podium level. However, the building footprint would still be substantially increased from 833sqm to 2,981sq.m with an even greater increase in scale. The existing development/structure on site is low level with a limited effect outside of the site, whereas the proposed development would be of a far greater scale in terms of height, volume and footprint. The proposal would substantial increase built development within the site and clearly causes significant harm to openness. This is exacerbated by the visual impact of a building designed to accommodate 20,089sq.m GEA. The proposed development would cause substantial harm to the openness of the MOL.

The proposed North Block would measure 26 metres in height (8 storeys), 64 metres in length, and be between 21.5 metres and 33.5 metres in width. The proposed South Block would measure 16.4 metres in height (5 storeys), 48.8 metres in length, and be between 22 metres and 37 metres in width. Whilst the distance between the proposed blocks would be greater than it was in the previous scheme (3rd scheme), the proposed buildings would be linked at both the podium level and the basement level visible from the Worsley Bridge Road and Copers Cope Road. The combined length of the linked buildings would be 127.6 metres. The scale and massing of the proposed buildings remains substantial when compared with the existing lower level buildings within the site and the low level buildings along Copers Cope Road.

In an attempt to show that the proposal would not cause visual harm, the applicant has submitted a Visual Assessment with verified views. Whilst it is acknowledged that the massing of the buildings has been reduced, the images clearly show that the

proposal would still be a striking feature from a number of viewpoints. The proposed building would appear as an extension of a series of high walls with different heights. Whilst the proposed blocks would be lower in scale than the Dylon development, that particular site is not within MOL. The proposed blocks would obstruct views into and through the site as shown in the images taken from Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low-level development surrounding it.

In the applicant's Design and Access Statement they describe the proposal as enhancing the urban character of the area, optimising the potential of the site to provide much-needed residential accommodation. This site is not a development site and it is not appropriate to consider its development potential in the same way as the adjacent former industrial site. The site is protected MOL with its purpose being to prevent urban sprawl by keeping land permanently open. Sites such as this play an important role in the built up areas of London by providing a break in built form and maintaining areas of openness which provide relief between urban and suburban development. Seeking to optimise development on a site such as this is a direct contradiction of its purpose which is to protect openness.

As part of the application, the developer proposes to landscape and make the eastern part of the existing MOL space publicly accessible, retaining and enhancing the open space and landscape features on the eastern side adjacent to the Pool River, improving its recreational value and enhancing biodiversity. As expressed in Policy 7.17, the Mayor is keen to see improvements in the quality and accessibility of MOL and Green Chains, and the benefits set out above are therefore supported and welcomed. However, these could be achieved without the scale of inappropriate development proposed and would in most cases be a policy requirement of any development. It should be noted that the Inspector in the Appeal Decision also concludes that "*infrastructure contributions cited by the appellants as benefits are required to make the development acceptable in any event and do not add to the balance in favour of the scheme*".

These improvements therefore, though welcomed, cannot be accepted as very special circumstances and do not outweigh the harm to MOL.

As set out above, in accordance with paragraph 143 of the NPPF, the proposal is by definition inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances. The local planning authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm is clearly outweighed by other considerations. The circumstances relied upon by the applicant do not come close to having the quality of "very special" circumstances that would clearly outweigh the harm caused to the MOL by reason of inappropriateness and the visual harm caused.

Housing Need and Supply

The NPPF (para. 73) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The housing supply should include a 5% buffer to ensure choice and competition in the market for land.

UDP Policy H1 and draft Local Plan Policy 1 both require the Borough to make provision for additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. However, the presumption in favour of additional housing is intended to focus development within built-up areas and on brownfield land. The need for additional housing provision does not outweigh national and development plan policies that seek to protect Green Belt/MOL.

In London, the assessment of housing need, housing supply and its distribution to Borough level is a strategic London Plan function. The relevant needs assessment is carried out for the London Housing Market Area.

The current five year supply requirement is derived from the current London Plan (published in March 2016 under Policy 3.3 and Table 3.1) which sets a minimum 10 year housing target for the Borough of 6,413 dwellings (6,730 dwellings including 5% buffer) between the plan period of 2015 to 2025. This equates to a minimum annual target of 641 dwellings per annum (673 dwellings including 5% buffer). This target includes additional homes provided by development and redevelopment of residential and non-residential properties, vacant properties brought back into use, prior approval for change of use and non-self-contained accommodation (such as homes for older people, students and homes for multiple occupation).

The Council is required to identify and maintain a five year supply of deliverable land for housing. The Council published a 5 Year Housing Land Supply (5YHLS) document in November 2017 which identified a range of sites considered to be deliverable for housing within 5 years (April 2017 to April 2022).

Table 4 of the Council's 5YHLS indicates that the Council has a deliverable supply equivalent to 5.71 years (3,657 dwellings). As such, the Council does have an up-to-date five years' worth of housing supply and this 5YHLS (2017) paper has formed part of the Draft Local Plan examination in December 2017.

The identified sites in the current 5YHLS are considered to have a reasonable prospect of being delivered.

The Council and GLA monitor the annual net housing completions in the relevant administrative area. The latest GLA annual monitoring report (AMR) indicates that the Council has a net completion rate of 765 units between 2015/2016 which represent a 19% over-provision. Whilst the average net completion rate for the past 4 years (between 2012/2013 and 2015/2016) is approximately 96.5%, it should be noted that the vacant units coming back to use are not recorded in the AMR. The AMR report together with the planned 5 Year Housing Supply Paper does indicate

that the Council has achieved the minimum requirement in 2015/2016 and has capacity to meet the London Mayor's policy requirements.

With regard to the draft London Plan proposing an increase in the housing target from 641 to 1,440 dwellings per annum, this document remains at an early stage of preparation and it is anticipated that the first examination in public will be held in the autumn of 2018. Subject to any modifications, the new London Plan may be published in the following year. Only very limited weight can be given to this document at this stage. Furthermore, the Planning Practice Guidance states *"considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light"*.

The applicant believes that the proposal would improve the Council's housing delivery record and contribute towards its housing targets, especially in the context of the minimum housing target in the draft London Plan. However, the London Plan housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA) which is predicated on not encroaching onto MOL.

The above views are consistent with the current and draft London Plan and are supported by the GLA. The GLA Stage 1 report states that *"A key principle of the SHLAA and London Plan is that the target, including affordable housing, can be met without the need to consider designated open space...the draft London Plan and supporting SHLAA is based on the same principle and therefore does not consider the use of Green Belt as necessary to meet these targets. Housing need is therefore not considered to constitute Very Special Circumstances"*.

Furthermore, even if the Council's position with regards to housing land supply were vulnerable as suggested by the applicant's own assessment and were to be accepted as a VSC, the NPPF, London Plan and draft London Plan make clear that those circumstances must outweigh the harm that would be caused to the MOL from inappropriate development. In this case, for the reasons set out within this report in relation to the design, height and mass, the harm would be significant, and GLA officers are of the view that the harm would not be outweighed by the benefits of the scheme in relation to housing supply and improved landscape.

Linked to the need for housing, the applicant asserts that the provision of 35% affordable housing without public subsidy should be regarded as a 'very special circumstance' given the Council's position on the delivery of affordable housing. As indicated above, the housing target, which includes affordable housing, can be met without the need to consider designated open space; and as such the provision of affordable housing is not considered a 'very special circumstance'.

Officers are of the view that the housing supply targets of London Plan Policy 3.3 can be met without developing this designated MOL site. Consequently the ability of this site to deliver additional homes for the Borough cannot be accepted to override the harm to MOL for the purpose of UDP Policy G2 and draft Local Plan Policies H1, 49 and 50. In any event, the advice of the PPG is that unmet housing need is unlikely to outweigh harm to the Green Belt (MOL) and other harm to constitute very special circumstances.

The applicant has put forward a number of factors to justify inappropriate development on MOL. Whilst the proposed landscape works and provision of a public accessible space is welcome, it is not considered a very special circumstance by itself as these improvements can be delivered without the construction of two tall buildings. The socio-economic benefits and merits derived from this of the proposal could also be delivered without building on MOL land.

As very special circumstances cannot be demonstrated, the principle of the development on this area of MOL is unacceptable.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) suggests residential density ranges related to a site's setting and public transport accessibility (PTAL). The suggested density range for this site with a PTAL rating of 2 is between 150-250 hr/ha or 50-95 u/ha.

The proposed density would be 214 habitable rooms/ha or 81 units/ha and would therefore comply with the London Plan Policy. However, paragraph 3.28 of the London Plan states: *"a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanically"*.

Paragraph 1.3.8 of the Housing SPG (March 2016) provides further guidance on applying the density matrix which states that Table 3.2 should be used as a starting point and guide rather than as an absolute rule. This is in order to take proper account of their objectives and local context. Paragraph 1.3.9 of the Housing SPG also states that proper weight should be given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in Chapter 7 of the London Plan.

The applicant considers that the proposed development and density is justified on MOL land due to its proximity to a railway station and an urban scale development at the adjacent Dylon site which is nearly completed.

Officers disagree with this as the application site does not form part of designated business and industrial land. Unlike the Dylon site, the application site is in the MOL and the principle of redeveloping it for residential use is unacceptable. This fundamental distinction between the Dylon site and the application site cannot be set aside.

In any event, officers do not consider that the site could successfully accommodate the density of development proposed given its sustainability credentials. The nearest primary school and local shops are approximately a ten minute walk from the site. GPs surgeries are a 17 min walk away. The only facilities near the site are sports fields and gyms. Whilst the Dylon development includes some commercial units and the development has commenced, there is no guarantee that the commercial uses will be delivered.

The NPPF states that planning permission can be given to buildings that are not compatible with the existing townscape if they promote high levels of sustainability and concerns have been mitigated by good design. The location of this building and the harm caused to the surrounding landscape and MOL discussed elsewhere in this report clearly show that the site is not located within a suitable location.

Playing Fields/Sport England Comments

This site was historically used as a sports facility for the Dylon Factory. Given its historical use Sport England were consulted. Their response has been set out in full above. The applicant has submitted information which states that since 2007 there have been no sports activities carried out on the playing fields at Footzie Social Club. Car boot sales were held on the playing fields between 2003 and 2009 there are records for the licenses obtained for this activity.

The applicant has also submitted an assessment to demonstrate that there is an excess of playing fields in the catchment area.

In light of the fact that the site has not been used as a playing pitch or sporting facility for a considerable period of time (in excess of 10 years) officers are not seeking to raise an objection to the application in this respect. In the event that this application was to be considered acceptable in all other respects the application would be referred to the Secretary of State in accordance with the Consultation Direction 2009.

Design

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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires local planning authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet. The criteria are clearly aligned with the principles of the NPPF as set out above.

The Appeal Inspector said this about the design of the previous appeal proposal:

“I consider that the design of the building, taken in isolation, is indeed a meticulous and finely detailed concept that would reflect that of the Dylon 1 scheme. I find no problem with the integration of the flood protection measures into the layout, considering that they would be discreet and well integrated into the landscape proposals. Similarly, the ‘podium’ layout objected to by the Council would, I consider, be an appropriate method of providing private open space that is clearly separate, but not isolated from the park or access way, providing a link at an appropriate human scale between the public and private realm at ground floor level.

Nevertheless, I am not persuaded that the relationship with the Dylon 1 site is the most important in this situation. That site is not within MOL and whilst its character is a factor that must now be taken into consideration in the design of any development on the appeal site, the proposed new block would, I consider, be of an overly dominant height when seen against the relatively small scale development on, and open nature of, other surrounding land.

The appeal scheme would maintain a uniform roof level and would be one storey higher than the top floor level of the Dylon 1 buildings, the bulk of which are then reduced as they step down towards the north. However, the remainder of the surrounding development is a mixture that includes industrial and commercial uses, generally at no more than 2 storeys high, the sports grounds that comprise the remainder of the MOL and suburban residential streets where development does not generally exceed 4 storeys at most, with much of it being limited to 2 storeys.

In this context, a building of 10 storeys and of the length proposed would, I consider, create a hard dominant edge that would be better suited to a more central urban area where the surrounding densities are more comparable. The constant height of the block would convey the impression of it being considerably larger than Dylon 1, which, as has been noted, is outside the MOL.

While the argument has been made that if development is to take place, it should deliver the highest density possible, it seems to me that if development is to take place that would effectively remove some of the designated MOL, it should be more closely aligned with the generally open nature of the remainder of the land within this designation and the suburban and less densely built-up character of the majority of the land adjoining it.

However, I am also of the opinion that the proposed building would be excessively high when seen from, and in relation to, the park and would have the effect of enclosing it, so that the open land would appear dominated and overlooked by the block. The sense of space would be diminished and the appreciation of the remaining areas of MOL within the site, and beyond where available, would also be reduced. The building would appear as a solid wall of development, despite the angled façades, with little variation along its length to relieve its somewhat monumental character.

It would be visible from a considerable distance and be prominent on the skyline, from where it would clearly be seen as one block despite the articulation of the elevations. There is no objection per se to seeing an attractive building in a location where previously there was little development, but in an area where specific protection has been accorded to the openness of the surroundings, I consider that particular care should be taken to ensure that any change does not appear overly bulky or higher than absolutely necessary.

While the building might, in other locations, be considered a valuable addition to the townscape, for the reasons set out above I do not find its relationship with its surroundings would be of sufficient architectural quality to be a consideration in its favour. Indeed my concerns about the scale and massing of the block, together with the quality of accommodation for some of the future occupants are major factors weighing against the proposal”.

It is necessary to assess whether the current scheme sufficiently deals with these comments. The key elements of the design are assessed below.

a) Appropriateness of tall buildings

Policy BE17 of the UDP defines a tall building as one which significantly exceeds the general height of the buildings in the area. Proposals for tall buildings will be expected to provide:

- (i) a design of outstanding architectural quality that will enhance the skyline;
- (ii) a completed and well-designed setting, including hard and soft landscaping;
- (iii) mixed use at effective densities; and,
- (iv) good access to public transport nodes and routes.

The proposed scheme would be up to 8 storeys in height and would be a tall building in the context of its location, site designation and relationship with its surrounding area and MOL. There is no quantitative definition of tall buildings in the development plan. What might be considered a tall building could vary according to the nature of its local area.

It is noted that the Dylon factory redevelopment is largely completed and planning permission for the redevelopment of Maybrey Works site was allowed in July 2018. These developments are not considered to be the benchmark height for new development or represent the general building height of the area.

The site is surrounded by a mixture of industrial, commercial, residential and outdoor sports uses. As noted by the Appeal Inspector for the previous scheme, beyond the Dylon site the remaining surrounding development is a mixture that includes industrial and commercial development, generally at no more than 2 storeys high. The proposal would comprise of 9 floors (including basement) and would significantly exceed the general height of the buildings in the area.

Delivering a tall building in this location is completely contrary to planning policies within the UDP and London Plan. Policy 7.7 of the London Plan states that tall and large buildings should generally be limited to sites in the Central Activity Zone, opportunity areas and areas of intensification or town centres that have good access to public transport. The site is not located in any of these locations and although the site is located next to Lower Sydenham station, the PTAL rating is 2, which is considered poor. The PTAL rating ranges from 0 to 6b where 0 is worst and 6b is best. When identifying suitable locations for tall buildings the London Plan clearly states that tall buildings should be part of a plan-led approach to change or develop the area and not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan states that tall buildings should relate to the proportion, composition, scale and character of surrounding buildings, urban grain and public realm and areas where the character would not be adversely affected. This is repeated in UDP Policy BE1 and draft Local Plan Policies 37, 47, and 48 which require development to relate to the scale, form and layout of the area.

There is a mixture of built character surrounding the site. It varies from 2 storey suburban dwellings to industrial sheds. The Dylon development currently under construction and Maybrey Works development will introduce a new urban form between 5 and 8 storeys, but the general grain of development in the area is largely determined by the open character of the MOL of which the site forms part. . Despite being reduced in height from the previous proposal, the current scheme at 4 to 9 storey (including basement level) would be still be completely at odds with this context.

The visual images submitted show that the tall development would still be visible from a number of surrounding viewpoints. Whilst the proposed blocks would be lower than the Dylon development, they would still obstruct views into and through the site as shown in the images taken from the adjacent railway line, Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low level development surrounding it. In conclusion a tall building is considered to be entirely inappropriate for this location contrary to Policy 7.7 of the London Plan and Policies BE17 and BE1 of the UDP.

Paragraph 53 of the GLA Stage 1 report states that “the massing is still visually prominent when viewed from the main expanse of MOL to the south-east of the site and the scale of the development would alter the quality of openness of this part of the MOL. This further adds to the argument that the impact on the open character is too great. In this respect, there remains a strategic concern with regards to the design and density of the development”. Officers agree with this analysis and conclude that the introduction of a tall building would be inappropriate for this site, contrary to the above policies.

b) Impact on the Landscape

Policy BE18 states that “Development that adversely affects important local views, or views of landmarks or major skyline ridges, as identified in Appendix VII, will not be permitted”. This development sits within the view of local importance described in Appendix VII as the view “From Addington Hills of panorama across Crystal Palace,

Penge, Beckenham and Greenwich towards Shooters Hill, Isle of Dogs and Blackwall Reach”. This proposal also needs to be considered in its context of an important MOL landscape and relationship to the South East London Chain– a series of connected open spaces.

Policy G2 of the UDP states that within Metropolitan Open Land, *‘Permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm’*. Policy G7 of the Bromley UDP states that new development should respect the character of the South East London Chain.

When considering the previous proposals, officers were of the view that the mass and scale of the proposed buildings would severely impact the open character of the site and adversely affect the setting and character of the MOL and Green Chain.

The existing trees along the railway line are mature trees and are visible on Kangley Bridge Road, beyond the railway line. As part of this proposal, a number of existing mature trees would be removed. Despite planted screening proposed around the western and south-eastern borders of the site, the building would be highly visible and would block existing open views. Despite the design amendments, the current proposal still gives rise to the same concerns.

Paragraph 170 of the NPPF states that the planning system must protect and enhance the natural environment. This is repeated in policy NE12 of the UDP that states that the Council will seek to safeguard the quality and character of the local landscape. Despite the reduced scale and mass of the current proposal, officers still consider that the open nature of the surrounding landscape would be severely impacted by the development.

In conclusion the proposal is considered to be entirely inappropriate for this location due to the significant adverse impact on the landscape contrary to UDP Policies BE18, NE12, G2 and G7, draft Local Plan Policies 47, 48 and Paragraph 7 of the NPPF.

c) Design Quality

There is a strong emphasis in development plan policies and national and local planning guidance on delivering good design. Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental in planning. UDP Policy BE17 states that buildings that exceed the general height of buildings in the area should be of outstanding architectural quality. This approach is consistent with draft Local Plan Policies 4 and 37. The Residential Design SPG is very clear in stating that the appearance of the proposed development and its relationship with its surroundings are both material considerations in determining planning applications.

London Plan Policy 7.6 states that “Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape”. It goes on to state that buildings and structures should:

- Be of the highest architectural quality

- Be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- Comprise details and materials that complement, not necessarily replicate, the local architectural character
- Not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy,
- Incorporate best practice in resource management and climate change mitigation and adaptation
- Provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- Be adaptable to different activities and land uses, particularly at ground-level
- Meet the principles of inclusive design
- Optimise the potential of sites

Although officers previously raised concerns about the podium design proposed in previous applications, the Appeal Inspector did not object to this approach, nor did she object to the detailed design of the elevational treatment. This application has been considered with that in mind.

It is considered that the form of the building (separating it into two blocks), the approach to articulating the facades and the choice of materials palette could result in a high quality building of architectural merit (subject to detailed design being controlled through conditions). Furthermore the design amendments resulting in more entrance cores at street level together with the landscaped access point between the blocks does overcome previous concerns with the design in this respect. In isolation the proposed building could be considered well designed and might be appropriate for an urban site. However, the massing is still visually dominant when viewed from the main expanse of MOL to the south-east of the site. The scale of development would significantly alter the quality of openness of this part of the MOL and although officers acknowledge that this has been reduced, it would still cause a substantial amount of overshadowing, reducing the usability of the open space particularly during late afternoon/evening in the summer months.

Whilst the distance between the proposed blocks would be increased and the height of buildings would be reduced, the proposed buildings would obscure and interrupt the views of the MOL from the railway line. Due to the scale and massing of the proposed buildings, it is considered that the proposal would continue to diminish the openness and permanence of MOL. The proposed new buildings are not considered to be appropriate for this protected site and the harm that would arise would not be overcome by the quality of the architecture or materials pallet or the improvements made in respect of access.

In conclusion it is not considered that the proposal is of an appropriate design for this site, despite the reduction in height overall, modulated roof form and providing a greater distance between the proposed building blocks up to 9 storeys in height including the basement. The proposal does not sufficiently overcome previous reasons for refusal or adequately address the concerns raised by the Appeal Inspector in respect of the previous proposal.

Trees and Ecology

UDP Policy NE7 and draft Local Plan Policy 73 require proposals for new development to take particular account of existing trees on the site and on adjoining land. Policies NE2 and NE3 seek to protect sites and features which are of ecological interest and value. Planning authorities are required to assess the impact of a development proposal upon ecology, biodiversity and protected species. The presence of protected species is a material planning consideration. Natural England has issued Standing Advice to local planning authorities to assist with the determination of planning applications in this respect as they have scaled back their ability to comment on individual applications. Natural England also act as the Licensing Authority in the event that following the issue of planning permission a licence is required to undertake works which will affect protected species.

This application was accompanied by a habitat survey (the details of which were set out in earlier sections of this report). The report is considered to be acceptable in terms of identifying potential impacts on ecology and required mitigation.

The Council's Tree Officer has advised that there is no objection in principle to the proposed removal of trees as set out in the applicant's submission. A number of poplar trees could be retained on-site. In the event that this application were acceptable in all other respects it would be appropriate to secure an arboricultural impact and method assessment including a detailed landscaping strategy by way of condition. These details would need to include sufficient and robust replacement tree planting, native species to improve ecology and habitats and ecological enhancements such as bird and bat boxes.

It would also be appropriate to attach conditions requiring detailed bat surveys to be undertaken prior to any tree works being carried out and restrictions on work being undertaken to trees during breeding season.

Housing Issues

At regional level, the 2016 London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure, supported by effective and attractive design, adequate infrastructure and an enhanced environment. UDP Policy H7 outlines the Council's criteria for all new housing developments. The policy seeks the provision of a mix of housing types and sizes.

UDP Policy H2 Affordable Housing specifies that "In negotiating the amount of affordable housing on each site the Council will seek 35% provision, with 70% social-rented housing and 30% intermediate provision unless it can be demonstrated that a lower level should be sought or that the 70:30 split would not create mixed and balanced communities".

Draft Local Plan Policy 2 Provision of Affordable Housing specifies that "In negotiating the amount of affordable housing on each site, the Council will seek 35% affordable housing to be provide and achieving a split of 60% social-rented / affordable rented housing and 40% intermediate provision. 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".

The South-East London Strategic Housing Market Assessment (2014) identifies a high level of need across the sub-region as referenced in paragraph 2.1.28 of the Proposed Submission Draft Local Plan. This is supported by current borough evidence in relation to bedsize and band requirements from the Council’s Housing Division.

