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DATE: 18 April 2019

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

Councillor Alexa Michael (Chairman)

Councillor Kira Gabbert (Vice-Chairman)

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

An extraordinary meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY 30 APRIL 2019 AT 7.30 PM**

MARK BOWEN

Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. 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 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that these are received by the Democratic Services Team by **5 pm on Wednesday 24 April 2019.**

- 4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 4 APRIL 2019**  
(Pages 1 - 8)
- 5 MATTERS OUTSTANDING FROM PREVIOUS MINUTES** (Pages 9 - 12)
- 6 PLANNING APPLICATION (19/00370/FULL1) - ST HUGH'S PLAYING FIELDS,  
BICKLEY ROAD, BICKLEY, BROMLEY - BICKLEY WARD** (Pages 13 - 78)
- 7 PLANNING APPLICATION (18/05236/FULL1) - FOOTZIE SOCIAL CLUB, STATION  
APPROACH, LOWER SYDENHAM, LONDON SE26 5BQ - COPERS COPE WARD**  
(Pages 79 - 142)
- 8 HERITAGE AT RISK UPDATE** (Pages 143 - 148)

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 4 April 2019

### **Present:**

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

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

Apologies for absence were received from Councillors Katy Boughey and Kate Lymer; Councillors Kieran Terry and Nicholas Bennett J.P. attended as their respective substitutes.

An apology for absence was also received from Councillor Melanie Stevens.

### **46 DECLARATIONS OF INTEREST**

In relation to Item 7, Councillor Fawthrop declared a non-pecuniary interest as his daughter resided in close proximity to land north and east of Westerham.

### **47 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2018 AND MINUTES OF THE SPECIAL MEETING HELD ON 15 JANUARY 2019**

**RESOLVED that the Minutes of the meeting held on 6 November 2018 and the Minutes of the Special meeting held on 15 January 2019 be confirmed and signed as a correct record.**

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

No questions were received.

### **49 PLANNING APPLICATION 18/05184/FULL1 - ALLIED BAKERIES, CRAY AVENUE, ORPINGTON BR5 3RT**

Description of application – Phased redevelopment of Allied Bakeries site. Part demolition of former bakery. Retention of original office and tower. Redevelopment and alterations to retained distribution warehouse and workshop. Creation of two new industrial units for B1(b), B1(c), B2 and B8 uses including service road, yards, parking and landscaping.

The Planning Officer gave an update on the report as follows:-

- Only five trees would now be removed with two maple trees at the front of the site being retained.
- The indicative soft landscaping scheme proposed the planting of 21 trees 4-5m in height.
- Landscaping condition 9 would be updated to reflect the tree removals and to secure the minimum number and size of trees on the indicative landscaping plan.
- Parking provision was reduced to 170 spaces. Page 14, bullet point 1, and page 38, paragraph 4 had been amended to reflect this. Contrary to TfL's comments, Highways Officers were confident that the proposed number of spaces would not lead to a demand for on-street parking.
- The first sentence of paragraph 2 on page 35 was amended to read:- 'To the north elevation of the retained part of the existing warehouse, a 9.5m wide (approx..) extension will be provided along with a new external *wall* fitted with structural metal cladding panels and a dual pitched roof.'
- Condition 2 was amended to update drawing numbers following submission of a revised site plan showing the addition of eight short stay cycle hoops (16 spaces).

Contrary to that stated in the report, no objections to the application had been received.

Committee Member and Ward Member Councillor Bear fully supported the application. This was an important site within the Cray Valley Business Corridor and she welcomed its renovation subject to the proposed conditions especially those relating to the replanting of trees and the parking provision. Whilst no objections had been received from residents, there were concerns that parking did not overspill onto the surrounding roads. Councillor Bear moved that the application be granted.

Councillor Terry considered the application to be reasonable and in keeping with the existing industrial use within the area. Conditions 24 and 25 would ensure that any future change of use would need to be considered via new planning applications. Councillor Terry seconded the motion to grant permission.

Referring to Public Transport Accessibility Levels (PTALs), Councillor Fawthrop stated that Transport for London assumed that people who live next to a train station would travel by train; similarly those residing near bus stops would use the bus but anyone living near a road would not wish to travel by car. PTALs were flawed as they were not based on destination points. In his view there could never be more than enough parking spaces.

Condition 19 (page 50) proposed that electric vehicle charging points would be provided to a minimum of 20%. Councillor Fawthrop moved that this be

increased to 25% as set out in the London Plan. The Planning Officer advised that the proposed 20% complied with the current London Plan and assumed Councillor Fawthrop was referring to the new draft London Plan which made it difficult to justify an increase to 25%.

As Design Heritage Champion, Councillor Bennett was disappointed not to be consulted on this locally listed building. Whilst it was important for the site to be returned to economical use, he was uncomfortable with the proposal to demolish the post-war addition of the south block which balanced the building. The height of the buildings behind the tower dominated what was a stand-alone building. For these reasons, Councillor Bennett could not support the application but he did second Councillor Fawthrop's motion to increase the provision of electric vehicle charging points.

Councillor Harmer supported the application which complied with planning policies and was satisfied with the proposed provision of 20% electric vehicle charging points. The Planning Officer advised Councillor Harmer that a condition relating to restricted permitted development rights had been included to protect against change of use should the business space proposal not be successful.

**Members RESOLVED that the application be granted as recommended, subject to the conditions and informatives, set out in the report of the Chief Planner with conditions 2 and 9 amended to read:-**

'2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and documents listed in this condition unless previously agreed in writing by the Local Planning Authority:

Site plans/elevations/floor plans: 11020 PL: 001; 002; 003; 004; 005 A; 006; **007 C**; 012; 013; 021; 022; 025; 031 A; 032 A; 033 B; 041 A; 042 A; 051 A; 054; 055; EDS 07-3102.01 A.

Reason: To prevent any unacceptable deviation from the approved plans.

9 (1) Prior to commencement of above ground construction details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted which shall include the use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;

2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- a) permeable paving
- b) tree pit design
- c) underground modular systems
- d) sustainable urban drainage integration
- e) use within tree Root Protection Areas (RPAs)

3) A schedule detailing sizes and numbers/densities of all proposed trees/plants, **which shall include a minimum of 21 trees measuring 4-5m in height;**

4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and

5) Full details of retained and proposed boundary treatments.

9 (ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

(iii) Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting.

(iv) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.'

A vote to increase the provision of electric vehicle charging points from 20% to 25% fell at 5-6.

Councillor Bennett's abstention from voting was noted.

## **50 LB BROMLEY FIVE YEAR HOUSING LAND SUPPLY PAPER FEBRUARY 2019**

### **Report DRR/19/021**

In line with Government guidance, an updated five year housing land supply paper was usually reviewed by Members on an annual basis. The last paper was agreed by the Development Control Committee on 16<sup>th</sup> November 2017.

In November 2018, following an initial update, Members agreed that the November 2017 position should be extended in the short term until the next

Paper was considered. This would enable relatively recent publications of the new National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) to be assessed as they included updated guidance on the compilation of five year housing land supply papers.

A draft Five Year Housing Land Supply Paper was due to be considered by Members on 6<sup>th</sup> February 2019 however, this meeting was cancelled due to concerns regarding the deliverability of some of the housing supply components in the Draft Five Year Housing Supply Paper. Those concerns had now been given due consideration. The Paper was updated to incorporate further details relating to the monitoring of housing completions.

This report set out the five year housing land supply position for the Council from 1<sup>st</sup> December 2018 – 30<sup>th</sup> November 2023. It concluded that there was a deliverable five year housing land supply in the Borough.

The Legal Representative referred to correspondence received from the agent of an interested developer. In relation to the content of this correspondence, the Council had taken the opportunity to consult with a barrister who was a specialist in planning matters. The barrister's advice was reported to Members.

The Chief Planner advised that for ease of reference, a list of appendices and their page numbers had been circulated to Members.

The following paragraph numbers were inserted to replace 'xxx' on page 111 of Appendix 3:-

Paragraph 1, first sentence – 'Paragraph **1.30** of the 5YHLS sets out that the Borough was attributed an annual average housing supply monitoring target of a minimum 641 units per annum in the 2016 London Plan.'

Paragraph 2, first and second sentences – 'As specified in paragraph **2.19** of the 5YHLS 2019 an assessment has been made of the contribution that small sites (<0.25ha) have made to housing delivery from 2010/11 – 2017/18. This data represents the most up-to-date data when the 5YHLS was compiled in line with the observations made by the Inspector who reported on the 'Dylon' decision (APP/G5180/W/16/314428) as made reference to in paragraph **2.7** of the Council's 5YHLS.'

Paragraph 3 – 'Paragraph **2.20** of the 5YHLS makes reference to the reasoning for including unit completions from the use of permitted development rights.'

Paragraph 4, final sentence – 'Paragraph **2.22** of the 5YHLS sets out the Council's reasoning behind this uplift.'

Paragraph 10, first sentence – 'Paragraphs **2.59 to 2.62** of the **2019** 5YHLS make reference to the fact that only sites that have commenced [accommodating 9+ units] are included in the supply.'

The final sentence of paragraph 2.20 (page 85 of the report), was amended to read:- 'See also paragraphs **2.59 to 2.62** below.'

Paragraph 2.62 (page 97 of the report), was amended to read:- 'The allowance of 200 units is considered deliverable in light of the fact that completions from this component since 2014 reached over **525** units and there are approximately 250 units currently in the pipeline (30 units from the 250 have started).'

The Chief Planner advised that the 5YHLS was part of National, London and Local Policies. The Council had recently adopted the Bromley Local Plan which identified its 5YHLS through the Local Plan process. Page 100 of the report identified Bromley's capacity as 3752 units which exceeded the target of 3365.

Councillor Fawthrop expressed his gratitude to officers for their efforts in undertaking this project. He also thanked the Legal Representative for consulting with the Barrister who had given clear and concise advice. Councillor Fawthrop moved that the report be agreed. The Chairman seconded the motion.

Councillor Allen considered Bromley had only met its housing targets partly due to the Council's loss of planning appeals – something which needed to be addressed. She encouraged the Council to set up more meaningful regeneration development planning and engage more with developers, the community and others to produce good quality proposals which Members could support. For the large sites identified, Bromley was potentially faced with a long process of unpleasant planning applications, refusals and appeals which could result in second-rate developments. The lack of affordable dwellings was shameful and although covered in the Local Plan, there needed to be full recognition and acceptance of the provision in all deliberations. Affordable housing was required for professionals and key workers who in turn, would contribute to Bromley's economic growth.

In regard to the small site numbers, Councillor Allen was unclear how a list of unbuilt permissions over the last four years gave an indication of future provision. Small sites were clearly a major contribution to the overall delivery and lessons could be learned from other boroughs on how to make this happen. As a result of their collaboration, fewer appeals were made and more sites came forward which were actually developed.

The Chief Planner advised that the Housing Land Supply and Housing Trajectory had been considered through the Local Plan process and examined by the Planning Inspector who concluded that, with modifications, it was satisfactory.

**RESOLVED that the five year housing land supply position 01/12/18-30/11/23 be agreed.**

**51 BROMLEY'S RESPONSE TO SEVENOAKS' PROPOSED  
SUBMISSION LOCAL PLAN**

**Report DRR19/023**

Under a 'Duty to Co-operate', local planning authorities were required to identify cross-boundary issues and engage positively with neighbouring Boroughs when preparing their Local Plans. In this regard, Members were given the opportunity to comment on Sevenoaks District Council's Proposed Submission Local Plan (SDC).

Members therefore reviewed key elements of the proposed submission Local Plan that could, potentially, impact adversely upon the London Borough of Bromley.

The Chairman advised that Sevenoaks were currently at an early stage of progressing their Local Plan.

Councillor Dean moved that the recommendation be agreed. The Chairman seconded the motion.

**RESOLVED that the suggested response to Sevenoaks District Council's Draft Local Plan (Regulation 19) consultation be agreed.**

**52 BROMLEY'S RESPONSE TO BEXLEY'S DRAFT LOCAL PLAN  
REGULATION 18 CONSULTATION**

**Report DRR19/022**

Members considered a report advising on the London Borough of Bexley's consultation on its Local Plan preparation: Preferred approaches to planning policies and land-use designations (Regulation 18 consultation paper). Member agreement was sought on the proposed responses having regard to Bromley's Local Plan requirements, as part of its Duty to Co-operate.

As Ward Member for Chislehurst, Councillor Terry would have welcomed an indication of significant developments proposed for the Bromley/Bexley border. The Planning Strategy Officer advised that the lack of specific detail regarding development, was due to the fact that Bexley's development stage of the Local Plan was behind that of Sevenoaks. The proposed response therefore, was more of a holding response until Bexley's progression to the next stage.

Referring to community facilities and education, Councillor Dykes reported she had recently attended a School Places Working Group meeting where Members discussed migration figures for Bexley school children. Councillor Terry's point in relation to significant development on the Bromley/Bexley border was therefore key. Councillor Dykes requested that Bromley be as proactive as possible in this regard

**RESOLVED** that Bromley's response to the London Borough of Bexley's Local Plan Regulation 18 'Preferred approaches to planning policies and land-use designations' consultation be agreed.

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

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

**54 EXEMPT MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2018**

Councillor Fawthrop moved that as the appeal in question had been determined, the Minutes should no longer be considered as exempt information. The motion was seconded by Councillor Bennett.

**RESOLVED** that the exempt Minutes of the meeting held on 6 November 2018 be confirmed and signed as a correct record and that they be made available to the public.

(A public copy of the declassified Minutes can be found as a separate document on the Council's website under the Development Control Committee meeting dated 4 April 2019.)

The meeting ended at 8.00 pm

Chairman

Report No.  
CSD19074

London Borough of Bromley

PART ONE - PUBLIC

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## Development Control Committee

**Date:** Tuesday 30 April 2019

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

**Title:** **MATTERS OUTSTANDING FROM PREVIOUS MINUTES**

**Contact Officer:** Mark Bowen, Director of Corporate Services  
Tel: 020 8313 4355    E-mail: mark.bowen@bromley.gov.uk

**Chief Officer:** Director of Corporate Services

**Ward:** (N/A)

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1. Reason for report

For Members to monitor progress against actions outstanding from previous meetings.

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2. **RECOMMENDATION**

**That Members note the report.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: None
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## Corporate Policy

1. Policy Status: Existing Policy. The Committee will be regularly updated on matters outstanding from previous meetings.
  2. BBB Priority: Excellent Council.
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## Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £350,650
  5. Source of funding: 2018/19 revenue budget
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## Personnel

1. Number of staff (current and additional): There are 8 posts (6.87 fte) in the Democratic Services Team.
  2. If from existing staff resources, number of staff hours: Monitoring the Committee's matters outstanding can take up to two hours per meeting.
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## Legal

1. Legal Requirement: No statutory requirement of Government guidance.
  2. Call-in: Not applicable. The report does not involve an executive decision.
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## Procurement

1. Summary of Procurement Implications: N/A
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The report is intended primarily for Members of this Committee
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## Ward Councillor Views

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

### 3. COMMENTARY

This report provides updates on progress achieved in regard to requests made by the Committee at previous meetings. Following each meeting, required actions are listed and monitored to ensure that any outstanding issues are addressed in a timely fashion.

There are currently no matters outstanding.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children, Policy, Financial, Personnel, Legal and Procurement Implications.
Background Documents: (Access via Contact Officer)	

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**Application No :** 19/00370/FULL1

**Ward:**  
**Bickley**

**Address :** St Hugh's Playing Fields, Bickley Road,  
Bickley, Bromley

**Objections: Yes**

**OS Grid Ref: E: 541958 N: 169210**

**Applicant :** DfE & Bullers Wood School for Boys

## **Description of Development:**

Stationing and temporary use of a modular building for educational purposes for a one-year period with associated access and parking.

Key designations:

Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 10

Urban Open Space

## **Proposal**

The proposal is for the Stationing and temporary use of a modular building to provide teaching accommodation for a maximum of 360 pupils (age 11-16) and associated staff for educational purposes for a one-year period commencing 1st September 2019, along with access and parking.

The temporary accommodation would be used by pupils and staff of the newly opened Bullers Wood School for Boys which is currently based at 1 Westmoreland Road until 31st August 2019. The proposed temporary accommodation would accommodate the school until the School's permanent building and facilities (allowed at appeal under planning ref.17/02468) are constructed.

The wider site (4.69ha) will accommodate the proposed temporary accommodation whilst retaining the existing playing fields, which will be shared between the girls and boys schools. This will also enable the approved main school building to be developed alongside the temporary occupation.

The applicant submitted the following statement on 26th March 2019 in support of their proposal:

“As discussed recently, at the time of submission of the temporary application, the construction programme was not finalised and the programmed delivery date for the permanent school was not confirmed. At that stage, September 2020 was still the aim, although it was known that there was some risk of an overrun. For that reason, the application as submitted states "The accommodation would accommodate 360 pupils and associated staff for a one-year period from 1st September 2019. In the event that the new School building is not ready for occupation by 1st September 2020, the one-year period and scale of accommodation proposed may need to be reviewed. The scheme as submitted here is in a form that would enable future modest expansion if so required (subject to planning) and for robustness, the submitted Transport Assessment also considers this potential scenario.”

The site is now allocated for a 6FE secondary school and benefits from detailed planning permission for up to 900 pupils. The proposed access arrangements for the temporary school are identical to those of the permanent school and accordingly, it is already established that in the event a further permission were required to extend the temporary period and increase pupil numbers up to 540, the access would remain suitable. As such, a temporary permission for one year and for 360 pupils, knowing an extension will most likely be required, does not prejudice that application as the principle issue is already established and agreed.

For the extended period, some additional accommodation will be required. The detail of this is yet to be determined and to amend the application now would therefore preclude delivery of the temporary school for September 2019, which is the priority and critical. For the reasons outlined above, it is also not necessary. As such, I can confirm that the application is as stated, for a 1 year period and for up to 360 pupils. It is very likely an extended period will be required and that will be subject to separate and future applications when the detail is fully known. The impacts of a 540 scheme in highway terms remain below what already has consent and is accepted. Notwithstanding this, any risk associated with this rests with the applicant as that application will still be considered on its own merits at that time.

With regard to 1 Westmoreland Road, in light of the SHaW appeal outcome, DfE has considered its potential use for Bullers Wood School for Boys. However, the only access to the building is from Sandford Road, which serves as the access point to the school and there is no space for construction vehicles, storage of materials and deliveries to occur without impeding the day to day running of the school, or the construction site. This means that ongoing construction works during school occupation is impossible.”

### Building and works

- Demolition of existing Air Training Corps building;
- Three storey modular building measuring 9.6m in height to provide 2,636sqm floorspace;
- The building would provide classrooms, science laboratories, a multi-use room, toilets and staff offices
- Pupils will have access to the existing playing fields together with new Asphalt hardstanding areas;
- Bin store enclosure;
- Internal 2.4m high black weld mesh fence to provide secure fence line.

## Access and parking

- New ingress only vehicle access into the site from Chislehurst Road leading to a new access road linking to the existing internal access track;
- Vehicular exit via the existing access onto Bickley Road;
- Internal one-way circulation system;
- This is identical to the proposed access approved for the permanent school;
- No pedestrian access is proposed from Chislehurst Road with access manned by school staff to preclude pedestrian access;
- New pedestrian/cyclist access off Bickley Road located approximately 35m to the east of the vehicular egress;
- Emergency vehicle access via Chislehurst Road, accessing the temporary building via the car park, and exiting onto Bickley Road;
- Construction access via the existing gate off of Bickley Road (with a temporary widening of the gate necessary by removing the existing pillar);
- 25 on-site car parking spaces and 3 accessible parking bays located within a new permeable, reinforced gravel car park to form collection point for SUD (drainage) system.
- Pupil drop-off area circulating car park to accommodate approximately 18 cars at any one time;
- Store for 36 bicycles adjacent to main school entrance.

The application was supported by the following documents:

- Planning Statement:

The statement sets out the overall policy background and identifies the planning considerations relevant to the application. It sets out the application and its background and the need for the temporary accommodation while the permanent school is being constructed. It considers that with regard to the principle of development, while the application site is designated as Urban Open Space, and would be contrary to Policy 7.18 of the London Plan, the Bromley Local Plan allocates this site for a new secondary school. Furthermore, the development now benefits from planning permission, meaning that the principle of secondary school development on the site is established. It identifies all of the other key planning considerations and concludes that the proposal accords with development plan policy.

It says that in the event that the new school building is not ready for occupation by 1st September 2020, the one-year period and scale of accommodation proposed may need to be reviewed. The scheme as submitted is in a form which "would enable future modest expansion is so required (subject to planning) and for robustness, the submitted Transport Assessment also considers the potential scenario".

- Design and Access Statement

This document covers a wide range of aspects in relation to the proposed design and access arrangements to the building and site. It addresses the background,

site analysis, proposed development including an assessment of the visual impact of the proposal and impact on the street scene, building and site access and circulation, appearance, landscaping and materials in all respects.

- Air Quality Assessment:

The proposed development falls outside of the Air quality Management Area (AQMA). The report concludes that the development will have a negligible impact on air quality therefore no mitigation is required. Instead, other measures such as providing cycle storage, implementing a travel plan and installing electric charging points are recommended. Furthermore, measures to minimise the impact of the construction phase on local air quality, including an assessment of distance from demolition and construction, should be implemented.

- Arboricultural Impact Assessment Option 1:

The scope of the report covers trees on and adjacent to the site. It is concerned with the impact the development may have on nearby trees and the effect retained trees may have on the development. All of the trees on the site are the subject of The Buller's Wood playing Field Tree Preservation Order (TPO). The site is not within a conservation Area.

As a result of the scheme, 6 trees are to be removed with 1 woodland area and 1 group to be partially removed. In addition to this, 2 groups, 1 woodland and 28 trees will require works within their Root Protection Zones.

The report makes a number of recommendations including that a detailed arboricultural method statement should be produced. Where archaeological or contaminated land reports and hard and soft landscape design plans are prepared for the site, these should be cross-referenced with the arboricultural impact assessment to ensure there are no conflicts in land treatments, recommendations or retention plans.

- Arboricultural Method Statement:

This report covers trees to be retained and sets out protection measures and working methodologies to ensure retained trees are not damaged or adversely affected by site activities during the demolition and construction works.

A total of 100 individual trees, 16 tree groups and woodland are the subject of this report which has been written in accordance with BS 5837.

It is anticipated that retained trees may require pruning works to facilitate the scheme. A number of trees also require pruning works for general maintenance purposes.

Tree protection barriers will be required as shown on the Tree Protection Plan (TPP). Ground protection will also be required within the RPAs of a number of trees. Where areas of new hard surfacing are required within the RPA of retained trees they should be constructed using a suitable 'no-dig' construction method.

Tree protection measures should be installed prior to any works beginning on site and prior to the delivery of plant or materials to the site.

- Archaeological Desk Based Assessment:

This desk-based assessment has not identified any currently known significant archaeological remains within the PDA, although there is the potential for buried archaeological remains to be present, and in particular remains associated with the Widmore estate, especially within the northern part of the PDA. Given the historic nature of Bickley, it is recommended that initially a geophysical survey should be undertaken as a first phase of a staged scheme of evaluation. The results of the geophysical survey can be used to identify what, if any, further works might be appropriate, pre- or post-determination of the planning application.

The identified tree-lines and wooded areas qualify as 'historically important' under the terms of the 1997 Hedgerows Regulations, and it is recommended that any changes to these assets should be avoided or minimised. A hedgerow survey could be included as part of any conditioned mitigation works.

- Archaeology Evaluation Report:

A total of seven features, probably dating to the eighteenth and nineteenth centuries were identified in trenches 2 and 11. It is likely that similar features survive across the southern half of the PDA. The features themselves are of minimal archaeological significance and have probably been truncated by slightly later quarrying or landscaping. There was no evidence for any earlier activity on the site.

The 2m deep terrace running roughly east--west midway across the site probably relates to Widmore House although its present level appears to be due to relatively modern landscaping. Disturbances from Widmore House may have removed archaeology from this area however as parts appear to have been cellared.

It seems quite likely that the site has been subjected to an episode of shallow gravel quarrying during the earlier nineteenth century, and quite probably later landscaping during the establishment of Widmore House and the landscaping of its grounds. However the precise date of this could not be established.

The results of the present works suggest the proposed development will have a minimal or negligible impact on the archaeological resource in the southern part of the site, and although less certain, this is also likely to be the case with the northern area.

- Bat Report:

A bat emergence survey was conducted on the sports pavilion in September 2018. No bats were observed emerging from the potential bat roosting features and it is noted that this building is not being demolished as part of the proposals for the temporary accommodation. Low numbers of bats were recorded foraging on-site

and the site is therefore found to be of low conservation importance for foraging bats at local level.

No further survey work, assessment or mitigation is recommended. However, the report recommends that no external lighting should be installed on site and, if required, only the minimum level required for site security/health and safety should be provided. Furthermore, all lighting should be 'bat-sensitive' including the use of narrow spectrum lighting with no UV content, or 'warm white' LED lighting. All lighting should be directed towards ground and light spill should be minimised through the use of hoods, shields and/or cowls.

- Construction Management, Delivery & Servicing Plan:

This document details the likely timescale and typical traffic movements associated with the construction of a temporary school at St Hughs Playing Fields and outlines proposals for any necessary mitigation. The scheme involves the delivery of unitised temporary accommodation blocks which will be placed on the car park area designated for the permanent school that is being built on the St Hughs Site. This document is intended to be a 'live' report, which will be updated and amended should the scheme design or construction programme change.

*Construction Access:*

The access to the site will be from the existing Bickley Road entrance. The existing gates will be temporarily removed and the right-hand pier and wall be taken down. At the end of the temporary period i.e when the temporary units are removed, these will be re-instated.

All traffic will enter through the gates into the avenue and turn right into the gap in the pollarded Poplar trees.

