



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 16 November 2016

To: Members of the  
**DEVELOPMENT CONTROL COMMITTEE**

Councillor Peter Dean (Chairman)  
Councillor Richard Scoates (Vice-Chairman)  
Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Eric Bosshard,  
Katy Boughy, Kevin Brooks, Lydia Buttinger, Nicky Dykes, Simon Fawthrop,  
William Huntington-Thresher, Charles Joel, David Livett, Alexa Michael,  
Neil Reddin FCCA, Pauline Tunnicliffe and Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **THURSDAY 24 NOVEMBER 2016 AT 7.30 PM**

MARK BOWEN  
Director of Corporate Services

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

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

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

## A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 6TH SEPTEMBER 2016 (Pages 1 - 6)**

**4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to the Chairman of this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Friday 18<sup>th</sup> November 2016.

**5 PLANNING APPLICATION (16/02395/FULL1) - H G WELLS CENTRE, ST MARK'S ROAD, BROMLEY BR2 9HG**  
(Pages 7 - 72)

Bromley Town Ward

**6 PLANNING APPLICATION (16/02613/OUT) - LAND AT JUNCTION WITH SOUTH EDEN PARK ROAD AND BUCKNALL WAY, BECKENHAM**  
(Pages 73 - 110)

Kelsey and Eden Park Ward

**7 LB BROMLEY FIVE YEAR HOUSING LAND SUPPLY PAPER - NOV 2016**  
(Pages 111 - 138)

**8 LOCAL DEVELOPMENT SCHEME 2016 -18**  
(Pages 139 - 166)

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## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 6 September 2016

### Present:

Councillor Peter Dean (Chairman)  
Councillor Richard Scoates (Vice-Chairman)  
Councillors Vanessa Allen, Graham Arthur, Douglas Auld,  
Nicholas Bennett J.P., Eric Bosshard, Katy Boughey,  
Kevin Brooks, Lydia Buttinger, Nicky Dykes, Simon Fawthrop,  
William Huntington-Thresher, Charles Joel, David Livett,  
Alexa Michael, Neil Reddin FCCA and Michael Turner

### **14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

An apology for absence was received from Councillor Pauline Tunnicliffe;  
Councillor Nicholas Bennett JP attended as substitute.

### **15 DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **16 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 11 JULY 2016**

**RESOLVED** that the Minutes of the meeting held on 11 July 2016 be  
confirmed and signed as a correct record.

### **17 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

### **18 PLANNING APPLICATION (16/02117/FULL1) - ORCHARD LODGE, WILLIAM BOOTH ROAD, PENGE, LONDON SE20 8BX**

Description of application – Demolition of existing buildings and erection of  
two 4-5 storey blocks and one 5-6 storey block of flats comprising 252  
residential units (84 x 1 bed, 120 x 2 bed and 48 x 3 bed including affordable  
housing provision), basement car parking, landscaped podium deck, open  
space, play space, associated access roads, private and communal  
landscaping, cycle parking, recycling and refuse stores and associated works  
including widening of existing vehicular access onto William Booth Road.

Oral representations in support of the application were received from Mr Mark  
Jackson, Head of Planning at Fairview Homes.

Mr Jackson reported that the applicant had worked closely with the GLA and planning officers throughout the planning process. A public exhibition and meetings with local residents had also taken place. The number of affordable rent units to be provided met with Bromley's affordable housing policy requirements and the S106 contribution demonstrated the applicant's positive commitment to the development and the local community. Whilst parking provision had achieved the right balance, it was possible for 100% parking to be achieved. Local residents supported the scheme which would make a significant contribution to the Borough. If planning permission was granted, construction work would begin almost immediately.

In response to Member questions, Mr Jackson stated that additional parking spaces could not be provided without the loss of amenity space. It was possible that some flats would not be allocated parking spaces.

The Lighting Calculations Report included a lighting layout to provide the minimum level of light required on the site and a Secure by Design condition would be applied to ensure the correct level of lighting was used to minimise the risk of crime and promote public safety. As the development was located on MOL, a Dark Sky system would be installed to limit the extent of lighting beyond the site.

The two proposed car pool spaces would be located at the most convenient point just within the scheme. The Section 106 Agreement included free use of the pool for the first three years.

Comments from the Designing Out Crime Officer included the statement: "Unfortunately the security measures proposed are not enough for Secured by Design purposes....". Mr Jackson confirmed that meetings would take place with officers in regard to this and any issues raised would be addressed by condition should the application be granted permission.

In summing up, the Chairman considered this development would make a significant difference to the Council's housing supply target which should be taken as a material consideration. This was an appropriate development for the site and would not be out-of-character with the surrounding area. Traffic concerns relating to access had been resolved by widening of the road. The affordable housing criteria had been met. He suggested the number of parking spaces could be increased by six with little impact on amenity space leaving just six properties which could be marketed without allocated parking.

The Chairman moved that permission be granted with the proviso that parking provision be increased by six spaces (acknowledging that there would be a slight impact on the amenity area) and the remaining properties be marketed without parking facilities. Councillor Fawthrop seconded the motion.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED (SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT) AND ANY DIRECTION BY THE MAYOR OF LONDON** as recommended, subject to the conditions

and informatives set out in the report of the Chief Planner. The following condition was also added:-

34 Before any work is commenced, details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. Notwithstanding the approved plans, the submitted details shall include a total of 252 car parking spaces and details of how these will be allocated to each property. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages. Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

**19            ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER**

Members considered whether a non-immediate Article 4 Direction should be sought to withdraw permitted development rights for alterations to the front slopes of roofs of properties in the Petts Wood Area of Special Residential Character.

Ward Member and Committee Member Councillor Fawthrop, commended Mr Tim Horsman, Development Control Manager, for providing an accurate and informative report. He explained that by the withdrawal of permitted development rights, householders would be required to obtain planning permission before installing roof lights.

Councillor Fawthrop moved that an Article 4 Direction be implemented with a 12 month delay. He also requested information regarding the anticipated timeframe leading up to Portfolio Holder approval. Councillor Auld seconded the motion.

**RESOLVED that the Executive be requested to confirm the issue of a non-immediate Article 4 Direction withdrawing permitted development rights for front roof alterations in the Petts Wood Area of Special Residential Character with a 12 month delay.**

**20            FIRST REPORT OF THE EDUCATION SELECT COMMITTEE 2016/17 - THE EDUCATION LANDSCAPE IN BROMLEY**

**Report CSD16124**

Members considered recommendations made by the Education Select Committee at its first meeting held on 25 May 2016. In particular, the Committee were requested to consider recommendation 5 (the provision of

education sites) and recommendation 6 (the use of CIL funding for education purposes).

In regard to recommendation 5, the Chairman stated that education sites were identified and put forward through the Local Plan which had yet to be finalised. As a result, he did not feel Members were currently in a position to ensure the provision of education sites could be achieved.

Councillor Bennett explained that this matter had already been considered by the Portfolio Holder for Renewal and Recreation who had confirmed that sufficient sites had been identified and given his assurance that provision would be achieved through the Local Plan.

Councillor Huntington-Thresher reported that whilst the Draft Local Plan had identified a number of sites across the Borough, further consideration should be postponed until public consultation on the Local Plan was complete.

Councillor Dean moved that Members could not support consideration of recommendation 5 for the reasons stated above. This was seconded by Councillor Buttinger.

With regard to recommendation 6, the Chairman considered it was not within the remit of DCC to determine how CIL funds should be spent. The onus was on specific Council departments to apply through Resources. The CIL would be operated through the Local Plan with funds being allocated to various community services. Therefore the Committee could not comply with the Education Select Committee's request.

The Chief Planner explained that the collection of CIL was governed by regulations and the Council was required to justify its need to charge £35 per sq m. A plan would be formalised indicating how CIL funds would be spent; it was possible that infrastructure costs may amount to more than the Council collects. The plan would be reviewed on a yearly basis. The CIL was closely linked to the draft Local Plan and would be implemented shortly after the adoption of the Local Plan in 2017.

Councillor Bennett agreed to convey Members' views back to the Education Select Committee.

The Chairman moved that it was premature to consider recommendation 6 until the operational structure of CIL had been formally approved. Councillor Fawthrop seconded the motion.

**RESOLVED that:-**

- 1) Members could not support consideration of recommendation 5 for the reasons stated above or at least until public consultation on the Local Plan was complete; and**

*Development Control Committee*  
*6 September 2016*

- 2) Consideration could not be given to recommendation 6 until the operational structure of CIL had been formally approved.**

The meeting ended at 8.05 pm

Chairman

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# Agenda Item 5

**Application No :** 16/02395/FULL1

**Ward:**  
**Bromley Town**

**Address :** H G Wells Centre St Marks Road  
Bromley BR2 9HG

**OS Grid Ref:** E: 540522 N: 168636

**Applicant :** Cobalt Bromley South Ltd

**Objections :** YES

## **Description of Development:**

Demolition of existing building and erection of a part 7, part 11, part 17 mixed use building comprising 210 sqm community uses (use class D1/D2), 42 sqm office use (flexible B1 (a) and A3 use) and 68 residential flats with associated landscaping and public realm works, new pedestrian links, refuse and cycle parking stores, plant room and 3 disabled car parking spaces

## **Key designations:**

Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
London City Airport Safeguarding  
Open Space Deficiency  
River Centre Line  
Smoke Control SCA 5

## **Proposal**

Planning permission is sought for the demolition of the existing building and the erection of a part 7, part 11 and part 17 storey mixed use building. This application follows a previous application 13/03345/FULL1 which was for the same scale and size of building, and was granted planning permission at appeal. The key differences between the consented development and the current proposal are as follows:

	<b>Consented</b>	<b>Proposed</b>
Total residential units	52	68
Affordable Housing	10 shared ownership units	6 affordable rent and 4 intermediate units
Affordable Housing Contribution	£515,000	£805,000
Commercial Floorspace	1,467sqm office use (use Class B1)	42 sqm (flexible B1(a) office and A3 restaurant/café use)
Community Use Floorspace (Class D1/D1)	256sqm	210 sqm
Cycle Parking Spaces	52	120

Externally, the following changes are proposed to the building:

- The glazed wall system is now only seen at the ground floor and commercial entrance on Level 1
- Commercial windows have been replaced with residential glazing on levels 1, 2 and 3
- Signage is shown above the commercial entrance on the north elevation

All other aspects of the revised proposal and its form including the design and height of the building and the level of off-street car parking are the same as the scheme/building allowed at appeal.

For clarity the full details of the proposal are as follows:

- 210sqm community uses (use Class D1/D2) at ground floor
- Flexible 42sqm of office (B1) or restaurant/cafe (A3) use
- 68 flats comprising 17 x 1 bed, 50 x 2 bed, 1 x 3 bed units
- 10 Affordable units
- 6 x Social Rented & 4 x Intermediate Units
- 7 Wheelchair units
- Associated landscaping and public realm works
- New pedestrian north-south link
- Cycle store for 120 cycle spaces at ground floor
- Plant room and bin store at ground floor
- 3 disabled car parking spaces off St Marks Road
- Loading/unloading bay off St Marks Road

Appearance and scale

- Part 7, 11, 17 storey building to a maximum height of 54m
- 7 storey element to the western boundary, 17 storeys to the east
- Recessed balconies to each apartment
- Residential use commences from 1st floor
- Exterior comprised of red brick and coloured cladding (ivory and green spectrum)

Site layout

- Lower ground floor comprises Class D1/D2 community hall, ancillary facilities, lounge, meeting room with entrance to the south
- An entrance and single core access to first, second and third floors is set to the eastern elevation
- Residential access to the east provides access to concierge service, residential refuse storage, two lifts, plant room and 120 cycle storage spaces
- Additional residential access to single core (floors 4-17) from northern elevation

- Creation of new pedestrian access and new steps to the Waitrose car park to the north
- Predominately hard landscaping to front of site with planting and seating areas
- Three disabled parking spaces to front of public realm onto Masons Hill
- First floor being 'Upper Ground' with ground level access to northern elevation providing a secondary residential entrance and opening for commercial unit

The site has an area of 0.08ha giving a residential density of 850 dwellings/ha.

#### Applicant's Submission in Support

The application is accompanied by a Planning Statement, Design and Access Statement and a Visual Impact Assessment in which the applicant submits the following summary points in support of the application:

- Bromley Town Centre is undergoing considerable change and the proposal would add to this by providing the opportunity to regenerate this part of Bromley South
- The site is within the town centre and comprises town centre uses with office space and jobs
- The site represents a gateway into Bromley South and is significant in acting as a catalyst for future economic growth and regeneration in this part of the town centre
- The site is within an area which is deemed suitable for tall buildings in the AAP
- The site is a sustainable location with a high PTAL rating of 6a
- The proposal promotes town centre living which adds to the vitality of the area
- It will increase spending in the town centre helping to ensure the centre does not decline
- Providing residential development in the town centre assists in providing a secure environment at all times and encourages the night time economy
- Represents a deliverable windfall site
- Although the site is not designated the AAP makes it clear that other sites can come forward where they meet the objectives of the AAP and Transport Strategy
- The proposal provides a sustainable development where people will want to work, live and socialise
- The site has little permeability at present and the proposal would open up the site providing secondary uses and spaces that will draw people from the High Street
- A pedestrian friendly environment
- The residential use as part of a mixed use scheme accords with national and regional policy

- The development would assist the Council in meeting its aspirations for the town centre and housing targets
- Re-provision of community uses in line with planning policy
- Liaison has been entered into with the current Labour Club occupants and the option has been made available to them to occupy the proposed community space
- The community space has been designed to be flexible and high quality
- The proposal represents a landmark building of a high quality design and uses high quality materials ensuring longevity and a role as a facilitator for future regeneration
- The NPPF unequivocally states that sustainable development should be approved without delay and we urge the Council to approve the application for this significant regeneration proposal
- The site is informed by the tall buildings to the north and represents an ideal location for a tall building
- The building responds to the mass of the police station
- The proposal is set back from the southern boundary to respect the listed building opposite
- A comprehensive design encompassing the properties fronting Masons Hill is envisioned as a second phase
- High quality landscaping
- The building has been designed to appear slender when viewed from a distance, to have a distinctive form, yet integrate within its surroundings
- The proposals include the provision of a new pedestrian link from St Mark's Road connecting to the northern part of Mason's Hill
- The proposals will not only increase natural surveillance at all hours of the day through the provision of active frontages as well as residential and commercial uses, but will also encourage the flow of pedestrian activity through this space

The applicant has also submitted the following documents to support the application:

Daylight and Sunlight Assessment: The assessment provides an analysis of daylight, sunlight and overshadowing impacts on adjacent buildings as a result of the development. The analysis identifies that in the context of the sites urban environment, the impact of the development on daylight to surrounding properties is not expected to be significant. Existing facades indicated that surrounding windows are predicted to receive sufficient sunlight in accordance with the requirements of the BRE guidance. In respect of overshadowing the closest amenity spaces to the development these received sunlight in accordance with BRE guidelines. The report concludes that this is largely due to the staggered height and design of the building, the urban context and surrounding commercial buildings. The proposed development is likely to have an insignificant impact on surrounding buildings and amenities in terms of sunlight and overshadowing. There is likely to be an effect on daylight on some windows (Police Station and bedroom windows of 35-41 Masons Hill) but is not deemed to be significant in the context of the site.

Transport Assessment: The report provides an overview of the transport implications of the proposed development. This includes consideration of planning policies, the site and the surrounding highway network and concludes that the development lies within an area of controlled car parking and there are no inherent road safety concerns. The site has an excellent PTAL rating of 6a, being situated within a highly accessible location close to public transport services. The levels of car parking and cycle parking on site are in accordance with planning policies and the site is in an ideal location for a car-free development. Servicing of the site can take place in an efficient manner with no adverse highway safety implications for pedestrians and cyclists. The total daily trips is limited and 74% would be by public transport, walking or cycling reflecting the highly accessible location of the site and the car free nature of the development. The development would therefore not give rise to any adverse transport impacts and is supported by transport planning policies at all levels. Indicative plans including a Travel Plan, Delivery and Service Plan and Construction and Logistics Plan have been provided.

Additional Information: Following Highway and GLA comments a further note was submitted. It summarises that the site is highly accessible and car parking is not required. Three blue badge spaces are provided on site and disabled parking is available on street in the immediate area as shown on the additional plan or on double and single yellow lines for up to 3 hours. Restriction on parking permits will be controlled by the s106 but a further contribution in respect of management is not appropriate. A car club parking bay is shown on St Marks Road which will be secured through the s106. Pedestrian access between St Marks Road and the Police station access road will be wholly within the application site. The site will attract less servicing vehicles than the previous scheme and fewer vehicle movements by virtue of the reduced office space. It is confirmed that a zebra crossing does not form part of the application works. All efforts to encourage sustainable travel will be implemented and controlled by condition/s106 and the use of the Sheffield stands/bikes monitored with more provided if required.

Flood Risk Assessment and Sustainable Drainage Systems Strategy: This deals with the drainage aspects of the development. The site lies within Flood Zone 2. It has been shown to be at a low risk of flooding from other sources of flooding such as rivers and groundwater. The only potential risk is from overland flow or sewer surcharge. The site is 100% hardstanding. Impermeable areas on the site will decrease as a result of the development. However, rates of surface water run-off will increase, as will volumes of surface water runoff generated, due to climate change.

A surface water drainage strategy for the site is proposed, following sustainable drainage principles, to limit the post-development discharge from the site to a rate of 50% of existing rates by providing green roofs and permeable paving. Although ground conditions on-site appear appropriate for infiltration SUDS, the site lies immediately adjacent to inner SPZ and the site

is heavily constrained by the proposed buildings as well as existing development and infrastructure surrounding the site.

The flood risk assessment concludes that the site is at low risk of flooding from all sources as mitigation measures outlined in the report are implemented. The actual and residual consequences of flooding are low. The FRA concludes that the proposed development is in accordance with relevant policies related to flooding.

Additional supporting information: Further clarification has been submitted since submission in respect of an updated FRA and surface water drainage strategy which has been revised to provide a surface water run-off rate of 5ls and provide a greater level of attenuation storage (25.9m<sup>3</sup>) at subbase level, how the proposed works would minimise the impact on the drainage culvert under the site has been clarified with the building sited at 2.2m from the culvert wall and the need to take account of updated surface water flooding maps. These maps include up to date data on climate change and the analysis identifies the site is at no greater risk of flooding and overall is a negligible risk.

Noise and Vibration Assessment: The report contains an assessment of the suitability of the proposed development in terms of noise and vibration. A noise survey has identified local noise sources and typical ambient noise levels around the site. The results show that noise levels are generally dictated by a combination of local road traffic and noise emanating from the adjacent supermarket service yard. No significant ground-borne vibration was identified.

Indicative calculations show that acceptable internal noise levels will be achieved in the residential parts of the development using commercially available acoustically upgraded glazing and mechanical ventilation. Noise levels in some balconies directly overlooking Waitrose and Masons Hill are likely to exceed recommendations although some slight increase is considered acceptable. The commercial elements are generally acceptable although potential noise impact activities and plant associated with the ground floor community use may require further assessment once the intended use is known. All these elements can be controlled by conditions.

Air Quality Assessment: Assesses the air quality impacts of the proposed development and its use by future occupants. Existing air quality conditions within the study area show poor air quality, with concentrations of nitrogen dioxide exceeding the annual mean objective along Kentish Way and Masons Hill. The site lies in an Air Quality Management Area. The construction work will give rise to a Negligible to Low Risk of dust impacts. It will be necessary to apply an appropriate package of mitigation measures to minimise dust emissions. Low nitrogen dioxide boilers and CHP plant are also proposed. With these mitigation measures the overall impacts during construction will not be significant. Air quality conditions for new residents within the development have been considered. Pollutant concentrations are predicated to be below the air quality objectives at the worst case locations and air

quality conditions for new residents will be acceptable. The development meets the London Plan requirements that new developments are at least 'air quality neutral'. The construction and operational air quality impacts of the proposed development are judged to be 'not significant'.

**Sustainability Statement:** This addresses sustainability criteria and the compliance with relevant elements. It deals specifically with the London Plan's Sustainable Design and Construction SPG and considers each aspect identified and the proposals compliance. This includes: land, site layout and building design, energy & carbon dioxide emissions, renewable energy, water efficiency, materials and waste, nature conservation, tackling increased temperatures and drought, increased green cover, land contamination, air pollution, noise, light pollution and water pollution.

**Energy Statement:** The report assesses the predicted energy performance and carbon dioxide emissions of the proposed development and identifies the most appropriate energy saving measures and renewable energy technology. The report is based on the London Plan's three-step Energy Hierarchy in Policy 5.2 A being Be Lean- use less energy, Be Clean – supply energy efficiently and Be Green – use renewable energy. The analysis included a biomass heating system, ground-source heat pump, air-source heat pumps, photovoltaics, solar thermal and wind turbines. The analysis identified photovoltaics and air-source heat pump as suitable technologies for the commercial component. The installation of 89sqm of PV and heat pumps are expected to reduce co2 emissions by a further 9.6%. The overall reduction of co2 emissions is 28.7% after implementing measures at all 3 stages. As this falls short of the London Plan target of 35%, a carbon offsetting payment of £10,760 will be payable based on the GLA rate of £60/tonnes co2 for 30 years. The building, however, exceeds London Plan and Building Regulations compliance through energy efficiency measures.

## **Location**

The site is located within St Mark's Road, to the northern edge of Masons Hill, at the southern edge of Bromley Town Centre and in close proximity to Bromley South Railway Station to the north-west with the line being to the north of the site. At present, the site is occupied by a 2 storey brick-built building, the HG Wells Centre, currently in use by the local Labour Party as a social club, with associated off-street car parking.

The south of the site is bounded by a terrace of five properties featuring small retail units at ground floor level with residential above. The Metropolitan Police Station is 5 storeys in height and located to the west with the access road to this building forming the western boundary of the site. The Mayor's Office of Policing and Crime (MOPAC) land ownership extends beyond the building and includes the access road which serves Waitrose supermarket. Waitrose supermarket is located to the east with the service entrance on St Mark's Road and the supermarket car park is adjacent to the northern boundary at a higher ground level. Bromley South mainline train station is beyond the

carpark to the north. On the opposite side of Masons Hill lies the Grade II listed St Marks Primary School with residential properties beyond.

The site is within Flood Zone 2 with a number of culverts running under the site whilst Masons Hill is a local distributor road. The site is also in an Air Quality Management Area. The site is located within the Bromley South character area within the Bromley Town Centre Area Action Plan (AAP) but is not identified as a proposal site.

## **Consultations**

### **Comments from Local Residents**

Nearby properties were notified and representations have been received.

Objections including a letter from Waitrose have been submitted which can be summarised as follows:

- Building is too high and out of keeping with the character of the area
- Not in keeping with surrounding buildings
- Building will be an overbearing eyesore and change the character of the town.
- Will dominate the skyline and be out of place and scale
- Overlooking of residential properties and the right to privacy
- loss of sunlight, daylight and overshadowing
- Overdevelopment of the site and area
- View of Keston Ridge would be compromised
- Insufficient car parking - residents will still own cars
- Area is too congested roads can't cope
- Congestion and traffic is a problem, this will continue to increase affecting everyone
- Design of the building and its materials are poor quality
- Building has no architectural merit and a better design is required
- Green roofs and wall should be required
- Poor amenities for proposed residents
- More affordable housing should be required for local people
- The affordable housing provision is only a token gesture
- School places and doctors surgeries will be affected
- The existing club, community facility and locally historic building should be retained
- Bromley will become like Croydon and residents don't want this
- Existing facilities are under pressure and can't cope with further increases
- Increased pollution and noise
- Proposed benefits of the development are exaggerated
- Building and design is not appropriate for Bromley
- The building will cause a wind tunnel
- Detrimental impact on residential amenities



- Not appropriate for a residential area
- Layout of community space is poor and not considered
- Will not add to the quality of the local environment and will affect long distance views
- The loss of office space will not add to the economy or regeneration of Bromley
- One tall building in Bromley is enough and it will dwarf existing buildings
- The site is not allocated in the AAP for a tall building.
- Where will residents park their cars
- Where will essential visitors park ie. Carers, deliveries and disabled visitors
- There are only 3 disabled spaces but 7 wheelchair units and one delivery space, this is insufficient
- A 17 storey building is not appropriate for disabled residents and room layouts are poor
- Proposal does not comply with Policy BTC19 – Building Height
- The Appeal Inspector was wrong in his judgement
- Access to the Police Station will be affected
- The train system is already at capacity, how will it cope with more commuters
- Reflections from the building will affect surrounding residential properties
- Have we not learnt from the 60's high rise building problems and slums
- Ventilation, insulation and noise for the occupiers will be problematic and this has not been properly considered
- This is not the right development for Bromley, its residents and living standards
- The housing does not meet local housing needs or communities
- Infrastructure should be built before more housing
- Will destroy the Victorian neighbourhood
- The adjacent service yard is in operation 24 hrs a day, high quality noise insulation must be required for future residents
- Double yellow lines are necessary on St Marks Road to ensure it is not blocked by parked cars or construction vehicles
- Construction traffic needs to be controlled

Two letters of support have been received which identify that more housing is required; the development complies with policies, is sustainable and will enhance Bromley Town Centre.

### **Comments from Consultees**

#### Highways:

The previous application was allowed at appeal so I would assume that limits the issues which can be raised with this application. There is a slight reduction in the size of the community use, the café has been omitted, the office space has been greatly reduced and there is an increase in the number

of flats from 52 to 68 from the previous application. A Transport Assessment was included with the application.

Parking: The proposal includes very limited car parking with 3 spaces for disabled use. The Mayor's policies include that each designated wheelchair accessible dwelling should have a car parking space. If 10% of the proposed units are wheelchair accessible then there is a shortfall of 3 or 4 spaces but I am not clear how much weight that has. There is obviously not the physical space to provide the spaces. There would be the potential for short term parking on yellow lines but it would not be a long term solution. Some of the plans appear to show the proposed bays extending onto the footway, they need to be set back on the applicants land.

The site is within a high (6a) PTAL location. There is reliance in the proposal that residents will not own cars based on the high PTAL and potential condition that future residents cannot apply for parking permits. Without a parking permit long term on-street parking is not easy but with the 2 hour restriction on permit bays in the Town Centre Outer Area CPZ being in the middle of the day and some free bays available there is the potential for this to happen. Any additional cars will put pressure on the on-street parking in the area, including St Marks Road itself. The proposal now includes 17 x 1 bed flats, 50 x 2 bed flats and 1 x 3 bed flat, an increase of 16 flats. However, given the previous scheme has permission I am not sure whether we can revisit this given the relatively small increase in flats.

There is the potential that the impact of the development will result in the need for adjustments to the waiting restrictions in the vicinity of the site. Is there the opportunity to for a contribution via a s106 agreement, say £5000 which will be given back after 5years if it is not used?

Car Club: The principle of the car club bay was agreed during the previous application. This needs to be included within the s106 agreement if the application gets permission. There are swept path diagrams include in the TA which show the proposed car club bay and various vehicle movements. It would also be helpful to include the Waitrose delivery vehicle which I assume are large articulated vehicles.

The main entrance to the residential units is from the adopted footpath alongside the access road to the police station. There is another pedestrian link being created which appears to go into Waitrose's car park and I am not sure if that needs the landowner's agreement.

Servicing: The TA refers to there being no history of problems of servicing in St Marks Road. There are currently 2 buildings accessed from the road, Waitrose, which has its own delivery area, and the HG Wells Centre, which will have a much lower requirement than the proposed building. Some businesses in Masons Hill may also service from here.

As the café and the majority of the office use have been removed from the proposal the servicing requirements will be reduced. There will still be a need

for refuse collection and deliveries to the residential units. I am still concerned about the method of servicing but given the Inspector's decision that cannot be reopened. However, it was agreed a Road Safety Audit should be carried out on the proposal. The TA refers to the area in St Marks Road in front of the building as a shared surface, however, it is a footway with access over it. Given there will be access needed across this to the disabled bays, with dropped kerbs provided, there is the scope for large vehicles to turn here, but not park, and the construction of the footway needs to be able to accommodate that.

Construction phase: There will need to be a detailed and robust construction management plan submitted if permission is forthcoming. There are likely to be a large number of lorry movements involved and St Mark's Road is relatively short so there is limited space for vehicles to wait and unload without queuing back to Masons Hill. Waitrose access should not be blocked.

The plans show a proposed zebra crossing on Masons Hill but I am not aware of any plans for one and there is no reference to it in the TA.

Please include standard conditions in any permission and the following:

Prior to the commencement of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. The Plan should include details of the expected number and time of delivery and servicing trips to the site for all commercial uses, with the aim of reducing the impact of servicing activity. The approved Delivery and Servicing Plan shall be permanently implemented in full accordance with the approved details from the first occupation of the development.

Before any work is commenced on the access/highway works a Stage 1 and where appropriate a Stage 2 Road Safety Audit (these may be combined with the prior agreement of the local Planning Authority) shall be submitted to and approved in writing by the local Planning Authority. The works shall be implemented strictly in accordance with the approved details to the satisfaction of the local Planning Authority before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the local Planning Authority following satisfactory completion of the works and before they are opened to road users.

In addition, the prevention of residents from obtaining a parking permit, the car club contribution and funding for potential alterations to the CPZ restrictions should be included in the s106. The reconstruction of the area in front of the building will need to be the subject of a s278 agreement. Perhaps the need to enter into the agreement can also be included in the s106.

Additional Comments:

Parking: I am still not clear how much weight the shortfall in disabled spaces has. There is not the physical space to provide them. Looking at the waiting restriction layout on drawing 13/0114/001 rev A, the road to the north and south east of the police station are private and so would not be available for

parking. There are disabled bays on the High Street but there is no indication of their usage and they are some distance from the site which goes against the principle of such bays which should be as close to the property in question as possible. I appreciate the request for funding of possible amendments to waiting restrictions was not included with the previous application. I would however, still like it to be included if possible.

Car Club: My colleague who now looks after Car Clubs has some concerns about the proposed location of the Car Club bay as it is too close to the junction with Masons Hill. Subject to Councillor support, it could be moved to the end of St Marks Road where it would appear not to affect the swept paths of the Waitrose delivery lorry. Although the principle of the bay has been agreed I do not think the position has been set in stone so I would not see that a major issue.

Pedestrian Access: The pedestrian link into the Waitrose car park I referred to is the stepped access from St Marks Road.

Servicing: I would not think the existing building would have that many deliveries given its size but I have no indication of number. The proposal will change the pattern and I think increase the number of delivery / servicing trips. However, it is likely to be reduced from the permitted scheme, given the removal of the office and café elements, and so that has basically been accepted.

Transport for London:

Site Context: The site is adjacent to Bromley South (National Rail) station and is located within Bromley town centre. Access to up to 15 bus routes can be achieved within walking distance of the site and therefore the site enjoys a Public Transport Accessibility Level (PTAL) of 6a, on a scale of 1 to 6b where 6b is the most accessible. Vehicle access to the site is achieved from St Mark's Way to the south. The A21 Kentish Way/Masons Hill is approximately 150 metres east of the site which forms the nearest part of the Transport for London Road Network (TLRN).

Development Proposal: The proposals comprise the demolition of the existing building and construction of a mixed use development up to 17 storeys, including 210sqm of community uses (Use Class D1/D2), 42sqm of office use (Use Class B1) and 68 residential flats with associated landscaping and public realm. Planning permission was granted on appeal in August 2015 for a similar scheme comprising 1,425sqm additional office use, 41sqm additional community use and 16 fewer residential units compared to the proposed development. TfL noted that the proposals did not meet the requirements for disabled parking provision and should consider an increase in the amount of cycle parking.

Parking: TfL supports car free development in areas with a high PTAL in line with London Plan policy 6.13. Future residents of the site should be excluded from applying for parking permits in the local CPZ and that this is secured through the Section 106 (S106) agreement.

The proposals will provide 3 Blue Badge car parking spaces within the site. The proposed development will incorporate 10% wheelchair adaptable units to meet the London Plan standards, which equates to 7 units. Blue badge parking for wheelchair accessible units should be provided at a ratio of 1:1 in line with the London Plan standards and the Mayor's Accessible London SPG, therefore the provision of 3 dedicated spaces does not comply. The applicant states that any additional requirement for disabled parking can be accommodated within existing town centre parking; however clarification is sought by TfL on how this will be managed. This should be set out by the applicant and included in a Car Parking Management Plan or Travel Plan, secured by condition or S106 agreement as appropriate.

Cycle Parking: The proposed development provides a total of 120 cycle parking spaces provided within the ground floor of the building (60 spaces double stacked). This is found to comply with the current London Plan standards for residential cycle parking, including spaces for visitor cycle parking. TfL welcome the inclusion of assisted lifting for the cycle stands. A further 5 Sheffield cycle stands (10 cycle spaces) are proposed within the public realm to be used by staff and visitors of the proposed community and office use, which is also found to be compliant with the London Plan.

Car Club: As part of the consented scheme it was agreed with Bromley council that a car club bay could be provided within the vicinity of the site with a commitment from the applicant to deliver the car club scheme, providing a minimum of two years free membership for each household. This should be secured through the S106 agreement.

Trip Generation: TfL considers the approach to trip generation acceptable and in line with London Plan Policy 6.3. TfL is satisfied that the likely impact of the development can be accommodated by the local transport network.

Travel Plan: The applicant has submitted a framework Travel Plan (TP). A detailed TP should be secured as a condition of any planning approval or within the S106 agreement, in accordance with London Plan policy 6.3.

Delivery and Servicing Plan: A draft Delivery and Servicing Plan (DSP) has been submitted with the TA. TfL requests that the submission of a detailed DSP should be secured via appropriate planning conditions/obligations. The DSP should also reflect the need for robust safety standards from freight operators. The requirements for providers of goods transport services to offer FORS – or FORS bronze-equivalent or better safety accreditation should be included.