Policy 3.11 of the London Plan Affordable Housing Targets specifies that “In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing”.

a) Housing Mix and Tenure

The proposal would provide the following residential development

	1 Bed	2 Bed	3 Bed	Total
Private/Market	44	46	7	97
Social Rent	14	17	1	32
Intermediate	5	17	0	22
Total	63	80	8	151

The proposed housing mix equates to 42% one beds, 53% 2 beds and 5% three beds. This is a similar breakdown to the historic applications with a higher provision of 1 and 2 bed units. The Council’s development plan policies do not specify a detailed breakdown of unit sizes and on balance it is not considered that an objection on the grounds of low provision of family housing could not be sustained in this instance.

The proposal would provide 36.2 % affordable housing by habitable rooms (144 out of 398 habitable rooms) with a tenure split of 59% social rent and 41% intermediate unit. Whilst the proposal tenure would not quite match the required 60% rented and 40% intermediate split, no objection is raised given that the difference is marginal.

In the stage 1 response the GLA has advised that the applicant should explore grant funding to maximize the level of affordable housing provision and that the proposal should also subject to an early stage review mechanism.

Based on the updated affordable tenure split, the proposal would comply with Policy H2 of the Unitary Development Plan and Policy 3.11 of the London Plan (2016).

b) Standard of Residential Accommodation

The Council’s UDP Policy H7 and Residential Standards SPD sets out the requirements for new residential development. The London Mayor’s Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

Table 1 of the Nationally Described Space Standards sets out minimum space standards for new development. The standards require:

- 1bed 2person units 50 sqm,
- 2b 3person units 61sqm
- 2b 4 person units 70 sqm
- 3b 4 person units 74 sqm
- 3b 5 person units 86 sqm

All of the units meet the minimum unit sizes and make adequate provision for amenity space by virtue of private balconies and terraces as well as the communal landscaped space to the east of the building. The buildings meet appropriate standards in terms of the approach to entrances, units per core, lift access and internal layout.

The applicant has stated that the proposal would comply with Standard 29 of the London Mayor's Housing SPD which requires the number of single aspect units to be minimised. However, the number of single aspect units remains high with a total of 60 single aspect units of which 24 units would be facing the railway line. These units would have less opportunity for cross-ventilation, restricted views with no views across the proposed open space and face the noisier site surroundings. The inclusion of winter gardens on the west-facing units does overcome previous concerns relating to noise from the railway to some extent. However, the number of single aspect units still raises a significant concern. Officers consider the inability of the scheme to be able to deliver any dual aspect one bed units to be symptomatic of the fact that the proposed building is not appropriate for this site.

It is noted that the GLA has not raised an objection to the standard of accommodation. Nevertheless it is considered that the single aspect design is another indicator that the scale and layout of the proposed buildings would not be acceptable for this site.

c) Outlook and privacy

The proposed ground floor terraces associated with the 2 bed units in the North block would be sited at an angle and located immediately opposite the adjacent one bedroom single aspect east-facing unit. Whilst it is not uncommon to introduce privacy screens along terraces or install obscured glazed windows for balconies, these measures would significantly reduce the outlook, enjoyment of view and the availability of natural light for the one bed unit. It is considered that the siting of the proposed building and layout of the proposed units would fail to provide an acceptable level of outlook and privacy for the future occupiers.

The use of controlled aspect windows/doors is not uncommon on modern buildings to provide additional light and air sources as well as managing privacy. A bedroom is categorized as a habitable room and it is essential to ensure that adequate outlook can be provided for all habitable rooms.

The proposed floor plans (ground to 7th floor) indicate that each bedroom would be provided with a window and this would enable a degree of outlook from the relevant habitable room. However, the bedroom windows for the 2 bedroom units are sited at

an angle which limit the outlook and view, in particular the bedroom windows of the proposed 2 bedroom units in Core 1, Core 3 and Core 4. Furthermore, the width of bedroom windows is relatively narrow measuring 1 metre wide. This is in comparison with the overall width of the bedrooms which range between 4 metres to 7.2 metres wide. Due to the siting of the window and the size and shape of the bedroom, the outlook provided for these habitable rooms would be limited and poor. The proposed layout and design of the proposal including the zig-zag walls would fail to provide a good quality living environment for the future occupiers and result in a cramped development on MOL land.

d) Wheelchair Standard

London Plan Policies 3.8 and 7.2 .48 requires ninety percent of new housing to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing to meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This is supported by draft Local Plan Polices 4 and 33.

The proposals respond positively to London Plan Policy in this respect; all units will meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'. Policy 3.8 of the London Plan requires 10% of all new dwellings to be wheelchair accessible. Bromley's Affordable Housing SPD confirms that 10% of all housing including affordable housing should be wheelchair accessible in developments of 20 or more units.

A schedule in the Design and Access Statement confirms that 15 wheelchair units would be provided (6 x 1 bed and 9 x two bed) and comply with the policy and Building Regulation requirement M4 (3) 'wheelchair user dwellings'. Each core has the benefit of two lifts. It is not clear from the submission whether a minimum of 2 affordable wheelchair user dwellings would be provided but if the application were acceptable in all other respects this issue could be clarified with the applicant.

e) Playspace

Based on the Mayor's Play and Informal Recreation SPG and in accordance with London Plan Policy 3.6, a minimum of 108sq.m child play space should be provided on site.

An area of play space with indicative play equipment has been indicated on the landscaping plans. The size of the play area has not been specified. However, this could be addressed a part of a condition if this application were acceptable in all other respects.

Highways and Traffic Issues

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. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and

decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, and whether safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

This planning application is accompanied by a Transport Statement (TS) to assess the impacts of the development on the local highway and transport network, including during the construction period as well as the operation of the development. The submission also included a travel plan.

Parking spaces and Car Club spaces

The development will provide 115 car parking spaces (including 15 disabled spaces) at surface level and within a basement, providing a ratio of 0.76 spaces per unit. The proposed car parking ratio is therefore broadly consistent with the site's previous planning submissions. Electric car charge points would be installed and comply with the minimum requirement (20% active and a further 20% passive).

The NPPF makes reference to local authorities setting parking standards for residential and non-residential development, with reference to local levels of car ownership. Using the proposed schedule of accommodation including the number of habitable rooms per dwelling and applying this to the 2011 Census car ownership data for Copers Cope, the Council's Highway Officer has estimated car ownership to be 108 cars for the 151 dwellings (a ratio of 0.72 cars per unit).

2 on-site car club parking spaces are reserved for use by Car Club vehicles. The spaces would be at surface level and a car club operator will be appointed to operate and manage the spaces. If this development were considered to be acceptable in all other respects the car club provision would be secured by a legal agreement.

Cycle storage

The development would provide 310 cycle parking spaces and would comply with the minimum standards required by the London Plan. All secure residential cycle parking would be provided within the basement (260 spaces) in the form of a two-tiered parking system. Additional visitor cycle parking would be provided at surface level (50 spaces) in the form of Sheffield Stands. Transport for London has advised that the applicant should aspire to provide 10 further long stay cycle storage spaces to meet the draft London Plan requirement.

Trip generation

In terms of unit numbers the proposed development is smaller than the previous schemes (application numbers 15/00701/FULL1, 15/04759/FULL1 and 17/00170FULL1), and therefore the site's trip generation will be lower than for the site's previous planning submissions.

The Council's Highway Officer considered the travel demand for the proposed development, based on the trip generation rates that have been agreed with the Council in relation to the site's previous planning submissions. These rates are based on data contained in the TRAVL database.

The assessment has identified a car driver mode share of 35.5% over the course of a 12-hour day (07:00-19:00). This is broadly consistent with the car driver mode shares determined for the 08:00-09:00 and 17:00-18:00 periods.

The predominant mode share is 'walk / public transport', which achieves 51.6% of mode share from 08:00-09:00.

The Council's Highways Officer is of the opinion that the development will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal controlled junction. However it is not considered that this would be a sufficient reason to warrant refusal of this application on highways grounds.

Access

Vehicular access would be taken from the "Phase 1" estate road and this arrangement is consistent with the previous refused schemes. A turning head is proposed at the end of the Site's estate road, and this would allow a large refuse vehicle to turn and exit in a forward gear.

Vehicle tracking for the Site's turning head and basement car park are provided and is satisfactory. The proposed access to the Site's basement car park is broadly consistent with that proposed in the previous schemes (ref: numbers 15/00701/FULL1, 15/04759/FULL1 and 17/00170FULL1).

The access arrangement lacks detail and is unsatisfactory in terms of legibility and permeability. The relationship between the development and station in terms of wayfinding, distance and quality requires more careful consideration. However, these are matters that could be addressed by way of conditions if this application were to be considered acceptable in all other respects.

As part of the GLA consultation, TfL was consulted and advised that the trip generation assessment is acceptable and the development would be unlikely to have a significant impact on the highway and public transport networks. The applicant should seek to improve safety and convenience for cyclists and investigate the feasibility of a contraflow cycle lane on the access road for those accessing the site directly from Worsley Bridge Road as this would reduce the likelihood of cycling on the footway of the estate road. These details could be address by way of conditions should this proposal be considered acceptable.

TfL also recommended a range of conditions and s106 obligations (Bus Stop enhancement, Travel Plan, Construction Logistic Plan, Delivery and Servicing Plan, Car Club) that could have been secured if this proposal were deemed to be acceptable.

With regard to the impact on public transport infrastructure, rail transport in south east London is dominated by the National Rail service operated on the South-eastern franchise area covering termini at London Bridge, Cannon Street, Charing Cross and Victoria. Network Rail was consulted and no objection was raised to this proposed development. Given that the proposal would be limited to 151 units, it is not considered that it would have a significant impact on existing public transport capacity.

In summary it is not considered that the proposal would have severe adverse impacts in respect of highways issues and therefore no objection is raised in this respect (consistent with the historic submissions).

Impact on neighbouring amenity

UDP Policy BE1 and draft Local Plan Policy 4 seeks 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.

Whilst there are significant concerns with this proposal as set out in this report it is not considered that the development would give rise to unacceptable impacts in terms of neighbouring amenity.

The site is largely surrounded by a range of non-residential uses comprising commercial and industrial uses to the north and west and MOL to the east and south. The closest residential properties are the nearly completed residential blocks located to north of the site. Whilst the proposed development would be visible from the neighbouring windows, the North Block would be located 13 metres from the neighbouring residential properties and would be sited at an angle. Due to this distance and its relationship with the neighbouring properties, the proposed development would not have a significant impact on residential amenities in terms of loss of outlook and loss of privacy.

The residential properties located on Worsley Bridge Road are located over 95 metres from the site. Given the significant distance between this site and existing residential properties to the east and south, it is not considered that any harm to amenity would occur. There would be a degree of overlooking between the units on this scheme and the approved Dylon development. However, anyone choosing to move into the new schemes would be aware of the relationship and it is not considered that any mutual overlooking would give rise to an objection that could be sustained as a reason for refusal.

Whilst there may be some potential for overlooking onto adjacent uses to the west it is important to note that the adjacent buildings are not in residential use. Whilst some

level of overlooking may occur it is not considered that the level of harm that would arise is significant enough to warrant refusal of this application.

It is recognised that during construction of the development there could be a significant amount of noise and disturbance from construction-related activity including vehicular traffic. Construction-related noise and activity cannot be avoided when implementing a development of this nature and scale. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Logistics Plan (CLP), dust prevention measures and control of construction hours. If this application were considered to be acceptable in all other respects relevant conditions could be used to limit the adverse impacts of construction.

Concerns regarding traffic impact and parking issues that may arise in nearby streets that benefit from uncontrolled parking have been considered and discussed above.

Sustainability and Energy

The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayor's energy hierarchy adopting lean, clean, green principles.

An energy strategy was submitted. The applicant has followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and variable speed drive pumps.

The demand for cooling will be minimised and managed through thermal mass and high ceilings, reduced heat pipework losses, recessed balconies and cross ventilation (MVHR) systems.

Through the building fabric efficiency measures, the development is estimated to achieve a reduction of 35 tonnes per annum (13%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development.

The applicant is proposing to install a gas-fired combined heat and power (CHP) unit (70kWe/100kWth) as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating, leading to a further reduction in regulated CO₂ emissions of 97 tonnes per annum (36%). Whilst the use of CHP is welcome and is not uncommon for large scale

development (500 units or more), the applicant should investigate more appropriate methods of supplying the heat demand of this site and a full feasibility study for all available technologic should be submitted for review. The proposal should also be designed to allow future connection to a district heating network should one become available.

With regard to on-site renewable energy technologies, the applicant is proposing to install 630sq.m Photovoltaic (PV) panels on an available roof area of circa 1,925sq.m. The PV array proposed is circa 33% of the available roof area. A reduction in regulated CO₂ emissions of 57 tonnes per annum (22%) will be achieved through this third element of the energy hierarchy. However, it is considered that a larger PV array can be accommodated within the site. The applicant should demonstrate that the PV installation has been maximised.

Based on the energy assessment submitted, the table below shows the residual Carbon (CO₂) emissions after each stage of the energy hierarchy and the CO₂ emission reductions at each stage of the energy hierarchy for the domestic buildings.

Table: CO₂ emission reductions from application of the energy hierarchy

	Total residual regulated CO₂ emissions (tonnes per annum)	Regulated CO₂ emissions reductions	
		(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	266		
Energy Efficiency	230	35	13%
CHP	134	97	36%
Renewable energy	76	57	22%
Total		189	71%

An on-site reduction of 189 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic buildings, equivalent to an overall saving of 71%. The carbon dioxide savings exceed the on-site target set within Policy 5.2 of the London Plan. However the comments above should be addressed before the savings can be verified and the final offsetting amount can be agreed.

In summary, whilst the components of the applicant’s strategy are reasonable, it is considered that the use of CHP in relation to the size of the proposal being below 500 units would be unrealistic in terms of the amount of on-site carbon reduction that can be achieved. The size and number of solar PV should be increased to improve the renewable energy performance. The proposal is required to meet the London Plan zero carbon targets and any shortfall must be offset through a financial contribution and secured by a legal agreement.

Flood Risk

Paragraph 155 of the NPPF states that areas of highest flood risk should be avoided. London Plan Policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated Technical Guidance. Developments that are required to pass the exceptions test will need to address flood- resilient design and emergency planning.

This site is located in an identified Flood Risk Area, 14% of the site is in Flood Zone 1, 80% of the site is in Flood Zone 3 and 6% is in Zone 2. The topography of the site slopes downward in an easterly and southerly direction towards Pool River and adjacent to the watercourse.

Additional drawings including an updated flood risk assessment have been provided confirming the existing and proposed spot heights of the open space, undercroft car park and ground level. The existing ground level is varied across the site ranging between 23.86 AOD and 26.2 AOD. The proposals to mitigate flood risk on site remain unchanged when compared with the last scheme, which include:

1. Enable the surface level parking and access routes to the residential floors would be free from flooding.
2. The ground floor (access) level would be set at 27.0m AOD and the lower deck car park floor level at 24.0m AOD which means that the residential floor would be located 2.17 metres above the flood level modelled (1 in 100 year plus 35% climate change). This would provide a suitable dry egress from the site during a flood event.
3. The basement parking park slab level would be set at 24m AOD. This would enable flood water enter to the basement car park.

The Environment Agency and the Council's Drainage Officer have been consulted on the updated details provided and they have advised that the proposal would meet the NPPF requirements provided that the following are secured by planning conditions: a scheme of compensatory floodplain storage works; measures detailed within the Flood Risk Assessment (March 2018 and June 2018); the reporting of unexpected contamination; details of sustainable drainage schemes; piling and foundation design.

Other Considerations

Air quality, archaeology and land contamination have been addressed in technical reports which have been scrutinised by relevant consultees. No objections are raised in these respects and if approved, appropriate conditions could be attached to control these specific aspects of the proposal in detail.

Planning Obligations

The NPPF states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent

planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Regulation 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory footing. Since 5 April 2015, it has been necessary to link education, health and similar contributions to specific projects in the Borough to ensure that pooling regulations are complied with.

In this instance the application is considered to be unacceptable in principle and matters of detail. Consequently, s106 obligations have not been negotiated with the applicant. However, if this application were to be approved it would be necessary for the development to mitigate its impact in terms of:-

- Education (£343,573);
- Health (£192,072);
- Carbon offsetting payment (£137,466);
- Affordable Housing (54 units);
- Wheelchair housing (15 units);
- Access to and maintenance of the public open space;
- Provision of car club spaces membership; and,
- Highways contributions to address Bromley and TfL requirements.

Environmental Impact Assessment

The Council issued a Screening Opinion on 10 May 2018 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Summary

The proposed development of the site raises issues concerning the principle of developing the MOL for residential purpose and the acceptability of the development in terms of its nature and scale and its impact on the local environment and surrounding area. The benefits of the proposal have been carefully weighed against the harm identified.

As discussed above, the proposal would result, by definition, in inappropriate development on the MOL. Officers have considered the very special circumstances put forward by the applicant.

On balance, officers do not consider that the potential harm to the MOL by reason of inappropriateness and other harm due to overdevelopment, deficient design and inadequate affordable housing provision are clearly outweighed by the benefits of the development set out above. Therefore, very special circumstances do not exist and the principle of redeveloping this site for residential purposes is considered to be

wholly unacceptable and contrary to national and development plan policies which seek to protect MOL.

In addition, there are fundamental issues in terms of amount, scale and detailed design of the proposal that would seriously threaten the character, placemaking and functionality of the area as well as giving rise to a poor standard of amenity for future residents. Notwithstanding the MOL designation it is considered that the proposal in its detail results in adverse impacts that significantly and demonstrably outweigh the benefits of the development.

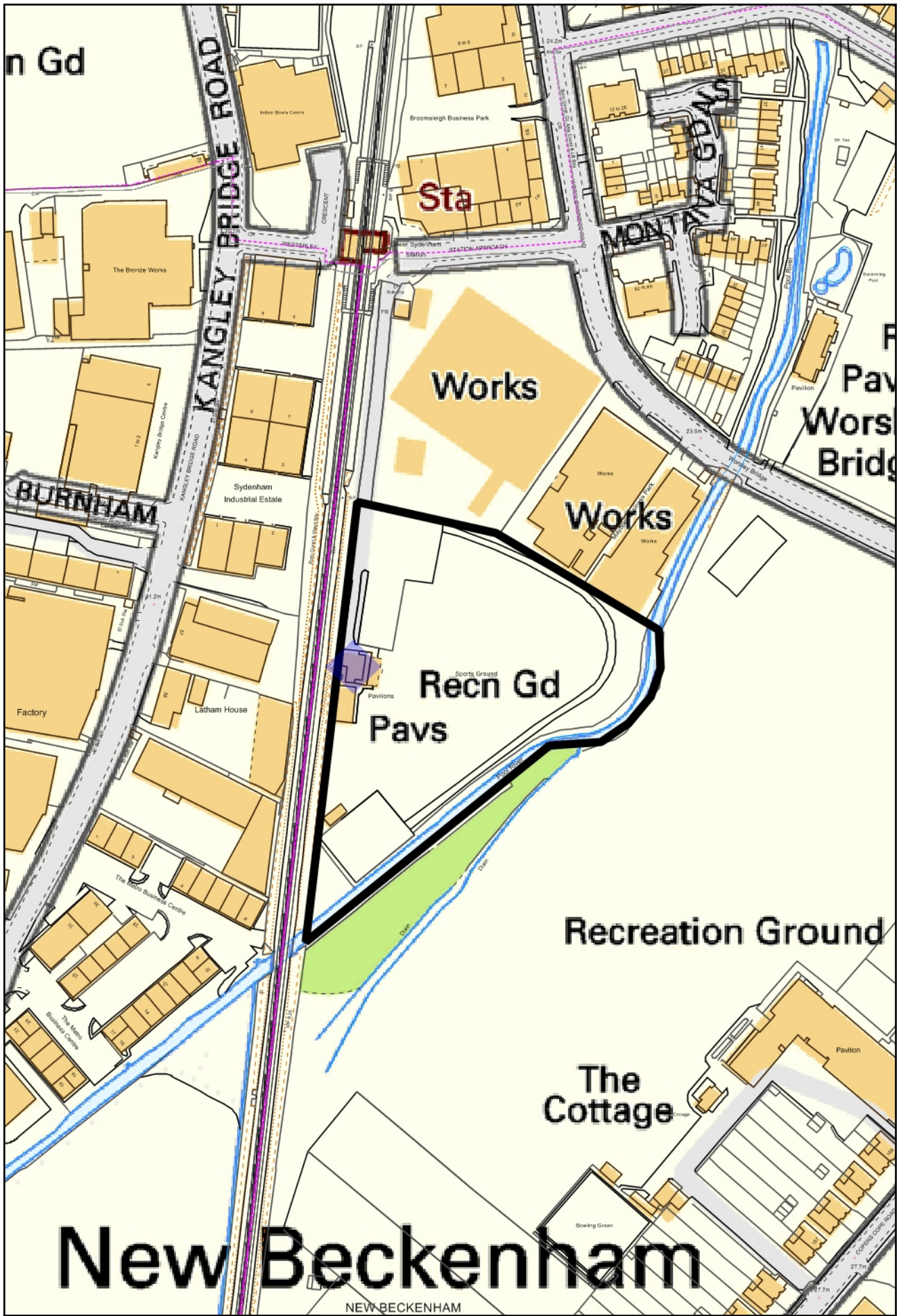
Consequently it is recommended that this application be refused for the reasons set out below.

Background papers referred to during the production of this report comprise all correspondence on file ref 18/01319/FULL11 and other files referenced in this report, excluding exempt information.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL WITH THE FOLLOWING GROUNDS subject to any necessary referral to the Mayor of London and Secretary of State

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. In particular, the substantial level of harm that would arise from the development by way of harm to the MOL and visual harm is considered to outweigh any housing land supply or other socio-economic benefits that would arise or the benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2018) and Policies 7.17 of the London Plan (2016), Policy G2 of the UDP (2006) and Policy 50 of the draft Local Plan (2017).
2. This site is considered to be an inappropriate location for tall buildings as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale and massing, number of single aspect units, inadequate outlook and privacy, adverse impact on the landscape and failure to improve or enhance the character of the area amounts to overdevelopment of the site and fails to provide a scheme of outstanding design and architectural merits, contrary to the aims and objectives of the NPPF (2018), Policies H7, BE1 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, draft Local Plan Policies 4, 37, 47, 48, 50, 77, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.

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New Beckenham


NEW BECKENHAM

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18/01319/FULL1 - Footie Social Club



Monday, July 16, 2018

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Report No.
DRR18/050

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 11 September 2018

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO MARCH 2018 - UPDATE

Contact Officer: John Stephenson, Development Control Manager (Appeals and Planning Investigation)
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

This report is as a result of Members' request for further details on the previous report regarding planning appeals received and decided for the year 2017/18.

2. **RECOMMENDATION(S)**

Members note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: none directly from this report
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
-

Personnel

1. Number of staff (current and additional): 50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: n/a
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): n/a
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

3.1 The table (1) below provides a summary of appeals activity in the period 1 April 2017 to 31 March 2018. During that time 380 appeals were lodged during the same period 329 appeal decisions were received of which 204 were dismissed, 123 were allowed and 2 were part allowed/part dismissed.

