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PLANS SUB-COMMITTEE NO. 3

Meeting to be held on Tuesday 9 May 2017

SUPPLEMENTARY AGENDA

Please see the attached report marked “to follow” on the agenda.

Report No.	Ward	Page No.	Application Number and Address
4.19	Copers Cope	1 - 76	(17/00170/FULL1) - Footzie Social Club, Station Approach, Lower Sydenham, London, SE26 5BQ

Copies of the documents referred to above can be obtained from
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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/00170/FULL1

Ward:
Copers Cope

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

OS Grid Ref: E: 536826 N: 171157

Applicant : I 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 (+ basement) development comprising 229 residential units (118 one bedroom; 103 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.

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 Lewisham. This is a triangular site, bound to the west by railway tracks, the north by the proposed first phase of the Dylon development (8 storeys high at this point) and to the southeast by the Poole River and a strong tree belt. There are some small 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.

At the present time part of the site is being used as storage compound for the adjacent Dylon development and there are a significant number of cars being parked on the open areas of the site (anticipated to be connected to the construction staff on Dylon). The 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, 80% of the site is located within Flood Zone 3.

The built context is less sensitive. There is no particular built character around the site. The areas to the west of the railway are predominantly industrial with poor quality one

and two storey sheds set within small trading estates. Many of these are vacant and there is very little consistency in terms of the building forms and materials. The railway cutting itself is surrounded on both sides by tall slender trees that create a natural border along the western edge of the site. The access point to the development will be via Station Approach and past the western edge of the Dylon development. Station Approach is lined with 2 storey business units.

Apart from the adjacent Dylon site, there are no residential areas with a direct relationship with the application site. However, there is a small estate of modern 2 and 3 storey houses to the northeast. Further to the south, houses on Copers Cope Road back on to open views towards the MOL. Although, there is no direct relationship with these dwellings, the views they currently enjoy will be affected by the proposal. These dwellings are predominantly 2- 3 storey Victorian villas. Copers Copse Road itself is a very pleasant street with trees lining each side and attractive outlooks across open space.

The topography of the site falls gently from the north to the southern corner and from west to east towards the Pool River.

The site is located next to Lower Sydenham Train Station with direct links to central London although access into the station is rather convoluted and the station is not accessible. The development is located on the corner of Worsley Bridge Road and Station Approach. Worsley Bridge Road is a district distributor road which links with the A2218 Southend Lane to the north and with the A2015 Southend Road via Stumps Hill, or Brackley Road to the south. The site has a low PTAL rating of 2.

The station was earmarked for a possible Bakerloo Line station on an extension to Hayes. TfL is currently consulting on an extension of the Bakerloo line from Elephant and Castle to Lewisham via the Old Kent Road. However, the GLA has confirmed that this option does not preclude a future extension to Hayes.

Proposal

The redevelopment comprises the erection of a substantial building to accommodate:

- 229 units (118 x one bed, 103 x two bed and 8 x three bed)
- 23 wheelchair accessible units (10% to accord with M4(2) of the Building Regulations) comprising 7 x one bed and 16 x two bed
- 174 car parking spaces (23 disabled spaces)
- 390 cycle parking spaces (340 for residents and 50 for visitors)

The development would comprise two blocks positioned along the western edge of the site with a gap of 21.5m between the blocks. The highest part of the north block would be basement plus 8 storeys, the block would step up and down in height with the lowest form being 5 storeys in the middle of the block. The southern block would comprise basement plus 8 storey's on its northern end stepping down to six, five and four storey's towards the southern end.

The buildings would include an undercroft parking level with residential accommodation sitting at podium level and above. Part of the podium would comprise the landscaped space between the blocks and landscape buffer separating the residential terraces and the eastern edge of the built development with steps down to the public open space at ground floor level.

Due to the topography of the site, the ground floor comprises metal grilles along 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 galvanised steel balconies. Wintergardens 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 with a number of street level parking spaces (35 surface level parking spaces and 139 in the undercroft). A further access would be provided through the Dylon development from Worsley Bridge Road. To the east the remainder of the MOL would be re-landscaped to include new public paths and a children’s play area.

The table below sets out details of the existing and proposed built area:

	Existing	Proposed	Sqm Differences	Percentage
Building footprint	833.7 sqm	3304 sqm (20,138 floorspace and 26,663.6 sqm GEA for the entire buildings)	2470.3 sqm increase in footprint	+ 296%
Hard standings/private space footprint	7012.1 sqm	4009 sqm	3003.1 sqm reduction	- 43%
Combined built development footprint	7845.8 sqm	7313 sqm	532.8 sqm reduction	- 7%
Green space footprint (including the river)	10,803.2 sqm	11,336 sqm	532.8 sqm increase	+ 5%
Total	18,649 sqm	18,649 sqm		

As shown above the proposal would result in an overall a reduction in hardstanding/built footprint and increase in green space. However, there would be a significant increase in building footprint 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:

Design and Access Statement (prepared by Ian Ritchie Architects)

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 optimising the potential of the site to provide much needed residential accommodation.

Officers accept that Dylon has some relevance in that it is an adjacent development and has a similar architectural language to the proposal but it is important to recognise that Dylon 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 application site is 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.

The document sets out the differences between the first application DC/15/00701/FULL1, the second application DC/15/04759/FULL1 and the current proposal.

This statement confirms that the site comprises an area of 18,649 sqm, the footprint of the new buildings would be 3304 sqm whilst the GEA would be 26,663 sqm. The density equates to 123 u/ha or 309hr/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.

Outdoor Gym and Playground (prepared by Ian Ritchie Architects)

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)

This report has been prepared to address the comments raised by the Planning 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.

Landscape Management Plan (prepared by Ian Ritchie Architects)

This document sets out detailed proposals for the management and maintenance of the open space aspect of the proposal which will be sited to the east of the two residential blocks. The open landscaped area will comprise large areas of planting as well as a playground. It is intended to make the open space accessible to the public.

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

This document seeks to explain the background to the application and as assessment of relevant planning considerations 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, detailed design rationale, transport, flood risk, contamination, energy and sustainability and economic and social benefits.

The applicant suggests that the proposal would result in more than a 10% reduction in brownfield development with a corresponding net addition 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 Inspectors comments on the previous proposal.

The applicants suggest in this document that the Council do not have a 5 Year Housing Land Supply despite the Councils Report taken to Committee in November 2016. It is stated that the Council have a deficit in terms of 5 Year Supply and when taken with the most up to date evidence base of the Mayors Housing SPG (May 2016) there is an increased housing need for Bromley (1,535 – 1,855 dwellings per annum). It is stated that the deficit is 3,360 units which needs to be set against the 5 year supply.

On the issue of Housing Land Supply this report concludes that Bromley policies relevant to the supply of housing are out of date and therefore there should be a presumption in favour of sustainable housing development.

The statement confirms that the development would deliver 35% affordable housing with the exact tenure to be negotiated. However it is noted that the application form states that the affordable provision would be 100% intermediate. This discrepancy was queried with the applicant. In response to this the applicant has confirmed that he would negotiate the tenure mix.

The applicant suggests the following issues amount to Very Special Circumstances:-

- Provision of new residential dwelling including policy compliant levels of affordable
- Provision of a public park on the eastern part of the site
- Economic benefits of the proposal
- The fact that the site is in a highly accessible location
- Within this statement the applicant offers the following s106 contributions to mitigate the impact of the development:
 - Provision of an onsite car club vehicle
 - £25,000 contribution towards bus stop improvements
 - £39,870 cash in lieu for Carbon Reduction
 - Education contribution (to be agreed)
 - Health contribution (to be agreed)
 - Provision of 35% affordable housing
 - Access to the new public open space
 - Mayoral CIL

At Appendix B 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 issue of previously developed/brownfield land.

Affordable Housing Statement (prepared by West and Partners)

This statement confirms 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.

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, it 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 visual role of the site and its townscape character with focus upon where the site can be viewed from within the surrounding area and wider borough. In this respect 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 in views from publically accessible 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. 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 and that this was supported by the Appeal Inspectors comments. 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 socio-economic benefits arising from the proposal are material considerations.

The report sets out policy relevant to Bromley's 5 year housing land supply and provides a critique of the approach taken by the Council in assessing need and producing the 5 year supply. The report concludes that the scheme is capable of making a significant contribution to local housing needs (including affordable housing).

The report concludes that the MOL, housing, socio-economic, regeneration, design and place making benefits are significant and more than sufficient 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 will arise from the proposal. The following benefits are stated:

- £39.1 million private sector investment into the local area

- 170 temporary construction jobs per year
- 255 spin off jobs (arising from the wage spending of construction workers and supplier sourcing)
- £1.26 million on first occupation goods and services
- 8 Full time equivalent jobs in the local area from full time occupation of the site
- £350,000 Council Tax receipts per year
- £2.5 million New Homes Bonus
- Mayoral CIL and s106 payments approximately £1.4 million

Daylight and Sunlight Assessment (prepared by West and Partners)

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 scheme at Dylon Phase 1 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 Phase 1 scheme and that the new units would meet the recommended BRE levels for daylight and sunlight.

Phase 1 Habitat Survey (prepared by Betts Ecology)

This report was prepared on the basis of a site walkover. The report concludes that the site provides breeding habitat for a range of common birds and some of the poplar trees may offer potential for roosting bats. The report suggests a further bat survey should be undertaken prior to any works to trees or demolition of buildings and that the landscaped area to the east of the site is retained and consideration given to its enhancement and expansion. 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 bird nesting season.

Revised Flood Risk Assessment (prepared by RPS)

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 applicants FRA has been prepared in liaison with the Environment Agency whose advice has informed the buildings slab levels, 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)

This report sets out the approach to foul drainage which will be a modified single stack system connecting to the public foul water sewer in Worsley Bridge Road.

Air Quality Assessment (prepared by Air Quality Consultants)

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 phases 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 gas fired CHP and boiler 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)

This statement has been prepared in line with the principles of the London Plan Energy Hierarchy. The building fabric will seek to reduce CO2 emissions by 15.12% over the Building Regulation compliant figures, using CHP to reduce CO2 by a further 45.99% and if necessary utilising PV panels for a reduction of 81.45%. The total reduction on Building Regulations 2013 will be 91.50%.

The report suggests a cash in lieu payment of £38,870 to meet the 100% reduction in regulated carbon emissions.

The proposal has been assessed against the Home Quality Mark Pre Assessment. The report suggests that the residential development would achieve a 2 star rating.

Geotechnical and Geoenvironmental Ground Investigation Report (prepared by Geosphere Environmental Ltd)

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 was 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)

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 concludes that double glazing would be sufficient to ensure appropriate levels of amenity could be achieved for future occupiers. 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. Wintergardens are considered to be a suitable solution for the west facing units.

The report acknowledges that some of the balconies would be exposed to noise pollution but given the extensive communal amenity space this is considered (by the applicant) to be acceptable.

Tree Survey Report (prepared by Ian Richie Architects)

This report confirms that there are a number of trees on the site including Poplar trees along the western edge adjacent to the railway line, 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 has significant damage 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.

Desk-top Archaeological Assessment (prepared by Isambard Archaeology)

The report concludes that undesignated heritage assets are located within the vicinity of the site, however, the significance of these assets is low.

Addendum Transport Assessment and Residential Travel Plan (prepared by Royal Haskoning DHV)

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 174 car parking spaces, 15 motorcycle spaces and 390 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 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 accord 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.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application by letter. Site notices were displayed and an advertisement was placed in the local press.

At the time of writing this report 1 letter of objection had been received. The full comments can be read on file but are summarised as follows:

The development is too large for the area

There is insufficient parking

Traffic in this area is already too busy

The trains are already overcrowded

The roads are not safe for cyclists

Other Representations

At the time of writing no letters of support had been received for the application.

Comments from Consultees

GLA (summary – full comments attached as Appendix 1): The proposals represent inappropriate development on Metropolitan Open Land and very special circumstances have not been demonstrated to outweigh the harm caused to the open quality and permanence of the MOL.

Affordable housing: 35% by habitable rooms is supported in accordance with the threshold approach set out in the Mayor's draft Affordable Housing and Viability SPG; however, in accordance with the SPG an early stage review mechanism should be secured, and the applicant should review the inclusion of grant. Further discussion is also required regarding affordable rent levels and the intermediate offer.