Construction Logistics Plan: A draft Construction and Logistics Plan (CLP) has been submitted with the TA. A detailed CLP is requested prior to construction to be secured via appropriate planning conditions/obligations. TfL welcomes a commitment by the applicant that no construction related deliveries to the site will be undertaken during peak periods (08:00 – 09:00 and 16:30 – 18:00). The detailed CLP should provide more specific

information on the number and type of construction vehicles envisaged and specific information on routing arrangements and Origin & Destination data.

TfL strongly encourages the use of construction contractors who are registered on the FORS. Any conflict points identified on the delivery routes, traffic and pedestrian management equipment and cycle specific safety equipment should ideally be considered and the detail of how risks can be reduced or mitigated provided.

Mitigation: The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3 toward the funding of Crossrail. The rate for Bromley is £35 per square metre. The required CIL should be confirmed by the applicant and the Council once the components of the development have been finalised.

Summary: The principle of the development in transport terms is supported, given the car free nature of the development in a high PTAL town centre location. However for the proposals to comply with the transport policies of the London Plan the following matters should be addressed:

- Securing a detailed Travel Plan which considers all proposed uses of the development, including a contribution towards car club promotion;
- Securing a detailed Construction Logistics Plan and Delivery and Servicing Plan;
- Clarification of the management of the proposed Blue Badge parking;
- Contributions towards Mayoral CIL.

Environmental Health:

Air Quality: I have considered the accompanying Air Quality Consultants report reference J 1693 and recommend the following conditions be attached: An inventory of all Non Road Mobile Machinery (NRMM) shall be kept onsite and registered on <http://nrmm.london/> showing the emission limits for all equipment and shall be made available to local authority offices if required. All NRMM of net power between 37kW and 560kW will be required to meet Stage IIIA of EU Directive 97/68/EC

An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces. (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policies 6.13 and 7.14 of the London Plan)

Demolition works shall not begin until a dust management plan has been submitted for protecting nearby residents and commercial occupiers from dust and other environmental effects have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall not be carried out other than in accordance with the approved dust management plan

Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site identifying efficiency and sustainability measures to be undertaken during site construction of the development has been submitted to be approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

Contamination: I would recommend a K09 condition is attached for a basic Phase 1 survey.

Noise: The acoustic report finds mitigations are necessary in the form of acoustic glazing and mechanical ventilation. It specifies glazing for the most affected areas

*'Noise levels at measurement positions furthest and/or structurally shielded from Mason's Hill and the Waitrose service yard were found to be significantly lower than those closest to and/or overlooking these sources. It will therefore be possible to reduce the acoustic performance specification for façade areas facing away, screened or at greater height from these sources.'*

This is fine in principle but far too vague to form a precise planning condition. Alternatively it can be by condition for later assessment and submission of detail as long as they understand that further acoustic assessment will be necessary to comply as we currently do not have enough information to discharge a condition at this stage.

Additional conditions:

An acoustic assessment containing composite façade calculations for each sensitive receptor and detailing necessary glazing and ventilation specification to achieve a good standard of internal amenity at each location (accounting for internal MVHR noise) shall be submitted to the Local Planning Authority for written approval prior to construction commencing. The approved glazing and ventilation specifications shall be installed in full and permanently maintained thereafter.

Details of noise from the proposed plant in the electrical plant room, substation and switch room along with a scheme of insulation as necessary to protect residents from internal sound transference from plant shall be submitted to the local planning authority for approval prior to the development commencing. Once approved the details and scheme shall be installed in full and permanently maintained thereafter.

The report finds some balconies do not achieve reasonable noise levels but states this is common and therefore acceptable. They only suggest imperforate fronts but they can also improve noise level by using acoustic absorption on balcony soffits. If you wish to achieve WHO recommended levels then balconies would need to be enclosed as 'winter gardens' although

this is a planning decision as to how far you wish to go. As a minimum I would recommend that the following condition is attached:

A scheme for protecting the proposed balconies from external noise (which shall include imperforate screens and Class A absorption on the balcony soffits) shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before development commences and the scheme shall be fully implemented before any of the dwellings are occupied and permanently maintained as such thereafter.

I have concerns about sound transmission between the community hall \ bar and residents above. The acoustic assessment states that this:

*'cannot be fully assessed until further details are available of how it will be used however it is understood that there is the possibility that it will be used for community events. It will therefore be important to assess the design, use and management of this space at the detailed design stage. This could be secured by a suitable planning condition.'*

Clearly the likelihood is that this will be used for events including live and recorded music and so it is crucial that the space is designed with sufficient sound insulation to assure amenity upstairs. It would be preferable to consider this now or alternatively we can do it by condition but if we go with a condition then they need to accept we will look at worst-case use as there is then no further option to control use by condition. If they wish to consider this later then I would recommend that the following 3 conditions are attached:

The ground floor community areas shall not be used outside the hours of 08.00 to 23.00 on any day

a.) An assessment of worst-case likely sound transference between ground floor non-domestic uses and higher floor residential uses shall be submitted to the Local Planning Authority for approval. The assessment shall be used to inform a scheme of sound insulation, details of which shall be submitted to and approved in writing by the Local Planning Authority.

b.) The approved scheme under part (a) shall be installed in full. Sound transmission tests shall be conducted to validate that the scheme has achieved the necessary standard.

c.) In the event that any mitigation fails to achieve the necessary standard a further scheme of mitigation and further validation testing shall be submitted to the Local Planning Authority for written approval.

d.) The development shall only be occupied once the soundproofing works have been implemented in accordance with the approved details. The soundproofing shall be retained permanently in accordance with the approved details.



An assessment of worst-case external noise emissions from the ground floor D1\D2 use together with a scheme of mitigations to control noise breakout shall be submitted to the Local Planning Authority for written approval prior to the development commencing. One approved the scheme of mitigations shall be installed in full and permanently maintained thereafter.

I also have concerns about the 1<sup>st</sup> floor plan which includes a plant room, substation and switch room adjacent to a residential bedroom (plot 4) and below the bedroom and living room of 2<sup>nd</sup> floor plot 10. They have not detailed the plant present but electrical substations commonly produce low frequency noise at 100Hz and higher harmonics and this can be very hard to control within a building. I would recommend that we request further comment from the applicant\acoustic consultant on the likely impact and how this will be controlled. I would also recommend the following condition is attached in relation to external plant noise:

No noise-generating fixed plant shall be installed until an assessment of acoustic impact and scheme of acoustic mitigations as necessary has been submitted to and approved in writing by the Local Planning Authority. Once approved the plant and mitigations shall be installed in full and permanently maintained thereafter. The scheme of mitigation shall be designed to ensure that plant rating level does not exceed the measured typical background L90 level at any noise sensitive location and furthermore that absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute). The plant rating level shall be calculated in accordance with the methodology of BS4142:2014.

Drainage:

This site is within the flood plain of the River Ravensbourne or one of its tributaries, therefore this application must be referred to the environment agency - Thames region this site is within 8m of the River Ravensbourne or one of its tributaries, therefore this application must be referred to the Environment Agency.

The proposed works appear to be very close to or over existing public sewer(s); the applicant should be advised to consult TWU as soon as possible to ascertain the exact sewer locations and to establish what protection measures may be required.

Can I highlight that there are two conflicting pieces of information. First one, I note the applicant has committed to use green roofs and permeable paving to reduce surface water run-off by 50%. Second, I note the applicant has committed to reduce surface water run-off to greenfield run off rate. Our position is that knowing this site to be at high risk from surface water flooding as shown in the UFMFSW we ask the applicant to amend his SUDS Strategy to demonstrate how greenfield runoff rate or a maximum discharge rate of 5l/s for all events including the 1 in 100 year plus climate storm event is achieved.

Further comments: Please ask the applicant to amend his surface water strategy to reflect the required post-development to be limited to 5l/s for all

events including the 1 in 100 plus climate change storm event. I believe this rate can be achieved by introducing cellular crates.

Comments Following Amendments: I accept the revised surface water strategy to increase the sub-base depth to 400mm to provide the necessary storage to restrict surface water run-off, please note that proposed incorporation of green roofs are also acceptable.

Condition: The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties

Environment Agency:

We object to the proposal as submitted on the grounds that insufficient information has been submitted with respect to:

1. Proximity to the culverted River Ravensbourne;
2. Flood risk assessment.

1. Proximity to the culvert: Insufficient information has been submitted to enable us to confirm the distance from the culvert to the proposed building. We require sufficient space for access to the culvert for maintenance or emergency repairs.

In discussions with the applicant on a previous scheme at the site we agreed a minimum distance of 2.2m from the edge of the culvert to the proposed building. No details are provided with the current application to confirm that the new scheme will be suitably set back from the culvert. It refers to the possible presence of a retaining wall which may offer a suitable working area. Failing that the intention was to do further investigation works and look into a new bored pile retaining wall. No mention is made in the current scheme as to which option will be incorporated.

To resolve our objection we require additional information to be submitted with the planning application. We need to ensure the proposed new building will not extend over the culverts. We require similar drawings to the previously submitted plans showing the proposed development over multiple floors in relation to the culverts to ensure appropriate access for maintenance.

2. Flood Risk Assessment: The site is situated within Flood Zone 2, at medium risk from flooding. The submitted FRA identifies the site as being in Flood Zone 2 but does not include modelled flood levels for the site. The Ravensbourne catchment model has recently been updated. The latest

modelling did not affect the flood zone at the site, however, without evidence of the most up to date flood levels the FRA does not properly assess the potential flood risk at the site in line with National Planning Policy Framework (NPPF) Planning Practice Guidance.

On 19 February 2016 the 'Flood risk assessments: climate change allowances' were published on gov.uk. This replaces the previous guidance. These climate change allowances should be taken into account in regards to the potential impact to the development. We note no measures for flood resilience are proposed in the FRA. We would strongly recommend that flood resilience measures are incorporated within the development.

The applicant should prepare a revised FRA which takes into account the updated flood modelling and climate change allowances, along with additional flood risk mitigation measures as recommended above.

Flood risk activity permit: Please be aware that the culverted river Ravensbourne, is a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. As of 6 April 2016, the Water Resources Act 1991 has been amended and flood defence consents now fall under Environmental Permitting Regulations. Any works in, over, under or within 8 metres of the edge of the culvert, require a permit prior to commencement and in addition to any planning permission.

Additional Comments Following Revised FRA: We have reviewed the additional information provided and wish to remove our objection. We recommend that the applicant is required to update the FRA to reflect the technical note received from Water Environment Ltd dated 23/09/2016. We consider the proposed development to be acceptable if the following conditions are imposed on any permission granted.

Condition 1 Before construction of the building foundations commences a trial excavation shall be dug extending to the boundary nearest to the Police Station. Both the Environment Agency and Bromley Council will be given reasonable opportunity to inspect the open trial excavation and will be provided with photographs showing what was found up to the site boundary.

Reason To minimise the risk that the development is closer to the existing box culvert carrying the Ravensbourne East Branch main river than the 2.2 metre offset drawn, to preserve access to the culvert for future maintenance.

Condition 2 No part of the new building, including its foundations, will extend closer to the site boundary nearest to the Police Station than the extent of the building shown on JTP Architects titled 'Siteplan' number S10 Rev P1 dated 29.0116.

Reason To preserve access to the culvert for future maintenance.

Advice : The Technical Note submitted seeks to demonstrate that the site is not at risk of flooding during a 1 in 100-year plus climate change event taking

account of the new higher allowances for climate change published. Due to limitations in the readily available information there are some weaknesses in the technical assessment set out in the Technical Note. However, considering the specific development, including the floor levels and its relatively low risk, it is our opinion that it would be disproportionate in this instance to require the applicant to undertake the amount of work required to refine the relevant part of the flood model sufficiently to produce robust flood levels fully taking account of the new climate change allowances. We have therefore withdrawn our objection.

The proposed site is situated within Flood Zone 2, which is considered to be 'medium risk'. Under the National Policy Planning Framework (NPPF) the site is classified as 'more vulnerable'. It should be noted that the 'Technical Note to Flood Risk Assessment' in Section 1.5 and the summary suggests that the site lies within Flood Zone 1 because it is outside of the modelled outlines of the 0.1% AEP. However, flood zones are determined by modelled outlines as well as historic flooding, and as shown in the Flood Map for Planning the site is located in Flood Zone 2.

Informative: Please be aware that the River Ravensbourne, is a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. As of 6th April 2016, the Water Resources Act 1991 has been amended and flood defence consents will now fall under the Environmental Permitting Regulations. Under the new regulations any activity in, over, under or within 8 metres of the culvert would require a flood risk activity permit from ourselves. We ask that when the applicant applies for a flood risk activity permit that they include the following with their submission:

- Details of the foundations of the building to ensure that no load is applied to the culvert and that no part of the structure extends closer to the main river culvert than shown on JTP Architects titled 'Siteplan' number S10 Rev P1 dated 29.0116.
- Provide photographic evidence that a trial excavation has been formed extending to the boundary nearest to the Police Station, to seek to prove the absence of the box culvert within the site, to minimise the risk that the development is closer to the existing box culvert carrying the Ravensbourne East Branch main river than the 2.2 metre offset drawn.

Thames Water:

Waste Comments: Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site

drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the

works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

Waste - The surface water drainage strategy for this development should follow policy 5.13 of the London Plan. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows.

The Metropolitan Police Crime Prevention Design Adviser:

This proposed development is of concern to the Metropolitan Police Service for the following reasons:

- The road between Bromley High Street that accesses both Bromley Police Station, and Waitrose is owned and controlled by the Mayor's Office of Policing and Crime (MOPAC).
- The Metropolitan Police Property Services Directorate have confirmed that they have not been consulted on this proposed development by anyone linked to this proposal.
- Police vehicles on Emergency and non-emergency duties use the Police Station service road on a regular basis, as do the Prison Service, and The London Ambulance Service. These vehicles, together with facilities and staff traffic must have free and easy access to the Police Station at all times.
- This proposed development comprises of 63 individual residential units, and three disabled parking spaces. The foreseen abuse of any available spaces (there being no other free parking in the area) would place unacceptable stress upon the availability of places to park Police vehicles.
- Officers from the Metropolitan Police Counter Terrorism Focus Desk have also raised concerns about the proximity of this proposed build to Bromley Police Station – and the vantage points – affording easy view into the station that this build will provide.
- If planning approval is given, we encourage a planning condition that no vehicular traffic associated with this site should access the site at all from the Police Service road, and that no vehicular traffic should in anyway encroach upon the daily running of Bromley Police Station.

NPPF paragraphs 58 and 69 clarify the policy position.

I feel that should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design New Homes 2014, and the adoption of these standards will help to

reduce the opportunity for crime, creating a safer, more secure and sustainable environment.

Whilst I accept that with the introduction of Approved Document Q of the Building Regulations from 1st October 2015 it is no longer appropriate for local authorities to attach planning conditions relating to technical door and window standards, I would encourage the planning authority to note the experience gained in this specific subject area.

That experience has led to the provision of a physical security requirement considered to be more consistent than that set out within Approved Document Q of the Building Regulations (England); specifically the recognition of products that have been tested to the relevant security standards but crucially are also fully certificated by an independent third party, accredited by UKAS (Notified Body). This provides assurance that products have been produced under a controlled manufacturing environment in accordance with the specifiers aims and minimises misrepresentation of the products by unscrupulous manufacturers/suppliers and leads to the delivery, on site, of a more secure product.

I would therefore request that the benefits of certified products be pointed out to applicants and that the Local Authority encourages applicants to achieve this more appropriate standard.

It is also important to note that policies relating to the external design and layout of a new development, which aim to reduce crime and disorder, remain unaffected and with that in mind, I would therefore seek to have a 'Secured by Design' condition attached to any permission that may be granted in connection with this application and that the wording is such that the development will follow the principles of Secured by Design.

By the inclusion of such measures this development will satisfy the needs of local policy H7 (vii) and BE (viii) as well as demonstrating how such measures will be incorporated to minimise crime as contained in DCLG circular 01/2006 paragraph 87.

Natural England:

No comments to make on this application.

Greater London Authority (GLA):

Principle of Development: The proposed residential led mixed-use development in the town centre is strongly supported.

Affordable Housing: The proportion of affordable housing on offer is significantly below the 35% target specified in the local development plan. The Council should commission an independent review of the applicant's financial viability appraisal and to share its conclusions with the GLA. It should also look to secure a review mechanism by legal agreement for some additional affordable provision, in the event of a significant improvement in economic circumstances prior to implementation of the scheme.

Urban Design: The applicant should review some aspects of the design as outlined in the report.

Transport: The principle of the development in transport terms is supported as it would deliver a more intensive, car-free development in a town centre location with a high PTAL; however, the following transport issues must be addressed prior to the Council determining the application, in order to demonstrate full accordance with the London Plan policy: securing a detailed Travel Plan which considered all proposed uses of the development, including a contribution towards car club promotion; securing a detailed Construction Logistics Plan and Delivery and Servicing Plan; and clarifying the management of the proposed Blue Badge parking.

Energy: The energy strategy is broadly supported; however, additional information relating to overheating, DER/BRUKL sheets and connection issues as outlined should be provided.

Flooding: The applicant should consider the addition of blue roof technologies to the strategy so as to provide a greater level of storm water attenuation; and the Council should ensure that the proposed flood risk and drainage strategies are all well secured by condition.

Recommendation: That Bromley Council be advised that while the application is broadly acceptable in strategic planning terms, it does not yet comply with the London Plan, for the reasons set out in this report, but that possible remedies also set out could address those deficiencies.

## **Planning Considerations**

In determining planning applications, the starting point is the Development Plan and any other material considerations that are relevant. The adopted Development Plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

### Unitary Development Plan Policies:

- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE4 The Public Realm
- BE17 High Buildings
- BE18 The Skyline
- C1 Community Facilities
- C3 Access to buildings for people with disabilities
- EMP2 Office Development
- S9 Food and Drink
- H1 Housing Supply



H2 Affordable Housing  
 H7 Housing Density and Design  
 H9 Side Space  
 T1 Transport Demand  
 T2 Assessment of Transport Effects  
 T3 Parking  
 T5 Access for People with Restricted Mobility  
 T6 Pedestrians  
 T7 Cyclists  
 T11 New Accesses  
 T16 Traffic Management and Sensitive Environments  
 T17 Servicing of Premises  
 T18 Road Safety  
 ER7 Contaminated Land  
 ER9 Ventilation  
 ER10 Light Pollution  
 IMP1 Planning Obligations

SPG's: Affordable Housing Supplementary Planning Document (SPD)  
 Planning Obligations Supplementary Planning Document (SPD)  
 Supplementary Planning Guidance 1: General Design Principles  
 Supplementary Planning Guidance 2: Residential Design Guidance

Bromley Town Centre Area Action Plan (AAP) Policies:

BTC1 Mixed Use Development  
 BTC2 Residential Development  
 BTC3 Promoting Housing Choice  
 BTC5 Office Development  
 BTC8 Sustainable Design and Construction  
 BTC9 Flood Risk  
 BTC11 Drainage  
 BTC12 Water and Sewerage Infrastructure  
 BTC16 Noise  
 BTC17 Design Quality  
 BTC18 Public Realm  
 BTC19 Building Height  
 BTC20 Play and Informal Recreation  
 BTC24 Walking and Cycling  
 BTC25 Parking  
 BTC28: Car Clubs

Emerging Bromley Local Plan

A consultation on draft Local Plan policies was undertaken early in 2014 in a document entitled Draft Policies and Designations Policies. In addition a consultation was undertaken in October 2015 in a document entitled Draft Allocation, further policies and designation document. These documents are a material consideration of limited weight. The weight attached to the draft policies increases as the Local Plan process advances.

## Draft Policies and Designations (2014):

- 5.1 Housing Supply
- 5.3 Housing Design
- 5.4 Affordable Housing
- 5.13 Renewal Areas
- 6.1 Community Facilities
- 6.3 Social Infrastructure in New Developments
- 6.6 Educational Facilities
- 7.1 Parking
- 7.2 Relieving congestion
- 7.3 Access to services for all
- 7.4 Highway infrastructure provision
- 7.5 Transport Investment Priorities
- 8.1 General design of development
- 9.26 Restaurants, Pubs and Hot Food Takeaways
- 10.3 Reducing flood Risk
- 10.4 Sustainable Urban Drainage Systems
- 10.5 Contaminated Land
- 10.6 Noise pollution
- 10.7 Air quality
- 10.8 Ventilation and Odour Control
- 10.9 Light Pollution
- 10.10 Sustainable design and construction
- 10.11 Carbon reduction, decentralised energy networks and renewable energy
- 11.1 Delivery and implementation of the Local Plan

## Draft Allocation, further policies and designation document (Sept 2015)

- Chapter 5: Living in Bromley
- Chapter 6: Supporting Communities
- Chapter 7: Getting Around – Revised Draft Parking Policy

## The London Plan 2015:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing
- 3.13 Affordable Housing Thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised energy networks

- 5.6 Decentralised energy and development proposals
- 5.7 Renewable Energy
- 5.10 Urban greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

SPG's:

The Mayor's Economic Development Strategy  
 Supplementary Planning Guidance: Housing  
 Providing for Children and Young People's Play and Informal Recreation  
 Supplementary Planning Guidance  
 Housing Strategy  
 Accessible London: achieving an inclusive environment  
 The Mayor's Transport Strategy  
 Mayor's Climate Change Mitigation and Energy Strategy  
 Sustainable Design and Construction Supplementary Planning Guidance

The following non-statutory guidance is also relevant:

CABE/English Heritage Guidance on Tall Buildings (2007)

The National Planning Policy Framework 2012 is also a material consideration  
 the following paragraphs are of particular relevance:

Para 17: Core planning principles  
 Paras 29 - 41: Promoting sustainable transport  
 Paras 47 – 50: Delivering a wide choice of high quality homes  
 Paras 56 – 66: Requiring Good Design  
 Paras 69-78: Promoting healthy communities  
 Paras 93-103: Meeting the challenge of climate change & flooding  
 Paras 109-125: Conserving and enhancing the natural environment  
 Paras 188-195: Pre-application engagement  
 Paras 196-197: Determining applications  
 Paras 203-206: Planning conditions and obligations

## Planning History

13/03345/FULL1 - Demolition of existing building and erection of a part 7, part 11, part 17 storey mixed use building comprising 256sqm community uses (use Class D1/D2), 1,467sqm office use (use Class B1) and 52 residential flats with associated landscaping and public realm works, new pedestrian links, refuse and cycle stores, plant room and 3 disabled car parking spaces. This was refused planning permission on 05.01.2015.

A subsequent appeal against the refusal of the above application was allowed. A copy of the appeal decision is appended to this report.

16/02395/EIA – EIA Screening Opinion – No EIA Required 10.08.2016

## Background to application

This application follows a previous application 13/03345/FULL1 (see above) for the same scale and size of building which was reported to Planning Committee and refused on the grounds of:

- 1. The proposed development would, by reason of its height, scale, siting and design which would not be of the outstanding architectural quality required by the development plan, appear as an unduly prominent, incongruous and overbearing addition to the town centre skyline, out of character with the scale, form and proportion of adjacent development, giving rise to an unacceptable degree of harm to the character and appearance of the area, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan and London Plan Policy 7.7.*
- 2. The proposed development would, by reason of the height, scale and footprint of the building constitute an overdevelopment of the site, with very limited space retained at street level to offset the significant mass of built development and provide a satisfactory setting for the development, and would give rise to a loss of amenity to neighbouring residents with particular regard to an unacceptable and detrimental perception of overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan and London Plan Policy 7.7.*
- 3. The proposed development would lack servicing arrangements for the proposed commercial uses which would result in a detrimental impact upon road and pedestrian safety and highway management contrary to Policies T17 of the Unitary Development Plan and Policy BTC29 of the Bromley Town Centre Area Action Plan.*

This decision was appealed and a Hearing was held on 28 July 2015. The Inspector allowed the appeal and granted planning permission subject to a Unilateral Undertaking. The Inspector concluded that the proposal was of an outstanding architectural quality and of good design and would not harm the character and appearance of the area delivering a landmark building. The

proposal provided clear social benefits in terms of a public meeting space and enhanced community uses and the delivery of a footpath link through the site significantly increased its permeability and integration with the wider area. The proposal was therefore found to accord with Policies BE1, BE17, BCT19 and Policy 7.7 of the London Plan in addition to the CABE/English Heritage Guidance on Tall Buildings.

In terms of the impact on living conditions the proposal would not be overbearing nor cause any unacceptable overlooking or loss of privacy on neighbouring properties in accordance with Policy BE1 of the UDP and 7.7 of the London Plan. It was also concluded that the proposal would not cause harm to highway and pedestrian safety and complied with Policy T17 of the UDP and Policy BTC29 of the AAP, due to the sites sustainable location and high PTAL resulting in occupants not requiring a car. Furthermore with the inclusion of a car club space and 3 on-site disabled spaces the proposal would not result in any harm to highway safety due to the absence of on-site parking. All other matters could be addressed by conditions or were included in the legal agreement and the application was allowed.

The differences between the consented development and the current proposal are as follows:

- The commercial office space at 1<sup>st</sup> to 3<sup>rd</sup> floor is to be replaced with residential units
- 16 extra dwellings are proposed (total 68)
- 6 social rented and 4 intermediate units proposed
- An increased affordable housing contribution from £515,000 to £805,000
- A smaller commercial space at 1<sup>st</sup> floor has been retained and reconfigured to be either a B1 office use or an A3 use
- The glazed wall system is now only seen at the ground floor and commercial entrance on Level 1
- Commercial windows have been replaced with residential glazing on levels 1, 2 and 3
- Signage is shown above the commercial entrance on the north elevation
- An extra 68 bicycle spaces are proposed in addition to the 52 consented totalling 120 spaces.

All other aspects in respect of the revised proposal and its form including the design and height of the building are the same as the scheme/building allowed at appeal.

## **Conclusions**

It is considered that the main planning issues relating to the proposed scheme are:

- Principle of Development including Housing Land Supply

- Affordable Housing and Viability
- Density, Height and Design
- Impact on the character of the area
- Housing Standards and Amenity Space
- Impact on amenities of adjacent properties
- Highways and Parking
- Planning Contributions
- Other Technical Considerations

#### Principle of Development including Housing Land Supply

On the basis of the background to this application and the appeal decision, the principle of this form and design of the building on the site has been accepted and there is an extant permission for a building of the same form and height. The acceptability of a development of this form and scale has therefore been established in principle, albeit with a different mix of uses and less residential units. The main considerations will therefore be the proposed changes outlined above, and in particular, the addition of a further 16 residential units and the implications this has on the ability of the development to deliver affordable housing.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 15 of the NPPF identifies that development which is sustainable should be approved without delay. There is also a need for additional housing to meet local demand and needs including affordable housing in London.

Paragraphs 47 & 49 of the NPPF clarify that applications for housing developments should normally be approved for a change to residential use and any associated development from commercial buildings where there is an identified need for additional housing, provided there are not strong economic reasons why such development would be inappropriate. The Governments guidance to provide housing on brownfield sites is also likely to increase further with the intended revisions to the NPPF, as identified in their consultation document.

The London Plan seeks mixed and balanced communities in accordance with Policy 3.9, which states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. Policy 3.3 establishes a housing target, whereas Policies 3.11 and 3.12 confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision where propriety should be accorded to the provision of affordable family housing.

UDP Policy H1 requires the Borough to make provision for at least 11,450 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. As a brownfield site with vacant buildings, subject to being able to demonstrate that

the site is no longer required for its current use, increased housing provision could make a valuable contribution to the Boroughs housing supply. However, it is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations.

In accordance with paragraphs, 14, 47 and 49 of the NPPF the need for housing sites within the Borough is a key consideration to ensure a 5 year supply of housing land.

A recent appeal decision has indicated that the Council may not have an adequate five year Housing Land Supply. The absence of a five year housing land supply means in brief that under the NPPF paragraph 49 the Council should regard relevant development plan policies affecting the supply of housing as 'out of date'. This does not mean that 'out of date' policies should be given no weight or any specific amount of weight. In this case the following sections of the assessment of this application will be given appropriate weight in the consideration of the scheme.

Policy C1 of the UDP, Draft Policy 6.1 of the LP and Policies 3.16 and 3.17 of the London Plan seek to prevent the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location. As part of any proposal for redevelopment of the site, the requirements of these policies must be met and demonstrated. The proposal includes the re-provision of a purpose built community facility on the ground floor of the proposed building that would be available for re-use by the Labour Party Club. The requirements of these policies are therefore met.

In addition the Mayor of London's Social Infrastructure Supplementary Planning Guidance (SPG) 2015 notes that more efficient use of land by social infrastructure provision offers the opportunity to address housing and social infrastructure needs at the same time. It states that if it can be demonstrated that it is not practical or viable for the service/facility to continue operating for a community use it may be that a redevelopment could better optimise the site

The Bromley Town Centre Area Action Plan (AAP) promotes the redevelopment and enhancement of the centre of Bromley and promotes mixed use development including up to 1,820 additional residential units and 3,500 sqm of additional community space. Policy BTC1 identifies development to be concentrated in the identified Opportunity Sites but this does not preclude other developments coming forward which need to be considered against relevant policies and other material considerations. This site has not been identified as an Opportunity Site but it is located within the Bromley South Area forming part of the AAP. The Inspector supported the view that the identification of opportunity sites does not preclude other sites from coming forward and being considered on their individual merits.

Policy BTC2 of the AAP identifies that residential development should accord with the Density Matrix in the London Plan taking into account site

characteristics and the surrounding character of the town centre and adjoining residential development. It will also be necessary to demonstrate that the proposed development is in conformity with other policies and will not result in unacceptable impacts, including requirements for education, health, open space and community facilities.

As referred to above, the Inspector in the appeal decision found the original proposal to accord with all of these policies. The proposed minor changes to the elevations and the increase of 16 additional residential units does not affect the assessment of these policies in principle and the revised scheme provides a sustainable mixed use scheme in a central location providing an increased number of residential units which would increase the level of housing land supply within the Borough.

With particular regard to the commercial floorspace proposed, the proposal no longer includes such a significant quantum of office floorspace as the consented development, with 42 sqm of flexible office/café/restaurant floorspace in place of the 1,467 sqm office floorspace previously proposed. The provision of office floorspace was previously considered to be acceptable at this site in line with the aims of AAP Policy BTC5; however, there is no strict requirement in policy for office floorspace to be provided in this location. Nevertheless, the inclusion of a small flexible use commercial unit is considered to be acceptable in this case, to provide a complementary use to the residential and community uses within the building, and introduce an active frontage to the northern side of the site. In the event of a Class A3 restaurant/café use coming forward, the amenities of future occupiers within the building could be safeguarded with the use of conditions to secure details of a ventilation system and to control hours of opening to prevent any undue noise or smell nuisance, to ensure compliance with UDP Policies S9 and ER9.

#### Affordable Housing and Viability

The development provides a level of affordable housing on site as set out in Policies 3.9, 3.11 & 3.12 of the London Plan, Policy H2 of the UDP and Policy BTC3 of the AAP which can be secured by way of a planning obligation as required by Policy IMP1 of the UDP. A policy complaint scheme should deliver 35% of the proposed units as affordable (by habitable rooms), of which a 60:40 split of affordable rented and shared ownership or intermediate housing is required. London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types, taking into account the housing requirements of different groups. London Plan Policy 3.12 states that the maximum reasonable level of affordable housing should be sought when negotiating on individual private residential and mixed use schemes.

The proposal provides ten 1 and 2 bed affordable units on-site which are of a policy compliant size for non-wheelchair units and with basic information provided in respect of the level of occupation. The scheme was originally submitted with a total of 10 shared ownership units on levels 1 and 2 of the



development. This has subsequently been amended following an independent review of the submitted viability assessment with a revised offer of 6 affordable rented units and 4 shared ownership units. The total number of affordable units has not changed but 6 affordable rented units have now been introduced to vary the tenure split. The development therefore proposes 14.7% by unit of the residential units to be affordable, with a policy compliant tenure split.

The original scheme which was allowed at appeal included the provision of 10 shared ownership units on-site and a financial contribution of £515,000. A review of the applicant's viability appraisal submitted at that time agreed that the development could not achieve a policy compliant 35% affordable housing provision. The independent assessment confirmed that the scheme was viable but that it was not able to support further provision on-site. This was because the surplus that was generated was not great enough to support an extra floor of residential accommodation. Instead it was found to be more appropriate to provide a financial payment than to have additional units 'pepper potted' on the private floors. This would not have been desirable from a Registered Provider's point of view due to the problems with the management of individual units and the potential for higher service charges. Therefore it was agreed that an additional off-site contribution or payment in lieu could be made based upon the surplus identified. The Inspector accepted this approach but this revised scheme proposes an increase in the total number of residential units and needs to be re-assessed in respect of its viability and affordable housing provision.

The proposal now submitted originally offered a £515,000 payment in line with the previous application, which following a viability assessment has been increased to £805,000 in line with the surplus generated by the increased residential proposal. However, it is considered that unlike the consented development this scheme could reasonably support an additional floor of affordable accommodation within the building, providing a greater quantum of affordable housing on-site as this could be appropriately managed. The original proposal provided 3 floors of office accommodation and yet only 2 floors of affordable housing are proposed, therefore it is considered that it would be practicable to amend the proposal and make the necessary limited internal changes to provide a further floor of affordable units on-site.

Furthermore, the original scheme included 3 floors of office accommodation which would have generated a value that is considered to be less profitable than an alternative scheme with a greater number of residential units overall, which would achieve higher values and therefore greater profits. This revised scheme, which includes an additional 16 residential units, therefore has the ability to provide higher levels of affordable housing on-site.