The timing of all deliveries will be made according to the conditions of the planning application, of which this document forms part of. The avenue is not wide enough for two-way traffic, therefore a Traffic Marshal / Banksman will be available to monitor and direct all vehicles entering and egressing the site. During the removal of the units, no access will be allowed during the egress times of the school. This is to ensure there is no conflict with operational school traffic.

The construction of the site will be undertaken in a staged manner, with each stage described below.

*Stage 1 - Access to site:*

The existing access will be widened, through the removal of the existing brick piers, which will be replaced once construction is complete. Vehicle swept path analysis is included at Appendix A, which shows that the required vehicles can access and egress the site safely.

*Stage 2 - Site set-up:*

The site setup will be delivered. This will be a local toilet unit. The main Site welfare will be situated on the main build site on the north of St Hugh's playing field.

### *Stage 3 - Site Preparation:*

An Attenuating soak away will be installed in the vicinity of what will be; the car park for the temporary accommodation, together with the foundations for the units. The component buildings will be delivered and installed on part of the car park for the permanent school. This will require the car park to be semi completed, the exceptions being; the wearing surface and kerbs repairs, prior to the delivery of the modules. This will also provide working platform for a 'lay down' area and provide a turning head for delivery vehicles

### *Stage 4 - Mobile Unit Delivery:*

Delivery of the temporary accommodation is envisaged to occur across two-week period. Due to the constraints of the site, a crane will be the principle means of distribution

### *Stage 5 - Completion of School Vehicular Entrance:*

The completed Temporary accommodation will have a vehicular access from the Chislehurst Road entrance; to the permanent school building, which will be constructed simultaneously. The entrance will be for Vehicular use only, as there will be no paved access internally to the mobile classrooms. The access will be shared by vehicles entering the construction site for the permanent school. The logistics of the set up are explained in the appendix

### *Environmental Impacts:*

This section of the report considers construction impacts that may arise on the local highway network, as well as increased vehicle emissions, waste associated with the proposed scheme and construction noise. The following mitigation measures aimed at reducing these impacts are proposed:

- Control of noise at source: Ensure all plant used is fitted with the correct silencer/acoustic baffle where applicable and that the equipment is in good condition and is well maintained;
- Where possible plan the site so noisy activities are furthest away from those who will be impacted upon by the noise generated;
- Noise levels to be regularly monitored by the site team both inside and outside the site hoarding;
- If a need arises for an especially noisy operation, information will be provided to London Borough of Bromley and the local residents so that any disturbance is agreed in advance of the work being carried out;
- Noise action zones to be identified within the site working areas if noise levels exceed 80dB
- Demolition works to be carried out in such a manner to minimise the levels of vibration generated and transmitted into adjoining structures and surfaces;
- Operatives using hand tools will be monitored daily to ensure they are not exposed to levels of vibration that could cause harm;
- Foundations will be designed to avoid percussive methods of installation;
- Damping down to be utilised to control any dust that is generated, consideration also to be given to control of any run off;

- Skips and lorries will be covered prior to exiting the site to prevent any material being blown from the top and Wheel washing will be provided at the egress point; and
- Air quality monitoring will be undertaken throughout the construction period;
- No fires are permitted on the site;
- All vehicle engines will be turned off when not in use or being unloaded; Start-up units will run on propane gas rather than diesel;
- The start-up units have battery backup to allow them to run overnight on electricity;
- Where possible electrical and battery powered equipment will be used;
- Temporary lighting will be in place for construction as necessary to allow works to be completed during construction hours. Security and safety lighting will be in place out of hours to ensure the safety of the general public;
- A scheme for recycling / disposing of waste resulting from demolition and construction works will be put in place.

The report concludes that the formation of the existing entrance on Bickley Road, will serve to ease the potential stress on the Chislehurst Road construction entrance, resulting from construction processes on the main scheme.

It is considered that the measures and control processes outlined herein will be suitable to overcome any constraints associated with the development. However, this document is considered to be a 'live' document and it will react / evolve in response to ongoing discussions with stakeholders, progression of the design information and engagement with the Kier supply chain.

- Ecological Impact Assessment:

The application site is of low ecological importance and no additional survey, assessment, or mitigation beyond the precautionary measures is required. The application site is not located adjacent to any habitat corridors or impact pathways. Based on these factors, an Ecological Impact Assessment (Low Impact Project) report has been produced. The main findings of this assessment are: -

- The site of is of low ecological importance, no additional ecological surveys are required;
- The Cadet's hut is found to be of negligible suitability for roosting bats;
- no ecological mitigation is required over and above the precautionary measures set out below;
- trees within the proposed access and construction footprint, small areas of scrub and c.0.04ha of Lowland Mixed Deciduous Woodland (which is a Habitat of Principal Importance) will be removed to facilitate the development;
- The application site boundary habitats (tree lines west and south) are suitable for foraging bats;
- Four invasive plant species listed by the London Invasive Species Initiative are present on-site;

The main recommendations of this assessment are: -

- Propped Heras fencing fitted with debris netting, should be fitted along the construction boundaries immediately adjacent to the retained woodland blocks in the north-west and south of the site and adjacent to the new access in the north of the site, for the duration of the demolition and construction stages;
  - The remaining north-west woodland block will be improved by compensatory understorey scrub and shrub planting and the creation of three log piles. In addition to this, the school will have access to a smaller area of habitat for recreational purposes;
  - Invasive plants will need to be removed to facilitate the development;
  - Any tree or scrub removal should be undertaken during the period mid-September to February (inclusive), which is outside of the typical bird nesting season;
  - If this is not possible, and vegetation clearance is required within March to mid-September, inclusive (typical bird nesting season) a check for nesting birds will need to be undertaken by a suitably experienced ecologist prior to vegetation removal. If any active nests are discovered, these will need to be retained and protected in situ until they are no longer in use by nesting birds;
  - External lighting should be minimised across the entire site, especially near trees south and west of the construction footprint - which are suitable for roosting bats;
  - Only the minimum level of lighting required for site security / health and safety should be installed on-site;
  - No trees suitable for roosting bats will be removed or significantly pruned to facilitate development;
  - In the unlikely event that a roosting bat is discovered prior to demolition of the Cadet's hut, all works should cease and an ecologist should be contacted for advice.
- External Lighting Statement

An external lighting strategy has been developed for the whole site, taking into account the environmental constraints. Each area to be illuminated has been considered and has been broken down into three main headings, roadways, car parks and pedestrian walkways.

*Roadway:*

Illumination of the roadways will be designed to minimise the impact upon bat roosts and foraging habitat to a level of 10 Lux. An increased level of 50 Lux will be provided in the turning area adjacent to the entrance of the site. The lights will be controlled by photocells mounted on the north face of the school, bringing them on at dusk and turning them off at dawn. A timeclock override will ensure lights are off between the hours of 22:00 and 07:00.

*Car Park:*

The temporary car park will be illuminated using post mounted LED Floodlights. The floodlights will be directed to avoid backward light pollution into neighbouring areas, thus reducing light pollution and overspill. The floodlights will also be mounted on 3m columns to reduce the light overspill. The illumination level within the car park will be to a level of 20 Lux average and will be time-controlled, as above.

*Pedestrian Pathways:*

The pathways around the temporary building will be illuminated by bulkhead style luminaires mounted on the building. For security reasons, the pathways around the building will be illuminated to a level of 15 Lux average.

The pedestrian area to the rear of the building will be illuminated using post mounted LED Floodlights. The floodlights will utilize optics that lead to efficient and directional distribution of light therefore eradicating backward light pollution into neighbouring areas, thus reducing light pollution and overspill. The floodlights will also be mounted on 3m columns to reduce the light overspill. The pathways around the site will be illuminated to a level of 10 Lux average. The lights will be time controlled as above.

- Flood Risk Assessment:

The site lies within Flood Zone 1 and therefore is at low risk from fluvial and tidal flooding. A soakaway in the playing field and porous paving in the southern car parking area are proposed which will have the capacity to receive all of the runoff water from the development. The proposed foul drainage could discharge into the existing sewers adjacent to the site in Bickley Road. This however would be subject to a capacity check and consent from Thames Water.

- Landscape Planning Statement:

This sets out the requirements with regard to different types of external space provision for a school with 540 pupils. The findings are that in most areas the development would over-provide, particularly in "soft social". The scheme is slightly under-providing in playing field but this is made up for by the extensive amount of soft social. The existing playing field, it says, will be unaffected by the development and will be able to continue to provide a number of Sport England compliant pitches to be marked out.

It sets out an indicative palette of landscaping materials. These include asphalt and concrete for footpaths, car parks and hard social/playgrounds/games courts, and welded and wire mesh with timber fencing.

- Noise Impact Assessment:

The report concludes that natural ventilation by partially open windows is suitable for the scheme. Furthermore, windows would be the only significant route of noise intrusion into the building. Compliance with roof rain noise criteria is also expected.

External noise levels have been specified to ensure that proposed plant does not result in significant adverse impacts on nearby sensitive receptors and it is anticipated that an assessment will be required once plant details and mitigation measures are known and further attenuation measures to protect residents from mechanical plant noise. It is anticipated that such an assessment would form a pre-occupation planning condition for approval of the scheme.

- Report on Ground Contamination:

There is considered to be a low to moderate risk that a significant source of contamination exists below the site and a moderate risk that a significant source of contamination exists off site. Pathways by which exposure can occur have been identified, as have receptors that could be adversely affected by contamination exposure.

The report makes recommendations with respect to the carrying out of the building works and the safety of construction workers. It further advises that the Contractor should seek advice if any unusual conditions are encountered, with respect to possible further investigation/analysis/remediation.

- Reptile Report:

A survey for reptiles was carried out between 25th July and 8th August 2018. No reptiles were recorded during the survey and it concludes that the site is of negligible importance for reptiles and future development is unlikely to impact reptiles. Landscape and vegetation maintenance practices prior to and during construction are recommended to reduce the likelihood of reptiles moving onto the site.

- Statement of Community Involvement:

The applicant held a public exhibition of the proposals in December 2018 which was advertised through leaflets delivered to the local area. Key stakeholders and councillors were notified with an email invitation. In total, 69 people attended the exhibition.

Of those who attended and completed a feedback form, 65% indicated opposition to the plans and 33% indicated support.

The main issues raised were concerns about traffic/parking and safety, indications of support for the plans, comments about the principle of a school on the site and comments about the appeal process for the permanent scheme.

In finalising the access arrangements for the temporary scheme, the applicant team have considered feedback from the public consultation, pre-application advice from LB Bromley planning officers, the planning Inspector's appeal decision for the permanent scheme and further analysis by the applicant own technical consultants of the practical/safety implications of the access arrangements.

The applicant will continue to meet with local groups and individuals as appropriate throughout this process.

- Secure by Design Criteria

This sets out the Secure by Design measures proposed to minimise the risk of crime and meet the specific needs of the development. It includes window and door specifications, details of CCTV at the site, access arrangements to the building, details of fencing around the perimeter of the site and lighting details (taking into account ecology constraints).

- Transport Assessment

A detailed Transport Assessment has been submitted which has assessed all impacts associated with the proposed scheme based on a scenario of 540 pupils, representing a worst-case scenario for robustness.

The scope of the assessment includes a review of the existing conditions of the site and the wider area; a review of the local highway network and road conditions in the surrounding area; junction capacity assessments and analysis of personal injury accidents data; a description of the proposed access, parking and drop-off arrangements and servicing/delivery arrangements; off-site highways works; expected trip generation; the anticipated transport and highways related impacts of the proposed school and the mitigation strategy for the development. A summary of the findings are set out below:

*Trip Generation:*

Travel surveys were undertaken at the temporary accommodation site at Westmoreland road in September 2018. However, as the results of these surveys presented low car share percentages they have not been used as part of this assessment. Instead the applicant had used the mode share split used within the previous application of the temporary accommodation.

- 47 pupil trips and 47 staff vehicle trips are anticipated for the planned capacity in 2019 (i.e. 360 pupils and 21 staff);

- 70 pupils vehicles trips and 20 staff vehicle trips are anticipated for a future higher capacity in 2010, if required and subject to planning permission

*Anticipated peak hour trips:*

The school will provide a breakfast club from 07:00 each day and the main school day would start at 07:45. In the afternoon school would finish at 14:20 with after school clubs taking place until 15:20 and sports activities continuing later. Based on the proposed school start and finishing times, the anticipated peak hour trips are anticipated to occur between 06:45 and 07:45 with the majority of afternoon trips occurring between 14:00 and 15:00. The busiest peak hour in both scenarios would be the morning peak hour.

The assessment concludes that the majority of pupils would either walk (42%) or travel by bus (23%). 27% would travel by car (7% of these participating in a car share and 7% would park and stride). Also, it is anticipated that the majority of staff would travel by car (77%)

#### *Junction Capacity:*

Junction capacity assessment were undertaken as part of the appeal scheme to assess the impact of the permanent school (i.e. 900 pupils and 64 staff members) on the local highways networks. The report concludes that the use of the site for the temporary school with both a 360 and 540 pupils' scenario will have a lesser impact compared to the permanent school scenario with 900 pupils.

#### *On-site parking capacity:*

A parking accumulation exercise for the anticipated use of the drop-off area during all peak hours based on a 540 pupil capacity was undertaken. The proposed level of on-site parking is found to be able to accommodate the anticipated demand, with the exception of two 15 minute periods in the afternoon when it is acknowledged that departure is a longer process and will result in spaces being occupied for longer.

#### *Parking surveys:*

These were carried out in the surrounding streets and found that during the morning peak (07:30 to 08:30) and afternoon peak periods there is on average 486 and 450 free parking spaces on-street respectively. The School's anticipated levels of park and stride trips are anticipated to be low and would have negligible impacts for on-street parking in the area. In the worst-case scenario, the school would have a capacity of 540 pupils which would generate an increase in on-street parking demand by 39.

#### *Mitigation:*

To try and mitigate the potential parking demand from a 540 place school, the School Travel Plan will feature a number of measures focused on limiting vehicle parking demand generated by the school. The School day would start at 6:45 for all pupils, however, staggered finishing times are proposed with pupils in years 7 and 8 finishing at 14:05 and those in year 9 finishing at 14:20. After school activities will also be available until 15:05 for years 7 and 8 and 15:20 for year 9. With these mitigation measures in place all demand for parking will be accommodated on-site.

#### *Road Safety:*

The personal injury accident data for the area indicates that there are no existing issues with the highways network which require physical mitigation measures. However, it is recognised that there will be additional car, walking and cycling trips as a result of the temporary school and this may increase the likelihood of collisions between pedestrians or cyclists with vehicles.

The proposal includes the provision of a signalised crossing to serve pedestrians and cyclists who will be accessing the site via its pedestrian/cycle entrance

With the proposed mitigation measures in place, the report finds the proposed development acceptable on transport and highways grounds and its likely transportation effects to be negligible.

o School Travel Plan V2

The School Travel Plan (STP) has been produced in accordance with the TfL STARS method. The STP will be regularly monitored and reviewed for the lifetime of the development and the school will report regularly to the Council.

*Walking:*

The site is well connected by footways which are of mixed widths. Chislehurst road and Bickley road have footways of approx. 1.5 to 2m in width. The northern footway on Bickley Road is narrower than the southern section. On Pines road, footway of approx. 1.8 to 2m in width is only provided on the eastern side of the road.

*Cyclists:*

Chislehurst Road, Pines Road and Southborough Road (leading to Bickley Station) are all considered as suitable for cycling and roads to the north and south of the site are signed for use by cyclists.

*Public Transport Accessibility Level (PTAL):*

The PTAL of the site ranges from 2 to 3 indicating a 'poor' to 'moderate' level of accessibility by bus and train. The site is within acceptable walking distance of three bus routes and two national rail stations.

*Buses:*

Walking distances and walking times from nearby bus stops to the site:

Bus stop	Location	Direction	Walk distance (m)	Walk time (mins)
L	Bickley Road	Westbound	18	<2
K	Bickley Road	Eastbound	20	<2
C	Tylney Road	Northbound	650	8
F	Homesdale Road (North)	Southbound	700	8

Fig 1

The site is found to have adequate accessibility by public bus with four to six services available in all peak periods.

*National Rail:*

Bickley Station is located 600m to the south-east of the site with trains running at a frequency of around four trains per hour. Chislehurst Station is located 1.1km to the east and accessed by foot (approximately 22mins) or via bus routes 162 and 269. It is serviced by around 8 trains per hour.

#### *Off-Site Highways works:*

A new signalised pedestrian crossing is proposed on Bickley Road, to the east egress junction of the site. "School Keep Clear" lines and 'Keep Clear' box are proposed on Bickley Road and on Chislehurst Road.

#### *Objectives and targets:*

It is planned for the school to achieve Bronze accreditation whilst in temporary accommodation which is hoped to be achieved by:

- ii. Working with Bromley Council to support sustainable travel.
- iii. Educating students on road safety.
- iv. Educating both the students and their families as to the benefits and range of travel options available to them.
- v. Increasing the number of students and staff using sustainable travel.

The STP seeks to reduce by 6 per cent the number of car trips where pupils are the only passenger, while increasing active modes and public transport modes. This shift is considered reasonable on the basis that the school admission policy will favour students that live closer to the site as well as siblings of other schools within the same trust (i.e. Buller's Wood School for Girls). Additionally, as these targets are to be achieved within a one year period they are considered to be realistic.

The mode shift for staff aims at minimising the number of staff requiring off-site car parking. This will be achieved through encouraging car sharing and the use of sustainable modes. Walking, cycling, car sharing and public transport will be promoted to staff as preferred modes of transport via the proposed initiatives included in Section 9.0 of the report.

#### *Summary of measures and initiatives:*

- Design for pedestrian safety and accessibility
- Provision of accessible parking bays
- Vehicular access arrangements
- Off-site measures including new signalised pedestrian crossing
- On-site parking for parents
- The timetable of the school includes after school activities/ enrichment programme to smooth the profile of demand for travel across the peak periods
- Staggering of the school day with the nearby girls school
- Distance used as admission criteria to school.

#### *Implementation:*

Following the occupation of the new temporary accommodation, new travel surveys will be undertaken within the first three months and updated in the STARS system by the school. A member of staff will be appointed to promote and manage the STP.

- Energy Assessment

The submitted energy assessment addresses the requirements for energy and sustainability strategy assessment for the proposed Temporary Bullers Wood School for Boys building as required by the London Plan to support planning

applications. The use of passive ventilation measures, energy efficient lighting, heating and air source heat pump systems, and efficient u-values and air tightness have achieved a building emission rate as detailed in the submission and delivering an improvement of 37.5% over the minimum requirements of current Building Regulations.

### **Location and Key Constraints**

The application site is 0.78 hectares and currently forms the playing fields and partial sports provision for Bullers Wood Girls School to the north east of the site.

The site is situated off Bickley Road in Bickley, Bromley. The site is designated as Urban Open Space and the boundary of the adjacent Conservation Area extends along Pines Road.

The site sits on a slope with the northern part of the site being 2-3m higher than the southern part. The site forms a triangular parcel of land with Bickley Road, Chislehurst Road and Pines Road bordering the site.

To the western boundary of the site is a commercial car dealership garage (BMW). To the south eastern corner are a number of large detached dwellings and their respective garden areas which back onto the site.

Bickley Road is a classified road (A222) and Pines Road is a one-way road access from the signalised junction on Bickley Road. The site is situated within PTAL Zone 2-3.

The site is largely grassed or tree covered and all the trees on the site are covered by a Tree Preservation Order. The boundaries to the site are largely comprised of trees and hedgerow. There is currently a small grass running track, 3 hard surface tennis courts (disused), 6 grass tennis courts (disused) and 3 sports pitches on the site.

There are 4 low key buildings on the site which are an Air Training Corps (Air Cadets) sectional building, a timber sports pavilion and two timber storage sheds. The Air Training Corps building will be demolished as part of these proposals however the sports pavilion is retained.

Existing vehicular access to the site is from Bickley Road and is formed of an old red brick wall with entrance gates and an original tree lined hard surfaced drive to central hard surfaced areas and an existing track through the trees. There is currently pedestrian access (used by the Girls School) from Pines Road.

The site is surrounded by residential properties to most boundaries and is in a predominantly residential area characterised by large detached and semi-detached dwellings.

## Consultations

Nearby owners/occupiers were notified of the development in writing, a site notice was posted and a press advert was published.

At the time of writing 107 letters of objection have been received, predominantly from local residential properties close to the site, and 451 letters of support have been received, predominantly from prospective parents of the proposed boys school from a wide area.

A letter of support has also been received from Gareth Bacon, the Assembly Member for Bexley and Bromley.

Due to the high level of letters received in respect of this development it has only been possible to summarise the main comments submitted in both cases. Full text is available on the Council's website.

## Objections

Letters of objection submitted are summarised as follows:

### *Highways/traffic:*

- Increase in traffic and congestion
- Air pollution and reduced air quality
- Increase in risk of road accidents
- Risk of injury of pedestrians and school children
- Inadequate/narrow pavements
- Transport assessment flawed
- Pressure on existing road infrastructure
- Emergency vehicles unable to access local roads
- Over-spill of traffic/parking onto local roads and disruption to queued traffic on Widmore and Bickley Roads
- Regular integration with local residents on the traffic and transport situation would be beneficial
- Insufficient parking
- Lack of spare on-street parking in the area
- Restrictions around entrance/exit need to be properly enforced
- Parking intrusive for neighbouring residents
- Construction vehicles entering from Bickley Road will worsen congestion
- Crossing should be monitored by staff
- Access on Chislehurst Road not acceptable
- Two access options were presented during public consultation and residents views have been ignored
- Safety concerns/conflict due to construction of permanent school while temporary school is operational
- Construction traffic (for permanent school) should use Bickley Road
- Access arrangements are different for the permanent and temporary schools which is confusing and dangerous

- Non-construction traffic should be kept separate by building a new temporary access in Bickley Road, west of the proposed pedestrian entrance
- Existing entrance on Bickley Road has not been used regularly by traffic for 80 years
- No consideration given to improvements in Bird in Hand Lane
- No waiting zones/CPZ , traffic cameras should be implemented
- Additional maintenance and cost of repairs of private roads
- Traffic restrictions must be in place before opening of temporary school

*Environment:*

- Loss of playing fields/green space
- Loss of trees, hedgerows and wildlife habitat
- Impact on Urban open space
- Not in keeping with surrounding residential area
- Existing resources and facilities adversely affected
- Impact on street scene
- Carbon footprint
- Landscaping and tree matters must be considered

*Neighbouring amenity:*

- Loss of privacy
- Health risks
- Noise and disturbance
- Visual impact

*Need:*

- Temporary accommodation is unnecessary
- School should continue temporarily at 1 Westmoreland Road with works for extra classrooms being undertaken during the school holidays
- Other sites should be considered
- Not cost effective
- There are already enough schools in the area

*Other:*

- Conditions are required as stipulated by Planning Inspector Views of residents at public consultation stage have been ignored
- Attempt to set a precedent for a permanent school
- Exact location of permanent school not shown on plans
- Temporary school may need to house 3 year groups i.e. 540 students
- Further planning application will be required/may be sought retrospectively
- Early start time raises concerns for pupils and parents
- Poor environment for students due to construction site
- Pupils from outside Borough should not be allowed.

## Support

Letters of support received are summarised as follows:

- Welcome the relocation of the school to its permanent site
- Site already identified in Local Plan
- Permanent school already has permission
- Delay would cause further stress and disruption to pupils
- Existing site at 1 Westmoreland cannot accommodate another 180 pupils
- Current facilities at Westmoreland Road inadequate
- logical and most suitable site for the temporary accommodation
- More suitable and safer location
- No additional costs for the Council
- Will give pupils access to playing fields
- Opportunity for boys to see construction of school
- Educational benefits
- Stop wasting Council money and approve
- Should have a local school provided by the state
- Good to see applicant has consulted widely
- Lack of secondary school places in Bromley/provision for secondary age boys
- Early start and finish times means no additional congestion during peak times
- Less commuting time from school to sports lessons
- Majority of pupils would walk/catch bus
- much needed school in an area where there is little provision for secondary age boys
- There is lots of building of housing in Bromley and very little in terms of infrastructure
- Good to deal with any issues before permanent school is established
- Modular building will have minimal impact in terms of construction noise
- Can be quickly assembled
- No piling required which will help to minimise disruption to local residents during construction
- Pedestrian crossing will make it safer
- Aligns with access strategy for permanent which Inspector confirmed was acceptable
- allows trees to be retained
- will use the same access route as the permanent school
- access was considered safe by the planning inspector for a school of up to 900 pupils and the temporary school will have a much smaller population;
- there will be no conflict between pupils and the construction traffic for the permanent scheme.

## Comments from Consultees

### Highways:

The previous application for the permanent school with 900 pupils with 64 FTE staff was allowed at appeal. The first year intake of the school is currently based at Westmoreland Road.

The site is located in the triangle of land surrounded by Bickley Road, a London Distributor Route and part of the A222, Chislehurst Road, a Local Distributor and part of the B264 and Pines Road. There is an existing vehicular access from Bickley Road and there is also a pedestrian access in Pines Road.

The application is for a temporary building to accommodate 360 pupils. A number of documents relating to the potential highway impact of the proposals including a Transport Assessment (TA) and a stage 2 Road Safety Audit were included with the application.

Given the application for the full school of 900 pupils has been allowed, I am assuming that the issues of trip generation, junction capacity etc. are deemed to have been dealt with and are therefore not an issue for this smaller school application.

The construction management plan provided for the main school building indicates that the proposed finish of construction is Christmas 2020. This would mean that the 3rd year entry, giving a total of 540 pupils, would need to be accommodated in the temporary building for at least a term.