While the maximum building height has been reduced and the layout amended, the height, mass, and density will be harmful to the open character and quality of the MOL.

Further information/clarifications/commitments related to overheating and cooling demand, future connection to a district heating network, and the provision of Photovoltaics is required

In respect of transport, the application is in general conformity with the strategic transport policies of the London Plan, but changes are required in respect of cycle access, impact on Lower Sydenham station and detailed conditions/obligations regarding bus stop improvements, travel planning, delivery and servicing and construction logistics.

In conclusion Bromley Council are advised that the application does not comply with the London Plan for the reasons set out in paragraph 74 of this full report, which should be addressed before the application is referred back to the Mayor.

TFL (summary): In principle TfL considers the proposal to be acceptable from a strategic transport perspective. However to ensure the application complies fully with London Plan transport policies, the following matters should be addressed:

- Further details of the design of the accesses are required and improvements made for cyclists.
- Amendments to onsite cycle parking thereafter secured by condition.
- Blue Badge parking spaces and Electric Vehicle Car Parking Spaces secured by condition
- A £30,000 contribution by s106 towards delivering step free access works at the nearest bus stop
- A Delivery and Servicing Plan (DSP) and Construction Logistics Plan (CLP) secured by condition.
- Travel Plan incorporating car club provision and memberships to be secured by s106.

Environment Agency (summary): No objection subject to recommended conditions.

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 (summary – full comments available to view on file): A number of concerns have been raised in relation to proposed development and the potential impact on the capacity and footfall at Lower Sydenham Station.

Due to the large scale developments occurring within the area, such as the Crest Nicholson development called Dylon Works. Network Rail is concerned with relation to the cumulative impact that the existing and proposed developments will have on Lower Sydenham station.

The application makes reference to TfL's BLE extension to Hayes and Beckenham Junction which will not be in place in the foreseeable future. While the transport assessment explains the benefit of 27 trains per hour with BLE extension, it should be acknowledged that currently there is only 8 trains per hour.

Before Network Rail can make a substantive response, we request that the developer provides Network Rail with an assessment detailing the forecast of pedestrian trips (to / from the proposed development) to Lower Sydenham Station in the AM and PM peak times. Network Rail will then be able to review the potential impact on the operation of Lower Sydenham Station and establish if mitigation / improvement measures need to be introduced. Funding may be need to be secured in order to improve passenger facilities which could include:-

- New access from development site to ease flows along platform due to single access
- Replace one of the footbridges with a new footbridge with Lifts for step free access to both platforms (peak flow is boarding London bound platform and disembarking onto country bound platform).
- Allow capacity for public thoroughfare on new footbridge in addition to station access.
- Waiting areas, canopy, shelters

This proposal intends to use glass in both the accommodation and the stairwells. There are concerns that due to its proximity to the station, the light could reflect and have an adverse effect on the platform starter signal and the images on our Driver Operator Only equipment (used to safely dispatch trains). Concerns have been raised in regards to the sun reflecting off of the sides of the proposed 2 blocks and impacting on the operation of the rail, an assessment using a SunCalc tool has confirmed this.

Further to the above long term impact on the operation of the station, It is to be noted that during the construction period the proposal is likely to impact on the operation of Station Approach Road. The developer should contact Network Rail to discuss the Construction arrangements and management plan to ensure that it does not have an adverse impact on the accessibility and operation of Lower Sydenham Station.

Phase I runs parallel to the boundary fence to platform 2, we would expect there to be hoarding etc to protect our site, beyond that point Phase II is parallel to the boundary, this area too would probably require protecting from potential incursion from the building site.

Conditions are recommended in respect of Vehicle Incursion and Fencing.

Historic England (summary): No objection subject to a recommended archaeology condition

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 resident's 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): I have looked at this application, in particular the following specialists' Reports:

- Air Quality assessment prepared by Air Quality Consultants (Report ref J2131/2/F1, 17 Jan 2017)
- Geotechnical and Geoenvironmental Ground Investigation Report prepared by Geosphere Environmental Ltd (Report ref 821,GI-PHASE 2/SG,PD/04-08-14/V2)
- Noise and Vibration Report prepared by Cole Jarman Associates (Report ref 11/4200/R2)

On the understanding that the Recommendations of these reports will be implemented in full, I would have no objections to permission being granted.

Environmental Health Housing (summary): The 3b5p flats appear to fall below the London Plan minimum standards, there are concerns with open plan living arrangements and lack of views across amenity space.

Strategic Housing (summary): My Initial concern on property size is the predominance of one beds and we would expect a better range to reflect overall split – particularly around the number of 2 beds. The other area is the proposal for 100% intermediate which would not be a complaint scheme. Our need for affordable rented units is immense and as such we would be looking for the requirement for a mix in line with the 60:40 split.

Drainage Advisor: Reviewing the submitted FRA carried out by RPS with ref No. RCEF48483-001 R draft Dated December 2016, I note in Section 10 (Surface Water Management) the soakaway tanks to store surface water run-off into the Pool River to a maximum of 5l/s for all events including the 1 in 100 plus climate change storm event, the statement also acknowledge the fact that at the detailed stage to consider the use of swales and permeable paving. I raise no objection subject to recommended conditions.

Cleansing: No response received

Tree Officer: The selected tree species and positioning is well thought out and I can foresee a successful scheme being implemented. I would support the proposals and recommend an implementation condition be applied to any forthcoming planning permission.

Rights of Way Officer: No objection

Highways: Full comments set out under the highways section below but in summary the highways officer raises no objection subject to conditions and s106 obligations to mitigate the impact of the proposal.

The following mitigation is requested to address Highways Matters:

Conditions

H01 (Access), H03 (Car Parking), H18 (Refuse), H22 (Cycle Parking), H23 (Lighting), H25 (Servicing facilities), H29 (Construction Management Plan) and H30 (Travel Plan)

Legal Agreement

Two parking spaces on-site to be reserved for use by Car Club vehicles. The spaces would be at surface level and the car club operator will be appointed to operate a minimum of 1 car at the location for at least 2 years.

A sum of money (£5,000) to be secured for a period of 5 years to make any changes (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.

Improvements to pedestrian accessibility to the local bus stops on Worsley Bridge Road., including changes to the waiting restrictions on the highway, improved signage, the creation of step free access to the bus stops and a new bus shelter to support southbound bus services. The cost of the measures estimated to be £30,000.

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 final consultation for the Preferred Submission draft Local Plan was completed on December 31st 2016. It is expected to be submitted to the Secretary of State for examination in public in mid-2017. 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 (Consolidated with Alterations since 2011) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework 2012 (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. The NPPF makes it clear that weight should be given to emerging policies that are consistent with the NPPF.

Paragraph 7 states that, 'There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

An economic role – contributing to building 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 and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'

Paragraph 14 makes it clear that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision taking. In terms of decision taking it states that, 'where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted (specific policies in the NPPF cover issues such as land designated a Green Belt).

Paragraph 49 states that, 'Housing applications should be considered in the context of the presumption in favour of sustainable development.'

Paragraph 56 that, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

Paragraph 60 states that, 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

Paragraph 61 states that, 'Although, visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.'

Paragraph 63 states that, 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

Paragraph 64 states that, 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Paragraph 65 states that. 'Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

Paragraphs 79-92 of the NPPF sets out the Government's intention for Green Belt. 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:

- 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 96 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 100 states that, 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.'

Paragraph 101 states that, 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'

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 7.14 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 2015-16 Minor Alterations (MALPs) have been prepared to bring the London Plan in line with the national housing standards and car parking policy. Both sets of alterations have been considered by an independent inspector at an examination in public and were published on 14th March 2016. The most relevant changes to policies include:

3.5 Quality and Design of Housing Development
 3.8 Housing Choice
 6.13 Parking

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
 Draft SPG: 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 Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD
- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

Relevant Draft Local Plan 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

Planning History

History for this site includes:

88/01449: Single storey stable block and formation of car park. Permitted.

89/01826: Use of sports ground for car boot sales. Refused.

95/00294: Single storey detached building for use as a mini cab office. Permitted.

14/02176: Temporary static caravan for security purposes (retrospective). Refused.

15/00701: 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. 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 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 Mayors 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.

An appeal was submitted but subsequently withdrawn by the applicant.

15/04759: 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 applicant submitted an appeal against non-determination. 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 Mayors 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.

The appeal was dismissed with the following conclusions (the full appeal decision is attached as Appendix 3). Relevant extracts of the Inspectors 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"

Relevant history for Dylon includes:

09/01664: 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 (135 sqm)/ Class D1 creche (437 sqm) and 149 flats (32 one bedroom/ 78 two bedroom/ 39 three bedroom). Refused but Appeal Allowed.

13/01973: 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. Appeal Allowed.

13/03467: 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. Appeal Allowed.

14/01752: 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. Refused.

15/04692: 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. Approved.

15/04702: 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. Approved

Total approved development on the Dylon Phase 1 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: 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), 1,129 sq m commercial floorspace (Use Class B1a-c), residents gym (Use Class D2), together with associated car and cycle parking, landscaping and infrastructure works.

Refused for reasons relating to loss of industrial floorspace, overdevelopment, poor design and impact on adjacent MOL, impact on infrastructure and substandard level of amenity for future occupiers.

Consideration

The main issues to be considered are:

- Differences from previous proposal
- Principle of Development, MOL and Presumption in Favour of Sustainable Development
- Density
- Design
- Landscaping and Public Realm
- Trees and Ecology
- Housing Issues
- Highways and Traffic Issues
- Impact on Adjoining Properties
- Sustainability and Energy
- Planning Obligations

Differences from the previous proposal

This application has been submitted in order to try and overcome the reasons for refusal and the subsequent Appeal Inspector's concerns with the previous application DC/15/04759. In order to assist with the assessment of the current application it would be useful to identify the main differences between the proposals.

Reduction in the number of units (24 less units overall compared to the last application DC/15/04759 and 67 less units than the first application DC/15/00701/FULL1)

The design has been amended to divide the proposal into two separate blocks 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 21.5m gap between the blocks which would create a soft landscape buffer between the blocks.

Reduced height – current proposal has a height range of basement plus 4 – 8 storey's whereas the previous proposal DC/15/04759 was for basement plus 9 storey's (the first application DC/15/00701/FULL1 was proposed at basement plus 8 – 12 storey's). 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 storey's, 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 to try and 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 applicant believes that the gap between the two blocks and varying roof height helps to create visual openness.

A further east/west pedestrian access has been introduced between the two blocks providing access from the western edge of the site to the public open space.

The materials pallet has been refined to include more glazed areas as well as winter gardens on the western elevations.

The applicant has stated that there are no single aspect units in the current proposal; they form this opinion on the basis of the design of the one bed units having inverted bays which allow views in two different angles. However, this design does not result in a dual aspect unit (as confirmed on page 86 of the Mayors Housing SPG)

Wintergardens 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.

Surface level parking spaces on the western edge of the site have been reduced and the access road shortened to improve the soft landscaped areas on this side of the site.

Principle

The application site is designated Metropolitan Open Land and is 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 greenbelt. Supporting Paragraph 7.56 to the MOL policy makes it clear that the policy guidance of paragraphs 79-92 of the NPPF on Green Belts applies equally to MOL. It further states that "the Mayor is keen to see improvements in [MOL]'s 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 paragraphs 79-92 of the NPPF sets out the Government's intention for Green Belt. 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.

Paragraph 83 states that local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

Paragraphs 87 - 89 make it clear 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, is clearly outweighed by other considerations. Furthermore, a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- 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, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The proposed development includes substantial new buildings which do not fall within the exceptions set out in paragraph 89 of the NPPF. The new residential buildings are inappropriate development. The harm this inappropriate development; by definition, causes should be given substantial weight.

Policy G2 of the UDP is consistent with the rest of National and London Plan policy. It confirms permission for "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 the proposed residential development falls into, 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.

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 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 development would assist in meeting housing need
- The applicant contends that Bromley is unable to meet its 5 years housing land supply.
- The land does not meet the London Plan criteria as defined in 7.17 for designating MOL
- The 'in principle harm' that may arise from the development would be limited and there would be limited impact on openness
- The proposed open space would meet MOL criteria
- 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

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 concluded as part of this 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 asserts that it fails to meet at least one of the preceding tests and so fails the last test.