UDP Policies H2 clearly identifies that affordable housing should be provided on-site at 35% of units with a 60:40 split. Policy H3 clearly states that a payment in lieu will only be acceptable in exceptional circumstances and where it can be demonstrated that:

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

The applicant has not demonstrated that any of the three criteria identified under Policy H3 have been met and has provided limited justification for their position or the reasoning for their off-site contribution offer. Agreement has not been reached between the Council and the applicant in respect of the financial viability of the development. The applicant has advised that in their view the provision of further affordable housing on-site would not be financially beneficial in view of the extant permission.

The independent assessor working on behalf of the Council has indicated that the current offer does not represent the maximum level of affordable housing that can be viably provided onsite. The development would be viable when measured against the benchmark site value, with a surplus generated. This confirms that the scheme would still be viable with an increased on-site provision, with the potential for an additional 6 affordable units to be provided on site. Furthermore, the independent assessor working on behalf of the Council has advised that they consider the current scheme, with additional affordable housing provided on site, would be more financially viable than the consented scheme as previously agreed.

In the absence of agreed viability or unless the principle of a payment in lieu has been justified, an off-site contribution does not comply with affordable housing policies and insufficient justification has been submitted as to why a greater provision of affordable housing cannot be provided on site. As such, the application does not comply with Policies H2 and H3 of the UDP, Policy BTC3 of the AAP or London Plan Policies 3.9, 3.11 and 3.12. The NPPF also clarifies at Paragraph 50 that where local planning authorities have identified that affordable housing is needed and set policies for meeting this need on site an off-site provision or a financial contribution of broadly equivalent value needs to be robustly justified. This justification has not been provided.

### Density, Height and Design

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. 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. 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.

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 Policy 7.4 and with public transport capacity. Table 3.2 identifies an appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The development would have a density of 850 dwellings per hectare, which is more than double the indicative density of a central and a highly accessible site when considered against the density matrix of Table 3.2 of Policy 3.4 of the London Plan and Table 4.2 of Policy H7 of the UDP. These policies provide guideline densities for a central area of around 215-435 u/ha. The site is a sited within PTAL 6a and a higher density would be expected in a central location close to a train station. The density proposed is representative of the height of the building, the number of units on site and the small footprint of the site being only 0.08ha. The parameters identified in the Density Matrix need to be taken into account and these policies are intended to optimise development with the priority that the site is well designed, providing a high quality environment for existing and future occupiers whilst respecting the spatial characteristics of the surrounding area.

The Inspector commented, in relation to a scheme for 52 units, that the proposal is of very high density and this is above the levels indicated within the London Plan and the UDP, but this is a reflection of the nature of the proposal being a tall building, and density calculations are not always an indication of over development. It was considered by the Inspector that the proposal did not represent overdevelopment. The addition of 16 extra units further increases the density of the development, but as referred to previously the form of the building has not changed since the appeal decision, and as will be discussed later in the report, the standard of accommodation provided and the living environment are also relevant factors when assessing the impact of a tall building.

With regard to the design of the building, Policy BE17 of the UDP, Policy BTC19 of the AAP and London Plan Policy 7.7 require taller development to be of the highest architectural quality. The AAP recognises that the majority of buildings in the town are between 2-5 storeys in height, however south of Elmfield Road, some buildings are up to 10 storeys high. The AAP identifies four sites which, in accordance with Policy BTC19, are considered to be suitable for the development of taller buildings, subject to design and environmental considerations, impact on listed buildings, the impact on views of the Keston Ridge and integration with the surrounding area. Members will be aware that AAP Opportunity Site K, now known as St Marks Square at the southern gateway to the town centre was allocated as a site for a tall building and is currently under construction to redevelop the site, with a mixed use development of up to 19 storeys in height.

Policy BE17 states that proposals for buildings which significantly exceed the general height of buildings will be required to provide a design of outstanding architectural quality that will enhance the skyline and complement a well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level, has mixed use at effective densities; and has good access to public transport nodes and routes.

London Plan Policy 7.7 states that taller buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall building. Among other considerations, the policy states that taller buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level, enhance the skyline, have ground floor activities that provide a positive relationship to surrounding streets and contribute to the permeability of the site; and incorporate the highest standards of architecture and materials. Tall buildings should not detrimentally affect their surroundings with regard to microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference, and should not impact on local or strategic views adversely.

Whilst the application site is not one of the sites identified as having potential for a taller building in the AAP the principle of a taller building on this site was addressed in the appeal decision. The Inspector identified that the AAP makes it clear that the identification of the opportunity sites does not preclude other sites from coming forward and that two of the sites identified for tall buildings are located in close proximity to the appeal site. The site is in a highly sustainable location, with good accessibility to public transport and is within the Town Centre. Although the proposal does not follow the plan-led approach it is a windfall opportunity and the development should be considered on its individual merits. The Inspector continued that due to the topography of the area, the appeal site and the immediate surrounding area is set at a lower ground level than development to the north which aids the sites ability to accommodate a tall building. The approval of a 19 storey high tall building to the west further adds to the ability of the site to accommodate a tall building and would to some degree cluster tall buildings together, as preferred by the AAP. It was noted that the GLA supported the principle of a tall building on the site.

As the building is of the same height, form and design as the appeal proposal the principle of a tall building on this site has been accepted and therefore this proposal is acceptable in this regard.

In respect of the design of the proposed building, as stated above is very similar to the scheme approved at appeal, albeit the three floors of office accommodation are now proposed to be residential. Therefore the external changes result in a glazed wall system now only proposed at first floor level and its replacement with residential glazing at levels 1-3 of the same design as the upper floors. The most relevant design policies are Policy BE1 of the UDP, Policy BTC17 of the AAP and London Plan Policies 7.6 and 3.5. A

consistent theme of these policies is that new development should respond to its physical context, respecting and complementing the form, proportion, layout and scale of adjacent development.

The proposal will be 17 storeys in height at the highest point with smaller elements at 11 and 7 storeys and will be significantly taller than the surrounding development to Masons Hill. It is in a highly prominent position in regard to the relatively open area forming the Waitrose car park and the railway line to the north. The design of the building was a key consideration at the appeal and was dealt with in some detail. Again the principle of the proposed design was accepted by the Inspector and although there are some minor external changes these do not have a significant impact on the principle nor the overall design of the proposed building.

The Inspector stated that “It is evident that the design of the proposal seeks to break down the bulk and mass of the building...the 7 storey element would complement the height of the neighbouring Police Station and therefore it is clear that the buildings form has sought to tie in with the neighbouring buildings. Due to the height of the other elements of the building there is little doubt that the proposal would be highly visible and would result in a landmark building.” He continued that “the design of the proposal has evolved to relate to the surrounding development and has sought to reduce the mass and bulk of the building at the higher levels.” Different elements and heights are clearly visible and add a significant level of visual interest which with the use of different materials positively contributes to breaking down the mass and bulk of the building. Consequently it was considered that the proposal is of outstanding architectural quality and constitutes good design in line with planning policies.

In respect of the GLA's Stage 1 response, it is advised that the architectural design of the scheme needs to be legible and elegant, and to keep the massing simple and slender and to focus on the quality of the detailing, and that the increased use of brick is welcomed.

Therefore the design of the proposed building has been accepted in principle and external detailing and materials could be addressed by appropriately worded conditions.

#### Impact on the character of the area

The proposed building is set within a small footprint currently occupied by a single storey community hall with a part two/three storey terrace to the south, a 4 storey supermarket to the east (on the opposite side of St Mark's Road) and a 5 storey police station to the west separated by its access road and car parking spaces. To the north east is the surface level Waitrose carpark raised above ground level on the application site. As a result the development is bounded on two sides by relatively low level development and further to the west is the development at St Mark's Square which is currently under construction. Further to the east is the elevated highway of Kentish Way and to the west is the 7 storey 'Churchill Court'.

Consideration is also to be given to the surrounding development in relation to the topography of the immediate area. Due to the downward slope of Masons Hill to the west and the elevated nature of Kentish Way to the north, the Police Station, the application site and Waitrose form a roughly triangular area of land with the existing development appearing as a relatively low form of development when viewed from the train station. To the north, ground levels increase and there are a number of taller buildings overlooking the railway line. The proposal would therefore rise upwards from the centre of the existing development to Masons Hill, with the 11 and 17 storey elements being substantially higher than the immediate surroundings.

The visual impact of the development is, however, minimised by the site's location at the entrance to the south of the town centre from Masons Hill, with Waitrose supermarket currently forming the initial development at the junction with Kentish Way to the north. A tall building on this site would, therefore, represent a landmark development for the town centre and would fulfil the objectives laid out in the policies above with regard to height and design, reflecting the buildings position at this southern gateway. It is also acknowledged that there are other large scale buildings in close proximity.

The Inspector considered the impact on the character of the area in some detail and concluded "in terms of height, scale, mass, proportion and the proposal's relationship with its wider context, I consider that despite being of much greater height than the buildings in the immediate surroundings, the proposal would not cause harm to the character and appearance of the area and would provide a landmark building, which would positively contribute to the wider urban context." The proposal therefore relates to the neighbouring land uses and environments and the town centre as a whole.

As a result of the appeal decision, the impact on the character of the area is considered to have been accepted in principle and the proposal will provide a landmark building in line with Policies BE1 and BE4 of the UDP, BTC18 of the AAP and London Plan Policy 7.4.

In respect of the impact on the public realm only a small amount of public space is proposed due to the constraints and limited size of the application site. To the south of the site is the primary frontage facing onto Masons Hill and is the principal area of public realm which is to be open and landscaped, with three disabled parking spaces to the western boundary. This area will be hard landscaped with some specimen and tree planting and is to be used as a meeting area. This is to be sited to the front of the proposed community space and close to the secondary residential entrance. A further space is proposed to the north adjacent to the primary residential entrance to the building and next to Waitrose car park. The proposed B1/A3 use would also have a street frontage to this space and these spaces would be linked via a proposed footpath on the eastern boundary to provide a north-south route for pedestrians through the site. This would increase permeability and a connection with the wider area and local facilities.

The creation of a pedestrian access to Waitrose car park to the north (which requires separate agreements with landowners) would further add permeability and connectivity and is a relative benefit for the development and wider area where the existing pedestrian access is currently between the site and the police station. This element and creation of an active frontage to the northern ground floor elevation makes a positive contribution to the public realm, however there is limited space for landscaping due to the proximity to the perimeter of the site. As the northern and eastern elevations also provide residential entrances to the building it is likely to be used by residents and commuters from the station and residents utilising the supermarket. A sizeable degree of pedestrian use is likely to be forthcoming at this point and consideration would appear to be given to the relationship with the public realm at this interface. Further details of the public spaces could be controlled by condition.

To the east there is the supermarket service entrance which is regularly used by large lorries within a functionally utilitarian space outside of the applicant's control. This eastern part of the site is also proposed as the delivery and servicing area for the proposal and includes a dedicated loading/unloading bay for lorries arriving at the site.

It is noted that some of the land that would contribute to the public realm works is not within the applicant control or ownership. This land has been identified as unregistered but has been maintained by Highways. Other land will require the consent of the landowners either the Metropolitan Police or Waitrose. This should not affect the determination of this planning application.

The public spaces identified above and the open nature of the Waitrose car park would also help to integral the proposal into the area and the proposal is considered to be in line with Policy BE4 of the UDP, Policy BTC18 of the AAP and London Plan Policy 7.5.

In terms of the loss of the existing HG Wells Centre, it is not designated as a heritage asset and the building makes little contribution to the character of the wider area its loss therefore is of limited weight in the overall planning balance. In terms of the impact on the setting of the Grade II listed St Mark's Primary School, the site is separated by buildings on Masons Hill and existing large scale developments have already significantly altered the setting. It is not therefore considered that harm to its significance would be caused in line with policy.

In conclusion the proposal will result in an appropriate impact on the character of the area, which has already been accepted in principle by the Inspector and would be in line with Policies BE1, BE4 and BE17 of the UDP, Policy BTC18 and BTC19 of the AAP and London Plan Policies 7.4 and 7.5.

#### Housing Standards and Amenity Space

London Plan Policy 3.5 and The Mayor's Housing SPG deal with the quality of residential accommodation, setting out baseline and good practice standards for dwelling size, room layouts and size, circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements. The Mayor's Housing SPG sets out the current standards.

All of the proposed units meet the minimum standards and ensure that all baseline standards are met or exceeded and units are capable of providing a good standard of accommodation throughout. Single aspect and north facing units have been designed out of the proposal with all units being dual aspect. Internal circulation space in the cores has been minimised with a maximum of six units being served from a core and these benefit from ventilation and all units have access by lifts. All the proposed residential units have private outdoor amenity space in the form of balconies which all comply with the minimum space standards for balconies identified in the SPG depending on the size of the unit. The residential proposals therefore fully comply with housing standards and policy requirements in the Housing SPG and Policy 3.5.

Tenure integration is however limited and separated with separate access and core arrangements which would not normally be encouraged. However the external appearance, design and layout of the units are the same as the private housing proposed.

Policies 3.5 and 3.8 of the London Plan also require that all new housing should be built to high internal and external standards and that 10% of new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The proposed development does not appear to comply with these requirements and it has not been demonstrated that 10% of wheelchair units can be provided across all tenures. Building Regulations Part M now forms the technical basis for housing provision and wheelchair accessible and adaptable units, as set out in the London Plan and the Housing SPG. 10% of the units will need to be designed as wheelchair accessible units and will need to comply with Part M(2) & M4(3) which can be conditioned if the units are identified and meet the minimum size standards for wheelchair units, which require greater floorspace standards throughout. This was not previously a policy requirement at the time of the previous application being considered.

A Wheelchair Adaptability section has been included in the Design and Access Statement to indicate which units are wheelchair adaptable and states that 10% wheelchair unit provision has been provided across the development. However, the plans and schedule of accommodation submitted do not clearly identify which units are to be proposed by tenure and in respect of the affordable rented units now being proposed, which units are to be accessible at the higher standard identified under Building Regulations Part M4(3). The plans submitted do not therefore show full provision of the appropriate wheelchair standards or that the design and layout has addressed Building Regulations Part M4 (3) and other required standards throughout.



The proposed accommodation does not therefore satisfy Policies 3.5 and 3.8 of the London Plan or the minimum space standards identified in the Mayor's Housing SPG. The proposed level of wheelchair accommodation is not therefore appropriate and does not comply with the relevant standards or Building Regulations Part M4.

#### Impact on Amenities of Adjacent Properties

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.

A Daylight and Sunlight Assessment has been submitted in support of the application. This identifies the impact on daylight, sunlight and overshadowing on adjacent buildings as a result of the development. The report identifies that in the context of the urban location of the site the impact on daylight to surrounding properties, sunlight to windows and overshadowing of amenity spaces were all in accordance with BRE guidelines and standards. There is likely to be some effect on daylight on some windows at the Police Station and bedroom windows of 35-41 Masons Hill but these are still within recommended standards and are not deemed to be significant in the context of the site. The impact has been minimised due to the staggered height of the building and the proposal is likely to have an insignificant impact on surrounding buildings and amenities in terms of sunlight and overshadowing.

The nearest residential properties would be the upper floors at 33-41 Masons Hills, the Reflex and Maxim Apartments to the south-east toward Cromwell Avenue, the dwellings on Pinewood Close to the south and the properties at Prospect Place and Langdon Wood to the east. Most of these are sited some distance from the application site with commercial buildings between.

Numbers 33, 39 & 41 Masons Hill are owned by the applicant, whereas 35 and 37 are outside of their control. Nevertheless consideration must be given to the residents of the upper floors of Nos. 35-41 Masons Hill who will have direct views from the northern rear windows on to the development. The windows serve bedrooms and bathrooms. Due to their proximity these properties are likely to be the most affected buildings. At the appeal it was determined that the closest habitable window was sited at a distance of 25m and due to these windows not serving a principle living space or the units providing family accommodation such a relationship and separation distance in this particular case is adequate to ensure that there would be no unacceptable overlooking or loss of privacy or any perception of such harm.

The Inspector continued that "the proposals would result in a notable alteration to the outlook of the properties on Masons Hill; however, the proposed building has been designed to be stepped back from these properties, with the closest part of the building being 7 storeys in height. Further, due to their orientation, the majority of these properties would also

maintain their principle outlook towards the Police Station and its curtilage. Consequently, I do not consider that the outlook from these properties would be materially harmed and the proposed building would not create a sense of enclosure, particularly having regard to the separation distances between the properties and the appeal site.” It is the view that the three additional floors of residential accommodation now proposed at a lower level do not change this view or the Inspectors conclusions.

In respect of the amenities, privacy and potential overlooking of other residential properties in the immediate area, in particular properties on Pinewood Road, Prospect Place and Langdon Wood, the site sits at a lower ground level and there are other buildings between the application site and these properties. Therefore it is unlikely there will be any perception of being overlooking or any overbearing effect on these properties and the residential amenities of their occupiers.

In terms of residential amenities the Inspector concluded “the proposal would not be overbearing and would not cause any unacceptable overlooking or subsequent loss of privacy and would therefore not harm the living conditions of the occupants of neighbouring properties. The proposal therefore complies with Policy BE1 of the UDP and Policy 7.7 of the London Plan.”

In terms of the impact on overlooking of the windows serving the adjacent Police Station, it is not considered that the level of potential overlooking is likely to be much greater than the approved scheme. The approved scheme proposed offices at 1<sup>st</sup> to 3<sup>rd</sup> floor level and the number of windows was less than this proposal for residential use of the lower floors. This proposal results in 6 additional windows and two additional balconies to serve residential units instead of day time occupation by commercial offices. This change overall is considered to have a neutral impact in terms of the level of use and overlooking from a small number of additional residential units.

As such the impact of the proposal upon the amenity of nearby residential properties and the impact on the Police Station is considered to comply with Policy BE1 of the UDP, Policy BTC17 of the AAP and London Plan Policy 7.7 and would therefore be acceptable.

### Highways and Parking

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. All developments that generate significant amounts of movement should be supported by a 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 in Paragraph 32 that development

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

London Plan and UDP policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Policies T1, T2, T3 and T18 of the UDP are relevant and car parking standards within the UDP should be used as a basis for assessment. The requirements for car and cycle parking are laid out within Tables 6.2 and 6.3 of the London Plan as subsequently amended. In addition, the requirements of Policy 6.13 require that 1 in 5 spaces should provide electrical charging points. Consideration should also be given to the location of the required 10% of wheelchair spaces and their proximity to the respective wheelchair accommodation. Cycle spaces should also be provided under these policies.

The application is submitted as a car free development with no on-site car parking other than 3 disabled car parking spaces. This level of off-street car parking was accepted by the Inspector in granting permission for the consented scheme. Again in this case there is a presumption that residents will not own cars based on the high PTAL (6a) which is not unreasonable given the sites central location, access to the train station, public transport services and local amenities. Any additional residents or visitors could put pressure on the on-street parking in the area, including St Marks Road, although most of the immediate area comprises double or single yellow lines. It is stated that any occupiers and visitors with cars will need to use the nearby public car parks. The potential parking issue can be partially mitigated by not allowing residents to apply for on-street parking permits, which is proposed to be included within a Unilateral Undertaking to be submitted.

The Transport Assessment concludes that due to the sites location, it limits the need to travel by car and measures have been put in place to further minimise car use. These measures include 120 secure cycle parking spaces, the provision of a £7,800 contribution towards and access to a car club, the provision of a car club space on St Marks Road and the submission of a Residential Travel Plan. The car club would be available to all new residents and would provide cars to be available with free membership for a 2 year period. These measures would therefore reduce the need for a car and could be tied into and secured through a Unilateral Undertaking to ensure their provision. The indicative Travel Plan identifies a number of measures to increase the use of public transport, walking and cycling including up to date details of all services, timetables and routes in packs provided to all new residents. These measures are therefore considered to significantly reduce the need for a car by residents.

The proposal includes very limited car parking on site with the provision of 3 spaces for disabled use only. Transport for London (TfL) have provided comments which identified a number of areas which require further consideration. The matters identified include the limited provision for disabled car parking which requires 1:1 provision of blue badge parking for wheelchair accessible units in line with the London Plan and the Accessible SPG. Therefore the provision of 3 dedicated spaces does not comply. The

applicant states that any additional requirement for disabled parking can be accommodated within existing town centre parking; however clarification is sought of how this will be managed and should be included in the travel plan. The applicants have advised that disabled parking is available on street in the immediate area, and further plans have been submitted to show this, or on double and single yellow lines for up to 3 hours. However, the Inspector was aware of this issue in relation to the appeal and found it to be acceptable.

There are limited concerns for the lack of parking for the D1/D2 or B1/A3 uses given the town centre location. All of the proposed measures are considered to off-set the need for a car and for these reasons it is not considered that on-street car parking is likely to increase as a result of this development, as the development is sited within an area of controlled car parking. Consequently the site is in a sustainable location which limits the need to own a car and provides alternatives.

The submitted Transport Assessment and associated documents identify the servicing strategy and swept path analysis in relation to the delivery/service area on St Marks Road. It includes an indicative Construction Management Plan and Service and Delivery Plan. Servicing for all the uses within the development will be from St Marks Road. The area in front of the disabled parking bays, which is part of the public footway, will be used for turning by heavy vehicles dedicated service bays should be provided within the site. The dedicated servicing facilities are in accordance with Policies T17 of the UDP and BTC29 of the AAP and are not considered to raise any highway or pedestrian safety concerns.

Suitable conditions could be attached to require the detailed Construction Management Plan, a Delivery and Servicing Plan and to secure the Residential Travel Plan, car parking and cycle parking spaces in the event that planning permission were to be approved. It is also expected that a Road Safety Audit could be dealt with by condition.

With regard to refuse, internal bin storage areas are proposed at ground level within the proposed building. These bins can be moved to bin collection point on collection days.

The Inspector in the appeal decision also considered highway matters and concluded; "The appeal site is in a sustainable location within a high (6a) PTAL location. Consequently, it is likely that future occupants and users of the offices would not require a private motor vehicle. Further, the provided legal agreement makes provision for the delivery of a car club scheme parking space. Therefore, I consider that the absence of on-site parking other than 3 disabled spaces would not result in any harm of highway safety." "I consider that the proposal would not cause harm to highway or pedestrian safety and therefore complies with Policy T17 of the UDP and Policy BTC29 of the AAP."

In conclusion the highways aspects generated by the proposed development have all been adequately addressed and could be conditioned or dealt with in

a legal agreement and are found to be acceptable, sustainable and in accordance with the planning policies identified above.

### Planning Contributions

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD states that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance. A Section 106 (S106) Legal Agreement or Unilateral Undertaking is required. The draft Heads of Term would need to be agreed in principle and would need to include:

- Provision of 10 Affordable Units (6 x Social Housing and 4 x Intermediate)
- An Affordable Housing Contribution of £805,000
- Education Contribution of approximately £140,635 towards Trinity CE Primary School (Phase 2)
- Healthcare Contribution of approximately £52,364 towards a new Bromley Health and Wellbeing Centre
- Carbon offsetting contribution of £10,760
- Car Club operator contribution of £7,800
- Highway crossing contribution of £2,500
- Travel Plan
- Reimbursement of the Councils legal costs.

A Unilateral Undertaking is to be submitted by the applicants and would need to be checked and updated where necessary to comply with the above as well as other specific requirements identified within this report.

### Other Technical Considerations

#### Noise

A noise impact assessment has been submitted which determines the appropriate levels of background noise and the noise associated with various aspects of the proposed use in accordance with policy 7.15 of the London Plan and the NPPF. The indicative calculations identify that the internal noise levels for the residential units will be acceptable with the use of acoustic glazing and mechanical ventilation. Noise levels on some balconies are likely to exceed recommendations and there is the potential for noise impact from the commercial activities and associated uses. It is confirmed that all the potential noise issues could be controlled through further assessment and appropriate conditions. Environmental Health have identified a significant number of conditions required to address potential noise impacts and provide a satisfactory noise environment for the residential units.

#### Air Quality

The site is situated in an Air Quality Management Area. An Air Quality Assessment has been submitted which identifies poor air quality in the study area exceeding the annual mean objective for nitrogen dioxide. The report identifies that construction works are likely to give rise to a negligible to low

risk of dust impact and this could be controlled through mitigation and conditions. A number of measures are proposed to minimise emissions from the resulting development which could also be further conditioned by conditions. Air quality for future residents is predicted to be below air quality objectives and will be acceptable. The development therefore meets the London Plan requirements that new developments are air neutral and air quality impact in the local area would be not significant. A number of conditions have however been recommended to ensure and address these matters which could subsequently affect air quality and which could be attached to any approval.

#### Landscaping

The external areas of the site, although limited are proposed to form high quality hard landscaped areas, there are also to be some small areas of planting and a few specimen trees in certain locations. Indicative details have been submitted with the application. Due to the limited area for landscaping the proposals submitted are acceptable in principle. Further details of the hard and soft landscaping can be controlled by condition.

#### Play Space Provision

The Mayor's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' identifies the need to provide play space for children in line with the standards set. It is expected that the proposal is likely to yield a low number of children (6). The SPG does not require on-site provision for less than 10 children. The applicant has however identified 2 existing off-site playgrounds within close proximity and any future need could be fulfilled by the existing provision within the local area.

#### Sustainability and Renewable Energy

The London Plan provides the policy framework in respect of sustainable construction and renewable energy, in particular Chapter 5 of the London Plan and the SPG entitled Sustainable Design and Construction. In addition, Policy BE1(vi) of the UDP, regarding sustainable design, construction and renewable energy and Policy BTC8 of the AAP are also relevant.

The application is accompanied by a Sustainability Statement and an Energy Statement which identifies the proposals compliance with the SPG and London Plan Policies 5.3 and 5.6, and how the need for energy is to be minimised in accordance with design principles and the energy hierarchy. The development has been designed to use less energy; is to be supplied as efficiently as possible and uses renewable energy where feasible. The Energy Statement shows how the development will provide energy efficiency savings that exceed the requirements of the Building Regulations 2013 by 28.7% and includes calculations of both carbon dioxide emissions and energy (in kWh) and show how options for renewable energy have been considered. The Energy Statement has demonstrated the feasibility of installing renewable energy measures and concludes that photovoltaics of 89sqm and a heat pump as suitable technologies for the commercial element of the building and are the most appropriate renewable energy solutions. These are expected to

reduce co2 emissions by 9.6%. CHP is proposed for the residential element of the proposal to provide heating and hot water.

The GLA in their Stage 1 response have requested further information and clarification to show how the development accords with Policy 5.9 “Overheating and Cooling” and details of SAP calculations and DER worksheets have been submitted. This additional information has been provided and the energy strategy is broadly supported and in line with policy expectations.

The reduction in co2 emissions falls short of the required 35% required under Policy 5.2 of the London Plan therefore a carbon offsetting payment of £10,760 will be payable based on GLA rates. This could be dealt with through a legal agreement.

#### Flood Risk Assessment and Sustainable Urban Drainage Systems

The site is in Flood Zone 2 and a Flood Risk Assessment (FRA) has been submitted which includes a Drainage Statement demonstrating how the principles of Sustainable Drainage Systems will be applied to the development in line with the guidance contained in the NPPF and the London Plan. The hierarchical approach to SUDS selection has been used to select the most sustainable drainage techniques for the site.

The site is at a medium risk of surface water flooding and up to date flood modelling maps have now been considered. The proposed development results in no greater risk to surface water flooding. The proposed surface water drainage system has been significantly revised since submission and now includes onsite attenuation. Surface water drainage rates will be reduced from the existing to greenfield rates of 5l/s in line with guidance and includes the use of green roofs and permeable paving and increased capacity for on-site storage/attenuation. The principle of the drainage strategy for the site is considered to fulfil SUDS requirements and is now acceptable and in line with agreed standards. A condition to ensure full compliance with the drainage statement could be attached.

#### Environment Agency Considerations

The River Ravensbourne runs underneath the site in the form of the culvert. Clarification was required in respect of the impact on the culvert as a result of this development and the need to provide access for maintenance. Following discussions with the Environment Agency revised plans were submitted to confirm a 2.2m minimum distance from the culvert to the edge of the proposed building, this is now acceptable in principle to the Environment Agency and could be addressed by conditions.

#### Contaminated Land

No ground contamination report has been submitted in respect of the application, however, a condition will need be attached to any permission securing a contaminated land assessment and an appropriate remedial strategy if contamination is found which shall address all aspects in accordance with Policy ER7 of the UDP.

### Secured by Design

The proposal needs to incorporate Secured by Design principles (as required by Policy BE1 (vii)) and H7 (vii) to take account of crime prevention and community safety. Paragraphs 58 and 69 of the NPPF are relevant. Compliance with the guidance in Secured by Design New Homes 2014 and the adoption of these standards will help reduce the opportunity for crime, creating a safer, more secure and sustainable environment. A condition securing measures to minimise the risk of crime will be attached to any planning permission.

### Environmental Impact Assessment

As the development is for a high building it was considered appropriate to “screen” the proposal as to whether it requires to be accompanied by an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. The process identified that no EIA was required.

### Conclusion

Planning permission has already been granted for a development of this form, scale and appearance proposed at appeal. Therefore, it has previously been determined that the site can suitably accommodate a building of the height and scale proposed given the adjoining commercial development and close proximity to Bromley South, and again the proposal is considered to be acceptable in this regard.

This proposal includes an additional 16 residential units on the site in place of the majority of the office accommodation previously proposed, which has warranted a further assessment of the viability of the overall scheme and its ability to deliver affordable housing on-site in line with adopted policy requirements. Whilst the applicant has offered 10 affordable units on site, this falls short of the 35% on-site provision required by Policy H2 and insufficient justification has been provided to demonstrate that an increased provision cannot be delivered on site. A revised Financial Viability Assessment has been considered by the Council's appointed independent assessors, and comments received that the scheme could support a higher offer of on-site provision and continue to be viable.

Furthermore, it has not been demonstrated that the proposal would comply with the current policy requirements for wheelchair housing, which have been revised since planning permission was previously granted at appeal.

The proposed development would result in an additional 16 residential units within a sustainable location, which would boost the supply of housing within the Borough and make a contribution towards meeting a 5 Year Housing Land Supply. However, in this case it is not considered that this contribution would outweigh the other policy objections with particular regard to affordable and accessible housing. It is therefore recommended that planning permission is refused.



Background papers referred to during the production of this report comprise all correspondence on file ref: 16/02395/FULL1, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

**For the following reasons:**

**1. Viability has not been agreed and the proposed development has not provided the required 35% provision of on-site affordable housing required under Policy H2 of the Unitary Development Plan and does not provide adequate justification for the proposed off-site payment in lieu, contrary to Policy H3 of the Unitary Development Plan (2006), Policy BTC3 of the Bromley Town Centre Area Action Plan (2010), Policies 3.9, 3.11 and 3.12 of the London Plan (2015) and Paragraph 50 of the National Planning Policy Framework (2012).**

**2. The proposal has not demonstrated that the development is capable of providing 10% wheelchair provision across all tenures and accessible units with suitable unit sizes or internal layouts, contrary to H7 of the UDP (2006), Policies 7.2, 3.5 and 3.8 of the London Plan (2015), The Mayors Accessible London SPG: Achieving an Inclusive Environment, The Mayors Housing SPG (2016), SPG2 Residential Design Guidance, Bromley's Affordable Housing SPD (2008).**

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## Appeal Decision

Hearing held on 28 July 2015

Site visit made on 28 July 2015

**by Jonathan Manning BSc (Hons) MA MRTPI**

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

**Decision date: 13 August 2015**

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**Appeal Ref: APP/G5180/W/15/3003774**

**HG Wells Centre, St Marks Road, Bromley, London, BR2 9HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cobalt Bromley South Ltd against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/13/03345/FULL1, dated 3 October 2013, was refused by notice dated 5 January 2015.
  - The development proposed is demolition of existing building and erection of a part 7, part 11, part 17 storey mixed use building comprising 256 sqm community uses (use Class D1/D2), 1,467 sqm office use (Use Class B1) and 52 residential flats with associated landscaping and public realm works, new pedestrian links, refuse and cycle storage, plant room and 3 disabled car parking spaces.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of a part 7, part 11, part 17 storey mixed use building comprising 256 sqm community uses (use Class D1/D2), 1,467 sqm office use (Use Class B1) and 52 residential flats with associated landscaping and public realm works, new pedestrian links, refuse and cycle storage, plant room and 3 disabled car parking spaces, at HG Wells Centre, St Marks Road, Bromley, London, BR2 9HG, in accordance with the terms of application ref: DC/13/03345/FULL1, dated 3 October 2013, subject to the conditions in the attached schedule.

### Application for costs

2. At the Hearing an application for costs was made by Cobalt Bromley South Ltd against the London Borough of Bromley Council. This application is the subject of a separate Decision.

### Procedural Matters

3. Shortly before the Hearing the appellant submitted two revised drawings, A10 Rev PL3a and A11 Rev PL3a. These addressed some identified inaccuracies to the other plans and do not alter the proposal. For this reason, the plans were accepted and I consider that no parties have been prejudiced as a result. The Council set out at the Hearing that they share this view.
4. The development description set out in the application form and the appeal form differ. I consider that the latter most accurately reflects the proposal and has therefore been included in the banner above.

## **Main Issues**

5. The main issues of the appeal are the effect of the proposal on the character and appearance of the area; the effect of the proposal on the living conditions of the occupants of neighbouring properties; and the effect of the proposal on highway and pedestrian safety, with regard to service provision.

## **Reasons**

6. The Government is seeking to significantly boost the supply of housing, as set out in Paragraph 47 of the National Planning Policy Framework (the Framework). Further to this, the Framework at Paragraph 14 identifies that there is a presumption in favour of sustainable development.

