



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 16 July 2018

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)

Councillor Kira Gabbert (Vice-Chairman)

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

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY 24 JULY 2018 AT 7.00 PM**

MARK BOWEN
Director of Corporate Services

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **PLANNING APPLICATION: (18/01319/FULL1) - FOOTZIE SOCIAL CLUB, STATION APPROACH, LOWER SYDENHAM, LONDON SE26 5BQ (Pages 1 - 60)**

4 PLANNING APPLICATION: (17/05790/FULL1) - ABSOLUTE APPLICATIONS HOUSE, 6 SHERMAN ROAD, BROMLEY BR1 3JH (Pages 61 - 136)

5 PLANNING APPLICATION: (18/00399/OUT) - 10A SHERMAN ROAD, BROMLEY BR1 3JH (Pages 137 - 174)

Agenda Item 3

Application No : 18/ 01319/FULL1

Ward: Copers Cope

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

OS Grid Ref: E: 536826 N: 171157

Applicant : Iain Hutchinson

Objections : YES

Description of Development:

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

Location and Key Designations

Metropolitan Open Land (MOL)
Adjacent to a Site of Interest for Nature Conservation
Biggin Hill Safeguarding Area
London City Airport Safeguarding Area
Flood Zone 2/3
Green Chain
River Centre Line
Smoke Control
PTAL 2

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

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

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

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

Background

The application is being reported to Planning Development Control Committee as the applicant has exercised their right of appeal to the Planning Inspectorate on the grounds of non-determination. It is necessary for Members to consider the suggested grounds to contest the appeal as set out in this report.

Proposal

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

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

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

Tenure	Unit	% by unit	Habitable Room	% by habitable
Market	97	64.2	254	63.8
Social	16	10.6	42	10.6
Intermediate	38	25.2	102	25.6
Total	151	100	398	100

			Market				Affordable			
							Social rent		Intermediate	
Unit size	Total unit	%	Total habitable	%	Unit	%	Unit	%	Unit	%
1bed	63	42	126	32	44	45.4	6	37.5	13	34.2
2bed	80	53	240	60	46	47.4	10	62.5	24	63.2
3bed	8	5	32	8	7	7.2	0	0	1	2.6
Total	151	100	398	100	97	100	16	100	38	100

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

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

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

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

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

Based on the submitted drawings, a comparison and difference between the existing, previous scheme and current proposal is table below:

	Existing site coverage	Previous refused (3rd) scheme, under ref: 17/00170/FUL	Current proposal Dwg O04A/DS7-05	Difference between proposed and existing site coverage
Proposed units and building heights	N/A	229 units; 4 to 8 storey plus basement	151 units; 3 to 8 storey plus basement	N.B. No residential building. Single storey pavilion buildings associated with the former social club. Various unauthorized structures/ uses.
Building footprint (sq.m)	833	3, 304	2, 981	Increase by 2, 148

Hardstanding/ Private space footprint (sq.m)	7,012	4, 009	3,716	Reduce by 3, 296
Combined built development footprint (sq.m)	7,845	7313	6, 697	Reduce by 1, 148
Green space footprint (including the river) (sq.m)	10,804	11,336	11,952	Increase by 1,148
Total (sq.m)	18, 649	18, 649	18, 649	18, 649

As shown above, the submitted drawings suggested that the proposal would result in an overall reduction in hardstanding/built footprint and increase in green space. However, it should be noted that the hardstanding area has been expanded on site including the construction compound associated to the Phase 1 construction works, reduction of proposed surface level parking spaces and size of vehicle turning head. The applicant has also included the landscaped area at the podium level in calculating built coverage. Irrespective of the above, it is important to note that there would be a significant increase in building scale and volume for the proposed flats compared to the existing single storey buildings on site.

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

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

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

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

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

annum and when taken with the most up to date evidence base of the draft New London Plan there is an increased housing need for Bromley 1,424 per annum.

On the issue of MOL, this report concluded that the proposal would reduce built coverage on site. The proposal including massing of the buildings address the inspector's comment in terms of openness of MOL.

A total of 54 affordable housing units (35.8%) of which, 16 social rent units and 38 intermediate units (achieving a split of 30% rented and 70% intermediate) would be provided. This would improve the Council's housing target in the London Plan. The applicant suggests the following issues amount to Very Special Circumstances:

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

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

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

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

Officers accept that the site has some relevance in that it is an adjacent development and has a degree of similarity in terms of architectural language including scale and massing of the residential blocks. However, it should be noted that Dylan 1 site was not designated as MOL and therefore the circumstances and context of that development are significantly different to the current proposal. Officers are not

disputing that Dylon is an urban site but for reasons that will be demonstrated throughout this report do not accept that the application site is an acceptable extension of the Dylon development. Consequently it is not appropriate to refer to the current proposal as Phase 2 of the Dylon development.

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

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

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

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

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

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

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

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

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

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

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

The applicants FRA has been prepared in liaison with the Environment Agency whose advice has informed the buildings slab levels, extent of landscaping and surface water drainage solutions. Detailed site specific flood monitoring has been undertaken in addition to site specific flood storage calculations. The FRA concludes

that this site is suitable for residential development subject to conditions to control flood risk mitigation and drainage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This statement has been prepared in line with the principles of the London Plan Energy Hierarchy. The building fabric will seek to reduce CO₂ emissions by 13.28% over the Building Regulation compliant figures, using CHP and solar panels to reduce CO₂ by a further 36.42% and 21.56% respectively. The total reduction on Building Regulations 2013 will be 72.26%. The report suggested that a carbon offsetting payment of £137, 466 would be required to meet 100% reduction in regulated carbon emissions.

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

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

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

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

This technical report assesses the impact of the proposal upon the future occupiers of the development as well as adjoining occupiers. The report has been prepared having regard to BRE Report 209 'Site layout Planning for Daylight and Sunlight – a guide to good practice'. In terms of neighbouring developments it is only necessary to assess the impact on the approved scheme at Dylon Phase 1 as other residential properties are far enough away from the site not to be affected and the adjacent commercial properties fall outside of the scope of assessment. Commercial buildings are not afforded the same level of protection in this respect. The report concludes that the proposed development would not have a significant adverse impact on the adjacent Dylon Phase 1 scheme and that the new units would meet the recommended BRE levels for daylight and sunlight.

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

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

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

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

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

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

Landscape Management Plan (prepared by Ian Ritchie Architects – Appendix 16)

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

Outdoor Gym and Playground (prepared by Ian Ritchie Architects – Appendix 17)

This document sets out the detailed design proposal for the public open space proposed within the eastern section of the site. The document includes a number of artistic images of how the space could look.

Visual Assessment (prepared by Cityscape Visual – Appendix 18)

This report has been prepared to address the comments raised by the Planning Inspector. The report contains details of the design revisions and the Accurate Verified Views taken from 9 viewpoints surrounding the site. The report suggests that

the proposal will by virtue of its mass, scale, form and design have an acceptable visual impact on the MOL.

Design assessment (prepared by Paul Finch, OBE – Appendix 19)

This is an independent design statement explaining the design and quality of the proposal and observations.

Housing Need, Delivery and Supply Assessment Review (prepared by NLP)

This report states that the Council is unable to delivered 5 years supply of housing land in Bromley. The Council's housing requirements and MOL designation of the site is also out-of-date. In line with NPPF Para 14 and 49, the shortfall in housing supply alone is enough to trigger the operation of the "titled balance" and there should be a presumption in favour of approving this application.

Objectively assessed housing need should be used to benchmark and calculate the required housing supply. Very limited weight should be given to the extant Development Plan (Bromley Draft Local Plan and UDP) as it is time expired and not up-to-date for the purpose of housing provision. The development plan does not meet the full current OAN and comply with the NPPF.

Draft NPPF introduces new housing delivery test including definition of a deliverable site. The Council's draft Local Plan is seeking to achieve (rather than exceed) a minimum annual average housing target which is based upon an out-of-date evidence as the draft Local Plan is based on the 2013 SHLAA, rather than the 2017 SHLAA. The weight to be attached to the draft Local Plan should be limited and should be considered to be unsound.

This report states that 52 percent of housing completions in Bromley were allowed at appeal and the actual delivery would have been far less than the identified delivery.

The report indicates that the Council has failed to meet the current and emerging draft London Plan requirements for housing and affordable housing. Great weight should be attached to the Dylon application as it would contribute to market and affordable housing delivery in Bromley.

Metropolitan Open Land (MOL) Assessment (prepared by NLP)

This assessment has been prepared to examine the effect of the proposal on MOL and to establish whether very special circumstances exist to justify development on the MOL. The report sets out the comments from the previous Appeal Inspector in respect of the MOL designation, it covers relevant national and development plan policies. It acknowledges that residential development would, by definition, be inappropriate but enhancement of the retained open space and provision of open access together with remediation of the pool river would be appropriate in MOL terms.

The report describes the visual role of the site and its townscape character with focus upon where the site can be viewed from within the surrounding area and wider borough. In this respect the report concludes that the site is a low quality urban site which differs in character from the remainder of the MOL. The site is not publically

accessible, is not well maintained and plays a limited role when viewed from public places.

The report considers the landscape and visual impact of the proposal. The proposed building would be sited in an area that is already occupied by buildings. The report states that there would be no material change to the overall 'developed area' across the site and would not cause actual harm to the MOL. Whilst part of the site is designated as Green Chain it is not open to the public, the proposal would improve this by opening up the site for public use. The report suggests that the effect on openness of this part of the MOL would be limited due to the limited views of the site and lack of access to it.

The report suggests that due to its use, urban character and immediate context the site is distinct and separate from the remainder of the MOL. It is noted that the wider MOL has a number of buildings on it, many of which were approved after designation of the MOL and it is therefore argued that there is precedent for residential and other buildings being approved on MOL and Green Chain Land in this locality.

The report suggests that the site does not meet any of the London Plan MOL criteria for designation. It further suggests that the site does not serve a Green Belt or MOL purpose. Whereas the proposed green space within the development would meet MOL objectives.

The report sets out potential benefits of the proposal being, improved public access, enhanced outdoor recreation facilities, landscape, visual amenity and biodiversity enhancements and improving damaged land. As well as these benefits the report suggests that housing need and delivery and socio-economic benefits arising from the proposal are material considerations of sufficient weight to outweigh the harm caused by the proposal and therefore very special circumstances exist.

Economic and Regeneration Benefits Assessment (prepared by NLP)

The report provides an assessment of the economic benefits which will arise from the proposal. The following benefits are stated:

- Construction benefits
 - £37.1 million construction value, 214 construction jobs and further 324 supply chain jobs.

- Operational and expenditure benefits
 - £831, 000 first occupation expenditure
 - £875,000 resident expenditure
 - 6 supported jobs from increased expenditure in local area

- Local Authority revenue benefits
 - Mayor CIL, education, health and other S106 contribution £0.98 million
 - £1.2 million New Homes Bonus
 - £239,000 Council Tax receipts per year

Comments from Local Residents and Groups

The owner(s)/occupier(s) of the neighbouring properties (including the adjacent Dylan site) were consulted. A site notice was displayed and this application was also advertised in the local press.

7 letters of objection were received. The grounds of objection are summarised as follows:

Density, scale and height

- Scale and massing of the proposal would be excessive and would not outweigh the benefits could bring to this area; and,
- Excessive density and height. The site is situated on the border of Beckenham and adjacent to a light industry area where there is a great degree of openness. The proposed developments, together with the adjacent phase 1 development and emerging development (Maybrey Works) are totally overbearing and would radically alter the local environment.

Transportation and highway

- Vehicular access is not acceptable;
- Inadequate parking spaces;
- Increase traffic pressure and impact upon the surrounding area;
- Cumulative impact including the Bellway development adjoining to the site;
- Worsley Bridge Road is already struggling to cope with the influx of traffic, particular at the junction with Southend Lane with serious backlogs during rush hour;
- Whilst parking spaces would be provided, there is no information indicates how the proposal can be accommodated on the surrounding roads;
- The existing road should be amended or re-design to accommodate the increased traffic;
- Consideration should be given to the cyclist and their safety; and,
- There is an insufficient parking on the road.

Residential amenities

- Loss of light;
- Overshadowing; and,
- Loss of privacy.

Inadequate infrastructure to support the scale of the proposal

- Train station and network capacity already saturated. The proposed would increase the pressure on public transport;
- Inadequate school place in the area and the proposal would further reduce its capacity; and,
- Inadequate General Practise/NHS to support the proposal.

Flooding

- The proposal would increase the risk of flooding in the area. The communal garden area and underground car park in Dylan 1 are flooded. The proposal could easily be compounded with the prospect of the nearby Bellway development which is subject to a public inquiry; and

- Cumulative impact of development on local flooding.

Need for more housing/ development

- The latest 5YHLS indicates that the Council can meet its housing target plus 5% buffer. The provision of housing does not constitute very special circumstances for development of MOL land;
- No additional demand for more development in the area as Dylon Works is struggling to sell their flats; and,
- High rise developments are not conducive to a community nor or they a good place to bring young children up in.

Development in Bromley's green spaces

- Set a worrying precedent within the area and harming Bromley's green spaces in favour of overly dense and imposing development.

Appearance

- The character of the area currently comprises of low rise industrial units, small-scale residential properties and open sports pitched. The introduction of part 4 and part 8 storey building will cause a cumulative harm on the openness and visual links within the MOL;
- Whilst the new build (Dylon 1) near this site in isolation has already been approved, this proposal would appear as a wall-like appearance when viewed from the road. The proposed high-rise apartments akin to the imposing structures which blight the central London landscape;
- The proposal would be similar to Dylon 1 and this will expand the view of a huge housing complex into MOL land. The appearance of the proposal would be out of keeping with the rear and surrounding green open space area; and,
- The proposal would have an unacceptable and adverse visual impact on the surrounding MOL and area. There is an excessive cluster of tall tower building in the area. Houses or two storey flats with a reduced number of units would have a less impact and strain on local resources.

Inadequate family unit and affordable family unit

- 8% of the proposed units would be 3 bed units of which, 1 unit would be affordable; and,
- The proposal should be considered in conjunction with adjacent development at Dylon 1 and the emerging development at Maybrey Business Park.

Land use

- Inappropriate development in MOL; and,
- Whilst the site is under private ownership, the land is clearly disguisable from the built up area. The openness of this MOL affords numerous views toward the application site and should be maintained.

Quality of accommodation

- The proposal is close to the railway line and is subject to noise;
- High concentration of single aspect units face onto the railway line and industrial estate, exposing to high level of noise resulting in very poor quality accommodation.

Comments from Consultees

GLA (summary):

The proposal does not comply with the London Plan and the following should be addressed before the application is referred back to the Mayor:

Principle of Development: The proposal represents an inappropriate development on Metropolitan Open Land (MOL) and very special circumstances have not been demonstrated at this time to outweigh the harm caused to the openness of the MOL.

Affordable Housing: 36.2% affordable housing by habitable rooms proposed with a split of 30% social rent and 70%. Subject to the applicant exploring grant in line with draft London Plan Policy H6 and the Mayor's Housing and Viability SPD, the proposal would qualify for the Fast Track Route. An early review mechanism must be secured by Section 106 legal agreement and details of the proposed rent levels should be submitted

Urban Design: While the scale of development has been reduced and the layout amended, the height, mass, and density would be harmful to the open character and quality of the MOL.

Climate Change: Further information/clarifications/commitments related to overheating and cooling demand, solar photovoltaics installation are required before the carbon dioxide savings can be verified. Any remaining regulated Co2 emission must be met through a contribution to the borough's offset fund.

Transport: The proposal is broadly acceptable from a strategic transport perspective. However, changes are required in respect of cycle access and parking and detailed conditions / obligations are required in relation to bus stop improvements, travel planning, delivery and servicing and construction logistics, EVCPs and residents' on-street parking permits restrictions.

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

- Provision of a contraflow cycle route from Worsley Bridge Road to the site;
- A small increase in long-stay cycle parking to meet draft London Plan standards;
- Electric Vehicle Car Parking Spaces secured by condition, at a ratio of 20:80 active to passive to meet draft London Plan standards;
- A £30,000 contribution by s106 towards delivering step free access works at the nearest bus stop;
- Travel Plan incorporating car club provision and memberships to be secured by s106;
- A Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) be secured by condition; and,
- Mayoral CIL.

Environment Agency (summary): Objection is raised and more detailed floodplain compensation calculation, existing and proposed flood depth map are required.

The level for level floodplain compensation calculations is provided in the Flood Risk Assessment (referenced: RCEF60978-001 R Final, dated March 2018). However, the applicant should fully demonstrate that there is no net loss of void within any slice of void of equal thickness drawn parallel to the 1 in 100-year flood gradient, factored for climate change. Therefore, detailed calculations, post-development topographic survey and sections drawings indicate how the level for level compensation will work across the site are required.

Appendix B indicates the difference in flood depths between the existing and proposed situations and show there are increases in flood depths located off site (0.15 to 1m in depth).

The colouring of the maps needs to be updated so that the entire flood outline can be seen clearly. Any increase in flood risk offsite would be unacceptable as this is contrary to the National Planning Policy Framework Paragraph 102 with regards to passing the Exception test. From the submitted information it is unclear the extent and potential specific depths of flood waters off site.

Sport England: Object on the grounds of loss of a playing area. Should the Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the DCLG Planning Casework Unit.

Network Rail: No objection is raised provided that the proposal, both during construction and after completion of works on site does not encroach onto Network Rail land, affect the safety, operation or integrity of the company's railway and its infrastructure, undermine its support zone, damage the company's infrastructure and adversely affect any railway land or structure, place additional load on cuttings, over-sail or encroach upon the air-space of any Network Rail land, cause obstruct or interfere with any existing or works associated to Network Rail development.

Construction and future maintenance be conducted solely on the applicant's land without affecting, encroaching upon or over-sail Network Rail's land and air-space. Building should not be within 2 metres from Network Rail's boundary. Any scaffold must not over-sail the railway with protective netting installed.

Should vibro-compaction/displacement piling plant be used during the development, details of method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property must at all times be carried out in a "fail safe" manner such that in the event of failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Trespass proof fence with a minimum height of 1.8 metres and a vehicle incursion barrier or high kerbs should be installed to prevent vehicles accidentally driving or

rolling onto the railway or damaging lineside fencing. Adequate maintenance provision must be made for both parties and no part of works shall encroach upon Network Rail land.

No surface water shall be discharged or run-off onto Network Rail's property. The surface water drainage including maintenance and external lighting details should be submitted and Network Rail's Asset Protection Engineer's shall be consulted. The site is adjacent to the railway line and future residents would be subject to noise/vibration. The current train timetable may be subject to change without notification. Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at <https://www.networkrail.co.uk/communities/lineside-neighbours/working-by-the-railway/>

Historic England- Archaeology (summary): No objection to the proposal and no further archaeology work is required.