Using the modal split from the main school application would give the following trip generation:

Mode	2019		2020	
	Pupils	Staff	Pupils	Staff
Walk	151	3	227	3
Cycle	0	1	0	1
Car	47	15	70	20
Park & stride	25	1	38	1
Car share	25	1	38	1
Bus	83	0	124	0
Rail	22	1	32	2
Other	11	0	16	0
<b>Total</b>	<b>360</b>	<b>21</b>	<b>540</b>	<b>28</b>

Fig 2

A condition (5) was placed on the permission for the main school regarding the school start and finish times following TfL's comments about the capacity of buses

and staggering the times of the school day from that at the Bullers Wood Girls School:

*Excluding the Breakfast Club, after school clubs and school extra-curricular activities, the school day shall start no later than 0745 and finish no later than 1420.*

The assumption for the temporary school is that is that there would be a breakfast club starting at 0700 and after school clubs starting at 1420 and sports activities starting at 1520.

### *Parking*

There are 25 marked out parking spaces proposed along with a drop off / pick up area for parents which will accommodate 18 vehicles. Various assumptions are made about the arrival and departure of parents and staff cars given the pre and after school activities below.

Out of the pupils attending breakfast clubs (i.e. 34% in total), 50% arrive between 06:45-07:00 and 50% arrive between 07:00-07:15; departures are assumed to occur in the 15 minutes period following the respective arrivals.

Out of the pupils attending the main school day (i.e. 67% in total), 10% arrive between 07 06:45-07:00 and 50% arrive between 07:00-07:15; this is a robust assumptions as in reality it is expected that because of the presence of a breakfast club, pupils arrivals would be spread over the all hour. Departures are assumed to occur in the 15 minutes period following the respective arrivals.

In the afternoon, out of the pupils not attending afterschool clubs activities (ie 54% in total), 90% of the parents' cars arrive between 14:00-14:15, while 10% of the parents' cars arrive between 14:15-14:30. Departures are assumed to occur in the 15 minutes period following the respective arrivals.

Additionally, out of the pupils attending the afterschool club - enrichment activities (i.e. 40% in total), 90% of the parents' cars arrive between 15:00-15:15, while 10% of the parents' cars arrive between 15:15-15:30. Departures are assumed to occur in the 15 minutes period following the respective arrivals.

The TA only applied these figures to the 540 pupil scenario which showed there will be an over capacity of the car park of 11 vehicles between 14:00 - 14:15 and 2 vehicles between 15:00 - 15:15. In the morning drop offs tend to be quicker so there was no over-capacity issues. It is suggested in the TA that mitigation measures in the School Travel Plan will reduce the need for parking and so the car park will not be over capacity. In any event if vehicles enter the site and the car park is full I assume they would queue on the internal access road. Mention is made of the previous parking surveys which showed there was spare capacity for parking on the nearby road network. However the 2 closest roads, Bickley Road and Chislehurst Road are not suitable for increased on-street parking.

### *Access arrangements*

Construction vehicles associated with the temporary building (not the main building) will access and egress the site from the existing gate on Bickley Road. In order to allow this part of the gate will be removed to widen the access and will be replaced after the temporary building is removed. Parking for the construction workers should be accommodated on site as the car park area for the temporary school will be available. The Construction Management Delivery and Servicing Plan para 4.2.4 indicates "several parking spaces are provided on site" but this should be firmed up to accommodate all workers vehicles.

There will be no pedestrian access to the temporary school from Chislehurst Road, the access will be from Bickley Road.

Parents and staff cars will enter the site via the Chislehurst Road access and exit to Bickley Road. Construction traffic associated with the main school build will access and exit the site via Chislehurst Road. The previous proposal had separated the temporary school traffic and the construction traffic. This potential conflict is not covered in the TA. In the Construction Management Plan submitted for main school building it indicates that Traffic Marshals will be on duty at the entrance. The plan on page 11 of this CMP indicates the school visitor traffic will, subject to Banksman control, have right of way, with construction traffic being held back. The site deliveries are shown between 08:30 and 15:30 so there is potential conflict between temporary school traffic and construction traffic during the afternoon pick up period. This was mentioned in the introduction to the Stage 2 Road Safety Audit but not raised as a problem. I would therefore not raise this as an issue.

### *Highway measures associated with the main school*

There were various highway measures that were agreed as part of the main school proposal that are referred to with this application which will be provided via a s278 agreement in due course. These include the signalised crossing on Bickley Road, alteration of the adjacent bus stop and footway / traffic calming measures on Chislehurst Road. The timing of the introduction of these is important. There will be no pedestrian access via Chislehurst Road so those measures are not critical. However, the Bickley Road works including the crossing need to be in place before the temporary school opens.

### *Cycle parking*

A total of 36 cycle parking spaces will be provided. This will more than accommodate the estimated number of cyclists to the site.

### *Conclusions*

The number of pupils and staff associated with the temporary school for 2 years is less than the 900 who will attend the main school allowed at appeal. The trip generation and effect on the highway network will therefore be correspondingly less.

The new agreed access on Chislehurst Road and the highway works on Bickley Road associated with the main school will be installed prior to the opening of the temporary school.

The pedestrian access to the temporary school is from Bickley Road. The vehicle access is from Chislehurst Road and the egress is to Bickley Road. The school will enforce the "no pedestrian access" from Chislehurst Road and the contractor for the main school will ensure the separation of temporary school and construction traffic at the Chislehurst Road access.

If the temporary school is permitted and there is an application for a third year of pupils to be accommodated at the site, there will be a year or so experience of how the site is working.

I would not raise a highway objection to the application.

#### Transport for London (TfL):

Please note that these comments represent the views of Transport for London officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to a planning application based on the proposed scheme. These comments also do not necessarily represent the views of the Greater London Authority.

The draft London Plan was published on 29 November 2017 and sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. TfL expects all new planning applications to give material consideration to the policies set out within this document, noting that the decision-maker is to determine the balance of weight to be given to adopted and draft policies.

#### *Site Context*

The site is located within a parcel of land that is bound by the A222 Bickley Road to the south, Chislehurst Road to the west and Pines Road to the east. The closest section of the Transport for London Road Network (TLRN), the A21 Kentish Way, is located approximately 1.4 kilometres to the west of the site. Bus services can be accessed within 50 metres of the site, from 2 bus stops (L and K), which are served by a total of 2 routes (162 and 269). The site is also approximately 620 metres from Bickley station, providing access to Southeastern and Thameslink services. The site has a Public Transport Access Level (PTAL) of 2-3, on a scale of 0 to 6b, where 6b represents the greatest level of access to public transport services.

The proposal is for the erection of a modular building on the St Hugh's Playing Field to provide temporary accommodation for Bullers Wood School for Boys; pending the construction of the permanent school approved through appeal (ref APP/G5180/W/18/3203724 - 17/02468/FUL). The temporary school will accommodate 360 secondary school pupils for a one-year period, starting in

September 2019. The permanent school, when completed, will accommodate 900 pupils.

### *Site Access*

The main vehicular access to the site is proposed from Chislehurst Road to the north west of the site. This will form an 'in only' vehicle access, with vehicles exiting onto the A222 Bickley Road. This access arrangement is identical to the proposed access approved to serve the permanent secondary school that will eventually occupy the site (application reference 17/02468/FUL).

Access for pedestrians and cyclists will be taken from the A222 Bickley Road via a footpath that will be segregated from the main vehicular access. To ensure the safety of pupils, the main vehicle access will be managed by staff, which is welcomed in line with the Mayor's Vision Zero Approach.

A signalised pedestrian crossing has been secured as part of the planning permission for the permanent scheme. This crossing will also require the relocation of the existing bus stop on Bickley Road, which was agreed with TfL. The relevant highway works will be undertaken under a Section 278 agreement with the Council, as Highway Authority, who should contact TfL with regards to the works to install the signals and relocate the bus stop. All costs incurred by TfL in relation to the design and delivery of these works, including commuted maintenance should be covered by the applicant.

### *Trip Generation*

The trip generation and mode share was considered within the Transport Assessment for the permanent scheme, which was accepted. It was concluded that since the site is not within close proximity to the Transport for London Road Network (TLRN) it is unlikely that there will be a significant impact to the TLRN. This is also applicable for the temporary school proposed in this application.

The impact on local bus capacity is also expected to be minimised by the staggering of the school day with the nearby Bullers Wood School for Girls. This Page 3 of 4 was requested by TfL in relation to the permanent scheme, and should be implemented for the temporary school.

### *Car Parking*

A total of 28 car parking spaces are proposed to serve the temporary school site, and this total include 3 Blue Badge only spaces. A drop off area accommodating 18 cars is also proposed. It is understood that the permanent scheme will include 69 car parking spaces (including 5 Blue Badge only spaces). In the absence of specific car parking standards for schools in the draft London Plan, TfL considers the proposed level of parking for the temporary school to be acceptable as it is proportionate to what will eventually be provided for the permanent school.

### *Cycle Parking*

A total of 20 cycle parking spaces are proposed to serve the temporary school, with these being provided through covered Sheffield stands. The number of cycle parking spaces however is not compliant with draft London Plan Policy T5 minimum cycle parking standards. For compliance, a minimum of 47 long stay and 3 short stay cycle parking spaces should be provided. The cycle parking should be located in a sheltered and secure location, and should meet standards set out in Chapter 8 of the London Cycle Design Standards.

### *Travel Planning, Servicing and Construction*

A Travel Plan (V2) has been prepared for the site to encourage staff and visitors to travel by walking, cycling and public transport. I've reviewed the School Travel Plan attached as part of application, and consider it to be sufficiently detailed. No further information will therefore be required.

Given the nature of the development TfL agree with Bromley Council's highways officer that an implementation condition including the need for monitoring and updating would be acceptable.

A draft Delivery and Servicing Plan (DSP) and a draft Construction Logistics Plan (CLP) have also been submitted as part of this application. Should permission be granted for the above development, in accordance with draft London Plan policy T7 a full CLP and DSP should be secured by condition and discharged in consultation with TfL. The CLP should be prepared in line with TfL's latest guidance.

### *Summary*

In summary, the number of cycle parking spaces should be increased by 30 for the proposals to be fully compliant with the strategic transport policies. Planning obligations in relation to the Travel Plan, DSP and CLP should also be secured. I trust this provides you with an understanding of TfL's current position on this application and we would welcome acknowledgement from you that these comments have been received and are being considered. Please do not hesitate to contact me if you have any queries.

### *Updated TfL comments following submission of update Construction Management Plan on 1st April:*

Thank you for providing the updated CMP with the additional information as requested. As such, TfL is supportive of the application without a requirement for a pre-commencement condition.

A couple of points just to note:

- For any Abnormal Loads, TfL should be consulted by the developer/contractor to agree the proposed routing.
- Construction deliveries should be timed outside of the network peak hours.

- It appears that on exiting the site, larger vehicles would encroach the opposite side of the carriageway. Therefore it is recommended that trained banksmen are present to assist with the safe manoeuvre of vehicles.

Sport England:

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

I write further to my email of 28th February 2019. Further to my email the applicant has advised that planning permission for the location of the new school has been granted.

The proposed development results in a minor encroachment onto an area that has in the past been used as playing field. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. This is because the proposed development of a school was granted planning permission following an appeal. The site layout of the site will therefore be subject to change when the School proposals are implemented. It is further understood that there are no community groups currently using the site as these have been allowed to use the Girl's School during the build process. In allowing the planning appeal, a planning condition was attached to the planning permission that will require a community use agreement to be put in place when the facility opens.

Consequently, Sport England are of the view that the proposal broadly meets exception E3 of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England **does not wish to raise an objection** to this application.

Environmental Health:

I have considered the application and have no objections within the grounds of consideration. Noise conditions are recommended.

Tree Officer:

The Tree Protection Plan (TPP) is similar to that approved during the appeal decision related to application 17/02468/FULL1. Precautionary methods have been afforded to all retained trees of significance. My previous comments in relation to application 17/02468/FULL1 remain valid. Conditions set out as part of the appeal decision cover a detailed landscape scheme. I therefore consider the landscape masterplans supplied in support of this application sufficient for the purposes of the temporary scheme. Full consideration of landscaping will be reserved for discharging conditions associated with planning permission 17/02468/FULL1.

The TPP has not made reference to the create of a temporary access arrangement in the north west corner of the site. This must be included in a revised submission to ensure the impact is addressed. The tree survey data for the area does enable formal arrangements to be confirmed under condition.

An Arboricultural Method Statement (AMS) is required to achieve permission. This is the last opportunity to highlight any necessary tree works. Further submission would require variation to approved plans.

If landscaping is conditioned as part of the application, it should complement that submitted under reference 17/02468.

Further to these comments the applicant has confirmed that there is no temporary access proposed in the north-west corner and the access proposals are consistent with the approved main scheme permission and have submitted a revised plan to reflect this.

*Updated Tree comments further to additional tree information submitted 26th March 2019:*

This application is supported with an Arboricultural Impact Assessment (AIA) and tree survey information. Tree constraints have been addressed and protection measures considered as part of the AIA. The proposals will see the removal of a number of C category trees that are insignificant and a small number of B category trees. The scheme allows for the provision of replacement planting as part of the new landscape plan. This is considered mitigation for the proposed loss of B category trees across the site.

An Arboricultural Method Statement (AMS) and tree protection details have been supplied in support of this application. Some variations have been made since the previous schemes. The changes made have been explained by the retained arboricultural consultant. The northern grouping of trees labelled G6 will be managed to provide essential visibility splays. I have inspected these trees and confirm that the overall impact on the trees forming boundary screening will be tolerable. In mitigation, tree planting is possible between the boundary and sports pitch to form a denser buffer zone. This can be represented further on landscape details.

The clearance pruning noted on the Tree Protection Plan (TPP) for tree grouping G12 would be tolerated and would focus on small trees/scrub not old enough to be surveyed as individuals.

Turning to landscaping; the Landscape Master Plans give indicative information. The other landscape concepts and details of hard landscaping have been outlined. A planting plan and schedule would be required to confirm species selection and ensure planting is included to a satisfactory degree and standard. Buffering boundary treatments should form a focus for replacement tree planting.

Due to the possibility of further tree pruning to accommodate clearances and the generic outline of pruning on the TPP, an updated tree surgery schedule should be requested under condition.

*Tree comments in relation to application 17/02468/FULL1:*

*Previously conditional permission was recommended in respect of application 16/03315/FULL1. Tree constraints were acknowledged at a pre-app stage and permission appeared achievable with regard to at least a couple of development options.*

*This application is supported with an Arboricultural Impact Assessment (AIA) and tree survey information. Tree constraints have been addressed and protection measures considered as part of the AIA. The preliminary tree protection drawing illustrates the protection measures across the site. The proposals will see the removal of a number of C category trees that are insignificant and a small number of B category trees. The scheme allows for the provision of replacement planting as part of the new landscape plan. This is considered mitigation for the proposed loss of B category trees across the site.*

*I note that most of the consideration on tree impact has been covered by the supporting AIA and tree survey report, however, I see it prudent that an Arboricultural method Statement (AMS) is submitted under condition. I would also request more detailed information on tree species selection for the new planting*

scheme. I would therefore recommend that conditions are applied to any forthcoming consent.

*Following receipt of the Tree Officers comments, concerns were raised on behalf of neighbours as to the validity of the Arboricultural Impact Assessment because the report and any recommendations made in it are limited to a 12 month period from the survey date (June 2016). The neighbour also raised concern as to further tree work that would be required to facilitate highways improvements including the removal of trees which were not covered in the AIA and raised concerns as to the impact on bats.*

*The Applicant responded both stating that the recommendations within the report were sound and still valid and that with regard to trees T78 and T79, the tree report states that under certain circumstances the extent of risk of root damage cannot be fully ascertained until such time as works are actually carried out. In acknowledging this the report recommends that, in compliance with BS5837, a method of working should be adopted that is designed to minimise the risk of damage to tree roots.*

*Whilst 'minimal dig' is the preferred option, there may be occasions where this is not viable, and BS35837 sets out alternative protective measures and procedures that can be adopted. The Applicant also noted that it should also be borne in mind that the construction detail for a pedestrian trafficked footway is much lighter in design than a surface designed to take vehicular traffic.*

*The Applicant also stated that regarding the potential for trees to provide habitat for bats, this issue is raised for legal reasons. We are under an obligation to bring to the attention of our client and the LPA that due to bat roost potential within these trees, should at any point during the project it become necessary to consider carrying out our arboricultural works to these trees, including felling, it would be necessary for additional bat surveys to be carried out to inform procedures and decisions, prior to works being carried out. This is quite routine. Dead wood can also provide habitat for birds and invertebrates, and the provisions of the 1981 Wildlife and Countryside Act still apply irrespective of what permissions are granted under the Town and Country Planning Acts.*

#### Drainage:

The submitted Flood Risk Assessment carried out by Evans & Langford LLP with Ref No. 13791 Rev A dated October 2018 attenuation soakaway, permeable paving and swale to store surface water run-off is acceptable. Surface water drainage condition recommended.

*Updated Drainage comments further to the revised Drainage Strategy received on 7th March:*

I am happy for the submitted drainage strategy to be implemented as proposed in the submitted "Temporary Classrooms External Works & Drainage" Plan DRW No. 08473-EAL-00-XX-M2-C-0007 Rev D dated 07/07/2017.

## Thames Water:

### *Waste comments*

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

### *Water Comments*

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

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

## Historic England:

The Greater London Archaeological Advisory Service (GLAAS) give advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter.

NPPF Section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF section 189 says Applicant's should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. A field evaluation may also be necessary.

I have looked at this proposal and at the Greater London Historic Environment Record but I need more information before I can advise you on the effects on archaeological interest and their implications for the planning decision. If you do not receive more archaeological information before you take a planning decision, I recommend that you include the applicant's failure to submit that as a reason for refusal.

It is noted that an archaeological desk-based assessment dated October 2018 has been submitted as part of the application documentation. The proposed building location is to the immediate south of a former quarry and part of an area currently

the subject of archaeological trial trench evaluation by the Canterbury Archaeological Trust. As the result of this evaluation work will have a direct bearing upon the current proposal, it is recommended that the current application is deferred until the result of the evaluation can be considered and inform whether there is an archaeological interest and if so how it may be mitigated.

Because of this, I advise the applicant completes these studies to inform the application:

I will need to agree the work beforehand and it should be carried out by an archaeological practice appointed by the applicant. The report on the work must set out the significance of the site and the impact of the proposed development. I will read the report and then advise you on the planning application.

NPPF paragraphs 193 - 194 place great weight on conserving designated heritage assets, including non-designated heritage assets with an archaeological interest equivalent to scheduled monuments. Non-designated heritage assets may also merit conservation depending upon their significance and the harm caused (NPPF paragraph 197). Conservation can mean design changes to preserve remains where they are. If preservation is not achievable then if you grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms.

This response only relates to archaeology. You should also consult Historic England's Development Management team on statutory matters.

*Updated Historic England comments further to the submission of the Phase 1 Archaeological Evaluation Report on 26th March:*

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

It is noted that the archaeological evaluation report dated March 2019 by Canterbury Archaeological Trust has been submitted as part of the application documentation. The scope of the evaluation was to address the wider site as well as the area specific to this application.

Having considered the document I am happy to recommend its approval subject to the receipt by this office of the document related shape-files so that the information can be migrated to the Historic Environment Record for Greater London.

**No further assessment or conditions are therefore necessary.**

Please note that this response relates solely to archaeological considerations. If necessary my Historic Buildings and Areas colleagues should be consulted separately regarding statutory matters.

## Designing out Crime Officer:

Due to the complex requirements for schools generally, the potential vulnerability of pupil and staff safety and with this application in particular incorporating the modular building, security must be a major consideration.

I can confirm I met with Keir construction 18th December 2018 and the development and the security requirements discussed.

### *The structure*

From the meeting, the existing pre-built structure construction was advised in detail, which it is believed is to generally a reasonable standard and does incorporate a number of security measures, but does not comply fully with the requirements for Secured by Design.

However, there are a number of additional features and measures that have been discussed, and should be incorporated to reduce the opportunities for crime and dis-order at this site.

- The existing windows are not tested and accredited, so steel window grills to be fitted to all ground floor and easily accessible windows. Windows that cannot be grilled, to have glazing to BS 356:2000 P1A as a minimum.
- All doorsets into the structure containing euro cylinders are to be fitted with either 1 star cylinders and two star handles, or three star cylinders.
- CCTV is to be installed to protect the external perimeter and vulnerable locations around the structure.
- Opportunity for access under the structure to be removed by installation of a secure skirting to be fixed to the complete base.
- Visitors into the building by a single main entrance leading into a secure lobby controlled by school staff
- All doorways into the fabric of the structure to be illuminated.

### *The site*

The layout and design has been discussed, particularly around entrances and exits and boundary treatments, to confirm or in addition I would request the following:

- The site to be protected by a secure boundary treatment and gates, which can be locked when the site is closed. This to include a 1.8m perimeter boundary close mesh wire fence preventing rear access to the structure.
- The staff car park to be suitably lit to BS 5489:2013, bays clearly marked

- Cycle racks to be overlooked by active rooms, the tube wall thickness a minimum of 3mm steel and sunk 300mm into a suitable anchor.

I would request a planning condition be attached to this proposal as suggested below:

The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet specific needs of the application site and the development. Details of those measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development in each phase hereby permitted and implemented in accordance with the approved details.

The National Planning Policy Framework (NPPF):

Section 8 states

*"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion..."*.

Section 12 states

"Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

*Updated Designing out Crime comments following submission of additional Secured by Design information on 1st April:*

With regard to the above application I can confirm I have met with Kier Construction and the security features for the temporary building have been discussed and agreed.

I can confirm that this is fully documented in a recent e-mail to you dated 1st April 2019 from Matthew Blythin (see Secured by Design Criteria above).

Due to the temporary period for this structure, as previously discussed in my letter of comment I do not feel a Secured by design condition need be attached on this phase of the school, but should be attached to the permanent buildings.

London Fire Brigade:

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

With reference to your recent request for comments on the above application, I confirm the comments given are as follows:-

An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire-fighting purposes will be provided (See GN 29).

The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.

Further comments will be made by the LFB when the full building consultation has been approved by the building control body and submitted for formal consultation under the Building Regulations 2010.

Natural England:

Advise the Local Planning Authority to refer to their standing advice.

Environment Agency:

We have assessed the proposed development as having a low environmental risk. We therefore have no comments to make.

Greater London Authority (Stage 1):

At the time of the report being prepared the GLA had not yet released their Stage 1 report on the application, which was due by 26<sup>th</sup> March 2019. Members will be updated on the outcome of the Stage 1 consultation with the Mayor at the meeting.

**Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in for this proposal includes the Bromley Local Plan (2019) and the London Plan (2016). The Draft new London Plan was published by the Mayor for consultation in December 2017. The consultation period ended on Friday 2 March. The examination of the draft new plan in public opened on Tuesday 15 January 2019. The weight attached to the draft policies increases as the preparation of the new London Plan process advances.

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

The relevant policies are:

London Plan (2016)

- 2.18 Green Infrastructure: the multi-functional network of green and open spaces
- 3.18 Education Facilities
- 3.19 Sports Facilities
- 5.2 Minimising Carbon Dioxide Reductions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 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
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and woodlands

Bromley Local Plan (2019)

- 27 Education
- 28 Educational Facilities
- 29 Education Site Allocations
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 36 Ancient Monuments and Archaeology
- 37 General Design of Development
- 40 Other non-designated heritage assets
- 42 Development adjacent to a Conservation Area
- 55 Urban Open Space
- 69 Development and Nature Conservation Sites
- 70 Wildlife Features

72 Protected Species  
73 Development and Trees  
78 Green Corridors  
79 Biodiversity and Access to Nature  
113 Waste Management in new Development  
115 Reducing Flood Risk  
116 Sustainable Urban Drainage Systems  
119 Noise Pollution  
120 Air Quality  
122 Light Pollution  
123 Sustainable Design and Construction  
124 Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy  
125 Delivery and Implementation of the Local Plan

### Supplementary Planning Guidance

London Plan:

*Accessible London: Achieving an Inclusive Environment* (2014)

*Sustainable Design and Construction* (2014)

Bromley:

*SPG1 - General Design Principles*

*Planning obligations* (2010)

The revised National Planning Policy Framework (NPPF) (2018) (updated February 2019) and National Planning Practice Guidance (NPPG) must also be taken into account. The most relevant chapters of the revised NPPF include:

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

### **Relevant Planning History**

#### **St Hugh's Playing Fields:**

16/03315/FULL1: Proposed erection of a 6FE Secondary Boys School comprising a part 2 storey, part 3 storey school building of 8,443m<sup>2</sup> including a sports hall (also for wider community use) together with hard and soft landscaping, creation of a new vehicular access on Chislehurst Road, 68 parking spaces, drop off/pick up area and associated works. Erection of a temporary 2 storey classroom block on site for 12 months to accommodate 5 classrooms, a laboratory, offices and toilets -

Refused and dismissed at appeal on 11th December 2017, the main issue being the effect of the proposal on highway safety in the surrounding area.

17/02468/FULL1: Proposed erection of a 6FE Secondary Boys School comprising a part 2 storey, part 3 storey school building of 8,443m<sup>2</sup> including a sports hall (also for wider community use) together with hard and soft landscaping, creation of a new vehicular access on Chislehurst Road, 69 parking spaces, drop off/pick up area and associated works. Erection of a temporary 2 storey classroom block on site for 12 months to accommodate 5 classrooms, a laboratory, offices and toilets (amended submission of application DC/16/03315/FULL1) -

Refused and Allowed at Appeal on 19th December 2018.

The temporary block was originally due to accommodate pupils for 12 months from September 2018. However, due to delays with the permanent scheme and the need to provide school places from September 2018, the applicant withdrew the proposed temporary accommodation from the appeal scheme and the Inspector subsequently determined the appeal without the temporary block.