### *Character and appearance*

7. The appeal site is accessed off St Mark's Road and currently accommodates a relatively modest building known as the HG Wells Centre, which is currently used as a Labour social club. The appeal site lies within the southern edge of Bromley Town Centre. The site is surrounded by the five storey Metropolitan Police Station to the west, Waitrose supermarket and its associated car park to the north and east, with Bromley South Railway Station beyond to the north, and a terrace of five properties to the south, featuring retail/commercial units at ground floor with residential units above on Masons Hill. The existing HG Wells centre building is not designated as a heritage asset and I concur with the Council that the building makes little contribution to the character of the wider area.
8. The Framework requires good design and advises that the Government attaches great importance to the design of the built environment and 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.
9. Policy BE17 of the Bromley Unitary Development Plan (2006) (the UDP) addresses the delivery of high buildings and the skyline. This identifies that buildings which significantly exceed the general height of buildings in the area, will be expected to be: of outstanding architectural quality; provide a complete and well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level; has mixed use at effective densities; and has good access to public transport nodes and routes.
10. Policy 7.7 of the London Plan provides more guidance on tall and large buildings and identifies that (in summary) these should: only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of the building; relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm; enhance the skyline; incorporate the highest standards of architecture and materials; have ground floor activities that provide a positive relationship to surrounding streets; and contribute to the permeability of the site.
11. The Bromley Town Centre Area Action Plan (2010) (the AAP) at Policy BTC19 'Building Height' sets out that there is potential for the development of taller buildings in locations identified on the key diagram, subject to design and environmental considerations. Whilst the appeal site does not form one of the

identified sites on the key diagram, the AAP makes clear at Paragraph 4.2.7 that the identification of the opportunity sites does not preclude other sites from coming forward. Further, it is clear from the AAP key diagram that two of the identified sites for tall buildings are located in close proximity to the appeal site. The appeal site is in a highly sustainable location, with good accessibility to public transport and is within the Town Centre. I acknowledge that the proposal does not follow the plan led approach of the AAP and is a windfall opportunity, however, given the above, this should not go against the proposal, which as with all development should be considered on its individual merits.

12. The proposal would be 17 storeys at its greatest height, with smaller elements at 11 storeys and 7 storeys. It is evident that the design of the proposal seeks to break down the bulk and mass of the building. I consider that the 7 storey element of the proposal would complement the height of the neighbouring Police Station and therefore it is clear that the buildings form has sought to tie in with the neighbouring buildings. Due to the height of the other elements of the building there is little doubt that the proposal would be highly visible and would result in a landmark building.
13. Due to the topography of the area, the appeal site and the immediate surrounding area is set at a lower ground level than development to the north, which I consider aids the appeal site's ability to accommodate a tall building. The Council has set out that the proposal would be a singular form of overbearing and dominant development that would be discordant with the skyline. However, as set out above, I consider that the design of the proposal has evolved to relate to the surrounding development and has sought to reduce the mass and bulk of the building at the higher levels. Notwithstanding this, I am mindful that permission has been granted for a tall building of 19 storeys known as the Bromley South Central development, a short distance to the west of the appeal site. It was evident from my site visit that construction was underway and therefore there is no reason to believe that it won't be delivered. This will significantly alter the skyline and in my view further adds to the ability of the appeal site to accommodate a tall building and would to some degree cluster tall buildings together, as preferred by the AAP. It is also clear that CABE and the Greater London Authority (GLA) supported the principle of a tall building on the appeal site.
14. The Council has raised particular concern with regard to the eastern elevation of the proposal. The Council are of the view that it has a 'slab like' appearance and does not provide an attractive gateway into the town centre from this direction along Masons Hill. The Council maintain that this is demonstrated by the proposed eastern elevation shown on Page 83 of the Design and Access Statement, however, this is a black and white illustration and does not demonstrate the use of materials to separate and distinguish the differing elements of the buildings. Appendix 4 of the appellant's appeal evidence relating to architectural design provides the same view but in colour. Whilst, there is a horizontal line at the top of the building on the skyline, the drawing shows that the different elements and heights of the building are clearly visible, which adds a significant level of visual interest and positively contributes to breaking down the mass and bulk of the building.
15. I acknowledge that the proposed building largely fills its plot as a result of its relatively small size, however, this ignores the wider areas of space around the site, such as the Waitrose car park, the relatively wide St Mark's Road cul-de-

- sac and the access road that separates the appeal site from the Police Station. I consider that these areas would help to integrate the proposal into the area.
16. The residential entrance is located behind a small parking bay that is used to park police vehicles, which I agree is not ideal. However, the appeal site is heavily constrained and in general terms I consider that proposal relates positively to the neighbouring land uses and environments. Therefore, this matter in itself is not sufficient to withhold planning permission.
  17. Consequently, in terms of height, scale, mass, proportion and the proposal's relationship with its wider context, I consider that despite being of much greater height than the buildings in the immediate surroundings, the proposal would not cause harm to the character and appearance of the area and would provide a landmark building, which would positively contribute to the wider urban context.
  18. The architectural style of the building has also raised concern. I am mindful that such matters are subjective and despite the views of the Council and their design advisor, I consider that the varying heights of the building and the mixture of materials are positive attributes and add interest to the observer, whilst also achieving its intended purpose of reducing the apparent mass and bulk of the building. As part of the appellant's evidence, visualisations were provided that illustrate the proposal incorporating brickwork rather than cladding.
  19. It is evident from the visualisations that with brickwork the building becomes more bland and bulky in appearance. This would be particularly the case when viewed from the west, where in brick, the 11 storey aspect of the building would merge with the 17 storey element, which would lose the important contrast of the materials to break up the mass of the building. The appellant has set out that alucobond is a high quality material and I am mindful that samples can be secured and agreed by the Council through a suitable planning condition. This will ensure that the materials are of the highest quality. Therefore, having reviewed both of these options, I remain of the view that the mixture of materials is a positive attribute.
  20. The Council has acknowledged that a tall building of outstanding architectural quality could provide a signal that one is approaching the town centre and so contribute positively to the wider urban context of the town centre as a whole. For all of the above reasons, I consider that the proposal fulfils this role. Further, CABA's pre-application letter of 22 March 2013 states that '*We commend the considered architectural approach that helps to create an elegant building that celebrates its verticality and provides interest from many viewpoints*'. The GLA and the Council has taken a contrary view to CABA, which demonstrates the subjective nature of this matter. However, given my findings above, I agree with the views of CABA.
  21. In terms of the public realm, the proposal provides a modest level of public space given the constraints and small nature of the appeal site. However, I consider it to be functional, with some opportunities for landscaping, which given its wider context and spacing from neighbouring buildings would offer a suitably attractive environment, albeit a modest one. Further, the proposal at ground floor level would have active frontages, which whilst set back from the street scenes of St Mark's Road and Masons Hill would nonetheless be clearly visible from St Mark's Road and its junction with Mason's Hill.

22. The proposal would also provide public meeting space in the form of a café associated with the office uses, although this would also be open to the public. Whilst acknowledging the concerns of the Council, I see no reason why members of the public would not feel welcome and utilise this space, despite the relationship with the proposed office use. The existing community use of the HG Wells Centre would be incorporated into the proposal, but would provide enhanced more flexible facilities.
23. The Council has raised concern that some of the promoted public realm works and landscaping are outside of the site boundary. However, at the Hearing it was acknowledged that this was unregistered land maintainable by the Council and is unlikely to prohibit the delivery of such provisions. I accept that a small strip of proposed planting and high black railings falls on an area of land where the land ownership is unknown. However, this forms a very small part of the overall works and is not fundamental. I also acknowledge that there are some inaccuracies on the landscape proposal, when considered against the site plan. However, these can be overcome by a suitable planning condition that would require a landscaping scheme to be agreed with the Council.
24. Turning to permeability, the proposal includes a footpath link on its eastern boundary to the Waitrose car park to the north. This will deliver a north to south route for pedestrians through the site, which I consider to be a significant benefit of the scheme. I accept that the footpath link as proposed to the Waitrose car park requires agreement from Waitrose and that at the current time no formal agreement has been reached and therefore there is some question over its deliverability. However, at the Hearing it was clear that an alternative footpath link that falls within the site boundary could nonetheless be delivered, which would also enhance the permeability of the appeal site with the surrounding area.
25. The Council are of the view that the proposal represents overdevelopment. I accept that the proposal is of very high density and this is above the levels indicated with the London Plan and the UDP. However, this is a reflection of the nature of the proposal being a tall building and as acknowledged by the Council density calculations are not always an indication of over development. Given my findings above, and the acceptability of the proposal in terms of living conditions and servicing arrangements as set out below, I consider that the proposal does not represent overdevelopment.
26. In conclusion, the proposal is of outstanding architectural quality and constitutes good design. The proposal would not cause harm to the character and appearance of the area and would deliver a landmark building for the town centre. The proposal also provides suitable public open space and would provide clear social benefits in terms of public meeting space and enhanced community uses. Further, the proposal would deliver a new footpath link through the site significantly increasing its permeability and integration with the wider area, as required by the Framework. For these reasons, I consider that the proposal complies with Policies BE1 and BE17 of the UDP, Policy BCT19 of the AAP and Policy 7.7 of the London Plan. I also consider that the proposal complies with the Framework and the CABE / English Heritage Guidance on Tall Building.

*Living conditions*

27. Directly to the south of the appeal site lies a terrace of properties on Masons Hill that accommodates residential units above ground floor commercial/retail uses. From my site visit it appears that the majority of the rear facing windows of these residential units serve bathrooms and bedrooms. It was generally accepted at the Hearing that the closest habitable windows to the proposal are at a distance of some 25 metres.
28. The appellant has set out that this distance is in excess of the typical facing window distances in London of between 18 to 21 metres. I acknowledge the Council's view that such indicative distances normally relate to developments of similar scale, however, given the context of the appeal site and the nature of the residential units themselves, which are not family homes and do not appear to have the principle living space such as the living room or dining room at the rear, I consider that such a relationship and separation distance in this particular case is adequate to ensure that there would be no unacceptable overlooking or loss of privacy or any perception of such harm.
29. The proposal would result in a notable alteration to the outlook of the properties on Masons Hill, however, the proposed building has been designed to be stepped back from these properties, with the closest part of the building being 7 stories in height. Further, due to their orientation, the majority of these properties would also maintain their principle outlook towards the Police Station and its curtilage. Consequently, I do not consider that the outlook from these properties would be materially harmed and the proposed building would not create a sense of enclosure, particularly having regard to the separation distances between the properties and the appeal site. Whilst not decisive, it is also noteworthy that none of the occupiers of the terrace properties on Masons Hill have raised any concerns with regard to these matters.
30. The Council has also raised concern that the proposal would appear overbearing to the residential properties to the east at Prospect Place and Langdon Wood and would give an unacceptable perception of being overlooked and a loss of privacy. The Council are of the view that the relationship between the proposal and the properties at Prospect Place and Langdon Wood is similar to that of a comparable scheme at Elmfield Road<sup>1</sup>. In that case the Inspector found that at a distance of some 120 metres from residential properties, the proposed 16 storey building would be unacceptably damaging to the living conditions of the affected residents.
31. It is evident that there are, however, differences from this proposal to that of the Elmfield Road scheme. Firstly, at the Hearing the appellant provided a map with a 120 metre radius area, which demonstrates that the Elmfield Road scheme was much closer to residential properties to the east. Further, the proposal would be separated from the properties on Prospect Place and Langdon Wood by Waitrose, which is not an insignificant building. Lastly, it was clear from my site visit that the appeal site sits at a lower ground level than the Elmfield Road scheme, which would also help to reduce any perception of overlooking or overbearing effect.
32. At the Hearing a resident of one of the properties closest to the appeal site within Prospect Place initially raised concern about the effect of the proposal.

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<sup>1</sup> APP/G5180/A/13/2210460, dated 24 July 2014.



However, after having the opportunity to listen to the discussion and observing the 3D model of the area provided by the appellant, very honestly set out that there would be no significant effect on his living conditions. For all of the above reasons, I share this view and I consider that the proposal would not result in any unacceptable perception from 'eyes in the sky' of overlooking or loss of privacy. Further, I consider that the proposal would not appear overbearing to the residents of Prospect Place and Langdon Wood.

33. In conclusion, the proposal would not be overbearing and would not cause any unacceptable overlooking or subsequent loss of privacy and would therefore not harm the living conditions of the occupants of neighbouring properties. The proposal therefore complies with Policy BE1 of the UDP and Policy 7.7 of the London Plan. These policies seek to ensure that: new development respects the amenity of occupiers of neighbouring buildings and that their environments are not harmed by (amongst others) inadequate privacy; and tall buildings do not affect their surroundings adversely.

#### *Highway and pedestrian safety*

34. The proposal would be accessed from St Mark's Road, which is a cul-de-sac and therefore has no through traffic. It was evident from my site visit that St Mark's Road currently provides access to the service entrance of Waitrose, the appeal site and to the rears of No 35 and No 37 Masons Hill. St Mark's Road is subject to a single yellow line waiting restriction along the full extent of the carriageway and permits loading/unloading of vehicles at any time.
35. At the Hearing, the appellant set out that due to landownership issues the small strip of land adjacent to the south eastern boundary of the appeal site cannot be used for servicing and the turning of vehicles and therefore the only servicing and turning area would be the roughly triangular piece of land in front of the proposed disabled parking spaces. This area of land has been identified as unregistered land and is maintainable by the Council. The Council set out at the Hearing that subject to a suitable Section 278 agreement, this would not affect the delivery of the proposal or the lands use for servicing purposes.
36. The proposed servicing area would be located close to the proposed community use and would also be utilised by the vehicles accessing the disabled parking bays and the rears of No 35 and No 37 Masons Hill. I therefore agree with the Council that there is potential for some conflict between pedestrians and between the vehicles themselves that would utilise the servicing area.
37. The appellant has provided swept path analysis drawings that demonstrate that large vehicles such as refuse collection vehicles can suitably turn within the proposed servicing area. Further, it has been demonstrated that a reasonable distance of 2.7 metres between the large turning vehicles and the disabled parking bays would be maintained to allow for pedestrian flow from the proposed building. The appellant has also provided TRICS data that identifies that the number of HGV trips generated by the proposal for all of the proposed uses would be limited and infrequent. I am also mindful that vehicles would be travelling at low speed whilst utilising the service area and that such vehicles have audible reversing warnings. The trips generated from the disabled parking spaces and from No 35 and No 37 Masons Hill would also be very limited. Finally, I am also mindful that a Delivery and Servicing Plan could be secured by a planning condition, which would include details of the expected number and time of delivery and servicing trips to the site for all commercial

- uses, with the aim of reducing the impact of such servicing activity. Taking all of these matters into account, I consider that the proposal would not lead to any unacceptable harm to highway or pedestrian safety conflicts.
38. Notwithstanding this, the Council set out at the Hearing that should permission be granted then a Road Safety Audit should be undertaken and the appellant did not raise any objections to such a requirement. Given my findings above, I consider that it is reasonable to secure such a requirement by a suitable planning condition and this will ensure that there are no unacceptable safety concerns.
39. The Council has raised concern that the Transport Assessment in support of the proposal does not include an assessment of the servicing vehicle movements of the adjoining Waitrose store. The Council has not provided any evidence to support their view that this may lead to parking or queuing on St Mark's Road resulting in the access and turning space being blocked. Further, given the relatively small and infrequent likely vehicle movements associated with the proposal, I consider that the proposal would not cause any harm in this regard.
40. To conclude, given my findings above, I consider that the proposal would not cause harm to highway or pedestrian safety and therefore complies with Policy T17 of the UDP and Policy BTC29 of the AAP.
41. On a related matter, the appeal site is in a sustainable location within a high (6a) PTAL location. Consequently, it is likely that future occupants and users of the offices would not require a private motor vehicle. Further, the provided legal agreement makes provision for the delivery of a Car Club Scheme parking space. Therefore, I consider that the absence of on-site parking other than 3 disabled spaces would not result in any harm to highway safety.

#### *Other matters*

42. Concern has been raised that the proposal would impact upon the setting of the Grade II listed former St Marks Primary School to the south of the appeal site. The appeal site is separated by buildings on Mason's Hill and it is evident that the road running directly in front of the former St Marks Primary School is busy and traffic dominates the setting to the front of the property. I acknowledge that the proposal would be much greater in height and scale than the existing building on the appeal site, but it was evident from my site visit that there are other large scale buildings in close proximity. It was also clear that the area has and is undergoing significant redevelopment, which has to a large degree already significantly altered the setting of the former St Marks Primary School. Consequently, I consider that the proposal would preserve the setting<sup>2</sup> of the former St Marks Primary School and would not cause any harm to its significance.
43. The proposal is supported by a daylight, sunlight and overshadowing report, which concludes that there will not be any significant harm in this regard. There is no evidence before me to suggest that I should not accept the report's conclusions. There is no evidence to suggest that there is not a need for additional office space, that the scheme is unnecessary given the other developments nearby or that the proposal would place unacceptable additional pressure on local schools, as suggested by interested parties.

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<sup>2</sup> Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

44. Concern has been raised that the residential units would not be affordable for younger people. However, the proposal makes provision for affordable housing, which is suitably secured by the Unilateral Undertaking provided by the appellant. The Council has accepted the level of provision and its mix and I see no reason to take a different view.
45. Concern has been raised that there may be access issues during the construction of the development. I consider that this matter can be suitably addressed by a planning condition requiring a Construction Management Plan to be agreed with the Council, to ensure that there are no unacceptable impacts.
46. The integrity of the culverts and structures on and around the appeal site has raised concern from local residents. However, there is no substantive evidence before me to suggest that the proposal is unacceptable in this regard. Further, I consider that this matter can be overcome through the imposition of a planning condition requiring a structural survey of the retaining wall within the vicinity of the culverted watercourse and a proposal to replace the existing wall if found not fit for purpose.
47. The matter of precedence has been raised, however, I am mindful that each proposal should be considered on its own merits and any other similar development would require planning permission where its merits would be fully considered.

#### *Conditions*

48. I have considered the suggested conditions set out within the Statement of Common Ground (SOCG) against the tests set out within the Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required. In the interests of sound planning and for the avoidance of doubt, conditions are imposed that require the standard time commencement control, as well as for the development to be carried out in accordance with the approved plans.
49. To ensure the suitable appearance of the proposal, conditions are imposed that require: details and samples of all external materials, including details of the render; and details of a scheme of landscaping. To safeguard the living conditions of neighbouring residents and the amenity of other local businesses, conditions are necessary that require a Construction Management Plan and a Dust Management Plan to be agreed with the Council. With regard to the Construction Management Plan, this requires measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation to be agreed. The suggested condition as drafted sets out that construction 'shall not be limited to these'. However, I consider that this would render the condition unenforceable and would not meet the tests set out within the Framework. I have therefore deleted this from the condition.
50. In order to prevent crime, a condition is imposed that requires details of the measures to be implemented to minimise the risk of crime to be agreed with the Council. In the interest of the water environment and flood risk, conditions are necessary that require details of foul and surface water drainage systems to be agreed with the Council.

51. To ensure that there is no harm to highway or pedestrian safety, conditions are imposed that require: the parking and turning areas to be provided before the proposal is occupied and a Delivery and Service Plan to be provided. Further, given my findings above with regard to highway and pedestrian safety, a condition is necessary that requires a Road Safety Audit to be undertaken.
52. In order to ensure that there would be no harm caused to the culvert and that suitable access can be gained for maintenance, conditions are necessary that require: the edge of the building to be no closer than 2.2 metres from the edge of the culvert wall; a structural survey of the retaining wall within the vicinity of the culverted watercourse; details of any foundations and pilings works; and a piling method statement to be provided.
53. To promote sustainable modes of transport and sustainable development, conditions are imposed that require details of bicycle parking; details of the number and location of electric vehicle charging points; details of the proposed heat networks and Combined Heat and Power (CHP) system; a site-wide energy assessment and strategy for reducing carbon emissions; and details of proposals to provide dwellings capable of occupation by wheelchair users.
54. One of the suggested conditions in the SOCG makes reference to the dwellings being constructed to 'Lifetime Homes' standard. I acknowledge that the Council set out at the Hearing that this is following the advice of the GLA, however, such requirements have now been replaced by the new housing standards system as part of building regulations. I have therefore not imposed this aspect of the suggested condition.

#### *Conclusion*

55. For the reasons set out above and having regard to all other matters raised, the proposal represents sustainable development, for which there is a presumption in favour. Therefore, the appeal is allowed.

*Jonathan Manning*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mark Gibney  
Sascha Wardley  
Fred London  
Stephen Giles

BPTW Planning (Agent)  
BPTW Planning  
John Thompson & Partners  
Gateway TSP

### FOR THE LOCAL PLANNING AUTHORITY:

Sue Rowlands

Tibbalds Planning and Urban Design (On behalf of the London Borough of Bromley Council)

Peter Wilson  
Mike Hammond  
Louisa Orchard

London Borough of Bromley Council  
London Borough of Bromley Council  
Work experience

### INTERESTED PARTIES

Mr Fred Halligan

Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Signed and dated Unilateral Undertaking, submitted by the appellant.
2. Comparison of Elmfield Road tower and HG Wells proposal (Map), submitted by the appellant.
3. Former St Mark's School List Entry Summary, submitted by the Council.
4. Costs application rebuttal and associated correspondence, submitted by the Council.

## **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - S01 Rev PL2 (Site Location Plan)
  - S02 Rev PL2 (Existing Site Survey)
  - S10 Rev PL3 (Site Plan)
  - A10 Rev PL3a (Floor Plans – Lower Ground)
  - A11 Rev PL3a (Floor Plans – Upper Ground)
  - A12 Rev PL3 (Floor Plans – Levels 2 & 3)
  - A13 Rev PL3 (Floor Plans – Levels 4 & 5)
  - A14 Rev PL3 (Floor Plans – Levels 6 & 7)
  - A15 Rev PL3 (Floor Plans – Levels 8 & 9)
  - A16 Rev PL3 (Floor Plans – Levels 10 & 11)
  - A17 Rev PL3 (Floor Plans – Levels 12 & 13)
  - A18 Rev PL3 (Floor Plans – Levels 14 & 15)
  - A19 Rev PL3 (Floor Plans – Levels 16 & Roof)
  - A20 Rev PL3 (South Elevation)
  - A21 Rev PL2 (East Elevation)
  - A22 Rev PL3 (North Elevation)
  - A23 Rev PL3 (West Elevation)
  - A24 Rev PL3 (Coloured Elevations – South)
  - A25 Rev PL2 (Coloured Elevations – East)
  - A26 Rev PL3 (Coloured Elevations – North)
  - A27 Rev PL3 (Coloured Elevations – West)
  - A28 Rev PL2 (Section)
  - D0203\_001\_A (Landscape Proposal)
- 3) Notwithstanding condition No 2, no development shall take place until details and samples of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, balcony screening, decorative features, rainwater goods, paving and access road surfacing where appropriate, have been submitted to and approved in writing by the local planning authority. The details shall include a schedule for applying the proposed render, including the type of render, manufacturer and the procedure for application. The development shall be carried out in accordance with the approved details.

- 4) Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the local planning authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 5) Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation. The Construction Management Plan shall be implemented in accordance with the agreed timescales and details.
- 6) Demolition works shall not begin until a Dust Management Plan for protecting nearby residents and commercial occupiers from dust and other environmental effects has been submitted to and approved in writing by the local planning authority. The plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the measures to be implemented to minimise the risk of crime and to meet the specific needs of the application site and the development have been submitted to and approved in writing by the local planning authority. The security measures to be implemented in compliance with this condition shall seek to achieve the "Secured by Design" accreditation awarded by the Metropolitan Police. Development shall be undertaken in accordance with the approved details.
- 8) Details of a foul water drainage system shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced. The approved system shall be completed as agreed before any part of the development is first occupied, and permanently retained thereafter.
- 9) No development shall take place until details of drainage works have been submitted to and approved in writing by the local planning authority. This shall include an assessment into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

- ii. specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Development shall be implemented, maintained and managed in accordance with the approved details.

- 10) Before commencement of the use of the land and building hereby permitted parking spaces and turning space shall be completed in accordance with the approved plans and thereafter shall be kept available for such purposes. No permitted development whether permitted by the Town and Country Planning (General Permitted Development Order (England) 2015) (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land indicated for these purposes or in such a position as to preclude vehicular access to the said land.
- 11) Prior to the commencement of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. The Plan should include details of the expected number and time of delivery and servicing trips to the site for all commercial uses, with the aim of reducing the impact of servicing activity. The approved Delivery and Servicing Plan shall be permanently implemented in full accordance with the approved details from the first occupation of the development.
- 12) No development shall take place until a Road Safety Audit has been undertaken and submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) The edge of the building shall be no closer than 2.2 metres from the edge of the culvert wall as indicated by submitted drawing 0022/032/13SKC01 and the letter from Guy Laister (Ref: 13116/GL) dated 24 July 2014.
- 14) No development shall take place until a structural survey of the retaining wall within the vicinity of the culverted watercourse and a proposal to replace the existing wall if found not fit for purpose, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 15) The development hereby permitted shall not be commenced until the details of any foundations and pilings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 16) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by



the local planning authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 17) No development shall take place until details of bicycle parking (including covered storage facilities where appropriate) have been submitted to and approved in writing by the local planning authority. The bicycle parking shall be provided at the site in accordance with the agreed details before any part of the development hereby permitted is first occupied. The bicycle parking/storage facilities shall be permanently retained thereafter.
- 18) No development shall take place until details of the number and location of electric vehicle charging points to be provided and a programme for their installation and maintenance has been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to first occupation of the development and shall be permanently maintained as such.
- 19) Prior to the commencement of above ground works, details of the proposed heat networks and Combined Heat and Power (CHP) system set out in the applicant's Energy Statement shall be submitted to and approved in writing by the local planning authority. The details shall include the commissioning of the networks and CHP system and details of the catalytic converter if required. The networks and systems shall be provided in accordance with the approved details before the first occupation of the development and permanently maintained thereafter.
- 20) No development shall take place until details of proposals to provide dwellings capable of occupation by wheelchair users (including related car parking spaces) in accordance with the criteria set out in Supplementary Planning Guidance to the London Plan "Housing" Nov 2012) have been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.
- 21) Before any works on site are commenced, a site-wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the local planning authority. The results of this strategy shall be incorporated into the building prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 40% above that required by building regulations.

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**Application No :** 16/02613/OUT

**Ward:**  
Kelsey And Eden Park

**Address :** Land At Junction With South Eden Park  
Road And Bucknall Way Beckenham

**OS Grid Ref:** E: 537930 N: 168386

**Applicant :** Northern Land Developments Ltd.

**Objections :** YES

## **Description of Development:**

Residential development comprising of 105 units with a mixture of 4 bedroom houses and one, two and three bedroom apartments together with concierges office and associated basement car parking (OUTLINE APPLICATION)

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 21  
Smoke Control SCA 9  
Smoke Control SCA 18  
Urban Open Space

## **Proposal**

- Outline planning permission is sought for 105 new residential units together with basement car parking and concierge's office;
- The only matters of detail under consideration at this stage relate to the access and layout of the development;
- The detailed design of the development including appearance, scale and landscaping would be subject to further planning approval at the appropriate stage and are not to be considered at this point;
- The proposed accommodation will be provided within 5 blocks of flats and a row of 9 terraced houses positioned around a central landscaped area;
- The layout submitted proposes two large blocks (blocks A and B) situated on the western edge of the site facing onto South Eden Park Road and a three smaller blocks located along the eastern edge of the site all accessed via an internal access road leading off of North Drive;
- The terraced housing is situated along the southern edge of the site backing onto Bucknall Way to the south;
- The accommodation schedule submitted with the application indicates the following unit size mix: 13 one bedroom flats, 77 two bedroom flats, 6 three bedroom flats and 9 four bedroom houses;

- The development is accessed via North Drive which is a private road gated road accessed off South Eden Park Road;
- It is proposed to modify the width of the access drive to 5.2m narrowing to 4.8m;
- It is proposed to provide tactile paving across the site access to improve the junction for pedestrians along South Eden Park Road;
- An additional pedestrian access is proposed along the western boundary of the site onto South Eden park Rd;
- Car parking will be provided within a dedicated basement accessed via a ramp from the internal road network;
- The total car parking equates to 227 spaces for the 105 units;
- An additional 10 parking spaces will be provided for visitors at ground level
- 179 cycle parking spaces are proposed for the 96 flats and each house benefits from a garage to store bicycles.

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

Transport Statement (April 2016):

The report considers the proposal in relation to local, regional and national policy and assesses the site's proximity to bus services, rail services and cycle routes, schools, employment sites, health facilities and other local infrastructure. Regular bus services are accessible within 100m of the site with connections to local rail services to central London. The assessment concludes that overall the site is within an acceptable walk or cycle distance to a range of everyday facilities.

Accident data for the last 5 years has been obtained from TfL with 14 accidents in total occurring over this period, due to a number of different causes. The Report concludes that there is no suggestion that the development would result in an increase in the number or severity of road accidents in the area, or that any of the nearby junctions are deficient in design terms.

The Transport Statement also assesses the impact of the development proposals on the highway network based on a potential trip generation of 105 residential dwellings. TRICS data using the category '03 Residential: K - Mixed Private Housing (flats and houses) was used as a basis for assessment with sites selected within the South East (including Greater London). On an average weekday, it is estimated that the proposal could generate 769 two-way total person trips, of which 320 could be vehicular.

The report concludes that the additional traffic generated by the development would have minimal increase in traffic generation on the surrounding road network and would not have a material impact on the operational capacity of South Eden Park Road. Furthermore, the report ascertains that the provision of car and cycle parking would strike a balance between providing sufficient provision so as not to result in additional on-street parking, whilst also ensuring sustainable transport modes are engaged.

#### Landscape Appraisal (March 2016):

This report assesses the landscape features of the site and its character which it considers is one of neglect, not forming part of any existing character area and making no particular contribution to the setting of the local area. Furthermore, the report suggests that the site does not form part of any key views. The report notes that there will be some visual effects arising from the development but considers that the proposed set-back of the buildings and additional planting proposed along the boundary will effectively screen and filter views of the new buildings from South Eden Park Road. Furthermore it considers that as the ridge height of the proposed buildings would not exceed the height of the retained trees, this will further limit any sense of visual intrusion arising from the development proposals. The report also concludes that as the site performs no significant visual function, being incidental to main views, this change in perception is not significant. The proposed landscape strategy is also considered beneficial in that it will soften views into the site and provide localised landscape improvements. Overall, it concludes that the change on perception of the site from the immediate surroundings will be negligible or even improved as a result of the development.

#### Open Space Audit (March 2016):

The applicant commissioned a private consultant to undertake an open space audit of the open spaces in the vicinity of the site with the aim of demonstrating that the site is surplus to requirements as open space that does not fulfil a specific function or provide an important break in the built up area. An area of 2km around the site was chosen to be the area of assessment. In undertaking the site evaluation, the report considers that one of the important aspects is accessibility by the public.

The report concludes that there is a significant amount of open space within the area consisting mainly of outdoor sports facilities and natural and semi-natural greenspaces, including urban woodland, that the site is not within an area of identified open space deficiency and that there are publicly accessible parks (Kelsey Park to the north and Harvington Park to the west) which provide the public with much more valuable open space than the application site. Overall, the report concludes that the loss of this site as open space will not detract from the local area either in public value or aesthetic appeal and it is surplus to requirements in this respect.

#### Heritage Statement (March 2016):

This assesses the potential impact of the development on the character and appearance of the Park Langley Conservation Area and the nearby listed Chinese Garage building. The report concludes that while that views of the development from the Conservation Area will be largely screened by evergreen tree screening along the majority of the site bordering the Conservation Area, however, even if views are obtainable the development would not harm the character and appearance of the Conservation Area. Furthermore, the assessment concludes that there will be no effect on the significance or setting of the Chinese Garage and overall there will be no impact on the significance of designated heritage assets.

### Arboricultural survey and Planning Integration Report (May 2016):

A number of trees are proposed to be removed as part of the development, two of which the report considers are of poor condition. One of the trees, a Horse Chestnut is subject to a Tree Preservation Order (TPO). The report concludes that the loss of these trees would not detract from the landscape and there is scope for new tree planting as part of the development which will help to mitigate the visual impact. Furthermore, the retained trees will be protected in accordance with the current standards and guidance and a number of recommendations are made in respect of tree retention and protection.

### Preliminary Ecological Appraisal by the ecology partnership (April 2016 updated November 2016):

An extended preliminary ecological appraisal was undertaken on 9th December 2015 and identified the habitats present on the site as well as the dominant plant species in each habitat. Badger, Bat, Reptile and amphibian surveys were carried out including assessing trees for their potential to support roosting bats. The survey finds that the development would not impact any designated sites or areas of significant off-site habitat. A number of trees on the site were found likely to provide some opportunity for foraging and roosting bats including the trees lining the edges of the site, in particular the eastern edge along North Drive. In terms of bats, the report concludes that while it is likely that bats do use the site for foraging, it is not considered significant in terms of foraging habitat compared to the wider landscape of woodland, ponds and allotments as well as back gardens. Active badger setts have been identified on the site (within the eastern hedgerow) and mammal paths were located within the site boundaries. The site was also found to have significant areas of optimal habitat for reptiles and nesting birds and some potential for stag beetles. It was found to have low potential for supporting dormice or Great Crested Newts.

The updated report takes into account the nearby Sites of Interest for Nature Conservation (SINC) at Harvington Estate and Kelsey Park. It concludes that there would be no direct impacts on these sites resulting from the development and any impact from construction such as dust and noise will be minimised using best practice guidance which can be conditioned. Furthermore, the impact resulting from an increase in the local population and the potential increase in recreational use of these SINCs is also likely to be insignificant.