London Borough of Lewisham: No response received

Secure by Design (Summary): In principle the proposal is acceptable as it will provide managed housing in an underdeveloped site that has been prone to higher than expected crime. A health and safety audit of the play area should be undertaken. There should be a secure boundary to the resident's area and secured parking. A management and security plan should be provided. The proposal is appropriate for Secure by Design Accreditation and the applicant should liaise with the Design out Crime Officer.

Environmental Health Pollution (summary):

Air quality: An Air Quality assessment prepared by Air Quality Consultants (Report ref J2131/2/F1, 17 January 2017 and March 2018) is submitted and no objection is raised on air quality ground. There is scope to provide additional mitigation measures such as adoption of a car free and car capped development, provision of cycle storage, travel plan, car club bays and green walls. It is recommended that these details be secured by a planning condition.

Contamination: An Geotechnical and Geoenvironmental Ground Investigation Report prepared by Geosphere Environmental Ltd (Report ref 821,GI-PHASE 2/SG,PD/04-08-14/V2) is submitted and no objection is raised. It is recommended that the details of relevant remediation works be secured by a planning condition.

Nosie: An Noise and Vibration Report prepared by Cole Jarman Associates (Report ref 11/4200/R2) is submitted and no objection is raised. It is recommend that proposed glazing and ventilation, soundproofing and external lighting be secured by a planning condition.

Environmental Health Housing (summary): It is reasonable to assume a dwelling with two or more bedrooms will be occupied by a family with children. The majority of these proposed flats will have no view of the communal external recreational space.

The only communal living space in the proposed flats will be combined with the kitchen area which is not desirable.

Strategic Housing (summary): The proposed housing mix does not meet the need of the Borough with a very high proportion of 1 bed unit rather than family sized units. The proposed housing tenure should achieve a split of 60% social rent and 40% intimate unit. Details of 10% wheelchair units and clarification of developer's setting up as a register provider should be provided.

Drainage Advisor: The submitted Flood Risk Assessment (prepared by RPS Ref: RCEF 60978-001R dated March 2018) indicates that Geocellular Crate Soakaway, green roofs and permeable paving would be used to restrict the discharge rate into the Pool River to a maximum of 5l/s for all events including the 1 in 100 plus climate change storm event are acceptable. The detail of surface water drainage scheme and an assessment of the hydrological and hydro geological context of the development should be secured prior to the commencement of the development

Tree Officer: The aerial photography indicates that there are limited trees would be immediately impacted by the proposed development. It may be unnecessary to remove the Poplar trees. In order to ensure the correct Root Protection Areas have been calculated and the appropriate protection is given to the retained trees, it is recommended that arboriculture method statement, tree protection plan and soft and hard landscaping details be secured by planning conditions.

Rights of Way Officer: No response was received

Highways: In summary, the proposal will have a reduced travel demand in comparing with the previously refused schemes. The site has a PTAL rating of 2 and a total of 115 parking spaces (0.76 spaces per unit) and 310 cycle storage spaces would be provided at surface level and basement. The level of parking and cycle storage would comply with the London Plan requirement. 2 car club spaces would be provided. A turning head is proposed at the end of the site's estate road allowing large refuse vehicle to enter and leave the site in a forward gear. Adequate tracking plans are submitted.

The proposal will result in a minor impact on the operation of the Southend Lane/ Worsley Bridge Road traffic signal control junction. The access arrangement lacks detail and is unsatisfactory in terms of legibility and permeability. However, this is not sufficient to warrant a refusal on highway grounds. The relationship between the development and station in terms of wayfinding, distance and quality requires more careful consideration.

The following details/provision should be secured by planning conditions
H01 (Access), H03 (Car Parking), H18 (Refuse), H22 (Cycle Parking), H23 (Lighting), H25 (Servicing facilities), H29 (Construction Management Plan) and H30 (Travel Plan)

The following details/provision should be secured via a S106 Legal Agreement

2 car club spaces to be located at surface level and a car club operator to be appointed to operate a minimum of 1 car for at least 2 years.

A financial contribution (£5,000) to be secured for a period of 7 years to make any changes (provision of waiting restrictions and possibility of introducing pay and display bays around the site) should parking become any adjustment a problem after the development is complete.

A financial contribution (£ 30,000) is requested by TfL to improve pedestrian accessibility to the local bus stops on Worsley Bridge Road including changes to the waiting restriction on highway, improved signage, creation of a step free access to the bus stops and a new bus shelter to support southbound bus services.

Also TfL has requested a cycling environmental review system (CERS) audit to identify any required improvements to the cycle links. In order to improve safety and convenience for cyclists and in line with London Plan Policy 6.9, the applicant should also investigate a contraflow cycle lane on the access road (south westbound) for those accessing the site from Worsley Bridge Road.

Policy Context

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

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

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

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

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

The Greater London Authority is preparing a new London Plan. Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is closed on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan, the weight given to it is a matter for the decision maker based on the legal status of the Plan.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework 2012 (NPPF)

The NPPF contains a wide range of guidance relevant to the application specifically sections covering sustainable development, delivering a wide choice of quality homes, requiring good design, conserving and enhancing the natural environment, decision-taking and implementation. The NPPF makes it clear that weight should be given to emerging policies that are consistent with the NPPF.

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

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure

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

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

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

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

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

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

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

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

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

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

Paragraphs 79-92 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes:

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

Paragraph 96 states that, 'In determining planning applications, local planning authorities should expect new development to: 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

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

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

Relevant London Plan Policies include:

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 2.6 Outer London: vision and strategy
- Policy 2.7 Outer London: economy
- Policy 2.8 Outer London: transport
- Policy 2.18 Green Infrastructure: The Multi-Functional Network of Green and Open Spaces
- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.17 Metropolitan Open Land
Policy 7.19 Biodiversity and access to nature
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

The relevant London Plan SPG's are:

- Land for Industry and Transport (September 2012)
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Housing (2016)
- Energy Strategy
- Affordable Housing and Viability (2016)

Relevant UDP policies include:

H1 Housing Supply
H2 Affordable Housing
H7 Housing Density and Design
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T6 Pedestrians
T7 Cyclists
T9 and T10 Public Transport
T15 Traffic Management
T18 Road Safety
BE1 Design of New Development
BE4 Public Realm
BE17 High Buildings
BE18 The Skyline
NE2 and NE3 Development and Nature Conservation Sites
NE7 Development and Trees
NE12 Landscape Quality and Character
G2 Metropolitan Open Land
G7 South East London Green Chain
L6 Playing Fields
ER7 Contaminated Land
IMP1 Planning Obligations

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- 5 Year Housing Land Supply Paper
- Affordable Housing SPD
- Planning Obligations SPD
- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

Relevant Draft Local Plan Policies include:

1. Housing supply
2. Provision of affordable housing
4. Housing design
30. Parking
31. Relieving congestion
32. Road safety
33. Access for all
37. General design of development
47. Tall and large buildings
48. Skyline
49. The Green Belt
50. Metropolitan Open Land
73. Development and trees
77. Landscape quality and character
113. Waste management in new development
115. Reducing flood risk
116. Sustainable urban drainage systems
119. Noise pollution
120. Air quality
123. Sustainable design and construction
124. Carbon dioxide reduction, decentralised energy networks and renewable energy

Planning Application History

History for this site includes:

88/01449 – Full permission was granted
Single storey stable block and formation of car park.

89/01826: - Full permission was refused
Use of sports ground for car boot sales.

95/00294: Full permission was granted
Single storey detached building for use as a mini cab office.

14/02176: Full permission was refused
Temporary static caravan for security purposes (retrospective)

15/00701: Full permission (1st Submission) was refused. A subsequent appeal was withdrawn by the applicant.

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8/9/10/11/12 storey building comprising 296 residential units (148 x one bed; 135 x two bed and 13 x three bed units) together with the construction of an estate road, 222 car parking spaces, 488 cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The grounds of refusal are:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain or provide adequate amenity in terms of noise when windows are open; fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).

4. This site lies within Flood Zone 2 and 3 and meets the requirements for Sequential Test in the NPPF. Despite the ability of the design to mitigate flood risk, the approach taken has significant adverse effects on the quality of the development. As such it has not been demonstrated that an appropriate solution to mitigate potential flood risk can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.12 of the London Plan.

15/04759: Full application (2nd submission) was submitted. An appeal was lodged on the basis of non-determination and was subsequently dismissed (Dated 2nd August 2016; PIN ref; App/G5180/W/16/3144248).

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8 part 9 storey building comprising 253 residential units (128 x one bed; 115 x two bed and 10 x three bed units) together with the construction of an estate road, car and cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The Council resolved to contest the appeal on the following grounds:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain; or provide adequate amenity in terms of noise when windows are open fails to demonstrate that a high quality living environment with

satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).

4. This site lies within Flood Zone 2 and 3 and meets the requirements for Sequential Test in the NPPF. Despite the ability of the design to mitigate flood risk, the approach taken has significant adverse effects on the quality of the development. As such it has not been demonstrated that an appropriate solution to mitigate potential flood risk can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.12 of the London Plan.

The appeal was dismissed with the following conclusions (the full appeal decision is attached as Appendix 3). Relevant extracts of the Inspectors decision will be discussed in the analysis section below.

"I consider that the extent of harm that would be caused through inappropriate development, loss of openness and to the character and appearance of the surroundings are factors that cause the proposed development to conflict with the DP to a substantial degree.

I find that the scheme would not represent sustainable development as defined in paragraph 7 of the Framework because of its failure to meet the environmental criteria set out in that paragraph, through the harm to the character of the surroundings.

Even though the policies for the supply of housing may be out of date, I conclude that the identified harm significantly and demonstrably outweighs the benefits in favour of the proposal identified above, when assessed against the policies of the Framework as a whole. Very special circumstances to justify the grant of planning permission do not, therefore, exist in this case.

Consequently, for the reasons given above I conclude that the appeal should be dismissed"

17/00170/FULL1: Full application (3rd submission) was refused. A subsequent appeal was withdrawn by the applicant. The Council has awarded cost against the applicant.

Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey (+ basement). Refused for the following reasons:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the

development by way of harm to the MOL, design; and insufficient affordable housing provision is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2016) and G2 of the UDP (2006).

2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form, amount of development, number of single aspect units, adverse impact on the Landscape and failure to improve or enhance the character of the area amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. On the basis of the information submitted, the applicant has failed to demonstrate that the proposal would deliver a policy compliant provision of affordable housing contrary to Policy H2 of the Unitary Development Plan, Policy 3.11 of the London Plan (2016) and Bromley's Affordable Housing SPD (2008).

Relevant history for the adjacent Dylon site includes:

09/01664: Full permission was refused and subsequently allowed at appeal (Dated 15/15/2010; PIN ref: APP/G5180/A/09/2114194).

Mixed use redevelopment comprising basement car parking and 2 part five/ six/ seven/ eight storey blocks for use as Class B1 office accommodation (6884 sqm)/ Class A1 retail (449 sqm)/ Class A3 cafe/ restaurant (135 sqm)/ Class D1 creche (437 sqm) and 149 flats (32 one bedroom/ 78 two bedroom/ 39 three bedroom).

13/01973 and 13/03467: Full permissions were submitted. An appeal was lodged on non-determination ground. The appeals were allowed (Dated 16th Feb 2015: PIN ref: APP/G5180/A/14/2219910).

Erection of five storey building comprising 74 residential units; A1 retail; A3 cafe/ restaurant and a D1 creche in place of Block A03 forming part of the approved planning permission 09/01664 for the redevelopment of the Dylon site.

14/01752: Full planning was refused.

Erection of a five storey building comprising 55 residential units; B1 office; A1 retail; A3 cafe/restaurant; and a D1 creche in place of Block A03 of the approved permission ref. 09/01664/FULL1 for the redevelopment of the Dylon site.

15/04692: A material amendment application was approved.

Section 73 application for a minor material amendment to 09/01664/FULL1 (Mixed use development comprising basement car parking and 2 part 5/6/7/8 storey blocks for use as Class B1 office accommodation (6884sqm)/ Class A1 retail (449sqm)/ Class A3 café/restaurant (135qsqm)/ Class D1 crèche (437sqm) and 149 flats (32 one bed/ 78 2 bed/ 39 3 bed) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation, reduction of size of the basement, revised elevational details and external materials and samples.

15/04702: A material amendment application was approved.

Section 73 application for a minor material amendment to 13/01973/FULL1 (amendment to block A03 forming part of pp 09/01664);(to provide a total of 223 residential units, A1 retail unit, A3 café/restaurant unit, D1 crèche and associated works) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation and reduction of size of the basement.

Total approved development on the Dylon Phase 1 site is 223 residential units and 1,021 sqm of commercial floorspace (A1/A3/D1).

Also of relevance is an application for Maybrey Business Park

16/05897: Full planning was refused and subject to a public inquiry (Held in May 2018; PIN ref: APP/G5180/W/17/3181977)

Demolition of existing buildings and comprehensive redevelopment of the site to provide new buildings ranging from five to nine storeys in height comprising 159 residential units (Use Class C3), 1,129sq m commercial floorspace (Use Class B1a-c), residents gym (Use Class D2), together with associated car and cycle parking, landscaping and infrastructure works.

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

Consideration

The main issues to be considered are:

- Main differences from previous proposal;
- Principle of Development;
- Meeting the MOL designation criteria;
- Housing Need and Supply;
- Density;
- Design;

- Appropriateness of tall buildings
 - Impact on Landscape
 - Design quality
- Trees and Ecology;
- Housing Issues;
 - Housing mix and tenure
 - Standard of accommodation
 - Outlook and privacy
 - Wheelchair Standard
 - Play space
- Highways and Traffic Issues;
 - Parking spaces and car club
 - Cycle;
 - Trip generation;
 - Access
- Impact on neighbouring properties;
- Sustainability and Energy;
- Flood Risk; and,
- Planning Obligations.

Main differences from the previous proposal

This is the fourth planning application proposing a residential development on this site within Metropolitan Open Land (MOL). This application has been submitted in order to try and overcome the previous reasons for refusal (3rd application ref: 17/00170/FULL1) and including an earlier scheme which was dismissed at appeal (2nd application ref: 15/04759). In order to assist with the assessment of the current application, it would be useful to identify the main differences from the previous refused scheme.

Reduction in residential units

The total number of proposed residential units has been reduced from 229 units to 151 units (78 less units when compared with the last/3rd scheme under ref: 17/00170FULL1).

Increased distance between two blocks

The design has been amended to provide an increased distance between the proposed residential blocks (North and South Block) in an attempt to reduce the overall mass of the built form. The new buildings would be positioned along the western boundary of the site adjacent to the railway with a 29 metres gap between the blocks with a podium level incorporating a soft landscape area.

The applicant believes that the introduction of a wider gap between the proposed residential blocks with a dropping roof height towards the south of the site would help to create visual openness.

Reduction in height

The current proposal has a height range of basement plus 3 – 8 storeys whereas the previous proposal (3rd scheme) ref: 17/00170 was for basement plus 4 -8 storeys. (The second scheme – ref: 15/04759 was for basement plus 9 storeys and the first

application DC/15/00701/FULL1 was proposed at basement plus 8 – 12 storeys). The reduction in scale attempts to address concerns regarding the scale and mass. The north wing of the northern block would reflect the height of the Dylon scheme on the shared boundary at basement plus 8 storeys, the lowest part of the development (basement plus 4 storeys) would be located on the southern boundary of the site adjacent to the remaining MOL.

The facades have been remodelled in and aimed to reduce the dominant appearance of the block, particularly on the eastern side facing the open space. Furthermore, top floor setbacks are proposed in an attempt to provide a varied roof scape and reduce the scale of the blocks. The materials palette has been refined to include more glazed areas as well as winter gardens on the western elevations.

Removal of surface level/ground floor parking spaces

A total 29 surface level parking spaces along the proposed access road, adjacent to the railway line are removed from the current proposal. This reduces the overall hardstanding area by approximately 334sq.m.

Single aspect units

The applicant has stated that there are no single aspect units in the current proposal. Whilst there is no single aspect north facing family units, the number of single aspect units proposed remained high (60 units equates to 40%).

Winter gardens have been introduced for the west facing units in an attempt to overcome previous concerns relating to noise and ventilation for the residential units on this side of the building.

Principle of the Development

The site is designated as Metropolitan Open Land (MOL) and forms part of the South London Green Chain. Consequently the principle of developing the site for residential purposes must be considered in this context.

The current extent of Metropolitan Open Land is strongly supported by London Plan Policy 7.17 which also seeks to protect it from development having an adverse impact on its openness. Policy 7.17 of the London Plan states that in planning decisions regarding MOL, “inappropriate development should be refused except in very special circumstances, giving the same level of protection as in the greenbelt. Supporting Paragraph 7.56 to the MOL policy makes it clear that the policy guidance of paragraphs 79-92 of the NPPF on Green Belts applies equally to MOL. It further states that “the Mayor is keen to see improvements in [MOL]’s overall quality and accessibility”.

Policy 7.17 acknowledges the importance of the Green Chain to London in terms of open space network, recreation and biodiversity. The Green Chain should be designated as MOL due to its London wide importance.

As stated above paragraphs 79-92 of the NPPF sets out the Government’s intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to

prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

Paragraphs 87 - 89 make it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Furthermore, a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

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

This proposed residential development, including introduction of substantial new buildings which do not fall within the exceptions set out in paragraph 89 of the NPPF. The proposed development would constitute inappropriate development in MOL. The harm arises from this inappropriate development; by definition, causes should be given substantial weight.

Meeting the MOL designation criteria

Policy G2 of the UDP is consistent with the rest of National and London Plan policy. It confirms permission for "inappropriate development" will not be permitted on MOL unless "very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or other harm". The policy also identifies that "the construction of buildings", which the proposed residential development falls into, constitutes inappropriate development on MOL and thus causes harm to it.

Policy G7 of the UDP seeks to protect the Green Chain. The policy states that, 'Development proposals will be required to respect and not harm the character or

function of the Green Chain and the Green Chain Walk, as defined on the Proposals Map. Measures to protect this designated area are to include the use of suitable screening, landscaping or in appropriate areas the planting of native vegetation and enhancing of wildlife habitats. The above approach is supported by the Council's draft Local Plan Policies 49 and 50.

The Council will protect land within the Green Chain, as defined on the Proposals Map, and promote it as a recreational resource whilst conserving and, where appropriate, enhancing the landscape. The South East London Green Chain comprises a number of open spaces in a variety of ownerships and largely in recreational use, which extend in a virtually continuous arc from the Thames, through the London Boroughs of Bexley, Greenwich, Lewisham and Bromley. The boroughs jointly administer the Green Chain in accordance with the objectives in the Green Policy Document, agreed by the South East London Green Chain Joint Committee in 1977. The well-established partnership between boroughs maintains the Green Chain as a valuable recreational amenity, landscape and nature conservation reserve for the wider south-east London area.'