Details pursuant to the following conditions in respect of application ref.17/02468/FULL1 have been submitted to the Council and are currently under consideration:

Condition 9 - Construction Management Plan  
Condition 15 - Sight lines at the Bickley Road egress  
Condition 8 - Arboricultural Method Statement

### **1 Westmoreland Road:**

18/02804/FULL1: Temporary use of part ground floor/part first floor of existing office building as a school (class D1) for up to 180 pupils until 31 August 2019, including provision of 3 no. car parking spaces, 1 no. disabled parking space, 1 no. minibus parking space and 10 no. cycle parking spaces, a bin storage area and external play areas. Display of two free standing signs -

Permitted on 30th August 2018.

Condition 1 stated:

The use hereby permitted shall cease and the site shall be returned to its current lawful use on or before August 31st 2019.

Reason: In order to comply with terms of the application and ensure that the temporary use ceases and is removed.

17/00429/FULL1: This application for an entirely separate school run by the SHaW Academy comprised the demolition of the existing office (Class B1) and erection of a part 4/part 10 storey building (inclusive of lower and upper ground floor levels) for education use (Class D1) for up to 1260 pupils ages 11-19 years, associated cycle

and car parking, refuse and recycling provision, coach drop off zone and associated soft and hard landscaping -

Refused and dismissed at Appeal on 14th February 2019.

## **Considerations**

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

- Land Use/Principle of development
- Playing fields and Sports Pitches
- Highways
- Design
- Neighbouring amenity
- Trees
- Ecology
- Heritage assets
- Other

### Land Use/Principle of development

The government attaches great weight to ensuring that a sufficient choice of school places is available to meet demand and says that local planning authorities should give great weight to the need to create, expand or alter schools.

The Council is committed to choice in education for parents and young people and will work, in partnership with agencies and providers, to ensure the provision of an appropriate range of educational facilities to cater for lifelong learning across the spectrum from early years to further and higher education, and including specialist provision.

Of relevance to this application, the Council will achieve the above aims by:

a - assessing the need for the range of education infrastructure over the plan period and allocating sites accordingly, (see Education Site Allocations Policy 29)

b - defining land with permitted use for education purposes, including the sites of schools, colleges and purpose built day nurseries, and land allocated for such use through this plan, as 'Education Land' and safeguarding these sites for education purposes for the period of the plan. Whilst Education Land and buildings may also perform dual functions for wider community use, the redevelopment of education land for alternative uses, including other uses within the same use class, will not be permitted

In all cases new development should be sensitively designed to minimise the footprint of buildings and the impact on open space, particularly playing fields, as well as seeking to secure, as far as possible the privacy and amenities of any adjoining properties, whilst delivering the necessary educational infrastructure (Policy 27, BLP).

Policy 28 of the BLP says that the Council will:

...support proposals for new educational facilities which meet local need....Where new sites are required, proposals will be permitted unless there are demonstrably negative local impacts which substantially outweigh the need for additional education provision, which cannot be addressed through planning conditions or obligations, and subject to:

- a - open space and conservation policies
- b - the need for the provision locally,
- c - highway safety, and
- d - the accessibility of the site by means of transport other than the car.

The application site and wider St Hugh's Playing Fields site is allocated in the Local Plan for an additional secondary school (Bullers Wood School for Boys) (site 33).

However the site is also designated as Urban Open Space in the Bromley Local Plan, as such, policy 55 of the BLP and policy 7.18 of the London Plan would apply. Policy 55 of the BLP states that in these areas proposals for built development will be permitted only under the following circumstances:

- a - The development is related to the existing or allocated use (in this context, neither residential nor indoor sports development, other than sports development related to educational use on the site, will normally be regarded as being related to the existing use); or
- b - The development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- c - Any replacement buildings do not exceed the site coverage of the existing development on the site.

Subject to the clauses above, the Council will weigh any benefits of the proposal being offered to the community, against a proposed loss of open space.

Policy 7.18 of the London Plan seeks the protection of locally designated open space stating that 'the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.

The proposed land use complies with clause 'a' of the policy 55 in that it is related to the allocated use of the site - it is temporary accommodation for Bullers Wood School for Boys. The Planning Inspector, in granting permission for the permanent school on this site (application 17/02468/FULL1), found there to be a demonstrable need for a secondary school in this area and the development proposal would have significant community benefits. Consequently, these benefits were found to outweigh the harm which would result from the loss of the open space.

The starting point for decision taking is the development plan and, in accordance with the NPPF, this means approving development proposals that accord with an up-to-date development plan without delay. In assessing the temporary accommodation which is the subject of this application, the Council must therefore

consider whether allowing this development would have irrevocable detrimental impacts which, taking into account adopted policy and all material considerations, including the extant permission for the permanent school, would signify that the application should be refused.

As discussed, the proposal for an educational use on this site accords with the Bromley Local Plan which was recently adopted. The temporary accommodation is required to accommodate the current pupils of Bullers Wood School for Boys, who are currently being taught at 1 Westmoreland road. The school only has permission to operate at the temporary site at 1 Westmoreland until August 2019 and there is therefore an urgent need to find alternative accommodation while construction of the permanent school is underway.

A number of local residents have questioned why the school cannot continue to operate at 1 Westmoreland Road for a further year negating the need for the temporary accommodation applied for. However, the planning statement accompanying the application states that after August 2019 "an alternative site is required to accommodate the increased cohort of pupils and staff as it is not possible to deliver additional accommodation with the associated works that would entail, whilst the school are in occupation". The applicant has subsequently expanded on this point stating that the only access to the building is from Sandford Road, which serves as the access point to the school, and there is no space for construction vehicles, storage of materials and deliveries to occur without impeding the day to day running of the school, or the construction site. They therefore consider that ongoing construction works during school occupation is impossible.

The construction timescales of the permanent accommodation have more recently been confirmed and are set out in the Construction Management Plan which was submitted to address conditions attached to permission ref. 17/02468/FULL1. The anticipated completion/handover date for the permanent accommodation is 24th December 2020. This would be after the expiry of the one year period for the temporary accommodation which the applicant is applying for, and additional accommodation for a further 180 pupils (totalling 540) would be required. The applicant acknowledges this in their planning statement and says that "the scheme as submitted here is in a form that would enable future modest expansion if so required (subject to planning) and for robustness, the submitted Transport Assessment also considers this potential scenario."

While ideally this would have been tied up into one application, allowing Officers to fully consider the impacts of a larger temporary scheme, the current application (for a 1 year period and for up to 360 pupils) must be assessed on its merits.

Furthermore, the applicant accepts that this approach poses a risk in that further planning permission may not be granted.

It is concluded that there is need for the proposed temporary accommodation at this site. Where there is a demonstrable need for additional educational buildings, policies 27 and 55 of the BLP state that sensitive design and siting will be sought to ensure that the impact on the open nature of the site and on playing fields is minimised, and that the privacy and amenities of any adjoining properties are not

unduly compromised, whilst at the same time delivering the necessary educational infrastructure.

The proposed modular building is a compact structure and is sited on an area which already has permission to be developed with hardstanding for car parking under the extant permission for the permanent school. This will help to minimise the encroachment of the development into previously undeveloped parts of the site and curtail any further loss of open space. It is also material that these proposals, taken in isolation, are temporary and will be conditioned accordingly.

In view of the permanent permission which has established the principle of a secondary school at this site with development on parts of the site to which this temporary application relates, the proposed development is therefore found to accord with the education and urban open space policies of the development plan. Unless there are other material planning considerations which substantially outweigh the need for the temporary provision, the application should be supported.

### Playing Fields and Sports Pitches

The NPPF and the London Plan recognise the important contribution that access to high quality open spaces and opportunities for sport and recreation can make to the health and well-being of communities and preclude the loss of open space, sports and recreational land, including playing fields. NPPF paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

London Plan Policy 3.19 identifies that proposals that increase or enhance the provision of sports and recreation facilities will be supported; whereas those that result in a net loss of sports and recreation facilities, including playing fields should be resisted. Policy 58 of the BLP also seeks suitable demonstration of existing pitch facilities and the re-provision to a higher quality if facilities are lost.

The overall site forms a playing field, as defined in legislation, and the site currently provides a small grass running track, long jump, 3 hard surfaced tennis courts (disused), 6 grass tennis courts (disused), and 3 sports pitches for on the site. These are used by Bullers Wood Girls School, the Air Cadets and for football coaching.

The permanent school building will be constructed on the disused tennis court area and will provide a 4 court sports hall and two external hard surfaced multi-use games areas (MUGA's) which are large enough for two small pitches.

The temporary proposals result in a minor encroachment onto an area that has in the past been used as playing field. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. This is because the principle of the proposed development of the permanent school has already been established and the site layout will therefore be subject to change when the permanent proposals are implemented.

At present there is no community use outside of school use on site, pending completion of the main scheme. At that time, the Air Training Corps (currently operating from the nearby girl's school) will return to the site and the new facilities will be available for public use. A Community Use Agreement is required under condition 24 of the permanent permission which should be put in place for when the permanent school opens. Therefore the temporary proposals will not impact upon any existing community use.

Sport England have made representations in respect of the application being a Statutory Consultee and are of the view that the proposal broadly meets exception E3 of Sport England's playing fields policy, in that:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England does not wish to raise an objection to this application.

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. All developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states in Paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

A detailed Transport Assessment has been submitted which has assessed all impacts associated with the proposed scheme. The assessment has been based on a scenario of 540 pupils at the temporary site, representing a worst-case scenario. However, it is emphasised that the current application only seeks permission for a maximum of 360 pupils.

The scope of the assessment includes a review of the existing conditions of the site and the wider area; a review of the local highway network and road conditions in the surrounding area; junction capacity assessments and analysis of personal injury accidents data; a description of the proposed access, parking and drop-off arrangements and servicing/delivery arrangements; off-site highways works; expected trip generation; the anticipated transport and highways related impacts of the proposed school and the mitigation strategy for the development. A summary of the findings are set out earlier in the report.

The planning application for the full school of 900 pupils granted at appeal, took into account factors including access arrangements, trip generation, junction capacity and the existing pedestrian environment in the vicinity of the site. Subject to new infrastructure being implemented, along with parking management and marshalling, the risks to pedestrian and driver safety were considered by the Inspector to be at an acceptable level and the Inspector concluded that there would neither be an unacceptable impact on road or pedestrian safety as a result of the development. Furthermore, the residual cumulative impacts on the road network were not found to be severe.

In the context of this smaller scheme it is not considered necessary to repeat the in depth analysis which took place as part of the assessment of the permanent application. However, additional considerations in respect of the proposed temporary application are set out below.

### *Access*

Concerns have been raised by a significant number of local residents in respect of the proposed access arrangements. At the public consultation exhibition the applicant presented two options for the access

- Option 1 - Chislehurst Road in/Bickley Road out;
- Option 2 - Bickley Road in/out.

66% of residents who responded showed a significant preference for option 2. However, the application has adopted option 1 for the temporary scheme and many residents feel that their views have been ignored. In response, the applicant states that the proposed access is in line with the consented permanent scheme with the benefits being that it uses a route which has been deemed acceptable and safe in highways terms. It also minimises the number of trees which will be lost and allows the temporary accommodation to operate whilst the permanent scheme is constructed.

It is now proposed to construct the permanent building using the approved access on Chislehurst Road and, at the same time, use this as the main operational vehicular access serving the proposed temporary school site. Parents and staff cars will enter the site via the Chislehurst Road access and exit to Bickley Road. Construction traffic associated with the main school build will access and exit the site via Chislehurst Road. Traffic Marshals will be on duty at the site entrance and school visitor traffic, subject to Banksman control, will have right of way, with construction traffic being held back.

Construction hours and construction delivery hours for the permanent school were limited by the Inspector in granting the permanent scheme. Construction work shall only be carried out between 08:00 and 18:00 Mondays to Fridays and site deliveries are only to take place between 08:30 and 15:30 which could give rise to potential conflict between temporary school traffic and construction traffic during the afternoon pick up period. However, this was referred to in the Stage 2 Road Safety Audit and was not raised as a safety issue. A construction management plan for the permanent school has been submitted to the Council under condition 9 of the permanent scheme and is currently being considered by Highways Officers. Members will be verbally updated at the meeting.

While the views of residents on these particular matters are noted, given that the proposed access arrangements for the temporary school are identical to those of the permanent school which has permission for 900 pupils, the proposed access arrangements would not have transport effects so severe as to warrant refusal of the application. Furthermore, there will be no pedestrian access to the school from Chislehurst Road and pedestrian access will be from Bickley Road only which will limit the potential conflict between pedestrians and construction traffic associated with the construction of the permanent school.

### *Parking*

In relation to Parking for the temporary school proposal, London Plan and Bromley Local Plan (BLP) policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision.

Policies 30, 31, 32, 33 and 34 of the BLP are relevant. The BLP does not prescribe a parking standard of its own for non-residential development but says that Parking for all other types of development is to be provided at levels set out in London Plan (LP) Table 6.2. However, the London Plan does not provide specific parking standards for schools.

In addition, developments must:

- a) provide designated blue badge parking as per LP Table 6.2;
- b) meet minimum cycle parking standards as per LP Table 6.3;
- c) ensure 1 in 5 spaces have provision (both active and passive) for electric vehicle charge points; and
- d) make provision for a car club, if above the minimum Transport for London (TfL) threshold.

There are 25 marked out parking spaces proposed along with a drop off / pick up area for parents which will accommodate 18 vehicles. Various assumptions are made in the Transport Assessment about the arrival and departure of parents and staff cars given the pre and after school activities. The assumptions are based on the 540 pupil scenario.

In the event that future expansion of the school to accommodate 540 pupils is required, there will be insufficient parking within the drop off / pick up area during the afternoon. In the morning drop offs tend to be quicker so there would be no over-capacity issues. The 2 closest roads, Bickley Road and Chislehurst Road are not suitable for increased on-street parking.

To try and mitigate the potential parking demand the School Travel Plan will feature a number of measures to encourage non-car travel modes. The applicant also proposes staggering the finishing times of pupils in years 7 and 8 to those in year 9 by 15 minutes. The latest finishing time would be 14:20 which complies with what the Inspector stipulated for the permanent scheme. After school activities will also be available until 15:05 for years 7 and 8 and until 15:20 for year 9.

It is anticipated that these measures would ensure that demand for the proposed pick-up and drop-off spaces would not significantly outweigh their availability, should the temporary school need to accommodate a third year's intake of pupils. In any event, if vehicles enter the site and the car park there would be capacity for them to form a queue on the internal access road.

Overall the proposed parking arrangements are acceptable. Due to the temporary nature of the development the Council are not requiring Electric Vehicle Charging spaces to be provided, however they are a condition of the permanent scheme permission.

#### *Construction traffic for temporary school*

Construction traffic associated with the temporary building (not the permanent building) will access and egress the site from the existing gate on Bickley Road with part of the gate being temporarily removed in order to accommodate vehicles. Parking for construction workers will be accommodated on site. This is considered acceptable.

#### *Highway measures associated with the main school*

Various highways infrastructure improvements were approved as part of the permanent school permission. These will be secured and implemented as part of a s278 agreement in consultation with the Council's Highways Department in due course. Measures which have been agreed as part of this include the signalised crossing on Bickley Road, alteration of the adjacent bus stop and footway / traffic calming measures on Chislehurst Road. The timing of the introduction of these is important. There will be no pedestrian access via Chislehurst Road so those measures are not critical. However, the Bickley Road works, including the crossing, need to be in place before the temporary school opens. Conditions are recommended accordingly.

### *Cycle Parking*

TfL has raised concerns over a lack of cycle parking spaces and, for compliance with the Draft London Plan, a minimum of 47 long stay and 3 short stay cycle parking spaces should be provided. The applicant consider that, as this would result in more cycle parking than was approved at the permanent school, a more appropriate level of cycle parking for the temporary school would be 36, which accords with the number of spaces being provided at the permanent school.

The applicant has therefore increased the number of cycle parking spaces to 36, all of which will be positioned along the western side of the modular building. This level of provision was accepted by the Appeal Inspector for the permanent scheme which will have a significantly larger number of students than the temporary school. Furthermore, the spaces will be easily accessible to staff and students and, overall, this is considered acceptable subject to a condition requiring details of secure cycle shelters being provided.

### *Refuse storage*

According to the Transport Assessment the refuse collection seems to differ according to the size of refuse vehicle. Smaller collection vehicles can enter the car park and back up to the bin store. Larger vehicles (10m) will have to wait on the access road and the bins will be moved to point 5 on the latest site plan. All this takes place within the site and, as such, there are no concerns with these arrangements from a road safety perspective.

Refuse conditions requiring details of the refuse/recycling enclosure and restricting times of servicing to those imposed on the permanent school, are recommended.

### *Conclusions on Highways impacts*

The number of pupils and staff associated with the temporary school for 2 years is less than the 900 who will attend the main school allowed at appeal. The trip generation and effect on the highway network will therefore be correspondingly less.

The new agreed access on Chislehurst Road and the highway works on Bickley Road associated with the main school will be installed prior to the opening of the temporary school.

The pedestrian access to the temporary school is from Bickley Road. The vehicle access is from Chislehurst Road and the egress is to Bickley Road. The school will enforce the "no pedestrian access" from Chislehurst Road and the contractor for the main school will ensure the separation of temporary school and construction traffic at the Chislehurst Road access.

To conclude, the application is considered acceptable from a highways perspective.

## Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Bromley Local Plan (BLP) policy 37 states that "*All development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout*" and will be expected to meet all of the following criteria where they are relevant:

- a -Be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas;
- b -Positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features;
- c -Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity);
- d -The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings;

e - Respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing;

f -The development should address sustainable design and construction and include where appropriate on-site energy generation;

g - Suitable access should be provided for people with impaired mobility and meet the principles of inclusive design. Where necessary and relevant to the development, contributions may be sought to improve accessibility around the development;

h -Security and crime prevention measures should be included in the design and layout of building and public areas;

i - Recycling and waste storage facilities are incorporated within the design layout;

j -Respect non designated heritage assets. Applications should be accompanied by a written statement setting out design principles and illustrative material showing the relationship of the development to the wider context.

The proposed layout places the temporary school building to the south of the location of the approved permanent school, on an area which is earmarked as car parking for the permanent school. Vehicle access to the site and vehicle circulation is the same as in the approved scheme with car parking similarly positioned in the southwest corner of the site. The proposed layout retains the woodland, trees, scrub and vegetation which were shown as being retained in the permanent school plans. The existing playing fields and sports pitches have also been retained.

The proposed modular building is a compact structure with three storeys of teaching facilities', measuring 9.6m in height with a flat roof. The proposed siting on an area which already has permission to be developed with hardstanding for car parking under the permanent proposals, will help to minimise the encroachment of the development into previously undeveloped parts of the site and reduce the impact on the open nature of the site.

The temporary building would be positioned well away from site boundaries and around 40m from the nearest residential properties to the south in Bickley Road. At 9.6m high, the temporary building would be less visible in longer range views than the 12.5m high permanent school building and it would be largely screened in views from the adjacent streets by existing mature trees and boundary vegetation.

The most noticeable change to the street scene as a result of the development would be the proposed vehicular access from Chislehurst Road which will require the removal of some of the mature trees and vegetation which would open up views into the site somewhat from Chislehurst Road. However this is not

considered to materially alter the views from the neighbouring land given the extent and maturity of the remaining trees. This was deemed as acceptable by the Planning Inspector in granting the application for the permanent school.

Tree and shrub planting is sparser/less dense along the western site boundary adjoining the car dealership and the proposed modular building would be highly visible from this adjacent site. However, the siting of the building, some 50m away from the boundary with this site and the retained row of trees lining the internal access drive would all help to reduce its visual impact and it would not appear unduly prominent from the car dealership or detrimental to the amenities of this neighbouring site.

Externally, the modular building will be finished with Light Grey coloured cladding panels and internally plasterboard will be finished with a vinyl layer to provide a 1 hour fire rating. The flat roof of the building is a timber joist and panel construction which is coloured black externally, insulated internally and with a fire Retardant membrane. Fascias are dark grey plastic coated galvanized steel trims. Windows are white uPVC frames with top-hung openings and trickle vents providing background ventilation and external doors are grey in colour. Timber cladding on the ground floor around the entrance level highlights this as the main entrance to the building.

The building's form, repetitive pattern of fenestration and its external facing materials appear utilitarian and the building would neither complement nor enhance its surroundings. However, given the limited period for which it will be required, the form and appearance of the building are, on balance, acceptable for its proposed temporary period and, as set out above, would be largely screened from the surrounding public realm. A time-limiting condition is necessary to ensure that the building is removed promptly from the site at the end of the 1 year period.

In terms of the internal teaching environment which the building would provide, the applicant has submitted a noise report which confirms that the building will be able to be suitably ventilated by openable windows while at the same time maintaining acceptable levels of noise internally. Compliance with roof rain noise criteria is also expected. Noise conditions relating to the provision of new mechanical plant are recommended.

A single point of access to the building is proposed on the west side. Central corridors over all floors leading to teaching spaces are proposed and level access is provided throughout with a platform lift at the western end of the building providing disabled access between the three floors. Two internal staircases are also proposed. Externally, a ramp provides access to the main entrance and level access is available from the fire escape on the eastern side of the building.

Condition 7 of the planning permission for the permanent school requires a hard and soft landscaping scheme to be submitted to and approved by the Local Planning Authority. The landscape masterplans supplied in support of the temporary school are sufficient on the basis of the temporary nature of this development. A full assessment of landscaping, including the treatment of the

wider site, is reserved for consideration under condition 7 of permission ref.17/02468/FULL1. Additional tree impacts are considered later in this report.

New bicycle storage facilities are also proposed adjacent to the western side of the building, details of the appearance of which would need to be agreed by way of a condition attached to any subsequent planning approval.

In conclusion, the proposal would result in an acceptable form of accommodation for staff and students of the school for the duration of construction of the permanent school. Furthermore, the proposed siting of the modular building and layout of associated access roads and car parking areas would only affect parts of the site which have already had permission to be developed under the permanent proposals. In view of the temporary nature of the proposal, overall the design of the development is considered acceptable.

#### Impact on neighbouring amenity

In determining any application, a key consideration would be the impact of the development on the amenities of neighbouring properties. BLP policy 37 requires development proposals to safeguard the residential amenities of the area by ensuring that the current living conditions of occupiers of neighbouring buildings are not harmed through noise and disturbance or by inadequate daylight, sunlight, privacy or overshadowing.

A significant number of objections to the application have been raised by local residents. The majority of concerns are in relation to the intensification of the use of this site, the proposed access arrangements and the resulting impacts on traffic, congestion and road safety in the area. Concern is raised specifically in relation to the new vehicular access from Chislehurst Road with many residents preferring the entry and exit to the temporary school to be on Bickley Road.

It is a material consideration that these access arrangements were approved by the Inspector for the permanent school for 900 pupils. The temporary school will only accommodate 360 pupils and would therefore have a less intensive impact on the highway than the permanent scheme.

It is also noted that servicing and delivery vehicles will also access the temporary school site from Chislehurst Road but will egress onto Bickley Road whereas in the permanent school they will enter and exit from Chislehurst Road. These temporary arrangements will help to reduce noise and disturbance at residential properties on Chislehurst Road from associated vehicle movements. On balance the impact of the new access on Chislehurst Road on residential amenities would not be so severe as to warrant the refusal of planning permission.

Residents have also highlighted safety concerns in connection with the construction of the permanent school being carried out in tandem with the operation of the temporary school. Highways matters have been discussed earlier in this report.

While impact on neighbouring amenities as a direct result of the construction of a development would not, in itself, warrant a planning application being refused, the applicant has submitted a Construction Management Plan which details mitigation measures which will be implemented to deal with increased vehicle emissions, waste associated with the proposed scheme and construction noise. Demolition and construction hours are dealt with and are enforceable under separate legislation (section 60 and 61 of the Control of Pollution Act 1974). Nevertheless, the Appeal Inspector considered it appropriate to condition the hours of construction and the timing of construction-related deliveries for the permanent school and these should therefore be repeated in this instance.

The proposed activities associated with all elements of the proposal could also give rise to a degree of noise and disturbance to local residents, in particular any out of school hours uses. However, the proposed social area/playground/games court is in a similar location to a new games court area approved under the permanent scheme and, given the separation to neighbouring sites and the fewer numbers of children using the site compared to the permanent school, the impact on neighbours would not be significant. Furthermore, no community use of the temporary school is proposed; this will commence on completion of the permanent school.

External noise levels of proposed mechanical plant have been specified within the acoustic assessment to ensure that it does not result in significant adverse impacts on nearby sensitive receptors and it is anticipated that a further assessment will be required once plant details and mitigation measures are known and further attenuation measures to protect residents from mechanical plant noise. Noise conditions are recommended.

Floodlighting for the temporary site is proposed in the car park and in the hard social area to the eastern side of the building. The floodlighting will be positioned a significant distance from the site boundaries with adjacent residential dwellings: around 45m to the south, over 100m to the east and around 80m to the north and will be mounted on 3m high columns with light being directed away from neighbouring sites. Given the existing mature trees and boundary vegetation around most of the site, along with the mitigation measures proposed, the proposed lighting for the development would not significantly impede on the amenities currently enjoyed by occupiers of nearby residential dwellings.

Furthermore, the lighting proposed around the internal access roads and car parking area accords with that which was approved for the school's permanent accommodation. Conditions are recommended to ensure that the lighting scheme is carried out in accordance with the details set out in the report.

The Council's Environmental Health Officer also raised no concerns to the proposal subject to conditions.

The visual impact of the development has been considered above in the Design section of this report. To summarise, the scale and height of the proposed building, its siting in relation to site boundaries, distance to neighbouring sites along with the additional benefit of the vegetation screening around most of the

site, means that the development would not have an unduly prominent or harmful visual impact for occupiers of nearby residential sites. Furthermore, the potential for overlooking from the new development and/or a loss of privacy for neighbouring residents is negligible.