The updated report also states that the habitats which were present on site in Dec 2015 remain unchanged in April and May 2016 when the site was re-visited for species surveys.

The report recommends that consideration be given to the existing "green corridors" and habitat linkages around the site and recommends the retention of all trees on site for foraging bats and birds. However, overall, it is not considered that the indirect impacts on bats would be significant as the report finds no roosts are present on site. Should any trees with medium-low suitability for roosting bats be subsequently considered for removal, further survey work is recommended.

The report recommends the retention of the far eastern and southern tree lines along with mitigation measures for the protection of bats, including zero or low lighting; Badger setts should be retained within the scheme however the design and construction will need to take account of sett structure and tunnels. Alternatively a Natural England license should be applied for sett removal or disturbance; any tree works should be carried out outside of the bird breeding season and bird boxes and bird-friendly planting should be considered.

Further survey work in respect of Badgers and Reptiles (which could include Stag Beetles) is recommended (see results below).

#### Badger Survey by the ecology partnership (April 2016 updated November 2016):

Four mammal holes were identified within the site boundary in April 2016. Monitoring revealed that 2 holes on the far eastern boundary are actively used by at least 2 badgers. The two holes located on the inner tree line are actively used by a fox family. The use of radar is recommended to establish if the holes are connected beneath the ground as this may have implications for the development if the inner holes form part of the Badger sett.

The development is to be sited approximately 11m west of the badger sett and therefore a license from Natural England would be required. The report also recommends that a 20m buffer zone should be included around the sett entrance and be included within the landscape design for after construction has finished. Furthermore, trees and hedges on the eastern boundary must be maintained to allow badgers to move to further off site habitats.

The updated report acknowledges that if the inner holes do form part of the badger sett, Natural England may not grant a license for exclusion and closure unless an alternative is provided.

#### Reptile Survey by the ecology partnership (May 2016 updated November 2016)

A survey for reptiles was carried out in April to May 2016 and found no reptiles to be present on the site during that time. The likelihood of the presence of reptiles on the site is therefore considered to be unlikely and no further survey work is recommended. However a range of habitat enhancements are recommended including planting a range of species and creating log piles around the edge of the site and positioned under mature trees to provide refuge for reptiles.

The updated reptile report recognises the limitation of the surveys in that the site's use as a car storage area with regular disturbance from people and cars as well as significant areas of rubbish on the edge of the site, could mean unsettled conditions for wildlife on the site with animals seeking further shelter to escape disturbance prior to the surveys being undertaken. However, the revised report acknowledges that further survey work may be required if there is a significant delay to the start of the work. The results of these surveys are considered to be valid for up to 2 years if the state of the site remains relatively constant.

#### Air Quality Assessment (July 2016):

A qualitative assessment of dust levels associated with the proposed development was carried out and the report concludes that the impact of dust and soiling can be reduced to negligible through appropriate mitigation measures. During construction a visual assessment of the site should be undertaken and a log maintained where a dust nuisance occurs. The Air Quality Neutral Assessment has concluded that the proposed development will meet building emissions benchmarks as so no mitigation measures are recommended in this respect. Following completion of the development, the impact of vehicle emissions from the development is also considered negligible or moderate. Where air quality is already an issue the combination of a moderate impact can mean that the overall impact is considered significant and mitigation measures should be considered and a basic hierarchy is provided for mitigating the air quality impacts associated with the development. Preference in the hierarchy given is to preventing or avoiding exposure/impacts to the pollutant in the first place by eliminating or isolating the potential source, the second stage of the hierarchy is reduction and minimisation of exposure/impacts, and, lastly, off-setting the new developments air quality impact through contributions to air quality improvements elsewhere. The assessment concludes that reducing/minimising the impacts should in this instance be considered practicable and recommends electric car charging points, a travel plan, car sharing schemes and reduction in emissions through green infrastructure and energy efficiency.

#### Combined Contamination, Flooding and Other Environmental Hazards Report (July 2016):

This brief report concludes that no contamination liabilities have been identified and recommends no further action. In respect of flooding, details of any historical flooding of the site should be confirmed. A potential ground instability hazard was identified and further investigation/contacting a RICS accredited surveyor is recommended.

#### Flood Risk Assessment (June 2016) Addendum Report (November 2016):

The report considers the susceptibility of the proposed development to flooding and its potential to increase the risk of flooding elsewhere. It is considered that the site-specific risk of flooding from surface water is low and, in addition, the proposals include drainage provisions to ensure that the post-development run-off does not exceed that of the existing site. The addendum report also includes provision for underground storage, permeable paving, 2 small ponds and swales to restrict surface water run-off. It is concluded that the risk of flooding to the site or elsewhere will not increase as a result of the proposed development.

#### Noise Assessment (March 2016):

This report concludes that the road traffic noise levels affecting the proposed development are high enough to potentially have an adverse effect but it is considered that these can be addressed through mitigation measures. These include proposed 1.8m close boarded fencing to the rear gardens of the terraced



houses and the layout of the site which provides sufficient shielding to the public open space at the centre of the site. The report also suggests that sound insulation may be needed for blocks A and B however this will be determined by the final designs. Mechanical ventilation is recommended for the buildings facing South Eden Park Road and possibly for the ends of blocks D and E due to the fact that external noise levels at night are above the recommended criteria for noise levels outside an open bedroom window. It is concluded that these measures would satisfactorily address any noise issues.

#### Energy Statement (April 2016):

This sets out a number of potential low-carbon and renewable technologies which are considered appropriate and could be installed in order to meet policy requirements, however, it is anticipated that a further energy statement will be required to accompany any future reserved matters application. In addition, the buildings will be designed and constructed to reduce energy demand and carbon dioxide emissions.

#### Affordable Housing Statement (July 2016):

This states that 36 of the dwellings are proposed as affordable housing representing 35% of the number of dwellings. The precise tenure of the affordable dwelling has yet to be determined. Furthermore it says that 10% of the dwellings will be wheelchair accessible.

The application is also accompanied by a Planning Statement and Design and Access Statement, in which the applicant submits the following summary points in support of the application:

- The Bromley UDP is some 10 years old and Policy G8 was based on a UDP topic/review paper on open space published in 1997;
- There has been no subsequent open space assessment in the terms contemplated by paragraph 73 and 74 of the NPPF;
- Policy G8 is not based on a robust and up to date assessment of the needs for open space in this part of the Borough and is therefore inconsistent with the NPPF and should therefore only be afforded limited weight;
- An open space audit-assessment has been undertaken as part of this application which demonstrates that the area is not an area of open space deficiency;
- The site can be considered as surplus to open space requirements;
- The open characteristics of this land make little or no contribution to the visual quality of the area and the site has no aesthetic importance;
- The modern development that have taken place to the south in Langley Park and Langley Waterside display a mix of residential buildings ranging from sizeable 5 storey apartment blocks to more modest terraced housing which have established their own character;
- The development currently taking place on the third phase of the Glaxo Wellcome site has a varied character;

- The overall massing of the buildings is appropriate to the denser urban grain around the Chinese roundabout and greater accessibility/sustainability of the most northerly part of the former Glaxo site;
- The development also seeks to establish its own character by focusing the scheme around a landscaped central square;
- The articulation of the buildings in both elevation and plan form would ensure that the buildings would not appear as overbearing in terms of their bulk and mass;
- There would be significant landscaped area of open space around and between buildings;
- The density and amount of development is compatible with strategic guidance;
- Although the detailed design is a matter for subsequent consideration in the detailed stage, the illustrative designs are for buildings that would be traditional in design;
- A palette of traditional materials is proposed;
- All of the proposed apartments and houses have been designed to comply with national and London Plan space standards;
- The design and layout of the scheme is high quality and responds to site context whilst optimising the development potential of the land;
- Would have no direct impact on the living conditions of neighbouring occupiers;
- The Transport Assessment demonstrates that the application would comply with the transport policies of the UDP;
- 35% affordable housing will be provided the tenure and mix of which will take account of the requirements of policy H2 of the UDP as well as the Housing and Planning Act 2016;
- The proposed apartments can be designed to ensure that there would be an acceptable acoustic climate within individual apartments;
- The proposed development would not cause harm to the significance or setting of the nearby listed building at the Chinese Garage nor to the setting of the nearby Park Langley Conservation Area;
- The proposal would result in the provision of new housing in a sustainable and accessible location - given the need for new housing in London, this is a benefit of significant weight;
- The application would result in a significant visual enhancement to the area compared to the current despoiled nature of the site;
- The provision of affordable housing would be a significant benefit.

The applicant submitted an addendum to the Planning Statement which was received on 6/9/16 and is summarised below:

- Paragraph 215 of the NPPF advises that weight is to be attributed to policies in the UDP according to their degree of consistency with the Framework;
- A robust and up-to-date assessment of open space has been carried out by a consultant and submitted with the application which demonstrates that the site does not contribute any open space or serve any visual functions and that the site is not within an area of open space deficiency;

- If paragraph 73 and 74 of the NPPF are applied the justification for the UOS designation no longer exists;
- Moreover, the situation is compounded by the fact that the Council is now unable to demonstrate an up to date five year housing land supply;
- Paragraph 49 of the NPPF applies to policies for the supply of housing in the development plan which cannot be treated as being up to date;
- Paragraph 14 of the NPPF is therefore engaged which requires that, where relevant policies are out-of-date, application for planning permission should be granted unless any adverse impact of doing so would significantly outweigh the benefits or when specific policies in the Framework indicate that development should be resisted;
- Urban Open Space policy is a local policy which is not to be equated with the examples given in footnote 9 of the NPPF of specific policies which indicate that development should be restricted;
- Policy G8 is a relevant policy for the supply of housing;
- In this case the weight attributed to policy G8 should be much reduced;
- On the other hand the contribution that the site can make in contributing to the shortfall of housing land and the provision of affordable housing in the Borough is clearly very significant and should be attributed substantial weight.

## **Location**

- The application site is a roughly triangular shaped parcel of land approximately 1.44 hectares in area located to the east of South Eden Park Road which is located to the south of the B251 Hayes Lane roundabout;
- The application site is designated as Urban Open Space in the London Borough of Bromley Unitary Development Plan (2006) and the draft Bromley Local Plan;
- The site is accessed off of South Eden Park Road via a gated drive "North Drive" which curves around the north-eastern edge of the site;
- The site itself comprises grass and scrub land and a number of trees including a green link of mature trees and hedgerow along the eastern side of the site connecting to Bucknall Way to the south;
- There a number of trees with preservation orders (TPOs) located on the western edge of the site;
- The site is not open to the public however there are a significant number of parked vehicles parked on the site, some of which appear to have been abandoned;
- The site forms part of the former Glaxo Wellcome site;
- Development to the north of the site around the roundabout consists of a car dealership on the Chinese Garage site, a local shopping parade and residential development consisting of large detached dwellings;
- To the west on the opposite side of South Eden Park Road a number of large detached dwellings;
- To the east of the site is the Park Langley Conservation Area comprising of large detached dwellings on spacious plots;

- The south of the site is bordered by residential development which also formed one of the earlier phases of the re-development of the Glaxo Wellcome site;
- The south-west corner of the site is located at the junction of the roundabout with Bucknall Way and to the west of this lies a large expanse of woodland stretching down towards the south-west along South Eden Park Road (B230) known as 'Harvington Estate' - the land is designated as Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC);
- Around 200m to the north-west of the site is Kelsey Park, also designated as Urban Open Space and a SINC;
- The site is located approximately 1.3km to the south of the centre of Beckenham and approximately 3km to the west of Bromley town centre;
- South Eden Park Road is a London Distributor Route and a Local Distributor Road;
- The closest railway station to the site is Eden Park, approximately 1.2km to the south-west;
- Bus stops are located on South Eden Park Road immediately adjacent to the application site with additional stops located at the roundabout to the north of the site, all of which are within 110m walk distance;
- Footways are located on both sides of South Eden Park Road, providing access north to local amenities;
- National Cycle Route 21 passes approximately 2 km to the west of the site and provides a signed north-south cycle route from between central London and the south coast;
- The site is within an area with a Public Transport Accessibility Level (PTAL) rating of 2 (on a scale of 1 - 6b where 6b is the most accessible);
- The site is not in a Conservation Area or Area of Special Residential Character (ASRC);
- The site is not in flood zone 2 or 3 however is an area of surface water risk;
- The site is in an air quality management area;
- The site contains potential contaminated land.

## Consultations

Nearby owners/occupiers were notified of the development in writing, a site notice was posted and a press advert was published. Representations were received which can be summarised as follows:

- Park Langley has a Conservation Area and an ASRC and this development is only a hundred metres away;
- there are already plans to build over 200 or so houses on the neighbouring site;
- inappropriate for developers to apply for more even before those houses have been built;
- pressure on local services such as schools and public services;
- would put huge pressure on Langley Park boys and girls school;
- out of character with the surrounding properties - high density of flats;

- the additional traffic will cause a danger and congestion to the existing road structures that are already stretched during peak travelling hours - a popular route for school children to walk;
- the development which adjoins a conservation area will detract and devalue the special nature of the locality;
- will result in a substantial increase in the volume of road traffic with its attendant increase in pollution and noise;
- some of the plans of the neighbouring area seem to contain inaccurate information. e.g. there is no retail unit about 60 yards down South Eden Park Road past the new(ish) residential development that has taken place there;
- inadequate road access;
- both roundabouts are already far too busy throughout the day but particularly at rush hour;
- it is likely that extra traffic generated by the 395 new homes that already have permission will cause serious problems, it would be misguided and reckless to grant permission for a further 100 houses without first assessing the impact on these roads from this development;
- would change the character of a part of Beckenham that still consists mainly of single family homes on good size plots along some small blocks of flats;
- this entrance has not been used for at least 20 years and probably much longer;
- the Transport Statement would appear to ignore the potential increase in traffic generated by Langley Court;
- the proposed entrance is very near the South Eden Park exit from the Chinese Garage roundabout, there is frequently a large car transporter delivering cars to the Chinese Garage and there are bus stops just past the entrance and opposite the entrance;
- any additional vehicle access on this part of the road will increase the risk of delays to traffic exiting the Chinese Garage roundabout and the potential for accidents;
- the proposal does have an impact on the living conditions of neighbouring occupiers, namely the three properties 2,4 and 6 Bucknall Way;
- while the houses opposite and the Park Langley conservation area, are given street views there is no such view for those facing the rear of the townhouses;
- unreasonable overlooking and loss of outlook, particularly as the land is some three feet higher than our elevation;
- currently our privacy is somewhat protected by five Leylandi conifers: once these are gone privacy of our two front bedrooms, study and dining room will be compromised;
- in winter when the deciduous trees lose their leaves lack of privacy will be exacerbated;
- the elevation of townhouses will be higher than the existing trees and will cause unreasonable overlooking and loss of outlook;
- four storey houses would be a total imposition;
- density of housing is extreme and not in keeping with either Langley Park or Langley Court;
- the statistical evidence given on person journeys to support this conclusion are completely unrealistic in terms of current travel experienced in the vicinity on a daily basis;

- this land is designated as urban open space, the principle of which is a break in development;
- this policy makes it clear that land so designated should not be developed either for residential or commercial use;
- have no objection to a number of detached properties going into the area which would be in keeping with the existing neighbourhood and would only cause a small increase in traffic numbers;
- the proposed density of housing will contribute to changing the area to a much more urban feel; South Eden Park Road has retained a "country" feel, due to good planning with other developments and this will be at risk with this proposal;
- a more acceptable option would be to provide access on Bucknall Way, thus bringing access further from the main junction and allowing better traffic flow as the roundabout at Bucknall Way will be able to better to manage this;
- Its social affordable houses we need not more luxury homes;
- the location includes a designated open space Urban Open Space and development could affect local views, the skyline or landmarks depending on its scale and design;
- the site is in a view of local importance- Limited open views to UOS from South Eden Park Road;
- the proposed 2 blocks of apartment buildings on the South Eden Park Road frontage would significantly limit the sunlight which we benefit from especially in the mornings;
- already have limited sunlight in the garden due to the trees in Harvington Estate;
- will lead to a sense of being hemmed in (claustrophobic) and a greater sense of enclosure;
- mock - Victorian facades on the South Eden Park Road frontage are not in keeping with the houses directly opposite including Hampstead Mews or indeed with rest of South Eden Park Road;
- the proposed development includes two visually over-bearing blocks (Block A & Block B) that are out of character in terms of its appearance compared with existing development in the vicinity;
- would be far too close to the pavement and extremely imposing detracting from the feeling of openness in the immediate vicinity and in and around the Chinese Roundabout;
- there would be no sight of any open space from South Eden Park Road;
- overdevelopment;
- the master plan that was submitted by the applicant, fails to show Hampstead Mews;
- will lead to insufficient natural sun light all through the day, extremely detrimental to health and well-being, as well as to the value of our property;
- the appearance and size of the proposed development (as mentioned above) would significantly overshadow (in appearance) the Chinese Garage which a listed building and a structure of local importance;
- Inadequate parking spaces for number of units - visitors to the development would have no choice but to park on the roads leading up to the Chinese Roundabout resulting in further congestion and blind spots;
- excessive noise to the other local residents;

- dangerous increases in traffic levels with associated pollution from stationary traffic;
- risk of accident with people crossing already extremely busy road junctions;
- object to car parks / roads to the rear of this development near our Wickham Way gardens;
- people buying the proposed flats and houses will not walk to the station at Eden Park;
- does not bring any material visual, economic or social benefit to the local or wider community;
- none of the proposed open space is for public use;
- visually enclosed by proposed scale and bulk of the proposed building envelopes;
- housing need must be considered in the context of the neighbouring developments at the former Glaxo site and the recent application to provide a crescent of town houses at North Drive;
- not realistic to expect one small area within a Borough to deliver its total housing requirement;
- buildings represent a perimeter development which does not represent inclusive design
- the positioning and typologies show an inward looking development;
- the master plan is deceptive in that it omits a number of properties;
- blocks form a wall of development which is not commensurate with the more filigree scale of the housing opposite;
- façade has only minor articulation and there is only a single gap in the building mass;
- result is over-bearing, virtually unbroken mass which makes the relatively sensible heights of the block feel oppressive and unresponsive to the context;
- prior to the parked cars and abandoned builders materials the site was a natural meadow-like space with attributes which complement the objectives set out in the Borough's UDP on UOS;
- applicant has recently removed trees from the southern part of the site to ensure the site can accommodate the proposed footprint of the apartment blocks and seeks to remove further trees along South Eden Park Road;
- the TPO trees make a significant contribution to the character and quality of the immediate area;
- if Victorian style is deemed acceptable then the Council should demand that the architect designs faithfully to Victorian detail, scale and proportion when the Reserved Matters application is made;
- the inclusion of genuine public open greenspace, pushing the massing back away from South Eden Park Road and reducing the over-bearing and aggressive massing fronting the existing residential properties would significantly soften the impact;
- area is becoming too densely populated without provision for affordable social housing or facilities such as shops, doctors surgeries, and all the services which make a viable community;
- land so designated should not be developed either for residential or commercial use;
- there was a large public grass verge with lovely wooded area which has been maintained by Bromley Council for the last 26 years: the boundary of the site has now been moved forward and the trees all chopped down;

- in support of application and would like to be part of new community as it would provide suitable (wheelchair) accommodation for future needs and in close proximity to local shops and amenities enabling independence.

The Council's Highway Development Engineers:

Access via North Drive is acceptable in principle however more accurate drawings are required to assess this further; the visibility splays shown are acceptable; a license needs to be obtained for the proposed tactile paving across South Eden Park Road; the gradient and details of the access ramp to the basement car park should be provided; the proposed car parking and cycle parking arrangements are acceptable; bin store should be indicated on the site plan. A junction capacity analysis was provided for South Eden Park Road/North Drive which is considered acceptable.

The Council's Drainage Officer:

No objections in principle, conditions recommended.

The Council's Environmental Health Officer:

*Air Quality:* Notwithstanding the effectiveness of any mitigation there is likely to be a detrimental impact on air quality within an existing AQMA contrary to policy 7.14 of the London Plan; this should be considered in light of the cumulative impacts of recent development. However, in the event that permission is granted mitigation in the form of electric vehicle charging points additional to those required by the London Plan are required and conditions are recommended accordingly.

*Noise:* The acoustic assessment finds high levels of noise for the properties fronting South Eden Park Road and further calculation is required in respect of acoustic glazing; blocks A and B are single aspect which will provide poor amenity for future residents as they will be unable to open windows due to noise; only relying on the application of acoustic design principles is not considered satisfactory on an undeveloped site such as this, and the layout should be designed to minimise adverse noise impact. Objections are therefore raised on noise grounds.

*Contamination:* No phase 1 assessment has been submitted which is unacceptable, particularly as the site involves sensitive receptors with gardens and the site is on/close to known potentially contaminated sites.

*Lighting:* Condition recommended requiring a scheme of lighting to be submitted.

The Council's Housing Enforcement Team:

The applicant is advised to have regard to the Housing Act 1985 statutory space standards contained within Part X of the Act and the Housing Act 2004 housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Transport for London (TfL):

The number of parking spaces does not accord with London Plan policy and they suggest a reduction in the level of parking particularly for the 1 and 2 bed units with disabled parking inclusive in this total rate at 10%. In addition the 4 bed houses should be reduced from four spaces to a suggested two spaces per unit; electric vehicle charging points should be provided in accordance with the London Plan standards; welcome the level of long-stay cycle parking proposed, 3 additional



visitor parking spaces should also be provided; the applicant should clarify the routes to the ground floor cycle store - recommend a dedicated lift or a cycle lane on the car park ramp; TfL consider that the development can be accommodated on the public transport network; a Construction Logistics Plan and Delivery and Servicing Plan and a Travel Plan should be secured by condition.

Natural England:

Did not comment on the application and considers that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. However, they advise the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

The Metropolitan Police Designing out Crime Advisor:

There is no mention of any proposed security measures however the applicant should be encouraged to achieve the standards of Secured by Design and a Secured by Design condition is recommended particularly in relation to external design and layout.

Thames Water:

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, the following 'Grampian Style' condition is recommended in relation to any on or off-site drainage works.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.

Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

The surface water drainage strategy for this development should follow policy 5.13 of the London Plan. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (UDP):

BE1 Design of New Development  
BE4 Public Realm  
BE6 Environmental Improvements  
BE7 Railings, Boundary Walls and Other Means of Enclosure  
BE13 Development Adjacent to a Conservation Area  
BE16 Ancient monuments and archaeology  
ER7 Contaminated Land  
ER10 Light Pollution

G8 Urban Open Space  
H1 Housing Supply  
H2 and H3 Affordable Housing  
H7 Housing Density and Design  
H9 Side Space  
NE2 Development and Nature Conservation sites  
NE3 Nature Conservation and Development  
NE5 Protected Species  
NE7 Development and Trees  
NE9 Hedgerows and Development  
NE13 Green Corridors  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T3 Parking  
T6 Pedestrians  
T7 Cyclists  
T8 Other Road Users  
T9 and T10 Public Transport  
T11 New Accesses  
T12 Residential Roads  
T14 Unadopted highways  
T15 Traffic Management  
T16 Traffic Management and Sensitive Environments  
T17 Servicing of premises  
T18 Road safety

Affordable Housing Supplementary Planning Document (SPD)  
Planning Obligations Supplementary Planning Document (SPD)

Supplementary Planning Guidance 1: General Design Principles  
Supplementary Planning Guidance 2: Residential Design Guidance

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that an updated Local Development Scheme will be submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, indicating the submission of the draft Local Plan to the Secretary of State in the early part of 2017. The weight attached to the draft policies increases as the Local Plan process advances.

The most relevant draft Local Plan policies include:

5.1 Housing Supply  
5.3 Housing Design  
5.4 Provision of Affordable Housing  
7.1 Parking  
8.1 General Design of Development  
8.3 Development and Nature Conservation Sites  
8.4 Wildlife Features

8.6 Protected Species  
8.7 Development and Trees  
8.9 Hedgerows and Development  
8.12 Green Corridors  
8.20 Urban Open Space  
8.37 Development Adjacent to a Conservation Area  
11.1 Delivery and implementation of the Local Plan

In strategic terms, the application falls to be determined in accordance with the following policies of the London Plan (March 2015):

3.3 Increasing housing supply  
3.4 Optimising housing potential  
3.5 Quality and design of housing developments  
3.6 Children and young people's play and informal recreation  
3.7 Large residential developments  
3.8 Housing choice  
3.9 Mixed and balanced communities  
3.10 Definition of affordable housing  
3.11 Affordable housing targets  
3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
3.13 Affordable housing thresholds  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.7 Renewable energy  
5.9 Overheating and cooling  
5.10 Urban greening  
5.11 Green Roofs and Development Site Environs  
5.12 Flood risk assessment  
5.13 Sustainable Drainage  
5.14 Water quality and wastewater infrastructure  
5.15 Water use and supplies  
5.21 Contaminated land  
6.3 Assessing effects of development on transport capacity  
6.9 Cycling  
6.10 Walking  
6.13 Parking  
7.1 Lifetime neighbourhoods  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.5 Public Realm  
7.6 Architecture  
7.8 Heritage assets and archaeology  
7.13 Safety, security and resilience to emergency  
7.14 Improving Air Quality  
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
7.19 Biodiversity and access to nature

- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 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 SPGs are:

- Housing (March 2016)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Providing for Children and Young People's Play and Informal Recreation (2012)

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account. The most relevant paragraphs of the NPPF include:

- 14: achieving sustainable development
- 17: principles of planning
- 47-50: housing supply
- 56 to 66: design of development
- 79, 80, 87-89: Green Belt
- 109 -111, 118, 120 - 121, 121: nature conservation and biodiversity
- 128 -137: heritage assets

## **Planning History**

There is an extensive planning history relating to the wider former Glaxo Wellcome site. The most relevant is as follows:

97/02062/OUTMAJ: Planning permission granted for redevelopment of part of the site for B1 business use and residential purposes with continued use of remainder of site for purposes and as open land, with part of the open space at south of the site being available for public use) new access arrangements and on-site car parking; remedial works to The Dell area involving excavation of previously tipped material and subsequent backfilling with inert material (Part Outline);

12/00976/OUT: Permission subject to legal agreement for Demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to

1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports club/ library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/ occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FUL PART OUTLINE;

14/04538/RECON: At the time of writing an application is under consideration for a Minor-material Amendment to DC/12/00976/OUT in order to allow:-

- Amendments to the parameter plans listed in Condition 2 to enable removal of open watercourse and perimeter ditch to reflect the updated drainage strategy
- Amendments to the parameter plans listed in Condition 2 to enable removal of additional trees
- Variation of Condition 16 to reflect the updated drainage strategy;

Recently under ref.16/01330/FULL1 planning permission was granted for a crescent of 7 three storey townhouses plus accommodation in roof with basement car parking at the site to the north of North Drive.

## **Assessment**

The NPPF, at paragraph 14, sets out a presumption in favour of sustainable development and states that for decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Footnote 9 of the NPPF sets out examples of policies which this may apply to, including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

## **Housing Supply**

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

A recent appeal decision indicated that the Council does not have an adequate five year Housing Land Supply. The potential absence of a five year housing land

supply means in brief that under the NPPF paragraph 49 the Council should regard relevant development plan policies affecting the supply of housing as 'out of date'. This does not mean that 'out of date' policies should be given no weight or any specific amount of weight. In this case the following sections of the assessment of this application will be given appropriate weight in the consideration of the scheme.

### Urban Open Space

The application site is designated as Urban Open Space (UOS) in the 2006 UDP and Policy G8 is therefore relevant to the determination of this application. Policy G8 states that in areas of UOS development will only be permitted if:

- i) it is related to the existing use (neither residential nor indoor sports development will normally be regarded as being related to the existing use); or
- ii) it is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- iii) any replacement buildings do not exceed the site coverage of the existing development on the site.

Policy G8 further states that any benefits of the development to the community such as new recreational or employment benefits will be weighed against the proposed loss of open space.

In all cases the scale, siting and size of the proposal should not unduly impair the open nature of the site.

With regard to the application proposal, the development of this site for residential is contrary to policy G8 of the UDP, the primary purpose of which is to protect the open character of these smaller open spaces.

An assessment of the site was carried out by the Council and included within the Site Assessment 2015: Housing and Mixed Use (September 2015) to assist in its preparation of the Local Plan. The application site was assessed as a potential site for housing and mixed use however it was not subsequently recommended due to its Urban Open Space designation. This demonstrates the Council's intentions in respect of the designation of this site going forward. The site continues to be designated as Urban Open Space in the draft Local Plan. This designation is not solely to protect publicly accessible open spaces (many of the designated sites are not accessible by the public) but open space that forms part of the character of an area.

Notwithstanding the above, the applicant considers that, as there has been no subsequent open space assessment in the terms contemplated by paragraph 73 and 74 of the NPPF, since the UDP was adopted, then policy G8 of the UDP is not based on a robust and up to date assessment of the needs for open space in the area and is therefore inconsistent with the NPPF. They submit therefore that it should only be afforded limited weight.

The Government, in chapter 8 of the NPPF, sets out its aspirations for promoting healthy communities through the planning system. Paragraph 73 recognises the important contribution which "access to high quality open spaces and opportunities for sport and recreation... can make to the health and well-being of communities"

and says that "planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision".

Paragraph 74 stipulates that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The overriding theme of these paragraphs is the various benefits that an area of open space can have on the health and well-being of a community. In the same vein, the subsequent paragraphs of chapter 8 go on to talk about Local Green Space designation which, it advises, should be used only where a site is close to and demonstrably special to the community it serves, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.

In this respect, it is considered that the applicant has placed an incorrect emphasis on paragraphs 73 and 74 of the NPPF and by doing so has come to the conclusion that because there is no public access to the site and it is not within an area of open space deficiency, that it does not contribute any open space or serve any visual functions and is therefore surplus to requirements. This view is not shared by Officers. The Council acknowledged in their recent site evaluation that there is no public access to the site. Indeed, the accompanying wording to policy G8 even acknowledges that in relation to site's designated as Urban Open Space that "Not all of them have public access, but they nevertheless fulfil specific functions within their localities and... In doing so they make a significant contribution to the residential environment". One of the important functions of Urban Open Space which the applicant has failed to address is to "provide important breaks within the built-up area" (Paragraph 8.33, UDP).

The application site comprises scrubland and trees and there are a number of green corridors and habitat linkages around the site as well as the confirmed presence of protected species including Badgers. Green spaces, or Green Infrastructure, in urban areas perform a number of vital functions which the London Plan (2015) recognises at policy 2.18. Green Infrastructure is an overarching term for a number of discrete elements (parks, street trees, green roofs, etc) that go to make up a functional network of green spaces and green features. The benefits of such infrastructure include but are not limited to: making a positive contribution to climate change; improving air quality; contributing to sustainable urban drainage systems; and protecting and enhancing biodiversity. Furthermore, the presence of a protected species is a material consideration when considering development proposals.

Furthermore, the site lies within an Air Quality Management Area (AQMA) where increased exposure to existing poor air quality should be minimised by avoiding introduction of potentially new sensitive receptors in such locations: particular attention should be paid to development proposals such as housing in this respect (para.7.51, London Plan).

As set out above, in all cases the scale, siting and size of the proposal should not unduly impair the open nature of the site. The concept of 'openness' refers to the absence of building; it is land that is not built on. By contrast, the visual impact is a further assessment. This relates to factors such as the aesthetic quality of the proposal and its prominence in the landscape. The visual impact will be assessed in the 'design' section of the report. The application site is mostly greenfield, screened by walls and boundary vegetation, including mature trees and is bounded by roads (South Eden Park Road & Bucknall Way), residential development and rear gardens. This break in the built-up area which the site currently provides is considered particularly pertinent given the large residential development which has been permitted immediately to the south of the site.

Having regard to the above, it is considered that the application site serves an important break in the built up environment and the development in the manner proposed would significantly impair the open nature of the site.

To summarise, the Urban Open Space designation of this site is still considered relevant in that the site makes a positive contribution to the local area and surrounding residential environment and contributes significantly to the strategic objectives of the London Plan. The development, if permitted, would potentially impact on the Council's ability to protect the open character of similar smaller open spaces and would undermine the strategic plan for London as a whole.

However, it is acknowledged that at the time of writing that it is possible that the Council does not have an adequate five year housing land supply and should therefore regard relevant development plan policies affecting the supply of housing as 'out of date' and the amount of weight given to policy G8 should be reduced accordingly. However, as set out above, development should not be permitted if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

The other issues to be considered in respect of the current proposal are:

- Design
- Density
- Impact on Heritage Assets adjoining the site
- Housing Issues
- Planning obligations.
- Impact on neighbouring amenity
- Highways impacts
- Pollution and contamination
- Impact on trees and ecology
- Sustainable Energy
- Drainage
- Archaeology.



These matters are addressed in the following sections of the report.

## Design

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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 (Para's 56-57, NPPF).

Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; 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; respond to local character, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; and ensure that development are visually attractive as a result of good architecture and appropriate landscaping (Para.58, NPPF).

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.

The London Plan at policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people's access to social and community infrastructure (including green spaces). Development should enable people to live healthy, active lives, maximise the opportunities for community diversion, inclusion and cohesion and the design of new buildings and spaces should help reinforce the character, legibility, permeability and accessibility of the neighbourhood. Furthermore, buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass and contributes to a positive relationship between the urban structure and natural landscape features (policy 7.4, London Plan).

Consistent with this policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP) requires new developments to be imaginative and attractive to look at; complement the scale, form, layout and materials of adjacent buildings and areas; development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features; the space about buildings should provide opportunities to create attractive settings and security and crime prevention measures should be included in the design and layout of buildings and public areas. The emerging Draft Local Plan takes a similar stance.