3.2 The breakdown by appeal procedure for 2017/2018 compared with 2016/2017 is summarised below:

Table (1)

Appeals Lodged Procedure	Bromley 2016-2017	Bromley 2017-2018
Fast track	144 (41%)	156 (41%)
Written Representations	193 (55%)	216 (57%)
Informal Hearing	9 (3%)	3 (1%)
Local Inquiry	3 (1%)	5 (1%)
TOTAL	351	380

This represents a slight increase for Bromley in the proportion of written representation cases.

3.3 The number of appeal cases that Bromley are dealing with has increased significantly and our success rate has improved when compared to last year.

Table (2)

Appeal decisions in Bromley Borough 2017/2018*					
	Fastrack	Written	Hearing	Inquiry	Total
No. of appeals allowed	64	48	1	8	121
No. of appeals dismissed	90	104	2	1	197
No. of appeals Part allowed/dismissed	1	0	0	1	2
Total appeals decided	155	152	3	10	320
% appeals allowed	41%	32%	33%	80%	38%
National comparison¹	38%	31%	44%	46%	33%

*Figures do not include Enforcement appeals

In 2017/2018, overall 38% of Planning Appeals were allowed, this is where planning permission is granted, a slight decrease when compared with 2016/2017 in which 40% were allowed.

3.4 A breakdown of appeal decisions is as follows:

Number of applications determined at delegated committee: 249

Number of applications determined at Plans Sub Committee: 71

Number of applications recommended for permission which were overturned at committee: 30

Of those that were overturned **8** were dismissed at appeal and **22** were allowed at appeal

Of those that were overturned **7** cost claims were submitted, **4** were refused and **3** were allowed.

¹ Source: Planning Inspectorate Statistical Report (figures provisional)

In total **21** cost claims were received against planning appeals, **12** were refused and **5** were allowed

Sundridge Park Manor x 4 = 2 recommended for refusal and 2 overturned claim for £250k = paid £150k

Lilly's Farm, Chelsfield Lane deleted decision recommended for refusal = awaiting claim

Yonder Farm = recommended for refusal, partial award = paid £3,295

Kemnal Stables = overturned at PSC, partial award = £20k claimed, pending negotiation

Land Jct South Eden Park Road x 2 = recommended for refusal, partial award = awaiting claim

- 3.5 The List of inquiries as requested is sent out weekly to all Councillors, I have attached a copy of the current list as Appendix 5.
- 3.6 Comparison figures with other London Boroughs as requested see the list attached as Appendix 6.

Non-Applicable Sections:	Impact on vulnerable adults and children, Policy, Financial Legal, Procurement and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A

Report No.
DRR 18/023

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **RENEWAL, RECREATION AND HOUSING POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: **Tuesday 26 June 2018**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **PLANNING APPEALS - COSTS 2017-2018**

Contact Officer: John Stephenson, Planning Appeals and Enforcement Manager Officer
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update on the award of costs from planning appeals made in the financial year 2017/2018. **12** applications claiming for costs were made in the period April 2017 to March 2018 of which **4** have been allowed and **8** refused. (**Appendix 1**)

The report also provides an update on cost claims that were paid in 2017/2018. The total of planning appeal cost claims paid in 2017/2018 is **£172,308 (Appendix 2)**

The Council have actively been applying for an award of costs against the appellant where the Council believe they have acted unreasonably. One such case has been applied for within this financial year and payment received.

2. **RECOMMENDATION(S)**

Members note the report

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: N/A as reporting on actual spend
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Central Contingency
 4. Total current budget for this head: £60k
 5. Source of funding: Central Contingency for 2017/18
-

Personnel

1. Number of staff (current and additional):50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: None directly from this report
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In planning and enforcement appeals the main parties are normally expected to meet their own expenses irrespective of the outcome. Costs may be awarded on the grounds of 'unreasonable behaviour' resulting in unnecessary wasted expense. Policy guidance concerning the costs procedure was provided in the Costs Circular (CLG Circular 03/09). On 6 March 2014 Circular 03/09 was superseded by National Planning Practice Policy Guidance (NPPG) concerning Appeals.
- 3.2 Section 4 of the NPPG Appeals guidance sets out the circumstances when an award of costs may be applied for. The award of costs supports an effective and timely planning system in which all parties are required to behave reasonably. In order to support this aim further, it is stated that Inspectors will now use their existing legal powers to make an award of costs where they have found unreasonable behaviour, including cases where no application has been made by either party, applying the same guidance when deciding an application for an award of costs, or making an award at their own initiative. Costs may be awarded at the initiative of the Inspector in relation to planning appeals received on or after 1 October 2013.
- 3.3 Costs awards may also be made against statutory consultees as there is a clear expectation that a statutory consultee will substantiate its advice at appeal.
- 3.4 In Local Planning Authorities with a high appeals workload such as Bromley, the number of claims against the Council can be significant. Bromley consistently has one of the highest number of planning appeals in the UK. The volume of appeals is reflected in the relatively high number of claims for costs.
- 3.5 The number of costs claims against the Council has reduced this financial year to just 12 compared to 2016/17 where 27 claims were received. However the amounts claimed can vary significantly depending on the type of case. It is not sufficient for the appellant to claim costs on the grounds that the Council has made an incorrect decision. It is necessary to demonstrate that the Council has acted unreasonably, for example if it is unable to produce convincing evidence in support of its reasons to refuse permission.
- 3.6 Factors which have persuaded Planning Inspectors to award costs against the Council in 2017/18 have included failing to produce evidence to substantiate its reasons for refusal, unsupported by objective analysis, and the withdrawal of a ground of refusal/introduction of a ground of refusal.
- 3.7 This report principally provides an update on the award of costs in planning appeals that were received by the Planning Inspectorate in financial year 2017/2018. **12** applications claiming for costs were made in the period April 2017 to March 2018 of which **4** have been allowed and **8** refused
- 3.8 The report also provides an update on cost claims that were paid in 2017/2018 arising from planning appeals made in previous years totalling **£19k**. The total of planning appeal cost claims paid in 2017/2018 is **£172k**.
- 3.9 Members are notified of all cost decisions together with all appeal decisions on a weekly basis. A list of all cost applications received and their decisions in 2017/2018 is attached. **(Appendix 1)**. A list of all cost claims paid in 2017/2018 is also attached. This includes payments arising from planning appeals in previous years **(Appendix 2)**.
- 3.10 In some cases the decisions made at committee may be contrary to officer's recommendations. Whilst the Council is not bound to accept the advice given by officers, on appeal it will be required to show that there are reasonable planning grounds for doing so, and that the relevant evidence is provided to justify its decision.
- 3.11 The Council have applied for an award of costs against the appellant where the Council believe they have acted unreasonably. One such case has been applied for within this financial year and award to the Council, payment has been received.

4. FINANCIAL IMPLICATIONS

- 4.1 A total of **£172k** has been paid during 2017/2018 in settlement of planning appeal cost claims received. This includes some of the previous outstanding claims from 2016/2017. These additional costs have been contained within the overall planning budget.
- 4.2 Three claims against appeal decisions made in 2017/2018 are awaiting submission and one is pending negotiation.
- 4.3 The 2017/18 Provision Outturn report included a total provision of **£147k** for outstanding claims (including previous years).

Non-Applicable Sections:	Policy, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A

**APPENDIX 1
PLANNING APPEALS COST CLAIMS RECEIVED 2017-2018**

KEY	13/14	14/15	15/16											
	16/17	17/18	18/19											
Case Ref	Appeal received	Appeal type	cost officer	Appeal site	Cost decision	Date of cost decision	Permission recommended	Cost claim status	Amount claiming	Cost Advocate Fees	Amount paid	DATE PAID	appeal description	Summary [reasons costs award allowed]
16/04259	Apr-17	Written	cml	2 The Avenue, Bickley	refused	27.9.17	yes	n/a	n/a	n/a	n/a	n/a	Proposed erection of a two storey two bedroom dwelling	n
16/05212	May-17	Written	db	Lillys Farm, Chelsfield Lane	allowed	18.10.17	no	await claim	£ 5,000.00	n/a			Variation of Condition 11 of planning permission 15/01024 (allowed at appeal) concerning accordance with approved plans to enable the construction of full basements beneath the approved dwellings	
17/00700	May-17	Written	als	15 Logs Hill, Chislehurst	refused	6.12.17	no	N/A	n/a	n/a		n/a	addition of lower ground floor window to front elevation with associated excavation works and retaining wall LAWFUL DEVELOPMENT CERTIFICATE	n/a
17/00282	Jun-17	Written	als	1 Walnuts Road, Orpington	refused	23.11.17	no	N/A	n/a	n/a	n/a	n/a	Two storey two bedroom end-of-terrace house on land adjacent to 1 Walnuts Road with associated car parking to rear, and first floor rear extension to 1 Walnuts Road.	n/a
16/02613	May-17	inquiry	S Sensecall	land at jct South Eden Park Road and Bucknall Way, Beckenham	partial award	22.3.18	no	awaiting	£ 20,000.00				Residential development comprising of 105 units with a mixture of 4 bedroom houses and one, two and three bedroom apartments together with concierges office and associated basement car parking (OUTLINE APPLICATION)	LBB withdrawal of ground of refusal, causing appellant wasted expense in having to provide evidence on a ground that should not have been there. Introduction of an additional refusal reason at inquiry - resulting in lengthening inquiry
17/00757	Jun-17	inquiry	S Sensecall	land at jct South Eden Park Road and Bucknall Way, Beckenham	partial award	22.3.18	no	as above	as above	n/a	n/a	n/a	Residential development comprising 15 four stor	as above
15/01025	May-17	Written	db	Lilly's Farm, Chelsfield Lane, Orpington	allowed	18.10.17	no	awaiting claim	£ 5,000.00				Variation of Condition 11 of planning permission 15/01024 (allowed at appeal) concerning accordance with approved plans to enable the construction of full basements beneath the approved dwellings	Council relied on vague and generalised assertion to support its position failed to substantiate how proposal would amount to inappropriate development
16/05859	May-17	Written	db	45 Southlands Grove, Bickley	refused	28.9.17	no	n/a	n/a	n/a	n/a	n/a	Subdivision of four bedroom dwelling into 1 x 2 bedroom dwelling and 1 x 3 bedroom dwelling, and elevational alterations.	na
17/00892	Jun-17	Written	cp	27-29 College Road, Bromley	refused	13.12.17	no	N/A	n/a	n/a	n	n/a	Erection of a four storey building to provide 1 x two bedroom self-contained flat and 6 x one bedroom self-contained flats; the provision of a vehicular access; and four parking spaces	
17/01485	Jul-17	Fast track		70 Sutherland Avenue, Biggin Hill	refused	11.12.17	no	N/A	n/a	n/a	n	n/a	Proposed creation of a lower ground floor self-contained annexe accommodation facilitated by the erection of a lower ground infill extension, two new entrance porches, the development of a full first floor facilitated by changes to the roof inclusive of raising of the ridge and eaves height, fenestration changes.	na
17/00812	Jul-17	Written	cml	24 Downs Hill, Beckenham	refused	23.11.17	yes	N/A	n/a	n/a	n	n/a	Demolition of host dwelling and erection of new detached house.	na
17/01264	Jul-17	Fast track	als	13 Riverside Close, Orpington	refused	16.11.17	yes	N/A	n/a	n/a	n/a	n/a	Detached timber outbuilding	na

**APPENDIX 1
PLANNING APPEALS COST CLAIMS RECEIVED 2017-2018**

Case Ref	Appeal received	Appeal type	cost officer	Appeal site	Cost decision	Date of cost decision	Permission recommended	Cost claim status	Amount claiming	Cost Advocate Fees	Amount paid	DATE PAID	appeal description	Summary [reasons costs award allowed]
17/03076	Nov-17	Inquiry	external	Kemnal Stables, Kemnal Road	allowed	12.3.18	yes	pending negotiation	£ 20,000.00				Demolition of existing residential building, stables with sand schools, flood lighting and office and the provision of 1 no. 4	Members overturn, Council did not provide any objective analysis or substantiated its concerns in respect of the size, location, design and siting having a harmful impact upon the openness and character of the GB.
17/01955	Oct-17	Written	db	61 The Avenue, Beckenham	allowed	14.5.18	yes	awaiting claim	£ 10,000.00				Demolition of existing dwelling and erection of 2 two storey buildings with basements and accommodation in roof space, each comprising 3 no. two bedroom flats (6 flats in total) including formation of lightwells, associated landscaping, cycle and car parking and formation of vehicular access.	Members overturn, Council failed to provide evidence why the appeal proposal would result in an overdevelopment of the site. An application

**APPENDIX 2
PLANNING APPEALS COST CLAIMS PAID 2017-2018**

KEY	13/14	14/15	15/16											
	16/17	17/18	18/19											
Case Ref	Appeal received	Appeal type	cost officer	Appeal site	Cost decision	Date of cost decision	Permission recommended	Cost claim status	Amount claiming	Cost Advocate Fees	Amount paid	DATE PAID	appeal description	Summary [reasons costs award allowed]
15/00593	Dec-15	inquiry	external	Yonder Farm, Downe	Partial allowed	20.10.17	enf	paid	£ 3,295.00	n/a	£ 3,295.43	29.11.17	unauthorised change of use to a mixed use as commercial livery yard workers accommodation.	failed to properly prepare case
15/05474	Jun-16	written	db	65/67 Cameron Road	allowed	16.12.16	no	paid	£ 2,250.00	n/a	£ 2,250.00	26.6.17	Construction of a single storey building for use as a day nursery (Use Class D1) and associated access, parking, refuse storage and landscaping.	The council failed to submit any substantive technical evidence with the appeal.
16/02174	Aug-16	fast track	cl	27 Croydon Road, Keston	allowed	21.11.16	yes	paid	£ 1,600.00	n/a	£ 1,600.00	25.5.17	Two storey rear extension, elevational alterations to include first floor front and side extensions and an alteration and enlargement to the roof to provide habitable accommodation within the roof space, and front porch	The Council failed to determine similar cases in a consistent manner
15/02398 15/02399 16/04478 16/04477	Sep-16	public inquiry	db	Sundridge Park Manor, Willoughby Lane, Bromley	allowed	29.6.17	2 no 2 yes	paid	£ 235,000.00	n/a	£ 150,000.00	25.2.18	Change of use of existing Grade 1 listed Mansion from hotel to 22 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure	The Council was unable to substantiate reasons for refusal. Conditions could have been imposed rather than refused.
16/01190	Jul-16	written	kad	25 Samos Road, Penge	allowed	25.11.16	yes	paid	£ 20,067.30	n/a	£ 5,567.75	25.5.17	Single storey side extension, part one/two storey rear extension, rear dormer extensions and conversion into 5 no. flats with associated parking	The Council failed to substantiate reason for refusal.
16/02275	Nov-16	Written	db	8 Stephen Close, Orpington	allowed	29.3.17	Non Determination	paid	£ 10,074.00	n/a	£ 9,594.80	20.3.18	Two storey rear, first floor side and single storey front extension and conversion of garage to habitable accommodation	Council presented vague, generalised and inaccurate assertions about the impact of the proposal. The Council responsible for procedural delays in planning application and appeal stages

172,307.98

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Report No.
DRR18/024

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

**RENEWAL, RECREATION AND HOUSING POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: **Thursday 21 June 2018**
Tuesday 26 June 2018

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO
MARCH 2018**

Contact Officer: John Stephenson, Planning Appeals and Enforcement Manager
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards)

1. Reason for report

The report provides an update on planning appeals received and decided for the year 2017/18.

2. **RECOMMENDATION**

Members note the report

Impact on Vulnerable Adults and Children

1. Summary of Impact: none directly from this report
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Not Applicable:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
-

Personnel

1. Number of staff (current and additional): 50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement :
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: none directly from this report
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): n/a
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The table (1) below provides a summary of appeals activity in the period 1 April 2017 to 31 March 2018. During that time 380 appeals were lodged during the same period 329 appeal decisions were received of which 204 were dismissed, 123 were allowed and 2 were part allowed/part dismissed

3.2 The breakdown by appeal procedure for 2017/2018 compared with 2016/2017 is summarised below:

Table (1)

Appeals Lodged Procedure	Bromley 2016-2017	Bromley 2017-2018
Fast track	144 (41%)	156 (41%)
Written Representations	193 (55%)	216 (57%)
Informal Hearing	9 (3%)	3 (1%)
Local Inquiry	3 (1%)	5 (1%)
TOTAL	351	380

This represents a slight increase for Bromley in the proportion of written representation cases.

3.3 The number of appeal cases that Bromley are dealing with has increased significantly and our success rate has improved when compared to last year.

Table (2)

Appeal decisions in Bromley Borough 2017/2018*					
	Fast track	Written	Hearing	Inquiry	Total
No. of appeals allowed	64	48	1	8	121
No. of appeals dismissed	90	104	2	1	197
No. of appeals Part allowed/dismissed	1	0	0	1	2
Total appeals decided	155	152	3	10	320
% appeals allowed	41%	32%	33%	80%	38%
National comparison¹	38%	31%	44%	46%	33%

*Figures do not include Enforcement appeals

In 2017/2018, overall 38% of Planning Appeals were allowed, this is where planning permission is granted, a slight decrease when compared with 2016/2017 in which 40% were allowed.

4. FINANCIAL CONSIDERATIONS

4.1 Details of the appeal costs are included in a separate report on this agenda.

Non-Applicable Sections:	Policy, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A Planning Inspectorate Statistical Report (figures provisional) and their insert table number

¹ Source: Planning Inspectorate Statistical Report (figures provisional)

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30 August 2018 - INQUIRY/HEARING DATES

DATE	SITE	DESCRIPTION	RULE 6/8 STATUS	PLANNING WITNESS	STATEMENT/ PROOF STATUS	COUNSEL	TYPE OF APPEAL	NOTIFICATI ON SENT
INQUIRY 22nd August 2018 2 day required (1st Date 14th August 2018)	Land South Of The Manor, New Barn Lane, Westerham (17/00018) CIVIC CENTRE – RM 2	Change of use of Agricultural Building to Class C3 Dwellinghouse (56 day application for prior approval in respect of transport and highways, noise contamination, flooding risks, location and siting under Class Q of Part 3 of Schedule 2 of the GPDO 2015) (16/05331/FLXAG).	Sent	DB	Sent	Ian Rees Phillips	S78	Sent
INQUIRY 6th November 2018 4 Days	St Hughes Playing Fields Bickley Road Bickley Bromley (DC/16/03315) COUNCIL CHAMBER	Proposed erection of a 6FE Secondary Boys School comprising a part 2 storey, part 3 storey school building of 8,443m2 including a sports hall (also for wider community use) together with hard and soft landscaping, creation of a new vehicular access on Chislehurst Road, 69 parking spaces, drop off/pick up area and associated works. Erection of a temporary 2 storey classroom block on site for 12 months to accommodate 5 classrooms, a laboratory, offices and toilets (amended submission of application DC/16/03315/FULL1).	26.10.18	DB	09.10.2018			
INQUIRY 20th November 2018 5 days	1 Westmoreland Road Bromley BR2 0TB (DC/17/00429) CIVIC CENTRE – RM 2	Demolition of existing office (Class B1(a)) building and erection of a part 4/part 10 storey building (inclusive of lower and upper ground floor levels) for education use.	21.08.18	External consultant	23.10.18	Craig Howell Williams QC		
INQUIRY 15th, 16th, 17th January 2019 3 Days x2 Appeals	Hayes Street Farm, Hayes Lane Bromley (CM 2 – Civic Centre)	Demolition of existing buildings with exception of Listed farmhouse and erection of 9 no. dwellings with associated works DC/17/05543/FULL1 Demolition of existing buildings with the exception of the listed farmhouse; erection of 9 no. dwellings with associated works. (APPLICATION FOR LISTED BUILDING CONSENT). DC/18/00137/LBC	20.09.18	TBC	18.12.2017			

Awaiting Dates

DATE	SITE	DESCRIPTION	RULE 6/8 STATUS	PLANNING WITNESS	STATEMENT/ PROOF STATUS	COUNSEL	TYPE OF APPEAL	NOTIFICATI ON SENT
HEARING TBC	Land near Warren Road on the East Side of Chelsfield Lane	Change of use of land to residential use for one Gypsy Traveller family, incorporating one static caravan and one touring caravan, together with parking for two vehicles and associated hardstanding, fencing and stable/dayroom. RETROSPECTIVE APPLICATION		DB		-		
INQUIRY TBC	Bronze Works, Kangley Bridge Road, Lower Sydenham London SE26 5AY	Use of building as 8 no. flats (Class C3) pursuant to grant of prior approval under reference 13/03598. (LAWFUL DEVELOPMENT CERTIFICATE - EXISTING)	TBC	KD	TBC			
INQUIRY TBC	Land to rear former Dylon International Premises, Station Approach, Lower Sydenham	Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey development with basement parking, comprising 151 residential units (63, one bedroom; 80, two bedroom and 8 three bedroom) together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.		External consultant				

<p>HEARING TBC</p>	<p>The Chinese Garage Ltd Wickham Road Beckenham BR3 6RH 17/03273/RECON</p>	<p>Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 16/02988/FULL1 for the change of use of the existing car showrooms and associated workshops (Sui Generis) and to two retail units (Class A1) and conversion of first floor to 2 two bedroom flats (Class C3) together with associated car parking, landscaping, external alterations and related internal works to Listed Building to allow removal of Condition 21 (Hours of Opening), 22 (Servicing Operations), and 23 (Use Class limitations).</p>	<p>Sent</p>	<p>DB</p>	<p>Sent</p>	<p>-</p>	<p>RECON</p>	
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Decisions by local planning authority - s78 planning appeals
England - April 2017 - March 2018

Local Planning Authority	S78 Planning Appeals			
	Number decided	Number allowed	Split decision	% allowed
Bexley	47	19	1	40%
Bromley	157	57	0	36%
Croydon	107	29	0	27%
Greenwich	62	18	3	29%
Lewisham	68	8	2	12%
Southwark	56	9	0	16%
London (Total)	2661	882	34	
England (Total)	10589	3291	81	

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Report No.
DRR18/048

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 11 September 2018**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **NATIONAL PLANNING POLICY FRAMEWORK 2018**

Contact Officer: Gill Slater, Planner (Planning Strategy Team)
Tel: 020 8313 4492 E-mail: Gill.Slater@bromley.gov.uk

Chief Officer:

Ward: (All Wards)

1. Reason for report

The Government published a revised National Planning Policy Framework (NPPF) on 24th July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied. It must be taken into account in preparing the development plan and is a material consideration in planning decisions. This report outlines key changes from the 2012 NPPF which are of particular relevance to Bromley. The implications of these changes will normally be incorporated by officers in committee agendas on Planning matters.