Officers agree with the GLA conclusions on this particular point, as set out in the GLA Stage 1 Response *"the planning 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, and as such this does not constitute very special circumstances"*.

Having established that the proposed development for housing is clearly inappropriate development it is necessary to consider the harm that could arise both in terms of visual impact and openness.

The Appeal Inspector for the previous scheme did not consider that this site was clearly distinguishable from the Dylon site to the north and due to the lack of physical link across the river was of the view that this site does not make as significant contribution to the MOL as the remaining open space beyond the river. However, Officers still consider the designation of the site as MOL to be fundamental to the assessment of this application, it is not appropriate to consider re-designation through the planning application process (as confirmed by the GLA) and it is important to note that the adjacent Dylon site was never designated as MOL so its circumstances for redevelopment are significantly different to this site.

Officers consider that this site is separate from the built up development to the north, 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 the planned and proposed development taking place on the former industrial sites to the north it is even more important to retain and protect the MOL.

At the present time the site is not open to public use; it has been allowed to fall into a poor condition and is currently 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 by virtue of the existing low level development on the site and therefore the issue to consider is the extent of harm arising from the visual impact as a result of increasing the scale of the development on the site.

Officers do not accept that openness has already been compromised as there is still a large part of the existing site (58%) that remains free from built form at ground floor level. Whilst the proposal would result in a slight increase in green space across the site (5-7% depending on the accuracy of the applicants submission) this would not be a significant increase and of more importance is the fact that actual building footprint would increase by 296% with a substantial increase in volume. A reduction in hardstanding but significant increase in built form above ground level clearly causes harm by virtue of harm to openness. This is exacerbated by the visual impact of a building designed to accommodate 26,663.6 sqm GEA.

The existing development 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 proposed buildings would result in a significantly greater physical presence on site which would have an adverse impact in terms of openness and visual impact. Existing buildings on site have a height of 6.7m whereas the proposed building would be 25.8m high representing a 19.1m increase.

In order to demonstrate that the proposal, would not cause visual harm the applicant has submitted a Visual Assessment with verified views to demonstrate the impact of the proposal which has been reduced in scale. Whilst it is acknowledged that the building has been reduced in height and the gap between the two blocks does help to reduce the mass to some extent, the visual images clearly demonstrate that the proposal will be visible from a number of surrounding viewpoints. Whilst the proposed blocks would be lower in scale than the Dylon development that particular site does not lie 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 applicants 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.

Furthermore, deliberate neglect, unauthorised use or lack of public access is not in itself a reason to allow development on important protected sites such as this.

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 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 87, 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. For the reasons set out in this report it is not considered that the applicants suggested Very Special Circumstances exist and the level of harm that would arise by virtue of the harm to openness and visual impact substantially outweigh any benefits of the proposal. Consequently Very Special Circumstances do not exist.

Housing Need and Supply

It is recognised that at national level, the NPPF (paragraph 49) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites

UDP Policy H1 requires 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.

Although policy 3.3 of the London Plan does state that “boroughs should seek to achieve and exceed [their] relevant housing targets as defined in table 3.1 (641 units per annum for Bromley), and that those targets should be “augmented where possible with extra housing capacity to close the gap between identified housing need and supply in line with the requirement of the NPPF” is mainly relevant at the LDF preparation stage. The NPPF (para.47) requires local planning authorities to identify and keep up-to-date a deliverable five year housing land supply against their housing requirement, with an additional buffer of 5%.

The Council's latest Five Year Housing Land Supply paper was reported to and agreed by Development Control Committee on 24.11.2016. It concludes that the Council does have five years' worth of housing supply and it has informed the Council's Proposed Submission Draft Local Plan (November 2016) that was out for public consultation until the end of December 2016.

In this respect of this particular point it is important to note the comment in the GLA Stage 1 Response in which it is stated “*As highlighted in the previous applications, the London Plan housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA), which was tested and endorsed at Examination in Public. A key principle of the SHLAA and London Plan is that the target can be met without the need to consider designated open space.*”

Housing need is not therefore 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 and London Plan Policy 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’.

The applicant considers that “very special circumstances” justifying development on MOL have been established by virtue of the ability of the site to meet housing need and housing land supply. However, Officers do not agree that very special circumstances are justified on this specific basis. 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 as required in UDP Policy G2. 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 improvement to the landscape and provision of public access is welcomed, by itself it is not a very special circumstance. With regards to housing need, the Council has published a 5YHLS that demonstrates that housing targets set for the Borough will be met and given the principle of the SHLAA is predicated on meeting need

without considering open space; the provision of housing cannot be considered a very special circumstance.

As such, very special circumstances to outweigh the harm caused by the inappropriate development on MOL have not been demonstrated, and the principle of the development 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) 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). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces.

The London Plan advises that development plan policies related to density are intended to optimise not maximise development and density ranges are deliberately broad to enable account to be taken of other factors relevant to optimising potential such as local context, design and transport capacity, as well as social infrastructure, open space and play (para.3.28).

The Housing SPG (March 2016) provides further guidance on implementation of policy 3.4 and says that this and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (e.g. employment or commercial floorspace), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility (para.1.3.8).

The applicant considers this site to fall within an urban setting based on the Dylon scheme together with the proximity of Lower Sydenham Station. They have sought to rely on the Inspectors description of the Dylon Site in relevant appeal documents and therefore calculate the PTAL as 2/3 and believe that the appropriate density range is 200-450 hr/ha or 70-170 u/ha as set out in Table 3.2 of the London Plan or 300-450 hr/ha/100-150u/ha according to Table 4.2 of the UDP.

Officers do not agree with the applicant's assessment of density. The site is not part of the Dylon site, it is not identified as a housing site but is currently designated as MOL. The site is inset within MOL and adjacent to the Dylon site which has been granted permission for a scheme with an urban density. It is considered that this site forms a transition zone between the urban development to the north and suburban development, taking account of the area to the south and east of the site characterised by a predominance of semi-detached houses and Metropolitan Open Land. The appropriate density range would therefore be within the London Plan suburban range of 150-250 hr/ha or 50-95 u/ha. The current proposal would equate to a density of 123 units/ha or 309 hab rooms/ha which significantly exceeds the suburban range. This is considered to be a good indicator that the proposal would amount to overdevelopment of this particular site.

As discussed above the principle of redeveloping this site for residential use is considered to be unacceptable. Even if putting the MOL considerations to one side, the proposal is not considered to be a sustainable form of development. One of the strongest reasons in justifying this development put forward by the applicant is the site's location adjacent to Lower Sydenham train station. The transport implications of this scheme will be discussed

in detail below. However, the transport report states that the site achieved a PTAL rating of 2, which is considered 'poor'. The site is actually quite isolated from surrounding facilities. 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. Furthermore it is noted that National Rail has confirmed that there is no disabled access to Lower Sydenham Station at present and raised concerns with the lack of information submitted to demonstrate impact on the railway network. Consequently, the sustainability credentials of this location are therefore questionable and there are concerns about appropriateness of the site to accommodate the density proposed.

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 isolated location of this building and the harm caused to the surrounding landscape and MOL discussed elsewhere in this report clearly show that that sustainability alone and provision of a high density scheme cannot be justified.

It is noted that the GLA raise an objection to the density proposed stating *"As noted in the urban design section below, the development's density is not appropriate to the MOL setting as the resultant design of built mass and its height is not a design approach that sits well in the open context. 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 proposed density is inappropriate for this site.

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 is clearly aligned with the principles of the NPPF as set out above.

In respect of design for the previous proposal the Appeal Inspector stated:

"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 of 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”.

In respect of design it will be necessary to assess whether the current scheme sufficiently overcomes the above comments. The key elements of design are assessed below.

Appropriateness of a Tall Building

Policy BE17 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 building is considered to be a tall building in the context of its surroundings. Whilst it is acknowledged that Dylon Phase 1 is now under construction and does form part of the character of the area it is not considered that this sets the predominant character for this site. As noted by the Appeal Inspector for the previous scheme, beyond the Dylon Phase 1 site the remaining surrounding development is a mixture that includes industrial and commercial development, generally at no more than 2 storey's high. Consequently the current proposal is still considered to be at odds with the prevailing character of development in this locality and of an overly dominant height when seen against the relatively small scale development on, and open nature of, other surrounding land. Furthermore as discussed above the proposed density is not appropriate for this site. Consequently, the proposal does not satisfy the criteria set out in Policy BE17.

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, this is considered poor. When setting out 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 clearly 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 Policy BE1 of the Bromley UDP that states that development should complement the scale form and layout of the area.

The built character in the local area is varied, and there is little consistency. It varies from 2 storey suburban dwellings to industrial sheds. The Dylon development currently under construction will introduce a new urban form between 5 and 8 storeys. The landscape of the site and wider area does, however, give the area a strong character. Proposals on the application site should therefore respond to the landscape and open space, as the primary influence on the site. This does not mean that the development of the application site should be of a suburban scale, but it should respond sensitively and positively to the landscape and open space. Despite being reduced in height from the previous proposal, the current scheme at 5-9 storey's (including basement level) would be completely out of character with the landscape and open space.

As discussed above it is acknowledged that the building has been reduced in height, however, the visual images submitted clearly demonstrate that the proposal will be visible from a number of surrounding viewpoints. Whilst the proposed blocks would be lower in scale than the Dylon development the proposed blocks would 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.

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 Hill 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 on the open character of the site adversely affecting the setting and character of the MOL and Green Chain. Despite planted screening 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 7 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 will 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 Policies BE18, NE12, G2 and G7 of the UDP and Paragraph 7 of the NPPF.

Street Network and Connections

London Plan Policy 7.4 states that, 'A Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future. 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
- Is informed by the surrounding historic environment.'

Policy 7.5 states that, 'Development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate to help people find their way. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space. Opportunities for the integration of high quality public art should be considered, and opportunities for greening (such as through planting of trees and other soft landscaping wherever possible) should be maximised. Treatment of the public realm should be informed by the heritage values of the place, where appropriate.'

The supporting text to Policy 7.5 states in paragraph 7.16, 'The quality of the public realm has a significant influence on quality of life because it affects people's sense of place, security and belonging, as well as having an influence on a range of health and social factors. For this reason, public and private open spaces, and the buildings that frame those spaces, should contribute to the highest standards of comfort, security and ease of movement possible. This is particularly important in high density development (Policy 3.4).

There is emphasis in planning policy to create permeable, accessible areas. This is stated in Policy 7.1 and 7.5 of the London Plan.

In order to overcome previous concerns the current proposal is to create two separate blocks with a generous landscaped pedestrian route between them providing access from the open space to the western edge of the site. In addition a number of access cores are proposed along the western edge of the building and the vehicular access road and surface parking areas on the western edge of the site have been reduced. This is considered to be a welcome improvement in respect of the design of the scheme at ground floor level, relationship to the street and proposed green space. However, these improvements do not outweigh the harm that will arise by virtue of the scale and mass of the buildings which still fails to relate to the green open character of the site.

In summary the proposal fails to positively integrate into its surrounding context contrary to Policies 7.1, 7.4 and 7.5 of the London Plan, Policy BE1 of the UDP and Bromley Residential supplementary design guidance.

Design Quality

There is a strong emphasis in development plan policies, national and local planning guidance to deliver good design. Paragraph 56 of the NPPF states that good design is indivisible from good planning. Policy BE17 of the UDP states that buildings that exceed the general height of buildings in the area should be of outstanding architectural quality. 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.

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'

It is important to note that despite concerns raised with respect to the podium design for historic applications, the Appeal Inspector did not object to this approach, she also did not object to the detailed design approach taken for the elevational treatment. This application has been considered in that context.

It is considered that the form of the building (separating it into two blocks) and approach to articulating the facades together with the choice of materials pallet could result in a high quality building of architectural merit (subject to detailed design execution 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 prominent 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, would still cause a substantial amount of overshadowing, limiting the usability of the open space particularly during late afternoon/evening in the summer months. While there may be a case to be made for introducing some enclosure between

the railway line and MOL to enhance the quality of the space, the scale and bulk of the proposed building goes beyond what could be recognised as being necessary or acceptable to achieve this. The revised scale would still block the views of the MOL from the railway line, a characteristic which connects the MOL with the wider urban area. Consequently a building of this scale and mass is not considered to be appropriate for this protected site and the harm that will arise cannot be overcome by the quality of the architecture or materials palette 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 separating the building into two separate blocks the proposal does not sufficiently overcome previous reasons for refusal or the adequately address the concerns raised by the Appeal Inspector in respect of the previous proposal.