The applicant has retrospectively applied the policy tests of London Plan Policy 7.17 used when considering whether to designate land as MOL in the preparation of a Local Plan and asserts that when considering a proposal for development on MOL, it is appropriate to undertake an assessment to establish whether the land meets these tests. The applicant has asserted that as part of their assessment, the land is erroneously designated as MOL as it does not satisfy the MOL designation criteria set out in the policy because part of the site contains structures and hardstanding, there is no public access to it and it does not contain any landscape features of national or metropolitan value. While it forms part of a Green Chain the applicant considered that it fails to meet MOL policy requirements.

Officers disagreed with the applicant's assessment. The site does meet the criteria as set out in London Plan Policy 7.17 which states " to designate land as MOL borough need to established the land meets at least one of the following criteria:

- a) it contributes to the physical structure of London by being clearly distinguishable from the built up area;
- b) it includes open air facilities, especially for leisure, recreation sport, arts and culture activities which serve either the whole or significant parts of London Borough Bromley;
- c) it contains features or landscapes of either national or metropolitan value;
- d) it forms part of a Green Chain or link in the network of green infrastructure and meets one of the above criteria.

The site is clearly distinguishable from the built up area to the north and west of the site, in particular when viewed from the neighbouring roads. The existing pavilions on site are low level which contribute to the wider landscape of MOL. The site also forms part of the green chain. As such, it is considered that the applicant has misinterpreted the policy above. It should be noted that this view is supported by the Planning Inspector in dismissing an earlier submission. Paragraph 37 to 42 of the inspector report states "the site nonetheless makes a contribution to the larger open area through the fact of its designation and, as with land in Green Belt, the extent of

visibility of the site does not necessarily reduce the impact of the contribution that it makes. It is 'openness' that is the critical fact, with visual impact being judged under difference criteria".

This view is also endorsed by the Greater London Authority and is published in their Stage 1 report which states that, *"the applicant has retrospectively applied the policy tests of London Plan Policy 7.17 used when considering the designate land as MOL in the preparation of a Local Plan and conclude the site does not meet any of MOL designation criteria or purpose. As express in the previous Mayor's representation on the earlier proposal, the application process is not the channel for challenging the designation of MOL. This needs to be done via the Local Development Framework process, so that MOL boundaries can be considered strategically by the Council and the Mayor. It should also be noted that Bromley Draft Local Plan is currently undergoing an independent examination and there is no indication that the site designation as MOL will change. As such, officers disagree with the applicant's Assessment regarding MOL designation or that it demonstrates the existence of VSC"*.

In addition, officers would also point out that there is no requirement in either the NPPF or the Local Plan to undertake a full review of Green Belt and MOL boundaries. Given that the Council's has an up-to-date 5 Year Housing Land Supply (published in November 2017), there is no justification or exceptional circumstances to promote unsustainable development in the Borough and there is no justification to release MOL/Green Belt Land or housing development during the identified period. The applicant has sought to make a case for very special circumstances through the submission of their document titled 'MOL Assessment' (the details of which have been set out above). Very special circumstances are stated by the applicant to apply because:

- The applicant contends that Bromley is unable to meet its 5 years housing land supply. The proposal would assist in proving housing and meeting housing need.
- Based on the updated site survey, the proposal represents a small gain in openness with less hardstanding when compared with the previous scheme.
- The site does not meet the London Plan criteria as defined in 7.17 for designating MOL and is of poor landscape character and visual amenity. The proposal would improve the condition of MOL by providing a publicly accessible open space including biodiversity improvement. The proposed open space would meet MOL criteria.
- The site is located close to Lower Sydenham Railway Station, industrial estate and nearby commercial retail park.
- The 'definitional harm' and 'actual harm' should be considered and must be primary assessed in terms of effect on its openness and weighed against 'Very Special Circumstances'.
- The benefits of the proposed development are considered by the applicant to outweigh the loss to MOL because of the carefully considered, exemplary and quality design of the proposed development and the improvements to the existing MOL land by making it publicly accessible.

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

Officers consider that the designation of the site as MOL to be fundamental to the assessment of this application, it is not appropriate to consider re-designation through the planning application process (as confirmed by the GLA) and it is important to note that the adjacent Dylon site was never designated as MOL so its circumstances for redevelopment are significantly different to this site.

Officers consider that this site is separate from the built up development to the north and despite being physically separated from the remaining open space by the river and planting along the boundaries, the site does form part of the wider MOL to the south and east and is an important buffer between built form and open landscape. Given that there is an on-going major development at the Dylon site and the appeal proposal at the Maybrey Works site, of which both relate to the former industrial sites to the north it is even more important to retain and protect the MOL.

At the present time the site is not open to public use, it has been allowed to fall into a poor condition and is currently being used for a range of different uses which include ad-hoc storage, a builder's compound and parking. The Council's Planning Investigation Team is currently investigating the range of uses taking place on the site.

The applicant is of the view that openness on this site has already been compromised by virtue of the existing low level development on the site and therefore the issue to consider is the extent of harm arising from the visual impact as a result of increasing the scale of the development on the site. The applicant is of the opinion that the openness of the site is very limited and the proposed buildings will not have any material effect on that openness.

Officers do not accept that openness has already been compromised as over 58 percent of the site measuring 10,804 (58%) is covered by planting and remains free from built form at ground floor level.

The applicant has indicated that the proposal would be located on a previously developed land as the site is already largely covered by hardstanding. The proposal would result in an overall reduction of hardstanding on site. Officers disagree with this view as the aerial photos reveal that the green open space within the site has been extensively eroded in the past 10 years with increased ad-hoc and unauthorised uses/activities.

The latest and most tangible loss of green open space is the hardstanding area associated to the Dylon 1 construction works and storage purposes. While the temporary use of a neighbouring site for construction works/storage purpose would not necessarily require the benefit of planning permission, it should be noted that the paving/hardstanding areas have extensively and significantly increased in the past 12 years without any planning application records. As such, the suggested proposition that the proposed development would reduce built coverage of this previously developed land is not supported.

Setting aside the above, the applicant has also indicated that the proposal would result in a slight increase in green space across the site when compared with the last refused scheme.

This is primarily due to the removal of surface level parking and inclusion of the soft landscaping area at the podium level. It should be noted that building footprint would be significantly increased from 833sqm to 2,981sq.m and substantially increased in volume (8 storeys in height with a combined length 127.6 metres). A minimal reduction of the suggested hardstanding but significant increase in built form above ground level clearly causes harm by virtue of harm to openness. This is exacerbated by the visual impact of a building designed to accommodate 20,089sq.m GEA.

The existing development/structure on site is low level with a limited effect outside of the site, whereas the proposed development would be of a far greater scale in terms of height, volume and footprint, the proposed buildings would result in a significantly greater physical presence on site which would have an adverse impact in terms of openness and visual impact. Existing buildings on site have a height of 6.7 metres whereas the proposed buildings would be measures 26 metres high representing a 19.1m increase.

The proposed North Block would measure 26 metres in height (8 storeys), 64 metres in length, between 21.5 metres and 33.5 metres in width. The proposed South Block would measure 16.4 metres in height (5 storeys), 48.8 metres in length, between 22 metres and 37 metres in width.

Whilst the distance between the proposed blocks would be increased when compared with the previous (3rd scheme), it should be noted that the proposed buildings would be link at the podium level including the basement level visible from the Worsley Bridge Road and Copers Cope Road. The combined length of the buildings would measure 127.6 metres. The scale and massing of the proposed buildings, remains substantial when compared with the existing lower level buildings within the site and the low level buildings along Copers Cope Road.

In order to demonstrate that the proposal, would not cause visual harm the applicant has submitted a Visual Assessment with verified views to demonstrate the impact of the proposal which has been reduced in scale. Whilst it is acknowledged that the massing of the buildings has been reduced, the visual images clearly demonstrate that the proposal will be visible from a number of surrounding viewpoints. The proposed building would appear as an extension of a series of high walls with different heights. Whilst the proposed blocks would be lower in scale than the Dylon development that particular site does not lie within MOL. The proposed blocks would obstruct views into and through the site as shown in the images taken from Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low level development surrounding it.

In the applicants Design and Access Statement they describe the proposal as enhancing the urban character of the area optimising the potential of the site to provide much needed residential accommodation. This site is not a development

site and it is not appropriate to consider its development potential in the same way as the adjacent former industrial site, the site is protected MOL with its purpose being to prevent urban sprawl by keeping land permanently open. Sites such as this play an important role in the built up areas of London by providing a break in built form and maintaining areas of openness which provide relief between urban and suburban development. Seeking to optimise development on a site such as this is a direct contradiction of its purpose which is to protect openness.

Furthermore, deliberate neglect, unauthorised use or lack of public access is not in itself a reason to allow development on important protected sites such as this. Whilst part of the site is occupied as open area storage with some hardstanding within the site, it should be noted that there is no planning application record confirming the lawfulness of the existing use/activities including the extensive expansion of hardstanding.

As part of the application, the developer proposes to landscape and make the eastern part of the existing MOL space publicly accessible, retaining and enhancing the open space and landscape features on the eastern side adjacent to the Pool River, improving its recreational value and enhancing biodiversity. As expressed in Policy 7.17, the Mayor is keen to see improvements in the quality and accessibility of MOL and Green Chains, and the benefits set out above are therefore supported and welcomed. However, these could be achieved without the scale of inappropriate development proposed and would in most cases be a policy requirement of any development. It should be noted that the Inspector in the Appeal Decision also concludes that *“infrastructure contributions cited by the appellants as benefits are required to make the development acceptable in any event and do not add to the balance in favour of the scheme”*.

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

As set out above, in accordance with paragraph 87, the proposal is by definition inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances. The local planning authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm is clearly outweighed by other considerations. For the reasons set out in this report it is not considered that the applicants suggested Very Special Circumstances exist and the level of harm that would arise by virtue of inappropriateness and the harm to openness and visual impact substantially outweigh any benefits of the proposal.

Housing Need and Supply

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

UDP Policy H1 and draft Local Plan Policy 1 both require the Borough to make provision for additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. However, the presumption in favour of additional housing is intended to focus development within built up areas and on brownfield land, the need for additional housing provision does not outweigh national and development plan policies that seek to protect Green Belt/MOL.

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

The Council's latest 5 Year Housing Land Supply paper was published in November 2017. This sets out a supply of deliverable sites sufficient to provide five years' worth of housing against the housing requirement between 2017 and 2022. The housing requirement for LB of Bromley is set out in the Table 3.1 of the London Plan Policy 3.3 which requires a minimum of 641 dwelling per annum. It should be noted that this statement provides a 5% buffer. A supply of 3, 657 dwelling amounts to a 5.71 year supply based on a required of 641 dwellings per annum is set out in this paper. As such, the Council does have an up-to-date five years' worth of housing supply. This matter formed part of the Draft Local Plan examination in December 2017, which is at Modifications consultation stage.

The Council and GLA monitor the annual net housing completions in the relevant administrative area. The latest GLA annual monitoring report (AMR) indicates that the Council has a net completion rate of 765 units between 2015/2016 which represent a 19% over-provision. Whilst the average net completion rate for the past 4 years (between 2012/2013 and 2015/2016) is approximately 96.5%, it should be noted that the vacant units coming back to use are not recorded in the AMR. The AMR report together with the planned 5 Year Housing Supply Paper does indicate that the Council has achieved the minimum requirement in 2015/2016 and have capacity to meet the London Mayor's policy requirements.

With regard to the draft London Plan proposing an increase of housing target from 641 to 1, 440 dwelling per annum, this document remains at an early stage and it is anticipated that the first examination in public will be held in the autumn of 2018. Subject to any modifications, the new London Plan may be published in the following year. The draft London Plan is at a very early stage and only very limited weight can be given to this document at this stage. Furthermore, the Planning Practice Guidance states “*considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light*”.

The applicant believes that the proposal would improve the Council's poor housing delivery record and contribute towards the housing targets, especially in the context

of the minimum housing target in the draft London Plan. It should be noted that the London Plan Housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA), which are set and can be met without encroaching and building in MOL.

The above views are consistent with the current and draft London Plan and are supported by the GLA. The GLA Stage 1 report states that “A key principle of the SHLAA and London plan is that the target, including affordable housing can be met without *the need to consider designated open space...the draft London Plan and supporting SHLAA is based on the same principle and therefore does not consider the use of Green Belt as necessary to meet these targets. Housing need is therefore not considered to constitute Very Special Circumstances*”.

Furthermore, even if the Council’s position with regards to housing land supply were vulnerable as suggested by the applicant’s own assessment and were to be accepted as a VSC, the NPPF, London Plan and draft London Plan make clear that those circumstances must outweigh the harm that would be caused to the MOL from inappropriate development. In this case, for the reasons set out within this report in relation to the design, height and mass, the harm would be significant, and GLA officers are of the view that the harm would not be outweighed by the benefits of the scheme in relation to housing supply and improved landscape.

Linked to the need for housing, the applicant asserts that the provision of 35% affordable housing without public subsidy should be regarded as a ‘very special circumstance’ given the Council’s position on the delivery of affordable housing. As indicated above, the housing target, which includes affordable housing, can be met without the need to consider designated open space; and as such the provision of affordable housing is not considered a ‘very special circumstance’.

The applicant considers that “very special circumstances” justifying development on MOL have been established by virtue of the ability of the site to meet housing need and housing land supply. However, Officers do not agree that very special circumstances are justified on this specific basis. Officers are of the view that the housing supply targets of London Plan Policy 3.3 can be met without developing this designated MOL site. Consequently the ability of this site to deliver additional homes for the Borough cannot be accepted to override the harm to MOL as required in UDP Policy G2 and draft Local Plan Policies H1, 49 and 50. In any event, the advice of the PPG is that unmet housing need is unlikely to outweigh harm to the Green Belt (MOL) and other harm to constitute very special circumstances.

The applicant has put forward a number of factors to justify inappropriate development on MOL. Whilst the proposed landscape works and provision of a public accessible space is welcome, it is not considered as a very special circumstance by itself as these improvement can be delivered without the construction of two tall buildings.

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

Furthermore, the socio-economic benefits and merits derived from this proposal can be delivered without building in MOL land. It is clear that the merits identified are very limited and very special circumstances to outweigh the harm caused by the inappropriate development on MOL have not been demonstrated, and the principle of the development is unacceptable.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) outlines a suggested residential density ranges related to a site's setting and public transport accessibility (PTAL). The suggested density range for this site with a PTAL rating of 2 is between 150-250 hr/ha or 50-95 u/ha.

The proposed density would be 214 habitable rooms/ha or 81 units/ha and would comply with the London Plan Policy. However, paragraph 3.28 of the London Plan states *“a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is no appropriate to apply Table 3.2 mechanistically”*. This is only a suggested threshold.

Paragraph 1.3.8 of the Housing SPG (March 2016) provides further guidance on apply the density matrix which states that Table 3.2 should be used as a starting point as a guide rather than as an absolute rule. This is in order to take proper account of their objectives and local context. Paragraph 1.3.9 of the Housing SPG also states that proper weight should be given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in Chapter 7 of the London Plan. The standard of accommodation would be detailed and assessed in the following section of this report.

The applicant considers that the proposed development and density is justified on MOL land due to its proximity to a railway station and an urban scale development at the adjacent Dylon site which is nearly completed.

These views are not supported by officers as the application site does not form part of designated business and industrial land. The site is not identified as a housing site but is currently designated as MOL. The site is within MOL and adjacent to the Dylon site which has been granted permission for a scheme with an urban density. It is considered that this site forms a transition zone between the urban development to the north and suburban development, taking account of the area to the south and east of the site characterised by a predominance of semi-detached houses and Metropolitan Open Land.

As discussed above the principle of redeveloping this site for residential use is considered to be unacceptable. Even if putting the MOL considerations to one side, the proposal is not considered to be a sustainable form of development. The nearest primary school and local shops are approximately a ten minute walk from the site. GPs surgeries are a 17 min walk away. The only facilities near the site are sports fields and gyms. Whilst the Dylon development includes some commercial units and

the development has commenced, there is no guarantee that the commercial uses will be delivered. Consequently, the sustainability credentials of this location are therefore questionable and there are concerns about the appropriateness of the site to accommodate the density proposed.

The NPPF states that planning permission can be given to buildings that are not compatible with the existing townscape if they promote high levels of sustainability and concerns have been mitigated by good design. The location of this building and the harm caused to the surrounding landscape and MOL discussed elsewhere in this report clearly show that that the site is not located within a suitable location.

Playing Fields/Sport England Comments

This site was historically used as a sports facility for the Dylon Factory. Given its historical use Sport England were consulted. Their response has been set out in full above. The applicant has submitted information which states that the since 2007 there have been no sports activities carried out on the playing fields at Footzie Social Club. Car boot sales were held on the playing fields between 2003 and 2009, there are records for the licenses obtained for this activity'.

The applicant has also submitted an assessment to demonstrate that there is an excess of playing fields in the catchment area.

In light of the fact that the site has not been used as a playing pitch or sporting facility for a considerable period of time (in excess of 10 years) officers are not seeking to raise an objection to the application in this respect. In the event that this application was to be considered acceptable in all other respects the application would be referred to the Secretary of State in accordance with the Consultation Direction 2009.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

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

“I consider that the design of the building, taken in isolation, is indeed a meticulous and finely detailed concept that would reflect that of the Dylon 1 scheme. I find no problem with the integration of the flood protection measures into the layout, considering that they would be discreet and well integrated into the landscape proposals. Similarly, the ‘podium’ layout objected to by the Council would, I consider, be an appropriate method of providing private open space that is clearly separate, but not isolated from the park or access way, providing a link at an appropriate human scale between the public and private realm at ground floor level.

Nevertheless, I am not persuaded that the relationship with the Dylon 1 site is the most important in this situation. That site is not within MOL and whilst its character is a factor that must now be taken into consideration in the design of any development on the appeal site, the proposed new block would, I consider, be of an overly dominant height when seen against the relatively small scale development on, and open nature of, other surrounding land.

The appeal scheme would maintain a uniform roof level and would be one storey higher than the top floor level of the Dylon 1 buildings, the bulk of which are then reduced as they step down towards the north. However, the remainder of the surrounding development is a mixture that includes industrial and commercial uses, generally at no more than 2 storeys high, the sports grounds that comprise the remainder of the MOL and suburban residential streets where development does not generally exceed 4 storeys at most, with much of it being limited to 2 storeys.

In this context, a building of 10 storeys and of the length proposed would, I consider, create a hard dominant edge that would be better suited to a more central urban area where the surrounding densities are more comparable. The constant height of the block would convey the impression of it being considerably larger than Dylon 1, which, as has been noted, is outside the MOL.

While the argument has been made that if development is to take place, it should deliver the highest density possible, it seems to me that if development is to take place that would effectively remove some of the designated MOL, it should be more closely aligned with the generally open nature of the remainder of the land within this designation and the suburban and less densely built-up character of the majority of the land adjoining it.