2. **RECOMMENDATION**

Members note the publication of the revised NPPF.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: New Policy: The National Planning Policy Framework 2018 sets out government's planning policies for England and how these are expected to be applied. It amends the previously published NPPF 2012 and is a material consideration in planning decisions.
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration Not Applicable:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.667m
 5. Source of funding: Existing Revenue Budget 2018/19
-

Personnel

1. Number of staff (current and additional): 65.86 ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: No implications
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

- 3.1 Following the housing White Paper *Fixing our broken housing market* (Feb 2017), and the consultation on *Planning for the right homes in the right places* (Sept 2017), the Government published a Draft Revised NPPF for consultation in March 2018. The intention was to amend the 2012 framework to incorporate new housing policy proposals on which the Government had previously consulted and to make updates and changes to other aspects of planning policy such as planning for town centres and transport. The Government made some amendments as a result of the representations and published the revised NPPF on 24th July 2018.
- 3.2 The Secretary of State announced that the revised Framework will enable the “*building of attractive and better-designed homes in areas where they are needed*” and make it “*easier for councils to challenge poor quality and unattractive development*”. He stated that the “new rule book” will provide stronger protection for the environment and will “*greater responsibility and accountability for housing delivery from councils and developers*”.

Role of the NPPF

- 3.3 Annex 1 to the NPPF sets out how the revised policy framework should be used in decision making and plan preparation. The policies in the NPPF are material considerations which should be taken into account in dealing with planning applications from the day of publication, however existing policies should not be considered out-of-date simply because they were adopted before the revised Framework was published. Rather, they should be given due weight according to their degree of consistency to the policies in the Framework. Reports on planning applications to Development Control and Plans Sub Committees set out the aspects of national, regional and local planning policy relevant to individual applications.
- 3.4 For the purpose of examining plans, the revised framework applies to those plans which will be submitted to the Secretary of State for examination after 24th January 2019, therefore, as Bromley’s Local Plan is already at examination stage, the Inspector is required to use the 2012 NPPF. Para 214 advises that where such plans do not proceed to become part of the development plan, the policies contained within the 2018 Framework will apply to subsequent plans produced.

Key Changes

Design

- 3.5 The revised NPPF states that the creation of high-quality buildings and places is “fundamental” to what the planning and development process should achieve. In Para 124 “*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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*” It promotes the use of “visual tools” such as design guides and codes to help provide clarity about expectations at an early stage in the development process. It emphasises that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to details of the permitted scheme.

Environmental Protection

- 3.6 To protect and enhance biodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, and promote the conservation,

restoration and enhancement of priority habitats. Ancient woodland and veteran trees have been added as a specific “irreplaceable habitat” and have been accorded more protection in Para 175(c) which states that development resulting in the loss or deterioration of such habitat should be refused “unless there are wholly exceptional reasons and a suitable compensation strategy exists”. “irreplaceable habitats” now features in Footnote 6 to Para 11 (the presumption In favour of sustainable development, formerly Para 14) which is the definitive list of NPPF policies which can form part of the reason for refusing development, where the presumption is applied.

- 3.7 Para 182 introduces a new policy known as the “agent of change” principle. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or “agent of change”) should be required to provide suitable mitigation before the development has been completed.

Housing

Housing Need

- 3.8 The NPPF requires that housing targets should be determined on the basis of the standard method as recently set out in Planning Practice Guidance, ‘unless exceptional circumstances justify an alternative approach’ (Para 60) For London Boroughs the exceptional circumstance is the strategic distribution of targets within the London Plan, whereby some boroughs are able to provide a greater proportion of London’s housing need.
- 3.9 The requirement for the identification of an annual 5 year housing land supply (5YHLS) of deliverable sites is maintained although a new buffer of 10% is now added where an authority wishes to demonstrate its 5YHLS through an annual position statement or recently adopted plan (para 73b) . Whilst Boroughs who fail to deliver their targets become vulnerable at appeals the revised NPPF now sets an additional Housing Delivery Test, requiring an ‘action plan’ to be prepared if delivery falls below 95% of the target over the previous 3 years (para 75). [Note the definition of “deliverable” housing sites is in the glossary, making clear that sites allocated in the development plan should only be considered deliverable “where there is clear evidence that housing completions will begin on site within five years”].
- 3.10 The Housing Delivery Test also states that from November 2018 there will be transitional arrangements whereby the presumption in favour of sustainable development will apply, initially where delivery of the local housing requirement over the previous three years is less than 25%. The transitional arrangements stiffen the test to 45% in 2019 and 75% in 2020. [Note in addition to the increasing % target, the local housing requirement, calculated over the previous three years will also increase in circumstances where annual targets increase e.g. through the adoption of a new London Plan]. Whilst the requirements of the Housing Delivery Test are likely to be less relevant to Bromley in the first year than the adoption of increased housing targets in a new London Plan, the impact of the test will be felt once fully introduced.

Affordable Housing

- 3.11 The definition of ‘Affordable Housing’ in the Glossary has been expanded to include Build to rent and ‘Starter Homes’. The NPPF exempts purpose-built build to rent housing and accommodation for students or the elderly from the framework's 10 % affordable housing requirement in major schemes.

Optimal Densities

- 3.12 The NPPF highlights the ‘efficient use of land’ (para 122) but importantly clause d) advises that policies and decisions should take into account ‘the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration

and change' (emphasis added). However, para 123 advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. The NPPF sets requirements for new Local Plans to include minimum densities for town centres and other locations that are well served by public transport. It advises that these standards should 'seek a significant uplift in the average density of residential development within these areas'.

Small Sites

- 3.13 The NPPF requires Local Plans to identify 10% of their housing requirements on sites no larger than 1 ha. This NPPF requirement is not problematic for Bromley and is low, relative to the 72% proposed requirements in the draft London Plan, to which Bromley has objected strongly. [Draft London Plan - 72% of the proposed overall target of 1,424 units per annum required to be met from sites below 0.25 hectares].

Large Sites

- 3.14 The NPPF encourages councils to identify opportunities to facilitate land assembly, using their compulsory purchase powers to boost delivery. The potential for voluntary Planning Policy Agreements (PPAs) "where this might achieve a faster and more effective application process" is also highlighted.
- 3.15 The NPPF considers that large numbers of new homes can often be best achieved through planning for sustainable larger scale development including new settlements or significant extensions to existing villages, provided they are well located and designed and supported by necessary infrastructure and facilities (para 72). Neighbouring boroughs, Sevenoaks and Tandridge, are currently proposing larger scale developments, within their draft Local Plans, including approximately 800 dwellings at Broke Hill Golf Course, 600 dwellings at Westerham and a development of up to 5,000 dwellings at South Godstone. [see DCC agenda]

Green Belt

- 3.16 Bromley is at an advanced stage of plan making and therefore Green Belt alterations provisions are not immediately applicable, however, it should be noted that the NPPF clarifies that exceptional circumstances for Green Belt alterations, which can only occur through the preparation or updating of plans, must be 'fully evidenced and justified'. Para 137 sets out criteria to demonstrate that all other reasonable options for meeting identified need have been examined, including the use of brownfield and underutilised land, the optimising of density as indicated in para 3.12 above and demonstration through statements of common ground with neighbouring authorities that they cannot accommodate the need.
- 3.17 For the purposes of planning applications, and therefore immediately applicable, it is important to note the addition of a new exception to the list of inappropriate development in the Green Belt, relating to the provision of affordable housing, as follows:

'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: ...

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.' (para 145g)

[Note expanded affordable housing definition set out in para 3.11 above]

Economy and Town Centres

- 3.18 The NPPF places greater emphasis on supporting business growth and improved productivity. Requiring policies and decisions to recognise and address locational requirements of sectors, as well as storage and distribution at a variety of scales and in suitably accessible locations. However, where authorities had been required to "assess the needs for land or floorspace for economic development", local planning policies merely have "regard to" local economic development and regeneration policies. Similarly the requirement for office developments outside of town centres to be subject to an impact assessment where the development is over a certain floorspace (2,500sqm for Bromley) has been removed (para 90).
- 3.19 The NPPF states that councils planning for town centres should "respond to rapid changes in the retail and leisure industries and should look at least 10 years ahead when allocating sites to meet the need for town centre uses. Town centre boundaries should be kept under review (so that identified needs for town centre uses can be accommodated). A clearer policy approach is given in relation to town centres in decline to avoid the unnecessary loss of facilities that are important for meeting the community's day-to-day needs.
- 3.20 The sequential approach to planning applications is amended to allow sites that are not available now but are in the pipeline to be taken into consideration (para 87). This avoids prejudicing town or edge of centre sites that are in the pipeline.
- 3.21 The rural economy section now requires policies and decisions to recognise the potential need to accommodate sites for local business and community needs outside existing settlements (provided that impacts on surrounding uses are minimised and that any opportunities to make a location more sustainable are investigated).

Making Effective Use of Land

- 3.22 The 2012 NPPF required policies to avoid the long-term protection of employment allocation sites with no reasonable prospect of being used and decision-makers to consider the merits of alternative uses, having regard to market signals and the relative need for different uses. The NPPF now relates this requirement on any allocated use, not just employment. The NPPF also now refers specifically to "unmet" rather than "relative" need, appearing to involve a more measurable test of whether identified need for uses has been demonstrated to be met through the Local Plan. Councils have also been encouraged to support proposals to convert non-allocated retail and employment land for homes in areas of high housing demand. Although there is a proviso that such proposals do not undermine key economic sectors or sites, or the vitality or viability of town centres, this will likely put further pressure on non-designated sites that are already vulnerable to recent changes to permitted development rights.

4. POLICY IMPLICATIONS

The National Planning Policy Framework 2018 sets out government's planning policies for England and how these are expected to be applied, in both decision taking and policy making.

5. FINANCIAL IMPLICATIONS

- 6.1 At this stage, there are no additional costs expected as a result of the changes made in the revised NPPF published in July 2018.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS, PROCUREMENT IMPLICATIONS, IMPACT ON VULNERABLE ADULTS AND CHILDREN, LEGAL IMPLICATIONS
Background Documents: (Access via Contact Officer)	<p>National Planning Policy Framework 2018 https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>National Planning Policy Framework 2012 http://webarchive.nationalarchives.gov.uk/20180608095821f_/https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Government response to the draft revised NPPF consultation https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework</p>

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Report No.
DRR18/047

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 11 September 2018**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **DRAFT LONDON PLAN UPDATE**

Contact Officer: Gill Slater, Planner
Tel: 020 8313 4492 E-mail: gill.slater@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

The Mayor of London published the New Draft London Plan for public consultation at the beginning of December 2017. Following Executive on 7th February 2018, the Chief Planner was authorised, in consultation with the Leader, to prepare and submit the Council's response by 2nd March 2018. Following this consultation period, on 13 August 2018 the Mayor published Minor Suggested changes to the draft London Plan. The independent Panel leading the Examination in Public (EiP) have outlined provisional dates for key stages in the EiP.

2. **RECOMMENDATIONS**

That Development Control Committee:

- 2.1 Welcome the specific Minor Suggested Changes at Petts Wood and West Wickham as referred to at paragraph 3.4 of this report**
- 2.2 Apart from 2.1, maintain the Council's objections to the draft London Plan of March 2018**
- 2.3 Note the provisional dates of key stages of the Examination in Public as set out in Table 3.5 of this report and agree that submissions will be made to the Examination in Public in support of the Council's objections of March 2018 to the draft London Plan.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
-

Corporate Policy

1. Policy Status: New Policy. The new London Plan when adopted will form part of the statutory Development Plan for the Borough, along with the Bromley Local Plan (assuming adoption prior to the London Plan)
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.667m
 5. Source of funding: Existing revenue budget 2018/19
-

Personnel

1. Number of staff (current and additional): 165.86ftes

2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: No Implications
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents in the Borough as well as those making planning applications for development in the Borough.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

- 3.1 The Mayor of London published his New Draft London Plan for public consultation at the beginning of December 2017. As with the current London Plan, this is a Spatial Development Strategy which has been produced in accordance with the Greater London Authority Act 1999 (as amended). When adopted, it will replace the current London Plan which was originally published in 2011 and amended through a number of formal alterations up until March 2016. It will be the overall strategic plan for London, setting out an integrated economic, environmental, transport, and social framework for the development of the Capital for the next 20 to 25 years (that is 2019 to 2041).
- 3.2 Bromley raised strong objections to a number of issues in its representation considered by Development Control Committee and Executive in February this year. Representations related primarily to the increased housing target (including large 'small site' allocation), affordable housing and parking standards.
- 3.3 The Mayor has now published 'Minor Suggested Changes' to the draft London Plan (13th August 2018). These changes have been produced following a review of consultation responses, and consist of clarifications, corrections and factual updates. With the GLA table of changes running to some 606 pages there is concern that there is no opportunity to comment on the numerous changes which collectively, and in some instances individually, could be considered significant. For example, they 'minor' changes also appear to introduce other significant policy changes, notably with regard to
- measures to achieve the strategic target of 50% affordable housing - the suggested change to the supporting text of Policy H5 'Delivering affordable housing' clarifies that public sector land will be expected to deliver at least 50% affordable housing **on each site**. At least 50% affordable housing will be expected across the portfolio of public sector landowners who have agreements with the Mayor.
 - Parking and car clubs –suggested changes to the supporting text of Policy T6.1 'Residential parking' indicate that parking spaces should be leased rather than sold with a view to efficient use and flexibility for re purposing subject to changes in transport technology or services. Also the provision of car clubs is indicated as counting towards the maximum parking.
- 3.4 Analysis of the 'minor suggested changes' is ongoing given the limited time available since their publication in August. The suggested changes do however include the reduction in the 'Residential Growth Potential' (amended Table A1.1 Town Centre Network) in Petts Wood and West Wickham from 'medium' to 'incremental'. This responds to Council's concerns set out in its representation dated 2nd March 2018.

The Examination In Public (EiP)

- 3.5 Secretary of State has appointed a Panel to conduct the EiP of the draft London Plan comprises Roisin Barrett, William Fieldhouse and David Smith. All three are Planning Inspectors and independent of the Mayor and Greater London Authority (GLA). The role of the Panel is to determine the matters that affect the consideration of the London Plan and the persons who may take part in the EiP, and to make a report in writing to the Mayor (as specified in the Town and Country Planning (London Spatial Development Strategy) Regulations 2000). The Table outlines the provisional dates for key stages in the EiP

Key Stages in the Examination in Public

Provisional Date	Key Stage
End of August 2018	Panel consult the Mayor on draft list on matters and participants
Mid September 2018	Publication of draft list of matters and participants
Mid October 2018	Deadline for comments on draft list of matters and participants
Early November 2018	Technical seminars (if necessary)
Early November 2018	Publication of final list of matters and participants (at least six weeks before EiP starts)
Early December 2018	First deadline for written statements in response to EiP matters
Mid January to May 2019	EiP Hearing sessions
Summary 2019	Panel report

- 3.6 Further changes may be suggested by the Mayor in due course in response to matters raised by an independent Panel leading the Examination in Public (EiP), or discussions at the EiP. All changes will be considered by the Panel.
- 3.7 Following the EiP Hearing sessions, the Panel will produce a report setting out its findings and recommending changes to the Plan which the Mayor can decide to accept or reject. The Panel will take account of written statements, discussions at the EiP, and any changes to the draft Plan suggested by the Mayor. However, the report will not respond to all representations made about the draft Plan. Subsequent to that, the Secretary of State can direct changes, the London Assembly can decide to reject the whole plan but otherwise the Mayor intends to publish the New London Plan in autumn 2019.
- 3.6 Until the new Draft London Plan is adopted, the current London Plan (2016) is the strategic plan with which the Draft Local Plan should be in conformity and which is to be taken into account when making planning decisions.

4. POLICY IMPLICATIONS

- 4.1 When adopted, the new Draft London Plan will replace the current London Plan (2016) and will form part of Bromley's Development Plan. It will therefore be used for decision making on planning applications alongside the Local Plan (when adopted) and the Bromley Town Centre Area Action Plan. The new London Plan will also influence any new planning policy documents produced by Bromley (such as a reviewed Area Action Plan or a revised Local Plan) as these are required to be "in general conformity" with it.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications at this stage.
- 5.2 There could be future costs associated with the preparation and submission of the Council's representation and attendance at any subsequent hearing sessions into the new London Plan. Any costs will have to be contained within the existing planning budget.

Non-Applicable Sections:	Impact on vulnerable adults and children Personnel Procurement
Background Documents: (Access via Contact Officer)	<p>The London Plan (2016) https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan</p> <p>The London Plan – Draft for Public Consultation (December 2017) https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan</p> <p>The London Plan - Minor Suggested Changes (August 2018) https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/download-draft-london-plan-0</p> <p>London Borough of Bromley London Plan Consultation Response (2018) https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/consultation-responses-draft-new-london-plan/london-plan-consultation-responses-london-boroughs</p>

Report No.
DRR18/045

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 11 September 2018

Decision Type: Non-Urgent Non-Executive Non-Key

Title: RESPONSES TO DRAFT LOCAL PLAN MAIN MODIFICATIONS CONSULTATION

Contact Officer: Katie Ryde, Planner
Tel: 020 8313 4520 E-mail: Katie.Ryde@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

The Council agreed proposed Main Modifications to the Draft Local Plan following public Hearings in December 2017 and a period of consultation took place between Friday 22nd June and Friday 10th August 2018. 16 responses were received from local interest groups, planning consultants and developers and statutory consultees. The responses will be sent to the Local Plan Inspector for her to consider in finalising her report on the Local Plan.

2. **RECOMMENDATION**

Members note the responses to the Draft Local Plan Main Modifications consultation and the anticipated next steps towards adoption of the Local Plan.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: New Policy: The Local Plan when adopted will form part of the statutory Development Plan for the Borough together with the Bromley Town Centre Area Action Plan and the London Plan. It will replace the saved policies of the Unitary Development Plan.
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.667m
 5. Source of funding: Existing Revenue Budget for 2018/19
-

Personnel

1. Number of staff (current and additional): 65.86ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
-

Procurement

1. Summary of Procurement Implications: No Implications
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough wide
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

The Local Plan Examination

- 3.1 The Council submitted the Draft Local Plan to the Secretary of State for examination on 11th August 2017. The appointed Inspector held public Hearing sessions in December 2017 and then the Council drew up a schedule of proposed Main Modifications that it considers could help make the plan “sound” (see **Appendix 1**). The Inspector will consider these Modifications, and the responses to them, in preparing her report on the Local Plan.

The Main Modifications consultation

- 3.2 The Council consulted on the Main Modifications from Friday 22nd June and Friday 10th August 2018, following similar procedures undertaken for previous consultations on the stages of the Local Plan development. Emails and letters were sent to previously interested parties registered on the Local Plan database. The consultation document was available to comment on and download from the planning consultation portal and available to view at local libraries. In accordance with guidance, views were requested specifically about the proposed Modifications, not the entire plan.

Summary of responses

- 3.3 A total of 16 responses were received (see **Appendix 2**), including 58 comments in total. Modification MM001 on Draft Policy 1 – Housing Supply received the most comments (8 in total). Several of the comments were neutral – noting the consultation or stating that their previous comments still stand – and some were in support. The full responses will be published on the Council’s Examination web pages.

Key issues and responses

Housing Supply

- 3.4 A number of respondents raised issues in relation to housing supply, which are summarised as follows:
- The proposed Modifications relating to housing, including MM001 and MM002 do not address concerns previously raised about the Council’s approach to housing supply.
 - Recent s78 Appeals decisions demonstrate that the Council does not have a 5 Year Housing Land Supply and that site allocations are not deliverable or developable as stated in the housing trajectory
 - Objectively Assessed Housing Need is likely to increase using the Government’s new methodology and the housing supply strategy in the Local Plan will not meet this need.
 - The overall housing target should be higher in order to increase affordable housing
 - A full review of Green Belt and other protected areas should be undertaken to better evaluate the Borough’s capacity for additional housing

Biggin Hill Airport

- 3.5 Biggin Hill Airport Ltd (BHAL) raises a number of issues relating to Modification MM006 and the Main Modifications process generally. These are summarised as follows:

- MM006 does not address soundness issues concerning East Camp or the Biggin Hill Strategic Outer London Development Centre (SOLDC) as a whole. At the hearings, BHAL contended that the policy is supportive of growth but at odds with the retention of East Camp in the Green Belt. The Inspector acknowledged this contradiction but gave no indication that this should be resolved in the manner proposed by the Modifications.
- Further restricting development potential, as proposed by the Modification, contradicts the Council's assertion that the Local Plan makes adequate allowance for anticipated growth in the SOLDC.
- Restricting support for aviation development to existing buildings, not land, is also at odds with permitted development rights for airport development.
- BHAL question the process followed for the Main Modifications consultation. Modifications were proposed unilaterally and without adequate steer from the Inspector (in the form of any formal publication), reliant on an email response (examination document ID-5) which only includes points of clarity.
- Other comments made by the Inspector at the hearing have not been addressed. It was put to the Council that the restrictive nature of the proposed Green Belt release would mean directing significant resources to applications for "very special circumstances" for new Green Belt development.

Other issues raised by BHAL in its response include:

- failure to modify the SOLDC boundary to include land north of East Camp (known as the "former tip site"), despite accepting that the CAA licence boundary for the airport includes this land;
- lack of response to discussions around land between South Camp and East Camp (identified as Area 4 on p196 of the Draft Local Plan), despite the evidence base describing the land as making no contribution to Green Belt purposes; and
- apparent limitations to development possible under permitted development rights reinforcing the need to deliver greater certainty through further Green Belt release (compounded by recent industry feedback suggesting uncertainty around capacity for operations to expand is a significant hurdle to new investment)

Responses from local interest groups

- 3.6 The Beckenham Society has raised concerns regarding the inability to comment other than on the modifications and the lack of a number of specific modifications they suggest. They are also concerned that the Council has not sought a specific Article 4 Direction to limit changes of use from offices to residential in the Beckenham High Street area.
- 3.7 The Bromley Civic Society makes representations with regard to the modifications on three sites
- Site 1 Bromley Civic Centre, related to protection of the Listed Building and public access
 - Site 3 Hill Car Park and Adjacent Lands relating to the cinema building,
 - Site 10 West of Bromley High St and land at Bromley South in relation to timing of the Masterplan and weight to be attached.
- Bromley Civic Society suggested different wording following the hearings (31st Dec 2017). The current representation offers further alternatives.
- 3.8 Friends of Bromley Town Parks and Gardens continued omission of Local Green Space designation which they propose for Valley Primary School Playing Fields and the Grounds of St Peter's and St Paul's Parish Church. During and subsequent to the Local Plan hearings December 2018 the friends group provided supplementary information which, when reviewed did not alter the Council's position. Friends of Bromley Town Parks and Gardens object to the outcome of the Councils review and absence of modification.

Orpington Field Club – Orpington Field Club supports many of the minor modifications. A few concerns have been highlighted and minor wording tweaks have been suggested to overcome these.

Responses from statutory consultees

- 3.9 The Environment Agency has responded with support. Transport for London welcome changes to draft Policies 28 and 31 however note that the remainder of their previous comments have not been addressed. Their previous objections therefore still stand. Natural England has advised that they do not wish to comment on the modifications.

Next steps

- 3.10 The Local Plan Inspector will consider the responses to the Main Modifications consultation. She should then produce a “fact check report” on the Local Plan for the Council to consider. The Planning Inspectorate advises that the local planning authority may not question the Inspector’s conclusions although it may seek clarification on any conclusions that are considered to be unclear. Once this has been completed and the Inspector has responded to any points raised, the final report will be submitted to the local planning authority who are required to publish it as soon as practicable. Should the Inspector find the Local Plan sound, as anticipated, it is likely that this will be subject to making changes advised in her final report.
- 3.11 The Council can confirm adoption of the plan by a full meeting of the local planning authority and then withdraw the Unitary Development Plan. Government guidance states that while the local planning authority is not legally required to adopt its Local Plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.

