

Report No. DRR15/081

Application: DC/15/00701/FULL1

Ward: Copers Cope

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

OS Grid Ref: E: 536826 N: 171157

Applicant: Relta Ltd c/o West and Partners

Objections: YES

Description of Development:

Demolition of the existing buildings and redevelopment of the site comprising the erection of a basement plus part 8/9/10/11/12 storey building to accommodate 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.

Key Designations

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

Proposal

The redevelopment comprises the erection of a substantial building to accommodate 296 residential units together with the provision of 222 car parking spaces and 488 cycle parking spaces.

The development would be created in a linear fashion along the western edge of the site. At its lowest point the height of the building follows the highest point of the Dylon scheme at 8 storeys. This varies along the length of the building reaching 12 storeys in the centre of the scheme before falling back down to 8 storeys at the southern tip of the building. The ground floor comprises a blank façade on the north and east elevations as a result of the podium design with undercroft parking and plant room, which appears to have been designed in response to the flood risk designation of the site. The south and west facades are punctuated with main entrances, fenestration and balconies serving the ground floor units and openings to the refuse and car park areas.

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

An access road would run down the western edge of the site with a number of street level parking spaces (87 surface level parking spaces and 125 in the undercroft). To

the east the remainder of the MOL would be re-landscaped to include new public paths and a children's play area.

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

Architectural Design Statement (prepared by Ian Richie Architects)

This statement sets out the context of the site, its constraints and opportunities (from the applicant's perspective) and an assessment of the proposal against relevant development plan policies and national guidance. The applicant considers this site to be an extension of the urban site at Dylon. This statement confirms that the site comprises an area of 18,649 sqm; the footprint of the new building would be 2933 sqm leaving 14,874 sqm for external landscape and access routes. The density equates to 159 u/ha or 404hr/ha.

The statement sets out the landscape strategy for the site which seeks to respond to the flood risk designation and ecological benefits of the existing landscape.

The statement includes aerial views of the site, a view from Addington Hill and a number of CGIs from surrounding viewpoints as well as photographs of a model.

The accommodation schedule sets out unit types, tenure and location as well as details of refuse facilities and car parking. The building is effectively split into two blocks (divided by a core but physically attached) so that affordable and private tenure are split. Unit layouts have been included to demonstrate that the development can meet Lifetime Home criteria.

Shadow diagrams have been provided that show the proposed landscaped space would be largely overshadowed during the evening all year round but would receive a minimum of 2 hours sunlight all year round during the day thus meeting BRE guidelines.

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

This document describes the site, surrounding context, details of the proposal, consultation undertaken and the applicant's assessment of the proposal in relation to relevant development plan policies. The applicant believes that this proposal represents a sustainable form of development when assessed against relevant policies.

The document sets out the history of Dylon as it is considered that the assessment of that scheme is relevant to the consideration of the current application. However, Officers accept that Dylon has some relevance in that it is an adjacent development and has a similar architectural language to the proposal but it is important to recognise that Dylon was not designated as MOL and therefore the circumstances and context of that development are significantly different to the current proposal. Officers are not disputing that Dylon is an urban site but for reasons that will be demonstrated throughout this report do not accept that the application site is an acceptable extension of the Dylon development.

This document also seeks to place some weight on the fact that an extension to the Bakerloo line including a stop at Lower Sydenham Station has been identified in the Mayors Infrastructure Plan and therefore the PTAL rating of the site will increase significantly. However, it is important to note that whilst this extension has been identified it is not yet committed or under construction so the limited weight can be given to this particular point at this stage.

Supplementary Affordable Housing Statement (prepared by West and Partners)

This statement confirms the breakdown of private and affordable units and confirms that the units will meet all necessary quality standards. The proposal would provide a UDP policy compliant level of affordable housing. Consequently it was not necessary for the applicant to submit a Financial Viability Assessment.

Supplementary Daylight and Sunlight Assessment (prepared by West and Partners)

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

Phase 1 Habitat Survey (prepared by Betts Ecology)

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

Flood Risk Assessment (prepared by RPS)

This report has been submitted because the site is designated as Flood Zone 2 (medium probability) and Zone 3 (high probability). The report covers relevant planning policy, existing and proposed drainage, flood risk mitigation, surface water management and sequential test. It is noted that the report refers to flood risk policies in the UDP which have not been saved.

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

Foul Sewerage Drainage Assessment (prepared by GDM)

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

Air Quality Assessment (prepared by Air Quality Consultants)

This site lies within an Air Quality Management Area. This report sets out the site description and baseline conditions for air quality, addressing construction and operational phase's impacts and appropriate mitigation. The report concludes that during construction a package of mitigation measures to minimise dust emissions would be necessary but with mitigation measures in place the overall impacts will not

be significant. During operation, traffic generated by the proposal will affect air quality at existing properties along the local road network. However, the assessment concludes that the emissions will result in imperceptible increases. Concentrations will remain well below the objectives and the impacts would be negligible.

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

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

Energy Statement and Sustainability Appraisal (prepared by Isambard Environmental)

This statement has been prepared in line with the principles of the London Plan Energy Hierarchy. The building fabric will seek to reduce CO₂ emissions by 7.59% over the Building Regulation compliant figures, using CHP to reduce CO₂ by a further 72.32% and if necessary utilising PV panels. It is also stated that the residential units will meet Code for Sustainable Homes Level 4.

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

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

Planning Noise and Vibration Report and Addendum (prepared by Cole Jarman)

Noise and vibration surveys were undertaken to assess the impact of adjacent uses. The site is exposed to noise and vibration from the adjacent railway, factories and commercial uses. The report concludes that double glazing would be sufficient to ensure appropriate levels of amenity could be achieved for future occupiers. Alternative means of ventilation are recommended for some residential properties to maintain suitable levels of amenity and remove any sole reliance upon openable windows for ventilation. Noise levels for balconies are expected to be below recommended levels when the effects of some light screening from balustrades are taken into account. It has been concluded that there is no requirement for any vibration isolation treatment.

Tree Survey Report (prepared by Ian Richie Architects)

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

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

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

This statement sets out an analysis of existing transport links, local highway operation, transport demand arising from the proposal, junction capacity assessment and relevant policy considerations. The assessment suggests that a range of local facilities and services are located within a 10 min cycle ride of the site, Officers would not dispute that per se but it is important to consider that 10 mins cycle ride is considerably longer when walking so would question the conclusion that this site is well located in relation to essential services and facilities.

The proposal includes provision for 222 car parking spaces and the TA states a commitment to provide a car club with 2 spaces dedicated on site. Although it is noted that this commitment for a car club is not suggested in the Planning Statement which deals with proposed planning obligations.

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

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

Throughout the lifetime of this application the following revised and additional plans and documents were submitted:-

Revised landscape plans to show access into the site from the adjacent Dylon Phase 1 scheme – however, it is understood that the adjacent site is no longer in the applicant's control/ownership. Dylon Phase 1 has been purchased by Crest Nicholson and is currently subject to design review with a possibility of amended proposals coming forward in the near future.

Revised floor plans, elevations and sections to accommodate the following amendments:

- Revisions to access routes from Station Approach via the Phase 1 site and modifications to the junction of the access road
- Provision of step free links between the building and the public open space at ground and lower ground levels
- Modified turning head at the south end of the access road to accommodate refuse collection
- Tweaks to internal layouts for some of the units to make them more compliant with the size guidance set out in the London Housing Design Guide
- Alterations to the path network in the open space

Additional Flood Modelling Information (prepared by RPS)

The additional information was prepared in response to a meeting between the applicant and the Environment Agency to discuss their initial consultation response. The information confirms that the lower deck car park is the only area of the building

that may flood. The plans submitted show that a permeable grill will be located the full length of the car park to allow flood water to enter the car park deck in an unrestricted manner. The grill is the full height of the anticipated flood events and the lower deck has been set within the landscape to ensure that it will gravity drain. A revised flood modelling addendum was also prepared.

Surface Water Drainage Details (prepared by RPS)

Proposed surface water drainage concept plans and drainage calculations have been provided. The plans show details of infiltration tanks, detention tanks and final outflow to the Pool River. A copy of a letter from Thames Water to the applicant (dated 17th July) is also included. The letter confirms that Thames Water do not object to the principle of the development and have no concerns with the proposed levels of growth and discharge.

Landscape Management Plan (prepared by Ian Ritchie Architects)

This document sets out the detailed proposals for the landscaped areas of the site including the part of MOL that is intended to be opened up for public access. The maintenance plan would cover a period of one year post completion. Details of maintenance and monitoring are confirmed. It is proposed to plant a range of different tree species within the site with large areas of soft landscape and gym and play equipment.

Economic and Regeneration Benefits Assessment (prepared by NLP)

This report provides an assessment of the economic benefits of the proposal. The report sets out an analysis of the socio-economic baseline position of the surrounding area and identifies the following economic benefits that could arise from the proposal:-

- 210 temporary construction jobs
- 320 indirect jobs
- £47.4m construction value
- £3.2m New Homes Bonus
- £445,550 additional Council Tax Revenue
- £1.63m Mayoral CIL and other Planning Obligations

MOL Assessment (prepared by NLP)

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

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

The report considers the landscape and visual impact of the proposal. The proposed building would be sited in an area that is already occupied by buildings. 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.

The report concludes that, the 'in principle harm' to the MOL would be limited to the large replacement building covering less than 50% of the site. The existing openness of the site is very limited so the proposed building would have limited effect on openness. Overall 'in principle harm to the MOL' would be limited and no harm would arise from other planning considerations.

The reports sets out potential benefits of the proposal being, improved public access, enhanced outdoor recreation facilities, landscape, visual amenity and biodiversity enhancements and improving damaged land. As well as these benefits the report suggests that housing need and delivery and socio-economic benefits arising from the proposal are material considerations.

The report sets out policy relevant to Bromley's 5 year housing land supply and provides a critique of the approach taken by the Council in assessing need and producing the 5 year supply. The report concludes that the scheme is capable of making a significant contribution to local housing needs (including affordable housing). The report seeks to set out very special circumstances for the proposal, identified as:-

- The site is erroneously designated as MOL
- The proposal would have limited actual harm to MOL openness
- The in principle harm arises solely from the new residential building
- The proposal would satisfy all MOL land use objectives
- Cumulatively with the adjacent Dylon development the proposal would make a significant contribution to housing need and delivering socio-economic benefits
- The proposal would transform the vitality and quality of Lower Sydenham

The report concludes that the MOL, housing, socio-economic, regeneration, design and place making benefits are significant and more than sufficient to outweigh the harm caused by the proposal and therefore very special circumstances exist.

Desk Top Archaeological Assessment (prepared by Isambard Archaeology)

The report concludes that the site has low heritage significance.

Response to GLA Stage 1 Report

The response includes a letter from Isambard Environmental Consultants in respect of the proposed energy strategy; the letter seeks to address points raised in the GLA report and concludes that the development would meet London Plan requirements. In addition a letter from West and Partners confirms that additional reports (MOL Assessment and Economic Regeneration Benefits Assessment) seek to address points raised by the GLA. The following information is clarified:-

- The development would provide 36% affordable housing
- The scheme has been designed as tenure blind
- The development will provide a reasonable and well balanced mix of accommodation

- The assessment of the site as 'suburban' is not accepted by the applicant
- The provision of children's play space can be incorporated into the scheme and controlled by condition
- Justification of urban design approach
- The final design of the roof could be addressed by way of a condition

Response to Network Rail Consultation Comments (prepared by Royal Haskoning DHV)

This letter sets out 2011 Travel to Work Census data for the Copers Cope Ward and concludes that Lower Sydenham Station has sufficient capacity to accommodate passenger numbers from the proposed development. The letter states that the applicant does not consider funding of lifts at the station to be necessary to make the proposed development acceptable in planning terms.

Response to Sport England Issues

The letter prepared by West and Partners seeks to address the points raised by Sport England in their consultation response to the application. The applicant is of the opinion that the site has no special significance for sport as the site has not been used for sport since 2007. Furthermore Bromley Borough has sufficient provision of sports and outdoor recreation facilities. The letter includes a review of facilities in the borough. In addition a letter is provided from the site owner which confirms that the site has been used for car boot sales between 2003 and 2009.

Draft Bromley Five Year Housing Land Supply Assessment (prepared by NLP)

This report was submitted in draft form and is incomplete. However, the applicant has confirmed that they wish it to be considered as part of the assessment of the application.