Trees and Ecology

Policy NE7 requires 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. English Nature 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. English Nature also act as the Licensing Authority in the event that following the issue of planning permission a license 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 confirmed that there is no objection to the proposed removal of trees as set out in the applicants submission. In the event that this application were acceptable in all other respects it would be appropriate to request a detailed landscaping strategy by way of condition which 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.

Unitary Development Plan 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 Policy 2 Provision of Affordable Housing (Proposed Submission Draft Local Plan November 2016) specifies that “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 that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities.....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) Size and Tenure of Residential Accommodation

The proposal would provide the following residential development

	1 Bed	2 Bed	3 Bed	Total
Private	68	77	2	147
Affordable (100% intermediate as set out in the Application Form)	50	26	6	82
Total	118	103	8	229

Size Mix

The size mix of units equates to 52% one beds, 45% 2 beds and 3% three beds. This is a similar breakdown to the historic applications for which no objection was raised. The concerns raised by The Council’s Strategic Housing Officer in respect of requiring a high proportion of 2 bed units have been duly considered. The Councils Housing Officer has not raised an objection to the number of 3 bed units proposed as this would meet current housing need for this unit size, whilst a greater number of two bed units particularly in the affordable tenure would be preferable to meet current demand/need, 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 unit size mix could be sustained in this instance. Consequently the proposed mix is considered to be acceptable. However, for the reasons discussed below the proposed affordable housing provision is not considered to be acceptable.

Tenure

The affordable housing statement makes reference to 202 out of 577 habitable rooms within the scheme being proposed for affordable purposes. It specifies that the tenure split will be negotiated. The application form included in the planning application documentation specifies that 82 units are proposed for intermediate housing and 147 units are proposed for market housing. This mix of tenures is contrary to Policy H2 of the Unitary Development Plan and Policy 3.11 of the London Plan as set out above. The applicant has subsequently confirmed that it is not intended to provide 100% intermediate for the

affordable provision and that the exact tenure mix will be subject to negotiation (confirmed by email). However, at the time of writing this report no steps had been taken by the applicant team to commence negotiations in this respect. The Affordable Housing Statement submitted confirms negotiations will occur but does not go further than that in progressing the matter. Based on the content of the application which does not include any evidence to justify a particular tenure mix (such as a Financial Viability Appraisal) the applicant has failed to demonstrate that the proposal would deliver a policy compliant provision of affordable housing.

In the stage 1 response the GLA advised *“the initial affordable housing proposal is supported. However, in accordance with the Mayor’s Draft Affordable Housing and Viability SPG, an early stage review mechanism will be required, whereby an affordable housing review will be triggered if an agreed level of progress on implementation is not made within a specified period, typically 2 years; GLA will agree an appropriate trigger point with the Council and applicant. Furthermore, the applicant is required to submit additional scenario testing to demonstrate whether the scheme can viably deliver 40% affordable housing with grant funding and appropriately engage with a Registered Provider”*.

On the basis of the information submitted with the application, 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 and Policy 3.11 of the London Plan (2016).

b) *Standard of Residential Accommodation*

Policy H7 of the UDP and the Residential Standards SPD sets out the requirements for new residential development. The 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 3.3 of the London Plan sets out minimum space standards for new development. The standards require:-

- 1bed2person 50 sqm,
- 2b3p units 61sqm,
- 2b4p units 70 sqm
- 3b4p units 74 sqm
- 3b5p 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 there are no single aspect units within the development due to the one bed units being designed with inverted bay windows. However, Officers do not consider this design approach to be sufficient to overcome issues relating to single aspect units. Indeed the Mayors Housing SPG specifically states that provision of a bay window does not constitute dual aspect.

Due to the inverted bay design the proposal includes a significant number of single aspect units. Whilst the 2 and 3 bed units are dual aspect, all of the one bed units are single aspect which includes 42 units facing east, adjacent to the railway line and 7 north facing units. These units 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 wintergardens 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 amount and density of development proposed is not appropriate for this site.

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 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 23 wheelchair units would be provided (7 x 1 bed and 23 x two bed). Meeting Building Regulation requirement M4 (3) 'wheelchair user dwellings'. Each core has the benefit of two lifts. It is not clear from the submission whether the 23 units are proposed for the affordable or private tenure but if the application were acceptable in all other respects this issue could be clarified with the applicant.

Playspace

The application accords with London Plan Policy 3.6 and includes appropriate facilities for play and recreation. If this proposal were acceptable in all other respects the facilities would be secured by condition.

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, 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 and UDP 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.

The development will be supported by 174 car parking spaces (including 23 for disabled drivers) at surface level and within a basement, provided a ratio of 0.76 spaces per unit. The proposed car parking ratio is therefore broadly consistent with the site's previous planning submissions.

The site's car parking will be provided with electric car charge points, in accordance with the minimum requirements of the London Plan.

In terms of unit numbers the proposed development is smaller than application numbers 15/00701/FULL1 and 15/04759/FULL1, and therefore the Site's trip generation will be lower than for the site's previous planning submissions.

Vehicular Site access will be taken from the Phase 1 estate road, and the arrangements are consistent with those proposed in association with application numbers 15/00701/FULL1 and 15/04759/FULL1.

As with the Site's previous proposals, surface level car parking will be provided between the proposed built development and the railway line. A turning head is proposed at the end of the Site's estate road, and this will allow a large refuse vehicle to turn and exit in a forward gear.

Vehicle tracking for the Site's turning head is provided and is satisfactory. The proposed access to the Site's basement car park is consistent with that proposed in association with application numbers 15/00701/FULL1 and 15/04759/FULL1. Vehicle tracking for the Site's basement car park is also provided which is acceptable.

The development will provide 390 cycle parking spaces, which is in excess of the minimum standards required by the London Plan. All secure residential cycle parking will be provided within the basement (340 spaces), and this is provided in the form of a two-tiered parking system. Additional visitor cycle parking will be provided at surface level (50 spaces), and this will take the form of Sheffield Stands.

The development will incorporate 15 spaces for motorcycle parking.

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 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 164 cars for the 229 dwellings (a ratio of 0.72 cars per unit).

The Car Club operator City Car Club have provided a proposal to introduce a Car Club onsite that will be accessible to both future site residents and residents from adjacent developments. It is proposed that 2 parking spaces on-site are reserved for use by Car Club vehicles. The spaces would be at surface level and the car club operator will be appointed to operate a minimum of 1 car at the location for at least 2 years. The operator would add a second car as demand requires. If this development were considered to be acceptable in all other respects the car club provision would be secured by a legal agreement.

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 control junction. However it is not considered that this would be a sufficient reason to warrant refusal of this application on highways grounds.

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 have assessed the application. TfL consider that the proposal is acceptable from a strategic transport perspective. However, they require further details of the design of the accesses and improvements made for cyclist. If this application had been considered to be acceptable in principle further details would have been sought from the applicant in this respect. However, given Officer's concerns with this proposal both in principle and detail amendments were not specifically requested although the consultation response was passed onto the applicant.

TfL also recommended a range of conditions and s106 obligations that could have been secured if this proposal were deemed to be acceptable.

The concerns raised by Network Rail in respect of cumulative impact on the footfall and capacity at Sydenham Station are noted. If this application had been considered to be acceptable in principle further information would have been requested. However, given Officer's concerns with this proposal both in principle and detail additional information was not requested although the consultation response was passed onto the applicant.

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

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.

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 would be the Dylon Phase 1 scheme once complete. 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 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 Mayors 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 through thermal mass, reduced heat pipework losses, recessed balconies and MVHR units.

It is considered that the applicant should provide evidence of how Policy 5.9 has been assessed demonstrating how the risk of overheating and the cooling demand will be minimised. Part L compliance data sheets of the sample dwellings should be provided to demonstrate that there is only a slight risk of high summer temperatures. Dynamic overheating modelling in line with CIBSE Guidance TM52 and TM49 is recommended.

The development is estimated to achieve a reduction of 39 tonnes per annum (15%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development.

The carbon factors stated within pg. 10 of the document submitted are outdated. The applicant should confirm that any analysis has been undertaken using the SAP 2012 carbon factors.

The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant should, however, provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

The applicant is proposing to install a site heat network which will be supplied from a single energy centre at basement level.

The applicant is proposing to install a 70 kWe / 110 kWth gas fired CHP unit 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 75% contribution. A reduction in regulated CO₂ emissions of 102 tonnes per annum (39%) will be achieved through this second part of the energy hierarchy.

The unit's efficiency is stated to be 88%; this is considered significantly high compared to average industry standards. The applicant should ensure that the plant efficiencies used when modelling carbon savings are based on the gross fuel input for gas rather than the net values often provided by manufacturers.

Based on the DER worksheets provided, the applicant has modelled a 79% heat efficiency and 35% electrical efficiency. The figures are not realistic and should be reviewed in line with the gross figures from the manufacturer. The revised DER 'be clean' worksheets should be submitted as well as the revised carbon emissions.

The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 218.75kWp of Photovoltaic (PV) panels. The applicant has stated that the maximum available roof space has been calculated to be 1,925sq.m and 80% of that (i.e. 1,540sq.m) has been assumed for a net PV installation. The PV area proposed is considered significantly high for the given roof area. The applicant should take into account space required for access, maintenance, cleaning as well as overshadowing and propose a new realistic PV area. A roof layout demonstrating that all these parameters have been considered should be provided.

A reduction in regulated CO₂ emissions of 97 tonnes per annum (37%) will be achieved through this third element of the energy hierarchy.

Based on the energy assessment submitted, the table below shows the residual 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 CO ₂ emissions	Regulated CO ₂ emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	260		
Energy Efficiency	221	39	15%
CHP	119	102	39%
Renewable energy	22	97	37%
Total		238	91%

An on-site reduction of 238 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 91%. 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 strategy are reasonable, it is considered unrealistic in terms of the amount of on-site carbon reduction that can be achieved. The applicant should take a more realistic approach in their calculations and therefore make a higher payment in lieu than is being offered. However, this matter could be addressed by way of conditions and s106 obligations if the application were considered to be acceptable in all other respects.

Flood Risk Mitigation

Paragraph 100 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 flood levels vary across the site between 23.94 AOD and 25.07 AOD. The proposed finish floor levels of the development have been determined through the site specific modelling exercise undertaken in conjunction with the Environment Agency. The ground floor (access) level will be set at 27.0m AOD and the lower deck car park floor level at 24.0m AOD.

In order to mitigate the impact of flooding the residential areas of the development, the surface level parking and access routes area all located in areas free from flooding. The ground floor of the development has been set at 27m AOD which means the residential areas are located a minimum of 2m above the 1 in 100 year plus climate change flood event. This approach provides an opportunity for dry escape or refuge in the event of a

flood. In order to address concerns regarding flooding of the undercroft car parking area the design incorporate grilles along the eastern boundary of the building.

The Environment Agency and Councils Drainage Officer has advised that they have no objection to the proposal.

Other Considerations

Air quality, archaeology and land contamination has been addressed by way of submission of technical reports which have been scrutinised by relevant consultees. No objections are raised in this respect and if approved, appropriate conditions could be attached to control these specific aspects of the proposal in detail.

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. 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.

In this instance the application is considered to be unacceptable in principle and matters of detail. Consequently necessary 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 (£403,157)
- Health (241,564)
- Carbon reduction payment in lieu
- Affordable Housing
- Wheelchair housing
- Access to and maintenance of the public open space.
- Provision of car club membership
- Highways contributions to address Bromley and TfL requirements

Environmental Impact Assessment

The Council issued a Screening Opinion on 22.02.2017 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 associated with the principle of developing the MOL for residential purpose and the acceptability of the development in

terms of its nature and scale, impact on the local environment and surrounding area. The benefits of the proposal have been carefully weighed against the harm arising, this report has considered those matters in light of the NPPF (paragraphs 14, 49 and 87) as well as adopted and emerging development plan policies and other material considerations including third party representations.

As discussed in this report, the principle of developing the site for residential purposes is by definition inappropriate development in MOL. Officers have considered the very special circumstances put forward by the applicant and have weighed up the substantial harm caused by the inappropriate development as well as other harm resulting from overdevelopment, design and affordable housing provision against the benefits of the scheme which include the economic and regeneration benefits associated with the provision of additional residential units for the Borough and providing public access and landscaping improvements to the MOL.