However, I am also of the opinion that the proposed building would be excessively high when seen from, and in relation to, the park and would have the effect of enclosing it, so that the open land would appear dominated and overlooked by the block. The sense of space would be diminished and the appreciation of the remaining areas of MOL within the site, and beyond where available, would also be reduced. The building would appear as a solid wall of development, despite the angled

façades, with little variation along its length to relieve its somewhat monumental character.

It would be visible from a considerable distance and be prominent on the skyline, from where it would clearly be seen as one block despite the articulation of the elevations. There is no objection per se to seeing an attractive building in a location where previously there was little development, but in an area where specific protection has been accorded to the openness of the surroundings, I consider that particular care should be taken to ensure that any change does not appear overly bulky or higher than absolutely necessary.

While the building might, in other locations, be considered a valuable addition to the townscape, for the reasons set out above I do not find its relationship with its surroundings would be of sufficient architectural quality to be a consideration in its favour. Indeed my concerns about the scale and massing of the block, together with the quality of accommodation for some of the future occupants are major factors weighing against the proposal”.

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

a) Appropriateness of tall buildings

Policy BE17 defines a tall building as one which significantly exceeds the general height of the buildings in the area. Proposals for tall buildings will be expected to provide:

- (i) a design of outstanding architectural quality that will enhance the skyline;
- (ii) a completed and well-designed setting, including hard and soft landscaping;
- (iii) mixed use at effective densities; and,
- (iv) good access to public transport nodes and routes.

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

Delivering a tall building in this location is completely contrary to planning policies within the UDP and London Plan. Policy 7.7 of the London Plan states that tall and

large buildings should generally be limited to sites in the Central Activity Zone, opportunity areas and areas of intensification or town centres that have good access to public transport. The site is not located in any of these locations and although the site is located next to Lower Sydenham station, the PTAL rating is 2, this is considered poor. It should be noted that the PTAL rating is ranges between 0 to 6b where 0 is worst and 6b is excellent. When setting out suitable locations for tall buildings the London Plan clearly states that tall buildings should be part of a plan led approach to change or develop the area and not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan clearly states that tall buildings should relate to the proportion, composition, scale and character of surrounding buildings, urban grain and public realm and areas where the character would not be adversely affected. This is repeated in UDP Policy BE1 and draft Local Plan Policies 37, 47, and 48 which require development should to the scale form and layout of the area.

The built character in the local area is varied, and there is little consistency. It varies from 2 storey suburban dwellings to industrial sheds. The Dylon development currently under construction will introduce a new urban form between 5 and 8 storeys. The landscape of the site and wider area does, however, give the area a more dominant and strong character. Proposals on the application site should therefore respond to the landscape and open space, as the primary influence on the site. This does not mean that the development of the application site should be of a suburban scale, but it should respond sensitively and positively to the landscape and open space. Despite being reduced in height from the previous proposal, the current scheme at 4 to 9 storey (including basement level) would be completely out of character with the landscape and open space.

As discussed above it is acknowledged that the building has been reduced in height, however, the visual images submitted clearly demonstrate that the proposal will be visible from a number of surrounding viewpoints. Whilst the proposed blocks would be lower in scale than the Dylon development the proposed blocks would obstruct views into and through the site as shown in the images taken from the adjacent railway line, Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low level development surrounding it. In conclusion a tall building is considered to be entirely inappropriate for this location contrary to Policy 7.7 of the London Plan and Policies BE17 and BE1 of the UDP.

Paragraph 53 of the GLA Stage 1 report states that “the massing is still visually prominent when viewed from the main expanse of MOL, to the south-east of the site and scale of the development would alter the quality of openness of this part of the MOL.” This further adds to the argument that the impact on the open character is too great. In this respect, there remains a strategic concern with regards to the design and density of the development”. Officers agree with this analysis and conclude that the introduction of tall buildings would be inappropriate for this site, contrary to the above policies.

b) Impact on the Landscape

Policy BE18 states that, 'Development that adversely affects important local views, or views of landmarks or major skyline ridges, as identified in Appendix VII, will not be permitted. This development sits within the view of local importance described in Appendix VII as the view' From Addington Hills of panorama across Crystal Palace, Penge, Beckenham and Greenwich towards Shooters Hill, Isle of Dogs and Blackwall Reach.' This proposal also needs to be considered in its context of an important MOL landscape and relationship to the South East London Chain– a series of connected open spaces.

Policy G2 of the UDP states that within Metropolitan Open Land, '*Permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm*'. Policy G7 of the Bromley UDP states that new development should respect the character of the South East London Chain.

When considering the previous proposals, officers were of the view that the mass and scale of the proposed buildings would severely impact on the open character of the site and adversely affecting the setting and character of the MOL and Green Chain. Despite planted screening around the western and south-eastern borders of the site, the building would be highly visible and would block existing open views. Despite the design amendments, the current proposal still gives rise to the same concerns.

Paragraph 7 of the NPPF states that the planning system must protect and enhance the natural environment. This is repeated in policy NE12 of the UDP that states that the Council will seek to safeguard the quality and character of the local landscape. Despite the reduced scale and mass of the current proposal Officers still consider that the open nature of the surrounding landscape will be severely impacted by the development.

In conclusion the proposal is considered to be entirely inappropriate for this location due to the significant adverse impact on the landscape contrary to UDP Policies BE18, NE12, G2 and G7, draft Local Plan Policies 47, 48 and Paragraph 7 of the NPPF.

c) Design Quality

There is a strong emphasis in development plan policies, national and local planning guidance to deliver good design. Paragraph 56 of the NPPF states that good design is indivisible from good planning. UDP Policy BE17 states that buildings that exceed the general height of buildings in the area should be of outstanding architectural quality. This approach is consistent with draft Local Plan Policies 4 and 37. The Residential Design SPG is very clear in stating that the appearance of the proposed development and its relationship with its surroundings are both material considerations in determining planning applications.

London Plan Policy 7.6 states that, 'Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape.' It goes on to state that buildings and structures should

- Be of the highest architectural quality
- Be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- Comprise details and materials that complement, not necessarily replicate, the local architectural character
- Not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy,
- Incorporate best practice in resource management and climate change mitigation and adaptation
- Provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- Be adaptable to different activities and land uses, particularly at ground-level
- Meet the principles of inclusive design
- Optimise the potential of sites'

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

It is considered that the form of the building (separating it into two blocks) and approach to articulating the facades together with the choice of materials palette could result in a high quality building of architectural merit (subject to detailed design execution controlled through conditions). Furthermore the design amendments resulting in more entrance cores at street level together with the landscaped access point between the blocks does overcome previous concerns with the design in this respect. In isolation the proposed building could be considered well designed and might be appropriate for an urban site. However, the massing is still visually dominant when viewed from the main expanse of MOL to the south-east of the site. The scale of development would significantly alter the quality of openness of this part of the MOL and although officers acknowledge that this has been reduced, would still cause a substantial amount of overshadowing, limiting the usability of the open space particularly during late afternoon/evening in the summer months. While there may be a case to be made for introducing some enclosure between the railway line and MOL to enhance the quality of the space, the scale and bulk of the proposed building goes beyond what could be recognised as being necessary or acceptable to achieve this. The revised scale with a greater distance between the proposed blocks would still block the views of the MOL from the railway line, a characteristic which connects the MOL with the wider urban area. Consequently a building of this scale and mass is not considered to be appropriate for this protected site and the harm that will arise cannot be overcome by the quality of the architecture or materials pallet or the improvements made in respect of access.

In conclusion it is not considered that the proposal is of an appropriate design for this site, despite the reduction in height overall, modulated roof form and providing a greater distance between the proposed building blocks up to 9 storeys in height including the basement. The proposal does not sufficiently overcome previous reasons for refusal or adequately address the concerns raised by the Appeal Inspector in respect of the previous proposal.

Trees and Ecology

UDP Policy NE7 and draft Local Plan Policy 73 require proposals for new development to take particular account of existing trees on the site and on adjoining land. Policies NE2 and NE3 seek to protect sites and features which are of ecological interest and value. Planning Authorities are required to assess the impact of a development proposal upon ecology, biodiversity and protected species. The presence of protected species is a material planning consideration. Natural England has issued Standing Advice to local planning authorities to assist with the determination of planning applications in this respect as they have scaled back their ability to comment on individual applications. Natural England also act as the Licensing Authority in the event that following the issue of planning permission a license is required to undertake works which will affect protected species.

This application was accompanied by a habitat survey (the details of which were set out in earlier sections of this report). The report is considered to be acceptable in terms of identifying potential impacts on ecology and required mitigation.

The Council's Tree Officer has advised that there is no objection in principle to the proposed removal of trees as set out in the applicant's submission. A number of poplar trees could be retained on-site. In the event that this application were acceptable in all other respects it would be appropriate to secure an arboricultural impact and method assessment including a detailed landscaping strategy by way of condition. These details would need to include sufficient and robust replacement tree planting, native species to improve ecology and habitats and ecological enhancements such as bird and bat boxes.

It would also be appropriate to attach conditions requiring detailed bat surveys to be undertaken prior to any tree works being carried out and restrictions on work being undertaken to trees during breeding season.

Housing Issues

At regional level, the 2016 London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure, supported by effective and attractive design, adequate infrastructure and an enhanced environment. UDP Policy H7 outlines the Council's criteria for all new housing developments. The policy seeks the provision of a mix of housing types and sizes.

UDP Policy H2 Affordable Housing specifies that "In negotiating the amount of affordable housing on each site the Council will seek 35% provision, with 70% social-rented housing and 30% intermediate provision unless it can be demonstrated that a lower level should be sought or that the 70:30 split would not create mixed and balanced communities". This is being carried forward in the draft Local Plan Policies 1 and 2.

Draft Local Plan Policy 2 Provision of Affordable Housing specifies that "In negotiating the amount of affordable housing on each site, the Council will seek 35% provision with 60% social-rented / affordable rented housing and 40% intermediate provision unless it can be demonstrated that that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities.....Where an applicant proposes a level below the 35% or the tenure mix is not policy compliant

the Council will require evidence within a Financial Viability Appraisal that will be independently assessed”.

The South-East London Strategic Housing Market Assessment (2014) identifies a high level of need across the sub-region as referenced in paragraph 2.1.28 of the Proposed Submission Draft Local Plan. This is supported by current borough evidence in relation to bedsize and band requirements from the Council’s Housing Division.

Policy 3.11 of the London Plan Affordable Housing Targets specifies that “In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing”.

a) Housing Mix and Tenure

The proposal would provide the following residential development

	1 Bed	2 Bed	3 Bed	Total
Private/Market	44	46	7	97
Social Rent	6	10	0	16
Intermediate	13	24	1	38
Total	63	80	8	151

The proposed housing mix equates to 42% one beds, 53% 2 beds and 5% three beds. This is a similar breakdown to the historic applications for which no objection was raised. The concerns raised by The Council’s Strategic Housing Officer in respect of a very high proportion of 1 bed unit and low proportion of family housing have been duly considered. The Council’s development plan policies do not specify a detailed breakdown of unit sizes and on balance it is not considered that an objection on the grounds of low provision of family housing could not be sustained in this instance. It should be noted that there is a high proportion of 2 bed units (53%) with a mixture of 2 bed /3 person units and 2 bed/4 person units. Consequently the proposed mix is considered to be acceptable.

The London Mayor’s Viability SPD states the Mayor is keen to maintain the flexibility to meet local needs. A minimum of 30% social rent or affordable rent and a minimum of 30% intermediate products should be delivered. The remaining 40 per cent is to be determined by the LPA.

The proposal would provide 36.2 % affordable housing by habitable rooms (144 out of 398 habitable rooms) with a tenure split of 30% social rent and 70% intermediate unit. Whilst the proposal tenure would not be contrary to the London Viability SPD, it should be noted no evidence has been provided to support the proposed tenure and a split of 60% social rent and 40% intermediate unit cannot be achieved. The Councils Housing Team has advised that the proposal tenure is not adequate and does not reflect the Council’s housing need (60% social rent and 40% intermediate unit equates to 32 rented units and 22 intermediate units). The proposed tenure is therefore, not considered acceptable.

In the stage 1 response the GLA also advised that the applicant should explore grant to maximize the level of affordable housing provision. In line with the London viability SPG, the proposal should also subject to an early stage review mechanism.

Based on the content of the application which does not include any evidence to justify a particular tenure mix (such as a Financial Viability Appraisal), rent levels for the affordable housing products, the applicant has failed to demonstrate that the proposal would deliver a policy compliant provision of affordable housing, contrary to Policy H2 of the Unitary Development Plan and Policy 3.11 of the London Plan (2016).

b) Standard of Residential Accommodation

The Councils UDP Policy H7 and Residential Standards SPD sets out the requirements for new residential development. The London Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

Table 1 of the Nationally Described Space Standards sets out minimum space standards for new development. The standards require:-

- 1bed2person 50 sqm,
- 2b3p units 61sqm,
- 2b4p units 70 sqm
- 3b4p units 74 sqm
- 3b5p units 86 sqm

All of the units meet the minimum unit sizes and make adequate provision for amenity space by virtue of private balconies and terraces as well as the communal landscaped space to the east of the building. The buildings meet appropriate standards in terms of the approach to entrances, units per core, lift access and internal layout.

The applicant has stated that the proposal would comply with Standard 29 of the London Mayors Housing SPD which requires the number of single aspect units to be minimised. However, it should be noted that number of single aspect units remain high with a total of 60 single aspect units of which 24 units would be facing the railway line. These units have less opportunity for cross ventilation, restricted views with no views across the proposed open space and face the noisier site surroundings. The inclusion of wintergardens on the west facing units does overcome previous concerns relating to noise from the railway to some extent. However, the number of single aspect units still raises a significant concern. Officers consider the inability of the scheme to be able to deliver any dual aspect one bed units to be symptomatic of the fact that the proposed building is not appropriate for this site.

It is noted that the GLA has not raised an objection to the standard of accommodation. Nevertheless it is considered that the single aspect design is another indicator that the amount and density of development proposed is not appropriate for this site.

c) Outlook and privacy

The proposed ground floor terraces associated to the 2 bed units in the North block would be sited at an angle and located immediately opposite to the adjacent one bedroom single aspect east facing unit. Whilst it is not uncommon to introduce privacy screens along terraces or install obscured glazed windows for balconies, it should be noted that these measures would significantly reduce the outlook, enjoyment of view and the availability of natural light for the one bed unit. It is considered that the siting of the proposed building and layout of the proposed units would fail to provide an acceptable level of outlook and privacy for the future occupiers.

The use of controlled aspect windows/doors is not uncommon on modern buildings to provide additional light and air sources as well as managing privacy. A Bedroom is categorized as a habitable room and it is essential to ensure that adequate outlook can be provided for all habitable rooms.

The proposed floor plans (ground to 7th floor) indicate that each bedroom would be provided with a window and this would enable a degree of outlook from the relevant habitable room. However, it should be noted that the bedroom windows for the 2 bedroom units are sited at an angle which limit the outlook and view, in particular the bedroom windows of the proposed 2 bedroom units in Core 1, Core 3 and Core 4. Furthermore, the width of bedroom windows is relatively narrow measuring 1 metre wide. This is in comparison with the overall width of the bedrooms which range between 4 metres to 7.2 metres wide. Due to the siting of the window, size and shape of the bedroom, it is considered that the outlook provided for these habitable rooms would be limited and poor. The proposed layout and design of the proposal including the zig-zag walls would fail to provide a good quality living environment for the future occupiers and represent a cramped development on MOL land.

d) Wheelchair Standard

London Plan Policies 3.8 and 7.2 .48 requires 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. This is supported by draft Local Plan Policies 4 and 33.

The proposals respond positively to London Plan Policy in this respect; all units will meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'. Policy 3.8 of the London Plan requires 10% of all new dwellings to be wheelchair accessible. Bromley's Affordable Housing SPD confirms that 10% of all housing including affordable housing should be wheelchair accessible in developments of 20 or more units.

A schedule in the Design and Access Statement confirms that 15 wheelchair units would be provided (6 x 1 bed and 9 x two bed) and comply with the policy and Building Regulation requirement M4 (3) 'wheelchair user dwellings'. Each core has the benefit of two lifts. It is not clear from the submission whether a minimum of 2 affordable wheelchair user dwellings would be provided but if the application were acceptable in all other respects this issues could be clarified with the applicant.

e) Playspace

Based on the Mayor's Play and Informal Recreation SPG and in accordance with London Plan Policy 3.6, a minimum of 108sq.m child play space should be provided on site.

An area of play space with indicative play equipment has been indicated on the landscaping plans. The size of the play area has not been specified. However, these can be addressed a part of a condition if this application were acceptable in all other respects.

Highways and Traffic Issues

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

This planning application is accompanied by a Transport Statement (TS) to assess the impacts of the development on the local highway and transport network, including during the construction period as well as the operation of the development. The submission also included a travel plan.

Parking spaces and Car Club spaces

The development will be supported by 115 car parking spaces (including 15 disabled spaces) at surface level and within a basement, provided a ratio of 0.76 spaces per unit. The proposed car parking ratio is therefore broadly consistent with the site's previous planning submissions. Electric car charge points would be installed and comply with the minimum requirement (20% active and a further 20% passive).

The NPPF makes reference to Local Authorities setting parking standards for residential and non-residential development, with reference to local levels of car ownership. Using the proposed schedule of accommodation including the number of habitable rooms per dwelling and applying this to the 2011 Census car ownership data for Copers Cope, the Council's Highway Officer has estimated car ownership to be 108 cars for the 151 dwellings (a ratio of 0.72 cars per unit).

2 on-site car club parking spaces are reserved for use by Car Club vehicles. The spaces would be at surface level and a car club operator will be appointed to operate and manage the spaces. If this development were considered to be acceptable in all other respects the car club provision would be secured by a legal agreement.

Cycle storage

The development will provide 310 cycle parking spaces and would comply with the minimum standards required by the London Plan. All secure residential cycle parking will be provided within the basement (260 spaces), and this is provided in the form of a two-tiered parking system. Additional visitor cycle parking will be provided at surface level (50 spaces), and this will take the form of Sheffield Stands. Transport for London has advised that the applicant should aspire to provide 10 further long stay cycle storage spaces to meet the draft London Plan requirement.

Trip generation

In terms of unit numbers the proposed development is smaller than the previous schemes (application numbers 15/00701/FULL1, 15/04759/FULL1 and 17/00170/FULL1), and therefore the site's trip generation will be lower than for the site's previous planning submissions.

The Council's Highway Officer considered the travel demand for the proposed development, based on the trip generation rates that have been agreed with the Council in relation to the site's previous planning submissions. These rates are based on data contained in the TRAVL database.

The assessment has identified a car driver mode share of 35.5% over the course of a 12-hour day (07:00-19:00). This is broadly consistent with the car driver mode shares determined for the 08:00-09:00 and 17:00-18:00 periods.

The predominant mode share is 'walk / public transport', which achieves 51.6% of mode share from 08:00-09:00.

The Council's Highways Officer is of the opinion that the development will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal controlled junction. However it is not considered that this would be a sufficient reason to warrant refusal of this application on highways grounds.