The report has been prepared as a review of the 5 year housing land supply position in the Borough. The report suggests that there are a number of discrepancies in the Councils calculations and that 562 units should be removed. This reduces the Council to 4.31 years of supply. The report makes the following main points:-

- The report is written in the context that historically the Council has not been able to demonstrate a five year supply of housing land including when tested at appeal.
- Reference is made to an historic reliance of windfall sites and the allocation of sites.
- Reference is made to Appeal Decisions from 2007-2009 including Blue Circle Bromley Common, 154-160 Croydon Road and Anerley School for Boys.
- The report sets out background information on the Borough's housing supply targets and delivery since 2007/08 and sets out the various components of housing supply over the next five years.
- The London-wide context is set out in paragraphs 4.3 – 4.9 and makes reference to the fact that the targets set out in the London Plan will not provide sufficient housing to meet objectively assessed need.
- The NLP report specifies that the Council's evidence only looks at past rates of delivery since 2007/08 but that they have looked at a much longer period of time. Past delivery rates versus past targets are set out in the report since

1996/97. Reference is made in paragraph 4.22 that average completions since 2004 only amount to 597 dwellings per annum and emphasises the need to identify more housing sites.

- A 5% buffer is considered to be robustly justified.
- In respect of Housing Supply, NLP considers that there is no evidence to suggest that the 15 sites listed as known sites with planning permission not commenced is not deliverable in the five year period (with reference to paragraph 47, footnote 11 of the NPPF). A significant piece of evidence not considered by the Council is the rate at which planning permissions lapse without being implemented.
- It is suggested that some 'commenced sites' should be removed from the Councils calculations, some 'allocated sites' should be reduced and a more realistic calculation of 'small sites' allowance should be made
- Office to residential allowance considered acceptable although various assumptions are made in relation to the Council's data on this category.
- Long term vacant units allowance considered acceptable.

The report concludes that the Council cannot demonstrate a 5 year supply consequently planning permission should be granted for the development unless adverse impacts would significantly and demonstrably outweigh benefits (Paragraph 14 of the NPPF).

Location

The 1.8 ha site is located on the outskirts of Beckenham close to Sydenham and the borough boundary with Lewisham. The site is the second phase of the redevelopment of the former Dylon factory site. This is a triangular site, bound to the west by railway tracks, the north by the proposed first phase of the Dylon development and to the southeast by the Poole River and a strong tree belt. There are some small pavilion buildings along the western edges of the site and an access track. The open space was last used as a playing field.

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. The site has historically been subject to enforcement investigation.

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

The built context is less sensitive. There is no particular built character around the site. The areas to the west of the railway are predominantly industrial with poor quality one and two storey sheds set within small trading estates. Many of these are vacant and there is very little consistency in terms of the building forms and materials. The railway cutting itself is surrounded on both sides by tall slender trees that create a natural border along the western edge of the site. The access point to the

development will be via Station Approach and past the western edge of the Dylon development. Station Approach is lined with 2 storey business units.

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

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

The site is located next to Lower Sydenham Train Station with direct links to central London.

Comments from Local Residents and Amenity Societies

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

At the time of writing this report 2 letters of objection had been received. The full comments can be read on file but are summarised as follows:

- The development is out of keeping with the character of the area
- Worsley Bridge Road is already congested
- The building will be overbearing
- The artists impressions do not fill people with confidence
- This application should not be approved
- The local roads and train network will not be able to cope with the additional demand

Orpington Field Club: Orpington Field Club members request that a bat survey is carried out prior to demolition or tree works as recommended in the Phase 1 Habitat Survey (2008, updated 2014) under 'Actions Required for Compliance with Statutory Regulations', where it states, '*A full survey for the presence of bats within existing buildings or mature trees is recommended prior to any demolition work or tree work. The survey should comprise a daylight inspection of the buildings supported by the appropriate number of evening emergence surveys and dawn re-entry surveys undertaken between May and August.*'

Orpington Field Club members were pleased to see the retention of open space south-east of the proposed development but request that if planning permission is given this should be conditional on the following recommendations:

The rough grassland, scrub and trees bordering the Pool River, must be retained because it is part of a green corridor through Bromley and Lewisham along the River Pool. Although it may appear 'untidy' this habitat is important for wildlife and currently provides a natural habitat for nesting birds and reptiles and supports invertebrates which are food for birds, and for bats which forage along the river. 'Visualisation' documents accompanying the planning application show no vegetation adjacent to the river, while the Landscape Plan shows planting of many non-native trees along the river bank with no apparent scrub beneath (the only presumed native included is

willow, possibly sycamore). If all the scrub and rough grassland is removed from the river bank area much of its biodiversity will be lost. This is contrary to NPPF Section 11 which states *'The planning system should contribute to and enhance the natural and local environment by:..... Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'*

LBB UDP Policy G7 endorses this, stating:

'Development proposals will be required to respect and not harm the character and function of the Green Chain and the Green Chain Walk, as defined on the Proposals Map. Measures to protect this designated area are to include the use of suitable screening, landscaping or in appropriate areas the planting of native vegetation and enhancing of wildlife habitat.' Enhancement of the habitat along the river bank, the most sensitive area of the site for wildlife, should consist of mixed, native, locally provenanced tree species and include some shrubs such as hawthorn, hazel, field maple, goat willow etc. In addition the area of 'rough grassland' should be kept and could be expanded. This area would require cutting just once a year in August/September, with removal of arisings to allow the development of wildflower meadow.

Artificial lighting should be avoided near the river and associated vegetation because it upsets the diurnal rhythm of many species including birds and bats. All bats are fully protected under the Wildlife & Countryside Act. Daubenton's and pipistrelle bats are known to forage along the river. Where lighting is essential, this should avoid unnecessary light spill onto the river or associated vegetation through careful positioning and choice of lighting product and use of directional or shielded lighting as appropriate, in line with Bat Conservation Trust (BCT) guidance.

In regard to the above concerns, UDP Policy NE2 *'aims to protect those sites and features which are of ecological interest and value.'* paragraph 7.8 states that, *'Local authorities are required by The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) to have regard to the desirability of conserving the natural beauty and amenity of the countryside. **This duty embraces the conservation of flora, fauna, geological and physiological features and extends to urban as well as rural areas.**'* Paragraph 7.9 states that *'London's wildlife resources are an important amenity that should be considered whenever development is proposed.'*

Orpington Field Club members also ask that Policy NE3 of the UDP is taken into account, paragraph 7.13 of which states, *'In determining planning applications,the Council will ensure that the effects on biodiversity, wildlife habitats, geological features and nature conservation are fully taken into account...'*

Any tree work or scrub removal between March and August must be preceded by a check must be for nesting birds and if these are present the work will need to be postponed till after fledging has taken place because all birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000).

Prior to demolition of buildings soft stripping of sensitive areas should be carried out supervised by a licensed ecologist in case bats are present.

Details of bat sightings were also submitted.

Other Representations

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

Additional representations received after the publication of this report will be reported at the committee meeting.

Comments from Consultees

GLA initial comments (summary – full comments attached as Appendix 1):

Bromley Council is advised that the application does not fully comply with the London Plan, issues raised should be addressed before the application is referred back to the Mayor.

London Plan policies on land use principles (metropolitan open land, playing fields), housing, urban design, inclusive access, flooding, sustainable development and transport are relevant to this application. The application does not comply with these policies and cannot be supported in principle at this stage. Further information is needed in order to fully comply with the London Plan. The potential remedies to issues of non-compliance are set out below:

Land use principles: The proposal is inappropriate development within Metropolitan Open Land and ‘very special circumstances’ have not been demonstrated to outweigh the harm to the MOL. Further justification is also required on the loss of the site as a former playing field.

Housing: While the indicative affordable housing offer of 35% accords with Bromley Council’s UDP policy, the applicant is required to conduct a financial viability assessment to demonstrate that the maximum reasonable amount of affordable housing is being delivered on this greenfield, windfall site (based on existing use value for open space). This should be scrutinised by the Council and/or their independent consult and both reports supplied to the GLA. Further information is also required on the unit mix across tenures, types of affordable products and location of the affordable units. The quantum of family sized units is fairly low and should be increased. The residential quality is broadly supported although the ground floor requires more work to reduce the number of units per core and improve ground level access. The density is slightly too high for the setting and supports the concern that the design is harmful to MOL openness.

Urban design: While the footprint spread has been contained to the western edge, the mass, scale and continuous wall of development would be harmful to the open MOL setting. The ground floor layout also requires further work in order to create street based activity and improve the public realm.

Inclusive access: Further detail is required on inclusive design of the public realm, and how those with mobility issues access the development conveniently and safely from nearby streets. Clarification is also required on how wheelchair users access the podium from the amenity space, and the location of accessible parking bays needs to be confirmed.

Flooding: The site is within flood risk zone 3a however, the Flood Risk Assessment has appropriately assessed the flood risk and set out a range of mitigation measures and detailed planning conditions to manage the risk. The

FRA also sets out an acceptable approach to the management of surface water which will also require a detailed planning condition.

Climate change: A reduction of 253 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 72%. While the carbon dioxide savings exceeds the target in London Plan Policy 5.2, further information is required as outlined above to ensure compliance with London Plan energy policies.

Transport: In principle, the proposal is broadly acceptable in strategic transport terms, although a number of revisions/further information is required in order to ensure full compliance with London Plan transport policies. The Council and the applicant should provide a written response to TfL clarifying these points

GLA Further Comments: I am e-mailing following a meeting held with the applicant and the issues outlined in the stage one report which was discussed at the meeting.

At the meeting, we agreed to consider in more detail the contents of the additional information and reports submitted to both Bromley Council and the GLA, in particular the Economic and Regeneration Benefits Assessment, the Metropolitan Open Land Assessment and the review of Bromley's 5YHLS.

We agreed at the meeting that the other minor issues outlined in our consultation report, relating to transport, energy and inclusive access had broadly been addressed (or could be addressed with some further information). The main topics of discussion therefore came down to the land use principle of developing on MOL, whether there is a VSC case and Bromley's 5YHLS, design and impact on openness.

We have now had the time to read through and consider the detail in the reports. The contents of these reports do not fundamentally change our position on these matters as set out in our original report, and we will not therefore be issuing an updated stage one report. In line with our normal practice, we will reflect on the contents of the additional information within our stage two report once the Council has referred it back to us.

TfL Initial Comments (summary – full comments provided as Appendix 2): In principle TfL considers the proposal to be acceptable from a strategic transport perspective. However to ensure the application complies fully with London Plan transport policies, the following matters should be addressed by the S106 agreement and/or condition:

- Detailed design of the site access should be conditioned for discharge in consultation with TfL. TfL is not satisfied the access would be safe and welcoming for all road users.
- Blue Badge parking spaces and Electric Vehicle Charging Points
- TfL may request developer funding for step free access at the nearest bus stop depending on its current condition
- A Delivery and Servicing Plan (DSP)
- A Construction Logistics Plan (CLP)
- A Pedestrian Environment Review Survey audit
- The applicant should consult Network Rail
- TfL may seek a S106 contribution for Legible London signage

- Mayoral CIL at a rate of £35 per sqm

TfL Further Comments (following a site meeting with the applicant):

- Phase 1 is no longer in the applicant's control
- The internal carriageway width is 4.1m which should mean there is adequate place for cyclists
- The S106 for Phase 1 includes funding for establishment of a CPZ. Having seen the approach to the main vehicular access, where visibility is impaired by numerous parked cars during the day, TfL would support a CPZ adjacent to the site. This would particularly benefit more vulnerable road users such as cyclists.
- The two nearest bus stops do not have step free access and bus stop LC has no shelter. **TfL seeks S106 funding for step free access and a new shelter from the applicant.**
- Signage indicating Lower Sydenham station and the boundary with LB Lewisham adjacent to the site is currently very poor. TfL recommends this is upgraded as part of the S278 agreement. However following internal consultation Legible London signage is not recommended at this location.
- As Phases 1 and 2 are being developed separately, it is essential that the pedestrian route into and through the site is straight continuous with consistent materials along its entire length to ensure legibility.