In response to other matters raised by local residents:

- the acceptability in principle of the temporary school accommodation at this site, including need and the impact on playing fields and open space has been discussed earlier in the report;
- The likelihood of the temporary school needing to house a third year group, i.e. 540 students, is also discussed above and in that event the applicant would need to submit further planning application(s);
- With regards to the proposed start and finish times of the school these would accord with those approved for the permanent school and can be conditioned accordingly.

Overall, whilst the proposal will clearly intensify the use of the site and the local highways network, and this would noticeably alter the character of the area and the surrounding residential environment, there is not considered to be any substantial harm identified that would conflict with development plan policies and warrant refusal of the application in this regard.

### Trees

All of the trees on the site are the subject of The Buller's Wood playing Field Tree Preservation Order (TPO). The site is not within a conservation Area.

Policy 73 of the BLP requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

Policy 74 says that the Council will seek to improve the amenity and conservation value of trees and woodlands and will:

- Encourage appropriate beneficial management;
- Encourage appropriate new tree planting in suitable locations; and
- Promote public interest in and enjoyment of trees and woodlands.

The application was accompanied by an arboricultural impact assessment (AIA), a method statement and a tree protection plan.

Similar to the approved permanent scheme (ref.17/02478/FULL1, the proposals will see the removal of a number of C category trees that are insignificant and a small number of B category trees. Since the approval for the permanent school,

the applicant has varied some of the proposed tree works - the northern grouping of trees labelled G6 will now be managed to provide essential visibility splays for the access. Clearance pruning of tree grouping G12 to facilitate the location of the building is also proposed. To mitigate, tree planting is possible between the boundary and sports pitch to form a denser buffer zone, thereby minimising the visual impact from the public realm. On balance, the impact this would have on boundary screening to the site would be acceptable.

Buffering boundary treatments should therefore form a focus for replacement tree planting. A planting plan and schedule would be required to confirm species selection and ensure planting is included to a satisfactory degree and standard. All of this can be secured as part of the details to be submitted under condition 7 (landscaping) of the permanent school, which is currently outstanding.

Tree constraints and protection measures have also been considered as part of the AIA, which demonstrates precautionary methods being afforded to all retained trees, including those of significance.

Tree conditions are recommended.

### Ecology

London plan policy 7.19(C) states that Development Proposals should:

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

Policy 72 of the BLP states that Planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

The Ecology report accompanying the application finds that the application site is of low ecological importance and no additional survey, assessment, or mitigation beyond the precautionary measures is required. Tree and habitat protection and measures are proposed and it is also noted that no trees suitable for roosting bats will be removed or significantly pruned to facilitate development.

The report also recommends that external lighting should be minimised across the entire site, especially near trees south and west of the construction footprint, which

are suitable for roosting bats. The applicant has submitted a lighting assessment which proposes lighting for the access road, parking area and to the pathways around the temporary building which will be mounted on the building itself. While the ecology report recommends that lighting near to the trees to the south and west is avoided, the lighting scheme accords with that which was approved for the school's permanent accommodation and no significant additional lighting along the southern or western edges of the development site is proposed. Provided that the lighting scheme is carried out in accordance with the details set out in the report, including the use of timers to ensure no lighting is left on overnight, the impact on ecology is acceptable.

Ecology and lighting conditions are recommended.

### Heritage Assets

#### *Conservation Area*

The site lies adjacent to Bickley Park Conservation Area. Therefore BLP policy 42 and para 190 of the NPPF are relevant to development adjacent to a conservation area. Consideration of the impact of the proposal on the setting of the Conservation Area being the heritage asset is required. In addition, the function of the proposed use and whether this impacts on the character of the Conservation Area needs to be assessed.

The Conservation Area boundary includes the front gardens of the houses on the eastern side of Pines Road but not the road itself. There is substantial screening along the eastern side of the site even in the winter and there is a significant separation between the proposed school building and the boundary of the Conservation Area. Given the separation and screening, important views into and out of the Conservation Area and from public vantage points would not be affected. Some glimpses of the new building would be visible from some locations but no harm would be caused. The existing school playing fields will be retained as a substantial parcel of open land and the development would not appear overbearing or cramped and the setting of the Conservation Area will be retained. No objections are raised by the Council's Conservation Officer.

The proposal would preserve the character and appearance of the adjacent Conservation Area and accords with BLP policy 42.

#### *Archaeology*

BLP policy 46 states that when considering planning applications for development involving excavation or other ground works the Council will require that:

- Within the defined Areas of Archaeological Significance, a written statement of the likely impact is submitted in the form of an archaeological assessment (which can be desk based); where necessary information cannot be obtained by other means, an archaeological field evaluation should be carried out prior to determination;

- At sites of potential archaeological importance (as defined below), where permanent preservation in situ is not justified, provision shall be made for an appropriate level of investigation and recording to be undertaken by a recognised archaeological organisation before any development commences.

Where investigations indicate that in situ preservation is inappropriate, excavation and recovery should be carried out by a reputable archaeological body, before development commences. Any such investigations shall be in accordance with a detailed scheme to be approved in advance by the Council and the results shall be subsequently published.

An Archaeological Desk Based Assessment and Evaluation Report have been submitted with the application. A further report was submitted on 26th March 2019 which addressed the archaeological potential of the wider site.

The proposal is acceptable from an archaeology perspective. No further archaeological assessment or conditions are necessary.

#### Other Considerations

##### *Energy and 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 5.2 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. Major development proposals should include a detailed energy assessment to demonstrate the measures that will assist the whole development to reduce the regulated CO2 emissions by a minimum 35% beyond BR Part L2A 2013.

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.

The applicant has submitted a Building Regulations compliance report and an Energy Assessment was submitted on 15<sup>th</sup> April and is currently being reviewed by Officers. Members will be updated verbally at the meeting as to the acceptability of the Energy Assessment and any necessary conditions or obligations pertaining to it.

### *Drainage*

The site lies within Flood Zone 1 and therefore is at low risk from fluvial and tidal flooding.

Policy 5.13 of the London Plan and BLP policy 116 require developments to utilise sustainable urban drainage systems (SuDS), unless there are practical reasons for not doing so, and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13. New development such as this should aim to utilise a variety of SuDS methods, such as soakaways (subject to soil conditions), filter drains, permeable surfaces/permeable sub-bases, green roof technology, grey water re-cycling, attenuation, etc.

The applicant has submitted a drainage strategy which is acceptable and a condition is recommended to ensure it is implemented in accordance with the details submitted.

### *Pollution and Contamination*

This site is not within an Air Quality Management Area. Notwithstanding this, BLP policy 120 requires developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels to submit an Air Quality Assessment. Developments should aim to meet "air quality neutral" benchmarks in the GLA's Air Quality Neutral report.

The applicant has submitted an Air Quality Assessment which concludes that the development will have a negligible impact on air quality therefore no mitigation is required. However, the measures set out in the School Travel plan, including the provision of cycle parking at the site, will help to encourage sustainable travel to the site. Furthermore, measures to minimise the impact of the construction phase on local air quality have been set out within the Construction Management Plan.

The application has provided a contamination report which finds there to be a low to moderate risk of contamination below the site and a moderate risk that a significant source of contamination exists off site. The report makes recommendations with respect to the carrying out of the building works and the safety of construction workers. The Council's Environmental Health Officer raises no concerns to the proposal.

Conditions are recommended to secure the implementation of the Travel Plan and to ensure that the CMP is implemented in accordance with the details provided.

### **Summary and Conclusions**

The application has been assessed against the adopted development plan and all other material considerations.

In view of the permanent permission which has established the principle of a secondary school at this site and with development already on parts of the site to

which this temporary application relates, the proposed development is found to accord with the education and Urban Open Space policies of the development plan.

Furthermore, the development would not prejudice any playing fields or sporting capability of the site.

While there will clearly be a highways impact as a result of the intensification of the use of the site compared to existing, in view of the permanent school being granted permission at the site, this smaller, 360 pupil, scheme does not give rise to any significant highways concerns. While the concerns of local residents have been duly taken into account, in this instance, the transport impacts of the development are not so severe to warrant its refusal on highway grounds.

The impacts on trees, ecology and air quality from the development as well as the potential for contamination and flood risk to be increased as a result of the development have also been considered. The proposal is unlikely to have any significantly adverse impacts subject to the recommendations made in the accompanying reports being adhered to. In addition, the impact of the development on heritage assets has been identified as low risk.

Consequently, there are no material planning considerations substantially outweighing the need for the temporary provision while the extant permanent school is being constructed, or which signify that the application should be refused. The application is recommended for permission, subject to conditions.

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: PERMISSION Subject to any direction by the Mayor of London**

**Subject to the following conditions:**

- 1 The building(s) hereby permitted shall be removed and the use discontinued and the land reinstated to its former condition on or before the 1st September 2020.**

**Reason:** In order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the amenities of the area in accordance with Policy 37 of the Bromley Local Plan.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and documents listed in this condition unless previously agreed in writing by the Local Planning Authority: 08291-A-L-(00)-0201 REV P1; 4853-LLB-ZZ-ZZ-DR-L-0001-P05; 4853-LLB-ZZ-ZZ-DR-L-0002 P03; 4853-LLB-EA-E1-DR-L-0001-S4-P04; 4853-LLB-EB-E1-DR-L-0001 P03; 4853-LLB-XX-XX-DR-Ab-0008 P01; 4853-LLB-XX-XX-DR-Ab-0009 P01; L160207-131 REV A; L160207-132 REV A; L160207-133 REV A; L160207-331 REV A**

**Reason:** To prevent any unacceptable deviation from the approved plans.

- 3** The use shall not commence until the internal access road, turning areas and parking areas have been laid out as shown on drawing no: 4853-LLB-ZZ-ZZ-DR-L-0001 P05. All parking spaces shall be retained for the duration of this planning permission.

**Reason:** In order to comply with Policies 30, 31, 32 and 33 of the Bromley Local Plan and to avoid development without adequate access or parking provision, which is likely to lead to parking inconvenient to other road users, would be detrimental to amenities and prejudicial to road safety.

- 4** The use hereby permitted shall not be commenced until space has been laid out within the site for the parking of bicycles in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. The bicycle parking facility shall be retained for the duration of this planning permission.

**Reason:** In order to comply with Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 5** (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.  
(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from a residential and visual amenity aspect.

- 6** Before any part of the development hereby permitted is first occupied, details of the height and type of fencing and enclosures in excess of that considered to be 'permitted development' shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented in full and permanently maintained thereafter.

**Reason:** In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the visual amenities of the area.

- 7** The new agreed access on Chislehurst Road and the highway works on Bickley Road associated with the main school will be installed prior to the opening of the temporary school.

**Reason:** In the interests of pedestrian and vehicular safety and the amenities of the area and to comply with Policies 30, 31, 32 and 34 of the Bromley Local Plan.

- 8** Construction of the development shall be carried out in complete accordance with the Updated Construction Management, Delivery and Servicing Plan (Kier Construction Southern January 2019 V1) received 1st April 2019. The approved Construction Management, Delivery and

**Servicing Plan shall be adhered to throughout the construction period for the development hereby permitted.**

**Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties.**

- 9 Construction works shall only be carried out between the hours of 0800 and 1800 Mondays to Fridays, 0800 to 1300 Saturdays and not at all on Sundays and Public Holidays.**

**Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties.**

- 10 Construction related deliveries shall only be carried out between the hours of 0830 and 1530 Mondays to Fridays, 0800 to 1300 Saturdays and not at all on Sundays and Public Holidays.**

**Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties.**

- 11 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.**

**Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy 32 Bromley Local Plan.**

- 12 The development shall be implemented in accordance with the details set out in the Arboricultural Method Statement (4853-LLB-MS-AB-0001-S0-P02) dated 10th April 2019, approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.**

**Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policies 73 and 73 of the Bromley Local Plan.**

- 13 The development hereby permitted shall only be used as a secondary school and for no other purpose (including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any other provision equivalent to that class in any statutory instrument revoking an re-enacting that Order with or without modification). There shall be no change of use whether allowed by the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting this Order.**

**Reason: In order to safeguard the site for educational purposes and in the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policies 27 and 37 of the Bromley Local Plan.**

- 14 The school hereby permitted shall only be used for a maximum of 360 pupils between the ages of 11 and 16 years.**

**Reason: In order to comply with policies 30, 31, 32 and 37 of the Bromley Local Plan and in the interests of pedestrian and vehicular safety and the amenities of the area.**

- 15 Excluding the Breakfast Club, after school clubs and school extra-curricular activities, the school day shall start no later than 07:45 and finish no later than 14:20.**

**Reason: In order to comply with policies 30, 31, 32 and 37 of the Bromley Local Plan and in the interests of pedestrian and vehicular safety and the amenities of the area.**

- 16 Servicing vehicles and delivery vehicles and coaches shall not visit the site between the hours of 0645-0745 and 1415-1515 Mondays to Fridays and not at all at weekends or on Public Holidays.**

**Reason: In order to comply with policies 30, 31, 32 and 37 of the Bromley Local Plan and in the interests of pedestrian and vehicular safety and the amenities of the area.**

- 17 The development and use of the site shall be implemented and carried out in complete accordance with the measures in the School Travel Plan V2 (Ref. 4662/008/003). The Travel Plan shall be monitored and updated and new travel surveys undertaken within the first three months of occupation, in accordance with the recommendations in the Travel Plan. These shall be carried out according to the Transport for London STARS system and in consultation with the Council.**

**Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy 31, 32, 33 and 34 of the Bromley Local Plan.**

- 18 (a) External lighting for the development shall be implemented in complete accordance with the External Lighting Statement (Crofton Consulting Engineers November 2018) and drawing E-9810 P1 before the development hereby permitted is first occupied.**

**(b) No further lighting, including during the construction phase, shall be installed on the site without the prior approval in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and shall be permanently maintained in an efficient working manner.**

**(c) any additional lighting approved under part (b) should only be installed if there is a significant need and should be avoided near treelines and/or hedgerows. If required, additional lighting should be 'bat-sensitive', with light angled towards the ground, light spill should be minimised through**

the use of hoods, shields and/or cowls and the lighting design should follow the principles of the Bat Conservation Trust's Guidance Note 08/18: Bats and artificial lighting in the UK: Bats and the Built Environment series (BCT & ILP, 2018).

Reason: In the interest of amenity and public safety and to ensure the protection of the ecological value of the site and its surroundings, in accordance with Policies 37, 72, 78 and 79 of the Bromley Local Plan.

- 19 The development hereby permitted shall be carried out in complete accordance with the recommendations in the following reports: Ecological Impact Assessment ref.4853-LLB-RP-EC-0004-S4-P01, Bat Report ref.4853-LLB-RP-EC-0001-S3-P01 and Reptile Report ref.3817-LLB-RP-EC-0001-S4-P01. Any deviation from these recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

Reason: To ensure the protection of the ecological value of the site and its surroundings, in accordance with Policies 72, 78 and 79 of the Bromley Local Plan.

- 20 The surface water drainage scheme hereby permitted shall be implemented in full accordance with the details as set out in the "Temporary Classrooms External Works & Drainage" Plan DRW No. 08473-EAL-00-XX-M2-C-0007 Rev D dated 07/07/2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy 115 and 116 of the Bromley Local Plan and Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

- 21 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies 37, 73 and 74 of the Bromley Local Plan

- 22 (a) At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014.

(b) At any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

(c) Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

(d) Following installation, but before the new plant comes into operation, measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Policies 119 and 37 of the Bromley Local Plan and in the interests of the amenities of occupiers of the building and those of adjacent sites.

- 23 The development hereby permitted shall incorporate the Secure by Design measures detailed in the Secure by Design Criteria (taking into account ecology constraints) to minimise the risk of crime and meet the specific needs of the site and the development.

Reason: In the interest of security and crime prevention and to accord with Policies 4 and 37 of the Bromley Local Plan.

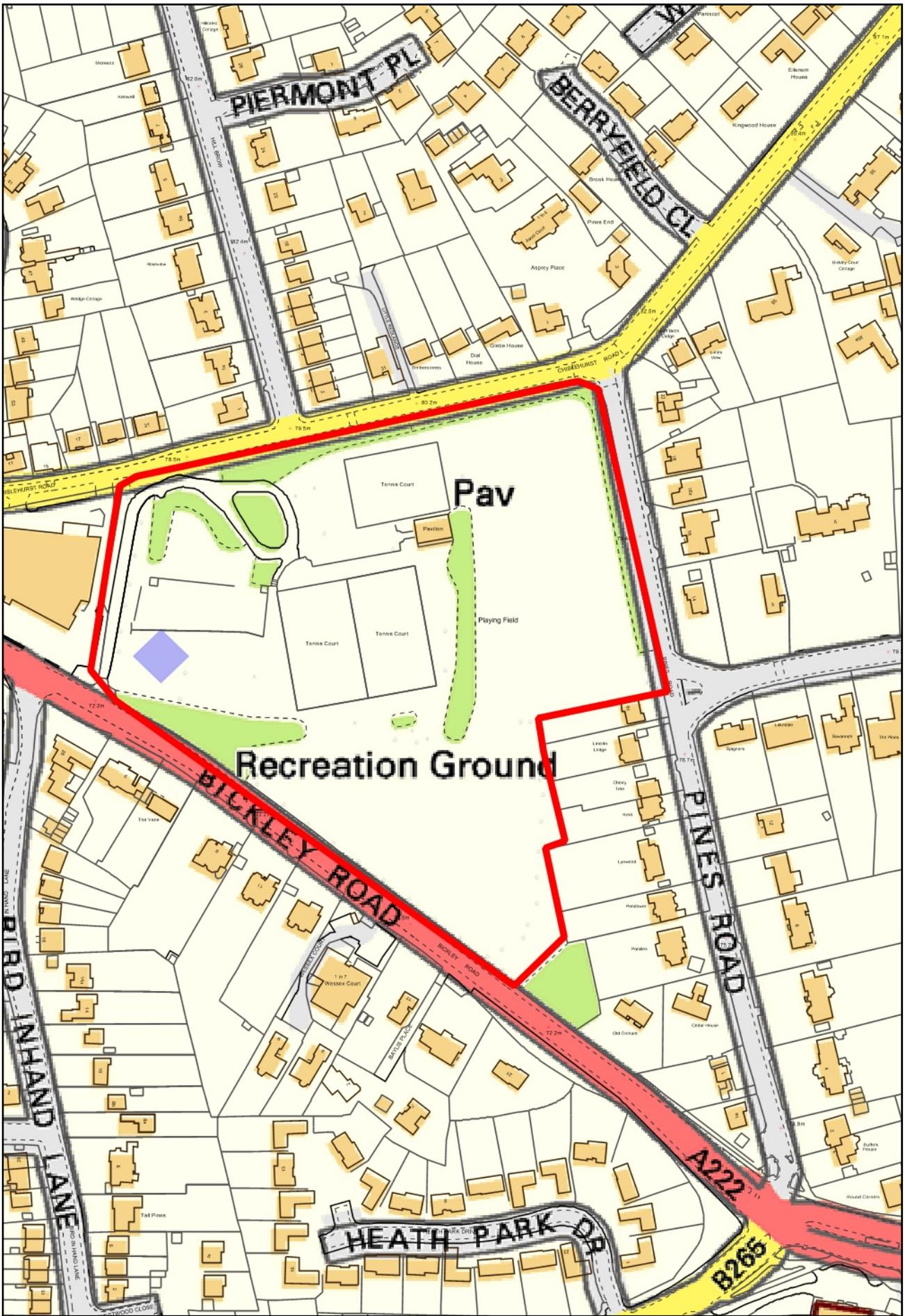
You are further informed that :

- 1 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 2 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire fighting purposes, will be provided (See GN 29).
- 5 The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The commissioner's opinion is that there are opportunities for developers and building owners

**to install sprinkler systems in order to save money, save property and protect the lives of occupier.**

- 6 For any Abnormal Loads, TfL should be consulted by the developer/contractor to agree the proposed routing.**
- 7 It appears that on exiting the site, larger vehicles would encroach the opposite side of the carriageway. Therefore it is recommended that trained banksmen are present to assist with the safe manoeuvre of vehicles.**
- 8 Construction deliveries should be timed outside of the network peak hours.**

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 19/00370/FULL1 - St Hugh's Playing Fields
 

Thursday, April 18, 2019

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 Page 77

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**Application No :** 18/05236/FULL1

**Ward:**  
Copers Cope

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

**OS Grid Ref:** E: 536826 N: 171157

**Applicant :** Mr I Hutchinson

**Objections :** YES

## **Description of Development:**

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

## **Location and Key Designations**

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

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

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

At present, there are three dilapidated 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. A significant area of hardstanding was paved and used as a construction and storage compound associated with the Dylon development during construction which was completed in 2018. A number of vehicles

are also being parked on the open areas of the site in an arbitrary manner. 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**

This is the fifth residential development proposal to be advanced for this site. Members are advised that a Public Inquiry is scheduled by the Planning Inspectorate to be held on the 4<sup>th</sup> June 2019 in connection with the last/fourth submission in March 2018 (ref: 18/01319/FULL1). The grounds to contest the last appeal were referred to the Development Control Planning Committee on the 11<sup>th</sup> September 2018. Members are advised that the Council's Local Plan was adopted on the 16<sup>th</sup> January 2019 and this document forms part of the development plan in assessing the merits of this proposal. The updated Council's 5 Year Housing Land Supply Document has been reported and confirmed by Members at the Development Control Committee meeting on the 4<sup>th</sup> April 2019.

Since the last planning application (ref: 18/013139/FULL1) was submitted in March 2018, the applicant considers that the revised National Planning Policy Framework 2018 and 2019, planning appeal decision at the Maybrey Business Park (ref: 16/05897/FULL1; dated 16<sup>th</sup> July 2018) and the draft London Plan including a letter sent from Ministry of Housing, Communities and Local Government to the Mayor of London dated 27<sup>th</sup> July 2018 are relevant material considerations to allow this updated residential proposal on the Metropolitan Open Land (MOL). The key differences of the proposal are outlined below:

### *1. Changes to the proposed affordable housing tenure split*

32 affordable rent and 22 intermediate units is proposed which achieves a split of 59% rent and 41% intermediate unit, instead of 40% rent and 60% intermediate unit in the last scheme. The total number of affordable housing remains unchanged.

### *2. Reduction of development area*

This is primarily achieved by reducing the private terraces associated with the ground floor units, readjustment of access road and rearrangement of the internal layout of the proposed buildings. The size of the private outdoor space associated with two ground floor 3 bedroom flats in Core 3 and 2 x 2 bedroom ground floor flats in Core 4 has been reduced. An area of access road located between the front of Core 6 and the turning head has been removed. A former access road area located outside a ground floor 1 bed flat in Core 5 is now to be a private amenity area. The waste storage areas associated with Core 1 and Core 2 are repositioned. The planning

statement states that these re-arrangements count towards a reduction of development area from 6,486sq.m to 6,387sq.m.

### 3. *Use of more glazing material and reduction of single aspect units*

Additional glazing material is used aiming to provide an improved outlook and availability of lights. This would be installed adjacent to the windows or doors next to the projecting balconies. The applicant has indicated that the views for the single aspect units would be wider with the proposed angled balcony. Whilst there is no single aspect north-facing family unit, the number and proportion of single aspect units remains high with a total of 58 units. This equates to 38% of the overall units. There were 58 single aspect units proposed in the last scheme.

The siting and overall massing of the proposed buildings, total number of proposed housing and affordable housing units, housing size, mix, access and level of parking spaces remains identical to the last submission.

### **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 siting and key headlines of the current proposal are identical to the last submission comprising:

- 63 x one bed, 80 x two bed and 8 x three bed flats;
- 115 car parking spaces including 19 disabled spaces (disabled spaces increased from 15 to 19);
- 310 cycle parking spaces;
- 54 units affordable housing (36% 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 room
Market	<b>97</b>	64.2	<b>254</b>	63.8
Social	<b>32</b>	21.2	<b>83</b>	20.9
Intermediate	<b>22</b>	14.6	<b>61</b>	15.3
Total	<b>151</b>	100	<b>398</b>	100

The development would comprise two residential blocks (North and South Block), positioned along the western edge of the site with a gap of 29 metres between the blocks. The highest part of the North block would be basement plus 8 storeys (26 metres/52.8m AOD) and would step down in height with the lowest part being 5 storeys (16.2 metres/43.1m AOD). The maximum length and width of the North Block would measure approximately 64 metres and 35 metres respectively.

The southern block would comprise basement plus 5 storeys (16.4 metres/43.8m AOD) on its northern end stepping down to basement plus 4 storeys (12 metres/37.1m AOD) towards the southern end. The maximum length and width of the South Block would measure approximately 61 metres and 35 metres respectively.

A raised podium level linking the North and South Block would be provided measuring 35 metres wide and 29 metres deep and 5 metres high when measured from the open space. The proposed buildings would include an undercroft parking level with residential accommodation sitting at podium level and above. The eastern edge of the built development would be provided with steps and connect to the public open space at ground floor level. The total residential floor area of the proposal would measure 19, 857sq.m.

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

The building would be constructed primarily of London stock bricks, with translucent cast channel-glass detailing on the top floor, aluminium windows and white powder galvanised steel balconies.

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

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

	Existing site coverage	The third submission (17/00170/FULL1) refused	The fourth submission (18/01319/FULL1)	Current proposal	Difference between proposed and existing site coverage.
<b>Proposed units and building heights</b>	N/A	229 units; 4 to 8 storey plus basement	151 units; 3 to 8 storey plus basement	151 units 3 to 8 storey plus basement	<b>N.B.</b> No permanent residential building currently on site, only single storey pavilion buildings associated with the former social club. Various unauthorized structures/ uses.