On balance officers do not consider that the potential harm to the MOL by reason of inappropriateness and other harm due to overdevelopment, design and 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 some 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.

Were the Council minded to approve this application formal referral to the Secretary of State would be necessary before determination given Sport England objections. In any event this application must be referred to the Mayor before determination in accordance with the request of the GLA in its Stage One Response (referable under .Category 1.A – development which comprises or includes the provision of more than 150 dwellings and Category 3D – development on land allocated as MOL which would include construction of a building with a floor space of more than 1000 sqm)

Background papers referred to during the production of this report comprise all correspondence on file ref 17/00170/FULL1 and other files referenced in this report, excluding exempt information.

RECOMMENDATION: REFUSE 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 its 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 Mayors 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).

GREATER LONDON AUTHORITY

Development, Enterprise and Environment

Gemma Usher
London Borough of Bromley
Town Planning
Civic Centre
Stockwell Close
Bromley, BR1 3UH

Our ref: D&P/3633b/AP01
Your ref: 17/00170/FULL1
Date: 24 April 2017

Dear Ms. Usher,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

Footzie Social Club, Station Approach Lower Sydenham London SE26 5BQ.
Local planning authority reference: 17/00170/FULL1

I refer to the copy of the above planning application, which was received from you on 14 March 2017. On 24 April 2017 the Mayor considered a report on this proposal, reference D&P/3633b/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan, for the reasons set out in paragraph 74 of the above-mentioned report, which should be addressed before the application is referred back to the Mayor.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Andrew Dorrian, email AndrewDorrian@tfl.gov.uk, telephone 020 3054 7045.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Colin Wilson', with a stylized, flowing script.

Colin Wilson

Senior Manager – Development & Projects

cc Gareth Bacon, London Assembly Constituency Member
Tony Devenish, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL
Chris Francis, West & Partners, 127 Metal Box Factory, 30 Gt. Guildford Street, SE1 OHS

Footzie Social Club, Lower Sydenham

in the London Borough of Bromley

planning application no. 17/00170/FULL1

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of the existing buildings and redevelopment of the site to provide a four to eight storey (+ basement) development comprising 229 residential units 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.

The applicant

The applicant is **Relta Ltd**, the agent is **West & Partners Town Planning Consultants**, and the architect is **Ian Ritchie Architects**.

Strategic issues

Principle of development: The proposals represent inappropriate development on Metropolitan Open Land and very special circumstances have not been demonstrated to outweigh the harm caused to the open quality and permanence of the MOL (paragraphs 22-41).

Affordable housing: 35% by habitable rooms is supported in accordance with the threshold approach set out in the Mayor's draft Affordable Housing and Viability SPG; however, in accordance with the SPG an early stage review mechanism should be secured, and the applicant should review the inclusion of grant. Further discussion is also required regarding affordable rent levels and the intermediate offer (paragraphs 43-45).

Density and urban design: While the maximum building height has been reduced and the layout amended, the height, mass, and density will be harmful to the open character and quality of the MOL (paragraphs 49-57).

Sustainable development: Further information/clarifications/commitments related to overheating and cooling demand, future connection to a district heating network, and the provision of Photovoltaics is required (paragraphs 59-60).

Transport: The application is in general conformity with the strategic transport policies of the London Plan, but changes are required in respect of cycle access, impact on Lower Sydenham station and detailed conditions/obligations regarding bus stop improvements, travel planning, delivery and servicing and construction logistics (paragraphs 63-69).

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 74 of this report, which should be addressed before the application is referred back to the Mayor.

Context

1 On 14 March 2017 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 24 April 2017 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 1A and 3D of the Schedule to the Order 2008:

Category 1A: *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".*

Category 3D: *"Development on land allocated as Green Belt or Metropolitan Open Land...which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building."*

3 Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is triangular in shape and comprises an area of 18,649 sq.m. currently occupied by a large area of open space and an area of hardstanding used for parking and storage with a few small scale buildings. It is bound to the west by the Hayes to London Charing Cross railway line with Lower Sydenham Station a short distance further north, with an industrial estate beyond the railway lines to the west. To the south and east the site adjoins further open space used as playing fields, and to the north it adjoins another warehouse and a recently implemented flatted development (by the same applicant and architect) on the wider site of the former Dylon International premises (referred to as Dylon Phase 1). It is understood that the current site historically provided open space and recreation for employees of Dylon International.

6 The site is accessed via a single lane private road off Station Approach and Worsley Bridge Road that runs parallel with the railways lines and adjacent to the Dylon Phase 1 site. There is a narrow track leading to the southern part of the site. The topography of the site falls gently from the north to the southern corner and from west to east towards the Pool River.

7 The entire site is designated as Metropolitan Open Land (MOL) in Bromley Council's Unitary Development Plan (UDP) and forms part of a Green Chain. The Pool River runs along the south-east boundary of the site.

8 The nearest part of the Strategic Road Network (SRN) is approximately 750 metres south (A2015, Rectory Road). All other roads are local authority controlled. One bus route (the 352) operates immediately adjacent to the site and a further five routes are available from Lower Sydenham station. The site is close to the borough boundary with Lewisham. The public transport accessibility level (PTAL) is 2 (on a scale of 1 – 6 where 6 is excellent).

9 The station was earmarked for a possible Bakerloo Line station on an extension to Hayes. TfL is currently consulting on an extension of the Bakerloo line from Elephant and Castle to Lewisham via the Old Kent Road. However, this option does not preclude a future extension to Hayes.

Site history

10 The application site was historically associated with the site to the north (referred to as Dylon Phase 1), for which planning permission was granted in 2010 and has now been implemented. The current application site, however, was not included in the red line boundary for the approved Dylon Phase 1 scheme. Dylon Phase 1 comprised the erection of a part five, six, seven, eight storey building plus basement to provide 149 residential units, B1 office accommodation, A1 retail space, A3 cafe/restaurant and D1 creche with car parking and landscaped open space. It was allowed on appeal following the Council's decision to refuse permission on grounds of its impact on character and the openness of the Metropolitan Open Land.

11 The application site was subject to a previous planning application of potential strategic importance, which was submitted to the Council in February 2015 and referred to the Mayor in April 2015. The application sought the demolition of the existing buildings and redevelopment of the site to provide a part eight, nine, ten, eleven and twelve storey building comprising 296 residential units. In his initial representations, the previous Mayor advised the Council that the application did not comply with the London Plan. In particular, the Mayor advised the Council that the proposal represented inappropriate development within MOL, that 'very special' circumstances had not been demonstrated to outweigh the harm and that further justification was required on the loss of the site as a former playing field. In addition, further strategic issues relating to affordable housing, urban design and inclusive access and further information regarding climate change and transport were raised (GLA ref: D&P/3633/01).

12 In September 2015, the Council resolved to refuse planning permission for the proposals based on the following four reasons:

- The proposals were considered to be inappropriate development in the MOL and the applicant had failed to demonstrate very special circumstances. The substantial level of harm that would arise from the development by way of harm to the MOL, design, amenity and flood risk was 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.
- The site was an inappropriate location for a tall building as it failed to satisfy local policy requirements in this respect. 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 connection, failure to improve or enhance 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.
- The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; 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 a high quality living environment. It was demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout.

- The site is within Flood Zone 2 and 3 and despite the ability of the design to mitigate flood risk, the approach taken has significant effects on the overall quality of the development. As such it had not been demonstrated that an appropriate solution to mitigate flood risk could be achieved.

13 On 23 September 2015, the previous Mayor of London considered a report on the above (D&P/3633/02) and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice decided there were no sound planning reasons for him to intervene in the case and advised Bromley Council that he was content for it to determine the case itself.

14 A revised planning application was referred to the Mayor on 22 December 2015 seeking to demolish the existing buildings and redevelop the site with the erection of a basement plus part eight part nine 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. In his initial representations the previous Mayor advised the Council that the application did not comply with the London Plan, expressing similar concerns to those raised about the previous application, namely inappropriate development within MOL and that 'very special' circumstances had not been demonstrated to outweigh the harm. In addition, further strategic issues relating to affordable housing, urban design and inclusive access and further information regarding inclusive access, climate change and transport were raised (GLA ref: D&P/3633a/01).

15 In February 2016 Bromley Council resolved to refuse planning permission for the application for the following reasons:

- 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).
- This site is considered to be an inappropriate location for a tall building as its 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 Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
- 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).

- 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.

16 On 25 February 2016, the previous Mayor of London considered a report on the above (D&P/3633a/02) and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice decided there were no sound planning reasons for him to intervene in the case and advised Bromley Council that had the applicant not submitted an appeal against Bromley Council's non-determination of this application, the Mayor would have been content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.

17 Prior to the above, the applicant submitted an appeal to the Secretary of State against Bromley's non-determination of the application within thirteen weeks. The Inquiry was held on the 24-27 May and 2 June 2016, and the appeal was dismissed in a decision issued on 2 August 2016. The Inspector concluded 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; and
- 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.

Details of the proposal

18 The current application seeks to address the concerns raised by the Inspector in the Appeal Decision (Ref: APP/G5180/W/16/3144248) issued on 02 August 2016 relating to the scale and mass of the building, and proposes the demolition of the existing buildings and redevelopment of the site to provide a four to eight storey (+ basement) development comprising 229 residential units 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.

19 The main revisions to scheme relate to the reduction in the maximum building height to eight storeys, the separation of the building into two blocks, a reduction in the number of units from 253 to 229 and some revisions to the surrounding public realm.

Strategic planning issues and relevant policies and guidance

20 The relevant issues and corresponding policies are as follows:

- Metropolitan Open Land *London Plan;*
- Housing *London Plan; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Affordable housing *London Plan; Housing SPG; Draft Affordable Housing and Viability SPG;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG;*
- Inclusive access *London Plan; Mayor's Accessible London SPG;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change and Energy Strategy; Mayor's Water Strategy;*
- Transport and parking *London Plan; the Mayor's Transport Strategy;*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy.*

21 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 'saved' policies of Bromley Council's Unitary Development Plan, originally adopted on 20 July 2006 with the majority of policies saved in 2009; and the London Plan 2016 (Consolidated with Alterations since 2011). The following are also relevant material considerations: Bromley Council's Proposed Draft Submission Local Plan (closed December 2016); The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.

Principle of development - Metropolitan Open Land

22 The site is designated as Metropolitan Open Land (MOL). London Plan Policy 7.17 states that the strongest protection should be given to London's MOL in accordance with national guidance, and inappropriate development should be refused except in very special circumstances, giving the same level of protection as in the Green Belt.

23 The relevant national guidance on Green Belt is set out in paragraphs 79-92 of the NPPF and this applies equally to MOL. The construction of new buildings in MOL is inappropriate development, although NPPF paragraphs 89-90 identify circumstances where new buildings are not inappropriate, including for example buildings for agriculture/forestry, facilities for outdoor sport/recreation and small extensions or replacements of existing buildings. London Plan Policy 7.17 echoes this approach and states that appropriate development will be limited to small scale structures to support outdoor open space uses. The application proposals are, therefore, inappropriate development which is harmful to MOL. As set out in NPPF paragraph 87, inappropriate development should not be approved except in very special circumstances (VSC). In accordance with paragraph 88 of the NPPF substantial weight must be given to any harm to the MOL and VSC will not exist unless potential harm to the MOL by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Very special circumstances (VSC)

MOL designation

24 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 concluded as part of this 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 asserts that it fails to meet at least one of the preceding tests and so fails the last test.

25 As expressed in the previous Mayor's representations on the earlier proposals (GLA ref: D&P/3633/01 and D&P/3633a/01), the planning application process is not the channel for challenging the designation of MOL. As advised, 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, and as such this does not constitute very special circumstances.