TfL Final Comments on additional/revised information: Thank you for consulting TfL:

- The revised drawings show zebra markings which will help pedestrians and it is clear that the pedestrian route through the site will feel continuous, which is welcomed.
- As Worsley Bridge Road is not a TfL road, only LB Bromley and LB Lewisham can define the full cost of implementing bus stop improvements TfL has requested:
- Extension of double yellow lines to top of the bus cage by Traffic Order on northbound side of Worsley Bridge Rd (circa £2,400 plus painting)
- Kerb raised on northbound side to enable step free access – c3m wide section at gap in grass verge
- Move northbound stop c5m north and to kerbside (6 week lead-in required and will cost approximately £1000)
- Re-paint bus cages on both sides and loading bay on northbound side
- New traffic sign on southbound side stating 'Bus stop only'
- New shelter on southbound side and some concreting of grass verge (6 week lead-in required and bus shelter will cost approximately £12 – 13k)
- The applicant's Planning Consultant has offered £25,000 for bus stop improvements in the Section 106 (S106) agreement.
- TfL estimates that the bus stop improvements will cost £20,000 excluding the kerb raising to introduce step free access on the Lewisham side.
- In the absence of confirmation that £25,000 will be sufficient to cover all requested works, TfL now leaves this matter at LB Bromley's discretion.
- TfL welcomes the offer of £25,000 for bus stop improvements, as improving the nearest bus stops will encourage sustainable travel to and from the site.
- TfL could be a counter-signatory to the S106 and receive the sum directly if LB Bromley is happy with this approach.

Thames Water: No objection subject to recommended Conditions and Informatives.

Environment Agency (summary): Having reviewed the documents submitted we have no objection to the proposed development subject to the recommended conditions being attached to any planning permission granted. Without these conditions the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application

Sport England: It is understood that the site forms part of, or constitutes a playing field as defined in the Development Management Procedure Order. The consultation is therefore statutory and Sport England has considered the application in light of the National Planning Policy Framework (in particular paragraph 74) and its policy to protect playing fields. Essentially Sport England will oppose the grant of planning permission for any development which would lead to the loss of a playing field, unless one of the 5 exceptions applies:

- An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no specific significance for sport
- The development is ancillary to the use of the playing field and does not affect the quantity/quality of the pitches
- The development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of the playing pitch
- Playing field lost would be replaced with equivalent of better in terms of quantity, quality or accessibility
- The proposed development is for indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of the playing field.

The proposed development would appear to be sited on an existing area of playing field. Locating the proposed development on the existing playing field would prejudice the use of the playing field. Should the Council be minded to grant planning permission then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Department for Communities and Local Government.

Network Rail (summary – full comments available to view on file): After reviewing the information provided in relation to the above planning application, Network Rail has no objection to the proposed development but would like to raise a number of concerns and observations. Network Rail is concerned about the potential increase in footfall on Lower Sydenham Station due to the development and its ability to deal with an increase in users. One point worth noting is that at present there are currently no lifts at this station so any persons with a disability living at the new development would be required to travel to Southend Lane and back in order to commute to London. Network Rail are of the opinion that this does not fit with the applicants site accessibility assessment and Network Rail would wish to engage in consultation with the developer to see if they are willing to provide lifts for the station. Furthermore, Network Rail note that car parking facilities are up against the Network Rail boundary and we have the following comments as regards that and fencing on large developments adjacent to Network Rail infrastructure.

Detailed comments have been provided in respect of vehicle incursion, fencing, future maintenance, drainage, plant and materials, scaffolding, piling, lighting, noise and vibration.

Network Rail (further comments following revised/additional information):

Please note that the previous comments made by Network Rail in relation to this planning application still apply to the proposed development.

Historic England (initial response): Although the proposed development is not located within an Archaeological Priority Area it is 1.4 ha over the size threshold for the archaeological consultation. It appears that Historic England was not consulted. Our preliminary appraisal of the site indicates that this application for planning permission warrants further consideration. The site is located within a river valley with peat deposits occurring across at least part of the application area. The documents currently available appear to show no consideration has been made regarding the impact of the development on the archaeological record. It is recommended that a suitable archaeological desk based assessment is submitted to enable a judgement to be made as to whether there is an ongoing archaeological interest and whether this can be secured by condition.

Historic England (further response): I am grateful to Mr Francis of Isambard Archaeology for a copy of the archaeological desk-based assessment report dated 17 June 2015 in respect of the above proposed development. Having considered the submitted document I am happy to recommend its approval.

The above report concluded from the documentary and archaeological information recorded for the area that the potential for historic period archaeology was likely to be limited. The report did identify that the proximity of the River Pool was a significant feature in the landscape and a dominant feature in the interpretation of both the topography and geology of the site.

Having taken into account the information presented in the report, I have also considered the geotechnical report dated 4 August 2014. The report demonstrates that west of a diagonal line across the site and parallel to the river, is a zone that includes a peat sequence below modern ground level. Unfortunately borehole logs for borehole 1 to 4 appear not to have been included which means that the record for borehole 2 is not known given that its location on site would suggest it is on the boundary between these two zones. It is concluded that this boundary area is of archaeological interest in respect of its potential for *in situ* prehistory archaeology.

Although the NPPF envisages evaluation being undertaken prior to determination, in this case, consideration of the nature of the development, the archaeological interest and / or practical constraints are such that I consider a condition could provide an acceptable safeguard. The condition would be to require a process of archaeological investigation.

London Borough of Lewisham: Highways Officers have raised concern with the application, as follows:

The application site is located in close proximity to the Lewisham Bromley borough boundary. The north side of Station Approach lies within the London Borough of Lewisham and the south side lies within the London Borough of Bromley. Consequently, the proposal will result in an increase in demand for on-street parking in London Borough of Lewisham. It will also result in additional trips (vehicle, cycle and pedestrian) on the boundary roads adjacent to the site, but no measures are proposed to mitigate or minimise the impact of the development. Contributions should be secured towards the consultation /implementation of a CPZ adjacent to Lower Sydenham Station and in the

vicinity of the application site, (in both boroughs). Particularly, as the TA acknowledges that there are currently high levels of parking stress adjacent to the site during the day.

Station Approach provides access to Lower Sydenham Station, it is a location with a lot of activity associated with vehicles, pedestrians and cyclists accessing the station and locating the vehicle access to new development next to the entrance to the station site entrance will increase the potential for conflict. However, the application isn't proposing any highway works or public realm improvements to enhance Station Approach. Improvements should be secured to rationalise on-street parking, manage traffic flows and create an improved public realm which would benefit pedestrians, cyclists and road users accessing Lower Sydenham Station.

The proposed access road via Station Approach and the egress via Worsley Bridge Road isn't designed to give priority to pedestrians and cyclists over the movement of vehicles. The access/egress route through site is one-way which isn't conducive to cyclists and isn't pedestrian friendly because cycle contra flows aren't provided on the routes and one-way streets generally result in higher vehicle speeds. The design of the on-street surface parking also has an impact on pedestrian movement and on the permeability of site layout.

In terms of increases in traffic volume as a result of the development, the impact will be most significant at the Worsley Bridge Road/Station Approach/ Montana Gardens junction. But, no improvements are proposed at the junction to minimise the impacts associated with increases in traffic. Improved crossing facilities for pedestrians and measures for wheelchair-users and people with prams should be secured to mitigate the impact of the proposed development.

A framework Construction and Logistics Plan (CLP) should have been submitted with the application, specifying how the impacts of construction activities and associated traffic will be managed. The Plan should include details of access arrangement and safe routes for users of Lower Sydenham Station.

I trust that the above issues will be taken into consideration in the determination of the application and would be grateful if you could notify us of the decision.

Highways Initial Comments (summary – full comments discussed in Highways section below): The development will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal control junction. However this reason is not sufficient to warrant a refusal on highways grounds.

If this application were to be approved further information would be required to address the following:

- The swept path analysis shows a standard refuse vehicle, LBB's refuse vehicle is 10.28m long by 2.550m wide. The applicant is required to show the above vehicle would be able to manoeuvre in and out of the site in a forward gear.
- The development will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal control junction. Therefore the applicant is required to investigate further the phasing of Southend Lane / Worsley Bridge Road junction in order to minimise the impact and reduce queuing.

Highways Final Comments (following revised/additional information): The revised drawings show zebra markings which will help pedestrians and it is clear that the pedestrian route through the site will feel continuous. This is satisfactory.

- The TfL request for extension of double yellow lines to top of the bus cage by Traffic Order on northbound side of Worsley Bridge Rd (circa £2,400 plus painting) - This section of Worsley Bridge Road is part of LB Lewisham; therefore their consent is required.
- TfL request for kerb raised on northbound side to enable step free access – c3m wide section at gap in grass verge. As above
- TfL request for moving northbound stop c5m north and to kerbside (6 week lead-in required and will cost approximately £1000) As above- LB Lewisham
- TfL request for re-painting bus cages on both sides and loading bay on northbound side. Acceptable
- Suggested new traffic sign on southbound side stating 'Bus stop only'- Acceptable
- Suggested new shelter on southbound side and some concreting of grass verge (6 week lead-in required and bus shelter will cost approximately £12 – 13k) - Traffic Section should be consulted. Acceptable in principle.
- In the absence of confirmation that £25,000 will be sufficient to cover all requested works, TfL now leaves this matter at LB Bromley's discretion. - I would suggest a minimum figure of £30000 to cover all the eventualities.

The introduction of Controlled Parking Zone (CPZ) in this location may be little onerous. Currently there is a high demand for the flank fence parking which isn't a cause for concern. If charges were introduced there is a possibility that this could be displaced creating a problem in other areas where demand for parking is already quite high. Without knowing the precise location of the entrances and exits and observing the pattern of parking once the site is fully occupied it would be very difficult to make a decision about parking. Therefore we would not recommend implementing any parking controls at this time. We would however suggest that if there is scope, a sum of money (£5000) should be secured through the s106 for a period of 5 years to make any changes (provision of waiting restrictions and possibility of introducing pay and display bays around the site) should parking become a problem after the development is complete.

As for the increase in traffic volume as a result of the development, "*the impact will be most significant at the Worsley Bridge Road/Station Approach/ Montana Gardens junction.*" The assessment has identified that the junction will operate well within capacity for the design year 2018. The highest ratio of flow to capacity (RFC) figure identified is 0.77, in the AM peak on Worsley Bridge Road (North), well within the design capacity for a junction of this type. The assessment has considered peak times of operation and vehicle queues and delays are shown to be acceptable.

Environmental Health Pollution (summary): Contamination: The contamination assessment finds remediation works are required and as such a K09 condition should be attached.

Noise: The acoustic report finds environmental noise levels assessed are not a bar to the development. The report recommends standard thermal double glazing of a specified Rw, with requirement for separate acoustic passive vents as a precaution on the western side. To ensure this is complied with I would recommend a condition. It is important to note that the report states the following in respect of noise levels at the industrial sites to the North West: '*There was no noise of any note from the adjacent factory to the North West...*'. It is unclear as to whether the London Engineering site or

other nearby sites are currently occupied. Either way, the assessment does not account for potential noise from unused or unoccupied industrial units or units with B2 permission but not currently used to their full potential.

The development is very close to these industrial uses and there is a risk that developing this site for residential use will create new sensitive receptors that could impact on the ability of occupiers to utilise the existing industrial sites as fully as would be presently possible. As a precautionary approach it is prudent to ask for a further noise assessment of potential noise from the nearby B2\B8 uses and require the glazing\ventilation treatments to be sufficient to account for this rather than simply the measured noise levels taken at a time when there was an absence of any industrial noise. This could be secured by way of a pre commencement condition.

The acoustic report recommends imperforate balcony treatments to mitigate external noise as far as possible. A condition should be attached to ensure compliance. No external plant is mentioned in the acoustic report. If any external mechanical services plant is proposed a condition should be attached.

Air Quality: The site is within an Air Quality Management Area where development is required to be designed to mitigate the impact of poor air quality to within acceptable limits. I therefore recommend conditions.

Lighting: external illumination should be controlled by condition.

Environmental Health Housing: The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act. The applicant is also advised to have regard to the Minimum Space Standards for New Development within The Mayor of London's Spatial Development Strategy for Greater London – The London Plan July 2015.

The Housing Act 2004's HHSRS recommends separate bedrooms, kitchens and living/dining rooms to avoid hazards associated with combined functional space.

Proposed 2 and 3 Bedroom Properties - Combined Kitchen/Dining/Living Space

In the majority of these proposed properties the only communal living space is combined with the kitchen area which is not desirable due to the risk of accidents associated with areas used for both food preparation and recreation. Hazard: 11 Crowding and Space (b) Lack of separate kitchen area of adequate size

Proposed West Facing 2 and 3 Bedroom Properties - External Recreational Space

It is reasonable to assume a dwelling with two or more bedrooms will be occupied by a family with children.

The proposed flats without east facing windows will have no view of the shared recreational space to the east of the proposed block of flats.

Hazard: 11 Crowding and Space (j) Lack of safely fenced or guarded recreational space, readily visible from within the property.