Access

Vehicular access will be taken from the Phase 1 estate road and this arrangement is consistent with the previous refused schemes. A turning head is proposed at the end of the Site's estate road, and this will allow a large refuse vehicle to turn and exit in a forward gear.

Vehicle tracking for the Site's turning head and basement car park are provided and is of satisfactory. The proposed access to the Site's basement car park is broadly consistent with that proposed in the previous schemes (ref: numbers 15/00701/FULL1, 15/04759/FULL1 and 17/00170FULL1).

The access arrangement lacks detail and is unsatisfactory in terms of legibility and permeability. The relationship between the development and station in terms of wayfinding, distance and quality requires more careful consideration. However, these are matters that could be addressed by way of conditions if this application were to be considered acceptable in all other respects.

As part of the GLA consultation, TfL was consulted and advised that the trip generation assessment is acceptable and the development would be unlikely to have a significant impact on the highway and public transport networks. The applicant should seek to improve safety and convenience for cyclist and investigate the feasibility a contraflow cycle lane on the access road for those accessing the site cycle directly from Worsley Bridge Road as this will reduce the likelihood of cycling on the footway of the estate road. These details could be address by way of conditions should this proposal were to be considered acceptable.

TfL also recommended a range of conditions and s106 obligations (Bus Stop enhancement, Travel Plan, Construction Logistic Plan, Delivery and Servicing Plan, Car Club) on that could have been secured if this proposal were deemed to be acceptable.

With regard to the impact on public transport infrastructure, rail transport in south east London is dominated by National Rail service operated on the South-eastern franchise area covering termini at London Bridge, Cannon Street, Charing Cross and Victoria. The proposal would place an increased demand on public transport including bus network. Network rail was consulted and no objection was raised to this proposed development. Given that the proposal would be limited to 151 units, it is considered that the proposal would not have a significantly impact on existing public transport capacity.

In summary it is not considered that the proposal would have severe adverse impacts in respect of highways issues and therefore no objection is raised in this respect (consistent with the historic submissions).

Impact on neighbouring amenity

UDP Policy BE1 abd draft Local Plan Policy 4 seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss

of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Whilst there are significant concerns with this proposal as set out in this report it is not considered that the development would give rise to unacceptable impacts in terms of neighbouring amenity.

The site is largely surrounded by a range of non-residential uses comprising commercial and industrial uses to the north and west and MOL to the east and south. The closest residential properties are located to the nearly completed residential blocks located to north of the site. Whilst the proposed development would be visible from the neighbouring windows, it should be noted that the proposed building (North Block) would be located 13 metres from the neighbouring residential properties and would be sited at an angle. Due to this distance and its relationship with the neighbouring properties, it is considered that the proposed development would not result in significant impact on residential amenities in terms of loss of outlook and loss of privacy.

The residential properties located on Worsley Bridge Road are located over 95 metres from the site. Given the significant distance between this site and existing residential properties to the east and south, it is not considered that any harm to amenity would occur. There would be a degree of overlooking between the units on this scheme and the approved Dylon development. However, anyone choosing to move into the new schemes would be aware of the relationship and it is not considered that any mutual overlooking would give rise to an objection that could be sustained as a reason for refusal.

Whilst there may be some potential for overlooking onto adjacent uses to the west it is important to note that the adjacent buildings are not in residential use. Whilst some level of overlooking may occur it is not considered that the level of harm that would arise is significant enough to warrant refusal of this application.

It is recognised that during construction of the development there could be a significant amount of noise and disturbance from construction related activity including vehicular traffic. Construction related noise and activity cannot be avoided when implementing a development of this nature and scale. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Logistics Plan (CLP), dust prevention measures and control of construction hours. If this application were considered to be acceptable in all other respects relevant conditions could be used to limit the adverse impacts of construction.

Concerns regarding traffic impact and parking issues that may arise in nearby streets that benefit from uncontrolled parking have been considered and discussed above.

Sustainability and Energy

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

there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

An energy strategy was submitted. The applicant has followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and variable speed drive pumps.

The demand for cooling will be minimised and managed through thermal mass and high ceilings, reduced heat pipework losses, recessed balconies and cross ventilation (MVHR) systems.

Through the building fabric efficiency measures, the development is estimated to achieve a reduction of 35 tonnes per annum (13%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development.

The applicant is proposing to install a gas fired combined heat and power (CHP) unit (70kWe/100kWth) as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating, leading to a further reduction in regulated CO₂ emissions of 97 tonnes per annum (36%). Whilst the use of CHP is welcome and is not uncommon for large scale development (500 units or more), the applicant should investigate more appropriate methods of supplying the heat demand of this site and a full feasibility study for all available technologic should be submitted for review. The proposal should also be designed to allow future connection to a district heating network should one become available.

With regard to on-site renewable energy technologies, the applicant is proposing to install 630sq.m Photovoltaic (PV) panels on an available roof area of circa 1,925sq.m. The PV array proposed is circa 33% of the available roof area. A reduction in regulated CO₂ emissions of 57 tonnes per annum (22%) will be achieved through this third element of the energy hierarchy. However, it is considered that a larger PV array can be accommodated within the site. The applicant should demonstrate that the PV installation has been maximised.

Based on the energy assessment submitted, the table below shows the residual Carbon (CO₂) emissions after each stage of the energy hierarchy and the CO₂ emission reductions at each stage of the energy hierarchy for the domestic buildings.

Table: CO₂ emission reductions from application of the energy hierarchy

	Total residual regulated CO₂ emissions (tonnes per annum)	Regulated CO₂ emissions reductions	
		(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	266		
Energy Efficiency	230	35	13%
CHP	134	97	36%
Renewable energy	76	57	22%
Total		189	71%

An on-site reduction of 189 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic buildings, equivalent to an overall saving of 71%. The carbon dioxide savings exceed the on-site target set within Policy 5.2 of the London Plan. However the comments above should be addressed before the savings can be verified and the final offsetting amount can be agreed.

In summary, whilst the components of the applicant strategy are reasonable, it is considered the use of CHP in relation to the size of the proposal being below 500 units would be unrealistic in terms of the amount of on-site carbon reduction that can be achieved. The size and number of solar PV should be increased to improve the renewable energy performer. The proposal are required to meet the London Plan zero carbon targets and any shortfall must be offset through a financial contribution and secured by a legal agreement.

Flood Risk

Paragraph 100 of the NPPF states that areas of highest flood risk should be avoided. London Plan Policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated Technical Guidance. Developments that are required to pass the exceptions test will need to address flood resilient design and emergency planning.

This site is located in an identified Flood Risk Area, 14% of the site is in Flood Zone 1, 80% of the site is in Flood Zone 3 and 6% is in Zone 2. The topography of the site slope downward in an easterly and southerly direction towards Pool River and adjacent to the watercourse

The existing ground level is varied across the site ranging between 23.86 AOD and 26.2 AOD. The proposals to mitigate flood risk on site remain unchanged when compared with the last scheme, which includes:

1. Enable the surface level parking and access routes area located in areas free from flooding.
2. The ground floor (access) level will be set at 27.0m AOD and the lower deck car park floor level at 24.0m AOD which means that the residential floor would be located 2.17 metres above the flood level modelled 1 in 100 year plus 35% climate change. This would provide a suitable dry egress from the site during a flood event.
3. The basement parking park slab level would be set into the site topography (at 24m AOD) enabling flood water enter to the basement car park.

Additional drawings have been provided confirming the spot height of the proposed open space. At the time of writing this report, the Environment Agency has informally advised that this has addressed their concerns regarding the calculated flood compensation and objection could be removed in principle provided that more detail design of the proposed landscape area leading to the proposed flood storage area are provided. An update confirming the Environment Agency's final position will be reported for Members' considerations.

Other Considerations

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

Planning Obligations

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

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

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

In this instance the application is considered to be unacceptable in principle and matters of detail. Consequently necessary s106 obligations have not been negotiated with the applicant. However, if this application were to be approved it would be necessary for the development to mitigate its impact in terms of:-

- Education (£343, 573);
- Health (£192, 072);
- Carbon offsetting payment (£137, 466);
- Affordable Housing (54 units);
- Wheelchair housing (15 units);
- Access to and maintenance of the public open space;
- Provision of car club spaces membership; and,
- Highways contributions to address Bromley and TfL requirements.

Environmental Impact Assessment

The Council issued a Screening Opinion on the 10th May 2018 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Summary

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

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

On balance officers do not consider that the potential harm to the MOL by reason of inappropriateness and other harm due to overdevelopment, design and inadequate affordable housing provision are clearly outweighed by the benefits of the development set out above. In particular, the council has an up-to-date 5 Year Housing Land Supply. Therefore very special circumstances do not exist and the principle of redeveloping this site for residential purposes is considered to be wholly unacceptable and contrary to national and development plan policies which seek to protect MOL.

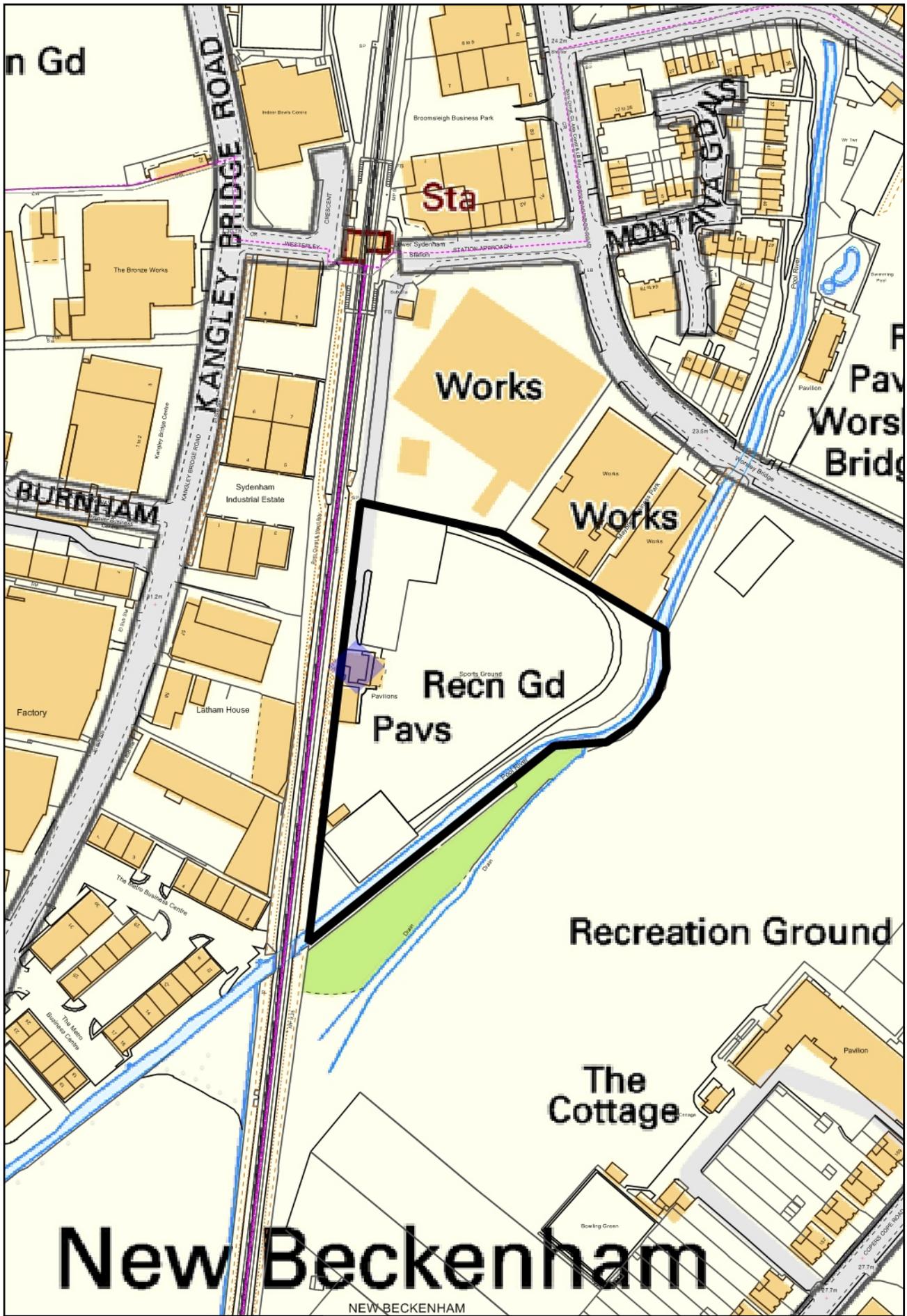
In addition, there are fundamental issues in terms of amount, scale and detailed design of the proposal that would seriously threaten the character, placemaking and functionality of the area as well as giving rise to a poor standard of amenity for future residents. Notwithstanding the MOL designation it is considered that the proposal in its detail results in adverse impacts that significantly and demonstrably outweigh the benefits of the development.

Consequently it is recommended that this application be refused for the reasons set out below.

Background papers referred to during the production of this report comprise all correspondence on file ref 18/01319/FULL11 and other files referenced in this report, excluding exempt information.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL WITH THE FOLLOWING GROUNDS subject to any necessary referral to the Mayor of London and Secretary of State

1. **The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design; and inadequate affordable housing provision is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2016), Policy G2 of the UDP (2006) and Policy 50 of the draft Local Plan (2017).**
2. **This site is considered to be an inappropriate location for a tall building as its fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form, amount of development, number of single aspect units, adverse impact on the Landscape and failure to improve or enhance the character of the area amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 7.6 and 7.7 of the London Plan, draft Local Plan Policies 4, 37, 47, 48, 50, 77, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.**
3. **On the basis of the information submitted, the applicant has failed to demonstrate that the proposal would deliver a policy compliant provision of affordable housing in terms of affordable housing tenure, contrary to Policy H2 of the Unitary Development Plan, Policy 2 of the draft Local Plan, Policy 3.11 of the London Plan (2016) and Bromley's Affordable Housing SPD (2008).**



© Crown copyright and database rights 2015.
Ordnance Survey 100017661.


 18/01319/FULL1 - Footzie Social Club
 

Monday, July 16, 2018

1:2500
 
 Page 59

This page is left intentionally blank

Application No : 17/05790/FULL1

Ward:
Bromley Town

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

OS Grid Ref: E: 540424 N: 169661

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

Description of Development:

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

Key designations:

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

Proposal

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

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

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

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

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

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

EIA Considerations

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

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

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

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

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

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

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

amendments to the housing mix. Further additional information was also forthcoming.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

available in the event that an adverse impact occurs in respect of satellite television services.

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

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

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

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

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

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

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

Noise Assessment - The report concludes that where noise may be a determining factor, mitigation measures have been proposed to ensure satisfactory living conditions are capable of being met. It is stated that the residential development

can be brought forward with compliant internal noise levels subject to the use of thermally insulated façade treatments to the development. The external amenity spaces will broadly achieve the external amenity requirements however it is noted that the balcony spaces on the south western facade and lower floors of the south-eastern and north-western facades are predicted to marginally exceed the desirable <55dB daytime criterion for external amenity spaces. A further assessment of noise levels should be undertaken at the detailed design stage

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

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

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

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

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

Location and Key Constraints

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

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

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

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

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

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

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

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

Comments from Local Residents and Groups

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

As consulted 8/1/2018

Objections

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

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

- o Unsure about where machinery and plants will be stored during construction.
- o 'Build to Rent' is a money making scheme and not in the local interest
- o Affordable housing is what is needed
- o Properties without adequate parking are difficult to let and sell
- o The block is featureless
- o The removal of parking permits only puts the parking issues elsewhere
- o The scheme impacts detrimentally upon the Grade II listed station
- o Will create poor overall water pressure
- o There is clearly a good case for a great many more homes to be built in London and as the largest borough Bromley must accept its share, however this is not the solution
- o Tree planting will do nothing to enhance the area.
- o There needs to be sufficient outdoor play spaces for young children
- o The council needs to develop an overall plan for Bromley North especially the lands both sides of the railway car park included.
- o Sufficient consideration has not been made for rubbish collection
- o The proposed development at Sherman Road providing 215 units amounts to nearly 40% of the total allocation of Units on a site which is less than 10% of the designated area.
- o Potential for unacceptable wind conditions
- o There is only one staircase up and down the development. Should there be an emergency, services and residents will be in conflict. One of the criticisms levelled at Grenfell Tower was that it was higher than could be reached by a Fire Brigade ladder, and therefore it was impossible to rescue people living above that level from outside the building. Until the Inquiry into Grenfell , permission should not be given for a single staircase buildings to be built to this height.
- o The transport assessment is deficient in two respects: i) the assumption that tenants in an outer borough will not have cars is self-serving on the part of the developer; and ii) platform 1 at Grove Park, where the shuttle train arrives and leaves, has no disabled access and is remarkably difficult for anyone with a buggy or luggage. It is a dead-end, both for transit to other platforms and for leaving the station.
- o Obstruction of views from North Point
- o There are little or no thoughts to the environmental sustainability with solar panels, water capture or new innovative building ideas.
- o This should be an opportunity to make an architectural statement.
- o The current council isn't fit and proper to oversee such a large development after the fiasco that is the Bromley South development.
- o The Council should be stepping up existing projects, such as the town hall conversion into a hotel
- o It will set a precedent for future high rise developments
- o The supporting documentation filed with this application states that 80% of those giving feedback at the public consultations indicated that the building is too high, yet when the application is made, the applicant has increased the height of the building since the time of the consultations. This clearly makes a mockery of the consultation process, as the feedback has been totally ignored.