4. POLICY IMPLICATIONS

- 4.1 The Main Modifications, if recommended by the Inspector, will become part of the Local Plan on adoption. The Local Plan will replace the Unitary Development Plan and become part of the Council’s Development Plan, alongside the Bromley Town Centre Area Action Plan and the London Plan, for the purposes of determining planning applications.

5. FINANCIAL IMPLICATIONS

- 5.1 At this stage of the Local Plan process, the only expected costs will be for the publication and printing of the final plan, which will be contained within the specific budget of £32.4k.

<p>Non-Applicable Sections:</p>	<p>Impact on Vulnerable adults and children</p> <p>Personnel implications</p> <p>Legal Implications</p> <p>Procurement implications</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Proposed Submission Draft Local Plan November 2016 Link to Proposed Submission Draft Local plan</p> <p>Committee report agreeing Modifications Executive 28th March 2018 Link to Executive report 28th March 2018</p> <p>Main Modifications Consultation document July- Aug 2018 Link to Main Modifications consultation document</p>



Local Plan

Draft Local Plan Main Modifications Consultation Document

London Borough of Bromley
Planning Division
June 2018

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Introduction

Introduction

London Borough of Bromley

Draft Local Plan – Main Modifications Consultation

July-August 2018

Background

Bromley's Local Plan, when adopted by the Council, will replace the Unitary Development Plan. Along with the London Plan and the Area Action Plan for Bromley Town Centre, it will guide where development will happen in the Borough and will be used to determine planning applications.

The Local Plan has been in development for several years and has undergone several consultations. For further information about the process of Local Plan development so far, please see the Council's web pages [Developing Bromley's Local Plan](#).

The Draft Local Plan and the evidence documents on which it is based can be viewed in the Council's Examination web pages [Examination Library](#).

Purpose of this consultation

The Council published its Draft Local Plan for consultation in December 2016 and received representations from a wide range of organisations and individuals. These responses, along with the Plan and its evidence base, were submitted to the Secretary of State for independent examination in August 2017. The appointed Inspector held a series of public hearings in December 2017.

In light of comments raised in the hearings and advice from the Inspector, the Council has prepared a number of suggested Main Modifications, which it considers would help make the plan sound. Some of the Modifications were previously submitted with the Draft Local Plan as Minor Modifications (Submission Document SD20), but have now been included as Main Modifications to allow comments to be made. The Council considers that the Main Modifications do not require any amendment to the Sustainability Appraisal.

Introduction

The Main Modifications were approved for consultation by Bromley's Executive on 28th March 2018.

How to Comment

The consultation document can be viewed and comments made directly in the Consultation Portal here <http://bromley-consult.objective.co.uk/portal>. The document can be downloaded as a PDF from the first page of the Main Modifications consultation event.

Printed copies of the Main Modifications are available to view in all of Bromley's [local libraries](#), at the [Cotmandene and Mottingham Community and Learning Shops](#) and at Bromley Civic Centre.

You are encouraged to comment through the Consultation Portal if possible – the online document contains a drop-down menu of each Modification and a comment box. Multiple comments can be made and attachments included.

Email and postal submissions should preferably be made using the question form provided. This can be downloaded as a PDF as a supporting document from the home page of the Main Modifications consultation event. All representations should include the subject/ reference **Local Plan Main Modifications** and state which Modification they concern.

Contact details

Local Plan Main Modifications

Planning Strategy and Projects Team
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley
BR1 3UH

Email: ldf@bromley.gov.uk (Note: this begins with a lower case “L” not an uppercase “i”)

Phone: 020 8313 4730

Closing date

Representations must be received by midnight on Friday 10th August 2018.

Please note that comments should be restricted to the suggested Modifications only, not the rest of the Draft Plan.

Next steps

All representations will be sent to the Inspector for her consideration. A redacted form will be published on the Council's examination web pages.

The Inspector will take responses into account in finalising her report on the Draft Local Plan.

Suggested Main Modifications

Suggested Main Modifications

Suggested Main Modifications

Bromley Draft Local Plan – Suggested Modifications arising from Hearings

Modification Number	Section	Suggested Modification	Reason for proposed change
MM001	Draft Policy 1 Supporting text	<p>Insert paragraph 2.1.5a</p> <p><u>The trajectory at Appendix 10.1 (and Table 1) shows that the Council has identified a 10,645 housing supply over the 15 year plan period, compared with a minimum housing supply, based on 641 dwellings per annum, of 9615. This trajectory is therefore consistent with the London Plan Policy 3.3, including its clauses Da and E. It does so first by seeking to supplement the London Plan minimum housing target of 641 per annum with extra housing capacity to close the gap between identified housing need and supply, a total of 1030 dwellings over the plan period. It also does so by drawing upon the brownfield housing capacity of the sources set out in Policy 3.3(E), such as an Opportunity Area and town centres.</u></p>	Suggested modification arising from the Hearings, clarifying how the Local Plan will seek to close the gap between the London Plan minimum target and housing need.
MM002	Draft Policy 2 – Affordable Housing	See Attachment showing suggested amendments to Policy 2 and supporting text.	Suggested modification updating the Policy in light of new housing initiatives and funding, as discussed at the Hearings.

Suggested Main Modifications

MM003	Draft Policy 15 -Crystal Palace, Penge & Anerley Renewal Area	<p>Proposals within the Crystal Palace, Penge & Anerley Renewal Area will be expected to maximise take <u>advantage</u> of opportunities:</p> <p>a – to maximise contribution <u>contribute</u> to, and benefits from the thriving cultural and leisure economy, which has evolved in the Crystal Palace District Centre and, in the Crystal Palace Strategic Outer London Development Centre;</p> <p>b – to which create benefit to the wider area by contributing to the conservation and enhancement of Crystal Palace Park through development that respects its character area and ensures a positive relationship with natural and heritage assets. <u>presented by the enhancement of, and development within, Crystal Palace Park, consistent with its heritage values and significance, and for the benefit of the wider area, and</u></p> <p>c - to support renewal in Penge Town Centre.</p>	Modification as requested by, and agreed with Historic England during the Hearings.
MM004	Draft Policy 23 Public Houses	3.1.33 ... This would involve demonstrating evidence of six <u>twelve</u> months' suitable marketing activity which is current and robust, and proof that the public house is no longer financially viable through an independent professional valuation.	Suggested modification to increase the marketing period in response to representations at the hearing from Bromley CAMRA highlighting the marketing periods in other London Boroughs (see below) and requesting 18 months marketing as a public house.

Suggested Main Modifications

		<p>3.1.34 Redundant pubs will also be required to comply with the Community Facilities Policy and hence <u>should the 12 month marketing period as a public house not be successful, a further during the 6 months of marketing for alternative community uses, as set out in para 3.1.8, will subsequently be required.</u> there should be consultation with relevant Council departments and third party providers to establish whether any community groups or service providers have expressed both a need for the site and are interested in buying or leasing it.</p>	<p>London Boroughs</p> <p>Neighbouring</p> <ul style="list-style-type: none"> • Croydon 18 months • Lambeth 12 months • Lewisham 36 months • Greenwich 24 months • Southwark 24 months (also Art 4 directions) <p>Waltham Forest require</p> <p>a 12 month marketing period as a public house followed by a further 12 month period of marketing for alternative community uses.</p>
MM005	Draft Policy 85 Office Clusters	<p>Policy Paragraph 2 to read:</p> <p>Where existing offices can be demonstrated to no longer meet the needs of occupiers, redevelopment for Class B1(a) uses will be permitted following recent, active marketing of the site for reuse undertaken prior to the submission of a planning application over a minimum</p>	<p>Suggested modification to provide further clarity to policy and supporting text in response to representations at the hearing from G L Hearn.</p>

Suggested Main Modifications

		<p>period of six months. Redevelopment proposals should will be expected to reprovide at least the same quantum level of office floorspace.</p> <p>6.1.27 <u>There has been a significant loss of office space within the Borough attributed to Permitted Development Rights (PDR) for conversion of offices to residential use.</u> The pressure on offices for other uses is recognised in Policy 4.2 of the London Plan, where boroughs are encouraged to monitor the impacts of <u>Permitted Development Rights (PDR)</u>, and where appropriate protect, renew, and modernise existing office stock in viable locations to improve quality and flexibility.</p> <p>6.1.28 There has been a significant loss of office space within the Borough, with the trend expected to continue. It is important to <u>maintain</u> ensure an adequate supply of good quality office accommodation is retained to accommodate new and existing business and plan for the forecast growth over the Plan period.</p>	
MM006	Draft Policy 108 East Camp	<p>Make the following amendment to the Policy text:</p> <p>Land<u>Existing Buildings</u> in the Biggin Hill SOLDC <u>area</u> identified as East Camp will be safeguarded for aviation-related employment generating uses.</p>	Modification suggested by the Inspector arising from discussion at the Hearings.

Suggested Main Modifications

		The Council will not support any proposals in this identified area that would have an unacceptable adverse impact on land identified as a Site of Importance for Nature Conservation or on landscapes and residential areas in the vicinity of the SOLDC.	
MM007	Site 1 – Bromley Civic Centre (Policy in Draft Local Plan Appendix, p257)	Add text to the end of the final sentence: “...the Urban Open Space (Local Green Space), and Site of Importance for Nature Conservation <u>and listed buildings</u> ”	Suggested modification to reference the listed status of buildings in response to representations at the hearing from Bromley Civic Society.
MM008	Site 3 - Hill Car Park. (Policy in Draft Local Plan Appendix, p260)	Add text: “Development for mixed use including retail (150sqm), <u>cultural facilities</u> , car parking <u>for the public and for residential</u> and 150 residential units”	Suggested modification to specifically reference cultural facilities within the inclusive list of uses and to provide clarity on the car parking element of the policy. In response to representations at the hearing by Bromley Civic Society.
MM009	Site 10 – West of Bromley High Street (Policy in Draft Local Plan Appendix, p270)	Add bullet point: <ul style="list-style-type: none"> “<u>Be accompanied by a Masterplan to show how the proposed development is consistent with a comprehensive development of the site</u>” 	In response to representations at the hearing to clarify the requirement for a masterplan in response to representations at the hearing by Bromley Civic Society.

Suggested Main Modifications

MM010	Appendix 10.1 (Draft Local Plan, p254)	Amend “Changing retail patterns (200) to Changing retail patterns (290)	Correction to ensure the total figure for Broad Locations is consistent with those listed in the first column of the Appendix.
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Modification Number	Modifications (shown in bold) to the Submitted Modifications (SD20)		
MM011	Draft Policy 48 Skyline	Para 5.1.21: “Views will need to be considered to ensure intrusive elements are not introduced whether in the foreground, middle ground or background through the appropriate a visual impact assessment.”	Suggested modification to provide clarity on the nature of assessment, arising from the Hearings.

Modification Number	Minor Modification		
MM012	Appendices	Inclusion of the list of Replacement Policies in an Appendix	Suggested modification to provide clarity arising from the Hearings.

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Draft Policy 2

Provision of Affordable Housing

In order to meet the needs of the Borough, the Council will :

a) seek 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.

b) seek to maximise the use of housing grants and other funding to increase the level of affordable housing above the figure secured in a)

c) support the delivery of affordable housing through other sources of supply, such as estate regeneration, bringing vacant units back into use and other forms of housing which demonstrate they can help meet need.

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:

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- 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.

The Council 's Planning Obligations Supplementary Planning Document will provide detail to assist in the interpretation and implementation of this policy.

Add to supporting text

Government and the Mayor are introducing new initiatives to address housing need and the Council will take into account these and new housing products which can demonstrate they can address housing need. The Council's Housing Strategy will set out the Council's corporate approach to address housing need, and the wide range of initiatives which contribute to this objective.

The Council will consider positively new forms of provision such as Build to Rent and discounted build to rent where the rent levels can be shown to be affordable to local residents and help increase choice and address need

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Bromley Draft Local Plan – **Main Modifications** extracted, as suggested by the Inspector, from the modifications approved by Executive and Full Council (June 2017) for submission alongside the draft Local Plan (document SD20).

Modification Number	Suggested Main Modification	Reason	Representor/Origin of Proposed Change
Section 1.2 – About the Local Plan			
MM013	<p>Para 1.2.27:</p> <p><i>'...through the NPPF, London Plan and the emerging Local Plan is balancing <u>and seeking positive gains</u> for the economic, social and environmental well-being of the Borough'.</i></p>	<p>To ensure a positive approach to economic, social and environmental gains. This modification better reflects the tenet of sustainable development.</p>	<p>193_1</p> <p>Katharine Fletcher, Historic England</p>
Section 1.3 – Vision and Objectives			
MM014	<p>Title:</p> <p><i>'<u>Historic environment</u> Built Heritage'</i></p> <p>Para 1.3.14:</p> <p><i>'Our man-made heritage assets; areas of distinctive character, <u>historic parks and gardens</u>, listed buildings, conservation</i></p>	<p>To ensure below ground archaeology and Registered Historic Parks & Gardens are acknowledged.</p>	<p>193_1</p> <p>Katharine Fletcher, Historic England</p>

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	<i>areas and <u>scheduled monuments and undesignated archaeology</u> are protected and enhanced</i>		
Draft Policy 1 - Housing Supply			
MM015	<i>'c - The development of housing within Renewal Areas where appropriate'</i>	Other clauses are not caveated and it is considered that the wording 'where appropriate' does not strengthen the policy.	53_1 Steve Dennington, London Borough of Croydon
MM016	Insert at the end of para 2.1.5: <i>"The housing trajectory in Appendix 10.1 shows a total of 10,645 deliverable and developable dwellings over the Plan period, an annual average of over 700 dwellings."</i>	To demonstrate within the housing policy that the housing trajectory is in accordance with Policy 3.3 of the 2016 London Plan. This requires the borough to deliver a minimum of 641 dwellings per annum whilst asking boroughs (in clauses Da and E) to close the gap between identified housing need and supply in line with the NPPF.	125_1 Greater London Authority
Housing mixed use Site 4 - Gas holder site, Homesdale Road			
MM017	<i>"Ensure complete<u>appropriate</u> remediation of contaminated land <u>on the site is completed</u>"</i>	To reflect that 'appropriate' remediation is the standard required.	63_1 Jonathan Best, Montagu Evans for Travis Perkins

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Draft Policy 2 – Affordable Housing			
MM018	After para 2.1.30: <i><u>“Where public subsidy towards affordable housing is used, this should result in an increase in the provision of affordable housing on site reflecting the Mayor’s Draft Affordable Housing and Viability SPG.”</u></i>	To provide clarity and to reflect the GLA’s approach of a threshold for affordable housing viability without public subsidy.	125_2 Greater London Authority
MM019	After para 2.1.35: <i><u>“Intermediate housing income thresholds will be updated every three years.”</u></i>	To clarify that borough intermediate income levels will be updated on a regular basis.	168_5 Dr Elanor Warwick, Clarion Housing Group
Draft Policy 4 – Housing Design			
MM020	Para 2.1.59: <i><u>”designed to be wheelchair accessible [M4(3)(2b)] for dwellings where the end user is ‘known’ affordable provision where the local authority is allocating or nominating the residents...”</u></i>	Amendment for clarity.	125_3 Greater London Authority
MM021	Clause (f): <i><u>“...whilst respecting local character, including heritage”</u></i>	To avoid ambiguity and align the policy with paras 59-61 of the NPPF.	193_2 Katharine Fletcher, Historic England

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Policy 8 – Side Space			
MM022	<p>Para 2.1.66:</p> <p><i>“The Council considers that the retention of space around residential buildings <u>at first floor and above</u> is essential....”</i></p>	To clarify that the policy only applies to two storey extensions.	Officer suggestion
Draft Policy 11 – Specialist and older people’s accommodation			
MM023	<p>(BEFORE 2.1.80)</p> <p><u>“2.1.80A:</u></p> <p><i><u>The Council wishes to encourage the provision of a high quality living environment for those living in Specialist accommodation, which includes supported housing to meet the different accommodation needs of people with learning disabilities, mental health problems, as well as specialist housing for older people”</u></i></p> <p><i>“2.1.80 Models of accommodation designed for older people continue to evolve. Over the last decade there has been reduced reliance on residential care homes and a shift towards enabling people to retain their independence, remaining</i></p>	To clarify that specialist housing caters for a range of residents.	<p>67_1</p> <p>Nick Taylor Carter Jonas for Beckenham Trustees</p>

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	<p><i>living in the community with appropriate support or in Extra Care Housing (ECH) which provides improved opportunities for <u>people who are no longer able to live in their own home, even with support, including older physically frail people, and thereby</u> reducing the demand for residential care. However, there remains a potential growth in demand for both nursing and residential care for “Elderly Mentally Infirm” (EMI) people.”</i></p>		
Section 2.3 - Renewal Areas			
MM024	<p>Para. 2.3.35:</p> <p><i><u>‘The Lewisham Core Strategy 2011 indicates that identified a number of areas as Local Regeneration Areas. These areas were identified as falling within the top 20% LSOAS nationally and include Downham. Given these areas have the greatest socio-economic needs, the Lewisham Core Strategy states that with their partners Lewisham will seek to strengthen the quality of life and well-being by addressing deprivation and health inequalities, highlighting a number of wards including Downham.’</u></i></p>	<p>To accurately reflect Lewisham’s Core Strategy.</p>	<p>34_3</p> <p>Emma Talbot, London Borough of Lewisham</p>

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Draft Policy 13 – Renewal Areas			
MM025	<p>Para 2.3.12:</p> <p><i>“The various Renewal Areas have a range of assets, physical (<u>including heritage</u>) social and economic, ...”</i></p>	To highlight that heritage assets are included within the range of physical assets which paragraph 2.3.12 indicates offer potential for Renewal Areas enhancement.	193_3 Katharine Fletcher, Historic England
Draft Policy 15 – Crystal Palace, Penge and Anerley Renewal Area			
MM026	<p>A new paragraph located before para 2.3.17 in Draft Policy 15’s supporting text:</p> <p><u>2.3.16b: “The Crystal Palace, Penge & Anerley Renewal Area extends from the northwest of the Borough, where it adjoins four other boroughs Croydon, Lambeth, Southwark and Lewisham, and meets the Crystal Palace District Centre, downhill to Penge and Anerley. It includes areas identified by the Mayor as Areas for Regeneration, in the vicinities of Betts Park and Maple Road / Franklin Road.”</u></p> <p>Para 2.3.19:</p> <p><i>“The Crystal Palace, Penge & Anerley Renewal Area includes areas identified by the Mayor as Areas for Regeneration, in the vicinities of Betts Park and Maple Road</i></p>	<p>To assist with the understanding of the Renewal Area and Crystal Palace District Centre relationship with adjoining boroughs.</p> <p>To improve clarity of Renewal Area description and readability.</p>	111_1 Francis Bernstein

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	<i>/Franklin Road. The identification of Crystal Palace as a Strategic Outer London Development Centre (SOLDC) with...</i>		
Draft Policy 17 – Cray Valley renewal area			
MM027	<p>New para 2.3.26b:</p> <p><i><u>“The River Cray runs through open spaces, including recreation grounds, SSSI and SINC designations, as well as residential, commercial and industrial areas and two conservation areas. Development may present opportunities for the restoration of the river and providing improved ecological habitats to buffer the watercourse.”</u></i></p>	<p>An additional paragraph of supporting text is considered appropriate to support clause b) and highlight the Council’s statutory function in protecting and delivering the Water Framework Directive (WFD) objectives contained in the Thames River Basin management plan.</p>	<p>51_1</p> <p>Charles Murithi, Environment Agency</p> <p>(also 51_2 - Draft Policy 68)</p>
MM028	<p>Para 2.3.29:</p> <p><i>“...These developments are reinforcing Orpington’s importance in respect of cultural, social and recreational facilities and its role as a Major Town Centre which is recognised, and reinforced and controlled through in Policies 91 ‘Proposals for Main Town Centre Uses’ and 92 ‘Metropolitan and Major Town Centres’”</i></p>	<p>Amendment required for clarity/ease of reference.</p>	<p>57_1</p> <p>Ben Read, Rapleys for Associated British Foods</p>

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Draft Policy 26 – Health & Wellbeing			
MM029	<p><i><u>“3.2.9 The benefits to health of the multifunctional network of green spaces, and the exercise they facilitate including, in relation to mental health, are well documented (e.g. MIND “Ecotherapy”),. This health value is recognised and protection afforded to open spaces through policies in the Valued Environments chapter, whilst Certain proposals may present health concerns, for example, relating to air or light pollution...”</u></i></p>	To make reference to the objectives of the All London Green Grid.	59_17 Matthew Frith, London Wildlife Trust
MM030	<p>End of para 3.2.10:</p> <p><i><u>“Sport England’s Active Design Guidance highlights opportunities to encourage and promote sport and physical activity through the design and layout of the built environment.”</u></i></p>	To make reference to Active Design Guidance.	58_2 Dale Greetham, Sport England (Draft Policy 4)
Draft Policy 28 – Education Facilities			
MM031	<p>Para 3.3.16:</p> <p><i><u>“...it is important that opportunities to address the pressure for education provision are not refused on grounds where there are potential solutions to</u></i></p>	To ensure reference is made to the mitigation of existing transport modes; the development of Healthy Routes to schools and to the accessibility of the site by other means than the car (i.e. school parking and drop off being restricted).	39_5 Andrew Dorrian, Transport for London

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	<i>mitigate adverse impacts of the development, through planning conditions or obligations. Such mitigation may involve <u>travel plans, highway measures and the consideration of "Healthy Routes"</u>. (e.g. travel plans, highways measures, staggered school hours, landscaping).</i> ²		
MM032	Para 3.3.54: <i>"...or sites within the <u>locality (see also draft Policy 20 Community Facilities)</u>."</i>	For improved clarity of the plan & helps with concerns regarding the re-provision of existing community facilities.	80_3 Labour Group
MM033	Para 3.3.40: <i>"... <u>Details of the individual schools identified in the Primary School Development Plan (2015) and Local Plan proposals are set out in Tables 4 and 5.</u>"</i>	Clarification of why Farnborough Primary School is included in Table 13.	191_1 Sue Ellis, Farnborough Village Society
Education Site 32 - Turpington Lane			
MM034	Appendix 10.4 - Site 32 Turpington Lane, Bromley Common:	Correction of cross reference.	45_1 Mary Dawe, Bromley Common Allotment Gardens Association

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	<p><i>“Note allotments to the north of the site, outside the area allocated for education to be designated as Local Green Space (Appendix 10.8 site no 2365)”</i></p> <p>See also minor modification proposed to Policies Map Set Part 2 Site 27</p>		
Policy 30 – Parking			
MM035	<p>New column in Table 1 relating to 4+ bedroom standards:</p> <p><i>“PTAL <u>4+ bed</u></i></p> <p><i>0-2* <u>Minimum of 2</u></i></p> <p><i>2*-6a <u>1.5 (min) – 2 (max)</u>”</i></p>	Correction, as column was omitted in error.	<p>39_1</p> <p>Andrew Dorrian, Transport for London</p>
Policy 31 – Relieving Congestion			
MM036	<p>New para. after 4.0.7:</p> <p><i>“<u>All Transport Assessments, Travel Plans, Construction Logistics and Delivery and Servicing Plans should be developed in line with TfL guidance.</u>”</i></p>	Amendment to reference TfL guidance.	<p>39_2</p> <p>Andrew Dorrian, Transport for London</p>
Section 5 – Valued Environments			