Lighting and Ventilation

There must be an area of unobstructed window/door glazing (natural lighting) to a habitable room (i.e. bedroom or dining room) equivalent to at least 1/10th of the room's

floor area to achieve the requirement for natural light. There must also be an area of openable window equivalent to 1/20th of the floor area to the room to achieve the natural ventilation requirement.

Windows to all living areas, including bedrooms, should be located and designed to provide for a reasonable view of the immediate surroundings. The view should not be of solely the sky or a single structure such as a flank elevation of a building or a brick wall. The view should allow one to see at least some of the surrounding roads, yards, gardens etc.

Sills in living areas should be low enough to allow a seated person a reasonable view. Window heads should be above eye level of someone standing. Ideally the views should be of open space through windows of all rooms, other than the bathroom or WC, and, for security purposes, the means of access to the building.

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).

Natural Light

Proposed West Facing 2 and 3 Bedroom Properties - Recreational View

There is no view of the recreational space from the living areas in the proposed properties without east facing windows.

Hazard: 13 Lighting (g) Outlook: lack of reasonable view through the living room (bedroom and or dining room) window.

Fire

All Proposed Flats without a Separate Kitchen with an internal door.

The means of escape in the event of fire from the bedroom or bedrooms to these flats will be through the combined kitchen/living/dining room, which is a high risk room and, therefore, not desirable.

Hazard: 24 Fire (k) Lack of internal door in appropriate materials

Hazard: 24 Fire outcome (b) Inadequate means of escape.

Flames, Hot Surfaces etc.

Proposed 2 and 3 Bedroom Properties - Combined Kitchen/Dining/Living Space

In the majority of these proposed properties the only communal living space is combined with the kitchen area which is not desirable due to the risk of accidents associated with areas used for both food preparation and recreation.

Hazard: 25 Flames, Hot Surfaces etc. (g) Inadequate separation – of kitchen from living or sleeping space.

Strategic Housing (summary): The provision of 1 bed units is considered to be high. The breakdown for the current high priority bands on the housing register is as follows:
Studio/1 beds need 27%: (this includes those waiting for general needs and sheltered accommodation)
2 Bed need: 56%
3+ bed need: 17%

In terms of supply last year the breakdown was:

44% studio and 1 bed

35% 2 bed

20% 3+ bed

Clearly 2 bed is the highest level of need, with the supply last year barely meeting 20% of the existing need.

We currently have 1031 homeless households in temporary accommodation. The need for 2 bed accommodation is the highest level of need at over 60% of the placements. Because of the limited supply and high level of need, the waiting time for rehousing for 2 bed households is longer and increasing more rapidly than for any other household size. Currently this frequently exceeds 4 years.

In terms of the concentration of one bed accommodation: We are committed to promoting sustainable communities. By virtue of our statutory rehousing duties, 1 bed households are predominantly those who fall into a priority need category as a result of vulnerability. This means that quite often more intensive levels of housing management and support are required to enable them to successfully sustain their accommodation. High densities of one bed accommodation can therefore present a number of difficulties around sustainability, successful housing management and helping those vulnerable households to settle and maintain accommodation. It is for this reason that we promote mixed developments in terms of size and household type to maximise the success of new developments enabling households to be accommodated as near to existing support and family networks and avoiding high concentrations to promote an integrated balance across the development.

Drainage Advisor (initial comments): The site is in FZ3/2, therefore the EA will comment on fluvial flood risk, as for the submitted surface water strategy, we accept the use of swales, porous paving and tank as means to reduce surface water run-off, we ask the applicant at the detailed stage to aim for greenfield rate, because the proposed 50% reduction is the least we would accept. A condition has been recommended. In order to discharge the condition the following information will be required:

- A clearly labelled drainage layout plan showing pipe networks and the proposed attenuation source control (Porous Paving, swales, tank). This plan should show any pipe "node numbers" that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- A manhole schedule
- Confirmation of the critical storm duration.
- Confirmation of the Greenfield discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus climate change critical duration storm event.
- Soakage test results and test locations are to be submitted in accordance with BRE digest 365.

Drainage Advisor (further written comments): The EA have highlighted the risk of flooding and mentioned what the developer is proposing as mitigations in his flood risk assessment report. The fact that the undercroft car park can be inundated to a depth up to 0.9m is up to our emergency planning to assess if it is acceptable or not. If the Council's Emergency Planning accepts the risk then a condition should be attached to ensure the adequate design of the undercroft car parks and openings.

I agree with the EA, when they say that raising the open space may compromise draining flood water from the undercroft car park. A condition must be included asking the applicant to demonstrate that the land raising won't impact flow routes.

I am happy for a condition to be put on requiring the use of SUDS to reduce surface water run-off to Greenfield rate and I am happy with EA conditions to be included in any approved application.

Drainage Advisor (verbal comments): The proposed undercoft car park is an appropriate solution subject to the recommend conditions from the EA.

Drainage Advisor (comments on revised surface water material): THIS SITE IS WITHIN 8m OF THE RIVER RAVENSBOURNE OR ONE OF ITS TRIBUTARIES, THEREFORE THIS APPLICATION MUST BE REFERRED TO THE ENVIRONMENT AGENCY - THAMES REGION. The site is in FZ3/2, therefore the EA will comment on fluvial flood risk, as for the submitted surface water strategy, we accept the use of swales, porous paving and tank as means to reduce surface water run-off, we ask the applicant at the detailed stage to aim for greenfield run-off rate, because the proposed 50% reduction is only acceptable if it can be demonstrated that greenfield rate is not achievable.

Cleansing: No response received

Tree Officer: Principal trees on site comprise mature Lombardy poplar located adjacent to western perimeter boundary with the main line rail track. These trees number 19 in total each of which are shown to be removed to facilitate proposed new vehicular access and car parking. The applicant's arboricultural survey indicates that their condition is such that they now no longer have satisfactory safe useful life expectancy and should therefore be removed. I was unable to view the trees close enough to undertake a full inspection however it is clear that when reviewing photos attached within application tree survey, trees numbered 11-16 shows severe decline, and would be unsuitable for retention and may have to removed regardless of the outcome of future planning proposals.

The remaining Lombardy trees located along the same boundary appear to be in possibly better condition, however although I am largely relying upon the application survey, due to their close proximity to the track, even moderately impaired specimens are likely to be subject to statutory powers to maintain the line, and we would be unable to practically serve a Tree Preservation Order.

Several of these trees are visible from public view points within Station Approach as well as Bridge Road, however due to their close proximity to the track, and their poor to mediocre conditions, I would be unable to recommend their retention. The proposed public open space is an opportunity to fully redesign the surrounding spaces and this is where I would recommend that a more detailed landscape design proposal is submitted for our approval.

Rights of Way Officer: There are no registered public rights of way affected by this proposal and so there no objections from this perspective.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

Relevant UDP policies include:

- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- T1 Transport Demand

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

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

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

Bromley's Draft Local Plan: Policies and Designations Document has been subject to public consultation and is a material consideration (albeit it of limited weight at this stage). Policies relevant to this application include:

5.1 Housing supply
 5.3 Housing design
 5.4 Provision of affordable housing
 6.3 Social infrastructure in new developments
 6.4 Health and wellbeing
 7.1 Parking
 7.3 Access to services for all
 8.1 General design of development
 8.11 Landscape quality and character
 8.15 Metropolitan Open Land
 8.19 South East London Green Chain Walk
 8.42 Tall and large buildings
 8.43 Skyline
 10.1 Sustainable waste management
 10.3 Reducing flood risk
 10.4 Sustainable urban drainage systems
 10.6 Noise pollution
 10.7 Air quality
 10.10 Sustainable design and construction
 10.11 Carbon reduction, decentralise energy networks and renewable energy

Relevant London Plan Policies include:

Policy 1.1 Delivering the strategic vision and objectives for London
 Policy 2.6 Outer London: vision and strategy

Policy 2.7 Outer London: economy
 Policy 2.8 Outer London: transport
 Policy 3.1 Ensuring equal life chances for all
 Policy 3.3 Increasing housing supply
 Policy 3.4 Optimising housing potential
 Policy 3.5 Quality and design of housing developments
 Policy 3.6 Children and young people's play and informal recreation facilities
 Policy 3.8 Housing choice
 Policy 3.9 Mixed and balanced communities
 Policy 3.10 Definition of affordable housing
 Policy 3.11 Affordable housing targets
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.13 Affordable housing thresholds
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals
 Policy 5.7 Renewable energy
 Policy 5.8 Innovative energy technologies
 Policy 5.9 Overheating and cooling
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.14 Water quality and wastewater Infrastructure
 Policy 5.15 Water use and supplies
 Policy 5.16 Waste self-sufficiency
 Policy 5.17 Waste capacity
 Policy 5.18 Construction, excavation and demolition waste
 Policy 5.21 Contaminated land
 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.13 Parking
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.17 Metropolitan Open Land
 Policy 7.19 Biodiversity and access to nature
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2014)
 Housing (2012)
 The London Housing Design Guide
 Sustainable Design and Construction (2014)
 Shaping Neighbourhoods: Play and Informal Recreation (2012)

National Planning Policy Framework 2012 (NPPF)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Green Belt is intended to serve five purposes:

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

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

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

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

Planning History

History for this site includes:

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

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

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

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

Relevant history for Dylan includes:

09/01664: Mixed use redevelopment comprising basement car parking and 2 part five/ six/ seven/ eight storey blocks for use as Class B1 office accommodation (6884 sqm)/ Class A1 retail (449 sqm)/ Class A3 cafe/ restaurant (135 sqm)/ Class D1 crèche (437

sqm) and 149 flats (32 one bedroom/ 78 two bedroom/ 39 three bedroom). Refused but Appeal Allowed.

13/01973: Erection of five storey building comprising 74 residential units; A1 retail; A3 cafe/ restaurant and a D1 crèche in place of Block A03 forming part of the approved planning permission 09/01664 for the redevelopment of the Dylon site. Appeal Allowed.

13/03467: Erection of five storey building comprising 74 residential units; A1 retail; A3 cafe/ restaurant and a D1 crèche in place of Block A03 forming part of the approved planning permission 09/01664 for the redevelopment of the Dylon site. Appeal Allowed.

14/01752: Erection of a five storey building comprising 55 residential units; B1 office; A1 retail; A3 cafe/restaurant; and a D1 crèche in place of Block A03 of the approved permission ref. 09/01664/FULL1 for the redevelopment of the Dylon site. Refused.

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

Consideration

The main issues to be considered are:

- Principle of Development, MOL and Presumption in Favour of Sustainable Development (NPPF Paragraph 14)
- Density
- Design
- Landscaping and Public Realm
- Trees and Ecology
- Housing Issues
- Highways and Traffic Issues
- Impact on Adjoining Properties
- Sustainability and Energy
- Planning Obligations

Principle

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

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

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

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

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

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

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

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

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

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

Policy G7 of the UDP seeks to protect the Green Chain. The policy states that, 'Development proposals will be required to respect and not harm the character or function of the Green Chain and the Green Chain Walk, as defined on the Proposals Map. Measures to protect this designated area are to include the use of suitable screening, landscaping or in appropriate areas the planting of native vegetation and enhancing of wildlife habitats.

The Council will protect land within the Green Chain, as defined on the Proposals Map, and promote it as a recreational resource whilst conserving and, where appropriate,

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

At the present time the site is not open to public use; it has been allowed to fall into a poor condition and is currently being used for a low level amount of ad hoc storage. However, the site is clearly separate from the built up development to the north, it forms part of the wider MOL to the south and east and is an important buffer between built form and open landscape. Deliberate neglect or lack of public access is not in itself a reason to allow development on important protected sites such as this.

As part of the application, the developer proposes to landscape and make the eastern part of the existing MOL space publicly accessible. Whilst this is welcome this cannot be at the expense of inappropriate development on the remainder of the site. In order to be granted planning permission for the residential element of the proposal, the applicants must demonstrate that the development would constitute "very special circumstances".

The applicant has sought to make a case for very special circumstances through the submission of their document titled 'MOL Assessment' (the details of which have been set out above). Very special circumstances are stated by the applicant to apply because:

- The development would assist in meeting housing need and meet and exceed the London Plan minimum housing target for Bromley on a deliverable site in the absence of an up to date housing trajectory and lack of available sites.
- The applicant contends that Bromley is unable to meet its 5 years housing land supply as it fails to proactively designate a sufficient number of sites, relying on appeal approvals to meet housing targets.
- The land does not meet the London Plan criteria as defined in 7.17 for designating MOL
- The 'in principle harm' that may arise from the development would be limited and there would be limited impact on openness
- The proposal would meet MOL criteria
- The benefits of the proposed development are considered by the applicant to outweigh the loss to MOL because of the carefully considered, exemplary and quality design of the proposed development and the improvements to the existing MOL land by making it publicly accessible

As set out above, in accordance with paragraph 87, the proposal is by definition inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances. The local planning authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness or any other harm is clearly outweighed by other considerations. For the reasons set out below it is not considered that the applicants suggested very special circumstances exist.