<b>Building footprint (sq.m)</b>	833	3,304	2, 981	2,921	Increase by 2,088
<b>Hardstanding/ Private space footprint (sq.m)</b>	7,012	4,009	3,716	3,677	Reduce by 3,335
<b>Combined built development footprint (sq.m)</b>	7,845	7313	6,697	6,598	Reduce by 1,247
<b>Green space footprint (including the river) (sq.m)</b>	10,804	11,336	11,952	12,051	Increase by 1, 247
<b>Total (sq.m)</b>	18,649	18,649	18,649	18, 649	18,649

The submitted drawings suggest that the proposal would result in a reduction of hardstanding measuring 3,335sq.m and there would be an increase in green space. This suggestion is not accepted as the Council's aerial photo record indicates that the "existing" hardstanding area has been expanded extensively since 2006. This includes a large temporary construction compound associated to the construction work at the Dylon factory site.

A site survey indicates (prepared by Sterling Surveys, dated Dec 2016) that a total area of 6,686sq.m within the site in occupation and is divided into 8 areas. There are 2 further areas associated with the Dylon works construction site. The use, nature, extent, lawfulness and occupation of each area is unclear and does not fully correspond to the submitted documents. For example, Area 8 is covered by hardstanding at present and measures 347sq.m on the site survey. However, this does not correspond to drawing number DR P05A/DS1-03 and P05A/DS1-08 which indicates that this area was clearly open and covered by lawn. Area 1 is being used as a car park/storage with containers surrounded by timber fence without relevant consent. This does not correspond to the drawing number P05A/DS1-08. The updated site surveys, along with the submitted documents and information gathered by officers, indicate that this MOL site has been progressively and substantially paved and occupied on an ad-hoc basis without relevant planning consent.

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

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

**Planning, Design and Access Statement (Prepared by West and Partners, Dated November 2018)**

This document outline the changes of this proposal in terms of massing and design, the applicant's opinion and assessment of the Council's Housing Land Supply, affordable housing provision, impact on MOL considerations, and very special circumstances.

The applicant considers this much-reduced proposal at a highly accessible and sustainable location would address the issues raised by the previous planning inspectorate in dismissing an earlier/second scheme (Dated 2<sup>nd</sup> August 2016; Ref: APP/G5180/W16/314428). The applicant does not consider that the Council's 5YHLS should be relied upon in the determination of this application. This is on basis that the Council's 5 YHLS document was published in November 2017 and has not been updated and the Council was found to be unable to demonstrate a 5 year housing land supply at the Maybrey Works public Inquiry (Addendum B – Dated July 2018) and the appeal relating to South Eden Park (Addendum C – Dated March 2018). A high proportion of housing has been delivered at planning appeals, the applicant argues. The Council's 2017 5 YHLS indicates a 5.43 years housing land supply and a surplus of 292 units and does not reflect the housing need in Bromley. It is stated that the Council have a deficit in terms of 5 Year Supply as the London SHMA (2013) identified housing need in Bromley to be 1,315 dwellings per annum and when taken with the most up to date evidence base of the draft New London Plan there is an increased housing need for Bromley of 1,424 per annum. The proposal would be policy compliant and deliver 36% affordable housing.

On the issue of MOL, this report concludes that the proposal would reduce built coverage on site, would measures 242 square metres and result in a net increase in open land area. In their view this is a marked improvement when taken together with the proposed public open space. This document suggests that the proposed changes to the building footprint and new siting and massing of the buildings sufficiently address the Appeal Inspector's comments on the openness of MOL.

The applicant indicates that the completed Dylon site was located on a low quality edge of MOL. The allowed scheme at the Dylon site sets a benchmark for future development rather than a harmful precedent. The factors in allowing the completed development at the Dylon site should be equally applied for the proposed site.

A total of 54 affordable housing units (35.8%) would be provided, of which 32 would be social rent units and 22 intermediate units (achieving a split of 59% rented and 41% intermediate).

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

- The Council's does not have a 5 YHLS and relevant policies are out of date;
- The Council fails to meet the need of housing and affordable housing and there is a lack of available housing land in Bromley to meet the current and draft London Plan housing targets;

- The revised NPPF Green Belt policies do not apply on MOL land and NPPF para.145(g) applies as the proposal would neither have a greater impact on openness nor cause substantial harm to the openness of the Green Belt. The proposal would result in a reduction of 242sq.m brownfield land which would not cause any actual harm on MOL.
- The proposal would provide policy-compliant affordable housing;
- Possible link to the Waterlink Way, ecological and environmental improvement;
- Economic benefits of the proposal and new home bonus;
- 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 H the applicant has included a 'Statement of Truth' prepared by a current tenant on the site which confirms that the site has been used for a range of commercial activities since 1994. The applicant is seeking to establish that a large proportion of the site has been 'developed' for quite some time and therefore significant weight should be given to the status of part of the site as previously developed/brownfield land.

**Design and Access Statement (Prepared by Ian Ritchie Architects, Dated November 2018) – Appendix 1**

This document provides a summary of the proposal, planning application history and outlines the design and architecture merits of the proposal. This document concludes the proposal is considered to be exceptionally high standard and would enhance the character of the site without compromising the character and openness of the locality. The proposal would provide housing and affordable housing with a reduced development footprint. The outdoor space would be re-landscaped and publicly accessible without any harm on the MOL.

**Addendum Transport Assessment (Prepared by Royal Haskoning DHV, Dated March 2018) - Appendix 2**

This Addendum report provide an analysis of site accessibility by non-car modes, local highway network, travel demand arising from the proposal, trip generation 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 2 car club spaces on site.

As result of parking surveys undertaken, the assessment concludes that the surrounding area is subject to commuter parking during the day but there is sufficient parking capacity in the area at night. In any event the proposed provision of onsite car parking meets London Plan standards. The junction capacity modelling

for Worsley Bridge Road/Station Approach/Montana Gardens indicates that the proposal will not have a significant impact.

The applicant considers that the development would not result in a 'severe' transport impact and as such the scheme accords with national transport policy. The provision of parking spaces has regard to the car ownership in the local ward. The travel plan has been prepared in line with TfL guidance and includes an action plan (**Appendix 3**). An outline construction logistics plan has been provided (prepared by West and Partners, dated November 2018) - **Appendix 11**.

**Flood Risk Assessment (prepared by RPS, Dated March 2018) - Appendix 4 (i)**

This report including the Environment Agency's response to the consultation on the last submission (Dated 03th August 2018) has been submitted. The site is designated as Flood Zone 2 (medium probability) and Zone 3 (high probability). The report covers relevant planning policy, existing and proposed drainage, flood risk mitigation, surface water management and sequential test.

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

**Foul Sewerage Drainage Assessment (Prepared by GDM – Dated January 2018) - Appendix 4 (ii)**

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

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

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

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

**Phase 1 Habitat Survey (Prepared by Betts Ecology, Dated February 2017) - Appendix 6**

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

**Geotechnical and Geo-environmental Ground Investigation Report (prepared by Geosphere Environmental Ltd, Dated August 2014) - Appendix 7**

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

**Planning Noise and Vibration Report (Prepared by Cole Jarman, Dated 19<sup>th</sup> March 2018) - Appendix 8**

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

**Air Quality Assessment (Prepared by Air Quality Consultants, Dated March 2018 and January 2017) - 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 – Date March 2018) - Appendix 10 –(i)**

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

In the first stage of the Energy Hierarchy (Be Lean) fabric efficiency measures will reduce regulated CO<sub>2</sub> emissions by 35.28tCO<sub>2</sub>/yr (13.28%) over the Building Regulations compliant figures. As a part of the energy efficiency improvements all practical measures have been implemented to minimise risks of overheating and calculations have shown that the solar gain limits in summer have not been exceeded.

For the second stage of the Energy Hierarchy (Be Clean) and Policy 5.6 of the London Plan 2016 it is proposed that the requirements to reduce CO<sub>2</sub> emissions will be met with the installation of a CHP system and communal heat network for the site. The proposed CHP system, a PowerBox PB70SNG using natural gas, will reduce regulated CO<sub>2</sub> emissions by 96.79tCO<sub>2</sub>/yr (36.42%) over the Be Lean figures. For the third stage of the Energy Hierarchy (Be Green) it is proposed that 89.49kW of PV panels will be installed on the south facing roof which will reduce regulated CO<sub>2</sub> emissions by 57.29tCO<sub>2</sub>/yr (21.56%) over the Be Clean figures.

Overall, regulated CO<sub>2</sub> emissions will be reduced by 189.36tCO<sub>2</sub>/yr (71.26%) after implementing the three stages of the Energy Hierarchy.

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

The proposal has been assessed against the **Home Quality Mark Pre Assessment (prepared by Isambard Environmental, dated march 2018 - 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, Dated November 2018) - Appendix 12 (i)**

This statement indicates that 54 affordable units (36%) and 15 wheelchair units (10%) will be provided. The proposed accommodation would comply with all the necessary policy standards.

**Affordable Housing Statement (Prepared by Tetlow King, Dated November 2018) - Appendix 12 (ii)**

This statement states that a total of 279 affordable homes were delivered in the past 10 years with an average of 47 affordable per annum since 2011. The Council's draft homelessness strategy indicates that the number of people registered as homeless is high (4,093). The affordable housing delivery is 7% in the past 10 years. There is a backlog of over 8,000 affordable homes and this should be addressed in the next 5 years. The draft Homelessness Strategy 2018-2023 states that there are over 4,000 households on the Council's Housing register, requiring 87 years to clear the backlog. The number of households accepted as homeless and in priority need has increased by 25% over the past 5 years. Since 1996, the median house price has increased 450% from £77,000 to £425,000 in 2017 and is not affordable. The local housing allowance does not cover rental cost in the Borough. The provision of housing and affordable housing should be given substantial weight. Nevertheless the proposal would not cause substantial harm to the openness and would contribute to affordable housing need and should be approved.

**Daylight and Sunlight Assessment (Prepared by West and Partners, Dated November 2018) - Appendix 13**

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

**Desk-top Archaeological Assessment (Prepared by Isambard Archaeology, Dated June 2015) - Appendix 14(i)**

The report reviewed and identified the archaeology assets of the site and concluded that the impact on archaeological significance is low. Historic England has considered no further works would be required.

**Archaeological Evaluation (Prepared by Compass Archaeology, Dated May 2017) – Appendix 14(ii)**

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

### **Playing pitch assessment (Prepared by West & Partners) – Appendix 15**

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

### **Landscape Management Plan (Prepared by Ian Ritchie Architects, Dated November 2018) – Appendix 16**

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

### **Outdoor Gym and Playground (Prepared by Ian Ritchie Architects, Dated November 2018) - 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, Dated November 2018) – Appendix 18**

This report has been prepared to address the comments raised by the Appeal Inspector. The report contains details of the design revisions and the Accurate Verified Views taken from 9 viewpoints surrounding the site. The report suggests that the proposal will by virtue of its mass, scale, form and design have an acceptable visual impact on the MOL.

### **Design assessment (Prepared by Paul Finch, OBE, Dated March 2018) – 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)- Appendix 20**

This report states that a high proportion of housing completions in Bromley were allowed at appeal and the actual delivery would have been far less than the identified delivery. This report states that the Council was unable to demonstrate a 5-year supply of housing land at the South Eden Park and Maybrey Works appeals. The Council's housing policy requirement and the 5YHLS is out of date as these documents are based on the adopted London Plan requirement of 641 dwellings per annum (dpa). The draft London Plan requires 1,424dpa and significant weight should

be applied to the shortfall in Bromley Housing Land Supply. The Council's 5YHLS has not been updated since November 2017.

The housing need in Bromley ranges between 1,315dpa (London 2013 SHMA) and 2,635dpa (standard methodology introduced in the NPPF). Based on the current 5YHLS position and the standard methodology, the Council is unable to meet the housing need (equates to 1.3 years based on the standard methodology and 0.9 years on their assessment of supply). The applicant considers that the Council does not have a 5YHLS and there is a significant shortfall in housing land supply in Bromley. The tilted balance in the NPPF should be engaged and very significant weight should be applied to allow this proposal.

The revised NPPF introduces a new housing delivery test and a new definition of a deliverable site. The applicant does not consider that the Council's 5YHLS is in conformity with the definition of "deliverability" in the NPPF. This is due to the time period to implement the consented schemes having lapsed and the small windfall sites relied upon fall outside the scope of the NPPF. The housing land supply figures have been discounted by the application and reduced to 3.8 years or, 1.6 years when applying London SHMA (1,315dpa).

It is argued that the weight to be attached to the draft Bromley Local Plan should be limited as this document seeks to achieve a minimum annual average housing target that is based upon the adopted London Plan which is out of date in housing evidence terms. The report states that the Council has failed to meet the current and emerging draft London Plan requirements for housing and affordable housing. Great weight should therefore be attached to this application as it would contribute to market and affordable housing delivery in Bromley.

### **Economic and Regeneration Benefits Assessment (prepared by NLP, dated November 2018) – Appendix 21A and B**

The report provides an assessment of the economic benefits which would arise from the proposal. The proposal would provide 151 new dwellings providing public accessible and landscaped open space. The following benefits are stated:

- Construction benefits
  - £37.1 million construction value, £56.3 million economic output, 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

## **Metropolitan Open Land (MOL) Assessment (Prepared by NLP – Dated November 2018) – Appendix 22**

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

The report describes the townscape character of the site and its surroundings, with focus upon where the site can be viewed from within the surrounding area and wider borough. The report concludes that the site is a low-quality urban site which differs in character from the remainder of the MOL. The site is not publically accessible, is not well maintained and plays a limited role when viewed from public places.

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

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

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

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

## **Comments from Local Residents and Groups**

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

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

### **Grounds of objections**

#### **Housing**

- The CBRE Residential London Living 2018 document indicates that the average weekly earnings for Bromley are £898 and the average housing price is £451,029. The proposal fails to provide adequate affordable housing for the local people and is targeting overseas property investors for the rental market.
- Unacceptable housing mix as only 5% are family units and less than 1% of these units would be affordable.
- There is a high concentration of single aspect units which also face onto the railway line and the adjacent industrial estate (scrap metal yard and recycling centre).
- Excessive density.
- Since Dylon 1 was completed in April 2018, a number of technical documents were submitted stating the proposal would constitute a special circumstance and questioning whether the Council has a 5 year housing supply. The construction works associated to Dylon 1 are complete and residents have moved in to some of the units. However, there is a 78% vacancy rate in Block A and B (provided as social housing), 40% vacancy rate in Block F, close to full occupation in Block C, D and E, and a 65 % vacancy rate in Block G. Therefore, there are no very special circumstances that can be derived from the development of MOL land and as such this is not acceptable.
- Dylon 1 consists of 223 flats and consent has also been granted for the Maybrey works site located adjacent to the application site. A total of 382 new homes have been added in the area. There is no need for more housing as the existing Dylon works is struggling to sell. The first phase of Dylon 1 was completed in July 2017. With the Government's Help to Buy incentive, a total of 101 flats out of 223 are still available which represents an overall amount of 45%.

#### **Inappropriate development on MOL**

- This is a fifth resubmission for an inappropriate development in MOL land and this is indeed a difficult task to weigh the benefits of housing delivery against the harm to open space. However, the proposal will cause more harm than good. This proposal and the last submission do not sufficiently justify how the development will contribute to the local area or limit the strain placed on the already struggling local infrastructure. The proposed buildings would be four to eight storeys in height comprising of 151 residential units. The scale of the proposal should be clarified as the proposal will have a direct impact on the surrounding areas.

- Whilst the site is under private ownership and does include some unlawful uses, the land is historically and continues to be clearly distinguishable from the built-up area. The site shares a visual connection with the wider MOL and acts as a buffer between the remainder of the MOL and the adjacent railway line and industrial estate. As such, the application site makes an important contribution to the MOL and the appreciation of it from within the surrounding area.
- The visual impact assessment indicates that the proposal would have an adverse visual impact on the surrounding MOL.
- There are inadequate benefits proposed which would be outweighed by the considerable harm caused.
- The existing activities on site are illegal and fire services have been called multiple times as a result of illegal bonfires of plastic waste. The behaviour of current owners of site is not acceptable. The Council has no planning enforcement progress.
- The proposal would be visually detrimental to the existing landscape with its excessive height, massing and footprint.
- There would be a reduction of plant and wildlife habitat including protected species in the vicinity of the former Footzie Sports Pavilion.

## **Flooding**

- Despite a relatively dry year, the car park has been flooding a number of times.
- Dylon 1 is already struggling with the flooding controls on the lower ground floor and the ground floor was flooded.
- The proposed mitigation seeks to replicate the measures proposed in the Bellway application/Maybrey Business Park
- The proposed buildings would require deep foundations in the floodplain. The proposal would exacerbate and substantially increase the flood risk to the wider area which affects the main Hayes to London rail line.
- There are standing waters at Dylon 1 with only light rain.
- Residents in Dylon have been made aware of the adjacent river level rising regularly and the basement level of Dylon Works which is set a distance away from the river has already experienced a considerable degree of flooding despite numerous mitigation measures being implemented as part of the development. This information was hidden at the time residents purchase their flats. There is standing water visible on the open land for several days following light rain. The proposal fails to address climate change and overdevelopment has led to an increased incidence of flooding.
- The mitigation measures used in Dylon 1 are clearly inadequate and this trend is likely to be followed by the Maybrey development. This proposal would result in long term flooding and structural issues for all 3 sites.

## **Design**

- The proposal does not respect the scale or character of the surrounding area and does little to complement the local area. The proposal would not only be much higher than Dylon Works but would be quite different from the majority of houses.
- The proposal would be more suitable to a more densely populated urban centre

- The proposal would create an uneven skyline and would be visible from the nearby areas.
- The proposal would result in the loss of openness.
- The proposed public outdoor area would be unlikely to be used by residents living outside of this proposed development. The proposed layout does not make these new outdoor spaces sufficiently visible from outside of the development.
- The current proposal is largely similar to the last scheme with minor design changes. The proposed amendment does not justify inappropriate development on protected MOL Land.
- A noise survey was carried out in 2014 and this fails to consider a variety of appropriate impacts such as the Sydenham Scrap Metal Yard operating from 07.00am. The report fails to acknowledge the occupation of Dylon Works and Sydenham Scrap Metals located adjacent to the site. The existing occupiers in Dylon 1 suffered noise from the industrial sites (Screwfix, FK Ellis and Sons building and plumbing material, Howdens Joinery (suppliers of kitchens, joinery and hardware) with trucks reversing which increase the noise levels from 7am through to 6/7pm while commercial vehicles enter and leave, loading and unloading.
- Activities in the nearby industrial site start at 5am and this clearly demonstrates that the site is not suitable for residential use.

### **Inadequate infrastructure**

- Inadequate infrastructure in the area in terms of public transport links and networks and local doctor's surgeries.
- A high percent of properties available in Dylon still remain unsold.
- Inadequate train capacities as residents traveling to Lewisham are unable to board the train. Dylon 1 development has already increased the demand for public transport in the area.
- Agreed with the grounds of objection raised by the residents. The proposal including the approved development will place over 600 residents in the area.
- The approved facilities for Dylon 1 such as a crèche/gym and café have not been completed and developers have failed to deliver the required services to meet the need of residents.
- There is no night bus in the area with bus route 352 running only every 20 minutes. The trains that service Lower Sydenham are only 4 per hour. The trains to Charing Cross and Cannon Street are only every 30 minutes. Getting a train from Lower Sydenham at 6.55am is standing room only and the next train leaves Lower Sydenham Station at 7.28 am. This development will cause yet further demand which cannot be accommodated. The existing infrastructure does not meet the current need.

### **Transport**

- Worsley Bridge Road is unable to function during peak hours in the morning. The proposal would increase the traffic problem. A new nursery in Dylon 1 will be open in March and will add strain to the transport network.
- The transport network and the area are not able to cope with another large scale development.

- The construction of Dylon Works has already resulted in an exponential demand on the road, cycle and train network. These impacts will be further compounded by the construction and occupation of the Maybrey Works site. There is already a detrimental effect on cyclists attempting to use the local cycle networks.
- The access to the site is limited, particularly since Maybrey has been closed off for redevelopment. The access roads are narrow and are inadequate for emergency services and construction vehicles. This puts the residents at a significant health, safety and security risk.
- There are vehicles parked on either side of Station Approach as well as on the double yellow lines in front of the Lower Sydenham Station and this reduces the accessibility to the private access road.
- There is only one direct link to the site from the proposed car park, off Station Approach.

### **Security**

- Poor security at Dylon 1 as there have been 3 vandalism and theft incidents.

### **Built environment**

- The existing development has had a detrimental impact on traffic and local amenities which are at breaking point. There is no cumulative assessment regarding to the impact of the consented development. It is inappropriate for built development in Bromley's Green Belt Land.
- There is no demand for more housing and Dylon 1 is not fully occupied. New development should not be built on protected MOL land. London Plan Policy 7.17 states that the strongest protection should be given to MOL and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt.
- The surrounding area consists of low-rise building. The proposal would appear out of keeping

### **Comments from Consultees**

GLA (summary): The proposal does not comply with the London Plan and the draft London Plan. The following should be addressed before the application is referred back to the Mayor:

*Principle of Development:* The proposal is inappropriate development within Metropolitan Open Land (MOL) and very special circumstances have not been demonstrated 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 58% social rent and 42% intermediate. Subject to the applicant exploring grant in line with draft London Plan Policy H6, the scheme would qualify for the Fast Track Route in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG. An early review mechanism must be secured via the Section 106 agreement and details of the proposed rents submitted.

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

*Climate Change:* Further revisions and information including investigating alternatives to CHP, overheating and cooling demand, heat demand and photovoltaic installation are required before the carbon dioxide savings can be verified. Any remaining regulated CO2 emissions must be met through a contribution to the borough's offset fund. Further details on the proposed SUDs system must be submitted and water consumption managed in accordance with London Plan policies.

*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 required in relation to bus stop improvements, travel planning, car club, delivery and servicing and construction logistics, EVCPs and residents' on-street parking permit restrictions.

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

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

Environment Agency (summary): The proposal will only comply with the National Planning Policy Framework requirements provided that a scheme of compensatory floodplain storage works is submitted and approved in writing by the local planning authority. The scheme shall set out the sequence of works to transition from the existing situation to the completed development and finished landscape surface whilst preventing an increased risk of flooding during works. The scheme shall also be carried out in accordance with the Flood Risk Assessment which includes: (1) the provision of level for level floodplain storage compensation and external ground levels; (2) the lower deck car park floor level is set at 24.0 m AOD; (3) Water entry grille thresholds are set no higher than 24.00m AOD; and, (4) The ground floor (access) level is set no lower than 27.0 m AOD and these works are to be implemented in accordance with the submitted details.

Should any contamination not previously identified be found during construction, no further development shall be carried out until a remediation strategy is agreed by the Local Planning Authority. Express written consent from the Local Planning Authority would be required for the infiltration of surface water into the ground. Piling or any

other foundation designs using penetrative methods may result in unacceptable risk to groundwater and shall not be permitted unless details are approved by the Council.

Details of a sustainable drainage scheme, piling or any other foundation design using penetrative methods shall be agreed in writing with the Local Planning Authority. The proposed development has potential to have a detrimental impact on the river due to the increase in public use of the adjacent path to the river. A comprehensive landscape management plan has been submitted. However, the Environment Agency considers additional enhancement to the river, riparian zone and public open space may be possible. Environment Agency can provide guidance on any potential improvements to the submitted design.

Sport England: Sport England objects to the proposal and considers that the proposal would not meet their adopted playing fields policy or NPPF Paragraph 74 as the proposal will result in the loss of the playing field on this site. Whilst the site has not been used for more than 5 years because it is in private ownership, the lack of use should not be seen as an absence of need for playing fields in the locality. The Council does not have an up-to-date Playing Pitch Strategy and Sport England does not consider that the brief assessment provided as part of this planning application (see letter 13th May 2015) adequately demonstrate that Exception 1 of Sport England's playing fields policy has been met. Without a comprehensive borough-wide assessment of the need for playing fields in the catchment (including consideration of cross-boundary issues), it cannot be concluded with certainty that there is no need for the playing fields in this location. The addition of 150 new homes in this location could potentially further exacerbate any existing shortfalls in sports pitch provision.

Other than the proposed outdoor gym, it is unclear what sports provision will be included within the application to meet the needs of the existing and proposed community in this location. The management and maintenance of the proposed outdoor gym and playground would also need to be given further consideration within the planning process. Sport England would like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

Network Rail: The comment below relates to the last submission. No comment had been received at the time of writing this report.

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

No building should be within 2 metres from Network Rail's boundary. Any scaffolding must not over-sail the railway, and protective netting must be installed.

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

A trespass proof fence with a minimum height of 1.8 metres and a vehicle incursion barrier or high kerbs should be installed to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing. Adequate maintenance provision must be made for both parties and no part of such works shall encroach upon Network Rail land.

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

Historic England- Archaeology (summary): No further assessment or conditions are necessary. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

London Borough of Lewisham: The Council has no comments or observations to make in respect of this planning application.

Secure by Design (Summary): To ensure the full benefit of secured by design principles, a secured by design condition should be attached to this application. The proposal could achieve secured by design accreditation. A number of security concerns and areas would need to be addressed and it would be beneficial to liaise with a design out crime officer to ensure a safe and secured environment can be provided.

Thames Water: Waste comment: A positive pumped device (or equivalence reflecting technological advances) should be installed to avoid the risk of back flow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Should there be discharge of ground water to the public network a Groundwater Risk Management Permit would be required from Thames Water. A petrol / oil interceptors should be fitted in all car parks. No objection would be raised if sequential approach is followed for the discharge of surface water drawing. No objection to the waste water network and waste water process infrastructure capacity

Water Comment: No properties shall be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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

Noise: A Noise and Vibration Report prepared by Cole Jarman Associates (Report ref 11/4200/R2) is submitted and no objection is raised. The details of proposed glazing and ventilation and mitigation measures shall be submitted and approved in writing and secured by a planning condition.

The full details of a Construction Management Plan shall be agreed in writing and secured by a planning condition.