Whilst a quantitative assessment could be made using a numerical calculation of density, it is also important to consider the qualitative feel of the development in terms of its character and appearance, relationship to the established characteristics of the area and resultant relationship to existing development. Policy H9 requires developments to maintain a minimum of 1m separation distance from the boundaries. However, this is a minimum and in areas characterised by greater separation distances a more generous spacing should be achieved.

The character of development in the surrounding area comprises large detached and semi-detached houses fronting South Eden Park Road, large detached houses on spacious plots to the east in Wickham Way and beyond into the wider Conservation Area. Development to the south in the Langley Park and Langley Waterside estates varies in its form and mix of types of residential accommodation.

Whilst access and layout are the only matters to be considered for this application, it is necessary to consider how a scheme for the number of units proposed would be accommodated on this site. While the principle of flatted development in this location would not be unacceptable in principle in character terms, the proposed apartment blocks, particularly those fronting South Eden Park Road, would be substantial in width and bulk with little separation between one another or to site boundaries. This relationship would give the appearance of an unrelieved and almost continuous frontage along this part of South Eden Park Road. The relationship of blocks B and D also results in an unsatisfactory juxtaposition which is unlikely to result in a satisfactory outlook for occupiers of the development. The rear garden depths proposed for the terraced dwellings are also less than 8m in some plots which would be inconsistent with the spatial qualities of the surrounding area where plots sizes are generally larger with more spacious gardens.

Overall, Officers are concerned with the amount of development proposed due to the level of site coverage when combining buildings with car parking and hard surfacing required to serve the development, which would result in a cramped over-development of the site. The reliance on basement car parking is a further indication that the amount of site coverage proposed is excessive. The resulting development would be at odds with and detrimental to, the important characteristics of the area. Given the restricted site area, it is considered that the proposed number of units could not be accommodated in a manner that wouldn't have this harmful impact.

While the applicant accepts that there will be some visual effects from the development they consider that as the site performs no significant visual function, being incidental to main views, this change in perception is not significant (Para.8.4, Landscape Appraisal). On the contrary, the proximity of the proposed apartment blocks to South Eden Park Road (around 5.5m at the narrowest point) would result in a significant visual impact on the street scene. Furthermore, the terraced housing which backs onto Bucknall Way at an indicative height of four storeys plus basement would prejudice existing open views of the site from Bucknall Way and would have no relationship with the street. The fact that the applicant proposes to screen buildings through the use of trees and landscaping is further indicative of the significant visual impact which would occur.

Although scale is a reserved matter, the impact of the development on any views of local importance would appear to be a potential issue as it is difficult to see how the proposed development could be accommodated without such an impact given the number of units proposed.

While it is noted that appearance and scale are reserved matters, the layout of the development is fixed at this stage and the form of development which the proposed buildings would need to take in order to accommodate the amount of development which is proposed would be substantial in scale and mass and at odds with and detrimental to the existing characteristics of existing buildings and areas. The extensive basement which is proposed to serve the parking requirements of the development is an indication of the cramped nature of the proposal.

The applicant has cited the recent planning approval for a three/four storey development of terraced houses at the adjacent site to the north of North Drive (North Lodge/Jacanda Lodge) (ref.16/01330). While this does result in a more dense form of development into that particular site than the 2 detached dwellings which currently exist, there are concerns that the form of development which is proposed at the application site would fail to respond well to the wider character or reflect the identity of local surroundings.

The applicant also refers to the apartment buildings which form part of outline permission ref.12/00976 at land to the south of the Bucknall Way/South Eden Park Road roundabout and has provided an indicative street scene elevation comparing the heights of the proposed apartment blocks with those indicated in the outline permission. However, this application was in outline form with all matters reserved. Therefore scale, height and appearance have yet to be agreed.

Although only indicative at this stage, the application documents depict traditional architecture for the buildings with mansard roofs and the use of traditional materials for the external surfaces. If the application were to be considered acceptable overall, at the detailed stage a high quality design and materials would need to be secured including the use of green roofs and wall planting in order to help mitigate the impact of the development on air quality and climate change. Furthermore, the affordability of different elements of the scheme should not immediately be apparent from the siting, design and layout (policy H2, UDP). A well-designed setting with hard and soft landscaping and the provision of green infrastructure integral to the development would also need to be secured.

Overall, Officers are concerned with the amount of development proposed, the layout and form of which would result in a cramped over-development of the site, out of character with the spatial characteristics and layout of surrounding buildings and areas.

### 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).

This site is considered to be in a 'suburban' setting and has a PTAL rating of 2. The London Plan gives an indicative density range of 40-80 units/ha and 150-250 habitable rooms/ha (dependent on the unit size mix). UDP Policy H7 also includes a density/location matrix which supports a density of 50-80 units/ha and 200-250 habitable rooms/ha for locations such as this provided the site is well designed, providing a high quality living environment for future occupier's whilst respecting the spatial characteristics of the surrounding area.

Taking into account the accommodation schedule submitted, the density calculations for the proposed development are approximately 72.9 units/ha and 226.3 habitable rooms/ha which appears to meet indicative density guidelines in both the London Plan and the UDP. However, when taking into account the proposed floor areas for the 2 and 3 bedroom flats and the 4 bedroom houses the majority of the units significantly exceed the Technical housing standards - nationally described space standards (March 2015). For example the accommodation schedule shows a 2 bedroom flat with a floor area of 189sqm. The minimum gross internal floor area (GIA) for a 2 bedroom 4 person flat set out in the technical housing standards is only 70 sqm (79 for a two storey dwelling). Some of the 4 bedroom houses are shown to have a GIA of 464.7sqm. The technical housing standards indicate that a 6 bedroom 8 person dwelling of three storeys would only need to be a minimum of 138 sqm to meet the minimum standards.

As discussed above, development plan policies related to density are intended to optimise not maximise development and as discussed above a numerical calculation of density is only one consideration, however, given the excessive units sizes proposed, in this instance the density calculations are misrepresentative and it is also necessary to consider the quality of the development in relation to the surrounding context. As discussed above, the amount of development proposed,

based on the footprint and layout of development and the separation between buildings and to site boundaries would amount to a cramped overdevelopment of this site.

#### Impact on Heritage Assets adjoining the site

When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states, at paragraph 132, that "great weight should be given to the asset's conservation.... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...Substantial harm to or loss of a grade II listed building, park or garden should be exceptional". Furthermore, "Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably" (Para.137).

The eastern side of the site is bordered by the Park Langley Conservation Area and policy BE13 of the UDP would therefore apply. This requires development adjacent to a Conservation Area to preserve or enhance its setting and not detract from views into or out of it. The impact of the development on the setting of the nearby Chinese Garage listed building is also a material consideration in respect of this proposal.

The adjacent properties on the western side of Wickham Way have very long gardens and the proposed buildings would be, for the most part, in excess of 70 metres from the rear elevations of these house. There is also a substantial amount of screening both within the gardens of the houses and in the form of trees show as retained on the site. On balance it is considered that there would be sufficient separation between existing houses in the Conservation Area and proposed buildings so as to avoid any sense of over bearing. Furthermore, there are no significant views into or out of the Conservation Area from across the site which would be unduly impacted.

Furthermore, the separation between the application site and the listed building would be adequate to preserve its setting. Overall, the development is considered acceptable in principle, from a heritage perspective. However, further consideration will need to be given to the scale of the proposed development in relation to designated Heritage assets at the appropriate stage of the planning process.

#### Planning Obligations

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

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

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

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

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

If this application were to be considered acceptable in all other respects it would be necessary to secure financial contributions towards health and education in order to offset the impact of the development upon local infrastructure. Therefore a legally binding planning obligation would be required to secure the above contributions plus the provision of the affordable housing.

The scheme would also be subject to Mayoral CIL.

#### Impact on Neighbouring Amenities

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

As discussed above, the proposed development would be visible from existing adjacent properties in the Park Langley Conservation Area, from properties to the west in South Eden Park Road and from properties to the south in Bucknall Way. Views from existing properties to the north of the site (Jacanda Lodge and North Lodge) would also be perceptibly altered by the development. While the open views across this currently undeveloped site would be significantly altered by the development, it is not anticipated that the proposals would give rise to any significant loss of amenity to neighbouring properties given the separation distances proposed between existing and proposed buildings which is unlikely to result in any undue overlooking or loss of privacy at neighbouring sites. The existing planning permission for the terraced houses to the north of the site is also unlikely to be unduly impacted by this proposal.

Concerns have also been raised from local residents regarding highways impacts and the pressure that the development would put on local services and infrastructure. The highways impacts of the proposal are discussed below. As set

out above, the Developer would be liable to pay contributions towards local health and education infrastructure to offset the impact of the development if it were considered acceptable overall. These would be considered necessary to make the development acceptable in planning terms.

### Housing Issues

#### *Unit type/size:*

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The site's size and location in a suburban setting with good access to open space make it suitable for the provision of family housing and the proposed mix of 1, 2 and 3 bedroom flats and 4 bedroom houses are considered acceptable in this respect.

#### *Affordable Housing:*

Affordable housing will be sought on sites capable of providing 11 dwellings or more, a site area of 0.4ha or on sites providing over 1000 square metres of residential floorspace. The London Plan, at policy 3.8, states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites.

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing (on a habitable room basis) to be provided with policy 3.11 of the London Plan requiring 60% affordable rented and 40% intermediate provision. A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision.

The applicant has committed, in principle, to providing at least 35% affordable housing however the precise tenure split has yet to be determined. If this application were to be considered acceptable in all other respects, it would be necessary to secure a policy compliant split of affordable housing on the site through the prior completion of a legal agreement.

#### *Standard of living accommodation:*

Although this is an outline application with the final designs to be determined at the appropriate stage, development plan policy, including policies BE1 and H7 of the UDP require that proposals for residential development provide a satisfactory form of living accommodation to serve the needs of the particular occupants and provide adequate private or communal amenity spaces.

Policy 3.5 of the London Plan, which was amended by the Minor Alterations in 2016, sets out the Mayor's aspirations for the quality and design of housing developments. The Housing SPG sets out further guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. New housing should promote and enhance the quality and character of local places and should meet the needs of all Londoners at different stages of life, particularly those of children and older people. Housing should be designed so that people can use it safely, easily and with dignity regardless of their age, disability, gender or ethnicity. It should meet inclusive design principles by being responsive, flexible, convenient, accommodating, and welcoming (para.2.1.4).

The 2016 Minor Alterations to the Plan adopted the nationally described space standard. This standard is set by Government and clearly set out in the Technical housing standards -nationally described space standard document (March 2015). The standards apply to all tenures. As set out above, the majority of proposed units would significantly exceed the nationally described space standards.

The 2016 London Plan makes clear 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. The Housing SPG advises that affordable dwellings (where the Council has nomination rights) should be provided as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion). Affordable wheelchair units will additionally be required to comply with South East London Housing Partnership (SELHP) standards.

The applicant has committed in principle to provide 10% wheelchair accessible dwellings. The relevant category of Building Regulation would need to be secured through planning condition should this development be considered acceptable overall.

National Planning Practise Guidance (NPPG) advises that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When taking decisions about new development, Local planning authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved (Para.003, NPPG).



Policy 7.15 of the London Plan states that development proposals should seek to manage noise by mitigating and minimising potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development. At the same time development proposals should improve and enhance the acoustic environment and promote appropriate soundscapes (including quiet areas); separate noise sensitive development from major sources (such as road, rail, etc) through the use of distance, screening or internal layout - in preference to sole reliance on sound insulation; and where it is not possible to achieve separation of noise sensitive development and undue noise sources, without impacting other sustainability objectives, then any potential impact should be mitigated through the application of good acoustic design principles.

Furthermore, the London Plan Housing SPG says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.

The proposed layout for Blocks A and B indicates single aspect dwellings facing South Eden Park Road (North West). The acoustic assessment finds high noise levels for these properties and proposes a whole-building MVHR ventilation system for the affected dwellings. Even with appropriate glazing and ventilation these dwellings will provide very poor amenity for residents as they will be unable to open any windows without an unacceptable impact from noise.

The applicant considers that the proposed noise mitigation measures along with the central "quiet" amenity space would result in a satisfactory noise environment for future residents and cite a recent appeal decision for the refusal of the change of use of an existing car parking area to 12 residential units by Crawley Borough Council. In that case the appeal concluded that the noise mitigation measures, which are similar to those here proposed, would result in an acceptable living environment for future occupiers. However, it is important to recognise that this appeal decision relates to the conversion/extension of an existing building whereas this application is for the development of an empty greenfield site. As such the same constraints do not exist and policy requires that noise reduction principles are incorporated into the design of development early on.

Furthermore, the cramped relationship and 4m (approx.) separation which is proposed between Block B and the terraced housing (Block D) would result in a poor outlook, unacceptable visual impact and significant overshadowing for these units. Given the number of units proposed, it is considered that this issue is likely to arise whatever the finished design of the development as a result of the overdevelopment of the site, and therefore this is raised as an issue at outline stage.

As it stands, the development, as proposed, would fail to provide a satisfactory form of living accommodation for future occupiers and is another indication that the layout, as proposed, would amount to an overdevelopment of this site.

### *Amenity Space:*

All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony.

The proposed apartments would have a mixture of private space in the form of balconies as well as access to the communal gardens. The central 'square' would be landscaped space for use by all residents. The nine town houses would have individual rear gardens. While the proposal appears, in principle, to provide the required level of amenity space, the exact design and positioning of the proposed balconies would need to be agreed at the detailed matters stage.

For all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) suitable play space should be provided as part of the development scheme. The development appears, in principle, to be capable of play space as part of the proposal, however, at the detailed application stage the onus would be on the applicant to demonstrate how the application will meet London Plan requirements in terms of Children's play space.

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. 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; and improvements can be undertaken within the transport network that cost effectively limits 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 (Para.32).

Plans and decisions should also ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised while at the same time taking into account policies set out elsewhere in the Framework. Therefore developments should be located and designed to, among other things: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport (Paras.34-35, NPPF).

London Plan and UDP Policies also encourage sustainable transport modes whilst recognising the need for appropriate parking provision.

In accordance with paragraph 39 of the NPPF, if setting local parking standards for residential development, local planning authorities should take into account the accessibility of the development, its accessibility in relation to public transport, the type, mix and use of development, local car ownership levels and the overall need to reduce the use of high-emission vehicles. Car parking standards within the UDP and the London Plan should therefore be used as a basis for assessment.

Applying the London Plan Maximum standards to the development would give a total of 117 parking spaces. Appendix II of the UDP gives a maximum requirement of 158 parking spaces for a development of this number of flats and terraced houses.

In this instance, the applicant is proposing a total of 217 parking spaces, including:

- 4 spaces per four bedroom house within a garage;
- 173 spaces located within the basement for the 96 flats;
- plus 8 disabled parking spaces;
- additional surface level parking spaces for visitors.

The applicant states that this provision is appropriate taking account of policy guidance and the location of the development site to ensure that parking does not overflow onto the surrounding roads. However, while the low-medium PTAL rating of 2 of this site is acknowledged, the level of car parking proposed represents a significant over-provision when taking into account London Plan and UDP standards and the proximity of the site to local facilities and bus stops.

While the minor alterations do state at paragraph 6.42j that "In outer London a more flexible approach for applications may also be acceptable in some limited parts of areas within PTAL 2, in locations where the orientation or levels of public transport mean that a development is particularly dependent on car travel", the applicant acknowledges in their Transport Statement that the site is within "an acceptable walk distance to a range of everyday facilities, actively encouraging future residents to travel sustainably as opposed to being reliant upon a private car" (Para 3.31, Transport Statement).

The proposal would therefore fail to contribute to the above objectives, undermining more sustainable transport modes and leading to further deterioration of air quality. While the imposition of conditions requiring a higher than normal level of parking spaces for electric vehicles to be provided as part of the development could help minimise the air quality impacts of the development, the fact that these measures would be necessary to make the development acceptable, along with the issues discussed in the preceding sections all amount to this proposal being an over-development of the site.

Given the amount of traffic which it is anticipated the development would generate, the applicant was required to provide a junction capacity analysis in order to predict the potential impact on the junction of North Drive with South Eden Park Road. The Council's Highways Engineer has confirmed that this is required at

outline application stage in order to establish if whether or not the principle of the development is acceptable from a highways view. The applicant has provided a junction capacity analysis however part of it was carried out during the school half term holiday. While this is not usually considered good practise, in this instance the survey shows that even on the term time day surveyed the Reserve Flow Capacity is low at this junction and an increase in the traffic flow as a result of the development would not have a significant impact on South Eden Park Road.

Cycle storage serving the proposed flats is provided within the basement and the houses will all benefit from a private garage. Subject to conditions to ensure a policy compliant level of cycle parking is provided using an appropriate type of stand, the proposals is considered acceptable from a cycling perspective. Refuse and recycling conditions would also be appropriate should the application be considered acceptable overall.

### Pollution and Contamination

The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (Para.109, NPPF).

The application site is located within an Air Quality Management Area where London Plan policy 7.14 requires developments to be air quality neutral and not lead to further deterioration of existing poor air quality.

As set out above, given the high level of car usage associated with the development, the proposal is likely to lead to further deterioration of air quality, particularly in light of the cumulative impact of other recent developments, e.g. the Glaxo site to the south, North Lodge/Jacanda Lodge. However, should the application be considered acceptable overall the imposition of conditions requiring a higher than policy requirement level of electric vehicle car parking spaces to be provided as part of the development.

The development involves sensitive receptors such as residential gardens and amenity areas and given the site's proximity to known potentially contaminated sites it would be appropriate to attach a contamination condition to any subsequent grant of planning permission.

### Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing nets gains in biodiversity where possible (Para 109, NPPF).

Policy NE7 of the UDP requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which, in the interests of

visual amenity and/or wildlife habitat, are considered desirable to be retained. Policy NE9 seeks the retention of existing hedgerows and replacement planting; where appropriate, recognising the important role they can play in softening and screening new development.

Policy NE2 of the UDP will only allow development proposals which may significantly affect a Site of Interest for Nature Conservation (SINC) to be permitted where the benefits of the development demonstrably outweigh the interest or value of the site or where harm can be mitigated through conditions or planning obligations. Policy NE5 prohibits development which would have an adverse effect on protected species. The presence of protected species is a material planning consideration.

The application was accompanied by an arboricultural report which confirms that the most significant trees impacted as a result of the application are the horse chestnut trees (T21-T26) situated along the western boundary. These trees are subject to group Tree Preservation Order (TPO) 1881 that was made in November 2001. The application proposes the loss of T25 due its positioning in respect of a proposed basement and the general lack of retention span if the tree. The tree is categorised C on the survey, suggesting a limited to moderate contribution. Officers concur with the findings of the report and consider that replacement tree planting with a like for like species could mitigate for the loss of this tree. A number of trees on the site were found likely to provide some opportunity for foraging and roosting bats including the trees lining the edges of the site, in particular the eastern edge along North Drive and the ecological report recommends the retention of the far eastern and southern tree lines along the site boundaries which the plans submitted indicate are to be retained as part of the scheme.

The ecological appraisal and species surveys report make a number of recommendation in respect of protected species including retention of existing 'green corridors' and other measures as well as further survey work, particularly to determine the extent of the Badger sett.

If this application were to be considered acceptable overall it would be appropriate to attach tree and ecology conditions to any subsequent grant of planning permission. Landscaping would also be a material consideration which would need to be assessed at the appropriate stage.

### Sustainable Energy

London Plan Policies 5.1 - 5.7 refer to energy requirements to achieve climate change mitigation including reduction in carbon emissions and renewable energy. The applicant has submitted a Sustainable Energy report setting out a range of options which they consider would meet policy requirements for the development to provide a 35% reduction in carbon emissions above that of the 2013 Building Regulations. If the application were to be considered acceptable overall, a condition requiring the submission of a further energy assessment would be appropriate to ensure the detailed designs can meet the policy aspirations.

## Drainage

Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13. The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS.

The proposals to provide underground storage, permeable paving, two small ponds and swales to restrict surface water run-off are acceptable in principle. The use of green roof and wall plating should also be factored into the detailed designs of the buildings. Drainage conditions are recommended should the development be considered acceptable overall.

## Archaeology

The site over 1ha in area and includes undisturbed ground. Should the application be acceptable in all other respects, it would therefore be appropriate to attach conditions requiring the submission of a desk-top archaeological assessment.

## Environmental Impact Assessment

As part of an application process it may necessary for the Council to give a screening opinion as to whether an Environmental Impact Assessment is required.

The relevant regulations are Directive 2011/92/EU of the European Parliament and the Town & Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 (the Regulations). Guidance on procedures under the Regulations is set out within the Planning Practice Guidance (April 2015).

The Regulations identify two types of development projects: Schedule 1 developments, for which an EIA is mandatory, and Schedule 2 developments, for which EIA may be required.

The proposal is for a residential development of 105 dwellings on a site of 1.44 hectares and is therefore below the thresholds in column 2 of the table in Schedule 2 of the 2015 regulations and further screening or Environmental Impact Assessment is unlikely to be required. Furthermore, the site is not in a sensitive area as defined by The Regulations.

## **Conclusions**

The preceding sections in this report have assessed the development proposed in accordance with the relevant policies of the development plan including the Council's Urban Open Space designation of the site and the qualitative as well as the quantitative merits of the design of the proposal in the context of the surrounding area.

It is found that the development would impair the intended function of this area of Urban Open Space as a break in the built-up area and would irrevocably harm the openness of the site. While the weight which can be given to these impacts is reduced due to the policies of the UDP being outdated in terms of their relevance to the supply of housing, there are also concerns in respect of the amount of development proposed, its consequent design, the relationship of the development with its surroundings and the sustainability of the development in terms of the level of car parking proposed and the impact on air quality. There are also concerns over the ability of the development to provide an acceptable standard of living occupation for future occupants. These are major factors weighing against the proposal.

Having regard to the above, even if the policies for the supply of housing in the UDP are considered out of date, the harm as a result of the proposal significantly and demonstrably outweighs the benefits in favour of the proposal when assessed against the policies of the Framework as a whole. The negative impacts of the development are therefore of sufficient weight to refuse the application even having regard to the presumption in favour of sustainable development to increase housing supply.

Background papers referred to during production of this report comprise all correspondence on the file refs 16/02613/OUT set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 27.06.2016 30.06.2016 11.07.2016  
10.08.2016 11.08.2016 06.09.2016 09.11.2016**

#### **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The site is designated Urban Open Space in the Unitary Development Plan and Draft Local Plan and its development for residential purposes would be contrary to Policy G8 wherein there is a presumption against such development leading to the loss of open land that serves an important function in the locality and provides a break in the built up area.**
- 2 The development, as proposed, would result in a cramped overdevelopment of the site, out of character with and harmful to the visual amenities of the area and would fail to provide a satisfactory form of living accommodation for future occupiers contrary to Policies BE1 and H7 of the Unitary Development Plan and policies 7.4 and 7.15 of the London Plan.**

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Report No  
DRR16/086

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Thursday 24 November 2016

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** LB BROMLEY FIVE YEAR HOUSING LAND SUPPLY PAPER  
NOV 2016

**Contact Officer:** Claire Glavin, Planner  
Tel: 0208 313 4477    E-mail: Claire.Glavin@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

The National Planning Policy Framework (NPPF, March 2012) specifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. This report sets out the five year housing supply position for the Council from 1st April 2016 – 31st March 2021. It concludes that there is a suitable five year housing supply in the Borough.

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2. **RECOMMENDATION(S)**

**Members agree the five year housing supply position 01/04/16-31/03/21 as set out in Appendix 1 of this report.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
- 

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment:
- 

### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning Division Budget (Excl. Building Control, Land Charges & Renewal)
  4. Total current budget for this head: £1.325m
  5. Source of funding: Existing controllable revenue budget for 2016/17
- 

### Personnel

1. Number of staff (current and additional): 60.22ftes
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications: No implications
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents in the Borough as well as those making planning applications for development in the Borough.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Background

- 3.1 All London boroughs contributed to a comprehensive and robust pan-London assessment of housing capacity (London Housing Capacity Study (LHCS) 2004-05). This resulted in an annual housing provision target for the Borough of 485 units for a 10 year period (2007/08-2016/17) and was set out in the 2008 London Plan. Prior to this an annual target of 572 units applied to the Borough over a twenty year period (1997/98-2016/17). Reference to these figures is made in Policy H1 Housing Supply within the adopted Unitary Development Plan (UDP, 2006). A 10 year plan period (2011/12-2020/21) applied to all London Boroughs for the purposes of monitoring housing supply in the 2011 London Plan.
- 3.2 The GLA advised in January 2011 that targets prior to the 2008 London Plan (the adopted London Plan at the time) would not accrue and therefore the most relevant plan period was for ten years as opposed to the previous twenty year period referred to in the UDP.
- 3.3 The Council contributed to the London-wide SHLAA / Housing Capacity Study (SHLAA, 2009). As a result of the Assessment an annual housing monitoring target of 500 units was allocated to the Borough in the 2011 London Plan for the plan period 2011/12 – 2020/21. The Council also contributed to the GLA's SHLAA 2013 which assigned an annual housing monitoring target of 641 units to the Borough and has been adopted through the 2015 London Plan (consolidated with alterations since 2011). The 2013 SHLAA shows that the basis for the increased target from 500 to 641 per annum for Bromley is comprised of small sites.
- 3.4 The 2009 SHLAA attributed a small site capacity of 195 units out of an overall target of 500 units for the Borough. This figure increased to 352 units out of an overall target of 641 units within the 2013 SHLAA resulting in a 157 increase in small site capacity, based on historic delivery rates by comparison with an overall increase in the target of 141.
- 3.5 The five year housing supply period covers 01/04/16-31/03/21. Appendix 1 of this report updates the five year housing supply paper agreed by DC Committee in June 2015.

#### National Planning Policy Framework (March 2012) (NPPF)

- 3.6 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 3.7 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 3.8 In the event that the supply is not demonstrated then an Inspector may take this into account when assessing appeals against the refusal of planning permission for residential development.
- 3.9 The housing supply position for Local Planning Authorities should be monitored on an annual basis to ensure there is a continuous five year supply of housing.

### National Planning Practice Guidance (March 2014)

- 3.10 The NPPG specifies that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight information provided in the latest full assessment of housing needs should be considered.
- 3.11 Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites. Demonstration of a five year supply is a key material consideration when determining housing applications and appeals. Local authorities should ensure that they carry out their annual assessment in a robust and timely fashion, based on up-to-date and sound evidence taking into account the anticipated trajectory of housing delivery and consideration of associated risks and an assessment of the local delivery record.

### London Plan (2015, 2016)

- 3.12 The London Plan para 3.14A and Policy 3.3 specifies that minimum housing supply targets for each borough are set out from 2015 until 2025. For Bromley, this target is 641 dwellings per annum. These targets are informed by the GLA's Strategic Housing Market Assessment (SHMA) (2013) and London's housing land capacity as identified through the 2013 GLA Strategic Housing Land Availability Assessment (SHLAA). The SHLAA methodology is designed to identify capacity authoritatively in the distinct circumstances of London, including the limited stock of land and the uniquely pressurised land market and dependence on recycling brownfield land currently in existing uses. The methodology has been developed and refined over time through partnership working with boroughs and others involved in London housing as well as to reflect the principles of government guidance on preparation of SHLAAs nationally (2007 practice guidance).
- 3.13 The London Plan (para 3.19A) observes that national policy requires boroughs to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their requirements with an additional buffer of 5% moved forward from later in the plan period. In compiling their 5 year supply estimates boroughs should demonstrate that they have maximised the number of identified sites. However, given London's reliance on recycled land currently in other uses and the London SHLAA's evidence, it must be recognised that in addressing this national objective, capacity which elsewhere in the country would be termed "windfall" must here form part of the 5 year supply. In order to support the range of activities and functions required in London as set out in this Plan application of the 5% - 20% buffers should not lead to approval of schemes which compromise the need to secure sustainable development as required in the NPPF (paragraph 3.19A).

### LB Bromley Five Year Supply of Housing 2016

- 3.14 Appendix 1 to this report sets out the Borough's five year housing supply position (2016/17-2020/201). This illustrates that the Borough can accommodate five years supply of housing through a variety of deliverable sites and has delivered sufficient completions over the past few years. Therefore a buffer of 5% of units has been added to the Borough's overall 5 year target in line with the requirements of the NPPF to ensure choice and competition in the market for land. This includes a small site allowance and relevant large identified sites and draft

allocations. The draft allocations are included in the Council’s Proposed Submission Draft Local Plan that is being consulted on from mid-November to the end of December 2016.

**4. POLICY IMPLICATIONS**

4.1 The five year supply position is important to establish how the Borough is performing in terms of housing completions and future housing supply. The NPPF (March 2012) specifies 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.

**5. FINANCIAL AND PERSONNEL IMPLICATIONS**

5.1 The Five Year Housing Supply Paper must be updated and produced annually. Failure to produce the paper could result in significant resource implications in both financial and staffing terms, as the number of hearings and public inquiries related to housing supply issues could increase substantially, if a five year supply of housing cannot be demonstrated.

<b>Non-Applicable Sections:</b>	Impact on vulnerable adults and children Legal Procurement
Background Documents: (Access via Contact Officer)	National Planning Policy Framework (March 2012) National Planning Practice Guidance (March 2014) The London Plan (2015, 2016)

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London Borough of Bromley

Five Year Housing Land Supply November 2016

## **LB BROMLEY FIVE YEAR SUPPLY OF HOUSING**

### **FIVE YEAR SUPPLY OF DELIVERABLE LAND FOR HOUSING (5YHLS, November 2016)**

#### **1.0 NATIONAL AND LONDON-WIDE POLICIES AND GUIDANCE**

##### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (March 2012)**

- 1.1 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.2 The NPPF specifies in footnote 11 that "to be considered deliverable, sites should be available now, offer a suitable location for development, be achievable with a realistic prospect that housing will be delivered on the site within five years and that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans."
- 1.3 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 1.4 Paragraph 49 specifies 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 sites.

##### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG) (March 2014)**

- 1.5 The NPPG specifies that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight information provided in the latest full assessment of housing needs should be considered.



- 1.6 Section 8 of the PPG states that “deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years. However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of five-year supply. LPAs will need to provide robust, up-to-date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out (ID 3-031).
- 1.7 Local planning authorities should ensure that they carry out their annual assessment in a robust and timely fashion, based on up-to-date and sound evidence taking into account the anticipated trajectory of housing delivery and consideration of associated risks and an assessment of the local delivery record (ID 3-033).
- 1.8 Unmet housing need (including traveller sites) 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. (ID 3-034)
- 1.9 With regard to housing delivery the PPG specifies that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle (ID – 3-035).

### **LONDON PLAN (2015, 2016)**

- 1.10 The London Plan para 3.14A and Policy 3.3 specifies that minimum housing supply targets for each borough are set out from 2015 until 2025. For Bromley Borough, this target is 641 dwellings per annum. These targets are informed by the GLA’s Strategic Housing Market Assessment (SHMA) (2013) and London’s housing land capacity as identified through the 2013 GLA Strategic Housing Land Availability Assessment (SHLAA). The GLA SHLAA 2013 forms part of the evidence supporting the recently updated London Plan (2015, 2016). Consistent with the NPPF this approach takes account of London’s locally distinct circumstances of pressing housing need and limited land availability and aims to deliver sustainable development. Paragraph 3.17 sets out that on the supply side, the London SHLAA is designed to address the NPPF requirement to identify supply to meet future housing need as well as being ‘consistent with the policies set out in this Framework’ (para. 47 NPPF) not least its central dictum that resultant development must be sustainable.
- 1.11 The Inspector’s report for the Examination into the Further Alterations to the London Plan (2014) specified that there is a need for housing above the targets set out in Table 3.1 of the London Plan. Policy 3.3 of the London Plan and subsequent new policies seek to ensure the delivery of suitable sites. Policy 3.3B of the London Plan, ‘Increasing Housing Supply’, states that the Mayor will seek to ensure housing need identified in paragraphs 3.16a and 3.16b is met through providing at least an annual average of 42,000 net additional homes per annum across London. Paragraph 3.17A of the London Plan refers to Table 3.1, which shows that over the period 2015 to 2025, London has capacity for at least 420,000 additional homes, or 42,000 per annum.

- 1.12 Policy 3.3Da states that boroughs should draw on housing benchmarks in Table 3.1 in developing their LDF housing targets, 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. Policy 3.3E sets out that boroughs should identify and seek to enable additional development capacity to be brought forward to supplement these targets, having regard to the other policies of this Plan and, in particular, the potential to realise brownfield housing capacity. The GLA's Supplementary Planning Guidance on Housing (2016) sets out advice on the use of targets in Local Plans (para 1.1.3) and 'Reconciling local and strategic housing need' (paras 1.1.4 – 1.1.8).
- 1.13 The London Plan (para 3.19A) observes that national policy requires boroughs to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their requirements with an additional buffer of 5% moved forward from later in the plan period. In compiling their 5 year supply estimates boroughs should demonstrate that they have maximised the number of identified sites. However, given London's reliance on recycled land currently in other uses and the London SHLAA's evidence, it must be recognised that in addressing this national objective, capacity which elsewhere in the country would be termed "windfall" must here form part of the 5 year supply. In order to support the range of activities and functions required in London as set out in this Plan application of the 5% - 20% buffers should not lead to approval of schemes which compromise the need to secure sustainable development as required in the NPPF (paragraph 3.19A).
- 1.14 Evidence was provided to the Examination into the Further Alterations to the London Plan (2014) in relation to the increased small site target for the Borough. It was considered by Bromley Council that the small site target uplift was too high and not sustainable over time. This evidence was not accepted and the relevant small site target for the Borough was 352 units per annum based on the 2013 SHLAA for the period 2015-2025 when the Further Alterations were adopted in 2015.
- 1.15 Paragraph 1.1.28 of the GLA's Housing SPG (2016) states that the SHLAA provides the compelling evidence necessary to justify a windfall allowance for small sites based on historic trends, in line with paragraph 48 of the NPPF and reflecting distinct circumstances in London. It also states that trends show housing has been consistently delivered on small sites in the past and that this can be expected to provide a reliable source of future supply.
- 1.16 Paragraph 1.1.29 states that average annual trends (2004/05 – 2011/12) provide a consistent and appropriately long-term basis on which to estimate future supply, not least because they cover a full market cycle and take account of the impact of the recession. Trends also reflect particular local circumstances, for example, environmental/heritage designations and urban form. These specific points, together with the overall robustness of the SHLAA's capacity estimates for small sites, were tested through an EiP and were accepted in the Planning Inspector's Report on the 2015 London Plan. Boroughs are encouraged to re-examine the potential capacity from small sites and explore policy approaches which may lead to the delivery of more homes on small sites where consistent with the Plan. However, the EiP Inspector stated that boroughs would be in conformity with the London Plan if they met their London Plan Table 3.1 target.