Housing Need and Supply

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

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

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

The latest five year housing supply paper was agreed by the Council in June 2015 and concludes that the Borough does have a five year housing supply for the period 01/04/2015 – 31/03/2020. Importantly, the annual target of 641 units per annum is based on the latest Strategic Housing Land Availability Assessment (SHLAA 2013) evidence for London boroughs which assessed potential capacity for provision on small (<0.25ha) and large sites (>0.25ha). This evidence, in addition to relevant London Plan policies, supporting text on housing supply and the further explanation provided in the relevant London Plan Inspector’s report, informed the Borough’s update.

Part E. of London plan policy 3.3 identifies the type of sites where development would be brought forward to supplement targets. If it does identify potential in areas of good transport accessibility (points d and e) it directs such development towards “existing residential areas” and “surplus commercial and public land” which the site being considered does not fall in. In addition, the identification of such sites should be done at plan making process stage.

The applicant contends that Bromley is unable to meet its 5 years housing land supply as it fails to proactively designate a sufficient number of sites, relying on appeal approvals to meet housing targets. The applicant has submitted a Draft Review of Bromley Five Year Housing Supply Assessment (July 2015), although the document is in draft form the applicant has confirmed that it should be considered as part of the application.

Within the report comments are made in relation to the lack of data that has been made available to NLP. It is important to note that the Council has partly replied to the request for data in July 2015 and that the remainder is normally unpublished data. The original request asked for data on small sites that specifically fed into the GLA’s 2013

Strategic Housing Land Availability Assessment. In correspondence with the GLA the Council supplied NLP with annual totals (which was part of the request) as opposed to the whole data set. Following this NLP then requested data on all completions from 2004 in late August 2015. The latter query is currently being dealt with.

NLP have reviewed the Council's five year housing land supply position on behalf of Relta Ltd, the content of their report is set out in the earlier sections of this report.

NLP's analysis removes 562 units from the Council's five year housing supply calculation and the supply to 4.31 years with a deficit of 462 dwellings.

In response to the Draft Report prepared by NLP, The Council's June 2015 Five Year Housing Land Supply Assessment has been prepared consistent with Section 6 of the NPPF especially paragraph 47 and related advice of the PPG on what constitutes a 'deliverable site'.

Officers contend that the housing supply position for the Borough has significantly changed since 2007. From April 2011 the Council has published five year housing supply positions annually setting out that previous housing shortfalls for different London plan periods do not accrue based on advice from the GLA. The backlog of housing need is taken into account when GLA London-wide SHLAA's are carried out. The appeal decisions referenced were decided prior to this advice during periods where a housing shortfall had been specified.

The Local Plan is being progressed following a call for sites for housing and other uses (February 2014) and an imminent consultation on draft allocations further policies and designations (September 2015). With regard to the accuracy of data collection it should be noted that the Borough collates data in conjunction with the GLA through regular inputs into the London Development Database (since 2004) and participates in the London wide SHLAA preparations that underpin London Plan housing policies.

A number of the sites listed have had relatively recent decisions and it is considered at this stage that there is not clear evidence in relation to the schemes themselves that they will not be implemented within five years.

With regard to currently allocated sites it is considered that these units are deliverable by March 2020.

In terms of small schemes that have already commenced it is considered that these are deliverable within five years in light of the small size of the schemes (1-8 units).

The Borough's housing target is based on the recently endorsed GLA SHLAA (2013) and the adopted London Plan (2015). The inclusion of the small site allowance within the Council's Five Year Housing Supply Paper is consistent within the GLA's SHLAA 2013 and advice set out in paragraph 3.19A of the London Plan that specifies the small site allowance should form part of the 5 year supply.

The Housing Supply Policy in the London Plan Policy 3.3 March 2015) and the principle evidence on which it is based (SHLAA 2013) are both relatively recent. The recent SHLAA is further evidence that there is an adequate housing land supply in the borough.

It is considered that overall the Council's Five Year Housing Supply position (June 2015) is that the Five Year Housing Supply is demonstrated and will continue to be monitored on a regular basis.

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

Meeting the MOL designation criteria

The applicant seeks to argue that this site should no longer form part of MOL. In order to be designated as MOL, the London Plan states that the land needs to meet one of the criteria defined by Policy 7.17. The applicant makes the case in section 6 of its application and as part of a separate statement (Dylon 2 MOL considerations) that the site considered should not have been designated in the first place because it would not meet any of the criteria.

The policy however states that "Any alterations to the boundary of MOL should be undertaken by boroughs through the LDF process". Paragraph 83 of the NPPF – which also as established earlier in this report also applies to MOL- states that "greenbelt boundaries" should only be altered in "exceptional circumstances" through the preparation/review of the local plan. As such, it is not considered that it is appropriate to reconsider the designation of the site as MOL using London Plan criteria as part of this planning application.

In addition, it is considered that the site does meet criteria a) and d) of the policy. Indeed the nature of the site is "clearly distinguishable from the built up area" (criteria a.) as most of it has been left open. Built development on the site remains low key and is some distance away from the Dylon and Maybrey industrial/housing sites. In addition, some of the development on the site has been carried out without previously having been approved by the local authority which contributes to the extent of the built footprint of the site (enforcement action has been taken and a current investigation is underway). The railway is a clear barrier separating the site from the industrial area to the west and it cannot be said that there is continuity between the urban form of the area and the site. In addition the site meets criteria d. as it is part of the green chain. Consequently without prejudice to the position set out in the paragraph above Officers are of the opinion that this site deserves its designation as MOL.

Improvements to Metropolitan Open Land and Design Quality

The scheme proposed suggests a trade-off between developing part on the site whilst improving the remaining MOL through landscaping, providing gym and play facilities and by providing a point of access into the site. The applicant considers that "The enhancement and establishment of public access to the retained MOL is also a material consideration in weighing the balance of policy considerations" which would "provide justification to set aside Policy 7.17 of the London Plan and G2 of the Bromley UDP, which aim to protect MOL from development. Policy 7.17 of the London Plan and G2 of the UDP cannot be "set aside". It is agreed that what is proposed in terms of the open space element of the proposal could be an improvement on MOL (however, for reasons

discussed in the design section below the detail of this element is not considered to be acceptable). Nevertheless, even if the open space element were considered to be well designed it should be understood that policy G2 of the UDP requires very special circumstances to be demonstrated first. If those are demonstrated, it will be considered whether those Very Special Circumstances outweigh the harm caused by inappropriate development.

As discussed above, this application does not demonstrate that very special circumstances apply in this case, especially in view of Bromley's updated housing supply figures and therefore whatever benefits would be brought to the remaining MOL cannot be used to justify loss of MOL. Similarly, meeting Bromley's and the GLA's design policy requirements and the guidance of other documents, including as stated exceeding the size and layout of the residential standards of the London Design Guide (as stated in the Design and Access, Scale and appearance and Amenity sections of the Planning, Access and Design Statement) cannot be taken to contribute to establish very special circumstances in itself. It could be used to established that the benefits of the scheme outweigh the harm done by inappropriate development through very special circumstances however because the case for very special circumstances has not convincingly been made in this instance and therefore however positive the features of the proposed development, those are immaterial to this case.

Precedents

The applicant provides examples of residential schemes which have previously been approved on MOL. Applications, the outcome of which were determined as part of the planning application process were assessed on their own merits and how they were determined does not set a precedent for this application. As for the scheme at Anerley School for Boys which was determined on appeal, the inspector's decision considered that the site did not meet any of the London's plan MOL criteria (7.17) however as stated above, it is considered that this particular site does meet some of the MOL criteria. Again, whilst this was considered on appeal, it is generally not appropriate to revisit MOL designations as part of the planning application process.

Principle Summary

In summary, given the MOL designation of the site the proposed residential development is inappropriate development. Such development should not be approved except in very special circumstances. The applicant has sought to demonstrate that very special circumstances apply on the basis that this site does not meet the criteria for designating MOL and in any event that redevelopment of this site for residential purposes is required to meeting housing need and supply in the Borough, particularly in light of recent changes to the London Plan and that there would be limited harm on openness.

The appropriate mechanism for challenging the designation of sites is through the Local Plan process not individual planning applications and for the reasons demonstrated in this report it is not accepted that this site is required to meet housing need and supply in the borough consequently it is not accepted that the applicant has demonstrated very special circumstances. The benefits of the proposal have been carefully assessed and weighed against the harm that could arise from the proposal. On balance officers do not consider that the benefits of the proposal would outweigh the harm caused by loss to the MOL and therefore the principle of the development is considered to be unacceptable in accordance with Policy 7.17 of the London Plan, Policy G2 of the UDP and the NPPF. It is noted that the GLA support this view.

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 Policy 4B.1 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The applicant considers this site to fall within an urban setting based on the Dylon scheme together with the proximity of Lower Sydenham Station. They have sought to rely on the Inspectors description of the Dylon Site in relevant appeal documents and therefore calculate the PTAL as 2/3 and believe that the appropriate density range is 200-450 hr/ha or 70-170 u/ha as set out in Table 3.2 of the London Plan or 300-450 hr/ha/100-150u/ha according to Table 4.2 of the UDP. At a density of 404 hr/ha or 159 u/ha they consider the application to fall within the appropriate density range.

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

As discussed above the principle of redeveloping this site for residential use is considered to be unacceptable. Even if putting the MOL considerations to one side, the proposal is not considered to be a sustainable form of development. One of the strongest reasons in justifying this development put forward by the applicant is the site's location adjacent to Lower Sydenham train station. The transport implications of this scheme will be discussed in detail below. However, the transport report states that the site achieved a PTAL rating of 2, which is considered 'poor'. The site is actually quite isolated from surrounding facilities. The nearest primary school and local shops are approximately a ten minute walk from the site. GPs surgeries are a 17 min walk away. The only facilities near the site are sports fields and gyms. Whilst the Dylon development includes some commercial units, there is no guarantee when or whether these will be delivered. Furthermore it is noted that National Rail has confirmed that there is no disabled access to Lower Sydenham Station at present. Consequently, the sustainability credentials of this location are therefore questionable and there are concerns about appropriateness of the site to accommodate the density proposed.

The NPPF states that planning permission can be given to buildings that are not compatible with the existing townscape if they promote high levels of sustainability and concerns have been mitigated by good design. The isolated location of this building and the poor quality of the design explored in later paragraphs clearly show that that sustainability alone and provision of a high density scheme cannot be justified.

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. In response to the comments raised by Sport England the applicant has submitted additional information. This comprises a letter from the site owner which

states 'since acquiring the site in 2007 there have been no sports activities carried out on the playing fields at Footzie Social Club. Car boot sales were held on the playing fields between 2003 and 2009, there are records for the licenses obtained for this activity'.

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

In light of the fact that the site has not been used as a playing pitch or sporting facility for a considerable period of time (in excess of 8 years) officers are not seeking to raise an objection to the application in this respect. In the event that this application were to be considered acceptable in all other respects the application would be referred to the Secretary of State in accordance with the Consultation Direction 2009.

Design

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

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

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

The key elements of design are assessed below.

Appropriateness of a Tall Building

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

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

The proposed building is considered to be a tall building in the context of its surroundings. The proposal does not satisfy the criteria set out in Policy BE17.

Delivering a tall building in this location is completely contrary to planning policies within the UDP and London Plan. Policy 7.7 of the London Plan states that tall and large buildings should generally be limited to sites in the Central Activity Zone, opportunity areas and areas of intensification or town centres that have good access to public transport. The site is not located in any of these locations and although the site is located next to Lower Sydenham station, the PTAL rating is 2, this is considered poor. When setting out suitable locations for tall buildings the London Plan clearly states that tall buildings should be part of a plan led approach to change or develop the area and not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan clearly states that tall buildings should relate to the proportion, composition, scale and character of surrounding buildings, urban grain and public realm and areas where the character would not be adversely affected. This is repeated in Policy BE1 of the Bromley UDP that states that development should complement the scale form and layout of the area.