Previously developed land (PDL)

26 Under paragraph 89 of the NPPF, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) is considered appropriate development in Green Belt, provided there would be no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

27 As set out in the table below the application proposes substantial increases on the building footprint, floorspace and height. This increase in volume as well as other aspects of the proposal would result in a greater impact on the openness of the MOL and the purpose of including land within it than the existing development. The development is considered inappropriate development.

feature	current	proposed	change
footprint	833.7 sq.m.	3,304 sq.m.	+2,470.3 sq.m.
floorspace	776.7 sq.m.	20,138 sq.m.	+19,361.3 sq.m.
height	6.7 metres	25.8 metres	+19.1 metres

28 Although queries were raised by GLA officers in the previous application (D&P/3633a/01) about unauthorised uses on the site based on the number of enforcement cases that were pending at the time, in the Appeal Decision (Ref: APP/G5180/W/16/3144248) the Inspector notes that at the Inquiry the status of the PDL was not challenged or the issues of unauthorised uses raised.

Housing need

29 As part of the applicant's case for demonstrating VSC, it asserts that the calculations in the London Borough of Bromley Five Year Housing Land Supply (November 2016) neither accord with national policy and guidance nor the findings of the Inspector in the recent appeal case. However, as set out in the 5YHLS, the key issues raised at the above appeal, namely a small number of specific sites, the small site allowance methodology and the relevance of incorporating a lapse rate to sites with planning permission not commenced were considered and addressed. The 5YHLS

concludes that over the five-year period 3,544 units will be delivered, which exceeds the Council's targets of 3,173 and 3,332 units, with the additional 5% buffer.

30 As highlighted in the previous applications, the London Plan housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA), which was tested and endorsed at Examination in Public. A key principle of the SHLAA and London Plan is that the target can be met without the need to consider designated open space.

31 Housing need is not therefore 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 and London Plan Policy 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.

32 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'.

MOL improvements

33 The applicant has highlighted that the proposal would deliver a number of benefits to the MOL, principally by opening up the site to public access, retaining and enhancing the open space and landscape features on the eastern side adjacent to Pool River, improving its recreational value, and enhancing biodiversity.

34 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. As previously set out, 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 (Ref: APP/G5180/W/16/3144248) 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*".

35 These improvements therefore, though welcomed, cannot be accepted as very special circumstances and do not outweigh the harm to MOL.

Conclusion on VSC

36 The applicant has put forward a number of factors to justify inappropriate development on MOL. Whilst the improvement to the landscape and provision of public access is welcomed, by itself it is not a very special circumstance.

37 With regards to housing need, the Council has published a 5YHLS that demonstrates that housing targets set for the Borough will be met and given the principle of the SHLAA is predicated on meeting need without considering open space; the provision of housing cannot be considered a very special circumstance.

38 As such, very special circumstances to outweigh the harm caused by the inappropriate development on MOL have not been demonstrated, and the principle of the development is unacceptable.

Impact on openness

39 NPPF paragraph 79 makes clear that the essential characteristic of Green Belt/MOL is its openness and permanence. Whether or not very special circumstances exist to outweigh the harm caused by inappropriate development on MOL, it is also necessary to consider the impact on the openness and character of the MOL. This is discussed in greater detail in paragraphs 54 to 58 of this report in the Urban design section.

Playing fields

40 Paragraph 74 of the NPPF sets out that existing open space, sports and recreation land should not be built on except in certain prescribed circumstances. These include: evidence that the land is surplus to requirements, a replacement would be secured in a suitable location, or the proposal is for alternative sport/recreation use which outweighs the loss.

41 While it would appear that through neglect and various unauthorised activities, the land has not been used as a playing field for some time, it is understood that it historically provided a sport and recreation facility for employees of Dylon International. The applicant is required to demonstrate therefore how the proposed development meets the exceptions outlined in the NPPF, to justify that the loss of this land for sport/recreation purposes is acceptable.

Housing

42 The proposal seeks to provide 229 residential units with the following unit mix:

unit type	no. of units	% of total units
1Bed	118	52%
2Bed	103	45%
3Bed	8	3%
total	229	100%

Affordable housing

43 London Plan Policy 3.13 requires councils to seek affordable housing provision in all residential developments providing ten or more homes; whilst Policies 3.11 and 3.12 expect the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units. Locally, Policy H2 of Bromley Council’s Unitary Development Plan (UDP) requires all residential developments to provide 35% affordable housing with a tenure split of 70% social rent to 30% intermediate.

44 The scheme will deliver 35% affordable housing by habitable rooms.

45 The initial affordable housing proposal is supported. However, in accordance with the Mayor’s Draft Affordable Housing and Viability SPG, an early stage review mechanism will be required, whereby an affordable housing review will be triggered if an agreed level of progress on implementation is not made within a specified period, typically 2 years; GLA will agree an appropriate trigger point with the Council and applicant. Furthermore, the applicant is required to

submit additional scenario testing to demonstrate whether the scheme can viably deliver 40% affordable housing with grant funding and appropriately engage with a Registered Provider.

Housing mix

46 London Plan Policy 3.8, together with the Mayor's Housing SPG seek to promote housing choice and provide a balanced mix of unit sizes in new developments, with a focus on affordable family homes. The proposal currently proposes 3% family units; while this is a low proportion, it reflects the local housing market demand for two bedroom properties and is acceptable in the context of local housing needs.

Residential quality

47 The overall residential quality is high, and accords with standards relating to minimum floor space, floor-to-ceiling height and units per core. The number of dual aspect units have been maximised with no single aspect north-facing units and unit sizes meet or exceed the Mayor's Housing SPG. Private amenity space will be provided for each dwelling by way of balconies or private patio areas, and due to the site's MOL setting, residents would also benefit from extensive open space for recreation and amenity.

Children's play space

48 The application accords with London Plan Policy 3.6 and includes appropriate facilities for play and recreation. The Council should secure the proposed playspace by condition.

Density

49 For the purposes of London Plan Policy 3.4, as with the previous applications, the applicant has argued that the site is 'urban' in character based on the Inspector's assessment of the setting of the Dylon Phase 1 scheme to the north; and therefore the density submitted with the application is 309 habitable rooms per hectare based on an urban setting.

50 However, the setting is 'suburban' reflecting its MOL status, and cannot be considered the same as the Dylon Phase 1 site which was previously developed land within an industrial estate.

51 For a 'suburban' setting with a medium PTAL rating, the matrix suggests a residential density in the region of 150-250 habitable rooms per hectare. While the policy seeks to optimise housing output and realise the optimum potential of sites, it also acknowledges that the density matrix should not be applied mechanistically, as other factors such as the surrounding context, layout and residential quality will also inform the appropriate density range. As noted earlier, the site is in MOL where any development must be designed to maintain openness.

52 As noted in the urban design section below, the development's density is not appropriate to the MOL setting as the resultant design of built mass and its height is not a design approach that sits well in the open context. 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.

Urban design

53 The main strategic issue in urban design terms is the visual impact the proposals will have on the open quality of the surrounding MOL. As noted earlier in this report, London Plan Policy 7.17 sets out that except in a few cases, development in the MOL is inappropriate and harmful and only in very special circumstances can that harm be outweighed by other benefits. Policy 7.17 and

the NPPF also make it clear that in all cases, built form must be designed so as to minimise its visual impact on the open quality.

54 The applicant has revised the design of the proposed development in response to the concerns relating to scale and mass raised by the Inspector in the appeal case. In this regard, rather than one building as previously proposed, two buildings separated by a landscaped courtyard are proposed. The maximum building height has also been reduced from nine to eight storeys, to align with the height of the adjacent Phase 1, stepping down to seven, five and four storeys at various points.

55 The varying building heights have created a rhythm of vertical elements, which along with the courtyard is an overall improvement on the continuous wall of development previously proposed. However, the massing is still visually prominent 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, would still cause a substantial amount of overshadowing, limiting the usability of the open space particularly during late afternoon/evening in the summer months. While there may be a case to be made for introducing some enclosure between the railway line and MOL to enhance the quality of the space, the scale and bulk of the proposed building goes beyond what could be recognised as being necessary or acceptable to achieve this. The revised scale would still block the views of the MOL from the railway line, a characteristic which connects the MOL with the wider urban area.

56 The applicant has sought to address the concerns raised previously by GLA officers related to the lack of street based activity, however, further work is required as is outlined under Transport comments in this report. In addition, concerns which were raised about the degree of natural surveillance to the MOL to the east have not been addressed and as such still remain outstanding. It should be noted that the Inspector accepted the integration of the flood protection measures into the layout, and considered the 'podium' layout 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.

57 As detailed above, in the context of the MOL, the revised form and massing strategy still raises concern due to its monolithic massing and its relationship to surrounding open land and cannot be supported in terms of London Plan Policy 7.17 in its current form. As a result the applicant should revisit the form and massing approach and any future proposals should include a clear demonstration as to how the scale and bulk of development is designed to respond to the need to maintain the open quality of MOL.

Inclusive design

58 The proposals respond positively to London Plan Policy 3.8; all units will meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', and 10% meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'. The public realm has been designed so as to be accessible to all, and provision has been made for Blue Badge parking.

Sustainable development

59 Based on the energy assessment an on-site reduction of 238 tonnes of CO2 per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 91% which is subject to further verification. The applicant should also provide evidence demonstrating how the risk of overheating and cooling demand will be minimised. Part L compliance data sheets of the sample dwellings should also be provided.

60 Full details of the outstanding issues relating to energy have been provided directly to the applicant and Council.

Flood risk and drainage

61 The site is within Flood Zone 3 and a Flood Risk Assessment has been prepared by RPS. It should be noted that the flood mitigation measures are the same that were proposed through the FRA prepared in 2015 to support the previous application for 296 residential units, but the report has been revised to include up to date guidance and new flood level data. Overall, the risk based response to the flood risk on the site is appropriate and the development is therefore acceptable in terms of London Plan Policy 5.12, subject to the range of planning conditions proposed.

62 The principles of the surface water management for the site are sound and are likely to comply with London Plan Policy 5.13.

Transport

Site access

63 Access is from the Dylon Phase 1 estate road into a surface level car park, with a secondary access to a basement car park, both at the eastern extents of the site. The applicant should submit a cycling environmental review system (CERS) audit or similar to identify any required improvements to the cycle links. To improve safety and convenience for cyclists 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. Further detail is required around on site provision for cyclists accessing the cycle stores.

Trip generation and impact

64 The trip generation assessment is acceptable and the development would be unlikely to have a significant impact on the highway and bus networks.

Parking

65 The application proposes 174 car parking spaces, which represents a ratio of 0.76 per unit. This ratio is slightly higher than the previous scheme but is considered consistent with London Plan Policy 6.13. The commitment to 20% active and passive Electric Vehicle Charging Points (EVCPs) is supported and should be secured by condition.

66 To manage parking, a Controlled Parking Zone (CPZ) with residential permit restrictions should be considered by the Council. The provision of two new car club spaces and two years free memberships for residents is supported in line with London Plan Policies 6.13 and 8.2 and should be secured through the s106 agreement.

67 The development proposes 390 cycle parking spaces (340 spaces for residents and 50 spaces for visitors) in accordance with London Plan Policy 6.9.

Bus stop enhancements

68 The contribution to improve the pedestrian accessibility of the southbound bus stop on Worsley Bridge Road is welcomed. A £30,000 obligation should be secured through the s106 agreement to be partly delivered by Lewisham Council.

Travel planning, servicing and construction

69 The development would fund the provision of a two-year car club membership to each household in the development, which is welcomed and should be secured in the s106 agreement. The framework travel plan (TP) submitted is considered acceptable and should be secured through the s106 agreement. In accordance with London Plan Policy 6.3, given the location and potential highway issues, a construction management plan (CMP) and delivery and servicing plan (DSP) should be secured by condition.

Community Infrastructure Levy

70 Mayoral CIL will be payable at a rate of £35 per sq.m. (see Community Infrastructure Levy Charging Schedule – Mayor of London, February 2012). The required CIL should be confirmed by the applicant and council once the components of the development have been finalised.

Local planning authority's position

71 Bromley Council officers are likely to refuse the application under delegated authority.

Legal considerations

72 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

73 There are no financial considerations at this stage.

Conclusion

74 London Plan policies on principle of development (MOL, playing fields), housing, urban design, sustainable development and transport are relevant to this application. The application does not comply with these policies and cannot be supported. The potential remedies to issues of non-compliance are set out below:

- **Principle of development:** The proposal is inappropriate development within Metropolitan Open Land and 'very special circumstances' have not been demonstrated to outweigh the harm to the openness of MOL.
- **Affordable housing:** 35% affordable housing by habitable room is supported. The Council should secure an early stage review through the s106 agreement. The applicant should also fully explore the inclusion of grant funding, in order to ensure compliance with London Plan Policy 3.12 and the Mayor's draft Affordable Housing and Viability SPG.