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MM037	Para 5.0.1: <i>“This Chapter sets out the draft policies which protect and enhance the natural, built <u>and historic</u> environment”.</i>	Amendment to reflect the terms used in national guidance so that it is clearly inclusive of the historic environment, and particularly archaeology.	193_6 Katharine Fletcher, Historic England
MM038	Para 5.0.4: <i>“<u>London Plan Policy 2.18 ‘Green Infrastructure: The Multifunctional Network of Green and Open Spaces’ and supplementary planning guidance on the All London Green Grid, recognises green infrastructure as an asset, to be valued for the whole range of social, health, environmental, economic and educational benefits it brings to London.</u>”</i>	To make reference to the objectives of the All London Green Grid.	59_17 Matthew Frith, London Wildlife Trust (Draft Policy 26)
Draft Policy 37 – General Design of Development			
MM039	New para. at 5.0.8: <i>“<u>New developments and the spaces about buildings are also expected to take account of and enhance biodiversity. The Council will and developers should have regards to the relevant British Standards related to biodiversity to ensure that</u></i>	To ensure reference is made to the British Standard ‘ <i>BS 42020:2013 Biodiversity. Code of practice for planning and development</i> ’ as a resource that applicants need to consider to ensure that development design avoids/limits adverse impacts, whilst contributing to securing gains for biodiversity.	59_30 Matthew Frith, London Wildlife Trust

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	<i>planning proposals are informed by sufficient and appropriate ecological information.</i>		
Section 5.1 – Built Heritage			
MM040	Retitle the Section “ <i>Built and Historic Environment</i> ”	To make reference to the “Historic Environment” in the title of Section 5.1 as built heritage could be interpreted as excluding historic parks, gardens and archaeology.	193_8 Katharine Fletcher, Historic England
Draft Policy 38 – Statutory Listed Buildings			
MM041	Supporting text of para 5.1.3: “ <i>Under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 1990, the Council is required to have special regard to the desirability of preserving listed buildings and their settings and ‘conserving their significance’, i.e. the sum of its cultural, natural and heritage values.</i> ”	To make reference to ‘ <i>conserving the significance</i> ’ of listed buildings, to closely align with the NPPF terminology.	193_9 Katharine Fletcher, Historic England
Draft Policy 39 - Locally Listed Buildings			

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MM042	End of para 5.1.4, line 4: <u>“Where the replacement of a locally listed building is accepted, the proposed building should be of a high architectural standard.”</u>	To clarify that the replacement of a listed building should be of a high architectural standard.	Officer suggestion
Draft Policy 41 - Conservation Areas			
MM043	Line 1 of the Conservation Area policy: “A Conservation Area Area is an area designated because it has a are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, therefore a proposal <u>Proposals for [etc....].”</u>	To improve consistency with the definition of Conservation Areas in national policy, relevant legislation, case law & the NPPF and to clarify the distinction between Conservation Areas & Areas of Special Residential Character.	176_3 Ray Foster
MM044	After line 6 in the supporting text: <u>“In assessing the contribution made by a particular building to a conservation area, reference will be made to the current relevant Historic England guidance”.</u>	The re-instatement of a sentence from UDP Policy BE12 within Draft Policy 41 makes clear the criteria upon which a judgement of positive contribution can or should be made.	181_9 Mr Peter Martin, Bromley Civic Society

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MM045	<p>Para 5.1.6:</p> <p><i>“Detailed Guidelines for each Conservation Area and a description of the significance which it is desirable to conserve are contained in Conservation Area Guidance [...].”</i></p>	<p>To make reference to ‘conserving ‘the significance’ of conservation areas in line with the terminology used in the NPPF.</p>	<p>193_10</p> <p>Katharine Fletcher, Historic England</p>
Draft Policy 43 - Trees in Conservation Areas			
MM046	<p>Para. 5.1.8:</p> <p><i>“...that consent. In addition, trees over 7.5cm in diameter measured at 1.5m from ground level in Conservation Areas are protected.Native species and local provenance will be sought as appropriate. Trees over 7.5 cm in diameter measured at 1.5m from ground level in Conservation Areas are protected under the Town and Country Planning Act 1990 even where they are not covered by TPOs.”</i></p>	<p>To address concern that there is no specific provision for safeguarding trees in conservation areas.</p>	<p>71_10</p> <p>Tony Allen, The Chislehurst Society</p>

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MM047	<p>Para 5.1.8:</p> <p><i>“When consent is given for a tree to be felled, an appropriate replacement will usually be required as a condition of that consent. <u>Native species and local provenance will be sought as appropriate</u>”.</i></p>	To clarify what species should be planted on development sites.	<p>98_1</p> <p>Ishpi Blatchley</p> <p>(Section 5.3)</p>
Draft Policy 44 – Areas of Special Residential Character			
MM048	<p>Para 5.1.10:</p> <p><i>“The Appendix includes guidelines for the management of development in ASRCs. ASRCs are shown in the policies map. <u>Background to the designation of ASRCs is set out in the “Local Plan Background Paper on Potential Areas of Special Residential Character (2015)”</u>, whilst additional assessments are set out in the <u>2016 Local Plan Background Paper “North Copers Cope Road and the Knoll ASRCs Spatial Character Assessments”</u>.”.</i></p>	To make reference to the evidence base documents that clarify how each designation was defined.	<p>193_11</p> <p>Historic England</p>
Draft Policy 45 – Historic Parks and Gardens			

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MM049	<p>Para 5.1.14:</p> <p><i><u>“[...] the Council will consult Historic England. Proposals impacting the significance of a Registered Park or Garden will also be assessed against the tests laid out in para. 132-134 of the National Planning Policy Framework so that the park’s significance is appropriately conserved.”</u></i></p>	<p>For clarity & consistency with other policies on registered Heritage Assets in the Valued Environments Chapter and in addition, to make reference to the relevant tests in the NPPF against which any proposal would be assessed.</p>	<p>189_1</p> <p>Sally Collins</p>
MM050	<p>End of para 5.1.14:</p> <p><i><u>“The Significance of each Registered Parks or Garden is set out and described as part of their respective entries on Historic England’s web-based National Heritage List”</u></i></p> <p>The Historic Parks and Gardens sites will be identified on the Policies Maps as they are referred to in the policy.</p>	<p>Information is added to para 5.1.14 as to where entries from the national Register can be accessed to assist with the application of the policy.</p> <p>To ensure the effectiveness of this plan policy.</p>	<p>193_12</p> <p>Katharine Fletcher, Historic England</p>
Draft Policy 46 - Ancient Monuments and Archaeology			
MM051	<p>Title:</p> <p><i><u>‘Ancient Scheduled Monuments and Archaeology’</u></i></p>	<p>A change to the title, as “scheduled” monuments are the ones which are protected by statutory designation.</p>	<p>193_13</p> <p>Katharine Fletcher, Historic England</p>

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	End of para 5.1.16: " <u><i>Bromley's Areas of Archaeological Significance are due to be reviewed by Historic England and Supplementary Planning Guidance will be published identifying any proposed changes</i></u> ". <i>'Further advice can be provided by the Greater London Archaeological Advisory Service (GLAAS) within Historic England.'</i> "	Further changes requested for clarity purposes.	
Draft Policy 47 – Tall and large buildings			
MM052	Para 5.1.20: <i>"HighTall buildings are those that exceed the general height of their surroundings and cause a significant change to the skyline".</i>	For consistency with HE guidance & Policy 7.8 of the London Plan.	125_5 Jennifer Peters, Greater London Authority
Draft Policy 48 - Skyline			
MM053	Para 5.1.21: <i>"Views will need to be considered to ensure intrusive elements are not introduced whether in the foreground, middle ground or background <u>through the appropriate assessment</u>."</i>	To improve clarity as to how impacts of buildings on views should be demonstrated.	61_6 Kieran Wheeler, Savills for Bellway Homes

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Draft Policy 56 – Local Green Space			
MM054	Para 5.2.33: <ul style="list-style-type: none"> • <u>Bull Lane Allotments, Chislehurst</u> • <u>Cator Park, Aldersmead Road, New Beckenham.</u> • <u>Downe Orchard, between Rookery Road and North End Lane, Downe</u> • <u>Royston Field, Franklin Road, Penge</u> 	Four sites had been omitted from the supporting text of the Local Green Space policy in error. This was acknowledged in the Errata dated 18.11.2016 to the Proposed Draft Submission Local Plan.	Email dated 17_11_2016 Alex Ross
Section 5.3 - Nature Conservation and Development			
MM055	Line 2 of para. 2: <i>This Policy These policies aims to protect those sites and features which are of ecological interest and value [...]</i>	To clarify that the first three introductory paras of the section do not form part of Draft Policy 68 <i>Development and SSSIs</i> .	Officer suggestion
MM056	Introduction, para 5.3.1 (as renumbered): <i>“Local authorities are required by The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) to have regard to the desirability of conserving the natural beauty and amenity of the countryside, and a duty to have regard for biodiversity commensurate with their functions under the Natural Environment and Rural Communities Act (NERC) 2006”.</i>	To highlight and reference the Council’s duty to have regard to biodiversity.	59_55 Matthew Frith, London Wildlife Trust

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MM057	<p>Introduction, para 5.3.2 (as renumbered):</p> <p><i>“... Wherever possible, the sympathetic management of such habitats will be encouraged through planning conditions, obligations or voluntary agreements. <u>The Bromley Biodiversity Plan (2015) translates the Borough’s biodiversity duty as set out in the NERC and carried over to national and regional biodiversity strategies to the context of Bromley. The Strategy promotes the conservation enhancement and protection of biodiverse spaces and identifies the protected and priority species and habitats of notes in Bromley.</u>”</i></p>	<p>To explain the role of Bromley’s Biodiversity Plan in relation to the Council’s Biodiversity Duty and to highlight that the Biodiversity Plan lists species & habitats of the borough which it is desirable to preserve & enhance, including ancient trees.</p>	<p>184_1</p> <p>Dr Judith John, Orpington Field Club</p>
Draft Policy 70 – Wildlife features			
MM058	<p>End of 2nd bullet point in the policy:</p> <p><i>“... <u>to contribute towards the Bromley Biodiversity Action Plan.</u>”</i></p>	<p>To strengthen the policy by referencing the borough’s nature conservation objectives.</p>	<p>59_45</p> <p>Matthew Frith, London Wildlife Trust</p>

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MM059	<p>Para 5.3.4 (as correctly renumbered):</p> <p><u><i>“Planning proposals should be informed by the relevant British Standard(s) regarding Biodiversity as part of this process.”</i></u></p>	<p>To ensure reference is made to the British Standard ‘ ’ as a resource that applicants need to consider to ensure that development design avoids/limits adverse impacts, whilst contributing to securing gains for biodiversity.</p>	<p>59_30</p> <p>Matthew Frith, London Wildlife Trust</p> <p>(Draft Policy 37)</p>
Draft Policy 72 – Protected Species			
MM060	<p>5.3.1:</p> <p><u><i>“[...] The UK Biodiversity Plan (1994) identifies priority species as a valuable ecological resource to be conserved. These are listed under Section 41 of the Natural Environment & Rural Communities Act 2006. These schedules are updated on a regular basis and local authorities are kept informed of any changes. In addition, the Biodiversity Plan identifies the Priority Species for Bromley including plant, fungi, bird and butterfly species of rare or threatened status. These should be taken into special consideration when development or change of use occurs and mitigation measures secured as above. In addition, the Bromley Biodiversity Plan approved in 2015 sets out protected species in the Borough.”</i></u></p>	<p>To make reference to the UK BAP & Bromley Priority species, which are listed under Section 41 of the Natural Environment & Rural Communities Act 2006 and referenced in the Bromley Biodiversity Plan.</p>	<p>59_47</p> <p>Matthew Frith, London Wildlife Trust</p>

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Draft Policy 73 – Development and Trees			
MM061	<p>Para 5.3.2:</p> <p><i>“...by TPOs. In addition, trees over 7.5 cm in diameter measured at 1.5m from ground level in Conservation Areas are protected even where they are not covered by a TPO. Policy 43 sets out how the Council will assess applications for the felling of trees in Conservation Areas.”</i></p> <p>Para 5.3.3:</p> <p><i>“...reach maturity. <u>Where new trees are planted native species and local provenance will be sought as appropriate.</u>”</i></p>	To address concern that there is no specific provision for safeguarding trees in conservation areas.	71_10 Tony Allen, The Chislehurst Society (Draft Policy 43)
MM062	<p>Last line of Draft Policy 73:</p> <p><i>“When trees have to be felled, the Council will seek suitable replanting of native species”.</i></p>	To clarify what species should be planted on development sites.	98_1 Ishpi Blatchley (Section 5.3)
Draft Policy 74 – Conservation and Management of Trees and Woodlands			

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MM063	<p>Para 5.3.6:</p> <p><i>“The Council will make use of planning conditions and obligations to achieve new planting of suitable tree species, native and/or of local provenance as appropriate, through the planning process.”</i></p>	To clarify what species should be planted on development sites.	<p>98_1</p> <p>Ishpi Blatchley</p> <p>(Section 5.3)</p>
Draft Policy 75 – Hedgerows and Development			
MM064	<p>Para 5.3.7:</p> <p><i>“The Council will resist the removal of significant hedgerows, particularly ancient hedgerows [...]”.</i></p> <p>Para 5.3.8:</p> <p><i>“In granting planning permission for new development where significant hedgerow, including ancient hedgerows”...</i></p>	To improve clarity in terms of the considerations that will be taken into account for the retention of hedgerows.	<p>193_14</p> <p>Katharine Fletcher, Historic England</p>
Draft Policy 78 – Green Corridors			
MM065	<p>Additional para 5.3.14:</p> <p><i>“The Mayor’s London All Green Grid SPG and associated area framework for Downlands provides guidance on the implementation of the policy framework in</i></p>	To make specific references to the NPPF’s requirement for LPAs to establish ecological networks as well as the All London Green Grid.	<p>59_53</p> <p>Matthew Frith, London Wildlife Trust</p>

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	<u><i>the London Plan for a green infrastructure strategy for London. It is a key document for facilitating improvements to the network, including to the broad green corridors which it identifies.</i></u>		
Draft Policy 81 - Strategic Industrial Locations			
MM066	<p>Para 2 of the Draft Policy:</p> <p><i><u>“Notwithstanding the above uses, proposals on sites in the SIL where non-Class B operations are already in existence, proposals should seek to provide Class B <u>uses</u> operations. Proposals involving non-Class B uses on these sites should provide employment generating uses that reinforce the role of the SIL.</u></i></p> <p><i><u>(INSERT SPACE)</u></i></p> <p><i><u>Proposals in the SIL for Class B uses that include involving a quantum of floorspace to be used for display and sales should demonstrate that <u>this quantum of floorspace is those uses are clearly ancillary to the a primary Class B uses.</u></u></i></p>	For clarification of the consideration of retail and other non-B Class uses in the SIL.	63_2 Jonathan Best, Montagu Evans for Travis Perkins

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Draft Policy 83 - Non-Designated Employment Land			
MM067	<p>Para 3 of the Draft Policy:</p> <p><i>“Proposals for change of use of non-designated sites accommodating Class B uses to a non-employment generating use will be considered on the following criteria:</i></p> <p><i>a. whether there is a demonstrated lack of demand for the existing <u>permitted uses</u> or any potential alternative <u>employment generating use</u> including evidence of recent, active marketing of the site for reuse or redevelopment undertaken prior to the submission of a planning application over a minimum period of six months,</i></p> <p><i>b. whether all opportunities for re-let and sale for reuse or redevelopment for employment <u>generating</u> uses have been fully explored, both in terms of existing and any alternative <u>employment generating</u> uses and <u>layouts</u>, including small/more flexible business units, and”</i></p>	Changes to remove repetition and improve clarity.	110_1 John Escott, Robinson Escott Planning
Draft Policy 93 – Bromley Shopping Centre (The Glades)			

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MM068	<p>Para 6.2.18:</p> <p>“...The latest GOAD report identifies 445 retail outlets which provides around 1,293,500 sq. ft. of retail floorspace. It is acknowledged that other main town centre uses can complement the function of the centre and reflect the change in consumer trends. The Glades Shopping Centre provides 464,000 sq. ft. across 135 units”.</p>	<p>To acknowledge that other main town centre uses can complement the function and that consumer trends are changing.</p> <p>The floorspace mentioned in the supporting text should reflect the floorspace within the Glades as the policy relates only to the Glades.</p>	<p>66_7</p> <p>Victoria Barrett NLP for LaSalle Investment Management</p>
Draft Policy 98 – Restaurants, pubs and hot food takeaways			
MM069	<p>Addition to supporting text para 6.2.28</p> <p><u>“...if not carefully managed. Concentrations of such uses become over concentrations, where and when there are unacceptable negative impacts relating to the level of concentration in a given area, including impacts on the vitality and viability of the centre, traffic, noise, fumes, and health”.</u></p>	<p>To clarify that criterion (b) tries to avoid over concentration of restaurants, fast food takeaways etc. where the negative impacts make such concentrations unacceptable.</p>	<p>66_8</p> <p>Victoria Barrett NLP for LaSalle Investment Management</p>
Draft Policy 111 - Crystal Palace SOLDC			
MM070	<p>Para 6.4.7, line 4:</p>	<p>Correction.</p>	<p>111_4</p> <p>Francis Bernstein</p>

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	<p><i>“The Grade II* listed historic <u>Metropolitan Park</u>”</i></p> <p>Para 6.4.12:</p> <p><i>“The Grade II Listed centre is a historically significant sports and leisure facilities <u>which is used to host national and international sporting events and has been used to host Olympic training events</u>”.</i></p> <p>Para 6.4.16., line 2/3:</p> <p><i>“Policy15 seeks to maximise the opportunities for proposals presented by the Crystal Palace SOLDC so that they contribute and benefit from the thriving cultural and leisure economy of Crystal Palace’s District Centre, <u>and enhance as well as capture broader benefits for Penge District Centre, and the more local Anerley centre.</u>”</i></p>	<p>Correction due to inaccurate statement that the National Sports Centre is no longer suited to Olympic use.</p> <p>To make reference to the fact that the SOLDC should “enhance and benefit” Crystal Palace District Centre.</p>	
MM071	<p>Para 6.4.10, line 1-2:</p> <p><i>“Crystal Palace, <u>which, in its original form originally housed the Great Exhibition in 1851 on Hyde Park</u> the structure which originally housed the Universal Exhibition in 1851”.</i></p>	Correction.	<p>119_1</p> <p>Ken Lewington, Crystal Palace Foundation</p>

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MM072	<p>Para 6.4.7:</p> <p><i>“The Council acknowledges that the development potential of sites within the proposed SOLDC is constrained by the park’s designation as Metropolitan Open Land by its conservation area status and <u>by the need to conserve and enhance the significance of its numerous heritage assets. its conservation area status.</u> Crystal Palace Park is highly accessible with five train and overground stations within walking distance. The Grade II* Listed <u>Metropolitan Park is on the national register of Historic Parks and Gardens and has particular historic and cultural significance as the former site of Joseph Paxton’s Crystal Palace .It includes nationally and regionally important assets including the <u>Grade II* listed National Sports Centre, the remaining listed terraces and sphinxes from the Crystal Palace and the Grade I listed prehistoric Victorian sculptures of monsters and dinosaurs. The whole is designated as a conservation area.</u>”</u></i></p> <p>Para 6.4.8:</p>	<p>Changes for consistency.</p> <p>Revision required to set out the context relating to the masterplan for more clarity.</p> <p>Correction.</p> <p>Recognised that Historic England will be a key stakeholder in the seeking to identify the adequate development capacity.</p> <p>Changes highlight the significance of heritage assets in Crystal Palace.</p>	<p>193_16</p> <p>Historic England</p>
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“In 2011, a Masterplan submitted by the London Development Agency (LDA), folded into the Greater London Authority in 2012, was granted outline planning permission for the duration of 15 years. The Masterplan seeks to restore and improve the park and reinstate its national and international status. The park presents opportunities to encourage growth of more than sub-regional importance beyond its boundaries particularly through visitor spend in Crystal Palace and other neighbouring town centres within the Crystal Palace, Penge and Anerley Renewal Area. Planning permission was granted for a masterplan which seeks to restore and improve the park and reinstate its national and international status. The delivery of key capital projects is already underway, such as that of the restoration of the Dinosaurs. The GLA has also been considering options for elements of development and redevelopment on the site of the National Sports Centre.”

Para 6.4.12.:

“The Grade II Listed centre is a historically significant sports and leisure facility [...].”*

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	<p>Para 6.4.14:</p> <p><i><u>“The Council will work with the Mayor of London, Historic England and other stakeholders to identify adequate development capacity and ensure it supports the SOLDC designation should any development come forward”.</u></i></p> <p>End of para 6.4.15:</p> <p><i><u>“The park itself is a Grade II* Listed park on Historic England’s Register of Historic Parks and Gardens which includes a large number of significant assets including the Grade II* Listed National Sports Centre, the Grade II listed upper and lower terraces of the Crystal Palace Gardens, lower palace station, bust of Sir Joseph Paxton, gatepiers to Rockhill, Royal Naval Volunteer Reserve Trophy War Memorial and the Grade I prehistoric animal sculptures and geological formations by the lake.”</u></i></p>		
Draft Policy 123 - Sustainable Design and Construction			

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MM073	<p>The final bullet point at para 7.0.59:</p> <p><i><u>“Promote and protect biodiversity and green infrastructure including space for food growing where appropriate”</u></i></p>	<p>To make reference to the requirement for provision of growing spaces in line with the Mayor’s Sustainable Design and Construction SPG.</p>	<p>43_6</p> <p>Sarah Williams, Sustain</p> <p>(also 43_3 – DP 13 & 43_4 - DP 24)</p>
Draft Policy 125 – Delivery and Implementation of the Local Plan			
MM074	<p>Para 8.0.3:</p> <p><i>‘Where existing and planned provision of infrastructure, facilities and services are inadequate to meet the needs generated by a proposal, the Council will negotiate planning obligations <u>or agreements (s106 and/or s278 of the Highways Act 1980)</u> to secure measures to meet those needs’.</i></p> <p>Para 8.0.5:</p> <p><i>“Pooled contributions will be used within the restrictions of the CIL Regulation 123; <u>however, there is no limit for the pooling of s278 agreements.</u>”</i></p>	<p>To make references to s278 in addition to s106.</p>	<p>62_2</p> <p>Cherrie Mendoza, Highways England</p>
Appendix 10.6 – Areas of Special Residential Character			

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MM075	<p>ASRC description for Chelsfield Park line 13:</p> <p><i>“The estate also comprises areas of greenbelt which include woods and agricultural grazing land. <u>These are partly designated as a Grade I Site of Interest for Nature Conservation which includes species rich grassland</u>”.</i></p>	<p>To make reference to the SINC containing species-rich grasslands in addition to the “areas of greenbelt which include woods”.</p>	<p>69_64</p> <p>Matthew Frith, London Wildlife Trust</p>
Appendix 10.8 – Local Green Space Sites			
MM076	<p>Site 48 Chislehurst Recreation Ground, Walden Woods, Whytes Woods and Walden Woods, para. 3:</p> <p><i>“There are also a range of recreational facilities: The Invicta Scouts hut is located on Chislehurst Recreation Ground, which is also home to Elmstead FC <u>which secured funding to improve the now floodlit football pitches</u>, (there is a kickabout on the site) and Chislehurst Tennis Club.”</i></p>	<p>To highlight that the recreation ground is financially supported by the local football association and by the football foundation.</p>	<p>71_16</p> <p>Tony Allen, Chislehurst Society</p>

Comments

Comments

Questions

Please select 'add comment' if you wish to make a representation on this consultation.