- o It is disappointing (and condescending) to see a developer undertaking community consultation as a box ticking exercise
- o A 3 year construction period with a circa 14 month superstructure programme is concerning. I would like to see the council pushing for a more innovative and sustainable construction methodology which can be installed with much shorter programmes.
- o Whilst I applaud provision for disabled parking I object to the shameless use of vulnerable people as a fig leaf for what is an obscene proposal made by a greedy people.
- o Waste generated from 215 flats will result in vermin, smell and noise
- o Unless someone puts a stop to this soon, Bromley will become a town full of tower blocks
- o Have a severe impact upon the daylight/sunlight of the Northpoint apartments
- o The terrace on the fourth floor will compromise privacy of Northpoint flats. Using the online measuring tool there is only about 8m between the terrace and the windows
- o Northpoint is generally a quiet block and the area as a whole is home to a stable population; the new development, a designated rental property, will have a much more transient population, who without stakeholder status may not be as considerate, for example with regard to noise emanating from open windows during the summer and impacting upon the opposite flats.
- o Metered parking spaces are lost to the general public
- o Fire safety should also be investigated as the rubbish bins for Northpoint are stored next to the One Stop Auto Service garage on one side, and the rubbish bins (35 bins - a significant amount of combustible material) will be alongside the other side of the garage.
- o The Bromley Town Centre Area Action Plan identifies Bromley as predominantly in need of social rented housing and larger family homes. The development does include some 3-bedroom flats but the majority are studio or one-bedroom flats, which does not address locally identified need.
- o Rents in central Bromley range from about 800pcm for a studio flat to 1,500 for a three bed flat, although these may be conservative figures for a new, managed facility such as the proposed development. Applying the 20% standard DMR brings these figures down to the range 640 - 1,200. Given that 'affordable' is defined as rent costing no more than 35% earnings (Shelter), tenants earning 22,000pa could afford a studio flat and 41,150pa could afford a three-bed flat. As the average wage in Bromley is currently 23,500, the availability of these flats to local people would be rather limited if Bromley agreed to allow the developers to use DMR to fulfil its 'affordable' commitments.
- o This area as a whole is intended to provide 525 residential units. It seems disproportionate for about 40% of the proposed units to be squeezed onto 0.2 ha of a 3 ha site. In order to comply with the London Development Plan, and with Bromley borough's own planning policy, the development of an Opportunity Area should be considered as a whole, so that the impact on the local area can be fully realised.
- o The submission states that there are a shortage of office to rent in the area however Easy Street, Northside House and the High Street have many vacancies

- o Will the development constrain development potential development of the DLR/tram service to Bromley?
- o Detrimentially impact the conservation area
- o Intimidating to people in this area at night given the building looming over the station
- o Discrepancies with the information provided in the submission
- o Having people renting the apartments means they won't contribute to village life
- o Overcrowding on the already poor service from Bromley North to Grove Park
- o Visually dominating
- o Fire safety issues with such a tall building
- o Highways Safety issues
- o The Bromley Area Action Plan 4.8.30 requires the safeguarding of suitable land around Bromley North station to ensure that the future expansion of transport links is not precluded. This safeguarding "is to be shown as part of the masterplan for the site with a requirement to retain that safeguarding in any subsequent planning permission granted". The application ignores the requirement to safeguard land for this purpose and is therefore in conflict with this pre-existing LBB policy.
- o Has the potential to impact on Bromley and Sheppard Colleges
- o Application is based on privileged knowledge
- o Disruption from building work
- o Bland design that will date quickly
- o The Applicant is not accurately recording objections to their plans from local residents
- o Increase in criminal activities
- o Poor quality residential units with many being single aspect
- o Would result in the closure of some of the public car park during construction

As consulted 8/5/2018

- o Nothing has been done to reduce the scale of the building
- o The building will devour the skyline at the highest part of the town
- o Out of keeping with nearby buildings
- o The developers response to the Council's letter is thin in the extreme
- o All previous reasons to object still stand
- o Take note of the public's overwhelming objection to the scheme
- o Additional traffic will make the roads congested
- o Not enough infrastructure
- o Object to build to rent, people should be given more opportunities to buy their own property.
- o The building is an eyesore
- o More houses should be built not flats
- o The road is already dark and a wind tunnel.
- o The flats will no doubt be 'luxury' and priced at attracting commuters willing to move from closer to London for the transport links, therefore bringing more residents to the town as opposed to dealing with the housing problems already evident for the town residents.

- o No cohesion with the Grade II Listed station
- o There is no requirement for an 'urban wayfinder', Bromley is well signposted
- o No steer by the Developer to increase social housing
- o Massive impact on public transport including trains
- o Does not enhance the Conservation Area
- o Bromley North Residents Association object to the amended plans due to height, scale and bulk. This eyesore is not in keeping with the 'village' atmosphere
- o Poor water pressure
- o The overall site should be looked at as a master plan
- o Pedestrian and cyclist safety will be compromised
- o Has anyone done a survey to see how many people actually cycle and whether this many cycle spaces are required?
- o We are pleased with the improvements in the East Street area but a 23 storey high-rise block will be completely out of character with the sensitive way in which the historic old town has recently been enhanced
- o The amended proposals discount all objections received by the public
- o The development will block light
- o The documents are too technical and can't be understood
- o I note the addition of several images portraying entrance areas and a roof terrace. I humbly submit that these spaces will soon become unworkable due to the sheer number of residents who the developers propose to house in this block and are there for cosmetic purposes only rather than as useful amenities for residents. I also note that there are play spaces in corridors for children - again I suggest entirely cosmetic.
- o Environmentally friendly measures ie solar panels, biomass fuel and water capture should also be essential in all new developments which are absent in this case.
- o The balconies overhanging the pavement would cause a safety issue
- o the mix of community, commercial office and residential space is clearly disproportionate to local requirements. Bromley North is a hub of business/commercial activity and there is already a proven shortage of quality office/commercial space within the Town Centre.

Support

- o The look of the building is great
- o Your Bromley (Business Improvement District), speaking for 600 businesses in the town centre, support the application.
- o South-East London Chamber of Commerce, as the voice of business in South East London, is pleased to see provision of 200 new homes and office space.
- o Space for micro-businesses and entrepreneurs is scarce in Bromley Town Centre and businesses in Bromley North would benefit from the increased footfall.
- o Additional housing for rent is much needed
- o The Borough should get on and build, people need more houses.
- o At the moment East Street is very quiet, the new residents will create more business for the area.
- o It will bring more customers into the area

- o This needs to happen, there are too many families sharing one room
- o Young and old would benefit
- o Borough wide requirement for more houses
- o The Council should support build to rent schemes
- o It will tackle homelessness
- o It makes sense to locate height next to Bromley North
- o The design is of high quality which will set a bar for future development
- o Pleased to see provision of new office space
- o The development would give access to the larger business community in London given its proximity to Bromley North
- o Higher density development in locations like this will ensure that we do not have to develop on the Green Belt in the south of the Borough
- o The land is allocated by the Borough for a tall building
- o Enhances the landscape
- o Increase the offer of affordable rental accommodation in the town centre
- o Provides modern accommodation in a small footprint on currently underutilised land
- o Support plans to upgrade the front of the station and make a feature of the Grade II Listed station

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

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

Comments from Consultees

Secure by Design:

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

Thames Water:

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

Drainage Officer:

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

Environmental Health Pollution Officer:

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

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

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

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

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

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

Highways:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highway Oversailing- It is proposed the development provides balconies which will oversail the highway along Sherman Road by up to 1.5m from a height of 5m

above the footway. This is acceptable in principle subject to appropriate indemnity insurance and licence.

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

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

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

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

Transport for London:

Location

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

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

Trip Generation and Transport Impact

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

Car Parking

No standard (non Blue Badge) car parking spaces are proposed on-site, which is strongly supported. It is proposed to provide four on-street disabled bays on Sherman Road for the residential use. This will be facilitated by the conversion of

three on-street car parking bays, with one additional space created. For the commercial use two on-site disabled bays will be provided, which accords with Draft London Plan 2017 standards.

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

London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Furthermore, the Housing SPG (November 2012) states that each wheelchair accessible dwelling should have an associated accessible parking space, this would equate to a disabled parking requirement of 22 spaces. Based on Draft London Plan 2017, residential developments should aspire to provide at least one disabled parking bay per dwelling for 3 per cent of dwellings from the outset (6 spaces in this instance), with a Car Park Design and Management Plan provided to demonstrate how the remaining bays (to accommodate an overall total provision of one per dwelling for ten percent of dwellings) can be provided in the future, should demand arise.

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

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

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

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

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

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

All cycle parking facilities should be secured by condition.

Pedestrian Environment

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

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

Travel Planning

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

Deliveries and Servicing

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

Construction Access

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

Transport Mitigation Summary

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

- o Three years car club membership for all residents secured through S106.
- o Residents prevented from applying for parking permits in the surrounding CPZ through S106.
- o The development should aspire to meet Draft London Plan 2017 cycle parking standards.

- o Further discussions required with TfL in relation to public realm improvements to southwest of station.
- o Travel Plan to be secured, monitored, reviewed, and enforced through the s106.
- o Delivery and Servicing Management Plan and Construction Logistics Plan to be secured by condition.
- o Mayoral CIL at a rate of £35 per sqm

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

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

Due to the relatively small size of the development in terms of numbers of new homes and commercial floorspace, coupled with the town centre location with a wide range of public transport options, there is unlikely to be a significant adverse impact on the capacity of public transport, or more specifically on TfL assets and services. However, the application proposes public realm improvements in front of the station, directly adjacent to the TLRN and TfL bus stops/shelters. As such, we would expect that there is a requirement within any subsequent planning permission for the developer to consult TfL on the detail of these proposals, with TfL having the right of approval/refusal where TfL assets are affected. More generally however, the principle of improving the public realm 'off-site', and improving access to Bromley North station, is supported. The four bus stop shelters in front of the station would benefit from being replaced by new shelters, potentially with 'Countdown' sign/s, as part of the public realm works, as would a map 'refresh' of the existing Legible London sign, so we would welcome the Council's support in seeking s106 funding to allow this, should planning permission be granted.

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

membership should be provided for three years, attached to the residential unit given that they will be rented.

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

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

It was later confirmed by the Applicant that the discrepancy is in the TA which identifies the 2 on site spaces as blue badge. The planning statement and application forms are correct. In relation to cycle spaces we are proposing 360 spaces as contained in the revisions.

Conservation Officer:

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

Impact on Conservation Area

The proposal would be significantly taller than anything within the northern part of the conservation area, which is generally low rise and is the historic core of Bromley. Given the high rise nature of the proposal it would be visible from many vantage points within the conservation area. The most significant views from the CA would be north from East Street, eastwards from North Street and within the immediate vicinity of Bromley North station. Further views along Tweedy Road from the junction with Widmore Road would also be impact but at a longer

distance. I find that the scale of the proposal would dominate views out of the CA from East Street, North Street and Tweedy Road (in front of the station), causing harm to the setting of the CA through its dominant presence.

Impact on Listed Buildings

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

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

Local Plan

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

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

Historic England:

The development site sits within the Northern Gateway; an area identified in the Area Action Plan for Bromley Town Centre (adopted October 2010) as potentially suitable for taller buildings and high density development (Spatial Strategy, Para.

3.2.3, and Diagram 3.2), a policy which English Heritage (as we were previously called) raised concerns about at draft stage.

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

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

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

The appraisal demonstrates that the proposed tower would dominate in views along East Street (View 20: East Street, and View A - East Side of East Street), creating a stark contrast to the prevailing three storey scale along this edge of the Conservation Area. The tower would also block the silhouette and significantly detract from the architecturally considered roof of the Grade II listed Bromley North Station, reducing its civic presence and landmark status (View 22: Tweedy Road opposite Bromley North Station, and View L - North Street). We recognise that the Northpoint tower block, located to the north of the development site already presents a moderate visual impact in these views. However, at 23 storeys, the proposed tower would significantly increase this impact.

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

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

Historic England's Position

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

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

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

Recommendation

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

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

Tree Officer

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

No objections are made to the scheme.

Network Rail:

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

Arqiva (Telecommunications):

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

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

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

London City Airport -

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

GLA Stage 1 -

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

Affordable housing: 21% affordable housing comprising 43 discount market rent (DMR) units is wholly unacceptable. The applicant must confirm the affordability of the DMR units to demonstrate compliance with the definitions set out in Policy H7 of the draft London Plan. Early and late stage review mechanisms must be secured in accordance with Policy H6 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG. Build to rent units must be secured by covenant for a minimum 15 year period, with appropriate clawback mechanisms.

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

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

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

Policy Context

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

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

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

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

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

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

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

London Plan Policies

- 2.13 Opportunity areas
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 4.2 Offices
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and design of tall buildings
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

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

Unitary Development Plan

- BE1 Design of New Development
- BE8 Statutory Listed Buildings
- BE13 Development Adjacent to a Conservation Area
- BE17 High Buildings and the Skyline
- BE18 The Skyline
- C1 Community Facilities
- EMP2 Office development
- EMP3 Conversion or redevelopment of Offices
- EMP5 Development outside Business Areas
- H1 Housing Supply
- H2 and H3 Affordable housing
- H7 Housing Density and Design
- H9 Side Space
- IMP1 Planning Obligations
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety

Planning Obligations SPD

Affordable Housing SPD

Bromley Town Centre Area Action Plan (AAP)

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

Emerging Local Plan

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

Planning History

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

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

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

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

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

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

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

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

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

The Council issued a Screening Opinion dated 9th February 2010 pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Regulations 1999) in relation to the Redevelopment of Bromley North Station, 6-10 Sherman Road, 63-67 Tweedy Road, car parks/ bus terminal and car repair workshops (in Station Road), comprising retention of existing station booking hall building from retail/ food and drink uses, new station booking hall building , replacement bus terminal, 500 dwellings with 650 car parking spaces, replacement 200 space station car park, 3000sqm retail/ commercial/ community uses, with public square and pedestrian routes, in buildings between 5 and 13 storeys high. The Screening Opinion confirmed that the development would not generate the need for an Environmental Impact Assessment.

A request for a formal scoping opinion regarding the information to be provided in the Environmental Statement (under Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 was received in relation to the Redevelopment of Bromley North Station, 6-10 Sherman Road, 63-67 Tweedy Road, car parks/bus terminal and car repair workshops (in Station Road), comprising retention of existing station booking hall building from retail/food and drink uses, new station booking hall building, replacement bus terminal, 500 dwellings with 650 car parking spaces including replacement 200 space station car park, 3000sqm retail/ commercial/community uses, with public square and pedestrian routes, in buildings between 5 and 13

storeys high. The Scoping opinion confirmed that the development would not generate the need for an Environmental Impact Assessment.

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

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

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

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

Considerations

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

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

Principle and Housing Supply

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

For a development which affects a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of

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

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

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

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

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

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

- (i) Key area for change;
- (ii) Possible location for a tall building;
- (iii) Potential for new improved public spaces;
- (iv) Possible interchange location;

- (v) Possible future guided public transport route;
- (vi) General traffic routes and access to car parking.

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

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

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

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

The wider Site 2 allocation follows the same boundary as the previously allocated Site A, encompassing an area of 3ha either side of the Bromley North to Grove Park railway line. As such, the requirements of the draft allocation to provide the quantity of development assigned is envisaged to encompass the wider site, and not solely the area of the site to the east of the railway line. It is noted that this application is proposing a significant quantity of the residential allocation, 42% on approximately 6.7% of the site area, without any identification as to how it is envisaged that this development would sit within the context of the wider site should it be developed to its intended capacity. It is also noted that the land to the east of the railway is not wholly the subject of this application, with the adjoining unit at 10A not proposed for development within this application. Officers are concerned as to the impacts of the development of this site as a stand-alone form, without sufficient evidence to allay fears that it would not impact detrimentally upon the rest of the site coming forward. This is specifically in respect of the land at 10A Sherman Road and other uses on the western side of the site, particularly along the train line whereby this proposal could be a barrier to any future proposals. Whilst considered on its own merits, it is noted that a separate application has been submitted by the landowner at 10A Sherman Road, immediately adjacent to this site. It is clear that the two schemes do not appear to be mutually compatible in

view of the very close proximity between 6-10 Sherman Road, 10A Sherman Road and residential dwellings at Northpoint House. This further evidences the Council's concerns in this regard and emphasises the importance for the Applicant to consider a more comprehensive and coherent approach to this part of the site to prevent piecemeal development which may ultimately be harmful to the wider site delivery.

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

Under NPPF Section 6, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application. The emerging draft London Plan (2017) shows an increase in the housing numbers target for Bromley Borough, this is however subject to objections from the Council and is of limited weight at this early stage of its preparation.

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

Draft Policy 83, the applicants contend that the site is capable of accommodating a mixed use scheme. They have not however demonstrated why the site cannot re-provide a "similar quantum" of employment generating floorspace to that which is proposed to be lost at 10 Sherman Road. A recent application was permitted for 8 Sherman Road (13/01141/FULL2) for a change of use from office to foreign language school, however again there is no evidence that this has been implemented.

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

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

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

Density

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

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

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

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

of the development given the context of the Northern Gateway/North Village Character Areas, Bromley North Station and the suburban residential neighbourhoods in close proximity to the site, and these are a direct result of an excessively dense scheme

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

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale,

ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

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

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

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

Another relevant consideration would be the relationship of the proposal to the wider townscape; UDP Policy BE17 and London Plan Policy 7.7 are of particular relevance. Policy BE17 states that proposals for buildings which significantly exceed the general height of buildings will be required to provide a design of outstanding architectural quality that will enhance the skyline and a complete and well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level. The London Plan, at policy 7.7 says that tall and large buildings should be part of a plan-led approach to developing an area and sets out a list of criteria which proposals for tall or large buildings will be expected to meet and which should be clearly demonstrated through the carrying out of an urban design analysis. Taller buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building. Among other considerations, taller buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level; and incorporate the highest standards of architecture and materials.

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

Layout

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

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

Diagram 2.3 of the BTCAAP identifies the frontage along Sherman Road for the length of the site as a 'key active frontage location'. Draft policy for Site 2 in Bromley's Draft Local Plan also notes that the allocation is suitable for mixed-use development. The proposal locates flexible B1 and D1 space at ground floor, activating most of the frontage onto Sherman Road, as well as fronting onto a new public square. This forms a positive relationship with the other non-residential uses on Sherman Road, and provides a transition from the residential properties further to the north-west and the commercial uses of the town centre. Officers do have concerns however about the function of this new square given its small size, and this concern is deepened by the lack of definition of what the proposed ground floor flexible commercial/community uses are in terms of their use, opening hours, and customer base which is undefined.

Whilst forming a relatively low proportion of the Sherman Road frontage, Officers have serious concerns about the inactive frontage from the undercroft parking area and the sub-station. The undercroft in particular will likely be unpleasant, attract antisocial behaviour, and collect litter. This is contrary to Standard 10 of the

London Housing SPG, which requires active frontages to be maximised, and also contrary to Bromley's General Design Principles, which requires pedestrian routes to have 'built frontages that are active and occupied'. Further to this, the lack of prominence of the residential access is problematic due to its small size, and that the building façade is flat along Sherman Road, with no stepping of the building form away from the street. Given this entrance is serving a large number of properties, it must be read clearly from the street. The proposed design is contrary to Standard 8 of the London Housing SPG, which states that 'all main entrances to...communal entrance lobbies should be visible, clearly identifiable, and directly accessible from the public realm'.

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

In terms of the internal layout, Officers are concerned about the ease of access and use of the refuse lobby for residents, with 4 doors to move through before you reach the lobby. This is contrary to London Housing SPG Standard 22 which states that 'communal refuse and recycling containers, communal bin enclosures and refuse and recycling stores should be easily accessible to all residents'. More focus has been afforded to the refuse store, and to providing 2 parking spaces for the commercial uses, over consideration of the bike store. Officers would question the relative prioritisation of these different uses. Given the number of units being sought on the site, these arrangements need to be convincingly demonstrated to work with one another, and not be compromised by the different pressures on their use.

Building scale and massing

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

Gateway Character Area, and adjacent to the historic 'North Village' Character Area, as identified in the BTCAAP.

