

Application No : 16/02395/FULL1

Ward:
Bromley Town

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

OS Grid Ref: E: 540522 N: 168636

Applicant : Cobalt Bromley South Ltd

Objections : YES

Description of Development:

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

Key designations:

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

Proposal

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

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

Externally, the following changes are proposed to the building:

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

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

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

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

Appearance and scale

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

Site layout

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

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

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

Applicant's Submission in Support

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

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

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

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

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

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

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

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

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

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

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

Additional supporting information: Further clarification has been submitted since submission in respect of an updated FRA and surface water drainage strategy which has been revised to provide a surface water run-off rate of 5ls and provide a greater level of attenuation storage (25.9m³) at subbase level, how the proposed works would minimise the impact on the drainage culvert under the site has been clarified with the building sited at 2.2m from the culvert wall and the need to take account of updated surface water flooding maps. These maps include up to date data on climate change and the analysis identifies the site is at no greater risk of flooding and overall is a negligible risk.

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

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

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

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

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

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

Location

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

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

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

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

Consultations

Comments from Local Residents

Nearby properties were notified and representations have been received.

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

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

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

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

Comments from Consultees

Highways:

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

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

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

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

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

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

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

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

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

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

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

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

Please include standard conditions in any permission and the following:

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

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

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

Additional Comments:

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

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

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

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

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

Transport for London:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Environmental Health:

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

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

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

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

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

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

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

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

Additional conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Drainage:

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

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

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

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

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

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

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

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

Environment Agency:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason To preserve access to the culvert for future maintenance.

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

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

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

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

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

Thames Water:

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

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

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

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

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

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

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

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

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

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

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

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

The Metropolitan Police Crime Prevention Design Adviser:

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

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

NPPF paragraphs 58 and 69 clarify the policy position.

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

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

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

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

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

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

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

Natural England:

No comments to make on this application.

Greater London Authority (GLA):

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

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

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

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

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

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

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

Planning Considerations

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

Unitary Development Plan Policies:

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

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

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

Bromley Town Centre Area Action Plan (AAP) Policies:

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

Emerging Bromley Local Plan

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

Draft Policies and Designations (2014):

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

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

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

The London Plan 2015:

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

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

SPG's:

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

The following non-statutory guidance is also relevant:

CABE/English Heritage Guidance on Tall Buildings (2007)

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

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

Planning History

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

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

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

Background to application

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

1. The proposed development would, by reason of its height, scale, siting and design which would not be of the outstanding architectural quality required by the development plan, appear as an unduly prominent, incongruous and overbearing addition to the town centre skyline, out of character with the scale, form and proportion of adjacent development, giving rise to an unacceptable degree of harm to the character and appearance of the area, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan and London Plan Policy 7.7.

2. The proposed development would, by reason of the height, scale and footprint of the building constitute an overdevelopment of the site, with very limited space retained at street level to offset the significant mass of built development and provide a satisfactory setting for the development, and would give rise to a loss of amenity to neighbouring residents with particular regard to an unacceptable and detrimental perception of overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan and London Plan Policy 7.7.

3. The proposed development would lack servicing arrangements for the proposed commercial uses which would result in a detrimental impact upon road and pedestrian safety and highway management contrary to Policies T17 of the Unitary Development Plan and Policy BTC29 of the Bromley Town Centre Area Action Plan.

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

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

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

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

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

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

Conclusions

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

- Principle of Development including Housing Land Supply

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

Principle of Development including Housing Land Supply

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Affordable Housing and Viability

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

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

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

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

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

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

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

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

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

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

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

Density, Height and Design

The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1

sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Policy 7.4 and with public transport capacity. Table 3.2 identifies an appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact on the character of the area

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

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

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

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

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

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

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

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

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

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

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

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

Housing Standards and Amenity Space

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

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

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

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

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

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

Impact on Amenities of Adjacent Properties

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

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

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

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

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

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

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

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

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

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

Highways and Parking

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. All developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states in Paragraph 32 that development

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Contributions

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

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

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

Other Technical Considerations

Noise

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

Air Quality

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

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

Landscaping

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

Play Space Provision

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

Sustainability and Renewable Energy

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

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

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

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

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

Flood Risk Assessment and Sustainable Urban Drainage Systems

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

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

Environment Agency Considerations

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

Contaminated Land

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

Secured by Design

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

Environmental Impact Assessment

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

Conclusion

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

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

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

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

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

RECOMMENDATION: PERMISSION BE REFUSED

For the following reasons:

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

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