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Draft Local Plan Main Modifications Consultation Representation Log

<u>Response Number</u>	<u>Name/Organisation</u>	<u>Modification Number</u>
MMREP001	Roger Lawson	
MMREP002	Adrian Lawrence, Lanniston Development Ltd	1,15,16,31,61
MMREP003	Asher Ross, GL Hearn obo Knights Developments	1,16
MMREP004	Sharon Jenkins, Natural England	
MMREP005	Peter Martin, Bromley Civic Society	7,8,9
MMREP006	John Escott, Robinson Escott Planning LLP	1
MMREP007	David Wood, The Beckenham Society	
MMREP008	Matthew Spry, Nathaniel Lichfield & Partners obo Biggin Hill Ltd	6
MMREP009	Chris Francis, West & Partners obo Delta Ltd and Dylon 2 Ltd	1,2,9,16
MMREP010	Judith John, Orpington Field Club	3,6,27,29,31,38,39,46,47,56,57,58,59,60,61,62,63,64 65,72
MMREP011	Laura Fletcher-Gray, Savills obo Bellway Homes (Thames Gateway)	1
MMREP012	Michael Welch, Transport for London	31,36
MMREP013	Charles Muriithi, Environment Agency	27
MMREP014	Andrew Johnston, HOW Planning obo Land Improvements	1,2,9
MMREP015	Tony Banfield, Friends of Bromley Town Parks and Gardens	
MMREP016	Quod obo S2 Estates	1,2,9,11,16,29,68

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Report No.
DRR18/046

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 11 September 2018

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PROPOSED RESPONSE TO SEVENOAKS AND TANDRIDGE DISTRICT COUNCILS' DRAFT LOCAL PLAN CONSULTATIONS

Contact Officer: Armelle Racinoux, Planner
Tel: 020 8461 7582 E-mail: armelle.racinoux@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

Sevenoaks District Council and Tandridge District Council are consulting on their Draft Local Plans which, when adopted, will guide future development in their areas. Under the "Duty to Cooperate" local planning authorities are required to identify cross-boundary issues and engage positively with their neighbours in preparing their Local Plans. This report sets out key aspects of the Draft Plans which could impact upon Bromley and includes a suggested response to the consultations.

2. **RECOMMENDATION(S)**

That the Development Control Committee:

- a) Agree the suggested response to Sevenoaks District Council's Draft Local Plan (Regulation 18) consultation as set out in Appendix 2.
- b) Agree the suggested response to Tandridge District Council's Draft Local Plan (Regulation 19) consultation as set out in Appendix 3.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: New Policy:
 2. BBB Priority: Excellent Council Quality Environment:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.667m
 5. Source of funding: Existing Revenue Budget for 2018/19
-

Personnel

1. Number of staff (current and additional): 65.86ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement: Further Details
 2. Call-in: Not Applicable: Further Details
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

Sevenoaks District Council's Draft Local Plan Consultation (July 2018)

Background

3.1 In October 2017, Bromley Council responded to Sevenoaks District Council's "Issues and Options" consultation, the first stage in preparing a new Local Plan. Bromley supported the overall objective to promote a housing choice for all as well as its general approach to meeting housing need by maximising supply in built up areas. The response stated that Bromley would be unable to help meet any unmet housing need due to its own constrained nature and that any release of Green Belt land should be subject to the very clear demonstration of exceptional circumstances. Sevenoaks is now consulting on a further iteration of its developing Local Plan which includes suggested site allocations and some potential Green Belt amendments. There will be a further opportunity to comment when Sevenoaks produce their final draft which they intend to submit for examination in 2019. Sevenoaks' Local Plan will be examined using the revised NPPF 2018.

Sevenoaks approach to housing need and supply

3.2 The consultation document states that the District's "Objectively Assessed Need" for housing over the plan period is 13,960 units, the equivalent of 680 units per year. The Council acknowledge that this is "a huge challenge for this constrained District" which is 93% Green Belt. **Table 1** below summarizes the sources of housing supply that could potentially contribute to meeting this need.

Table 1. Sevenoaks Potential Housing Supply

Description	Potential units
Baseline supply <ul style="list-style-type: none"> • Completions 2015-2018 • Sites with planning permission 	2,888
Maximising Supply <ul style="list-style-type: none"> • Windfall/ small sites allowance (including allowance for additional rural exception sites) • Existing site allocations, reassessed to make "most efficient use of land" (within existing settlements) • Sites within existing settlements 	2,290
Sites on "Previously Developed Land" (NPPF definition) and on "Brownfield land" (local definition) Not proposed to be removed from the Green Belt in the Local Plan <ul style="list-style-type: none"> • Sites on "sustainable previously developed land in the Green Belt" 318 • Sites on "sustainable locally defined brownfield land" 276 • Sites on a mix of Previously Developed Land and Brownfield land In the Green Belt including Fort Halstead (at a higher density) 710 	1,304
Development with heritage constraints not fully assessed	100

Sites for which there may be exceptional circumstances to amend the Green Belt boundary (i.e. sites to be removed from the Green Belt)	6800
9 sites including Land north and east of Westerham (Which Way Westerham) and Broke Hill Golf Course	
TOTAL POTENTIAL UNITS	13,382

3.3 Sevenoaks consider that 6,582 units could be delivered without Green Belt release, but even if all the potential sources of supply were to be delivered to their full identified capacity, the District would still fall short of meeting their Objectively Assessed Need.

“Previously Developed Land” and “Brownfield Land” sites in the Green Belt

3.4 The term “Previously Developed Land” has a very specific meaning in land use planning and is defined in the Glossary of the National Planning Policy Framework (NPPF). It excludes uses often found in the Green Belt including land occupied by agricultural and forestry buildings and that developed for mineral extraction. NPPF Para 145 sets out where the construction of buildings in the Green Belt is *not* considered inappropriate and that includes clause (g) and the exceptions on “Previously Developed Land”. Sevenoaks rely upon this to justify some of their site allocations, i.e. •sites on “sustainable previously developed land in the Green Belt” in **Table 1**.

3.5 The term “Brownfield Land” has been coined by Sevenoaks to expand the uses in the NPPF Glossary. They state that they have taken a “broader, more inclusive” definition of Previously Developed Land “in order to maximise the potential of land that has been subject to some form of development”. This includes agricultural buildings, plants nurseries or mineral workings.

3.6 Whilst it is acknowledged that Sevenoaks has made considerable efforts to identify potential sources of housing supply, there are concerns that its approach may not be compliant with the NPPF. Specifically, there are concerns that:

- it has adopted a definition of locally defined “Brownfield” land which is not consistent with the NPPF definition of “Previously Developed Land”, and
- it is trying to preempt the demonstration of “very special circumstances” by allocating development on sites which have not yet reached a planning application (those which it suggests come under NPPF Para 145 (g)).

3.7 The risk to Sevenoaks’ housing strategy is that this element of supply relies upon a local definition which needs in itself to be tested and/ or a very particular set of circumstances to be in place at the time a planning application is determined in order to demonstrate “very special circumstances”. The alternative is to remove these sites from the Green Belt in the Local Plan process, but, as set out below, the bar to achieve this is set very high.

Release of “Greenfield” Green Belt sites

3.8 The NPPF states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Before concluding that exceptional circumstances exist, all other reasonable options for meeting development needs should be examined. The strategy should make as much use as possible of suitable brownfield sites (the NPPF glossary cross-refers to the entry on Previously Developed Land), it should optimise the density of development in accordance with the NPPF and should be informed by discussions with neighbouring authorities about whether they could accommodate some of the need.

- 3.9 Sevenoaks state that they have included previously developed sites in their housing supply options, and have committed to reviewing densities on existing allocations, such as Fort Halstead. They have entered into discussions with neighbouring authorities including Bromley and they document that no other authorities have agreed to help meet their unmet housing need. It appears, therefore, that the justification to examine the case of exceptional circumstances may have been achieved.
- 3.10 The Draft Local Plan acknowledges that the District is “*still assessing whether the infrastructure proposed meets a genuine evidenced need and whether the exceptional circumstances proposed are sufficient to warrant a Green Belt amendment*” so it has not set out the full argument for the release of all the 9 sites presented. Sevenoaks contend that the sites are in sustainable locations relating to the District four town’s (Sevenoaks, Swanley, Edenbridge and Westerham) to directions of growth with adequate access to services and facilities and considering the relative constraints and opportunities presented by each settlement.
- 3.11 However, it is unclear how the Green Belt assessment (2017) which recommended parcels to be considered for release informed the selection of these sites. Bromley has concerns that the proposed Green Belt release sites may have been prioritised due to the contribution that they could make through infrastructure proposed by promoters. However, these potential benefits are yet to be tested and infrastructure needs are unsupported by the evidence in the Sevenoaks Infrastructure Delivery Plan which is still being updated. Whilst the consultation process provides the opportunity for stakeholders to comment on the proposals, a considerable amount of technical information is still required to demonstrate viability and deliverability as acknowledged in one of the Draft Local Plan appendices.

Proposed Green Belt release development sites

Broke Hill Golf Course

- 3.12 Of particular concern are the potential impacts of the proposal to allocate land at Broke Hill Golf Course, Sevenoaks Road (see location map in **Appendix 1**) for 800 housing units and associated infrastructure (see **Table 2** below for further details). The site is currently in the Green Belt and is situated around 240m from Knockholt station, on the border with Bromley. Sevenoaks intend to assess whether exceptional circumstances can be demonstrated to justify the removal of this site from the Green Belt.
- 3.13 Bromley has a number of concerns about the impact of this proposed development on transport services and local roads in Bromley. Whilst much is made of the sites ‘unrivalled accessibility and public transport credentials’ with reference to the proximity of Knockholt station, this development will not have been taken into consideration as part of the Kent Route Study which identified capacity issues on service going through Knockholt. The 2 trains per hour service is unlikely to make an attractive travel option in comparison to car use in this suburban location. The capacity of the commuter station car park would need to be assessed by Network Rail as the proposed development would have a significant impact during the morning and evening peak hours. Equally there are also concerns about rail heading into Bromley to take advantage of lower fares from other fare zones close to London.
- 3.14 The employment centre (care home, gin distillery and start-up businesses) proposed may lead to trip generation by train and road from outside the village and impact local roads, despite the claims made to “unrivalled access to the District’s main arterial roads including the A21 and the M25.” The development may also lead to car borne trips to secondary schools in the surrounding area and to and from the primary school proposed as part of the development.

Land north and east of Westerham

3.15 The proposed development site “Land north and east of Westerham”, also known as “Which Way Westerham” (see location map in **Appendix 1**). Should exceptional circumstances be successfully demonstrated, this site is to be removed from the Green Belt for the development of 600 residential units and the provision of an A25 relief road (further details are set out in **Table 3** below).

3.16 There are concerns about the location of 600 residential units in a location without a railway station or major public transport hub. Development of this scale risks of increasing rail heading to stations within the borough and associated congestion, noise and emissions impacts on the A233 through Biggin Hill and through Keston Mark junction which already suffers from congestion issues.

Table 2

Site Name & Reference	No. of units proposed	Site Area (Ha)	Social and Community Infrastructure proposed as stated by the promoter
Halstead/Pratts Bottom			
Broke Hill Golf Course MX41	800	60.2	<ul style="list-style-type: none"> • Extra care / warden-supported housing • Local Needs Housing • Local service centre (likely to include community hall, a café, health club facilities, and small-scale retail) • Healthcare provision • New Education Facilities, including Primary School, Early Years and Special Education Needs facility • Employment space including incubator business space • Self-build plots • Gin distillery (employment and tourism) • Station car park • A Regional Sports Hub including club/changing facilities and contributions to leisure facilities • Public open space provision

Table 3

Site Name & Reference	No. of units proposed	Site Area (Ha)	Social and Community Infrastructure proposed as stated by the promoter
Land north and east of Westerham			
Land north and east of Westerham (Which Way Westerham) HO371 & HO372 HO373 & HO374 EM17	600	21.8	<ul style="list-style-type: none"> • A25 Relief Road • Common Land extensions -25 ha • Environmental improvements, landscape restoration, flood risk management works - 25 ha • Employment space • Environmental landform screen to M25 - noise, light and air pollution attenuation plus renewable energy generation and storage • Contributions/facilities for GP surgery and primary school, inc. second school access road • Contributions for public realm and parking works in the town centre

Sevenoaks strategy for Gypsies and Travellers

Background

3.17 Bromley's Development Control Committee on July 9th 2014 agreed detailed comments on the Sevenoaks Gypsy and Traveller Plan Site Options Consultation 2014. Sevenoaks did not proceed with their Gypsy and Traveller plan and now propose that traveller needs be addressed through the Local Plan. The Sevenoaks District Gypsy and Traveller and Travelling Showpersons Accommodation Assessment (GTAA) 2017 identified a need for an additional 51 permanent pitches over the plan period 2015-35.

3.18 Sevenoaks Draft Local Plan proposes to allocate gypsy and traveller sites in the Green Belt. These are intended to accommodate the need for pitches by making temporary pitches permanent, achieving a higher density of pitches on existing sites and making small scale boundary amendments to existing sites to accommodate additional pitches. The supporting text recognises that adjacent Local Authorities are unable to meet need.

Concerns about Sevenoaks' approach

3.19 The Government's Planning Policy for Travellers clarifies that traveller sites are inappropriate development in the Green Belt. It advises that local authorities can make exceptional limited alterations to Green Belt boundaries to accommodate site inset within the Green Belt to meet specific identified need for traveller sites. It advises that if land is removed from the Green Belt in this way, it should be "specifically allocated in the development plan as a traveller site only".

3.20 Sevenoaks do not propose to remove the sites from the Green Belt, but rather to adopt a policy which includes criteria to be taken into account when proposals come forward. It is considered that this approach is not consistent with national policy as traveller sites are inappropriate development in the Green Belt. The consequence is that, order to meet their needs, Sevenoaks relies upon preempting the future demonstration of very special circumstances. There is also concern that travellers recently displaced from Sevenoaks due to a lack of sites may not have been reflected in the GTAA and that the allocations for 50 additional pitches may not meet need in full over the plan period.

Tandridge District Council Draft Local Plan Consultation

Background

3.21 Tandridge District Council is consulting on the final iteration of its Draft Local Plan in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012). Comments on this consultation will be submitted alongside the Plan for independent examination, which is intended to be in late 2018. If Tandridge submit before 24th January 2019, their Draft Local Plan will need to be consistent with the 2012 NPPF, under which it was prepared, rather than the revised NPPF which was published at the end of July 2018.

Tandridge approach to housing need and supply

3.22 Tandridge is a District with 94% Green Belt and as such acknowledges significant challenges in meeting their Objectively Assessed Need (OAN) for housing. Although the OAN is stated in the Draft Local Plan Foreword to be 12,900 units across the plan period, that is calculated using the new Government methodology, brought in by the revised NPPF. The draft Spatial Strategy policy instead refers to the need calculated in 2015 using guidance at that time, which is 9,400 across the plan period and states that Tandridge's housing supply strategy will only allow them to deliver 6,056 units.

3.23 Tandridge contend that their approach, and the fact that they do not propose to meet their full OAN for housing, is justified by national policy in Para 14 of the NPPF (2012), The "presumption in favour of sustainable development" requires that "local planning authorities should positively seek opportunities to meet the development needs of their areas unless... specific policies in this Framework indicate development should be restricted". Footnote 9 lists Green Belt as one of the "specific policies".

3.24 However, in order to reach 6,056 units, Tandridge still consider that exceptional circumstances exist to amend the Green Belt boundary and are proposing to release a number of sites in order to increase their housing supply. The Spatial Strategy is stated to have been determined with infrastructure at its core in recognition of the need for key infrastructure including schools, health services and the road network. Recognising that housing supply cannot be met by building in full on brownfield land, homes and infrastructure are also sought to be delivered through limited development of urban and semi-rural areas and the amendment of Green Belt boundaries where it does not serve its purpose. It contends that exceptional circumstances can be demonstrated having regards to the provision of evident community benefits and boundaries that can be defended for the long term.

3.25 The most significant Green Belt release is for a "garden community" at South Godstone, around 12km from the boundary with Bromley. Details are to be set out in an Area Action Plan but the draft policy states that the area will be required to deliver 4,000 new homes, employment space, new roads and junction improvements, an upgraded railway station, schools and community facilities.

3.26 Bromley acknowledges the considerable constraints upon Tandridge District and the difficult choices that it has to make in order to increase its housing supply, but still has concerns about where the unmet need will be accommodated.

Tandridge's strategy for Gypsies and Travellers

3.27 The Draft Local Plan states that Tandridge's Gypsy and Traveller Accommodation Assessment (GTAA 2017) identifies a need for five additional pitches for Gypsies and Travellers between 2016 and 2033. They do not propose to allocate any sites for travellers in the Draft Local Plan

but they have a criteria based policy for granting planning permission when proposals arise during the plan period. The policy suggests that an acceptable location would be “within or adjacent to the settlement boundary of an urban or semi-rural service settlement” or as part of the comprehensive master planning of the South Godstone Garden Community”. They contend that this strategy is consistent with the PPTS which allows the identification of “broad locations” for travellers.

Concerns about Tandridge’s approach

3.28 Whilst Tandridge acknowledge a small need for travellers sites in the first five years of the plan, they have not considered future needs such as those likely to emanate from household formation as the children of existing traveller families grow up. The PPTS specifies that traveller sites are inappropriate development in the Green Belt, therefore, despite the policy suggesting where travellers might be best located, any proposal which arise in the Green Belt will still need to demonstrate very special circumstances. Whilst the identification of South Godstone Garden Community as a possible area is welcomed, this is not reflected in the actual policy for South Godstone and, in any case, the delivery of that policy is dependent on a forthcoming Area Action Plan. There are concerns that this failure to plan for adequate numbers and to secure sites and plots in the Local Plan may lead to unauthorised encampments in the District and adjacent boroughs, including Bromley.

4. POLICY IMPLICATIONS

4.1 The revised NPPF 2018 para 60 states that, in addition to the local housing need figure, any needs that cannot be met within neighbouring authorities should also be taken into account in establishing the amount of housing to be planned for. Bromley is part of the London housing market area as defined by the London Plan and therefore neighbouring districts outside London would need to engage with the Mayor of London in order to discuss meeting any unmet need.

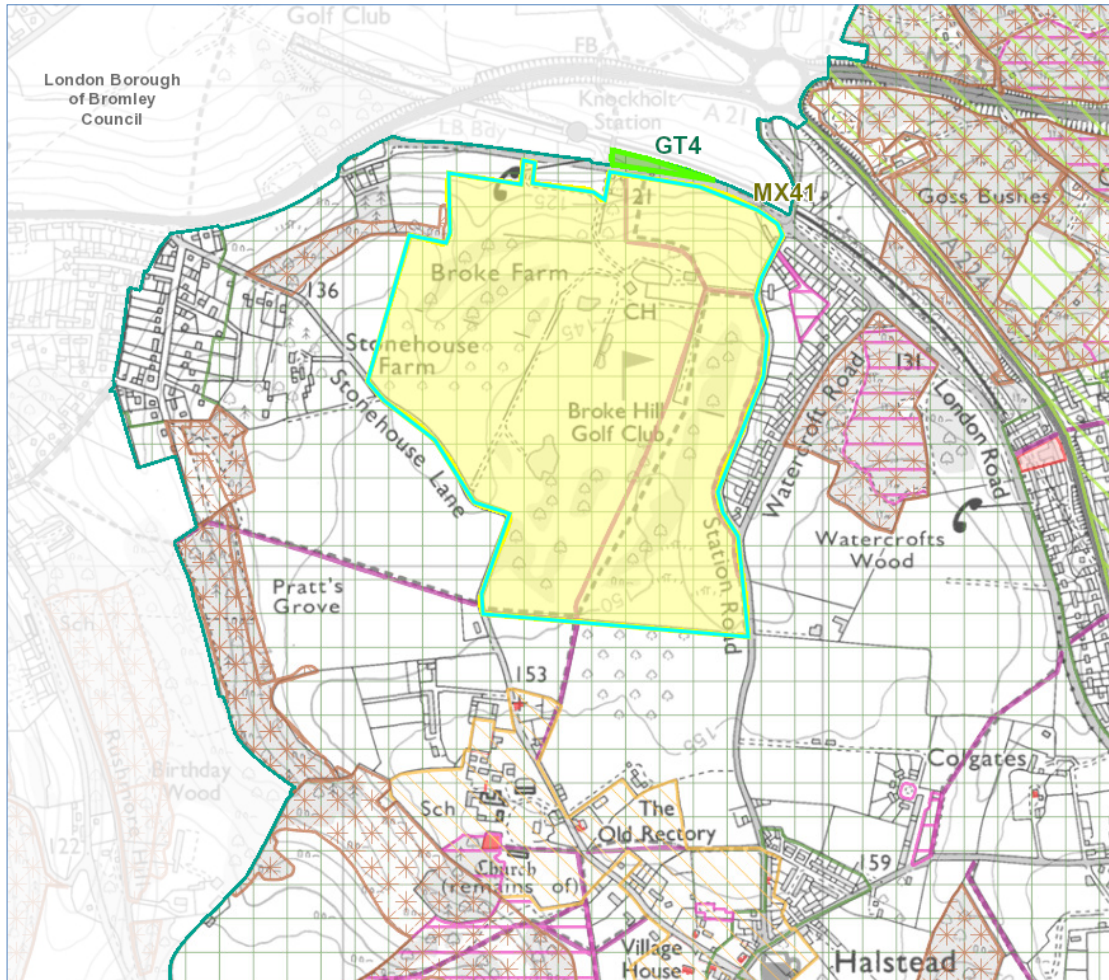
5. LEGAL IMPLICATIONS

5.1 The Duty to Co-Operate, created in the Localism Act 2011, places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of cross boundary matters.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children Personnel Implications Financial Implications Procurement Implications
Background Documents: (Access via Contact Officer)	Sevenoaks’ Draft Local Plan Consultation (2018) https://www.sevenoaks.gov.uk/info/20069128/new_local_plan/389/draft_local_plan_consultation Tandridge District Council’s Final Draft Local Plan Consultation (2018) https://www.tandridge.gov.uk/Planning-and-building/Planning-strategies-and-policies/Local-Plan-2033-emerging-planning-policies/Draft-Local-Plan