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

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

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

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

The building is a standalone tall building which places even greater need for the building to be of outstanding architectural quality, as it will by its nature be more isolated, and less contextual given the character of the surrounding area. On this basis, the proposals are contrary to the requirements of Policy BE17 of the UDP for

buildings to be of outstanding architectural quality and to enhance the skyline. It also contrary to London Plan Policy 2.18, Housing SPG Standard 1 and the guidance from CABE/Historic England, as it does not satisfactorily relate to the natural topography of Bromley.

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

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

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

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

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

Appearance

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

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

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

As noted under the commentary above, the design makes little attempt to relate the materials with significant variations to the massing, and the building does not effectively address the street. As a result the building reads as a single slab-like block - particularly when viewed from side-on, and is neither slender or elegant in appearance. Whilst the reference to the local materials is understandable, the proposal for a tall building on this site is not contextual by its very nature. As such, the design could draw on the intention of Policy BTC17 of the BTCAAP and emphasise itself as a landmark building through striking and innovative use of materials, truly establishing the building as a gateway at Bromley North. This is contrary to the requirements of Policy 7.7 of the London Plan and Draft Policy 47 of the Local Plan for a tall building to be of the highest architectural quality.

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

Heritage and Conservation Area Impact

As noted, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to have special regard to the desirability of preserving listed buildings and their settings. Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. These statutory provisions are considered to amount to a strong presumption against granting permission for any

development which would cause harm to the setting of a listed building or the character or appearance of a conservation area, even if the harm is limited or less than substantial. That statutory presumption may, however, be outweighed by material planning considerations, provided they are strong enough to do so. Paragraph 134 of the NPPF advises that where a proposed development will result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. Paragraph 133 of the NPPF advises that where there is substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Policy BE8, BE13 and Draft Policies 38 and 42 of the UDP and Draft Local Plan and Policy BTC17 of the Action Plan are pertinent in the assessment of the development's impact upon the Conservation Area and Statutory Listed Buildings.

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

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

Townscape and visual effect including impact on heritage has been scoped into the environmental statement. During construction, the Applicant states that the proposed development will have a negligible impact on the setting of the heritage assets and on townscape character given the temporary nature of construction works. The Applicant has provided evidence as to why they consider the impact upon the townscape and heritage assets during operation is acceptable, concluding that 'the listed station does not rely on a low surrounding urban scale in order for its special interest to be preserved: it is a powerful architectural presence with strong landmark qualities and is - not least by being an operational railway station - a focus and destination'. The Applicant also states that 'There will be an undoubted improvement in the quality of the townscape in and around the Site over the present situation. The setting of heritage assets, close to and further away from the Site will be altered but in a positive way. The proposed height of the development does not equate to harm - it represents change that will have the most significant effect on the listed Bromley North Station and the northern part of the Bromley Town Centre Conservation Area. Both here and elsewhere, the scale of the Proposed Development will alter the backdrop or foreground of heritage assets that are already perceived in a varied urban context'. The Applicant

considers that in their view the proposals cannot reasonably be considered to cause harm to the listed building. The effects of the proposed development during construction and operation is summarised in table 4.2 of the Applicant's ES however it is acknowledged that the magnitude of effect ranges from adverse, minor and negligible with regard to the construction phase, reducing to neutral and beneficial with mitigation and adverse, minor and negligible with regard to the operational phase, also reducing to neutral and beneficial with mitigation. It is noted that those views of which there is considered to be an adverse impact are within close proximity to the site, including from Tweedy Road, East Street and Kentish Way. It is somewhat confusing as to how the mitigation at the development stage reduces the impact in these cases to neutral/beneficial, given that no mitigation other than good design is proposed during the operational stages of the design.

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

Comments have been received from Historic England who state that they consider the development would visually compete with the modest market town character of the Conservation Area, particularly along East Street towards the Grade II listed Bromley North Station which officers agree with. The appraisal demonstrates that the proposed tower would dominate in views along East Street (View 20: East Street, and View A - East Side of East Street), creating a stark contrast to the prevailing three storey scale along this edge of the Conservation Area. Comments in this regard have also been received from the Councils Conservation Officer who notes the proposal would be significantly taller than anything within the northern part of the conservation area, which is generally low rise and is the historic core of Bromley. Given the high rise nature of the proposal the building would be visible from many vantage points within the conservation area. The most significant views from the Conservation Area would be north from East Street, eastwards from North Street and within the immediate vicinity of Bromley North station. Further views along Tweedy Road from the junction with Widmore Road would also be impacted but at a longer distance. The Officer considers that that the scale of the proposal would dominate views out of the Conservation Area from East Street, North Street and Tweedy Road (in front of the station), causing harm to the setting of the Conservation Area through its dominant presence. Whilst Northpoint block has some harmful impacts upon the Conservation Area, this is not of the scale or massing of the proposal and as such the harm in this instance is considered far more detrimental. Further to this, it is a flaw of the scheme that the Applicant has not taken the opportunity for the development to screen Northpoint from what is a key view towards Bromley North Station, which in itself is detrimental to the townscape.

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

Conservation Area. It is both the Council's and Historic England's opinion that the proposed tall building would cause harm to the Bromley Town Centre Conservation Area by visually competing with its modest market town character, as particularly evident in views along East Street.

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

Impact on Listed Buildings

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

The Conservation Officer indicates that the building which is clearly most impacted as a result of the proposal is the Bromley North Station which is Grade II listed. A number of views have been tested and in particular View L (from North Street) and View A (from East Street) which clearly show that the scale of the proposal would dwarf Bromley North Station, and from some views would be a direct backdrop, disrupting the attractive roof profile of the listed building. Historic England add to this, stating they consider that the development would harm the setting of the Grade II listed Bromley North Station by diminishing its civic presence and landmark status along the streetscape. It is considered by the Conservation Officer that despite its design, the sheer size would cause significant harm to the setting of the station which is assessed as being "less than substantial" and therefore paragraph 134 of the NPPF would apply which allows for the harm to be weighed against public benefit. Some public benefits are proposed by the Applicant, most notably an improved forecourt to the station which is welcomed by Historic England. However, this area was only recently repaved and is a generally functional space therefore this alone is not considered significant enough to outweigh the harm in this regard. Officers also note the public benefit that would arise from bringing forward the allocated site for residential development, however as previously discussed, the quantum of residential development does not reflect that which it is identified for within the 2017 five year housing land supply statement, nor is it proportionate in terms of land allocated in respect of the draft local plan. There is little justification for this amount of residential development to be located within this part of the site, and as such the public benefit in this regard is not considered to outweigh the harm to the protected heritage assets.

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

Housing Matters

Unit Size Mix:

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

Affordable Housing:

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

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing to be provided however approximately half of the site is owned by Network Rail, with the remaining part of the site owned by Prime Place. In such instances, a bespoke affordable housing threshold would need to be determined for this scheme. As such, the public land contribution must be calculated and appropriately apportioned as part of a single, bespoke, site-wide threshold at a calculated point between 35% and 50% as laid out in the 'Homes for Londoners' Mayoral SPD. The Council and GLA together consider that 43% would be the maximum required level in this case and as such, should Members permit the application a review mechanism to this effect will be secured via the section 106 agreement.

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

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

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

Standard of Residential Accommodation:

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

The 2016 Minor Alterations to the London Plan adopted the DCLG Technical Housing Standards - nationally described space standard (March 2015) which standard 24 of the SPG says that all new dwellings should meet. Furthermore, the Minor Alterations at paragraph 3.48 state that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. As set out in approved document part M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey.

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

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

Following the submission of amended plans, the remaining units are considered to meet the minimum housing standard in respect of all sizes except the 3b6p units, which are proposed at 92sqm instead of the required 95sqm.

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

Based on the expected child occupancy of the development, the London Plan requires a minimum 149.7 square metres of play space for the development. Each unit would be provided with both private and communal amenity space however it is acknowledged that this is to varying levels of acceptability. Winter Gardens are proposed to the units facing the railway line at first floor level, whilst the premise of winter gardens is considered acceptable in principle, the amenity spaces measure less than the required 5sqm as per the SPG and have a depth less than the required 1.5m thereby impacting upon their usability. Further to this, balconies to the front and rear of the development measure less than 5sqm on most other floors however it is acknowledged that this is primarily to one bedroom units. No justification has been put forward by the Applicant as to the inadequacy of the private amenity areas, however Officers do note the extent of the communal amenity areas on the fourth and seventeenth floors as well as internal children's play space with the first three levels, which will be accessible to all residents. Whilst this does go some way in alleviating concerns in this regard, the quality of this space is subject to further assessment.

Internal children's play space is provided within floors 1-3 and provides 34sqm of space accessed from the internal corridor. Whilst the provision of dedicated floor space for this purpose is welcomed, it is acknowledged that the space will suffer from any sense of outlook or adequate access to sunlight given its internal setting with opaque windows to the north-east elevation. This is the case to all three of the dedicated play space areas which is regrettable and which would not create a positive or welcoming space for families to use. Concern is also raised as to the proximity of these areas to the neighbouring residential dwellings and possible

noise and nuisance impacts. Further to this, the external amenity area of the fourth floor measures 182sqm and is to provide 'external child play space' and 'garden' area, the layout of these areas are unknown but could be covered by condition should permission be forthcoming. Of most concern to Officers in respect of the communal fourth floor area, is the lack of defensible space between the communal area and habitable room window to unit 04.A.07. The success of the space would be subject to the strict management of the area to prevent any undue noise and disturbance to the adjacent units. The layout of the space will also be required to be conditioned to ensure sufficient mitigation is proposed to alleviate any undue impacts upon the habitable room and the unit at 04.A.06. Further amenity space is provided at level 17 by way of an internal 'clubhouse' and external 'roof terrace' measuring 318sqm in total. Again, the provision of this space is welcomed however concern is raised as to the access arrangements which pass directly in front of units 17.A.05 and 17.A.01 at a corridor width of 1.5m. Officers consider that whilst the access arrangements to the communal space will cause some noise and nuisance impacts to adjacent properties given the confined entranceway, this can be considered a 'buyer beware' situation and not a cogent reason to refuse the application. Officers are also aware of potential issues regarding wind climate through providing amenity space at higher levels. Through the submission of additional information to supplement the ES at the Reg 25 stage it has been clarified that 2.5m screening is proposed around the perimeter of both the 17th and 4th floors which will create a suitable climate.

As noted, 4 of the proposed units are undersized by around 3sqm, furthermore a number of the private balconies also fail to meet the minimum 5sqm requirement for outdoor amenity space and in some cases, are below 1.5m in depth. However, in this case weight is given to the provision of a number of large communal areas provided within the development, including the clubhouse and outside seating areas. In the balance the terraces and units are only marginally below the requirement outlined above and when taking into account the level of shared space this is considered to be on balance acceptable.

With regard to the internal cores of the buildings, the circulation space is provided with natural light as per standard 14 of the London Housing SPG (2017) which is found to be acceptable. Standard 12 states each core should be accessible to generally no more than eight units on each floor however in this case on 14 of the floors within the proposed building between 11 to 12 units would share the same core on each floor, which does not accord with the ratios set out in the Mayor's Housing SPG.

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

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

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

Impact on Neighbouring Amenities

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

Daylight/sunlight

The building is proposed at 23 storeys in height and of a width in excess of 50m. The buildings most impacted as a result of its siting would be those within the

immediate locale including the residential/commercial units opposite the site to the south-east, unit 10A which currently operates as a car garage to the north, Northpoint flats to the north and the users of Bromley North Station to the west. Given the overall size and scale of the proposal, the development will also be appreciable from surrounding roads including Station Road, Glebe Road, Florence Road and Babbacombe Road to the west and Palace Grove, Palace Road and the resulting part of Sherman Road to the east and north. The building will also be viewed from a number of viewpoints within the town centre and further afield as evidenced within the submitted Townscape assessment.

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

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

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

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

The most impacted properties are considered as follows:

3 Sherman Road - The property has 19 windows and 11 rooms looking over the site. Only one room meets the BRE recommendations for VSC but all 11 rooms meet the NSL assessment. When the absolute retained levels of NSL are considered with the Proposed Development in place, all but two rooms retain in excess of 90% of their area receiving sky view with the Proposed Development in place. One of the other rooms retains in excess of 73% of its area receiving sky

view and the other in excess of 88% of its area. While there will be a noticeable change in daylight potential to the windows in this property, the daylight amenity internal to the rooms is stated as being reasonably good.

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

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

With regard to sunlight, there are 224 rooms surrounding the Site which are relevant for the sunlight amenity assessment, and there are a number of properties which will experience negligible effects from the proposed development. The properties most impacted are considered to be:

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

is considered by the Applicant that given the sites designation for a tall building, an impact upon surrounding properties is expected.

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

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

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

It is clear that the development will cause significant impacts on nearby properties, most specifically 1 and 3 Sherman Road and the Northpoint development to the north. These properties currently have existing high levels of sunlight given the relatively low rise nature of the surrounding land uses and as such it can be considered that any development of a larger nature than that which exists will cause some detrimental impact. In this case, the proposed 23 storey building, at the width and massing proposed, will give rise to considerable loss of daylight and in some cases, sunlight. This must be weighed however in the balance with the allocation of the site to provide 120 units which will inevitably require a much more dense form of development than that which currently exists. It was noted within the Applicant's evidence that a 10 storey building would have a similar impact in terms of loss of daylight than the proposal, and as such should the site be developed for any type of 'tall building' as per the allocation, this will inevitably cause an impact upon the surrounding properties. Whilst it is appreciated that the scale of the building has not been justified as per the wider Site 2 draft allocation, in that it is not robustly evidenced that a building of this size and scale is appropriate given the absence of a wider site masterplan, it is envisaged that the eastern part of the site (including 10A) will come forward to provide a larger quantity of housing which will

result in taller building heights. Further to this, it is the clear direction of the GLA for higher density development to be located around key transport nodes and a degree of flexibility to allow for this to occur is considered acceptable. On balance, Officers consider that whilst the impact of the development upon daylight/sunlight of neighbouring residents is significant, it is clear that should the site come forward as a development opportunity as forecast in the five year housing land supply, this impact must be accepted. As such Officers consider that on balance, the impact in this regard must be accepted.

Overlooking/ loss of privacy and overbearing impacts

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

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

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

parcel of land with little development opportunity given the constraints of its siting, therefore prejudicing the wider site allocation.

Wind and Microclimate

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

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

The results indicate that most areas remain suitable for sitting and standing with some exceptions where winds tend to accelerate. In particular wind conditions along Sherman Road for the stretch of the Site and extending north. The report states whilst this is a noticeable increase in wind speeds in these areas, particularly during the windiest periods of the year, wind conditions remain suitable for pedestrian strolling and general pedestrian circulation, although not for pedestrian standing (i.e. for people accessing buildings). It is further stated that at balcony and roof top level the results show occurrences of exceedance of the comfort criteria for standing and sitting particularly at the roof top of the building, therefore these areas are not suitable for people accessing them without appropriate safety equipment; it is noted that it was considered within the addendum that the balconies can be safely access with mitigation which is to be conditioned to be submitted should permission be forthcoming. With regard to pedestrian safety the only location where the criterion for safety is exceeded is in the north-west corner of the existing Northpoint building. This area does not appear to be intended for frequent pedestrian use, however mitigation will be required if the area is accessed by people.

The report concludes that mitigation will be required which includes tree planting, recessed entrances, restricted maintenance to roof top level, perimeter screening

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

Noise and vibration

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

The site lies between Sherman Road and the Bromley North Branch Railway Line, approximately 55 metres to the north-east of the busy, arterial A21 road. The rail line carries three passenger trains per hour in each direction, during the day, connecting to Grove Park. The site is influenced by sound arising from road traffic in the area, particularly the A21, with occasional acoustic contributions arising from slow-moving rail traffic entering and exiting the railway station. Where the analysis indicates that noise may be a determining factor, mitigation measures have been proposed to ensure satisfactory living conditions are capable of being met. It is stated that the residential development can be brought forward with compliant internal noise levels subject to the use of thermally insulated façade treatments to the development. The external amenity spaces will broadly achieve the external amenity requirements however it is noted that the balcony spaces on the south western facade and lower floors of the south-eastern and north-western facades are predicted to marginally exceed the desirable <55dB daytime criterion for external amenity spaces. Therefore, whilst the inclusion of glazed balustrades will improve these conditions to "marginal compliance" a further assessment of noise levels should be undertaken at the detailed design stage which will be subject to conditions should permission be forthcoming to assess further mitigation in this regard. It was concluded that subject to conditions, noise does not present a constraint to residential development on the site.

Whilst the impact of the development upon surrounding land uses has not been considered, it is not considered likely, given the two raised areas of amenity space with 2.7m boundary treatment, that the development would cause any appreciable impact in this regard however should permission be forthcoming a condition will be required for an updated acoustic assessment to be submitted which should outline

any required mitigation. With regard to noise impacts from development and construction, this is considered to be temporary in nature and as such acceptable subject to conditions as set out within the construction management plan. No objections are raised by the Council's Environmental Health Officer.

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

Socio-Economic Impacts

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

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

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

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

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

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

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

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

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

Following the receipt of the Highways Officers initial comments, a transport statement was submitted by the Applicant to address the outstanding highways

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

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

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

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

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

illegal or unsuitable parking and on-street manoeuvring. This would cause inconvenience and in some locations, risk to traffic and pedestrian safety.

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

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

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

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

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

A Draft Travel Plan, outline delivery and servicing plan and draft construction management plan has been submitted with the application for the development. The documents should be secured, delivered, monitored, updated where necessary and funded through the Section 106 agreement and/or condition should permission be forthcoming.

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

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

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

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

Air Quality

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

Air Quality was scoped in to the Environment Statement and a chapter on Air Quality has been submitted with the application. The report states that an assessment of the potential impacts during the construction phase have been carried out. This has shown that during the construction phase the proposed development will release dust and PM10 (particle pollution) during site activities. The precise behaviour of the dust, its residence time in the atmosphere, and the distance it may travel before being deposited would depend upon a number of factors. These include wind direction and strength, local topography and the

presence of intervening structures (buildings, etc.) that may intercept dust before it reaches sensitive locations. Furthermore, dust would be naturally suppressed by rainfall. It is considered that the risk to dust soiling and human health during demolition and construction to be medium however during earthworks and trackout, the impact is considered to be low.

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

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

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

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

Flooding and Drainage

Policy 5.13 of the London Plan states that Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be

designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

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

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

Comments have been made from the GLA within their Stage 1 comments which state that the applicant's drainage strategy would achieve a run-off rate of 5 litres per second for a 1 in 100 year storm event, through the provision of a below ground water attenuation tank. Whilst this approach is generally acceptable, the potential for above ground Sustainable Urban Drainage Systems (eg green roofs) must be fully explored in accordance with the drainage hierarchy before the proposed development can be considered compliant with London Plan Policy 5.13 and Policy SI13 of the draft London Plan.