- **Urban design:** While the maximum building height has been reduced and the layout amended, the height, mass, and density will be harmful to the open character and quality of the MOL. The ground floor layout also requires further work in order to create street based activity and improve the buildings relationship to the adjacent open land.
- **Sustainable development:** Further information/clarifications/commitments related to related to overheating and cooling demand, future connection to a district heating network, and the provision of Photovoltaics required.
- **Transport:** The application is in general conformity with the strategic transport policies of the London Plan, but changes are required in respect of cycle access, impact on Lower Sydenham station and detailed conditions / obligations regarding bus stop improvements, travel planning, delivery and servicing and construction logistics.

for further information, contact the GLA Planning Unit (Development & Projects Team):

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Appeal Decision

Inquiry held on 24 – 27 May & 2 June 2016

Site visit made on 27 May 2016

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 August 2016

Appeal Ref: APP/G5180/W/16/3144248

Land to the rear of former Dylon International Premises, Station Approach, Lower Sydenham, London SE26 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Iain Hutchinson against the Council of the London Borough of Bromley.
 - The application Ref: DC/15/04759/FUL1 is dated 30 October 2015.
 - The development proposed is demolition of existing buildings and redevelopment of the site by the erection of a part eight, part nine storey development comprising 253 residential units (128 one bedroom, 115 two bedroom and 10 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.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Since the appeal was lodged, the Council has indicated that, had jurisdiction not passed to the Secretary of State, it would have refused the appeal on a number of grounds. Taking these into account, I consider that the main issues in this case are as follows:

The effect of the proposed development on

- (i) the area of Metropolitan Open Land (MOL) in which it would be located, in particular whether it constitutes inappropriate development and, if so, whether there are any material considerations that outweigh the harm caused by inappropriate development in the MOL, and any other harm, sufficient to justify the proposal on the grounds of very special circumstances.
 - (ii) the character and appearance of the surroundings, with particular reference to the quality of its design, especially in relation to its scale, form, density and the measures taken to mitigate the risk of flooding;
- and
- (iii) the amenities of the future occupiers of the dwellings with particular reference to natural ventilation and solar gain and noise.

3. Although the Council was initially concerned that the proposed development would not meet its requirements in terms of numbers of apartments with wheelchair accessibility, further information submitted at the Inquiry resolved this question and the Council withdrew its objection on this ground.

Site and surroundings

4. The appeal site is part of former industrial premises and was previously a sports ground for the employees. It is roughly triangular in shape and is bounded to the west by a railway line and to the north east/south west by the river Pool. It contains the remains of a number of disused buildings associated with the sports ground use and areas of hardstanding. A part of the site is presently being used as a temporary compound associated with the development of the remainder of the former works on the land to the north and there is also an enclosed compound in a commercial use to the south but the remainder is mostly now rough grass with a track running close to the river from north to south.
5. The site lies within the New Beckenham area of Metropolitan Open Land, most of which comprises other sports grounds and playing fields. All of these areas are also part of the Green Chain. Beyond the railway, to the west, lies an industrial estate with residential development in Copers Cope Road and Worsley Bridge Road to the east. Lower Sydenham Station is close by, to the north.

The appeal proposals

6. The proposed development consists of 253 apartments in a single, articulated block on a north/south axis adjacent to the railway line. An access road with on-street parking would run parallel to the railway line and further parking space would be located in a basement beneath the building. This would allow the first level of residential accommodation to be raised and so prevent flooding should the river level rise. Water would be allowed to flow in and out of the car park via a series of grilles set into a landscaped area to the east of the block.
7. The remainder of the site would also be landscaped into an area of recreational parkland accessible to the public, containing an outdoor gym and a children's playground, with parking spaces to the north.
8. The scheme has been designed by the architect of the adjacent residential development on the site of the former works and would have a similar palette of materials, including yellow London stock brickwork, ribbed translucent glazed panels to the circulation cores and recessed balconies. The block would have 10 storeys, including the basement, and be set out in a 'zig-zag' shape along a central spine, with 7 facets on each long elevation, set at an angle of 120°. The apartments are a mixture of studio, two and three bedroom units, each with at least one balcony or private terrace.

Reasons

9. There is no dispute between the parties that the site lies within MOL or that policy 7.17 of the London Plan (LP) gives the same protection to such areas as is given to Green Belt in national policy as set out in the National Planning Policy Framework (the Framework). It is therefore also agreed that the

proposed development would be inappropriate development which would be inherently harmful and consequently only acceptable if shown to be justified through the existence of very special circumstances.

10. One of the main differences between the parties centres on the weight to be accorded to the MOL policies and the other Development Plan (DP) policies relating to housing land supply (HLS), with the Council considering that it can demonstrate a 5 year supply of housing land to meet its objectively assessed need (OAN). The appellants, however, submit that the claimed supply, at 5.1 years, is an over estimation and that there is a shortfall in the 5 year supply. This would mean that the policies relating to the supply of housing would be considered out of date and paragraphs 49 and 14 of the Framework would consequently be engaged.

Housing Land Supply

11. I consider that the starting point for this case is therefore whether the Council can demonstrate a 5 year HLS. The parties have produced a Statement of Common Ground (SoCGH) on the topic which sets out the areas of agreement, and disagreement, between them. It is agreed that the base date for calculating the supply is 1 April 2015 and that the annual housing target for the Borough as set in the Further Alterations to the London Plan (FALP) is 641 dwellings per annum (dpa) to which a 5% buffer should be applied to ensure variety and availability of choice. This gives a figure of 673 dpa for the period 2015 – 2020; a total of 3365 units.
12. The Council, in the SoCGH, considers that it can demonstrate a supply of 3443 units or, if it is considered that a 5% lapse rate (as discussed below) is applied to known sites with planning permission, 3403 units. This equates to 5.1 or 5.05 years' supply respectively. Taking all the reductions suggested by the appellants' results, in the worst case scenario, to a supply of 2480 units or 3.68 years HLS.
13. The matters in dispute between the parties are limited to the following points: firstly the position on 3 sites where the numbers of units that will be delivered are not agreed, secondly, the number of windfall sites that should be included per annum and thirdly, whether lapse rates should be applied to the categories of 'known sites with planning permission not commenced' and 'other sites', which are included in the 5 year supply figures.
14. Of the 3 sites in dispute, the first, Sundridge Park Manor, is considered by the Council to be capable of delivering at least 14 dwellings. The site has planning permission for this but the developers have stated that this level is unviable and will not be built out. The appellants suggest that, for this reason, the site should be removed from the list. The developers also applied to build 22 dwellings on the site but the revised scheme was refused permission at a planning committee meeting on the evening of the day the Inquiry closed, despite an officer's recommendation for approval.
15. It seems to me that, in these circumstances, the future of the site is very uncertain and it would be imprudent to assume that any units might come forward within the 5 year time frame. This means that 14 units should be deducted from the Council's total.

16. A site at Tweedy Road is being released by the Council for development with design guidance indicating that 24 units are likely to be acceptable. The appellants consider that it is a sensitive site that is not suitable for the scale of development originally envisaged, i.e. 40 units, and should be removed in its entirety. The site is now being actively marketed by the Council and, given the design studies carried out, I see no reason why the number of units included in the SoCGH calculations should not be deliverable within the 5 year time scale.
17. The final site is the former Town Hall and car park that was granted planning permission for 53 units in November 2015, after the base date of 1 April 2016. The appellants submit that the appropriate estimate is the 20 units envisaged at the base date, whereas the Council considers that the latest position should be the one on which the figures are based.
18. Whilst there is more up-to-date information now available, it seems to me that if additional units granted planning permission after the base date are to be taken into account, so should any units that have been completed after the base date and consequently removed from the future supply availability, in order to present the most accurate overall picture. This exercise had not been completed for the Inquiry and I therefore conclude that for the purposes of this appeal, the position as agreed in the SoCGH should be adhered to.
19. In conclusion therefore, on this topic, I consider that 47 units¹ should be taken out of the total of allocated sites and other known sites that the Council consider to be deliverable in the table attached to the SoCGH.
20. Turning to the number of windfall sites that should be included, the Council rely on the figures which were informed by the Strategic Housing Land Availability Assessment (SHLAA) carried out in 2013 and based on the years 2004 - 2012. However, the appellants point out that this was a measure of capacity and does not necessarily reflect the actual rate of delivery of sites.
21. At the Examination in Public (EiP) into the FALP the Inspector found that it was likely that it would not deliver sufficient homes to meet London's OAN but non-adoption would result in the retention of the existing housing targets, which were even lower than those in the FALP. In those circumstances, he concluded that the FALP should be adopted but subject to an immediate review, with the clear intention of increasing the supply across all forms of delivery.
22. The Council considers that any review of the likely level of windfall sites should wait until the next SHLAA is carried out, but, given the situation set out in the EiP Report into the FALP, I disagree. There is now more recent data available which demonstrates that the availability of such sites has reduced in the 3 years since the SHLAA was published and given the FALP Inspector's conclusions on the need to increase delivery, even though capacity might be sufficient, I consider that the windfall allowance suggested by the Council is unrealistic and should be reduced.
23. At present, the Council has included a total of 1100 units (220 dpa) in its small sites allowance for windfalls for the relevant 5 year period which equates to about 1/3 of its housing requirement. The total from all small sites is set at 352 dpa in the Council's calculations, but this figure has not been achieved in the Borough since 2007/8, with the overall trend for such completions moving steadily downwards.

¹ 14 from the Sundridge Park Manor site and 33 from the former Town Hall site

24. The level of reliance on 'unknown' sites has been criticised in the past by Inspectors and the appellants suggest that the 5 year trend figure of 1330 units from small sites over 5 years, resulting in 742 windfall dwellings over the period would be a better estimate. This figure is based on actual completions and it has been previously agreed by the Borough, in its evidence to the FALP EiP, that about 1800 small sites over the period 2015 - 2025 would be a more realistic figure.
25. Given the downward trend, and even taking a conservative figure midway between the 1100 now supported by the Council and its previous prediction of 900 (over 5 years) suggested as achievable at the EiP, would mean that the Council would narrowly miss the 5 year HLS target.
26. Even if this were not the case, the Council has made no allowance for any lapse rates on sites where planning permission has already been granted but not yet commenced. It has agreed, through the Inquiry process, that a 5% rate could possibly be applied to such sites, if found necessary, and this on the Council's own calculations would bring the HLS down to 5.05 years, as noted above.
27. The appellants submit that a lapse rate of between 30 – 50% should be applied to these sites and also to 'other known sites' where planning permission has not yet been granted. This view is based on the findings of previous Inspectors who were concerned that a 100% delivery rate was unrealistic and a variety of other evidence, including the 2013 SHLAA and comparison of delivery rates against Annual Monitoring Reports (AMR).
28. The figures show that there has been an overall failure to achieve the projected completions and while there are some years where targets have been met, the overall trend is a shortfall of up to 50%. It therefore seems to me that a lapse rate should be applied, to give a more accurate picture of what is likely to be achieved in terms of actual completions and that figure should be higher than the Council's assumed 5% and applied to both categories.
29. Even if a lapse rate of only 6%, rather than the 30 – 50% suggested by the appellants, were to be applied to the sites with planning permission that have not commenced and to other known sites as adjusted as set out above, the 5 year HLS would not be met. This would be the case even if the Council's figure on windfalls were to be accepted. I have however, for the reasons set out above, concluded that this would be an unreliable estimate.
30. I therefore conclude that, on the figures used to inform the agreed position on the SoCGH, the Council cannot demonstrate a 5 year supply of deliverable housing sites and, for the purposes of this appeal, the policies that are relevant to the supply of housing are not up-to-date.

Metropolitan Open Land

31. The designation of MOL is linked to that of Green Belt in national policy and both parties agree that the policies in respect of it are relevant to the supply of housing. My findings on the HLS situation therefore mean that they are now out-of-date and that, while they are still part of the DP for the Borough, the weight that can be accorded to them is consequently reduced.