## **2.0 LONDON BOROUGH OF BROMLEY FIVE YEAR HOUSING SUPPLY**

2.1 This paper sets out Bromley's position on five year supply (01/04/16-31/03/21).

### **Background**

- 2.2 Policy H1 of the Adopted Unitary Development Plan (2006) deals with housing supply (11,450 units) over a period of 1997-2016. This period originates from the GLA London Housing Capacity Study (2000). The Study has been superseded by three other Assessments based on 10 year periods and incorporated into the London Plan (2008, 2011 and 2015). It is considered that the current London Plan is the most up to date Plan to take into consideration for housing supply targets and reference to a 20 year period for monitoring purposes is no longer relevant.<sup>1</sup>
- 2.3 An annual housing target figure of 485 units applied to the Borough from 2007/08 – 2010/11 as a result of the Borough participating in the 2005 London Housing Capacity Study.
- 2.4 The Council contributed to the London-wide SHLAA / Housing Capacity Study (SHLAA, 2009). As a result of the study, an annual housing monitoring target of 500 units was allocated to the Borough in the 2011 London Plan for the plan period 2011/12 – 2020/21. The Council also contributed to the GLA's SHLAA 2013 which assigned an annual housing monitoring target of 641 units to the Borough and has been adopted in the 2015 London Plan (consolidated with alterations since 2011).
- 2.5 The 2009 SHLAA attributed a small site capacity of 195 units out of an overall target of 500 units for the Borough. This figure increased to 352 units out of an overall target of 641 units within the 2013 SHLAA resulting in a 157 increase in small site capacity based on historic delivery rates, by comparison with an overall increase in the target of 141. The monitoring period for the target of 641 units commenced in 2015/16.
- 2.6 The Council's Five Year Housing Supply position is usually updated annually to set out the housing delivery position. Through the Local Plan process, the Borough is continuing to seek to identify suitable sites for housing, taking into account the minimum target figure for the Borough of 641 units per annum. The consultation on Draft Allocations, further policies and designations (September 2015) assessed sites that had been suggested to date to the Council as part of previous consultations (including a call for sites in February 2014). A number of draft sites have been recommended for allocation (including residential and mixed uses) and representations on the September 2015 document have been considered and were reported to Members in July 2016.
- 2.7 Further consideration of housing supply numbers has been undertaken following receipt of a planning appeal decision in August 2016 (APP/G5180/W/16/3144248) relating to the Council's Five Year Housing Supply Paper (June 2015). This has fed into the Council's Proposed Submission Draft Local Plan (November 2016) and the 5YHLS (November 2016). The main outstanding five year housing land supply issues that were considered in the appeal included; 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. Of importance to this Paper are the changes that have been

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<sup>1</sup> GLA advise (Jan 2011) that targets from previous plan periods do not accrue.

made to the small site allowance methodology that is set below in paragraphs 2.14 – 2.18 and the appropriateness of including a lapse rate (to sites with planning permission not commenced). Paragraph 2.1.21 of the Council's Proposed Submission Draft Local Plan November 2016 makes reference to 'Risk Assessment for Housing Land Delivery' in the Borough and sets out that in practice, large site windfalls in policy compliant locations do come forward, and reduce the risk of underachievement in housing delivery. Furthermore, the NPPF requirement is for 'deliverability' which includes a degree of uncertainty. The application of a lapse rate is therefore not considered necessary to deliverable sites within the 5YHLS.

### **Current housing provision targets and delivery**

2.8 Table 1 below illustrates that housing completions have exceeded annual targets (2007 – 2015) and are in excess of the cumulative target by approximately 900 units. In light of this, it is considered that a buffer of 5% is relevant.

	<b>Small sites</b>	<b>Large Sites</b>	<b>Annual target</b>	<b>Cumulative target</b>	<b>Total</b>	<b>Cumulative total</b>
2007/08	370	343	485	485	713	713
2008/09	369	136	485	970	505	1218
2009/10	246	312	485	1455	558	1776
2010/11	309	452	485	1940	761	2537
2011/12	385	261	500	2440	646	3183
2012/13	234	292	500	2940	526	3709
2013/14	170	515	500	3440	685	4394
2014/15	158	259	500	3940	417	4811
2015/16	254	419	641	4581	673	5484

Table 1 Completions 2007/08-2015/16

2.9 Table 2 sets out the Borough's position on housing delivery against the current ten year target (2015/16 – 2024/25). During the five year supply period Table 2 shows that the Borough needs to deliver 3173 units.

<b>Financial Year</b>	<b>Completions needed or delivered</b>	<b>Cumulative Target</b>
2015/16	673	641
2016/17 – 2020/21	3173	3846
2021/22	641	4487
2022/23	641	5128
2023/24	641	5769
2024/25	641	6413

Table 2 Housing Targets LB Bromley 2015/16 – 2024/25

2.10 A 5% buffer would increase the five year figure from 3173 units to 3332 units.

## **Five Year Supply Position**

- 2.11 The following sites make up Bromley's five year supply (based on units available and not whole sites) and are set out in Appendix 1 to this paper:
- a) Large (0.25 ha+) with planning permission and small sites approach;
  - b) Large and small sites that have commenced;
  - c) Relevant large identified sites and draft allocated sites;
  - d) Long term vacant units brought back into use;
  - e) Sites granted prior approval.

### **a) Large with planning permission and small sites approach**

- 2.12 Under the London Plan / 2013 SHLAA small sites are those <0.25ha and large sites are those >0.25ha.
- 2.13 Sites of 9+ units were assessed to determine if they would be deliverable over the five year period. Where relevant, developers/agents were contacted to establish if sites were likely to be brought forward or if a start date was known. In some cases developers were able to confirm that work had already started on site or was imminent. Relevant sites are listed in Appendix 1.
- 2.14 An assessment has been made of the contribution that small sites (<0.25ha) have made to housing delivery from 2008/09 – 2015/16. The figure was derived by taking an average of small site completions (new build, conversions and changes of use) during the period and removing 90% of new build completions built on garden land. The latter methodology largely reflects that used in the 2013 SHLAA but uses more up to date small site completion data. The methodology is explained in paragraph 2.69 – 2.72 (pages 38-39) of the SHLAA.
- 2.15 At the time of undertaking the 2013 SHLAA permitted development rights relating to the change of use from office to residential had only recently been introduced so did not factor in the methodology. The data used to calculate the small site allowance included approximately 90 unit completions from 2014/15 to 2015/16. It is considered that the role of the permitted development rights and their contribution to future housing supply will be included in some form within the next GLA SHLAA. In light of the fact that the rights have now been made permanent and only a conservative allowance has been included in the 5YHLS (see paragraphs 2.33-2.35) the inclusion of the 90 units within the calculation is considered justified.
- 2.16 Delivery on small sites is not insignificant and has been demonstrated over the eight year period. The small sites allowance is largely based on London Plan (2015) evidence within the 2013 SHLAA as endorsed by the Inspector into the examination of the Further Alterations to the London Plan. The inclusion of approximately 730 units, as set out in Appendix 1, over five years is considered deliverable and takes into account advice set out in paragraph 48 of the NPPF, paragraph ID 3-033 of

the PPG and paragraph 3.19A of the London Plan. Should the Council have used the small site target of 352 units per annum the allowance would be in the region of 1100 units.

- 2.17 The 730 units include an annual allowance of 120 units per annum in addition to a small uplift of 130 units in total over the five year period. The small uplift relates to the role that future initiatives or permitted development rights (including changes of use from office to residential) could play over the five year period. These include the Home Builders Fund launched by the DCLG in October 2016 that plans to invest £3 billion for 25,000 new homes (up to 2020) within the five year period and for 200,000 new homes in the longer term. The funding will help support the custom and self-build sector, making loans available for small and medium enterprise builders (schemes of 5+ units) delivering new homes. It also includes funding for off-site construction and infrastructure. The Starter Home initiative also has potential to contribute to increased housing delivery and details relating to funding within London will be forthcoming.
- 2.18 Out of the 1351 small sites included in the five year housing land supply 620 units have planning permission or have commenced on site. With regard to the split between large and small sites within the five year housing supply, the small sites element is nearly 400 units less than that 'predicted' in the GLA's 2013 SHLAA. This highlights that an increased number of large deliverable sites are contributing to the supply than predicted in 2013.

<b>Small sites</b>	<b>No. of units</b>
Units with planning permission or commenced	196
Office to residential PD commenced (9+ units)	309
Site <9 units commenced	116
Future delivery of other small sites with planning permission	730
<b>TOTAL</b>	<b>1351</b>

Table 3: Small sites included within five year housing land supply Nov. 2016

**b) Sites that have commenced**

- 2.19 The sites that have started are considered deliverable over the five year supply period. Any completed sites were removed from the list in addition to units on uncompleted sites (up to October 2016).
- 2.20 There are approx. 116 units on small sites (<9 units) that have started and it is expected that these will be delivered by the end of the five year supply period (includes a small number of units for prior approval office to residential units).

### **c) Large Identified sites and Draft Allocations**

#### **Opportunity Site B Tweedy Road (Identified site within BTCAAP 2010)**

- 2.21 Opportunity Site B Tweedy Road (0.37ha) is a development site (0.33ha) within the adopted Bromley Town Centre Area Action Plan (BTCAAP) (2010) for proposed residential development. The BTCAAP states that Policy BTC2 and the density matrix in the London Plan could facilitate around 70 units. It also states that the number of units is dependent on an acceptable design and massing of development and not having an unacceptable impact on the character and appearance of the locality.
- 2.22 The Council's Development Control (09/02/2016) and Executive Committee (10/02/2016) considered a report by the Council's Head of Renewal on design guidance and the disposal of the site. The report explained that the site was being used as the works compound for the Bromley North Village Public Realm Improvements and it was anticipated that these works would be completed by the end of February 2016, following which the temporary use would cease. The site is surplus to operational requirements and approval was sought for the marketing of the site for sale and possible joint venture options.
- 2.23 The report acknowledged that the site is sensitive and reference is made to an appeal for a 72 unit scheme in 2009 that was dismissed. Officers have worked with architects to draft clear development guidance as to the form and style of development that would be considered acceptable on the site and this has been endorsed by Members. In summary, the guidance suggests design guidelines of: 3 x 3 storey residential blocks with 8 units per block (24 units), 24 car parking spaces, pitched roof third floor and landscaped frontage. Given the site has been marketed and its previous use (as a compound) has ceased, the site could be deliverable within the five year period.
- 2.24 The following sites are included in the Council's Proposed Submission Draft Local Plan within Years 2 – 6 of the Plan period. The Plan period runs from 2015/16 – 2029/30. A summary of the site, policy description and expected deliverability timescales for each site are set out below.

#### **Land adjacent to Bromley North Station BR1 (Draft Allocation Proposed Submission Draft Local Plan)**

- 2.25 Site and policy description – 3ha site for redevelopment for mixed use including 525 residential units, 2000 sqm of office accommodation, space for community use, 230 sqm café/retail, transport interchange and parking.

Proposals will be expected to:

Provide a sensitive and effective transition between the adjoining low rise residential areas and the higher density town centre;

Respect and enhance the setting of the Grade II Listed Bromley North station building;

Allow for the long term aspirations from improved rail connectivity to central and east London.

Phasing and Current Status – 80 units fall within the 5YHLS period, the site is included within the Bromley Town Centre Housing Zone bid.



Banbury House Bushell Way Chislehurst BR7 (Draft Allocation Proposed Submission Draft Local Plan)

- 2.26 Site and policy description – 0.27ha site for redevelopment for approximately 25 residential units. Vacant care home and offices on site with associated car parking and amenity area.

Proposals will be expected to:

Respect the amenity of adjoining residential properties.

Phasing and Current Status – 25 units fall within the 5YHLS period. The site is Council owned and is currently vacant.

Small Halls York Rise Orpington (Draft Allocation Proposed Submission Draft Local Plan)

- 2.27 Site and policy description – 0.46ha site for redevelopment for approximately 35 residential units.

Proposals will be expected to:

Respect the amenity of adjoining residential properties.

Phasing and Current Status – 35 units fall within the 5YHLS period. The site is Council owned and is currently vacant (community hall previously demolished). Temporary approval has been granted for use as a car park.

Homefield Rise (18-44) Orpington BR6 (Draft Allocation Proposed Submission Draft Local Plan)

- 2.28 Site and policy description – 0.75ha site for redevelopment for approximately 87 net residential units.

Proposals will be required to:

Create an effective transition between the adjacent town centre and lower rise residential area;

Respect the amenity of adjoining residential properties.

Phasing and Current Status – 87 net units fall within the 5YHLS period. The site is currently occupied by 13 residential properties.

**Other Draft Allocations within Proposed Submission Draft Local Plan (with planning permission)**

**Bassetts Campus Broadwater Gardens BR6 7UZ (Draft Allocation Proposed Submission Draft Local Plan)**

2.29 Site and policy description – 2.6ha site for redevelopment for approximately 115 residential units (including conversion of Bassetts House).

Proposals will be expected to:

Protect and enhance the locally listed Bassetts House;

Address the site-wide Tree Protection Order;

Protect and enhance the Bassetts Pond SINIC;

Respect the surrounding suburban residential character.

Phasing and Current Status – 115 units fall within the 5YHLS period. Planning permission has been granted (15/04941/FULL3) subject to a legal agreement for the conversion of Bassetts Campus to 13 flats and the development of 102 residential units. The site is currently vacant having been previously used for C2 purposes.

**Orchard Lodge William Booth Road Anerley SE20 (Draft Allocation Proposed Submission Draft Local Plan)**

2.30 Site and policy description – 1.8ha site for redevelopment for approximately 250 residential units.

Proposals will be expected to:

Ensure the effective decontamination of existing land and buildings;

Protect the amenity of adjoining residential properties.

Phasing and Current Status – 250 units fall within the 5YHLS period. Planning permission has been granted (16/02117/FULL1) subject to a legal agreement for the erection of two 4-5 storey blocks and one 5-6 storey block of flats comprising 252 residential units. The site currently comprises vacant buildings and hardstanding.

**Former Depot Bruce Grove Orpington**

2.31 Site and policy description – 0.36ha site for redevelopment for 28 residential units.

Proposals will be expected to:

Respect and compliment The Priory Conservation Area and adjacent listed building;

Mitigate flood risk;

Minimise the adverse impacts on the amenities of the neighbouring residential street.

Phasing and Current Status – 28 units fall within the 5YHLS period. Planning permission has been granted (15/04574/FULL1) subject to a legal agreement for 28 residential units. The site is currently vacant having previously been used for a Dairy Depot.

**e) Long term empty homes (longer than 6 months) returning to use**

2.32 The GLA advise that long term empty homes returning to use can be included in calculating completion targets for boroughs. The 2013 GLA SHLAA attributes an annual target to some boroughs in relation to reducing long term vacant properties (6 months+) to 0.75% of overall stock. The percentage of long term vacant units within the borough is less than 0.75% and therefore a target has not been allocated. Importantly though any long term vacant properties that are brought back into use can still count towards annual completion data. GLA Annual Monitoring Data on vacant units is compiled using DCLG Live Table 615 (Live tables on dwelling stock including vacants). On average from 2004 - 2014 approximately 90 long term vacant units have been returned to use per annum. It is considered that the overall long term vacant figure for the borough has declined significantly over this period (2004, 1506 units – 2015, 696 units) but a conservative allocation of 100 units over the five year period would be reasonable.

**f) Changes of use from office to residential**

2.33 The Government introduced Regulations in May 2013 to extend permitted development rights allowing for a change of use from B1(a) to C3 subject to a prior approval process up to May 2016. From April 2016 these permitted development rights have been made permanent and where prior approval has been granted (from 6<sup>th</sup> April 2016) it is specified that it should be completed within three years of the approval date.

2.34 Schemes that propose 9 units or more and have relevant building control applications in place are included in the supply. As set out in Appendix 1 all of the prior approval schemes listed have actually commenced on site. To date the Council have received approximately 95 prior approval applications to change the use from office to residential and approximately 700 units have been granted prior approval.

2.35 It is considered that during the five year housing supply period an estimated delivery of an additional 200 units would be reasonable. This figure has increased from the 150 included in the June 2015 Five Year Housing Supply Paper for the Borough. In light of the increased certainty, following the permitted development rights being made permanent in April, it is considered the increase is justified.

2.36 Contributions from this source are likely to include large and small sites.

### **3.0 CONCLUSION**

- 3.1 The Council's five year housing supply position will be monitored and updated on a regular basis.
- 3.2 The sites listed in Appendix 1 are considered to be deliverable within the five year housing supply period. Factual appendices will be produced and attached to the 5YHLS Paper where relevant and appropriate to elaborate on the deliverability of sites.
- 3.4 Appendix 1 illustrates that Bromley is able to meet its five year supply target of 3332 units (including the 5% buffer) given that there are 3544 deliverable units in the pipeline. In light of this, regard will be had to policies in the London Plan, the Bromley Development Plan, the NPPF, the NPPG and other material considerations when assessing new planning applications.

**Summary of Five Year Housing Supply November 2016**

<b>Five year housing supply capacity</b>		<b>Five year housing supply targets</b>
Known sites with planning permission not commenced	537	Target of 641 units per annum x 5 = 3205 units
Known sites commenced (up to end March 2015)	1217	Delivery for 15/16 = 673 units (+32 units)
Allocated sites and draft Local Plan allocations	644	Five year housing supply target = 3205 – 32 units (3173 units)
Small sites started (including prior approval)	116	
Small sites allowance	730	3173 units plus 5% buffer = <b>3332 units</b>
B1(a) to C3 Prior Approval allowance	200	
Vacant units brought back into use	100	
<b>TOTAL</b>	<b>3544</b>	
Conclusion: Five year housing supply of 3544 exceeds target of 3173 and the additional 5% buffer moved forward from later in the plan period to total 3332 units (i.e. target plus 5%).		

Table 4 Summary of five year housing land supply November 2016

**APPENDIX 1: FIVE YEAR HOUSING LAND SUPPLY 01/04/16 to 31/03/21**

Sites of 9 units+	Borough reference number	Ward	Date of planning permission	Status	Site size	Site Area (ha)	Net gain
<b>Identified sites and draft Local Plan allocations</b>							
Site B Tweedy Road/London Road	N/A	Bromley Town	N/A	BTCAAP	Large	0.37	24
Land adjacent to Bromley North Station	N/A	Bromley Town	N/A	Draft Alloc	Large	2.86	80
Banbury House Bushell Way Chislehurst BR7 6SF	N/A	Chislehurst	N/A	Draft Alloc	Large	0.27	25
Orchard Lodge William Booth Road Anerley London SE20	16/02117/FULL1	Crystal Palace	26.10.2016	Draft Alloc	Large		250
Small Halls York Rise Orpington	N/A	Farnborough and Crofton	N/A	Draft Alloc	Large	0.46	35
Bassetts Campus Broadwater Gardens BR6 7UZ	15/04941/FULL3	Farnborough and Crofton	18.08.2016	Draft Alloc	Large	2.5	115
Former Depot Bruce Grove Orpington	15/04574/FULL1	Orpington	09.11.2016	Draft Alloc	Large	0.3	28
Homefield Rise Orpington BR6	N/A	Orpington	N/A	Draft Alloc	Large		87
<b>Total</b>							<b>644</b>
<b>Large sites with planning permission/commenced</b>							
Church Road Biggin Hill (1-9) TN16 3LB	15/02007/FULL1	Biggin Hill	11.07.2016	P	Large	0.3	27
Land between Main Road Vincent Square Barwell Crescent and Moxey Close Biggin Hill TN16 3GD	15/00508/FULL1	Biggin Hill	23.09.2016	P	Large	0.7	16
Bromley Common Liveries Cameron Buildings Bromley BR2 8HA	14/03398/OUT	Bromley Common and Keston	27.07.2015	P	Large	2.9	9

Sites of 9 units+	Borough reference number	Ward	Date of planning permission	Status	Site size	Site Area (ha)	Net gain
Site C Old Town Hall Tweedy Road BR1	16/01175/FULL1	Bromley Town	08.11.2016	P	Large	0.7	53
Grays Farm Production Village (Care Home units) Grays Farm Road	14/00809/FULL1	Cray Valley West	05.09.2014	P	Large	0.4	75
The Haven Springfield Road SE26 6HG	14/03991/FULL1	Crystal Palace	31.03.2015	P	Large	1.4	46
All Saints Catholic School Layhams Road West Wickham BR4 9HN	13/03743/FULL3	Hayes and Coney Hall	13.05.2016	P	Large	2.3	48
Langley Court South Eden Park Road BR3 3AT	12/00976/OUT	Kelsey and Eden Park	17.06.2014	P	Large	10.6	179
20-22 Main Road Biggin Hill TN16 3EB	12/01843/FULL1	Biggin Hill	15.10.2012	S	Large	0.4	9
Blue Circle Sports Ground Crown Lane Bromley BR2 9PQ	10/00740/DET	Bromley Common and Keston	22.07.2011	S	Large	12	22
Land at South Side of Ringers Road BR1 1HP	07/03632/FULL1	Bromley Town	04.01.2008	S	Large	0.27	34
Site K Westmoreland Road Car Park of BTCAAP	11/03865/FULL1	Bromley Town	26.03.2012	S	Large	0.96	200
Dylon International Ltd Worsley Bridge Road SE26 5HD	13/03467/FULL1	Copers Cope	15.04.2010	S	Large	0.28	74
Dylon International Ltd Worsley Bridge Road SE26 5HD	09/01664/FULL1	Copers Cope	16.02.2015	S	Large	0.28	149
Grays Farm Production Village	14/00820/OUT	Cray Valley West	12.03.2015	S	Large	1.09	45
Chilham Way BR2 7PR	13/01670/FULL1	Hayes and Coney Hall	13.03.2014	S	Large	0.78	14
Isard House Glebe House Drive Hayes	14/01873/FULL1	Hayes and Coney Hall	10.12.2014	S	Large	0.57	21

Sites of 9 units+	Borough reference number	Ward	Date of planning permission	Status	Site size	Site Area (ha)	Net gain
Hayes Court West Common Road BR2 7AU	14/02364/FULL1	Hayes and Coney Hall	17.12.2014	S	Large	2.6	17
The Rising Sun Upper Elmers End Road BR3 3DY	13/03889/FULL1	Kelsey and Eden Park	09.04.2015	S	Large	0.18	16
Oakfield Centre Oakfield Road SE20 8QA	13/01872/FULL1	Penge and Cator	21.05.2014	S	Large	0.3	24
Sundridge Park Management Centre Ltd Plaistow Lane Bromley BR1 3JW	12/03606/FULL1	Plaistow and Sundridge	06.11.2013	S	Large	2.27	28
Holy Trinity Convent School Plaistow Lane BR1 3LL	12/02443/FULL1 and 12/02913/FULL2	Plaistow and Sundridge	07.11.2011	S	Large	0.95	22
25 Scotts Road BR1 3QD	13/00905/OUT	Plaistow and Sundridge	11.06.2014	S	Large	0.4	38
Summit House Glebe Way BR4 0RJ	14/03324/FULL1	West Wickham	02.04.2015	S	Large	0.5	54
<b>Total</b>							<b>1220</b>
<b>Small sites with planning permission/completed</b>							
165 Masons Hill BR29HW	14/04199/FULL1	Bromley Town	18.09.2015	P	Small	0.13	23
H G Wells Centre St Marks Road Bromley	13/03345/FULL1	Bromley Town	13.08.2015	P	Small		52
155-159 High Street BR6 0LN	15/01690/FULL3	Orpington	03.09.2015	P	Small	0.1	9
Homesdale Centre 216-218 Homesdale Road BR1 2PZ	Various	Bickley	Various	S	Small	0.012	6
17 Albemarle Road BR3 5HL	14/01637/FULL1	Copers Cope	28.08.2015	S	Small	0.16	14
193 Anerley Road Penge SE20 8EL	12/03859/FULL1	Crystal Palace	26.03.2013	S	Small	0.13	9
Orpington Police Station The Walnuts BR6 0TW	14/03316/FULL1	Orpington	17.04.2015	S	Small	0.2	83
<b>Total</b>							<b>196</b>



Sites of 9 units+	Borough reference number	Ward	Date of planning permission	Status	Site size	Site Area (ha)	Net gain
<b>Small granted RESPAS commenced</b>							
Title House 33-35 Elmfield Road BR1 1LT	14/04850/RESPA	Bromley Town	10.02.2015	S	Small	0.19	50
Broadway House High Street BR1 1LF	15/00696/FULL1 and 14/01711/RESPA	Bromley Town	30.10.2015 27.06.2014	S	Small	0.08	43
Crosby House Elmfield Road BR1 1LT	15/03097/FULL1 and 13/02968/RESPA	Bromley Town	06.10.2015 23.10.2013	S	Small	0.2	22
Oxford House 11 London Road BR1 1BY	14/04860/RESPA 15/01852/RESPA	Bromley Town	23.01.2015 03.07.2015	S	Small	0.06	17
Waterford House 4 Newman Road BR1 1RJ	14/01379/RESPA	Bromley Town	09.06.2014	S	Small	0.04	14
County House 221-241 Beckenham Road BR3 4UF	14/00449/RESPA	Clock House	08.09.2014	S	Small	0.12	75
Berwick House 8-10 Knoll Rise BR6 0EL	14/02086/RESPA	Orpington	14.11.2014	S	Small	0.1	88
<b>Total</b>							<b>309</b>
<b>Large granted RESPAS commenced</b>							
Mega House Crest View Drive BR5 1BY	14/02500/RESPA	Petts Wood and Knoll	15.08.2014	S	Large	0.3	29
<b>Total</b>							<b>29</b>
<b>Sites of 9+ units total</b>							<b>2398</b>
<b>Small sites started</b>							116
<b>Small sites projection</b>							730

Sites of 9 units+	Borough reference number	Ward	Date of planning permission	Status	Site size	Site Area (ha)	Net gain
Vacant units projection							100
Prior approval projection							200
<b>TRAJECTORY TOTAL</b>							<b>3544</b>

Subdivision of small and large sites set out above	
Small Sites	1351
Large Sites	1893
Prior Approval and Vacant Units	300
<b>TOTAL</b>	<b>3544</b>



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Report No.  
DRR16/087

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** **DEVELOPMENT CONTROL COMMITTEE EXECUTIVE**

**Date:** 24<sup>th</sup> November 2016  
30<sup>th</sup> November 2016

**Decision Type:** NonUrgent Executive Non-Key

**Title:** **LOCAL DEVELOPMENT SCHEME 2016 - 18**

**Contact Officer:** Mary Manuel, Head of Planning Strategy and Projects  
Tel: 020 8313 4303 E-mail: mary.manuel@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

This report seeks Members' agreement to the Local Development Scheme (LDS) for 2016 - 18 forming Appendix 1 to the report, setting out the revised timescale for the preparation of the Local Plan for the Borough. The current legislative requirements for the LDS are to only include the development plan documents (DPD) which are subject to independent examination which for Bromley will be the borough-wide Local Plan and the review of the Bromley Town Centre Area Action Plan which will follow the adoption of the first document. It also shows an indicative timescale for the preparation of a local Community Infrastructure Levy and a new Planning Obligations Supplementary Planning Document (SPD).

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2. **RECOMMENDATION(S)**

Development Control Committee

2.1 Members are asked to recommend to the Executive that the revised Local Development Scheme for 2016-2018 as set out in Appendix 1 be approved as the formal management document for the production of the Bromley Local Plan and the review of the Bromley Town Centre Area Action Plan.

Executive

2.2 Members are asked to agree the Local Development Scheme for 2016-2018 as set out in Appendix 1 as the formal management document for the production of the Bromley Local Plan.

### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres:
- 

### Financial

1. Cost of proposal: Estimated Cost Up to £78k
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: Local Plan Implementation budget and carry forward balance
  4. Total current budget for this head: £31k and £47k
  5. Source of funding: Existing revenue budget for 2016/17 and carry forward sum
- 

### Staff

1. Number of staff (current and additional): 6FTEs
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable Not Applicable: Further Details
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The Council is required to publish an up to date Local Development Scheme (LDS), setting out the timescale for the preparation of local development plan documents (DPDs). There is no longer a requirement for the LDS to be submitted to Secretary of State. The last LDS was agreed by the Council in January 2016.
- 3.2 The January 2016 LDS showed the consultation on the Draft Local Plan being undertaken in May/June this year, however the response to the Local Green Space consultation in February/March 2016, in line with the January 2016 LDS saw a substantial response which together with further work being undertaken with regards to the Biggin Hill Strategic Outer London Development Centre and Housing Supply and other matters, and ensuring the response to the 'Draft Allocations, Further Policies and Designations' consultation in Autumn 2015 were fully considered by Members. The Draft Local Plan was considered by Development Control Committee and the Executive in the summer with consultation on the Proposed Submission Draft Local Plan commencing on November 14<sup>th</sup> 2016.
- 3.3 It had been anticipated that the planning and housing reforms including a revised National Policy Framework would have been published over the Summer, however, while some parts have been produced details of the Starter Home Initiative and the revised NPPF have been delayed.
- 3.4 The revised timescale in Appendix 2 to the LDS shows the Proposed Submission Draft Local Plan consultation in Nov/Dec 2016 with submission to the Secretary of State in early 2017 and adoption of the Local Plan by the end of 2017. This is in line with the requirement for local planning authorities to have an up-to-date local plan in place in 2017, and if not face potential intervention by the Government as part of its Productivity Plan.
- 3.5 The new LDS included as Appendix 1 seeks to reflect the recent Government planning reforms, anticipate the work involved from further likely changes proposed, the Council's resources and lessons from other authorities and Inspectors' reports regarding timescales, and the increased burden on authorities to demonstrate plans are based on objective and up to date evidence to be found 'sound'. The Local Plan needs to be in conformity with the London Plan which forms part of the Development Plan for the Borough.
- 3.6 At this stage it is difficult to estimate the impact of further Government's reforms, and the resources required to incorporate changes as appropriate within the Local Plan and associated documents. The Local Development Framework Advisory Panel (LDFAP) has, and will continue to meet regularly to provide guidance and advice with regard to the Local Plan and BTCAAP review.
- 3.7 The LDS outlines the further evidence required to support the Local Plan making process and ensure soundness, the risks and measures to mitigate these. The draft LDS also shows the timescale for the preparation of a Bromley Community Infrastructure Levy (CIL). The third set of CIL regulations increased the consultation period for each stage of the preparation of the charging schedule for CIL to six weeks, and again increased the burden for evidence of viability and the proposed infrastructure to be funded based on an up to date development plan. On this basis the LDS shows the CIL Examination following closely after the Local Plan Examination.
- 3.8 The Local Plan will include the vision and objectives for the Borough, planning policies and site allocations. The number of supplementary planning documents will be kept to a minimum but will include a revised S106 supplementary planning document (SPD) alongside the introduction of a local Community Infrastructure Levy.
- 3.9 Viability work to support the Local Plan and the introduction of a local Community Infrastructure Levy is underway and will help identify the type of development which could be subject to a

Local CIL. The Council collected approximately £1.32m in 2014/15, and £2.123m in 2015/16 from the Mayoral CIL. On a similar scale of development it is anticipated that Bromley's CIL could secure between £2m and £4m per annum.

- 3.10 The Local Plan and CIL work is led by the Planning Strategy team which provides the majority of the resources. However, as well as contributions from other Council services, consultants are required to undertake specialist work and this is included in the Local Plan budget. The Council is responsible for paying the cost of the Examinations of the Local Plan and the Community Infrastructure Levy Charging Schedule which is estimated to be in the region of £40-60k and includes the Inspector and the Programme Officer's costs.
- 3.11 The LDS shows the Bromley Town Centre Area Action Plan (BTCAAP) being reviewed following the adoption of the Borough-wide Local Plan. It will part of the Local Plan as a whole, and if there is a need for an early partial review of the Local Plan on the basis of the emerging new London Plan this could be integrated into the BTCAAP review.