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

Pollution and Contamination

The phase 1 contamination assessment has been submitted and its findings are summarised above. Given the site's historical development, there is potential for contamination within the ground and groundwater from both on and off-site sources. The potential risks to identified receptors are considered to be generally low to medium. It is recommended that ground investigation is undertaken to quantify the risks and to provide geotechnical and geo-environmental information to inform further assessment of hazards present. The Council's Environmental Health Officer recommends a standard contamination condition to assess this further including the submission of a contaminated land assessment and remedial strategy to be submitted for consideration.

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

Electronic and Airspace Interference

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

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

With regard to impacts upon airspace, comments have been received from London City Airport who would have no safeguarding objection to the application. Neither Biggin Hill Airport or the Civil Aviation Authority have commented on the application.

Archaeology

The application site lies in an area of archaeological interest. The NPPF (Section 12) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

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

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss... Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (Para.133-134, NPPF)

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

Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

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

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

During the survey, two category C and two category U trees were recorded within or adjacent to the proposed development site which could potentially be

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

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

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

Planning Obligations

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

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

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

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

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

Health: £287,547

Education: £383,642.13

Highways: £47,400

Carbon Off-setting: £220,536

The scheme would also be subject to Mayoral CIL.

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

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

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

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

of £760,000 in respect of Town Centre works would fail to meet the Regulation 122 tests of being necessary to make the development acceptable in planning terms, or fair or reasonable in relation to the proposed development.

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

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

Environmental Impact Assessment Conclusions

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

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

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

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

impact would be anticipated for any tall building at the Site, even one just 30m in height and Officers consider the impact in this regard is considered, on balance, to be acceptable.

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

Conclusion

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

With regard to layout, the role and function of the new public square in relation to the activities of the station and the new uses proposed at ground floor have not been considered fully. The residential entrance lacks prominence on Sherman Road and there is inactive frontage from the undercroft and sub-station. The access arrangement around the perimeter of the building has also not been fully considered and the access to the bike store is physically constrained; in essence the proposed arrangement of the bike store, refuse store and commercial parking is unsatisfactory. On balance, the design and layout of the proposal is considered contrary to Policies BE1, BE8, BE13 and BE17 of the Unitary Development Plan, Policies BTC2 and BTC32 of the AAP, Draft Policy 4, 37, 38, 42 and 47 of the Local Plan, Policies 3.4,3.5,6.9 ,7.4,7.7 ,7.6 and 2.18 of the London Plan and the Mayor's Housing SPG and paragraph 134 of the NPPF whereby it is considered that there is no public benefit to outweigh the harm to the heritage assets.

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

requirements of policy for the loss of office space and non-designated employment uses.

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

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

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

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

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

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

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

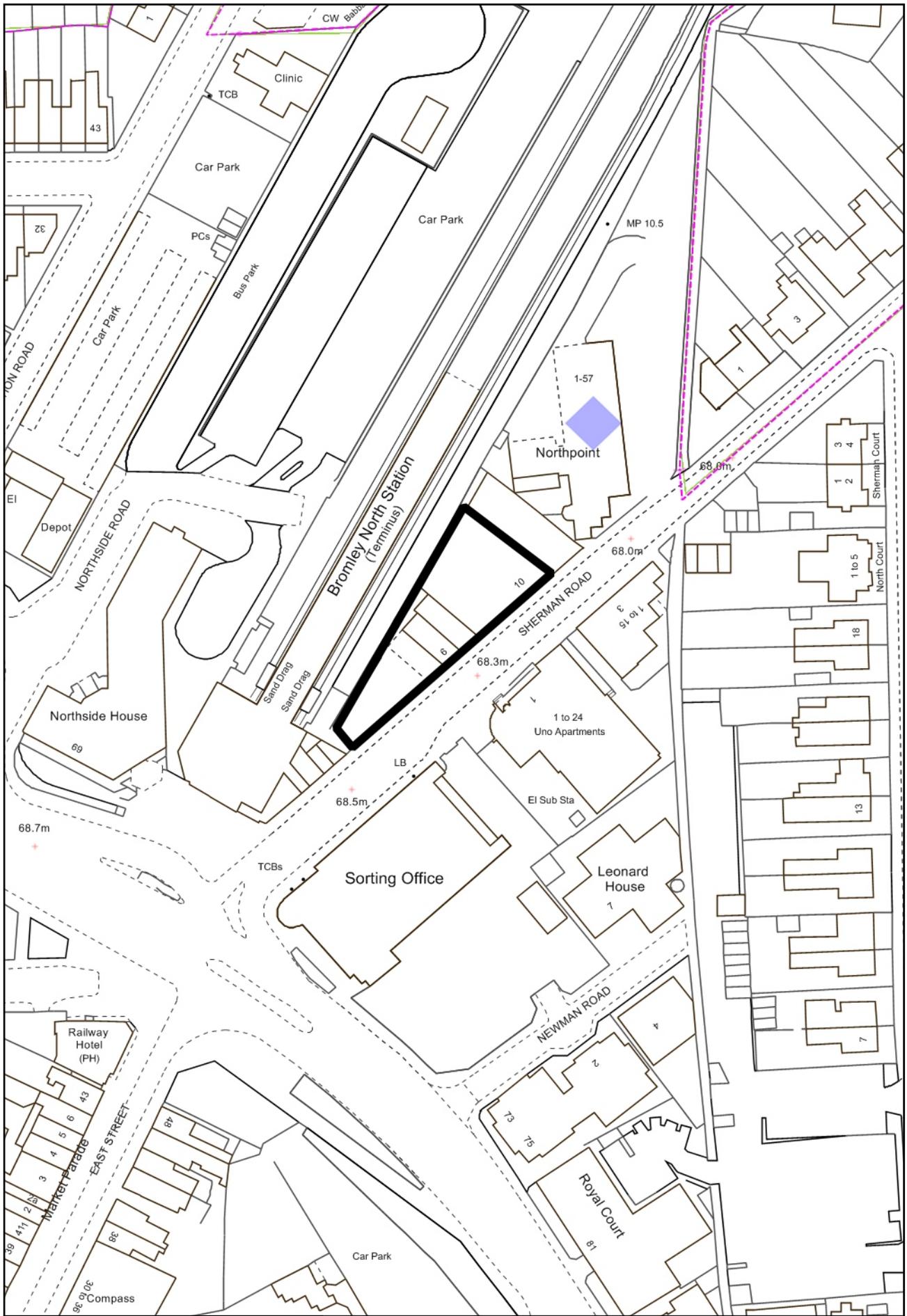
The reasons for refusal are:

- 1 The proposed development is considered lacking justification for its excessive density which contributes to its overly dominant scale from a strategic townscape level and also at a site-level resulting in a proposal which visually competes with the modest market town character and impacts upon the setting of the Conservation Area and Grade II listed Bromley North Station by diminishing its civic presence and landmark**

status along the streetscape. The building is considered of poor design with little relief or articulation achieved through the massing of the building resulting in a slab-like block thereby exacerbating the harm. The layout of the wider public realm, entrances along Sherman Road and the inactive frontages are not fully considered and allow for an unsatisfactory layout in respect of bike store, refuse storey and commercial parking. The proposal is thereby considered contrary to Policies BE1, BE8, BE13 and BE17 of the Unitary Development Plan, Policies BTC2 and BTC32 of the AAP, Draft Policy 4, 37, 38, 42 and 47 of the Local Plan, Policies 3.4,3.5,6.9 ,7.4,7.7 ,7.6 and 2.18 of the London Plan and the Mayor's Housing SPG and paragraph 134 of the NPPF whereby it is considered that there is no public benefit to outweigh the harm to the heritage assets.

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

This page is left intentionally blank



© Crown copyright and database rights 2015.
 Ordnance Survey 100017661.



17/05790/FULL1 - 6-10 Sherman Road



Monday, July 16, 2018

1:1250



This page is left intentionally blank

Application No : 18/00399/OUT

Ward:
Bromley Town

Address : 10A Sherman Road, Bromley BR1 3JH

OS Grid Ref: E: 540450 N: 169684

Applicant : South East Living Group

Objections : YES

Description of Development:

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

Key designations:

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

Proposal

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

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

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

The scheme is proposed to be car free with the use of an existing car club outside 3 Sherman Road. Residential and commercial cycle parking is provided internally. Following receipt of TfL's comments, revised parking plans were submitted which now include two disabled parking bays to the front of 10 Sherman Road.

The application was supported by the following documents:

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

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

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

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

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

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

emissions from a scheme of this nature. As such, the development was considered to be air quality neutral.

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

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

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

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

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

Location and Key Constraints

The site is located on Sherman Road, to the north east of Bromley North Station where there is a single storey industrial building on the site, occupied by a tyre fitting and MOT servicing garage measuring 239sqm in size. The site is a narrow,

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

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

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

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

Comments from Local Residents and Groups

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

Objections

- o Too tall
- o Overlooking
- o No parking facilities
- o Out of keeping with village feel and conservation area
- o Trains from Grove Park are already over crowded
- o Highways Safety and junction capacity issues
- o Impact on daylight and sunlight
- o Piecemeal development is a wasted opportunity
- o No outside space
- o Poor aesthetic design
- o Nothing should go ahead until there is an acceptable scheme for the whole of the Bromley North site

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

Support

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

Comments from Consultees

Thames Water - No objections subject to conditions

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

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

Vehicular access- None indicated on the submitted plan

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

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

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

Bin Store- indicated

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

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

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

A visual impact assessment of the proposed development in views from Bromley North Station would be helpful in gaining a clear understanding of the level of impact on the setting of the Listed Building and Conservation Area. However, due

to the slightly larger scale of the neighbouring Northpoint tower block, we consider it very unlikely that this development would have a significant impact on the existing setting of these, or any other designated heritage assets in the vicinity.

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

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

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

In this respect I find the impact on the setting of both the conservation area and listed building to be harmful in a manner that could be classed as "less than substantial" with respect to paragraph 134 of the NPPF. No clear public benefit is offered that would outweigh this harm.

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

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

Drainage Officer - No objection subject to conditions.

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

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

also prevent prospective residents being eligible for parking permits in the neighbouring CPZ.

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

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

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

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

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

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

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

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

Informatives are proposed.

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

GLA Stage 1 Comments can be summarised as:

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

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

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

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

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

Policy Context

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

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

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

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

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

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

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

London Plan

- 2.13 Opportunity areas
 - 3.1 Ensuring equal life chances for all
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.7 Large residential developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
- 4.2 Offices
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.4a Electricity and gas supply

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

Shaping Neighbourhoods: Play and Informal Recreation (2012)

Accessible London: Achieving an Inclusive Environment (2014)

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

Sustainable Design and Construction (2014)

Housing (March 2016)

Homes for Londoners - Affordable Housing and Viability (2017)

Unitary Development Plan

BE1 Design of New Development

BE8 Statutory Listed Buildings

BE13 Development Adjacent to a Conservation Area

BE17 High Buildings and the Skyline

BE18 The Skyline

C1 Community Facilities

EMP2 Office development

EMP3 Conversion or redevelopment of Offices

EMP5 Development outside Business Areas

H1 Housing Supply

H2 and H3 Affordable housing

H7 Housing Density and Design

H9 Side Space

IMP1 Planning Obligations

T1 Transport Demand

T2 Assessment of Transport Effects
T3 Parking
T6 Pedestrians
T7 Cyclists
T17 Servicing of Premises
T18 Road Safety

Planning Obligations SPD
Affordable Housing SPD

Bromley Town Centre Area Action Plan (AAP)

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

Emerging Local Plan

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

- 120 Air Quality
- 123 Sustainable Design and Construction
- 124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
- 125 Delivery and Implementation of the Local Plan

Planning History

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

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

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

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

Considerations

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

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

Principle and Housing Supply

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

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

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

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

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

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

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

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

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

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

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

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

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

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

and coherent approach to this part of the site to prevent piecemeal development which may ultimately be harmful to the wider site delivery.

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

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

Under NPPF Section 6, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application. The emerging draft London Plan (2017) shows an increase in the housing numbers target for Bromley Borough, this is however subject to objections from the Council and is of limited weight at this early stage of its preparation.

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

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

Density

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

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

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

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

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

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

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

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's

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

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

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

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

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

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

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

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

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

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

Impact on Conservation Area and Statutory Listed Building

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

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

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

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

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

Materiality

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

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

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

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

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

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

Housing Standards

Unit Size Mix:

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

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

Affordable Housing:

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

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

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

The NPPF at paragraph 216 states from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

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

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

Standard of Residential Accommodation:

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

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

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

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

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

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

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

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

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

disabled car parking standard for the office use one disabled bay should also be provided. Amended plans were subsequently submitted to include two blue badge spaces to the front of 10 Sherman Road.

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

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

Neighbouring amenity

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

Daylight/sunlight

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

however to a lesser extent given its direct siting behind the Northpoint building. The building will also be viewed from a number of viewpoints within the town centre as evidenced within the submitted Townscape assessment, most prominently from East Street.

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

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

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

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

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

Officers note that the daylight/sunlight assessment makes no reference to the current application site at 6-10 Sherman Road, nor the proposal to develop this for

a 23 storey residential tower. Whilst the applications should be considered on their own merits, the impact of the 10 storey tower on the daylight/sunlight of 6-10 Sherman Road will also be required to be considered at a future stage to ensure that this does not impact upon the deliverability of the wider site allocation for the number of units envisaged within this portion of the site (as envisaged within the 5 year housing land supply document) and the Draft Site 2 requirements.

Overlooking/Overbearing impacts

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

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

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

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

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

Wind and Microclimate

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

Noise and Vibration

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

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

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

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

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

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

Air Quality

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

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

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

Drainage

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

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

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

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

Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

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

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

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

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

Public Realm

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

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

Planning Obligations

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

authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

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

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

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

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

The scheme would also be subject to Mayoral CIL.

Conclusion

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

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

and lack of information identified is considered to outweigh the benefits in this regard.

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

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

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

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

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

RECOMMENDATION: APPLICATION BE REFUSED SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON.

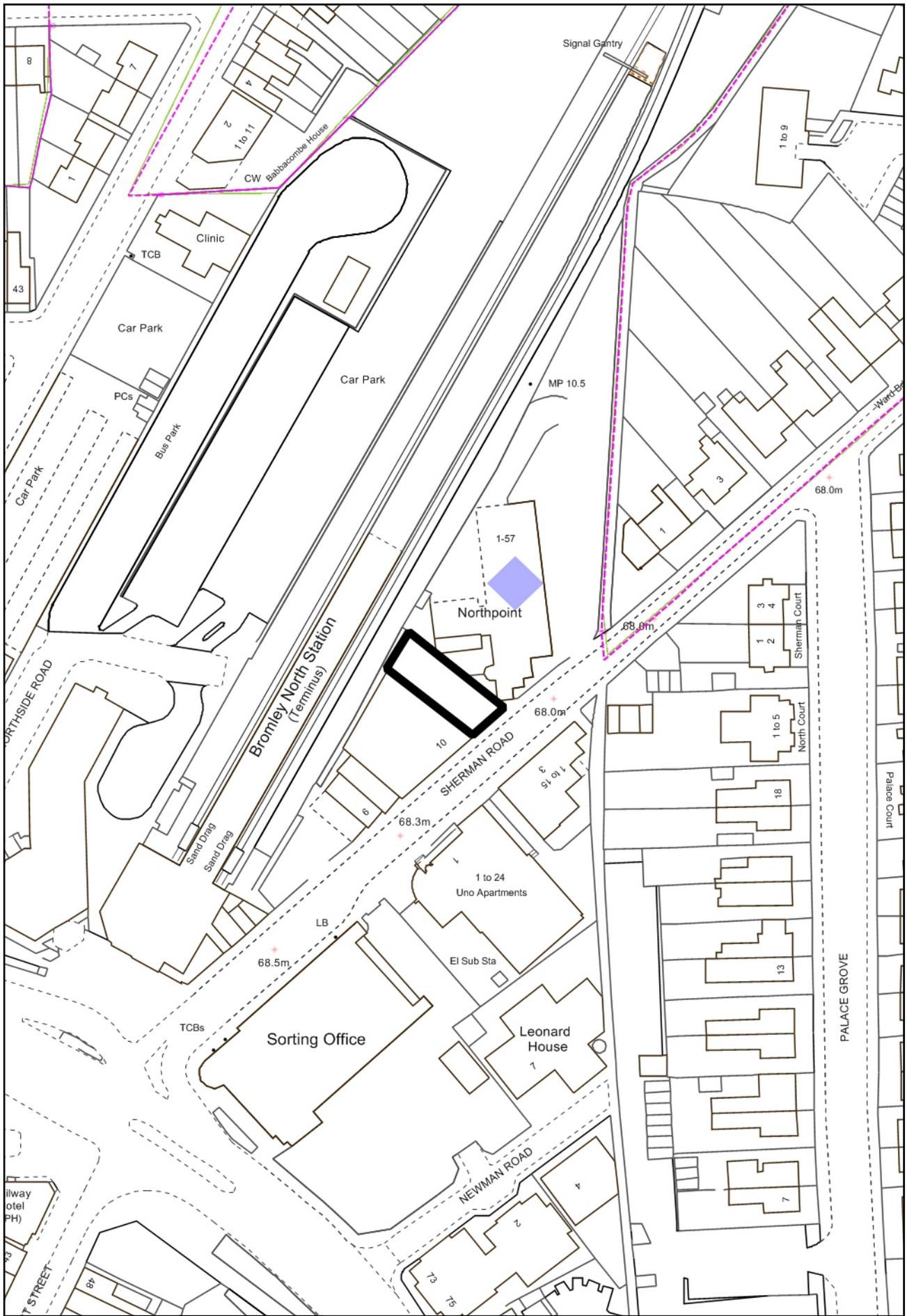
The reasons for refusal are:

- 1 In the absence of information to suggest otherwise, the proposed development is considered to impact detrimentally upon the Statutory Listed Bromley North Station and Bromley Town Centre Conservation Area contrary to Policy BE8 and BE13 of the Unitary Development Plan, Draft Policies 38 and 42 of the Draft Local Plan and Policy 7.8 of the London Plan.**
- 2 The proposed development is considered to result in a detrimental overbearing impact upon the owner/occupiers of Northpoint, preventing adequate outlook from habitable room windows contrary to Policies BE1**

and H8 of the Unitary Development Plan and Draft Policy 4 and 37 of the Draft Local Plan.

- 3 In the absence of information to suggest otherwise, the stand-alone nature of the development is considered to compromise the deliverability of the wider draft allocation by virtue of providing an unacceptable piecemeal development of an unknown scale and appearance and lack of justification as to the density of the proposed development and would also cause an unacceptable impact upon highways safety contrary to Policies T18 and T3 of the Unitary Development Plan and Draft Policies 1, 30, 31 and 32 of the Draft Local Plan and London Plan Policy 3.7**

This page is left intentionally blank



© Crown copyright and database rights 2015.
 Ordnance Survey 100017661.


18/00399/OUT - 10A Sherman Road



Monday, July 16,
 2018

1:1250


Page 173

This page is left intentionally blank