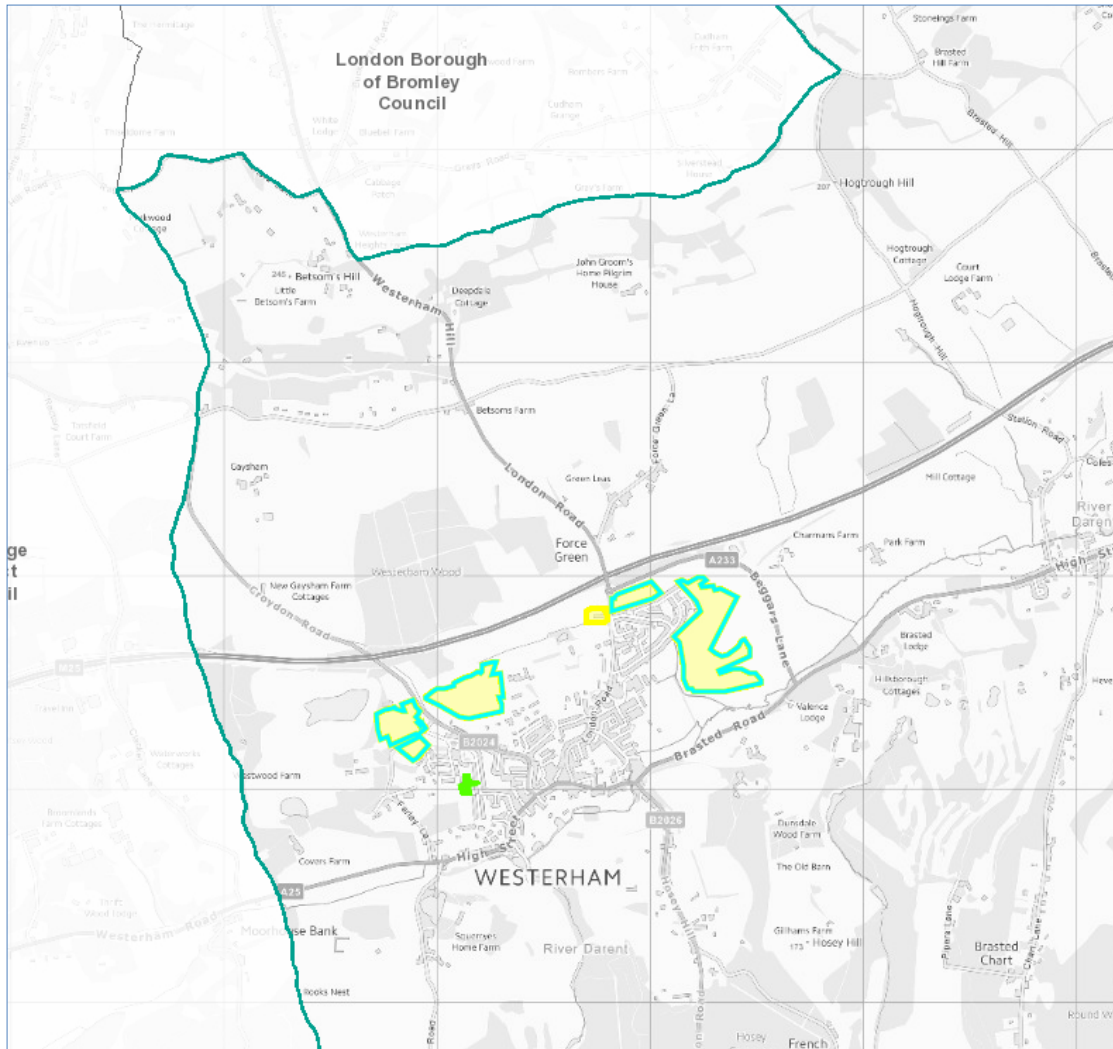
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Location of Broke Hill Golf Course in Sevenoaks District



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Location of land north and east of Westerham (Which Way Westerham)



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Suggested response to Sevenoaks District Council's Draft Local Plan consultation (July 2018)

Thank you for the opportunity to comment on the Sevenoaks Draft Local Plan consultation (July, 2018). We note that this is a consultation under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 and that the District is still to publish its final Draft Local Plan for examination.

The London Borough of Bromley is committed to engaging positively with its neighbours not only to satisfy the requirements of the "Duty to Cooperate" but also to ensure that any potential adverse impacts on its own communities are highlighted and investigated. We support the broad objectives of the Draft Local Plan and recognise the constraints which influence how the District may be able meet its objectively assessed needs for development, however we wish to raise some concerns.

Transport and infrastructure implications for Bromley

The increased level of development in Sevenoaks is likely to have adverse impacts upon the road network, public transport system and other infrastructure in Bromley, particularly resulting from sites close to the borough boundary but also in cumulative terms. It is noted that some of the suggested site allocations include possible mitigation measures, and that the Infrastructure Delivery Plan is still in preparation, so we make some suggestions below about additional information which should be sought in order to assess potential problems and requirements for mitigation.

Broke Hill Golf Club site

The London Borough of Borough has a number of concerns about the transport impact of this proposed development and how the ambition for the Garden Village to be a 'self-sustaining and vibrant village for new residents' will be achieved.

The site's 'unrivalled accessibility and public transport credentials', appears to rely significantly on the adjacent Knockholt station providing 2 trains per hour (tph). However this service falls short of the aspirations for a London suburban metro referred to in the Mayors Transport Strategy, and is unlikely to make an attractive travel option when compared to private cars. This proposal will not have been taken into consideration as part of the Kent Route Study which identified capacity issues on services through Knockholt. The capacity of the station car park (for commuter) should also be assessed as it would have a significant impact during the morning and evening peak hours. Equally there are also concerns about rail heading into Bromley to take advantage of lower fares from other fare zones close to London.

In addition to rail, high frequency local bus services to town centres and schools will be required to reduce the impact of car borne trips to secondary schools in the surrounding area and to and from the primary school proposed as part of the development. These buses should be able to serve the whole of the new village therefore streets should be able to accommodate movement buses. Further details of the cycle links are required to ensure they serve corridors of demand.

The mixed use nature of the development is a welcome step towards creating a sustainable community, however, the employment centre (care home, gin distillery and start-up businesses) proposed may lead to trip generation by train and road from outside the village and impact local roads, a fact recognised by specific references to “unrivalled access to the District’s main arterial roads including the A21 and the M25.”

For the impact on Bromley’s local roads to be assessed more accurately additional information would be required in support of the development including:

- Junction capacity assessments for access to London Road/ Sevenoaks Road and of any other access points,
- Detail of the ability of the road network to accommodate high frequency local bus services to town centre and schools and of cycle links,
- A primary school transport assessment,
- Modelling of the need and access to travel and transport of the staff of the employment facilities proposed as well as car and cycle parking cycle parking facilities.

Land north and east of Westerham

There are concerns that this composite site, in a location without a railway station or public transport hub, has the potential to increase rail heading to stations within the Bromley. This would come with the associated congestion, noise and emissions impacts on the A233 through Biggin Hill and through Keston Mark junction which already suffers from congestion issues. Mitigations to provide high quality and high frequency feeder buses to the nearest railway stations should therefore be required as part of the proposals, with the development’s street network designed to enable residents easy and convenient access to buses.

Construction phase disruption

During the construction phase of any development Bromley is concerned that there will be a considerable increase in lorry traffic through Biggin Hill, Darwin and Bromley Common and Keston wards, not just for the construction but particularly for the infilling of the very large sand and gravel pits. The A233 between Westerham and the A21 is predominantly a single carriageway road with congestion issues at key junctions, notably Keston Mark, therefore, a Construction Logistics plan should be used to minimise the impact of construction traffic on the quality of life/environment, congestion and road safety in Biggin Hill, Darwin and Bromley Common and Keston. Consideration should be given to whether a Construction Consolidation Centre could reduce the impact of this and other development in surrounding areas on local roads in Bromley, ideally construction traffic should be kept on the M25 and roads outside of Bromley.

Housing Supply

It is noted that Sevenoaks has looked at a wide range of options to meet its objectively assessed housing need, including potential Green Belt land release, but that even with the latter it is likely to fall short. Whilst Bromley acknowledges the

constraints of a District with such a large amount of Green Belt it reiterates that it would be unable to help accommodate any unmet housing need due to its own constraints. Since Bromley is part of the London housing market area, Sevenoaks will also need to engage with the Mayor of London in order to discuss meeting any unmet need in the future.

Locally defined brownfield land and “sustainable previously developed land”

The first point of concern lies with the District’s local definition of “brownfield land”. Whilst it is understandable that the District wishes to maximise supply on areas of land which are already developed in some way, this definition clearly includes uses which are *specifically excluded* from the Previously Developed Land definition in the NPPF. Some of the sites counted in this element are therefore inappropriate development in the Green Belt. Whilst it may be that some planning proposals will fall under the exceptions listed in NPPF Para 145 (g), this can only be determined through the planning application process. Equally, in allocating the sites, there is an assumption that when schemes come forward, the balance will fall in favour of permitting the development, i.e. that “very special circumstances” will exist at that point in time. It is considered that this element of supply should not be included in the site allocations and there is considerable uncertainty in its delivery.

Greenfield Green Belt release

We note that Sevenoaks are considering releasing 9 greenfield Green Belt sites for residential and mixed use development but that these are still to be fully assessed to establish whether exceptional circumstances exist. However, it is unclear how the Green Belt assessment (2017) which recommended parcels to be considered for release informed the selection of these sites. Bromley has concerns that the proposed Green Belt release sites may have been prioritised due to the contribution that they could make through infrastructure proposed by promoters. These potential benefits are yet to be tested and infrastructure needs are unsupported by the evidence in the Sevenoaks Infrastructure Delivery Plan which is still being updated. Whilst the consultation process provides the opportunity for stakeholders to comment on the proposals, a considerable amount of technical information is still required to demonstrate viability and deliverability as acknowledged in one of the Draft Local Plan appendices.

Gypsy and Traveller provision

The Government’s Planning Policy for Travellers clarifies that traveller sites are inappropriate development in the Green Belt. It advises that local authorities can make exceptional limited alterations to Green Belt boundaries to accommodate site inset within the Green Belt to meet specific identified need for traveller sites. It advises that if land is removed from the Green Belt in this way, it should be “specifically allocated in the development plan as a traveller site only”.

It is noted that Sevenoaks do not propose to remove the sites from the Green Belt, but rather to adopt a policy which includes criteria to be taken into account when proposals come forward. It is considered that this approach is not consistent with national policy as traveller sites are inappropriate development in the Green Belt.

APPENDIX 2

The consequence is that, order to meet their needs, Sevenoaks relies upon preempting the future demonstration of very special circumstances. There is also concern that travellers recently displaced from Sevenoaks due to a lack of sites may not have been reflected in the GTAA and that the allocations for 50 additional pitches may not meet need in full over the plan period.

Bromley would like these comments taken into account in developing the final Sevenoaks' Local Plan in order to ensure that Sevenoaks have a robust Draft Local Plan that will withstand examination and to protect the quality of life of Bromley's communities. We look forward to continuing cooperation on cross-boundary matters.

Suggested response to Tandridge District Council's Draft Local Plan consultation July 2018

The London Borough of Bromley welcomes the opportunity to comment on Tandridge District Council's Draft Local Plan. We note that this is a consultation under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 and therefore representations made will be submitted alongside the Draft Local Plan for consideration by an appointed Inspector at examination.

The London Borough of Bromley is committed to engaging positively with its neighbours not only to satisfy the requirements of the "Duty to Cooperate" but also to ensure that any potential adverse impacts on its own communities are highlighted and investigated. We support the broad objectives of the Draft Local Plan and recognise the constraints which influence how the District may be able to meet its objectively assessed needs for development, however we wish to raise some concerns.

Housing supply

Bromley notes that Tandridge intend to submit their Draft Local Plan for examination before the end of 2018 and therefore it should be examined with reference to the 2012 NPPF rather than the 2018 revision. It is for this reason that it is staying with the Objectively Assessed Need (OAN) of 9,400 from 2015 rather than the higher figure produced by the Government's recently introduced new methodology.

Tandridge acknowledges that its strategy for housing supply does not meet the OAN and considers that the approach is justified by the NPPF para 14. Whilst Bromley recognises the significant constraints posed by a District with 94% Green Belt, it encourages Tandridge to try and meet its OAN within its boundaries to avoid increasing pressure in neighbouring areas notably London, which is a single housing market area. Bromley would be unable to help accommodate any unmet housing need due to its own constraints and as part of the London housing market area, Sevenoaks will also need to engage with the Mayor of London in order to discuss meeting any unmet need in the future.

Gypsies and Travellers

The Draft Local Plan states that Tandridge's Gypsy and Traveller Accommodation Assessment (GTAA 2017) identifies a need for five additional pitches for Gypsies and Travellers between 2016 and 2033. However, we note that the District does not propose to allocate any sites for travellers in the Draft Local Plan, rather wishing to adopt a criteria based policy for granting planning permission when proposals arise during the plan period. The policy suggests that an acceptable location would be "within or adjacent to the settlement boundary of an urban or semi-rural service settlement" or as part of the comprehensive master planning of the South Godstone Garden Community".

Whilst a small need for traveller sites in the first five years of the plan is acknowledged, it seems that there has not been adequate consideration of future

needs, for example, those likely to emanate from household formation as the children of existing traveller families grow up. The PPTS specifies that traveller sites are inappropriate development in the Green Belt, therefore, despite the policy suggesting where travellers might be best located, any proposal which arises in the Green Belt will still need to demonstrate very special circumstances. Whilst the identification of South Godstone Garden Community as a possible area is welcomed, this is not reflected in the actual policy for South Godstone and, in any case, the delivery of that policy is dependent on a forthcoming Area Action Plan. There are concerns that this failure to plan for adequate numbers and to secure sites and plots in the Local Plan may lead to unauthorised encampments in the District and adjacent boroughs, including Bromley. It is recommended the Draft Local Plan addresses the need for the whole plan period, and that, in the absence of other specific allocation for traveller pitches, the Policy for South Godstone Garden Community is amended to include traveller site provision.

Bromley would like to see Modifications made to the Tandridge Draft Local Plan to take into account its concerns in order to ensure that the plan is sound and that potential adverse impacts on Bromley are minimised. We look forward to continuing our cooperation on cross-boundary matters in the future.

Report No.
DRR18/049

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 11 September 2018

Decision Type: Urgent Non-Executive Non-Key

Title: GOVERNMENT CONSULTATIONS ON SHALE GAS;

PROPOSED PERMITTED DEVELOPMENT RIGHTS FOR SHALE GAS EXPLORATION & TRIGGERS FOR THE PRODUCTION OF SHALE PRODUCTION PROJECTS INTO THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS REGIME

Contact Officer: Stephanie Turner, Planner
Tel: 020 8313 4477 E-mail: Stephanie.Turner@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

The Government are seeking views on two concurrent consultations;

- i) A consultation by the Ministry of Housing, Communities and Local Government on the principle of whether non hydraulic fracturing shale exploration development should be granted planning permission through a permitted development right; and
- ii) A consultation by the Department for Business, Energy and Industrial Strategy on the criteria required to trigger the inclusion of shale production projects into the Nationally Significant Infrastructure Projects regime.

2. **RECOMMENDATION(S)**

- 2.1. That Members consider the two Government consultations and note the planning concerns.
- 2.2 Members note the draft suggested response as set out in Appendix 1 and agree that the final response be prepared by the Chief Planner in consultation with the Chairman

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: New Policy: Government policy relating to planning procedures for Shale Gas exploration and production projects
 2. BBB Priority: Excellent Council Quality Environment:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Development Control
 4. Total current budget for this head: £1.66m
 5. Source of funding: Existing gross revenue budget for 2018/19
-

Personnel

1. Number of staff (current and additional): 38.64 FTEs
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: None
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 It is the Government's view that there are potentially substantial benefits from the safe and sustainable exploration and development of our onshore shale gas resources. Shale gas has the potential to play a major role in further securing energy supplies and creating economic benefits locally and nationally. Joint Written Ministerial Statements on Energy and Planning Policy on 17 May 2018 reiterated the Government's view and announced a number of measures to facilitate decisions on shale planning applications including;

i) A consultation on the principle of whether non hydraulic fracturing shale exploration development should be granted planning permission through a permitted development right

ii) A consultation on the criteria required to trigger the inclusion of shale production projects into the Nationally Significant Infrastructure Projects regime.

Permitted Development for Shale Gas Exploration consultation

3.2 The "Permitted Development for Shale Gas Exploration" consultation seeks views on the following matters;

1. Whether to introduce a permitted development right for non-fracturing shale gas exploration development
2. Definition of non-hydraulic fracturing shale gas exploration
3. Development not permitted
4. Development conditions and restrictions
5. Prior approval
6. Time-limited or permanent permitted development right
7. Public sector equality duty

3.3 In line with the Written Ministerial Statement, any permitted development right for exploratory shale drilling would only apply to shale gas exploration, and for non-hydraulic fracturing operations to take core samples for testing purposes. The right would not apply to hydraulic fracturing; where this is proposed, planning permission would still be required.

3.4 The consultation proposes and seeks views on the definition of non hydraulic fracturing which is proposed as follows; "*Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test*". Projects which fall within the proposed definition would still require appropriate consents from three regulators: the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority.

3.5 Views are also sought on possible Permitted Development Right exemptions, including (amongst others) areas of outstanding natural beauty, national parks, world heritage sites, conservation areas, sites of archaeological interest, sites of special scientific interest and land safeguarded for aviation or defence purposes.

3.6 Respondents are asked to suggest what conditions and restrictions might be appropriate for shale gas exploration to mitigate any potential adverse effects and impacts of the development. For example, some permitted development rights for use of land for mineral exploration include limits on the height of any structure assembled and time limits on the operation and duration of works. The consultation also seeks views on whether a prior approval should be sought from the Local Planning Authority to allow for local consideration of particular elements of the development.

- 3.7 The Government could seek to monitor the success of the permitted development right by granting it time-limited consent. This would enable a review of the impacts and outcomes and inform whether permitted development rights should be retained permanently. The consultation seeks views on whether the right should apply only for 2 years or be made permanent.

Policy Background:

- 3.8 The NPPF states at Para 209 that Minerals Planning Authorities should:

- a) recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;
- b) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
- c) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- d) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- e) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
- f) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

- 3.9 As a Unitary Authority, Bromley is a minerals planning authority. In recognition that most London authorities would largely duplicate each other on aggregates landed at wharves and rail depots, together with data on construction, demolition and excavation (CD&E) waste, the Mayor has published the 'Local Aggregate Assessment for London' (2018), for all London Boroughs.

- 3.10 There are no policies relating to fracking in the Unitary Development Plan or in the proposed Local Plan. However Policy SI11 of the Consultation Draft London Plan (Dec 2017) states that development proposals for exploration, appraisal or production of shale gas via hydraulic fracturing should be refused. The supporting text states that the Mayor does not support fracking in London and highlights the British Geological Survey report (2014) for the Department of Energy and Climate Change which concluded that "*there is no significant Jurassic shale gas potential in the Weald Basin*". Supporting Para 9.11.2 states that it is highly unlikely that there is any site that is geologically suitable for a fracking development in London. Para 9.11.3 adds that "*should any London fracking proposal come forward there is a high probability that it would be located on Green Belt or Metropolitan Open Land. Furthermore, London and the south east of England are seriously water-stressed areas. Fracking operations not only use large amounts of water but also presents risks of potential contamination, presenting significant risks to London*"

Proposed response to Government Consultation

- 3.11 Objections are raised regarding the introduction of permitted development rights for shale gas exploration as this would remove the need for a full planning permission taking the decision making powers from the Local Planning Authority. The impacts of the proposal on the locality would therefore not be assessed and people living near proposed fracking sites would not have the opportunity to comment.

Inclusion of Shale Gas Production in the Nationally Significant Infrastructure Project Regime

- 3.12 The Planning Act 2008 created a planning process for Nationally Significant Infrastructure Projects (NSIP) in fields of development including energy, water, waste water, road and rail transport and hazardous waste disposal. For projects falling within the scope of what is defined in the Planning Act 2008 as a NSIP, this becomes the only route for obtaining planning consent. The final decision for granting development consent rests with the relevant Secretary of State depending on the type of infrastructure project.
- 3.13 Regulatory regimes that are separate but complementary to the planning permissions are already in place to ensure on-site safety, prevent water contamination, and mitigate seismic activity and air pollution. The Infrastructure Act 2015 reinforces these regulations and has introduced a range of further requirements that must be met before an operator can carry out high volume hydraulic fracturing in a responsible, sustainable and safe manner.
- 3.14 The Government is seeking views on the timings and criteria for including shale gas production projects in the Nationally Significant Infrastructure Project regime under the Planning Act 2008. Possible criteria for projects to be brought into the NSIP regime could be the number of wells, the estimated total volume of recoverable gas, and the estimated production rate. The consultation states that, while large-scale shale gas production is likely to be many years away, applications for the first production sites could be received in the coming years.
- 3.15 The consultation explains that if the Planning Act 2008 was amended to include major shale gas production projects as a Nationally Significant Infrastructure Project, then all future shale gas production projects that met defined threshold(s) would have to apply for development consent within the Nationally Significant Infrastructure Project regime. This would only apply to production phase projects, however, and not exploration or appraisal projects.
- 3.16 It also sets out the role of local communities and local authorities within the Nationally Significant Infrastructure Project regime. Members of the local community and the local authorities are able and encouraged to get involved in Nationally Significant Infrastructure Project applications from the pre-application stage through to the examination of the application.

Proposed response to Government Consultation

- 3.17 Objections are raised for the following reason. If shale gas production is designated as a Nationally Significant Infrastructure Project, the decision making powers would be taken away from the Local Planning Authority as the decision making process for NSIP's lies with the Secretary of State.

4. POLICY IMPLICATIONS

- 4.1 The Unitary Development Plan does not contain any policies on fracking neither does the draft Local Plan. The consultation draft London Plan does however contain a policy relating to the exploration of shale gas (see above).
- 4.2 The Department for Business, Energy and Industrial Strategy have produced guidance on Fracking "Guidance on fracking: developing shale gas in the UK" Jan 2017.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN LEGAL' FINANCIAL, PERSONNEL & PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	https://www.gov.uk/government/consultations/permitted-development-for-shale-gas-exploration https://www.gov.uk/government/consultations/inclusion-of-shale-gas-production-projects-in-the-nationally-significant-infrastructure-project-nsip-regime

Response to consultation 1 - Permitted Development for Shale Gas Exploration consultation

“The London Borough of Bromley welcomes the opportunity to comment on the consultation by the Ministry of Housing, Communities and Local Government on the principle of granting planning permission for non-hydraulic shale gas exploration development through a permitted development right. Objections are raised to the introduction of permitted development rights for shale gas exploration as this would remove the need for a full planning permission, taking the decision making powers away from the Local Planning Authority. The impacts of the proposal on the locality would therefore not be assessed and people living near proposed fracking sites would not have the opportunity to comment.”

Response to consultation 2 - Inclusion of Shale Gas Production in the Nationally Significant Infrastructure Project Regime

“The London Borough of Bromley welcomes the opportunity to comment on the consultation by the Department for Business, Energy and Industrial Strategy on the criteria required to trigger the inclusion of shale production projects into the Nationally Significant Infrastructure Projects regime. Objections are raised to the designation of shale gas production as a Nationally Significant Infrastructure Project due to the fact that the decision making powers would be taken away from the Local Planning Authority and the decision making process would lie with the Secretary of State.”

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