Environmental Health Housing (summary): It is reasonable to assume a dwelling with two or more bedrooms would be occupied by a family with children. The majority of these proposed flats would have no view of the communal external recreational space. The only communal living space in the proposed flats would be combined with the kitchen area which is not desirable. Ideally the windows to two or more bedroom properties should not only provide a reasonable outlook and views of open space but they should also allow for the supervision of outside recreation space (to be used by children).

Combined kitchen, dining and living spaces are not desirable due to the risk of accidents associated with areas used for both food preparation and recreation. The window and external door design should include windows with small opening casements or similar. This will avoid conflicts between providing natural ventilation to the room, retaining warmth in the winter and adequate security. External doors are not included when calculating the natural ventilation provision for a room. Unlike an external window an external door cannot be left open to provide natural ventilation without compromising the security of a property. In winter time leaving it open would also allow excessive heat loss. In summer time leaving it closed would prevent natural ventilation which may result in excessive heat gain in the room.

LB Bromley Housing (summary): The revised affordable housing provision and proposed tenure split would comply with the Council's policy. However, more

affordable 3 bed units should be provided and the rent level should be affordable rent and should be secured by a legal agreement.

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

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

Rights of Way Officer: No response was received.

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

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

The following details/provision should be secured by planning conditions:

- H01 (Access), OC03 (Car Parking), AG11 (Refuse), AG12 (Cycle Parking), AG13 (Lighting), OC05 (Servicing facilities), PC17 (Construction Management Plan), AG14 (Travel Plan) and OC10 (removal of rights to apply for a future residents parking permits).

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

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

- A financial contribution (£5,000) to be secured for a period of 7 years to make any changes (e.g. provision of waiting restrictions and possibility of introducing pay and display bays around the site) should parking become a problem after the development is complete.
- A financial contribution (£30,000) is requested by TfL to improve pedestrian accessibility to the local bus stops on Worsley Bridge Road, including changes to the waiting restrictions on the highway, improved signage, creation of step-free access to the bus stops and a new bus shelter to support southbound bus services.

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

### **Legal and Policy Context**

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

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

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

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

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

The Bromley Local Plan was formally adopted on the 16<sup>th</sup> January 2019. The draft London Plan is under examination in public at present. The weight attached to the draft policies increases as the Plan process advances. The 2016 consolidated London Plan remains as part of the adopted development plan.

### **National Planning Policy Framework 2019 (NPPF)**

The NPPF contains a wide range of guidance relevant to the application, specifically sections covering sustainable development, delivering a wide choice of quality

homes, requiring good design, conserving and enhancing the natural environment, decision-taking and implementation.

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives:

**An economic role** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

**A social role** – to support strong, vibrant and healthy communities, by ensuring that sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,

**An environmental role** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 makes it clear that a presumption in favour of sustainable development applies to both plan-making and decision-taking.

For decision-taking, this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or,
- b) where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date [footnote 7], granting permission unless;
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote 6]; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnotes:

6. The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7. This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of

housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

Paragraph 127 states that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Section 13 of the NPPF (paras 133-142) sets out the Government's planning policy for Green Belts. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes (para. 134):

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

Paragraph 136 states that once the Green Belt boundaries are established they should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.

Paragraph 143 to 144 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The construction of new buildings in the Green Belt should be regarded as inappropriate unless the proposal falls within one of the following exceptions:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments;

- extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- limited affordable housing for local community needs under the policies set out in the development plan;
- limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - i. not have a greater impact on the openness of the Green Belt than the existing development; or
  - ii. not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 153 states that in determining planning applications, local planning authorities should expect new development to: 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption'.

Paragraph 155 states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.'

Paragraph 163 states that 'local planning authorities should ensure that flood risk is not increased elsewhere'. Paragraph 165 requires major development to incorporate sustainable drainage systems.

**Relevant London Plan Policies include:**

Policy 1.1 Delivering the strategic vision and objectives for London, without encroaching on London's protected open spaces

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

**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 (2018)
- Affordable Housing and Viability (2016)

The following Planning Documents produced by the Council are relevant:

- 5 Year Housing Land Supply Paper
- Affordable Housing SPD
- Planning Obligations SPD

- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

**Relevant Bromley Local Plan Policies include:**

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

Relevant draft London plan policies should also be considered.

**Planning Application History**

**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 (1<sup>st</sup> Submission) was refused. A subsequent appeal was withdrawn by the applicant.

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8/9/10/11/12 storey building comprising 296 residential units (148 x one bed; 135 x two bed and 13 x three bed units) together with the

construction of an estate road, 222 car parking spaces, 488 cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The grounds of refusal were:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain or provide adequate amenity in terms of noise when windows are open; fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).
4. This site lies within Flood Zone 2 and 3 and meets the requirements for Sequential Test in the NPPF. Despite the ability of the design to mitigate flood risk, the approach taken has significant adverse effects on the quality of the development. As such it has not been demonstrated that an appropriate solution to mitigate potential flood risk can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.12 of the London Plan.

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

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

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

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

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

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

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

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

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

**17/00170/FULL1:** Full application (3<sup>rd</sup> submission) was refused. A subsequent appeal was withdrawn by the applicant, resulting in an order by the Inspectorate that the applicant pay the Council's costs in part.

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

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and insufficient affordable housing provision is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2016) and G2 of the UDP (2006).

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

**18/ 01319/FULL1:** Full application (4<sup>th</sup> submission) is subject to a public inquiry to be held on the 6<sup>th</sup> June 2019. The grounds to contest the appeal 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. In particular, the substantial level of harm that would arise from the development by way of harm to the MOL and visual harm is considered to outweigh any housing land supply or other socio-economic benefits that would arise or the benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2018) and Policies 7.17 of the London Plan (2016), Policy G2 of the UDP (2006) and Policy 50 of the draft Local Plan (2017).

2. This site is considered to be an inappropriate location for tall buildings as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale and massing, number of single aspect units, inadequate outlook and privacy, adverse impact on the landscape and failure to improve or enhance the character of the area amounts to overdevelopment of the site and fails to provide a scheme of outstanding design and architectural merits, contrary to the aims and objectives of the NPPF (2018), Policies H7, BE1 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, draft Local Plan Policies 4, 37, 47, 48, 50, 77, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.

**Relevant history for the adjacent Dylon site includes:**

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

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

**13/01973 and 13/03467:** Applications for detailed permissions were submitted. An appeal was lodged due to non-determination. The appeals were allowed (Dated 16<sup>th</sup> Feb 2015: PIN ref: APP/G5180/A/14/2219910).

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

**14/01752:** Full planning was refused.

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

**15/04692:** A material amendment application was approved.

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

**15/04702:** A material amendment application was approved.

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

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

**Also of relevance is a planning permission relating to the Maybrey Business park Site**

**16/05897:** Full planning was refused and subsequent planning appeal was allowed on 16 July 2018 (Appeal ref: APP/G5180/W/17/3181977) for:

Demolition of existing buildings and comprehensive redevelopment of the site to provide new buildings ranging from five to nine storeys in height comprising 159

residential units (Use Class C3), 1,129sq m commercial floorspace (Use Class B1a-c), residents gym (Use Class D2) together with associated car and cycle parking, landscaping and infrastructure works.

## **Considerations**

The main issues to be considered are:

- Land Use
- Meeting the MOL designation criteria;
- Housing Need and Supply;
- Density;
- Design
  - Appropriateness of tall buildings
  - Impact on landscape
  - Design quality
- Trees and Ecology;
- Housing Issues:
  - Housing mix and tenure
  - Standard of accommodation
  - Outlook and privacy
  - Wheelchair Standard
  - Play space
- Highways and Traffic Issues;
  - Parking spaces and car club
  - Bicycles;
  - Trip generation;
  - Access
- Impact on neighbouring properties;
- Sustainability and Energy;
- Flood Risk; and,
- Planning Obligations.

## Land Use

The Development Plan consists of the Bromley Local Plan (2019) and London Plan (2016).

The site is designated as Metropolitan Open Land (MOL) and forms part of the South London Green Chain in the Bromley Local Plan (2019). The applicant considers that the Green Belt Policies in the revised 2019 NPPF are not applicable to assess this application. The list of specified policies in footnote 6 of the revised NPPF does not refer to Metropolitan Open Land policies specifically, only Green Belt policies. Alternatively, the applicant considers that para 145(g) of the NPPF applies as the proposal would not cause substantial harm to the MOL and the proposal would provide affordable housing on previously developed land to meet the housing needs of Bromley.

Metropolitan Open Land is a local designation which relies on the London Plan and the Local Plan for its association with Green Belt policies. The fact that footnote 6 of the 2019 NPPF refers only to Green Belt policies, and not MOL policies specifically, is not surprising given that the NPPF is a national policy document and MOL is a local designation. The important point is that the MOL designation remains part of the adopted development plan. This means that, even if paragraph 11(d) of the NPPF is triggered because important policies are deemed to be out-of-date (which the Council does not accept in any event), any conflict with local MOL policy will still be highly relevant when carrying out the tilted balance when applying the NPPF paragraph 11(d)(ii) (even if paragraph 11(d)(i) is not engaged).

This approach is consistent with the 2016 appeal. Paragraph 35 states *“whether or not MOL is a specific policy in terms of footnote 9, it remains part of the adopted development plan through the up-to-date Local Plan, and triggers the need to identify very special circumstances if planning permission is to be granted”*. This approach is also supported by the Greater London Authority (Stage 1 report Paragraph 30) which states that *“Green Belt Policy as continued within the NPPF should be applied equally to MOL”*

As part of the development plans, London Plan Policy 7.17A states *“The Mayor of London strongly supports its protection from development having an adverse impact on the openness of MOL”*. Policy 7.17B states *“The strongest protection should be given to London MOL and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt”*. It should be noted that this approach is being carried forward in the draft London Plan Policy G3 which states *“The principles of national Green Belt policy also apply to MOL”*. This approach is also consistent with the Bromley Local Plan Policy 50 which states *“MOL will be given the same level of protection as Green Belt. The exceptions to inappropriate development are consistent with Green Belt policy and permission will not be given for inappropriate development except in very special circumstances”*.

NPPF paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. This is in line with Bromley Local Plan Policy 49. Exceptions to this include paragraph 145(g) which states: limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or,
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The applicant submits that this exception applies in this case as the proposal would not cause any actual harm to the MOL. This is demonstrably incorrect. This proposal would introduce new buildings of substantial scale and massing on MOL land. It is clear that these buildings would have a much greater impact on the openness of the MOL than the site as it exists currently, causing substantial harm to the openness of

the MOL. The harm which would arise by reason of this inappropriateness should be given substantial weight. Whilst the proposal would contribute to the Council's housing supply and delivery including affordable housing, very limited weight should be given to this as the housing need can be met by development outside Green Belt or MOL land as identified in the up to date development plans. The adopted development plans including the Bromley Local Plan and updated 5 YHLS document were published in 2019.

#### Meeting the MOL designation criteria

In line with Bromley Local Plan Policy 54, the Council seeks to protect land within the Green Chain 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 considers that the site does not meet the MOL designation criteria or purpose when measured against the four criteria set out in the London Plan. Officers would point out that these policy tests were used when considering whether to designate land as MOL when the Local Plan was being prepared. The applicant has asserted that the site does not satisfy the MOL designation as 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 considers that it fails to meet MOL policy requirements.

Bromley Council is an outer London Borough with clusters Green Belt/MOL Land of various size and shape dispersed across the Borough. Officers consider that the site does meet the criteria in London Plan Policy 7.17 which states that, to designate land as MOL, it must meet at least one of the following criteria:

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

The site is clearly distinguishable from the built up area to the north and west of the site, in particular when viewed from the neighbouring roads. The existing pavilions on site are low-level which reflect the wider landscape of MOL. The site also forms part of the Green Chain. As such, it is considered that the applicant has misapplied the policy above. This view is supported by the Appeal Inspector who dismissed the second proposal for the site. Paragraph 37 of the inspector's decision (*Appeal ref:*

APP/G5180/W/16/3144248) states “the site nonetheless makes a contribution to the larger open area through the fact of its designation and, as with land in Green Belt, the extent of visibility of the site does not necessarily reduce the impact of the contribution that it makes. It is ‘openness’ that is the critical fact, with visual impact being judged under different criteria”.

The above view is supported by the Greater London Authority. The planning application process is not the forum in which to challenge the designation of MOL (GLA Stage 1 report Paragraph 33).

The Council’s Local Plan including the Council’s 5YHLS document is up to date. The Council’s Local Plan was adopted in January 2019 and there was no requirement to carry out a further review or release further land for housing purposes at present. This view was supported by the Planning Inspectorate. Paragraph 84 of the Planning Inspector’s Local Plan Report states: *“concerns that further Green Belt, MOL or [Urban Open Space] should have been released to meet housing need are in themselves not justified, given the amount of housing provided. The Plan already provides for more than the minimum housing requirement and in the light of the London Plan’s protection for the Green Belt, the exceptional circumstances do not exist for further deletion to provide more housing”*.

Paragraph 136 of the NPPF 2019 states “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”. As such, there are no overriding reasons to release MOL land.

The applicant has sought to make a case for very special circumstances through the submission of their document titled ‘MOL Assessment’ (the details of which have been set out above). Very special circumstances are stated by the applicant to apply because:

- The applicant contends that Bromley does not have a 5-year housing land supply and the proposal would meet the Council’s 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 Policy 7.17 for designating MOL and is of poor landscape character and visual amenity. The proposal would improve the condition of MOL by providing a publicly accessible open space including biodiversity improvement. The proposed open space would meet MOL criteria.
- The site is located close to Lower Sydenham Railway Station, industrial estate and nearby commercial retail park.
- The benefits of the proposed development are considered by the applicant to outweigh the loss to MOL because of the carefully considered, exemplary and quality design of the proposed development and the improvements to the existing MOL land by making it publicly accessible.

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

The Dylon factory site and Maybrey Works site were designated as employment land and were occupied by large industrial buildings. The relevant policies to assess the planning merits of residential development outside MOL are significantly different from other development within MOL.

Officers consider that this site is separate from the built-up development to the north and despite being physically separated from the remaining open space by the river and planting along the boundaries, the site does form part of the wider MOL to the south and east and is an important buffer between built form and open landscape. Given that there is on-going major development at the former industrial sites to the north (Dylon and Maybrey Works), the need to ensure that there is no further encroachment of development onto MOL is even greater.

At the present time the site is not open to public use, has been allowed to fall into a poor condition and is being used for a range of different uses which include ad-hoc storage, a builder's compound and parking areas. The site is not connected to water or electricity supply since the alcohol licence was surrendered to the Council in 2005. The Council's Planning Investigation Team is currently investigating the range of uses taking place on the site.

The applicant is of the view that openness on this site has already been compromised due to the low level development on the site and the new developments at the Dylon Works and Maybrey Works. As a result, it is said that the site now has limited openness and the proposed buildings will not result in any actual harm to the openness of the land or have a materially visual impact.

Officers do not accept this. Over 58 percent of the site measuring 10,804sq.m is covered by vegetation and remains free from any built form at ground floor level.

The applicant contends that the proposal would be located on a previously developed land as the site is already largely covered by hardstanding. It is said that the proposal would result in an overall reduction of hardstanding on site. Officers do not accept that the extent of hardstanding currently on the site is the lawful baseline against which to assess the proposal. The aerial photos reveal that the green open space within the site has been extensively eroded in the past 10 years with increased ad-hoc and unauthorised uses/activities.

The latest and most visible loss of green open space is the hardstanding area associated with the Dylon construction works and storage purposes. The Dylon construction works has completed. However, the hardstanding area remains at the site and becoming part of the "previously developed land" suggested by the applicant.

Irrespective of the above, the applicant has indicated that the proposal would result in a reduction of "previously developed land" and an increase in green space across the site when compared with the existing site and previous schemes. It should be noted this is primarily due to the removal of surface level parking, reduced area of access road, adjustment of private amenity area and inclusion of the soft landscaping area at the podium level. The footprint of the proposed buildings would still be substantially increased from 833 sqm to 2,921sq.m. The proposed buildings would be over 25

metres in height and would encroach upon the MOL land. The existing unauthorised structures are low level with a limited effect outside of the site, whereas the proposed development would be of a far greater scale in terms of height, volume and footprint. The proposal would substantially increase the built development within the site and clearly cause significant harm to openness. In addition, there would be the visual impact of a building designed to accommodate 19,857sq.m of new residential floor area. The proposed development would cause substantial harm to the openness of the MOL.

The proposed North Block would measure 26 metres in height (8 storeys), 64 metres in length, and between 21.5 metres and 33.5 metres in width. The proposed South Block would measure 16.4 metres in height (5 storeys), 48.8 metres in length, and be between 22 metres and 37 metres in width. The combined length of the proposal is 127.6 metres as the building would be linked by a 5 metre high raised podium visible from the Worsley Bridge Road and Copers Cope Road. The scale and massing of the proposed buildings remains substantial when compared with the existing lower level buildings within the site and the low level buildings along Copers Cope Road.

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

In the applicant's Planning, Design and Access Statement and Affordable Housing Statement they describe the proposal as enhancing the urban character of the area, optimising the potential of the site to provide much-needed residential accommodation. This site is not a development site and it is not appropriate to consider its development potential in the same way as the adjacent former industrial site. The site is protected MOL with its purpose being to prevent urban sprawl by keeping land permanently open. Sites such as this play an important role in the built-up areas of London by providing a break in built form and maintaining areas of openness which provide relief between urban and suburban development. Seeking to optimise development on a site such as this is a direct contradiction of its purpose which is to protect openness.

As part of the application, the developer proposes to landscape and make the eastern part of the existing MOL space publicly accessible, retaining and enhancing the open space and landscape features on the eastern side adjacent to the Pool River, improving its recreational value and enhancing biodiversity. As expressed in Policy 7.17, the Mayor is keen to see improvements in the quality and accessibility of MOL and Green Chains, and the benefits set out above are therefore supported and welcomed. However, these could be achieved without the scale of inappropriate

development proposed and would in most cases be a policy requirement of any development. It should be noted that the Inspector in the 2016 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, the proposal is by definition inappropriate development which is harmful to the MOL 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 MOL. Very special circumstances will not exist unless the potential harm to the MOL by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The circumstances relied upon by the applicant do not come close to having the quality of “very special” circumstances that would clearly outweigh the harm caused to the MOL by reason of inappropriateness and the visual harm caused.

### **Housing Need and Supply**

The inspector’s report following the Examination of the Bromley Local Plan was published on 11<sup>th</sup> December 2018. This report approved the Council’s policies on housing and affordable housing, with the modifications considered to be sound. The Bromley Local Plan was adopted on the 16<sup>th</sup> January 2019 and the 2017 5 Year Housing Land Supply document formed part of the Local Plan. In line with the NPPF, an updated 5 Year Housing Land Supply document was published on 4<sup>th</sup> April 2019. The Council does have an up-to-date Local Plan and a 5-year housing land supply and these documents were subject to robust examination by the Planning Inspectorate for the Secretary of State.

The NPPF (para. 73) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The housing supply should include a 5% buffer to ensure choice and competition in the market for land.

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

In London, the assessment of housing need, housing supply and its distribution to Borough level is a strategic London Plan function. The relevant needs assessment is carried out for the London Housing Market Area.

The current five year supply requirement is derived from the current London Plan (published in March 2016 under Policy 3.3 and Table 3.1) which sets a 10 year housing target for the Borough of 6,413 dwellings (6,730 dwellings including 5% buffer) between the plan period of 2015 to 2025. This equates to a minimum annual target of 641 dwellings per annum (673 dwellings including 5% buffer). This target includes additional homes provided by development and redevelopment of residential and non-residential properties, vacant properties brought back into use, prior approval for change of use and non-self-contained accommodation (such as homes for older people, students and homes for multiple occupation).

Table 4 of the Council's 5YHLS (2019) indicates that the Council has a deliverable supply of 3,752 dwellings compared with a target of 3205, equivalent to 5.8 years supply, or compared with a target including a 5% buffer of 3365 units, equivalent to 5.6 years supply. As such, the Council does have an up-to-date five years' worth of housing supply to meet the housing need in the Borough.

The identified sites in the updated 5YHLS (April 2019) are considered to be deliverable. Moreover, 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 had a net completion rate of 980 units between 2016/2017 which represents a 53% over-provision. There was also an overprovision of 19% between 2015/2016. Officers note that net housing completion rate including affordable housing can fluctuate due to a number of factors such as the economic and political climate. The AMR report together with the planned and updated 5 Year Housing Supply Paper does indicate that the Council has achieved and delivered the required housing target and has capacity to meet the London Mayor's policy requirements.

A number of large scale major housing developments or community-led housing developments have been granted with permission or with a resolution to grant planning permission, subject to the completion of a legal agreement, in the past 6 months. In November 2018, a resolution was granted for a housing development to provide 280 residential units at the Glaxo site. Reserved matters at the South Eden Park site to provide 105 residential units have also been approved in April 2019. These are updated in the Council's 5YHLS. Overall, the Council's housing land supply and delivery remains positive to meet the housing need in the Borough.

With regard to the draft London Plan proposing an increase in the housing target from 641 to 1,440 dwellings per annum, this document is subject to examination in public and modification. It is anticipated that the examination in public will be finished in the summer/autumn of 2019. Subject to any modifications, the new London Plan may be published in the following year. For planning decisions, limited weight can be given to this document at this stage. 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*". For plan making and monitoring purposes, the Council's planning policy and plan are updated on a regular basis in response to any changes to policy requirements.

The applicant believes that the proposal would improve the Council's housing delivery record and contribute towards its housing targets, especially in the context of the housing target in the draft London Plan. However, the London Plan housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA) which does not depend on housing development on MOL land.

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 the *“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. In this context of this application, housing need is therefore not considered to constitute Very Special Circumstances. [...] Para 35 of the Inspector's report to the revised Local Plan EiP found that the Local Plan already provides for more than the minimum housing requirement and very special circumstances do not exist for further deletions to the Green Belt, MOL or USO to provide more housing. [...] Linked to the need for housing, the applicant asserts that the provision of 36% 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 GLA officers are of the view that the harm would not outweigh the benefits of the scheme in relation to the housing supply and improved landscape”*.

Based on the plan-led planning system with the up to date 5 YHLS and Local Plan, officers consider 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 including affordable housing for the Borough cannot be accepted to override the harm to MOL for the purpose of Bromley 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. Whilst the proposed landscape works and provision of a public accessible space is welcome, it is not considered a very special circumstance by itself as these improvements can be delivered without the construction of two tall buildings. The socio-economic benefits and merits derived from this of the proposal could also be delivered without building on MOL.

As very special circumstances cannot be demonstrated, the principle of the development on this area of MOL is unacceptable.

### Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) suggests residential density ranges related to a site's setting and public

transport accessibility (PTAL). The suggested density range for this site with a PTAL rating of 2 is between 150-250 hr/ha or 50-95 u/ha.

The proposed density would be 214 habitable rooms/ha or 81 units/ha and would therefore comply with the London Plan Policy. However, paragraph 3.28 of the London Plan states: *“a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically”*.

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

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

Officers disagree with this as the application site does not form part of designated business and industrial land. Unlike the Dylon site, the application site is in the MOL and the principle of redeveloping it for residential use is unacceptable. This fundamental distinction between the Dylon site and the application site cannot be set aside.

In any event, officers do not consider that the site could successfully accommodate the density of development proposed given its sustainability credentials. The nearest primary school and local shops are approximately a ten minute walk from the site. GPs surgeries are a 17 min walk away. The only facilities near the site are sports fields and gyms. Whilst the Dylon development includes some commercial units and the development has commenced, there is no guarantee that the commercial uses will be delivered and provide a local service.

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 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 and there are records for the licences 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 on this basis. 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.

The London Plan reinforces the principles of the NPPF setting out a clear rationale for high quality design. Bromley Local Plan Policies 1 and 4 sets out the requirements which proposals will be expected to meet. The criteria are clearly aligned with the principles of the NPPF as set out above.

The Appeal Inspector said this about the design of the previous appeal proposal:

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

*Nevertheless, I am not persuaded that the relationship with the Dylon 1 site is the most important in this situation. That site is not within MOL and whilst its character is*

*a factor that must now be taken into consideration in the design of any development on the appeal site, the proposed new block would, I consider, be of an overly dominant height when seen against the relatively small scale development on, and open nature of, other surrounding land.*

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

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

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

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

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

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

It is necessary to assess whether the current scheme sufficiently deals with these comments. The key elements of the design are assessed below.

a) Appropriateness of tall buildings

Bromley Policy 47 states proposal for tall buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout enhances the character of the surrounding area. Tall and large buildings will need to be of the highest architectural design quality and materials and be appropriate to their local location and historic context, including strategic views. Proposals for tall buildings will be required to follow the current Historic England Guidance.

There is a mixture of built character surrounding the site and it varies from 2 storey suburban dwellings to industrial sheds. The Dylon development and Maybrey Works development currently under construction will introduce a new urban form between 5 and 8 storeys, but the general grain of development in the area is largely determined by the open character of the MOL of which the site forms part. Despite being reduced in height from the previous proposal, the current scheme at 4 to 9 storeys (including basement level) would be still be completely at odds with this context.

The proposed scheme would introduce two tall and large building blocks linked by a raised podium over 5 metres in height. The proposed north block would measure 26 metres in height (8 storeys) with a maximum length of 64 metres and width of 35 metres on MOL land. The proposed south block would measure 35 metres in width and 29 metres in length. Officers note that there is no quantitative definition of tall buildings in the development plan. What might be considered a tall building could vary according to the nature of its local area. The scale and volume of the proposal is significant and is considered to be a tall and large building in the context of its location, site designation and relationship with its surrounding area and MOL.

It is noted that the Dylon factory redevelopment is largely completed and planning permission was allowed on appeal for the redevelopment of the Maybrey Business Park site in July 2018. These developments are not considered to be the benchmark height for new development or represent the general building height of the area. These developments were assessed and determined on their merits, based on the relevant planning policies and development plan. It should be noted that the former Dylon and Maybrey Business Park sites are designated as Business Area land and are not located within MOL land.