The built character in the local area is varied, and there is little consistency. It varies from 2 storey suburban dwellings to industrial sheds. The consented scheme adjacent to the application site will introduce a new urban form between 5 and 8 storeys. The landscape of the site and wider area does, however, give the area a strong character. Proposals on the application site should therefore respond to the landscape and open space, as the primary influence on the site. This does not mean that the development of the application site should be of a suburban scale, but it should respond sensitively and positively to the landscape and open space. The proposed 8-12 storey building forming a continuous 'wall' to the open space would be completely out of character with the landscape and open space

Policy 7.7 of the London Plan states that tall buildings should improve the legibility of an area by emphasising a point of civic or visual significance. The storey heights proposed range from 8 storeys at the northern and southern ends of the building up to 12 storeys in the middle. This is an isolated site. There are no public facilities or destinations apart from the train station.

The increased height suggests a focal point at the centre of the scheme; this draws the public towards a dead space rather than an important node or landmark. Furthermore, instead of emphasising a point of visual significance, in this case the open views across the South East London Chain, the building blocks it out. The building would also block existing views of the MOL from the railway line.

Policy 7.7 of the London Plan states that tall buildings should have ground floor uses that relate to surrounding streets. This development has a very poor relationship with the surrounding streets. There are no uses at ground floor along the northern and eastern edges of the building and those on the west and southern areas relate only to the parking areas and have no relationship to the surrounding street network.

In conclusion a tall building is considered to be entirely inappropriate for this location contrary to Policy 7.7 of the London Plan and Policies BE17 and BE1 of the UDP.

Impact on the Landscape and Skyline

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

landscape and relationship to the South East London Chain– a series of connected open spaces.

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

All of the views provided as part of the planning application show that the mass and scale of proposed buildings will severely impact on the open character of the site adversely affecting the setting and character of the MOL and Green Chain. Despite planted screening around the western and south-eastern borders of the site, the building is highly visible and blocks existing open views.

Paragraph 7 of the NPPF states that the planning system must protect and enhance the natural environment. This is repeated in policy NE12 of the UDP that states that the Council will seek to safeguard the quality and character of the local landscape. The impact a tall building in this location will have on the skyline cannot be ignored. The site is situated within a view of local importance from the Addington Hills. Policy BE18 of the Bromley UDP clearly states that development that adversely affects important local views will not be permitted. Furthermore the open nature of the surrounding landscape will be severely impacted by the development.

Whilst the applicant has provided a number of views, including one long-range view from the Addington Hills, only limited visual impact assessment has been undertaken. The MOL Assessment submitted by the applicant provides photographs of views that do not have the proposed building superimposed on them. It is therefore difficult to properly assess the visual impact of the building, and the value of the exercise is questionable. Furthermore, the photos shown to illustrate the views have been taken in high summer when the vegetation surrounding the site is at its fullest. The building and site are likely to be far more visible in winter months.

The views and elevations provided, especially those of the western and eastern sides of the building, illustrate the detrimental impact a building of this scale would have on the surrounding area. The London Plan clearly states that tall buildings should not have an unacceptable harmful impact on their surroundings. At present, the applicant has provided no real proof that long-range views will be protected. Furthermore, creating a ‘wall’ of development will cast shadows onto the new public open space the extent of which is not clear from the application material. Furthermore, the improvements to the open space have been stated as one of the key justifications for developing on MOL. The space created therefore has to be of the highest quality. The proposed building will have an overbearing appearance for users of the open space, and will potentially overshadow it for parts of the day. Together with the blank frontage of the ground floor level, the building will be a hostile presence on the open space. (See Podium Design and Impact in Public Realm). This is not overcome by the inclusion of decorative grills as part of the design.

The London Plan clearly states that tall buildings should not have an unacceptable harmful impact on their surroundings. It is clear from looking at the views provided that this scheme would have a harmful impact. Despite the tree belt that surrounds the scheme along two edges, it remains highly visible due to its height and mass. This is unacceptable.

The site previously provided sporting facilities for the Dylon factory and is no longer in use and not accessible to the public. The applicant proposes to create a public open space on the undeveloped area of land. While this could bring benefits to the area for the reasons set out earlier in this report very special circumstances have not been demonstrated. Whilst the Applicant's Metropolitan Open Land Assessment does set out a case for the potential of development to improve access and the setting and functionality of the MOL the proposals are insufficient to overcome the MOL policy because the scale, siting and design of the proposals will harm the openness and visual amenity of the MOL. This is contrary to Policy G2 of the Bromley UDP and Policy 7.17 of the London Plan. The visual impact assessment has not clearly demonstrated the effect of such a large building and is not enough to justify the approach set out by the applicant

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

Street Network and Connections

London Plan Policy 7.4 states that, 'A Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future. Buildings, streets and open spaces should provide a high quality design response that:

- Has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass
- Contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
- Is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
- Allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area
- Is informed by the surrounding historic environment.'

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

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

There is a strong emphasis in planning policy to deliver new buildings that contribute to and are integrated into the existing network of streets. Paragraph 7.4 of the London Plan states that development should have regard to the form function and structure of an area. Section 4.1 of the Bromley Residential Guidance SPG states that Layout should be integrated into the existing street network and that cul de sacs should be avoided. The London Housing Design guide specifically states in 1.1.1 and 1.1.2 that developments should demonstrate how the scheme responds to its physical context and integrates into the surrounding network of streets. This has not been achieved by the material submitted by the applicant. The development is essentially a single structure located within a cul de sac. It is in a peripheral location that is constrained by the railway and the river. This limits its ability to relate to the surrounding context. This is a predominantly business/industrial area. There is not a connected network of streets, rather buildings set in inward looking trading estates or housing developments. New development should attempt to address this issue not compound it.

There is emphasis in planning policy to create permeable, accessible areas. This is stated in Policy 7.1 and 7.5 of the London Plan. The access road to the site is not visible from Station Approach. It is hidden behind Dylon development. There is no connection with the existing townscape. Whilst it is noted that the Applicant has strengthened the pedestrian connection from Station Approach to the proposed open space and proposes access through the Dylon scheme, there remains no clear connection between the surrounding context and the primary access to the building (parallel to the railway).

Respecting the character of the existing streetscape is a strong theme of the planning policies identified. Paragraph 60 of the NPPF states that local distinctiveness should be reinforced by new development. This is repeated in Policy 7.1 of the London Plan which states that new buildings should reinforce or enhance the character and Policy BE1 of the Bromley UDP that states that the development should be imaginative and compliment the scale, form, layout and materials of the adjacent areas. Whilst there is no significant local built character in the area, there clearly is a distinctive natural environment created by large areas of open space. In the absence of any real built character, the landscape should inform the design of the building. The scale and mass of this large slab block does not relate to the green open character of the site and blocks views from the east and west.

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

Poor Design Quality

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

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

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

Despite the architect's attempts to articulate the façade of this building by using a concertinaed shape and varying the building heights, all of the views presented read as a singular monolithic structure. The blanket use of London stock brick and repetitive elevation treatments further emphasise the mega structure character of this building. This is far from the imaginative and attractive buildings required by Policy BE1 of the UDP.

Access to and circulation around the building has not been well addressed. There are only 2 entrances to the development at street level. These are located on the western side of the building alongside the access road. There are a further set of entrances along the eastern edge of the site accessed from the open space. These are raised above the podium parking level. This is contrary to Paragraph 3.1.1 of the London Housing Design Guide that states that, 'All main entrances to houses, ground floor flats and communal entrance lobbies should be visible from the public realm and clearly identified,' and to Paragraph 3.1.3 that states that, 'The approach to all entrances should preferably be level or gently sloping [Lifetime Homes Criterion 3].'

At ground floor level, circulation in the building is structured around internal central corridors. The London Housing Design Guide states that, 'Where dwellings are accessed via an internal corridor, the corridor should receive natural light and adequate ventilation.' There does not appear to be any natural light in these spaces. The long corridors also impose on the amenity of ground floor residents. Many people will be using these access corridors and this could have a noise and security impact on people living on the ground floor level. Their amenity is protected by Policy BE1 of the UDP. The London Housing Design Guide also states that, 'The layout of adjacent dwellings and the location of lifts and circulation spaces should seek to limit the transmission of noise to sound sensitive rooms within dwellings.' It is not clear how the applicant will protect the amenity of these residents. Indeed, many of the flats open directly into habitable rooms, which are particularly vulnerable to noise. The noise assessment submitted considers the impact of external noise sources on future occupiers but does not address this specific issue. A clearer approach to this issue is urgently required.

Furthermore, the circulation arrangement leads to many of the flats becoming single aspect. This limits opportunities for effective natural ventilation and passive solar design - contrary to Paragraph 96 of the NPPF and BE1 of the UPD that state that the layout and orientation should consider ways to reduce energy consumption. Furthermore paragraph 5.2.2 of the London Housing Design Guide states that, 'Where single aspect dwellings are proposed, the designer should demonstrate how good levels of ventilation, daylight and privacy will be provided to each habitable room and the

kitchen.’ Apart from the sunlight and daylight reports, the applicant has not fully explained their strategy to address these issues. This would be a particular concern for the single aspect west facing units which according to the Noise Assessment will require alternative means of ventilation as relying solely on openable windows could lead to noise pollution. Policy 7.15 of the London Plan seeks to protect residential occupiers from unacceptable noise pollution. Given the relationship to the railway and commercial buildings to the west it is considered that single aspect facing units on this façade should be avoided as dual aspect units would enable future occupiers to take advantage of the quieter parts of the site to the east. Whilst the single aspect units on the western side of the building could achieve adequate acoustic protection with windows closed, openable windows could give rise to harm.

Furthermore, the explanatory text for 5.2.2 states that, ‘The Mayor believes dual aspect should be the first option that designers explore for all new developments.’ There is no evidence that the applicant has investigated full the potential to provide dual aspect dwellings. No technical or site constraints are presented to justify this choice. This is unacceptable.

Circulation to upper levels is also confusing. When entering from the western side of the building residents on the upper floors must navigate their way to a secondary circulation area with stairs and lifts that will take them to their level. A different system operates on the eastern side of the building. There are four entrances along this edge. They lead directly to secondary circulation areas. This arrangement is ill thought out and does not incorporate the ‘highest standards of architecture,’ as required by Policy 7.6 of the London Plan.

The highways and parking implications of the proposal are discussed in detail in the relevant sections below. However, the design of the parking areas is considered to be poor. At ground level spaces are formed in an almost continuous edge along edge of the railway. This continuous row of hard landscaping does not create a pleasant outlook for those residents facing the western edge of the site, especially those who only have a single aspect to the west. Again, this is contrary to policies such as Policy BE1 of the UDP that states that space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and with the parking chapter of the Residential Design Guidance SPG that states that the council is committed to reducing the dominance of parking on the public realm.

As presented the proposal fails to provide a good enough standard of design quality when assessed against relevant development plan policies and national and local design guidance.

Podium Design and Effects on Public Realm

London Plan Policy 7.1 states that, ‘The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood.’ Policy 7.3 states that, ‘Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In particular:

- Routes and spaces should be legible and well maintained, providing for convenient movement without compromising security
- There should be a clear indication of whether a space is private, semi-public or public, with natural surveillance of publicly accessible spaces from buildings at their lower floors

- Design should encourage a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times
- Places should be designed to promote an appropriate sense of ownership over communal spaces
- Places, buildings and structures should incorporate appropriately designed security features
- Schemes should be designed to minimise on-going management and future maintenance costs of the particular safety and security measures proposed

The above measures should be incorporated at the design stage to ensure that overall design quality is not compromised.'

The most critical failure in the design is the positioning of the building above a single storey podium. This houses car parking at lower ground level. The podium is built out at ground floor level to accommodate the access road from Station Approach to the west and raised communal terraces to the east.

The podium design creates single storey blank frontage along the eastern edge of the building. This severely compromises the quality and success of the public space as there is limited passive surveillance at ground level. The recent addition of a door from the podium car park and proposed 'leaf' design for the car park grills do nothing to improve the quality of this podium edge. Indeed, a door between the car park and open space could actually make the development more insecure and open up potential for crime as there is no passive surveillance from the proposed dwellings on this elevation. Paragraph 58 of the NPPF, Policy 7.3 of the London Plan, Policy BE1 of the Bromley UDP and the General Design Guidance SPG (Ease of Movement) state that developments should design out opportunities for such behaviours.

As designed the proposal is contrary to Policy 7.7 of the London Plan and Policy BE17 of the UDP that requires tall and large buildings to have ground floor activities that provide a positive relationship to the surrounding streets.