#### **4. POLICY IMPLICATIONS**

- 4.1 The Local Plan when 'Adopted' together with the London Plan and the Bromley Town Centre Area Action Plan, will form the Development Plan for the Borough and will set out the policies against which to consider planning applications. The LDS is a procedural document regarding the preparation of the Local Plan. However, the Local Plan is one of the key strategic documents guiding the development of the Borough and helping deliver the 'Building a Better Bromley' priorities.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 The cost of public consultation, related printing and publishing of any Local Plan document will be met from the Local Plan Implementation budget of £31k within Planning Services.
- 5.2 The cost of the examination of the plan in public and any further evidence work required during 2016-18 is expected to cost up to £65k. The Executive agreed to carry forward £47k in June 2016 for the preparation of the Local Plan. This was intended to fund the examination of the plan in public and associated work which is now expected to be undertaken during 2017/18. A request for approval to carry forward this sum will be submitted to the Executive in June 2017. The total budget available during 2017/18, including the existing Local Plan budget of £31k, would therefore be £78k.
- 5.3 It should be noted that the precise timing of the examination in public is determined by the Planning Inspectorate and is therefore outside of the Council's control.
- 5.4 The timetable included in Appendix 2 to the LDS indicates that the Bromley CIL charging schedule should be effective from March 2018. With a similar scale of development as in 2015/16, it is anticipated that between £2m and £4m per annum could be generated by Bromley's CIL towards infrastructure.
- 5.5 There will be a cost for the examination of the CIL charging schedule, which is estimated to be up to £25k. Should the charging schedule be approved and the Council adopt a local CIL, then the costs incurred can be set against future CIL income.
- 5.6 Once the local CIL is in place, S106 contributions will mainly be for affordable housing, unless specifically negotiated.

#### **6. LEGAL IMPLICATIONS**

- 6.1 The Council has a duty to publish an up to date Local Development Scheme.



<b>Non-Applicable Sections:</b>	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Report DRR15/110 Local Development Scheme 2016-17 DCC 10 <sup>th</sup> December 2015 Executive 13 <sup>th</sup> January 2016.

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# London Borough of

# BROMLEY

## LOCAL DEVELOPMENT SCHEME

November 2016

## Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 (The Act) requires the Council to prepare and maintain a Local Development Scheme. This document is the revised Local Development Scheme for Bromley, (also referred to as the LDS). It replaces the January 2016 version. This version has been prepared with regard to the Act and its associated Regulations which set out what is required of an LDS.
- 1.2 This LDS takes into account the changes in legislation and policy at a national and regional level and the resources available to the Council. It reflects the impact of continued planning reforms, and the London Plan, (as amended in 2016) with which the Local Plan will be required to be in general conformity.
- 1.3 The primary purpose of the LDS is to inform the public about local development plan documents for Bromley and the timescale for their preparation. Planning Practice Guidance (2014) states that local authorities should publish the timescale on its website and keep this up to date.
- 1.4 Bromley adopted its UDP in 2006, and 'saved' many of its policies in 2009. The Council subsequently worked on its Local Development Framework, and under this system adopted the Bromley Town Centre Area Action Plan and Supplementary Planning Documents for Affordable Housing, and for Planning Obligations. The Council is now preparing Bromley's borough-wide 'Local Plan'.
- 1.5 There are six different types of planning documents that could potentially be prepared. Their content varies from policies for the use of land, policies for involving the public in planning, guidance and information to procedural documents.
  - Development Plan Documents (DPDs)
  - Neighbourhood Plans
  - Supplementary Planning Documents (SPDs)
  - Community Infrastructure Levy (CIL) Charging Schedule
  - Statement of Community Involvement (SCI)
  - Authority Monitoring Report (AMR)

Development Plan Documents (DPDs) form the Local Plan for the Borough.

- 1.6 The Bromley Local Plan will be the borough-wide DPD which sets out the overarching strategy for the future development of the Borough to 2030 and detailed policies to manage new developments and incorporates strategic site allocations supporting its delivery. The Bromley Town Centre Area Action Plan (BTCAAP) is an existing adopted DPD (2010) covering a specific part of the Borough, and will therefore be reviewed once the Local Plan is adopted. When reviewed it will form part of the Borough's Local Plan.

- 1.7 The statutory **Development Plan** for Bromley currently comprises the London Plan 2016, the 'saved' policies of the 2006 UDP, and the Bromley Town Centre Area Action Plan, and is set out in Diagram 1.
- 1.8 Local Development Documents must be in 'general conformity' with the London Plan, (the Mayor's Spatial Development Strategy).

#### Neighbourhood Plans

- 1.9 The Localism Act 2011 makes provision for Neighbourhood Plans, a new type of planning document to be prepared. Neighbourhood Plans are community-led documents which would be initiated through a Neighbourhood Forum and ultimately adopted by the Council as part of its development plan. Neighbourhood Plans have to be in 'general conformity' with strategic policies in the Local Plan for an area, and are subject to independent examination and a referendum.
- 1.10 There are currently no Neighbourhood Forums within the Borough and no proposals for Neighbourhood Plans.

#### Supplementary Planning Documents

- 1.11 Supplementary Planning Documents are used to amplify planning policy within development plan documents. There is no legal requirement for these to be included within the LDS, and this enables local planning authorities to respond as circumstances change. They do not form part of the 'Development Plan' for the Borough. However, they are 'material considerations' and provide additional detail to existing policy in the development plan or national policy. Where it is known they are likely to be prepared within the LDS timescale reference is made to them, but there is scope for additional SPDs to be prepared and information will always be published on the Council's website.
- 1.12 DPDs and SPDs are subject to public consultation. In addition, DPDs are subject to Sustainability Appraisals in their preparation to assess the economic, social and environmental effects of the plans. DPDs are submitted to the Secretary of State and an Examination in Public by a Planning Inspector.
- 1.13 The Town and Country Planning (Local Planning) England 2012 Regulations sets out the revised procedure for the preparation and review of Local Plans.

#### Community Infrastructure Levy (CIL) Charging Schedule

- 1.14 The Community Infrastructure Levy is a charge that local planning authorities may choose to levy on new development to fund infrastructure required to support growth and the delivery of the Development Plan for the area. To date, LB Bromley has used S106 agreements negotiated with developers to secure funding where needed as appropriate. However, restrictions to the pooling of S106 agreements

came into effect from April 2015 to avoid the use of S106 and CIL monies to pay for the same piece of infrastructure. The CIL Charging Schedule will set out the rates at which CIL will be charged for specific types of development.

### **Bromley's Current Position**

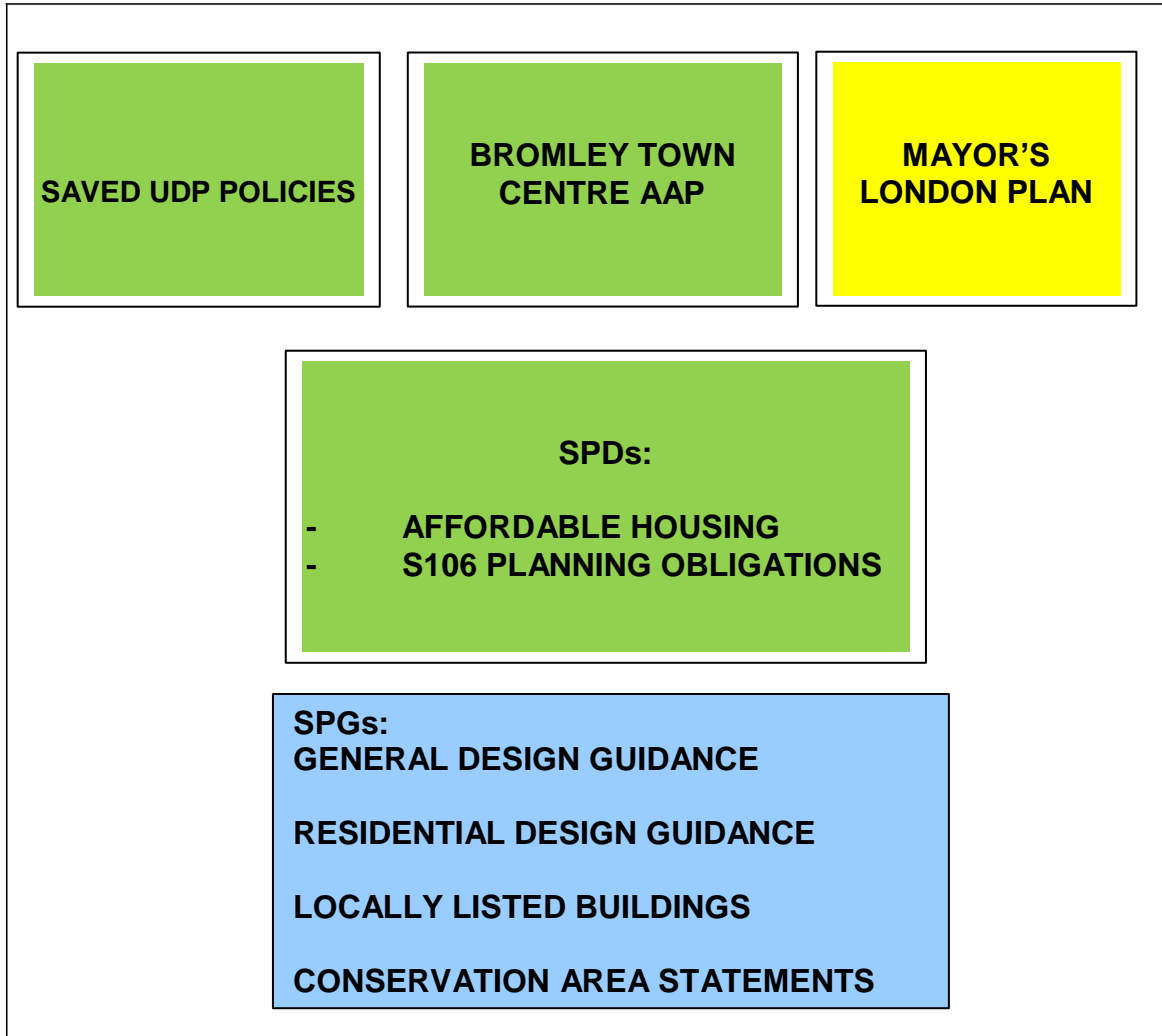
- 2.1 The Council decided to move to preparing a Local Plan in line with the National Planning Policy Framework rather than a Local Development Framework which it started to prepare and adopted some documents.
- 2.2 The current Development Plan for the Borough comprises:
  - 'saved' policies from the 2006 UDP
  - Bromley Town Centre Area Action Plan (2010)
  - Affordable Housing SPD (2010)
  - Planning Obligations SPD (2010)
  - Supplementary Planning Guidance linked to the saved UDP policies
  - The London Plan (2015)
- 2.3 Diagram 1 illustrates this position.

### **Saved Policies**

- 2.4 The Unitary Development Plan (UDP) 2006 was saved for three years after adoption by virtue of the Planning and Compulsory Purchase Act 2004. In 2009 the Council successfully sought a Direction from the Secretary of State to retain specific policies beyond this period. Appendix 1 lists the policies 'saved'.

Diagram 1

**BROMLEY'S DEVELOPMENT PLAN (CURRENT)**



**STATEMENT OF COMMUNITY INVOLVEMENT**

**AUTHORITY MONITORING REPORT**

**LOCAL DEVELOPMENT SCHEME**

**Supplementary Planning Documents**

The Council has two adopted Supplementary Planning Documents: 'Affordable Housing', and S106 Obligations'.

**Supplementary Planning Guidance**

The Council's existing supplementary planning guidance (SPG) can only remain in force while the relevant UDP policies are operational. All are currently linked to 'saved' policies and have been retained as a material

consideration in the determination of planning applications. Table 1 shows the current SPG linkages to 'saved' policies.

**Table 1 - Supplementary Planning Guidance**

<b>Supplementary Planning Guidance/ Information Leaflets (IL)</b>	<b>Links to saved Unitary Development Plan Policies</b>
General Development Principles	BE1/BE3
Residential Design Extending your homes (IL)	H7/ H8/ H9/ H11
Conservation Area Character appraisals and Guidance	BE9
Shop fronts and security Shutters (IL)	S1/S2/S4/S5/BE9
Archaeology (Fact Sheet)	BE16
Advertisements	BE21

### **Preparation of the Local Plan**

- 3.1 The Council signalled it would move to a Local Plan with the National Planning Policy Framework (2012) and incorporate the work undertaken so far to progress the Local Development Framework. This included the evidence base which continues to be updated as appropriate, and the Core Strategy Issues Document consultation from 2011. With the Bromley Town Centre Area Action (BTCAAP) adopted in 2010 it was agreed that it would be reviewed after the adoption of the Borough-wide Local Plan. The Borough-wide Local Plan would therefore only include those elements which required updating, for instance, the Bromley North site (former Opportunity Site A ); originally included in the Bromley Town Centre Area Action Plan, Policy OSA Bromley North was quashed following a judicial review.
- 3.2 In 2012 the Council undertook consultation on its Local Plan 'Options and Preferred Strategy' in 2014 its 'Draft Policies and Designations' Document. The issuing of the Draft Policies and Designations Document overlapped with the Mayor of London consulting on the Further Alterations to the London Plan in early 2014. The FALP were consolidated into the London Plan in March 2015. Following the 2015 London Plan, the Council consulted on its Draft Allocations, Further Policies and Designations. The Mayor's minor alternative to the 2015 Plan were incorporated into the London Plan in March 2016. The Council is due to commence consultation on its Proposed Submission Draft Local Plan in line with Regulation 19 of the Town Planning Regulations 2012 as amended formally in mid-November 2016.
- 3.3 There is a period of transition between the old and new systems. The old system is represented by the 'saved policies of the 2006 adopted Bromley Unitary Development Plan (UDP) and currently these together with the Bromley Town Centre Area Action Plan form the Development Plan for the Borough together with the London Plan. Appendix 1 sets out the 'saved' UDP policies. The Government is starting to prepare a new London Plan with the intention to publish in 2019. This will have implications for the Borough and may require a renew of the Local Plan, in 2019/2020 beyond the timescale of this LDS.



**Development Plan Documents**

- 3.4 Bromley Borough Local Plan – this will set out the spatial vision and strategic objectives, policies for managing development in the Borough, it will identify the main sites where development or change is anticipated and include the proposals map identifying areas designated for protection or where areas where specific policies will apply. It will selectively update the Bromley Town Centre Area Action Plan 2010 with any amendments that are made during the Local Plan process.
- 3.5 While the Bromley Town Centre Area Action Plan forms part of the broader Local Plan, it will be reviewed following the adoption of the Borough-wide Local Plan, and will if required form an appropriate early partial review of the Borough-wide Local Plan.
- 3.6 In addition there will be a Community Infrastructure Levy (CIL) Charging Schedule
- 3.7 The timetable for the production of these three documents is detailed in Tables 2, 3 and 4 and shown in summary in Appendix 2. Diagram 2 shows the other documents involved as well.

**Diagram 2**

BROMLEY'S DEVELOPMENT PLAN (PLANNED)



## Supplementary Planning Documents

- 3.8 The LDS is only required to set out the timetable for Development Plan Documents which have to be subject to an Examination in Public. However, the Council considers it useful to indicate the programme for the S106 Planning Obligations Supplementary Planning Documents which will be prepared alongside the introduction of a Bromley Community Infrastructure Levy.

Planning Obligations – The existing SPD will be reviewed in line with the Borough Local Plan and the introduction of the Borough's Community Infrastructure Levy (CIL).

Affordable Housing – It is anticipated that the existing SPD will be reviewed and updated in light of the Borough Local Plan following its adoption.

Character and Design – This would be a new SPD covering in the main the topics covered by the current SPGs regarding General Design and Residential Design and follow on from the Local Plan.

## Other Documents

- 3.9 Local Development Scheme This document will be kept under review and progress monitored as part of the Authorities Monitoring Report.

Statement of Community Involvement (SCI) Bromley's Statement of Community Involvement (SCI) was reviewed in 2016 following public consultation and agreed by the Council's Executive in July 2016. This reflects the greater public access to, and use of information technology.

Neighbourhood Plans There are no current proposals for Neighbourhood Plans within the borough.

Authority Monitoring Report An annual AMR is reported to Development Control Committee and in addition monitoring information is made available on the Council's website and updated throughout the year.

## Local Development Document Profiles

- 3.10 The following tables outline in detail each document proposed to form part of the Bromley Local Plan.

TABLE 2

<b>TITLE</b>	<b>Borough-Wide Local Plan</b>	
Development Plan Document	YES	
<b>ROLE &amp; CONTENT</b>	<p>The Local Plan will establish the Vision, Key Objectives and Spatial Strategy for the Borough, reflect the spatial aspirations of the Community Strategy Building a Better Bromley and contain a number of core policies and a monitoring and implementation framework.</p> <p>It will address levels of growth and the strategic distribution of development and will include policies addressing key issues and policies to aid the development management process including a clear strategy for the delivery of its objectives.</p> <p>The Local Plan will include maps or diagrams identifying the spatial elements of the strategy.</p>	
<b>GEOGRAPHICAL COVERAGE</b>	Borough-wide	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement in line with the SCI
<b>KEY MILESTONES</b>	<ul style="list-style-type: none"> <li>▪ Consultation on sites assessed as part of the site allocation process.</li> <li>▪ Consultation on new Local Green Space Designations,</li> <li>▪ Consultation on revised Statement of Community Involvement</li> <li>▪ Draft Local Plan Proposed Submission Consultation</li> <li>▪ Submission to the Secretary of State and then Examination</li> <li>▪ Receipt of Inspector's Report</li> <li>▪ Adoption of the Local Plan by Full Council</li> </ul>	<p>Sept/Oct 2015</p> <p>February/March</p> <p>February/March 2016</p> <p>November/December 2016</p> <p>Spring 2017</p> <p>Autumn 2017</p> <p>Late 2017</p>
<b>REVIEW</b>	The document will be monitored on an annual basis through the Authority Monitoring Report.	

TABLE 3

<b>TITLE</b>	<b>Community Infrastructure Levy Charging Schedule</b>
Development Plan Document	NO
<b>ROLE &amp; CONTENT</b>	The document will set out the charges to be levied on new development within the Borough.

BROMLEY LOCAL DEVELOPMENT SCHEME 2016-2018

GEOGRAPHICAL COVERAGE	Borough-wide
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BROMLEY LOCAL DEVELOPMENT SCHEME 2016-2018

UDP REPLACEMENT	N/A	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement as required by the CIL Regulations 2010 (as amended) and in line with the SCI
TIMETABLE & KEY MILESTONES	<ul style="list-style-type: none"> <li>▪ Preliminary Draft Charging Schedule consultation</li> <li>▪ Draft Changing Schedule Consultation</li> <li>▪ Submit for examination</li> <li>▪ Receipt of Inspector's Report</li> <li>▪ Adopt Charging Schedule</li> <li>▪ Publish Charging Schedule and Regulation 123 list</li> </ul>	<p>April – May 2017</p> <p>Sept – Oct 2017</p> <p>Winter 2018</p> <p>Early 2018</p> <p>Spring 2018</p> <p>Spring 2018</p>
REVIEW	The document will be monitored on an annual basis and will then be the subject of review if the monitoring highlights such a need.	

Table 4

<b>TITLE</b>	<b>Review of Bromley Town Centre Area Action Plan</b>	
Development Plan Document	YES – part of the Local Plan	
ROLE & CONTENT	The revised BTCAAP will form part of the Local Plan, and set out the ambitions and objectives for Bromley Town Centre within the adopted Local Plan vision and spatial strategy. It will set out the future role of the town centre as an Opportunity Area as defined in the 2016 London Plan and Draft Local Plan. It will address levels of growth of retail, office and residential floorspace, while contributing to an enhancement of the character of the town centre. It will revisit and update site allocations within the town centre, and specific policies to aid the development management process.	
GEOGRAPHICAL COVERAGE	Bromley Town Centre	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement in line with the SCI
KEY MILESTONES	<ul style="list-style-type: none"> <li>• Commence review of the BTCAAP.</li> <li>• Issues and Options report</li> <li>• Proposed Submission Town Centre AAP</li> </ul>	<p>Late 2017</p> <p>Spring 2018</p> <p>Late 2018</p>

REVIEW	The document will be monitored on an annual basis through the Authority Monitoring Report.
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## Risk Assessment

- 4.1 The Council is required in the LDS to set out a clear timetable for the delivery of the local development documents. Therefore it is important to identify the risks that could affect the work programme shown and to consider how these can be minimised and mitigated. The main issue is the impact the risks could have on the programme, although it is important that the plan progresses in compliance with legislation and regulations and is found 'sound' at its Examination to ensure a robust up to date Local Plan at the end of the process.

**Table 4 - Risk Assessment**

Risk Identified	Likelihood/Impact	Management Action
New policy guidance being published part way through the plan preparation	<b>Medium/high</b> Conservative Government has continued the extensive reform of the planning system undertaken by the Coalition Government. Further changes are anticipated.	<ul style="list-style-type: none"> <li>High level policy change is monitored.</li> <li>Plan has to be progressed on the best information available at the time.</li> <li>Seek advice from the GLA, DCLG and Planning Inspectorate as appropriate.</li> </ul>
Loss of staff/reduction in staff resources/competing work priorities.  Reduced ability of other departments and partners to contribute effectively and in a timely manner.	<p><b>Medium/high</b></p> <p>The Council is going through a period of transformation. Loss of experienced staff will impact on the production of local development documents and ability to keep to the timescale.</p> <p>Many partner agencies are also experiencing substantial change and a reduction in resources which may impact on their ability to contribute as planned.</p>	<ul style="list-style-type: none"> <li>Staff input from other departments secured at Chief Officer level</li> <li>Recognition of the importance of the Local Plan and its priority over other work.</li> <li>Focus resources on the Local Plan and minimise non statutory work</li> <li>Use work experience, other planning colleagues to contribute</li> <li>Use consultants for specialist work subject to available funding</li> <li>If necessary and other alternatives exhausted timetable will need to be reviewed.</li> </ul>
Need to meet Duty to Co-operate and undertake joint working with other authorities/partners	<b>Medium/medium</b> Other authorities and partners have their own priorities and timetables for development plans which	<ul style="list-style-type: none"> <li>Regular Duty to Co-operate meetings with sub-region</li> <li>Liaison with other authorities and bodies through partnership</li> </ul>

	will differ. Inspectors' Reports have highlighted the importance and the extent to which co-operation is expected under this Duty.	groups e.g. Borough Officers Group, Partnership Officer Group, South London Partnership, London Councils as well as co-operating with individual authorities/partners
Insufficient budget for preparation of plans or evidence base work and consultation	<b>Low/high</b> sufficient financial resources are required to prepare local development documents including for consultancy, consultation and the examination process	<ul style="list-style-type: none"> <li>• Budget required for known studies and consultation already built in to Council budget, however, Examination Costs can only be estimated at this time.</li> <li>• CIL costs can be set against future CIL income</li> <li>• Ways to add value to work, e.g through joint commissioning as with South East London Housing Partnership</li> <li>• Ensure future likely examination and associated costs are considered within the Council budgeting process and set aside as far as possible.</li> </ul>
Capacity of the Planning Inspectorate and other agencies to support the process	<b>Low/high</b> Decisions taken nationally to change the resources of statutory agencies and their capacity to deal with consultations or the programme Examination process could cause delays	<ul style="list-style-type: none"> <li>• Liaise with Planning Inspectorate in revising the LDS and keep PINS up to date if the timetable changes.</li> <li>• Maintain contact with key agencies to minimise prospect of slippage</li> </ul>
Consultation fatigue amongst the public	<b>Medium/high</b> Other parts of the Council and other partner agencies undertake consultation and communities can get 'fatigued' of being consulted.	<ul style="list-style-type: none"> <li>• Evidence to suggest good level of involvement, especially for future stages involving site allocations and planning policies</li> <li>• Keep the public informed of the process .</li> <li>• Link with other Council and partner consultation where possible</li> </ul>
Delay due to scale of public response	<b>Medium/high</b> Public Interest particularly in site allocations and detailed policies can be high.	<ul style="list-style-type: none"> <li>• Continue to encourage the public to respond on line to enable easier and effective analysis of responses.</li> </ul>
A requirement to carry out further studies in light of the	<b>Medium/High</b> New national, regional policy or guidance, change	<ul style="list-style-type: none"> <li>• Review of progress, changing policies, 'needs' assessment , and land availability</li> </ul>



site assessment work or changes in national/regional policy or guidance to ensure that Draft Plan is 'sound'.	in market conditions for instance may mean the Council has to undertake new/additional research or evidence.	
Demand on staff and other resources to inform the preparation of a new London Plan and advance Bromley's position or update the Local Plan and supporting documents in light of the London Plan review.	<b>High</b> The GLA have started preparing evidence for a new London Plan, and are requiring information and contributions from Boroughs.	<ul style="list-style-type: none"> <li>• Early and ongoing discussions with the GLA</li> <li>• Scheduling local evidence gathering and research where possible use london wide data and GLA resources where possible</li> </ul>
Plan preparation needs to meet tests of soundness and legal requirements.	<b>Medium</b> Local plan may be found unsound	<ul style="list-style-type: none"> <li>• Complete Soundness are Legal checklists</li> </ul>

### Local Plan Evidence Base

5.1 Local Development Documents are required to be underpinned by up to date evidence. The Council has undertaken, and where necessary commissioned research to support the preparation of the plan and this is available via the 'bromley.gov.uk' website. However, the Council has an obligation to keep its' evidence up to date and to undertake new studies as necessary and review existing evidence in a timely manner. The GLA is commencing the preparation of a new London Plan, and officers will seek to draw on london evidence where possible, and ensure local evidence is used to state and advance the Borough's position within any new London Plan.

5.2 Further work being undertaken/required includes:

**Table 5 - Further Evidence Work**

Evidence Area	Current Position	Resources	Timescale
Update to Strategic Flood Risk Assessment	Last Study 2008, Scope of work being prepared	Allocated from Lead Flood Risk Authority funding and staff resources within Planning Strategy	Ongoing Complete Autumn/Winter 2016

Open Space Audit Review	Work started	Existing Planning Strategy Budget	Complete Autumn/Winter 2016
Waste Technical Paper	Update to demonstrate how requirements can be met	Staff resources	January 2016
Review of retail demand and supply, offices and other town centre uses.	Update to be undertaken to support the review of BTCAAP	Staff resources and Existing Planning Budget	2017/18
Local Plan, Affordable Housing and Community Infrastructure Viability Assessment	Draft report, Autumn 2016, further work to support Bromley's Community Infrastructure Levy	Staff resources and Existing Planning Budget	Ongoing support through to the CIL Examination.

### **Duty to Co-operate**

6.1 The Duty to Co-operate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis.

6.2 The strategic priorities the Government expects joint working includes where appropriate:

- The homes and jobs needed in the area;
- The provision of retail, leisure and other commercial development

- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk, and coastal change management, and the provision of mineral and energy (including heat);
  - The provision of health, security, community and cultural infrastructure and other local facilities,; and
  - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.)
- 6.3 The Duty to Co-operate covers a number of public bodies in addition to councils. These bodies are set out in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and comprise:
- Environment Agency
  - Historic Buildings and Monuments Commission for England (English Heritage)
  - Natural England
  - Mayor of London
  - Civil Aviation Authority
  - Homes and Community Agency
  - Clinical Commissioning Groups
  - National Health Service Commissioning Board
  - Office of the Rail Regulator
  - Highways Agency
  - Transport for London
  - Integrated Transport Authorities
  - Highway Authorities
  - Marine Management Organisations
- 6.4 These bodies are required to co-operate with councils on issues of common concern to developing sound local plans. Local Enterprise Partnerships and Local Nature Partnerships are not covered by the Duty but local planning authorities have to co-operate with LEPs and LNPs having regard to their activities as they relate to Local Plans.
- 6.5 The Council has, and continues to undertake a range of work to ensure the Duty to Co-operate is met. This includes one to one meetings with neighbouring authorities on specific issues, and specific stages in the preparation of respective development plan documents, meeting with groups of authorities, for instance South East London boroughs, boroughs adjoining Crystal Palace, participating in London wide initiatives and Bromley's non-London neighbouring authorities,. These include adjoining parishes, Dartford, Sevenoaks and Tandridge Councils, and Kent and Surrey County Councils.
- 6.6 Specific work is undertaken on a cross borough basis, for instance, the joint Strategic Housing Market Assessment undertaken jointly with Bexley, Southwark, Greenwich and Lewisham, as the five boroughs that make up the established South East London Housing Market Area. Working with authorities and other partners through Biggin Hill Consultative Committee and the Locate Initiative are also examples of the Duty to Co-operate.

## Appendix 1

### 'Saved' policies from the 2006 UDP

#### **Housing policies**

- H1 Housing Supply
- H2 Affordable Housing
- H3 Affordable Housing – payment in lieu
- H4 Supported Housing
- H6 Gypsies and Travelling Show People
- H7 Housing Density and Design
- H8 Residential Extensions
- H9 Side Space
- H10 Areas of Special Residential Character
- H11 Residential Conversions
- H12 Conversion of Non-Residential Buildings to Residential Use
- H13 Parking of Commercial Vehicles

#### **Transport policies**

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T4 Park and Ride
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T8 Other Road Users
- T9 Public Transport
- T10 Public Transport
- T11 New Accesses
- T12 Residential Roads
- T13 Unmade Roads
- T14 Unadopted Highways
- T15 Traffic Management
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

#### **Conservation and the Built Environment**

- BE1 Design of New Development
- BE2 Mixed Use Development
- BE3 Buildings in Rural Areas
- BE4 Public Realm
- BE5 Public Art
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE8 Statutory Listed Buildings
- BE9 Demolition of a listed building
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- BE12 Demolition in conservation areas
- BE13 Development adjacent to a conservation area
- BE14 Trees in Conservation Areas
- BE15 Historic Parks and Gardens
- BE16 Ancient Monuments and Archaeology
- BE17 High Buildings
- BE18 The Skyline
- BE19 Shopfronts
- BE20 Security Shutters

BE21 Control of Advertisements, Hoardings and Signs  
BE22 Telecommunications Apparatus  
BE23 Satellite Dishes

**The Natural Environment**

NE1 Development and SSSIs  
NE2 Development and Nature Conservation Sites  
NE3 Nature Conservation and Development  
NE4 Additional Nature Conservation Sites  
NE5 Protected Species  
NE6 World Heritage Site  
NE7 Development and Trees  
NE8 Conservation and Management of Trees and Woodlands  
NE9 Hedgerows and Development  
NE11 Kent North Downs Area of Outstanding Natural Beauty  
NE12 Landscape Quality and Character

**Green Belt and Open Space**

G1 The Green Belt  
G2 Metropolitan Open Land  
G3 National Sports Centre Major Developed Site  
G4 Extensions/Alterations to Dwellings in the Green Belt or on Metropolitan Open Land  
G5 Replacement Dwellings in the Green Belt or on Metropolitan Open Land  
G6 Land Adjoining Green Belt or Metropolitan Open Land  
G7 South East London Green Chain  
G8 Urban Open Space  
G9 Future Re-Use of Agricultural Land  
G10 Development Related to Farm Diversification  
G11 Agricultural Dwellings  
G12 Temporary Agricultural Dwellings  
G13 Removal of Occupancy Conditions  
G14 Minerals Workings  
G15 Mineral Workings – Associated Development

**Recreation, Leisure and Tourism**

L1 Outdoor Recreation and Leisure  
L2 Public Rights of Way and Other Recreational Routes  
L3 Horses, Stabling and Riding Facilities  
L4 Horses, Stabling and Riding Facilities – joint applications  
L5 War Games and Similar Uses  
L6 Playing Fields  
L7 Leisure Gardens and Allotments  
L8 Playing Open  
L9 Indoor Recreation and Leisure  
L10 Tourist-Related Development – New Development  
L11 Tourist-Related Development – Changes of Use

**Business and Regeneration**

EMP1 Large Scale Office Development  
EMP2 Office Development  
EMP3 Conversion or redevelopment of Offices  
EMP4 Business Areas  
EMP5 Development Outside Business Areas  
EMP6 Development Outside Business Areas – non conforming uses  
EMP7 Business Support  
EMP8 Use of Dwellings for Business Purposes  
EMP9 Vacant Commercial Sites and Premises

**Town Centres and Shopping**

S1 Primary Frontages S2 Secondary Frontages S3 The Glades  
S4 Local Centres  
S5 Local Neighbourhood Centres, Parades and Individual Shops S6 Retail and Leisure Development – existing centres  
S7 Retail and Leisure Development – outside existing centres S8 Petrol Filling Stations  
S9 Food and Drink Premises  
S10 Non-Retail Uses in Shopping Areas S11 Residential Accommodation  
S12 Markets  
S13 Mini Cab and Taxi Offices

**Biggin Hill**

BH1 Local Environment BH2 New Development BH3 South Camp  
BH4 Passenger Terminal/Control Tower/West Camp (Area 1) BH5 Former RAF Married Quarters (Area 2)  
BH6 East Camp BH7 Safety  
BH8 Noise Sensitive Development

**Community Services**

C1 Community Facilities  
C2 Communities Facilities and Development C4 Health facilities  
C5 Facilities for Vulnerable Groups  
C6 Residential Proposals for People with Particular Accommodation C7 Educational and Pre-School Facilities  
C8 Dual Community Use of Educational Facilities

**Environmental Resources**

ER2 Waste Management Facilities ER9 Ventilation  
ER10 Light Pollution  
ER11 Hazardous Substances ER16 The Water Environment  
ER17 Development and the Water Environment

**Implementation**

IMP1 Planning Obligation

# Appendix 2

## Revised Provisional Timetable for the Preparation of the Local Plan and Community Infrastructure Levy

	2016												2017												2018																
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec					
Borough-wide local plan including spatial, strategic, and detailed development policies and site allocations		LG Space Consultation									Formal pre-submission consultation 'Draft Local Plan				S							A																			
Review of Bromley Town Centre Area Action Plan																					Commence review of BTCAAP																			Consultation. Preferred Strategy & Sites	
Bromley Preparation of Community Infrastructure Changing Schedule															Preliminary Draft Charging Schedule																									S	
SPD Planning Obligations & Affordable Housing																					Draft SPD Consultation																				A

Notes  
 S' refers to Submission to the S/S for examination  
 'A' refers to Adoption by the Council.

The GLA is preparing a new London Plan with anticipated formal consultation in 2017, Examination in 2018 and publication in Autumn 2019

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