As noted by the Appeal Inspector for the previous scheme, beyond the Dylon site the remaining surrounding development is a mixture that includes industrial and commercial development, generally at no more than 2 storeys high. The proposal would comprise of 9 floors (including basement) and would significantly exceed the general height of the buildings in the area.

Delivering a tall building in this location is completely contrary to planning policies within the Bromley Local Plan and London Plan. The proposed building height does not reflect the prevailing building height in the wider area and the character of the

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

The design of the proposed buildings does not represent the highest quality. This is due to the stepping of building heights, use of external materials and inconsistent window sizes and alignment of the top floor windows in Cores 2, 3 and 6. The proposed buildings, including the top floors of the proposed buildings would be visible from a number of vantage points including Worsley Bridge Road, across the sports ground to the east.

The use of external materials in combination with the variation in the heights of parts of the building would give the appearance of a broken wall when viewed from the road. The updated floor plan along with the projecting angled windows and balconies would appear odd and present a clumsy appearance. The metal grilles associated with the basement car park would be partially exposed above the ground level. It is noted that this is designed to address flooding. However, this does not provide an attractive appearance for the future occupiers or future visitors using the open area. As such, it is considered that the architectural design of the proposed building does not reach the highest standards.

The visual images submitted show that the tall development would still be visible from a number of surrounding viewpoints. Whilst the proposed blocks would be lower than the Dylon development and the adjacent Maybrey redevelopment, they would still obstruct views into and through the site as shown in the images taken from the adjacent railway line, Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low level development surrounding it. The applicant suggests that the proposal would be highly obscured by the neighbouring development. However, the elevation plans including the newly completed and allowed developments clearly indicates that the proposal would represent an extension of a series of tower blocks on the neighbouring land and substantially encroach onto the openness of the MOL.

Paragraph 59 of the GLA Stage 1 report states that *“the massing is still visually prominent when viewed from the main expanse of MOL to the south-east of the site and the scale of the development would alter the quality of openness of this part of the MOL. Although GLA officers acknowledge that this has been reduced and the view from the railway line improved on from previous application, in the context of the*

*MOL the revised form and massing strategy still raise concern due to its mass and its relationship to surrounding open land*". Officers agree with this analysis and conclude that the introduction of a tall building would be inappropriate for this site, contrary to the above policies.

In conclusion a tall building is considered to be entirely inappropriate for this location contrary to Policy 7.7 of the London Plan and Policy 47 of the Bromley Local Plan.

#### b) Impact on the Landscape

Bromley Policy 48 states that "Development that may impact on the skyline will need to demonstrate how they will protect or enhance the quality of the important local views, or views of landmarks or major skyline ridges, as identified between paragraphs 5.1.22 and 5.1.24". This development sits within a local 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.

Bromley Local Plan Policy 54 states that new development should respect and not harm the character or function of the Green Chain.

When considering the previous proposals, officers were of the view that the mass and scale of the proposed buildings would severely impact the open character of the site and adversely affect the setting and character of the MOL and Green Chain. The siting and overall massing of the proposal remains broadly the same as the last scheme.

The existing trees along the railway line are mature trees and are visible on Kangley Bridge Road, beyond the railway line. As part of this proposal, a number of existing mature trees would be removed. Despite planted screening proposed around the western and south-eastern borders of the site, the building would be highly visible and would block existing open views. Despite the design amendments, the current proposal still gives rise to the same concerns.

Paragraph 170 of the NPPF states that the planning system must protect and enhance the natural environment. This is repeated in policy 77 of the Bromley Local Plan which states that the Council will seek to safeguard the quality and character of the local landscape. Despite the reduced scale and mass of the current proposal, officers still consider that the open nature of the surrounding landscape would be severely impacted by the development.

In conclusion the proposal is considered to be entirely inappropriate for this location due to the significant adverse impact on the landscape contrary to Bromley Local Plan Policies 47, 48 and 77 and Paragraph 7 of the NPPF.

#### c) Design Quality

There is a strong emphasis in development plan policies and national and local planning guidance on delivering good design. Paragraph 124 of the NPPF states that

the creation of high-quality buildings and places is fundamental in planning. Bromley Local Plan Policies 4 and 37 requires new housing to achieve a high standard of design and layout and respect local character. The Residential Design SPG is very clear in stating that the appearance of the proposed development and its relationship with its surroundings are both material considerations in determining planning applications.

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

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

Although officers previously raised concerns about the podium design proposed in previous applications, the Appeal Inspector did not object to this approach, nor did she object to the detailed design of the elevational treatment. This application has been considered with that in mind.

The entrance cores at street level together with the landscaped access point between the blocks are welcomed. However, the massing is still visually dominant when viewed from the main expanse of MOL to the south-east of the site. The scale of development would significantly alter the quality of openness of this part of the MOL and although officers acknowledge that this has been reduced, it would still cause a substantial amount of overshadowing, reducing the usability of the open space particularly during late afternoon/evening in the summer months.

Whilst the distance between the proposed blocks would be increased and the height of buildings would be reduced, the proposed buildings would obscure and interrupt the views of the MOL from the railway line. Due to the scale and massing of the proposed buildings, it is considered that the proposal would continue to diminish the openness and permanence of MOL. The proposed new buildings are not considered to be appropriate for this protected site and the harm that would arise would not be overcome by the quality of the architecture or materials palette or the improvements made in respect of access.

In conclusion it is not considered that the proposal is of an appropriate design for this site, despite the reduction in height overall, modulated roof form and the provision of

a greater distance between the proposed building blocks. 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

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

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

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

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

### Housing Issues

At regional level, the 2016 London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure, supported by effective and attractive design, adequate infrastructure and an enhanced environment. Bromley Local Plan Policy 4 outlines the Council's criteria for all new housing developments. The policy seeks the provision of a mix of housing types and sizes.

Bromley Local Plan Policy 2 Provision of Affordable Housing specifies that "In negotiating the amount of affordable housing on each site, the Council will seek 35% affordable housing to be provide and achieving a split of 60% social-rented / affordable rented housing and 40% intermediate provision. Where an applicant proposes a level below the 35% or the tenure mix is not policy compliant the Council will require evidence within a Financial Viability Appraisal that will be independently assessed".

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

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

*a) Housing Mix and Tenure*

The proposal would provide the following residential development

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>
<b>Private/Market</b>	44	46	7	97
<b>Social Rent</b>	14	17	1	32
<b>Intermediate</b>	5	17	0	22
<b>Total</b>	63	80	8	151

The proposed housing mix equates to 42% one beds, 53% 2 beds and 5% three beds. This is a similar breakdown to the historic applications with a higher provision of 1 and 2 bed units. The Council’s development plan policies do not specify a detailed breakdown of unit sizes and on balance it is not considered that an objection on the grounds of low provision of family housing could be sustained in this instance.

The proposal would provide 36 % affordable housing by habitable rooms (144 out of 398 habitable rooms) with a tenure split of 59% social rent and 41% intermediate unit. Whilst the proposal tenure would not quite match the required 60% rented and 40% intermediate split, no objection is raised given that the difference is marginal.

In the stage 1 response the GLA has advised that the applicant should explore grant funding to maximise the level of affordable housing provision and that the proposal should also subject to an early stage review mechanism.

Based on the updated affordable tenure split, the proposal would comply with Policy 2 of Bromley Local Plan and Policy 3.11 of the London Plan (2016).

*b) Standard of Residential Accommodation*

Bromley Local Plan Policy 4 and Residential Standards SPD sets out the requirements for new residential development. The London Mayor’s Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

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

1bed 2person units 50 sqm,  
2b 3person units 61sqm  
2b 4 person units 70 sqm  
3b 4 person units 74 sqm  
3b 5 person units 86 sqm

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

The applicant has stated that the proposal would comply with Standard 29 of the London Mayor's Housing SPD which requires the number of single aspect units to be minimised. However, the number of single aspect units remains high with a total of 58 single aspect units of which 20 units would be facing the railway line. These units would have less opportunity for cross-ventilation, restricted views with no views across the proposed open space and face the noisier site surroundings. The inclusion of winter gardens on the west-facing units does overcome previous concerns relating to noise from the railway to some extent. However, the number of single aspect units still raises a significant concern. It should be noted that the use of an angled window or balconies would not be counted towards dual aspect. Officers consider the high proportion of single aspect units to be symptomatic of the fact that the proposed design and layout would result in an over-intensive development. It is clear that increasing the quantum of development has been prioritised over the standard of accommodation.

It is noted that the GLA has not raised an objection to the standard of accommodation. Nevertheless it is considered that the single aspect design is another indicator that the scale and layout of the proposed buildings would not be acceptable for this site.

#### c) Outlook and privacy

Concerns relating to privacy and outlook between the proposed units were raised in the last submission. The internal floor plan in Core 3 has been updated and there are some rearrangements within the proposed building which addresses the overlooking and privacy issues between the proposed units in the North Block.

Curtain walls would be installed next to the bedroom windows and doors. Whilst the use of curtain walling would increase the availability of light for the bedrooms when compared with the last scheme, the design and layout of the proposed buildings would result in a cramped and irregular floor plan with windows and balconies projecting at different angles and directions. The zig-zag walls and projecting balconies would not change the status of the single aspect units. As such, the proportion of single aspect units would remain very high for a housing development of

this size. The applicant has failed to demonstrate that a good quality internal living environment can be provided for the future occupiers.

#### d) Wheelchair Standard

London Plan Policies 3.8 and 7.2 requires ninety percent of new housing to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing to meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This is supported by draft Local Plan 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 issue could be clarified with the applicant.

#### e) Playspace

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

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

#### Highways and Traffic Issues

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

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

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

### *Parking spaces and Car Club spaces*

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

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

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

### *Cycle storage*

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

### *Trip generation*

In terms of unit numbers the proposed development is same as the last scheme (ref: 18/01319/FULL), and therefore the site's trip generation will be lower than for the site's previous planning submissions.

The Council's Highway Officer considered the travel demand for the proposed development, based on the trip generation rates that have been agreed with the

Council in relation to the site's previous planning submissions. These rates are based on data contained in the TRAVL database.

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

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

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

### Access

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

Vehicle tracking for the Site's turning head and basement car park are provided and is satisfactory. The proposed access to the Site's basement car park is broadly consistent with that proposed in the previous schemes (ref: numbers 15/00701/FULL1, 15/04759/FULL1, 17/00170/FULL1 and 18/01319/FULL1).

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

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

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

With regard to the impact on public transport infrastructure, rail transport in south east London is dominated by the National Rail service operated on the South-eastern franchise area covering termini at London Bridge, Cannon Street, Charing Cross and

Victoria. Network Rail was consulted and no objection was raised to this proposed development. Given that the proposal would be limited to 151 units, it is not considered that it would have a significant impact on existing public transport capacity.

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

#### Impact on neighbouring amenity

Bromley 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 west and MOL to the east and south. The closest residential properties are the nearly completed residential blocks located to the north of the site. Whilst the proposed development would be visible from the neighbouring windows, the North Block would be located 13 metres from the neighbouring residential properties and would be sited at an angle. Due to this distance and its relationship with the neighbouring properties, the proposed development would not have a significant impact on residential amenities in terms of loss of outlook and loss of privacy.

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

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

It is recognised that during construction of the development there could be a significant amount of noise and disturbance from construction-related activity including vehicular traffic. Construction-related noise and activity cannot be avoided when implementing a development of this nature and scale. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Logistics Plan (CLP), dust prevention measures and control of

construction hours. If this application were considered to be acceptable in all other respects relevant conditions could be used to limit the adverse impacts of construction.

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

### Sustainability and Energy

The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayor's energy hierarchy adopting lean, clean, green principles.

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

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

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

Through the building fabric efficiency measures, the development is estimated to achieve a reduction of 35 tonnes per annum (13%) in regulated CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 (CO<sub>2</sub>) emissions after each stage of the energy hierarchy and the CO<sub>2</sub> emission reductions at each stage of the energy hierarchy for the domestic buildings.

Table: CO<sub>2</sub> emission reductions from application of the energy hierarchy

	<b>Total residual regulated CO<sub>2</sub> emissions</b> <b>(tonnes per annum)</b>	<b>Regulated CO<sub>2</sub> emissions reductions</b>	
		<b>(tonnes per annum)</b>	<b>(per cent)</b>
Baseline i.e. 2013 Building Regulations	266		
Energy Efficiency	230	35	13%
CHP	134	97	36%
Renewable energy	76	57	22%
<b>Total</b>		<b>189</b>	<b>71%</b>

An on-site reduction of 189 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic buildings, equivalent to an overall saving of 71%. The carbon dioxide savings exceed the on-site target set within Policy 5.2 of the London Plan. However the comments above should be addressed before the savings can be verified and the final offsetting amount can be agreed.

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

### Flood Risk

Paragraph 155 of the NPPF states that areas of highest flood risk should be avoided. London Plan Policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated Technical Guidance. Developments that are required to pass the exceptions test will need to address flood- resilient design and emergency planning.

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

A flood risk assessment has been provided confirming the existing and proposed spot heights of the open space, undercroft car park and ground level. The existing ground level is varied across the site ranging between 23.86 AOD and 26.2 AOD. The proposals to mitigate flood risk on site remain unchanged when compared with the last scheme, which include:

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

The Environment Agency and the Council's Drainage Officer have been consulted on the updated details provided and they have advised that the proposal would meet the NPPF requirements provided that the following are secured by planning conditions: a scheme of compensatory floodplain storage works; measures detailed within the Flood Risk Assessment (March 2018); the reporting of unexpected contamination; details of sustainable drainage schemes; piling and foundation design.

#### Other Considerations

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

#### Planning Obligations

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

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

Regulation 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory footing. Since 5 April 2015, it has been necessary to link education, health and similar contributions to specific projects in the Borough to ensure that pooling regulations are complied with.

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

- Education (£379,942.51);
- Health (£195,998);
- 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 and membership;
- Removal of future right to apply for parking permit; and,
- Highways contributions to address Bromley and TfL requirements.

#### Environmental Impact Assessment

The Council issued a Screening Opinion on 17 April 2019 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

#### Summary

The proposed development of the site raises issues concerning the principle of developing the MOL for a residential purpose and the acceptability of the development in terms of its nature and scale and its impact on the local environment and surrounding area. The benefits of the proposal have been carefully weighed against the harm identified.

As discussed above, the proposal would result, by definition, in inappropriate development on the MOL and would cause additional harm. Officers have considered the very special circumstances put forward by the applicant.

On balance, officers do not consider that the potential harm to the MOL by reason of inappropriateness and other harm due to overdevelopment, deficient design and high proportion of single aspect units are clearly outweighed by the benefits of the development set out above. There is also a five year housing supply in the area. Accordingly, 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 the development plan policies which seek to protect MOL.

In addition, there are fundamental issues in terms of the amount, scale and detailed design of the proposal that would seriously threaten the character, placemaking and functionality of the area as well as give rise to a poor standard of amenity for future residents. Irrespective of the MOL designation, these matters would justify a refusal

of permission, but in combination with the harm to the MOL, the case for refusing this application is considered to be overwhelming.

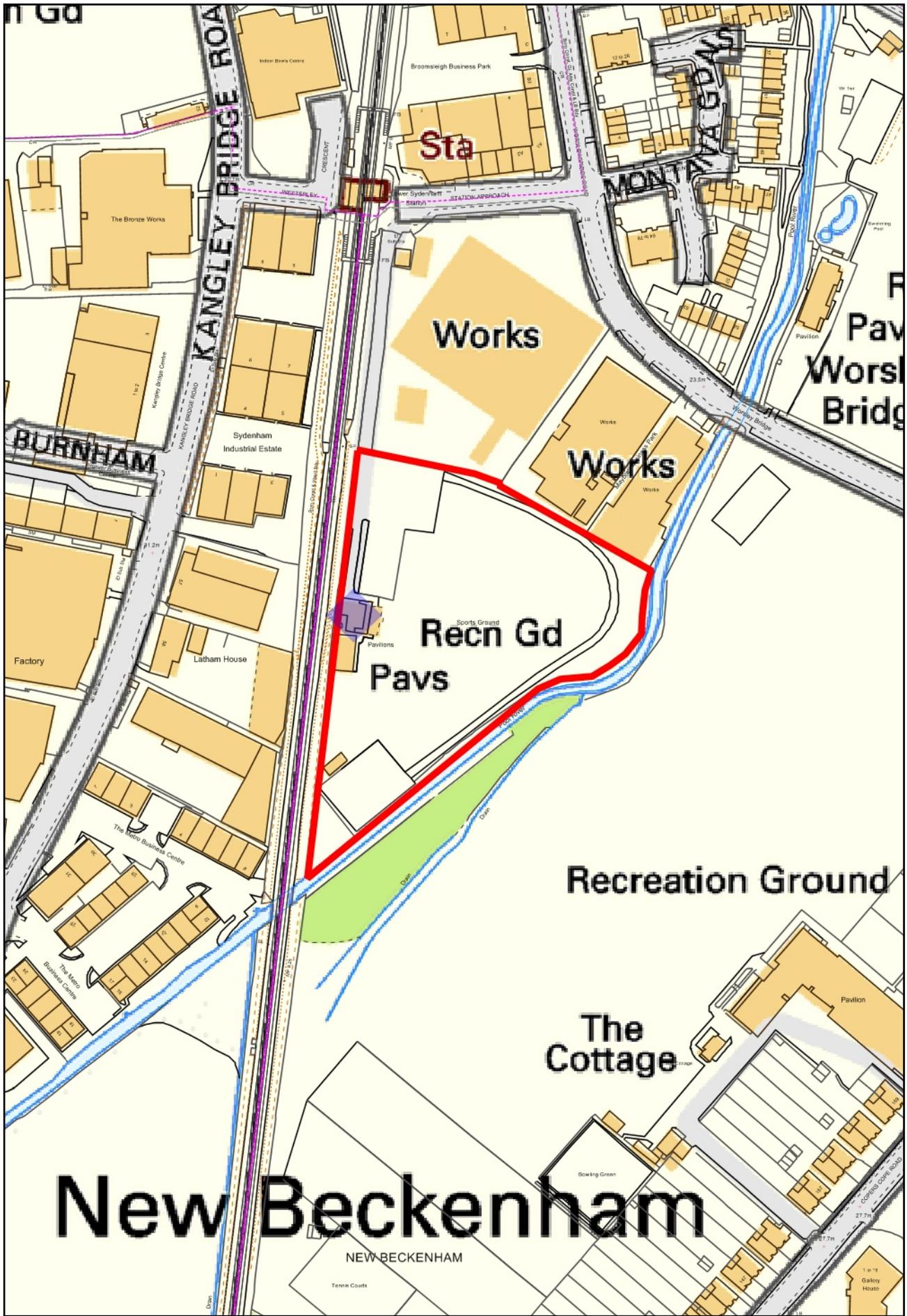
Consequently it is recommended that this application be refused for the reasons set out below.

Background papers referred to during the production of this report comprise all correspondence on file ref 18/05236/FULL11 and other files referenced in this report, excluding exempt information.

**RECOMMENDATION: APPLICATION BE REFUSED subject to any necessary referral to the Mayor of London and Secretary of State**

The reasons for 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. In particular, the substantial level of harm that would arise from the development by way of harm to the MOL and visual harm is considered to outweigh any housing land supply or other socio-economic benefits that would arise or the benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2018) and Policy 7.17 of the London Plan (2016), Policy 50 of the Local Plan (2019).**
2. **This site is considered to be an inappropriate location for tall buildings as it fails to satisfy the requirements of Policy 47 of the Bromley Local Plan. Furthermore, the proposal by virtue of its scale and massing, number of single aspect units, adverse impact on the landscape and failure to improve or enhance the character of the area fails to provide a scheme of outstanding design and architectural merits. The proposal would result in an overdevelopment of the site. This is contrary to the aims and objectives of the NPPF (2019), Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, Bromley Local Plan Policies 4, 37, 47, 48, 50, 77, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.**



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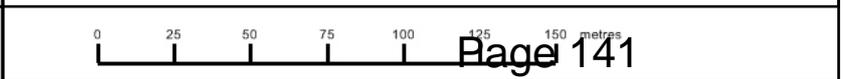


18/05236/FULL1 - Footie Social Club



Thursday, April 18, 2019

1:2500



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Report No.  
DRR19/026

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:**                    **Monday 29<sup>th</sup> April 2019**

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

**Title:**                    **HERITAGE AT RISK UPDATE**

**Contact Officer:**        Robert Buckley, Principal Conservation Officer  
Tel: 020 84617532    E-mail: Robert.Buckley@bromley.gov.uk

**Chief Officer:**        Chief Planner

**Ward:**                    (All Wards)

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1. Reason for report

The reason for this report is to provide Members with information on Historic England's Heritage At Risk Register, Bromley's entries on the register and our approach to managing these.

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2. **RECOMMENDATION**

**Members are requested to note the contents of this report.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council Quality Environment Vibrant, Thriving Town Centres Healthy Bromley Regeneration:
- 

### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Recurring Cost:
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

### Personnel

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

### Legal

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

### Procurement

1. Summary of Procurement Implications:
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

The Heritage at Risk Programme (HAR) is run by Historic England and helps us understand the overall state of England's historic sites. The programme identifies those sites that are most at risk of being lost as a result of neglect, decay or inappropriate development. Every year Historic England updates the Heritage at Risk Register.

The Council has 23 entries on this register

- **Biggin Hill RAF**
- ***Church of St John the Evangelist, High Street, Penge SE20***
- ***Crystal Palace Park SE19***
- ***Iron Age settlement and Roman villa at Warbank, Keston***
- ***Romano-British masonry building and Saxon cemetery, Fordcroft, Orpington***
- ***Pedestrian subway under Crystal Palace Parade, Crystal Palace SE19***
- ***Ice house to Sundridge Park, Plaistow Lane, Bromley***
- ***Upper and Lower Terraces, Crystal Palace Park SE19***
- ***Downe Court Manor, Cudham Road, Downe***
- ***Buildings 1-5 (Airmen's barrack blocks), West Camp, Main Road, A233 (east side), Biggin Hill***
- ***Building 12 (Candidates' Club, Former Sergeants' Mess), West Camp, Main Road, A233 (east side), Biggin Hill***
- ***Building 15, Hawkinge Block, West Camp, Main Road, A233 (east side), Biggin Hill***
- ***Building 33 (Station HQ), West Camp, Main Road, A233 (east side), Biggin Hill***
- ***Old Town Hall, Tweedy Road, Bromley***
- ***Pulhamite waterfall, Stockwell Close, Bromley Palace Park***
- ***The Royal Bell Hotel, 173-177, High Street, Bromley***
- ***Frontage building to Richard Klinger Factory, Edgington Way, Sidcup***
- ***Pulhamite fernery, Stockwell Close, Bromley Palace Park***
- ***Ice house to Old Palace, Stockwell Close, Bromley Palace Park***
- ***91, High Street, St Mary Cray***
- ***North and south railings, Crystal Palace Parade, Crystal Palace Park SE19***
- ***Victorian Folly of 'Medieval Ruins' in Bromley Palace Park, Rafford Way***
- ***Scadbury Manor moated site and fishponds***

There is no single reason why buildings end up on the register but it is often the case that they are buildings or sites that have no clear financially viable end use. The Council's Principal Conservation and the Heritage at Risk team in Historic England work with owners and stakeholders to seek repair and reuse of these structures.

Recent successes have included 20-22 Hamlet Road in Anerley, a pair of early 19<sup>th</sup> centuries villas with serious structural defects which have now been fully restored. Given ongoing works or existing planning permissions, it is expected that the Klinger Factory on Edgington Way, Sidcup and The Royal Bell in Bromley will come off the register in the near future. Other larger sites such as Crystal Palace Park and RAF Biggin Hill West Camp are subject to ongoing strategic work within the Council's Planning and Regeneration teams. Certain statutory powers relating to Urgent Works and Compulsory purchase are available to the Council but the preference is to work with owners and stakeholders to seek positive outcomes. The use of such statutory powers could also involve significant financial risks to the Council.

A review of the boroughs entries on the register is undertaken every spring. In collaboration with Historic England, this review is currently been undertaken with a view to finalising results in late May. This will then be published on the Historic England website.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children, Policy, Financial, Personnel, Legal and Procurement Implications.
Background Documents: (Access via Contact Officer)	



## Pedestrian subway under Crystal Palace Parade, Crystal Palace SE19 - Bromley

Pedestrian subway, circa 1854, that once provided access from the now-demolished Crystal Palace High Level Station directly into the Palace. It has a fan-vaulted roof, with roundels between fans in red and cream brick with diaper patterning. A condition survey and investigative works have been carried out, grant-aided by Historic England. Repairs to one terrace are planned imminently. Discussions are ongoing to secure full repair as part of the park's wider regeneration plan.



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### Site Details

Designated Site Name: Subway, Vestibule, Terrace And Stairs To The Crystal Palace

Heritage Category: Listed Building grade II\*

List Entry Number: 1385457

Local Planning Authority: Bromley

Site Type: Transport > Tunnel

### Location

Building Name: Pedestrian subway under Crystal Palace Parade

Postcode: SE19

Locality: Crystal Palace

County: Greater London

District / Borough: Bromley / Southwark

Parliamentary Constituency: Lewisham West and Penge

Region: London

## Assessment Information

Assessment Type: Building or structure

Condition: Poor

Occupancy / Use: Not applicable

Priority: C - Slow decay; no solution agreed

Previous Priority: C

Ownership: Local authority

Designation: Listed Building grade II\*, part in RPG grade II\*

### Contact Details

[Redacted contact details]

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### Next steps

Read more about this historic site on the [National Heritage List for England](https://www.historicengland.org.uk/listing/the-list/list-entry/1385457) (<https://www.historicengland.org.uk/listing/the-list/list-entry/1385457>)

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