The Public Realm Quality section of the General Design Principles SPG, the Fences and Boundaries section of the Residential Design SPG and Policy BE7 of the UDP all clearly state that high, blank walls and boundaries should be avoided. Furthermore, the London Housing Design Guide, states that developments should demonstrate how extensive blank elevations onto the public realm at ground floor have been avoided. By creating an extensive area of blank frontage along the park edge, the applicant has directly contradicted all of these policies.

The Quality of Public Realm Section of the General Design Principles SPG states that spaces should be overlooked by buildings and the London Housing design guide states that developments should demonstrate how public spaces and pedestrian routes are designed to be overlooked and safe. The open space is not overlooked at ground level. Neither is the route that people will follow along the edge of the open space to the entrances on the eastern side of the building. These entrances are raised and accessed via long staircases between the park and podium level. The applicant has not indicated how these will be secured. With no passive surveillance the park and entrance spaces will feel dangerous and will be vulnerable locations for anti-social behaviour and crime. Paragraph 58 of the NPPF, Policy 7.3 of the London Plan, Policy BE1 of the Bromley UDP and the General Design Guidance SPG (Ease of Movement) state that developments should design out opportunities for such behaviours.

Good public realm design is promoted throughout planning policy. The general design principles SPG states that the Council is committed to good quality public realm. The London Plan states that Development should make the public realm comprehensible at a human scale and that be of a composition that enhances and appropriately defines the public realm. It also requires the public and private open spaces should contribute the highest standards of comfort security and ease of movement. These principles have not been achieved by the application. Whilst the new uses and routes through the park do open up the space to the public, the space itself is not effectively framed by built development. Subsequently, the opportunity to create a successful open space has been missed.

In summary, the proposal fails to adequately address its surroundings at ground floor level resulting in poor and potentially dangerous public realm contrary to Policies 7.3 and 7.7 of the London Plan, BE1, BE7 and BE17 of the UDP and national and local design guidance.

Trees and Ecology

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

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

Notwithstanding the above concerns with respect to the podium treatment and consequential adverse impact on public realm the Council's Tree Officer has confirmed that there is no objection to the proposed removal of trees as set out in the applicant's submission. In the event that this application were acceptable in all other respects it would be appropriate to request a detailed landscaping strategy by way of condition which would need to include sufficient and robust replacement tree planting, native species to improve ecology and habitats and ecological enhancements such as bird and bat boxes.

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

Housing Issues

At regional level, the 2015 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. Policies 3.11 and 3.12 of the plan confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision and priority should be accorded to the provision of affordable family housing.

UDP Policy H7 outlines the Council's criteria for all new housing developments. The policy seeks the provision of a mix of housing types and sizes.

a) Size and Tenure of Residential Accommodation

The proposal would provide the following residential development

	1 Bed	2 Bed	3 Bed	Total
Private	94	88	7	189
Affordable	54	47	6	107
Total	148	135	13	296

The size mix of units equates to 50% one beds, 46% 2 beds and 4% three beds. The concerns raised by The Council's Strategic Housing Officer and GLA have been duly considered. The Council's Housing Officer has not raised an objection to the number of 3 bed units proposed as this would meet current housing need for this unit size, whilst a greater number of two bed units particularly in the affordable tenure would be preferable to meet current demand/need, development plan policies do not specify a detailed breakdown of unit sizes and on balance it is not considered that an objection on the grounds of unit size mix could be sustained in this instance. Consequently the proposed mix is considered to be acceptable.

Policy 3.8 of the London Plan requires 10% of all new dwellings to be wheelchair accessible. This is further reinforced by the Mayors Housing SPG (2012). 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. The applicants Planning Statement suggests that 10% wheelchair units would be provided which would meet the policy requirement. However, a plan submitted in the Architectural Statement confirms that 11 units would be provided which falls significantly short of the 10% required (29 units) across the development as a whole. The applicant's response to the GLAs Stage 1 Report confirms that 10% of dwellings have been designed to accommodate wheelchair users but only 24 wheelchair car parking spaces are provided which would not allow for a space for each wheelchair dwelling. . It is not clear from the submission whether the 11 units are proposed for the affordable tenure and therefore additional units will be provided in the private tenure of whether 11 units is the total provision.

A typical layout plan for the units has been provided at a scale of 1:125. However, this is not a sufficient scale or of sufficient detail to demonstrate that the 11 units would be capable of meeting wheelchair standards. For private units the relevant standard would be the GLA standard but for affordable units the standard would be SELHP. Additionally it is not entirely clear whether appropriate access or car parking can be provided. It is not clear from the submission that such standards could be achieved. Consequently the applicant has failed to sufficiently address London Plan Policy 3.8, the Mayors Housing SPG or Bromley's Affordable Housing SPD.

Policy H2 of the UDP requires sites capable of providing 10 or more dwellings to make provision for 35% affordable housing (by habitable room). A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision. In such instances the maximum level of affordable provision must be sought. Recent changes to the NPPF and PPG raise the threshold to 11 or more dwellings. In this instance the development comprises 296

residential units and therefore triggers the need to address Policy H2. The application includes a UDP policy compliant provision of affordable housing (296 total unit of which 107 units will be affordable = 36%/ 743 total hab rooms of which 273 affordable hab rooms = 36.7%). Consequently officers did not request the submission of a Financial Viability Assessment.

In the stage 1 response the GLA advised that London Plan Policies 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units, taking into account; the need to encourage rather than restrain development; the housing needs in particular locations; mixed and balanced communities, and; the specific circumstances of individual sites. They acknowledge that that in the planning statement, the applicant confirms that 35% of the units will be provided as affordable units, with a tenure split of 60% social rent and 40% intermediate, the preferred tenure split in the London Plan. The offer at this stage therefore meets the policy requirement in Bromley's UDP. The site however, is a greenfield, windfall site which could not have been purchased on the basis of its development potential. In addition, the London Plan policy is for the maximum reasonable amount of affordable housing to be delivered and is a far more up-to-date policy than Bromley Council's UDP policy. On that basis therefore, GLA officers require the applicant to conduct a financial viability appraisal to demonstrate the maximum reasonable amount of affordable housing will be delivered, based on the development's viability. This should be based on the existing use value (EUV) of the site (open space) or a suitable benchmark land value (of comparable open space transactions).

The GLA require the Council and/or its independent consultant to scrutinise the toolkit appraisals to determine whether the maximum reasonable amount of affordable housing that the development can deliver is being secured as opposed to 35% required by UDP policy. The GLA has requested that both the applicants and Councils viability reports are submitted prior to the application being referred back at stage two.

The GLAs position on this matter is noted. If this application were considered to be acceptable in principle this particular issue would have been discussed further with the applicant and GLA in order to find an appropriate solution.

The projected tenure split within the application is 70% rent 30% intermediate although a detailed breakdown of tenure in terms of identified units was not provided. Again if this application were considered to be acceptable in principle further details would have been sought from the applicant.

b) *Standard of Residential Accommodation*

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

Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. The standards require 1bed2person units to be a minimum 50 sqm, 2b3p units to be 61 sqm and 2b4p units to be 70 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. All of the 3 bed units are located at entrance level. The applicant has stated that all units met Lifetime Home Standards and has provided layout plans to demonstrate compliance in this respect. However, as discussed in the design section above there are concerns in respect of the design in terms of the number of one bed single aspect units, the approach to access and circulation and the noise implications for units on the ground floor as well as outlook for the lower single aspect units. It is considered that the detailed design could be improved to offer a better standard of amenity for future occupiers in accordance with the aims and objectives of the Mayors Housing SPG.

Playspace

Based on the Mayor's play space SPG, there is a requirement for 197 sqm of play space on site. An area of play space has been identified in the landscape plans. It is not clear how much provision is proposed but 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, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

The development is located on the corner of Worsley Bridge Road and Station Approach. Worsley Bridge Road is a district distributor road which links with the A2218 Southend Lane to the north and with the A2015 Southend Road via Stumps Hill, or Brackley Road to the south. Also the site is located in an area with low PTAL rate of 2.

Parking Survey

The car parking beat surveys were undertaken on Wednesday 17th September 2014 at 03:30 and 12:20, being repeated on Thursday 18th September at 03:30 and 13:00. The survey has indicated that on-street car parking demand during the day is high. For the majority of the zones defined by the survey, car parking stress exceeded 90% in areas where no parking restrictions are in place.

The survey has established that parking demand overnight is significantly lower than during the day. This is particularly evident on Station Approach and Worsley Bridge Road

(south of Station Approach), the sections of highway closest to the proposed development site. In combination, 82 or 83 on-street car parking spaces are available overnight in these roads.

Development Summary

The development will provide 296 residential units; the 296 flats will comprise a mix of one, two and three bedroom units as follows:

Dwelling Type	1 Bedroom (2 Habitable Rooms)	2 Bedroom (3 Habitable Rooms)	3 Bedroom (4 Habitable Rooms)
Apartments	148	135	13

Site Access

The development site will be accessed from the estate road developed in association with the adjacent Dylon International development (application number 09/01664). The proposed estate road provides a one-way entry into the Dylon International site from Station Approach and circulates one-way around the Dylon International building, in an anti-clockwise direction, requiring traffic to exit onto Worsley Bridge Road. The vehicular access into the development site will spur from the Dylon International development estate road. Separate points of access will be provided to basement parking (125 spaces, including 14 spaces for use by disabled drivers) and surface level parking (97 spaces, including 10 spaces for use by disabled drivers).

All surface level parking will be located between the built development and the railway line. At the southern end of the development site, a turning head will be provided at surface level. However the swept path analysis shows a standard refuse vehicle, LBB's refuse vehicle is 10.28m long by 2.550m wide. If this application were to be approved the applicant would be required to show the above vehicle would be able to manoeuvre in and out of the site in a forward gear. It would also be necessary to show how refuse trucks, cars, pedestrians and cyclists could use this access safely. This could be addressed by way of a condition which would be discharged in liaison with the Councils Highways Officer and TfL.

Car Parking

The development will be supported by 222 car parking spaces, provided at a ratio of 0.75 spaces per dwelling of these, 20% will have access to electric charge points to support electric vehicles. A further 20% of spaces will be provided with passive provision for the installation of electric charge points in the future. The parking spaces will be provided at surface level (97 spaces, including 10 provided to a disabled driver standard) and within a basement car park (125 spaces, including 14 for use by disabled drivers). The total of 269 car parking spaces are required according to LBB's UDP. Socially rented 38, 1 bed units (38x 0.5= 19); 33, 2bed units (33x 0.75= 25) and 4, 3bed units (4x1= 4) total 48 spaces, then 189 (market housing) and 32 (intermediate) units at 1 per unit equates to 221 spaces. Therefore there is a shortfall of 47 spaces when judged against Bromley UDP standards, although it is important to note that the development would meet London Plan standards. The Councils Highways Officer does not object to the parking provision.

Cycle parking- Overall, 456 bicycle parking spaces will be provided for residents within the basement, and a further 32 spaces will be provided at ground level. However the new London Plan states that 1 space per studio and 1 bed room unit and 2 spaces per all other dwellings, therefore 444 spaces are required. There is an overprovision of 12 cycle

spaces. The number of spaces is considered to be acceptable. Further details are required in respect of detailed design but this could be secured by condition.

Car Ownership

The electoral Ward of Copers Cope has been interrogated, within which the development site is located the consultant has obtained car ownership Census data by unit type (apartment or house) and by habitable room. This enables a detailed estimate of future ownership rates to be established, based on existing car ownership levels for the local area.

The Table below provides the development's schedule of accommodation, and this includes the number of habitable rooms per dwelling. By applying this schedule to the 2011 Census car ownership data for Copers Cope, the following estimate of car ownership for the development can be made.

Unit Type	No. Habitable Rooms	Total No. H'holds	No cars or van*	1 car or van*	2 cars or van*	3+ cars or van*+	Total cars owned	Average cars per dwelling	Proposed No. Units	Estimated Car Ownership
Apartment - Owned outright or with mortgage	1 - 3 rooms	974	324 (33%)	562	83	5	745	0.78	182	138
Apartment - Owned outright or with mortgage	4 rooms	1,461	361 (25%)	903	178	19	1323	0.91	7	6
Apartment - Shared ownership; rented and living rent free	1-3 rooms	1337	603 (45%)	651	77	6	825	0.62	101	62
Apartment - Shared ownership; rented and living rent free	4 rooms	1146	389 (34%)	616	127	14	917	0.80	6	5
TOTAL Estimated Car Ownership										212

The data indicates that a high proportion of dwellings are car free, with 37% of households predicted to be car free at the proposed development site.

Overall, the assessment estimates car ownership to be 212 cars for the 296 dwelling development (ratio of 0.72 cars per unit).