32. The appellants also submit that, in this situation, the MOL designation is a local one, related only to the LP, and does not therefore fall within footnote 9 of the Framework which relates back to paragraph 14. This paragraph notes that where relevant DP policies are out-of-date permission should be granted unless any adverse impacts would '*significantly and demonstrably outweigh the benefits*' when assessed against '*the policies in this Framework as a whole*' and '*specific policies in this Framework*' indicate that development should be restricted.
33. Footnote 9 cites Green Belt as one of these specific policies. The appellants maintain that every word in the Framework is important, carefully considered and should be read as written and that therefore, because MOL is not mentioned in the Framework, there are no policies relating to it therein and paragraph 14 is not engaged in respect of the designation.
34. The Council disagrees, submitting that the Framework refers to national policy only, with MOL being a local designation that relies on the LP for its association with Green Belt policy and this is why it is not mentioned in the examples given in footnote 9. It submits that this does not mean that MOL policy is not covered by, or is inconsistent with the Framework; rather the Green Belt policies of the NPPF nevertheless apply by analogy to MOL by virtue of the references to it in the adopted DP which includes the LP.
35. However, I consider these arguments to be somewhat academic in this case. Whether or not MOL is a 'specific policy' in terms of footnote 9, it remains part of the adopted DP, through the up-to-date LP, and triggers the need to identify very special circumstances if planning permission is to be granted. In any event, the appellants do not dispute that 'very special circumstances' will need to be found here. To this end, they submit that the Framework clearly infers that significantly less weight should be accorded to policies that are found to be out-of-date and have made their submissions on this basis and that very special circumstances apply that are sufficient to justify the scheme.
36. To this end, the appellants also question the extent to which the appeal site is contributing to the purposes of its MOL designation. To be designated as MOL, LP policy 7.17 requires it to meet one of the following criteria. It should contribute to the physical structure of London by being clearly distinguishable from the built up area, it should include open air facilities for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London, or it should it contain features or landscapes of either national or metropolitan value.
37. The last 2 criteria are not met as there is no public access to the land and no features that meet the description. It is the case that the land is not clearly visually linked with the playing fields to the east of the Pool river from any of the viewpoints visited during the site inspection and, at the time of that visit when the vegetation was at its thickest, the extent of the wider MOL was not readily apparent from the site itself. Nevertheless, I accept that this may be somewhat different when the leaves are off the trees, as seen in photographs of the site. In any event, 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 importance of the contribution that it makes. It is 'openness' that is the critical factor, with visual impact being judged under different criteria.

38. However, I would disagree with the finding of the Greater London Authority (GLA) in its advice on the proposal that the site is '*clearly distinguishable from the built up area to the north*' or that it '*connects with a wider network of open space*'. There is no link across the river and the site is surrounded by dense development on all other sides. It is only really in the aerial photographs that the site can be clearly linked to the open land around it. For these reasons, I find that the contribution that the site is making to the MOL designation criteria is not as significant as the adjacent sports fields beyond the river and the harm caused by the proposed development to the MOL will be considered in the light of this finding.
39. There is already some development in the form of single storey buildings and hardstanding used for commercial storage on part of the land. The footprint of the new block and its related development would cover about 44- 48% of the site, compared to the area of 'brownfield' land which is about 37% of the total at present. Although the GLA appeared to believe that some of the development on the site was unauthorised, there was no suggestion made at the Inquiry that this was the case or any challenge to the planning status of the previously developed land.
40. The appellants were at pains to point out that loss of openness is to be distinguished from visual impact and that, in their view, openness is lost once land ceases to be free from development and the height or bulk of the development is not relevant to an assessment of the extent of this loss. The impact of the scale of the development should therefore be judged through a separate visual assessment and they maintain that land that is previously developed already has lost its open status for the purposes of MOL policy and any additional development on such land should not be 'double counted' when the extent of any harm is being assessed .
41. I agree that the concepts of openness and visual impact are distinguishable and that the difference between the existing and proposed percentages of developed footprint on the site, at 11% at most, is relatively small when set against the wider expanse of MOL of which the appeal site is part. Nevertheless, there is no dispute that the proposed development would result in a loss of openness and this loss would be clearly discernable from wherever the new block could be viewed.
42. However, the weight to be given to this harm is reduced because, at local level, it is a relevant policy for the supply of housing and I have found there to be no 5 year HLS. Nevertheless, there is still a considerable amount of undeveloped land that would be lost from the MOL and if considered on the same terms as Green Belt policy, the Framework makes clear that substantial weight should be accorded to any harm to the MOL. In this case therefore, I consider that, while the harm caused by inappropriate development and loss of openness may be tempered by the relevant policies being out of date, it is still a considerable factor weighing against the proposal.

Design

43. The architect for the proposal is well known and respected and has explained his design rationale for the proposal in detail at the Inquiry and in his proof of evidence. The scheme has also been considered by independent architectural experts on behalf of both main parties.

44. They come to differing conclusions with the Council criticising the design of the development on several grounds, including its scale, bulk and detailing, its relationship to the public realm and surrounding development and the amenities that it would provide for the occupants.
45. The Council believe that the building would have a poor relationship with the public open space to the east through being set at a higher level on this elevation to allow for the flood defences. It also considers that it would be overly large in its context and that it would appear featureless, lacking the interest created by the varied roofline of the other part of the former Dylon land, referred to hereafter as 'Dylon 1' scheme.
46. Criticism is also made of the internal layout, based on the submissions that there would be minimal natural light available to the internal corridors, that there would be too many single aspect dwellings and that reliance on artificial ventilation to ensure that noise levels in the west facing units indicates poor design.
47. The appellants' expert disagrees, submitting that the building would provide a graduated link between the public and private areas and that would appear as a well-considered and appropriate response to, and continuation of, the Dylon 1 scheme. The constant roof line is said to be 'calm' and the geometry of the scheme is said to ensure entrances are clearly visible. It is also claimed that the quality of the internal amenities could be controlled by conditions to ensure that noise and ventilation levels were satisfactory.
48. Having carefully considered these contrasting views, 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 of at an appropriate human scale between the public and private realm at ground floor level.
49. 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.
50. 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.

51. 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.
52. 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.
53. I noted at the site visit that the accurate visual representations presented by the appellants, while being a faithful reproduction of how the proposals would sit in the landscape nevertheless do not appear exactly as they do to the human eye when standing in the position from which the photographs were taken. In reality the site appears closer and the proposed buildings would look consequently larger when seen from surrounding roads. The impact of the scale of the development would therefore be greater than depicted in the illustrations.
54. The provision of the park in what is, at present, underused and neglected land is very welcome and would serve not only the residents of both Dylon schemes but would be open to other visitors. I am not persuaded that it would appear as private space for the blocks; local people would, I am sure, soon realise that it was open to all to use and would appreciate having a landscaped area adjacent to the river in which they could walk, exercise and take their children to play.
55. 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.
56. 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.
57. The Planning Design and Access statement that accompanied the application comments as follows on the scale of the development: *'In determining an appropriate scale for the development regard has been had to the topography of the site; the relationship with and scale of the approved adjacent Phase 1 development; and the need to use scarce land resource effectively and efficiently.'*

58. It goes on to say: *'The proposed massing aims to optimise the potential of the site in terms of light, views and accessibility while being sensitive to the form and scale of its context. The massing is urban; however, the architectural articulation of the elevations with the rhythm and proportion of the windows gives the buildings a domestic scale.'*
59. Whilst the aims set out above are appropriate and the massing of the block is indeed urban, for the reasons set out above I am not persuaded that this is necessarily an acceptable solution for this predominantly open site set in a largely sub-urban townscape or that the building would in any way have a *'domestic scale'*. It would be impressive and massive but these are not the qualities that I feel are suitable for a site such as this and the scheme would consequently fail to relate sympathetically to the open space within and beyond the site boundaries across which most views of it would be achieved. Whilst it would continue the theme of the Dylon 1 development, I question whether this would be the correct template to follow, given the difference in designations between the 2 sites.
60. Turning to the question of residential amenity, whilst the majority of the units would span the full width of the block and consequently have a double aspect that would include the proposed park from at least some of the windows, I am nevertheless somewhat concerned about the number of single or limited aspect flats on the western elevation.
61. Each floor above ground level would have 6 units that faced only the railway, with another 2 having additional windows looking north or south, but not across the park. It is also the case that it is the units closest to the railway, at the points where the angled façades meet, which would have this limited outlook, as well as being closest to the source of most noise. Whilst mechanical ventilation and noise reduction measures could help to maintain minimum standards I am still concerned that this is a design flaw that results from an attempt to increase densities to more than could be comfortably accommodated on the site.
62. If permitted, the appeal scheme is likely to be used as a precedent for the character of the surroundings against which any future development of nearby sites would be judged. I am concerned that this could lead to a concentration of high rise development that would fail to make an appropriate transition between the open playing fields and sub-urban characteristics of the residential development to the east and the more commercial and urbanised areas to the north and west.
63. In conclusion on this topic, I consider that the extent of the proposed development on the site would be excessive, given the designation of the site and the impact on the character of the surroundings. I find that the scheme would not respect the character and appearance of its surroundings because of its overly dominant height and scale. It would thereby conflict with the policies set out in Chapter 7 of the Framework which seek to promote and secure good design that would help to raise the standards in the area.
64. I consider that the proposal would also fail to meet criterion H7 (iii) of the London Borough of Bromley Unitary Development Plan 2008 (UDP) which requires, amongst other things, that the site layout, buildings and space about buildings are designed to a high quality and recognise, as well as complement, the qualities of the surrounding areas.

65. Similarly UDP policy BE1 calls for all development proposals to be of a high standard of design and layout and they are expected to meet a number of criteria that include complementing the scale, form, layout and materials of adjacent buildings and areas. For the reasons set out above, I conclude that the scheme would be in conflict with this policy as, although it would be seen as clearly related to the Dylon 1 development, it would still fail to complement the wider context in which it would be set.

Very special circumstances/the balancing exercise

66. I have found that the Council does not have a 5 year HLS and the provision of 253 new units, including 90 affordable units, is a significant benefit of the proposal. In addition to this, the economic benefits that would result from the building of a project of this scale are considerable.

67. The public park is another factor that weighs in favour of the scheme and the biodiversity improvements and provision of a possible link to the Waterlink Way would also add to the benefits. The housing delivery grant would, of course, be an advantage but the 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.

68. I do not accord any additional weight to the fact that the appearance of the site would be improved. This is because, as with Green Belt policy, the condition of the land is not a contributory factor in the designation; it is the openness of the MOL that is important in this context.

69. While the building might, in other location, 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 the accommodation for some of the future occupants, are major factors weighing against the proposal.

70. I have found that there is harm to the openness of the MOL as well as the harm by reason of inappropriateness, albeit at a level that is reduced due to the factors outlined above and by the policies of the UDP being outdated in terms of their relevance to the supply of housing. Nevertheless, I also note that the Government's Planning Practice Guidance (PPG) states that '*unmet housing need ... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.*'

71. Even if it is considered that the MOL policies are not carried through to the Framework, they are nevertheless still treated in the same way as those relating to the Green Belt in the LP and I consider that the PPG applies to them in the same way as to the Green Belt policies.

72. I have taken account of the other housing sites that have been granted planning permission in MOL in the Borough and elsewhere but the circumstances in each of these were very different to those in this case and preceded the latest edition of the PPG. I have therefore considered this case on its own particular circumstances and merits.

Conclusions

73. 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.
74. 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.
75. Consequently, for the reasons given above I conclude that the appeal should be dismissed.

Katie Peerless

Inspector

APPEARANCES

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FOR THE APPELLANT:

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He called	
Ian Ritchie	Architect
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Steven Butterworth	Senior Director, Nathaniel Litchfield and Partners.
Christopher Francis	West and Partners, Town Planning Consultants

INTERESTED PERSONS:

Cllr. Russell Mellor

DOCUMENTS

- 1 Notes of Mr Harris' opening statement
- 2 Notes of Mr Lewis' opening statement
- 3 Tibbald's report on 1st application on appeal site
- 4 Extract from PAS website
- 5 Screenshots from Hambridge website
- 6 Advertisement for Tweedy Road development site
- 7 Mr Ritchie's notes on acoustic and ventilation matters
- 8 Note on developed area including car park
- 9 Email from Environmental Health Officer in response to noise notes
- 10 Suggested Conditions
- 11 RPS note
- 12 UU Version A – Starter Homes version
- 13 UU Version B
- 14 Route Map to UU versions
- 15 Notes of Mr Lewis' closing submissions
- 16 Notes of Mr Harris' closing submissions

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