Car Club Parking Provision

The Car Club operator City Car Club have provided a proposal to introduce a Car Club onsite that will be accessible to both future site residents and residents from adjacent developments. It is proposed that 2 parking spaces on-site are reserved for use by Car

Club vehicles. The spaces would be at surface level and the car club operator will be appointed to operate a minimum of 1 car at the location for at least 2 years. The operator would add a second car as demand requires. If this development were acceptable in all other respect this would need to be secured by way of a section 106 legal agreement.

Transport Demand

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 for all periods considered above is 'walk / public transport', which achieves 51.6% of mode share from 08:00-09:00.

The roundabout junction of Worsley Bridge Road/Station Approach/Montana Gardens has been modelled using the Junctions (ARCADY) The junction model has been created to replicate base traffic conditions. The future (2018) 'base' and 'with development' traffic conditions derived in have then been applied to the traffic model. All traffic arriving at the development site will turn into Station Approach at this junction, before turning from Station Approach into the site's internal estate road.

The assessment has identified that the junction will operate within capacity for the design year 2018. The highest ratio of flow to capacity (RFC) figure identified is 0.77, in the AM peak on Worsley Bridge Road (North), within the design capacity.

Site Exit Junction onto Worsley Bridge Road

The future performance of the site egress onto Worsley Bridge Road has been assessed. This junction will be developed to support the development site and the adjacent Phase 1 site. The traffic model has been created using the PICADY.

The assessment has identified that the site's egress will operate with a significant reserve capacity at peak times of operation. RFC values are below 1.0, and vehicle queues and delays are minimal.

Southend Lane/Worsley Bridge Road

The traffic signal control junction of Southend Lane/Worsley Bridge Road has been modelled using the software LINSIG for the assessment of traffic signal control junction capacity. Under existing conditions, the survey identified a consistently long queue in the PM peak on Southend Lane, for traffic travelling westbound towards Bell Green. However, the survey has also identified that this junction approach experiences a significant amount of underutilised green time. The survey company have informed that during the PM peak traffic period, the junction experienced a capacity constraint as a result of traffic queuing back from the Southend Lane/Kangley Bridge Road/Sainsbury's junction which prevented westbound traffic from travelling through the junction.

The assessment has identified that the junction is shown to operate over capacity under both base and with development conditions, in both the AM and PM peak traffic periods.

The development will result in an impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal control junction. In terms of the increase in traffic volume, it is predicted that in the year 2018, traffic flow will increase by 2.5% in the AM peak traffic period (63 vehicles), and by 1.3% in the PM peak period (36 vehicles). This increase in traffic demand will have an impact on the operation of the

junction. The Council's Highways Officer has advised that the applicant should investigate the phasing of Southend Lane / Worsley Bridge Road junction in order to minimise the impact and reduce queuing. If this application were acceptable in all other respects this matter would be raised with the applicant. However, the Council's Highways Officer has advised that in his view this application should not be refused on the grounds of adverse impact on the highway network.

The Council's Highways Officer has advised that the development will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal control junction. However this reason is not sufficient to warrant a refusal on highways grounds.

In the event that this application were to be considered acceptable in all other respects the following would be secured by condition/s106 in order to make the development acceptable from a highways perspective:

- The swept path analysis shows a standard refuse vehicle, LBB's refuse vehicle is 10.28m long by 2.550m wide. The applicant is required to show the above vehicle would be able to manoeuvre in and out of the site in a forward gear.
- The development will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal control junction. Therefore the applicant is required to investigate further the phasing of Southend Lane / Worsley Bridge Road junction in order to minimise the impact and reduce queuing.
- Details of cycle parking
- Details of delivery and servicing
- Additional details in respect of the design of the new access to show how all road users could safely use the access/internal route
- Construction logistics plan
- Provision of 40% electric vehicle charging points.
- S106 contributions towards improved bus stops/improved access at Sydenham station/installation of double yellow lines/contribution towards future parking controls

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.

Impact on neighbouring amenity

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

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

The site is largely surrounded by a range of non-residential uses comprising commercial and industrial uses to the north and west and MOL to the east and south. The closest residential properties would be the Dylon Phase 1 scheme when built. Given the significant distance between this site and existing residential properties to the east and south it is not considered that any harm to amenity would occur. There would be a degree of overlooking between the units on this scheme and the approved

Dylon development. However, anyone choosing to move into the new schemes would be aware of the relationship and it is not considered that any mutual overlooking would give rise to an objection that could be sustained as a reason for refusal.

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

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

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

Sustainability and Energy

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

An energy strategy was submitted which confirms that all new dwellings would meet CfSH Rating 4 and a CHP would be incorporated to help meet London Plan CO₂ reductions. As a result of achieving Level 4 under the CfSH sustainability assessment the proposal will address sustainability principles in terms of use of energy and water, construction techniques and building materials, waste, pollution and health and well-being.

Overall, the submitted information is comprehensive and thorough. The consultants have followed the GLA's SPG methodology and they are aiming to show that the proposed development will exceed the 35% reduction in CO₂ required by the London Plan. The strategy is to use a gas-fired CHP system to provide heat and power to the development. This is in line with the GLA's policies and appears to be able to meet the CO₂ reduction requirements without additional measures. The consultants have acknowledged that a contribution from renewable energy is desirable and would be feasible - they suggest PV panels be used "if required". Officers believe that some panels should be included in the proposal particularly as the opportunity has not been taken to incorporate living roofs – these might take the reduction over and above 35%, but also act as a safety net should the CHP not meet the stated quantum when the design is finalised.

To meet the GLA comments additional information should be provided in respect of the possibility of linking Dylon and this development to the same CHP and to ensure that appropriate carbon savings can be attributed to the CHP. It would also be

appropriate to require the development to incorporate piping/ducting to enable connection to a district wide CHP system in the future. These matters could be secured by way of condition.

One point to note is that the statement includes a section on Code for Sustainable Homes. Following the Government's recent announcement, the Code has been scrapped and Bromley Council are not requiring it as a standard although it is welcome from a sustainability perspective.

In summary, the strategy for reducing carbon emissions is in line with policy and acceptable subject to the provision of additional information required meeting GLA comments which could be secured by condition.

Sustainable Urban Drainage Systems

Policy 5.13 of the London Plan requires development to utilise SUDS, unless there are practical reasons for not doing so though supporting text to the policy also recognises the contribution 'green' roofs can make to SUDS. The hierarchy within that policy is for a preference for developments to store water for later use.

Within this development surface water is proposed to be discharged to a soakaway or discharged to the adjacent watercourse in order to mimic the existing surface water run-off regime for the site. The potential to provide SUDs has been considered as part of the preliminary design process and will be incorporated into the final landscaping scheme.

This application does not include the provision of living roofs as the applicant has stated that the roof area could be used to accommodate PV panels. This is regrettable as it is possible for PV panels to be positioned on top of living roofs. Indeed the provision of living roofs below photo-voltaic panels optimises the efficiency of the PVs bringing additional sustainability benefits to the development. It is considered that the lack of a living roof is a missed opportunity to make a positive contribution in terms of SUDs, ecological benefits and visual amenity.

Notwithstanding the lack of green roof provision the development is capable of incorporating SUDs. The Council's Drainage Officer has confirmed that there is no objection to the proposal subject to conditions requiring submission of a detailed drainage strategy.

Flood Risk Mitigation

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

This site is located in an identified Flood Risk Area, 14% of the site is in Flood Zone 1, 80% of the site is in Flood Zone 3 and 6% is in Zone 2. The flood levels vary across the site between 23.94 AOD and 25.07 AOD. The proposed finish floor levels of the development have been determined through the site specific modelling exercise undertaken in conjunction with the Environment Agency. The ground floor (access) level will be set at 27.0m AOD and the lower deck car park floor level at 24.0m AOD.

In order to mitigate the impact of flooding the residential areas of the development, the surface level parking and access routes area all located in areas free from flooding.

The ground floor of the development has been set at 27m AOD which means the residential areas are located a minimum of 2m above the 1 in 100 year plus climate change flood event. This approach provides an opportunity for dry escape or refuge in the event of a flood. In order to address concerns regarding flooding of the undercroft car parking area the design incorporate grilles along the eastern boundary of the building. The length of the grille will be 92m.

The Environment Agency has advised that they have no objection to the proposal on flood risk grounds should the local planning authority be satisfied in respect of:

- Sequential approach to flood risk
- Principle of using under-croft for floodwater storage
- Design of under-croft openings
- Land raising
- Finished floor levels
- Safe access and egress
- Flood resilience measures
- Sustainable Drainage Systems

The approach to mitigating flood risk and the Environment Agency's response has been discussed with the Council Drainage Officer and Emergency Planning Team. The Emergency Planning Team do not have the capacity or expertise to comment on the appropriateness of the proposal but the Drainage Officer has confirmed that he would not raise an objection subject to the conditions recommended by the Environment Agency.

Whilst it is acknowledged that the Environment Agency and Drainage Officer do not object to the proposal and flood risk issues could technically be overcome by way of an engineered solution, the proposed means of dealing with flood risk is not considered to be acceptable from a design perspective. The primary reason for the design of the podium is to mitigate against flood risk. By raising the building up the residential accommodation sits 2m above the maximum flood level identified by the applicants modelling exercise of 650mm. It is not clear whether it is necessary to have such a large distance between the flood level identified and the residential accommodation or whether the need to raise the building simply presented an opportunity to accommodate car parking at lower ground level. While this approach does mitigate against flood risk, and satisfies the requirements of the Environment Agency and Emergency Planning, the consequences for the success of the scheme in terms of design, especially along the edge of the open space, are disastrous.

There is no evidence to suggest that the project team investigated other approaches to manage flood risk. Arguably, a site such as this one is not appropriate for development. Building on such a site at the expense of good design and place making promoted throughout planning policy is unacceptable. The applicants comments within the FRA regarding the suitability of the site for development based on housing need are noted but for reasons already discussed in this report the site is not considered to be necessary or indeed appropriate for meeting housing need in the Borough, the proposal is contrary to development plan policies and therefore the sequential test should be applied. The Council do not consider this site to be necessary to meet housing need and therefore question the suitability of the site residential development in light of the flood risk designation and proposed measures for dealing with this. As it stands the Council do not accept that the Exception Test has been passed.

Other Considerations

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

Planning Obligations

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

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

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

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

- Education (£702,939)
- Health (290,968)
- Affordable Housing
- Wheelchair housing
- Access to and maintenance of the public open space.
- Network Rail has raised a concern with the lack of lift access at Lower Sydenham Station and requested that the applicant address this by way of a financial obligation to provide lift access. If this application had been considered acceptable in principle this matter would also have been discussed with the applicant.
- Provision of car club membership
- Highways contributions to address Bromley and TfL requirements

Environmental Impact Assessment

The Council issued a Screening Opinion on 10 April 2015 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Summary

The proposed development of the site raises issues associated with the principle of developing the MOL for residential purpose and the acceptability of the development in terms of its nature and scale, impact on the local environment and surrounding area.

The benefits of the proposal should be carefully weighed against the harm arising, considering those matters in light of the NPPF (paragraphs 14, 49 and 87) as well as adopted and emerging development plan policies and other material considerations including third party representations.

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

On balance officers do not consider that the potential harm to the MOL by reason of inappropriateness and other harm due to overdevelopment, design and flood risk are clearly outweighed by the benefits of the development set out above. Therefore very special circumstances do not exist justifying inappropriate development on this site and the principle of redeveloping this site for residential purposes is considered to be wholly unacceptable and contrary to the NPPF as a whole and development plan policies which seek to protect MOL.

In addition, there are some fundamental issues in terms of amount, scale and detailed design of the proposal that would seriously threaten the character, place making and functionality of the area, quality of the proposed building, open space and public realm, as well as giving rise to a poor standard of amenity for future residents including occupiers of wheelchair units. It is also considered that the proposed measures to deal with flood risk are inappropriate and unacceptable as they have a significant adverse effect on the quality of the proposed development. Notwithstanding the MOL designation it is considered that the proposal in its detail results in adverse impacts that significantly and demonstrably outweigh the benefits of the development.

Overall, the adverse impacts of the proposed development together with the restrictions under MOL policy significantly and demonstrably outweigh the benefits, in spite of the general presumption in favour of sustainable development.

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

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

Background papers referred to during the production of this report comprise all correspondence on file ref 15/00701 and other files referenced in this report, excluding exempt information.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).

2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.

3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain; or provide adequate amenity in terms of noise when windows are open fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).

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