

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

**Ward:**  
Kelsey And Eden Park

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

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

**Applicant :** Northern Land Developments Ltd.

**Objections :** YES

**Description of Development:**

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

Key designations:

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

**Proposal**

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

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

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

Transport Statement (April 2016):

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

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

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

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

### Landscape Appraisal (March 2016):

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

### Open Space Audit (March 2016):

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

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

### Heritage Statement (March 2016):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Noise Assessment (March 2016):

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

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

#### Energy Statement (April 2016):

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

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

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

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

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

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

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

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



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

## **Location**

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

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

## **Consultations**

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

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

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

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

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

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

The Council's Highway Development Engineers:

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

The Council's Drainage Officer:

No objections in principle, conditions recommended.

The Council's Environmental Health Officer:

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

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

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

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

The Council's Housing Enforcement Team:

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

Transport for London (TfL):

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

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

Natural England:

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

The Metropolitan Police Designing out Crime Advisor:

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

Thames Water:

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

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

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

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

## **Planning Considerations**

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

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

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

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

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

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

The most relevant draft Local Plan policies include:

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



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

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

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

- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

The 2015-16 Minor Alterations (MALPs) have been prepared to bring the London Plan in line with the national housing standards and car parking policy. Both sets of alterations have been considered by an independent inspector at an examination in public and were published on 14th March 2016. The most relevant changes to policies include:

- 3.5 Quality and Design of Housing Development
- 3.8 Housing Choice
- 6.13 Parking

The relevant London Plan SPGs are:

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

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

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

## **Planning History**

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

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

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

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

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

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

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

## **Assessment**

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

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

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

## **Housing Supply**

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

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

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

### Urban Open Space

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Design

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (Para's 56-57, NPPF).

Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development; respond to local character, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; and ensure that development are visually attractive as a result of good architecture and appropriate landscaping (Para.58, NPPF).

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting

(assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces.

The London Plan advises that development plan policies related to density are intended to optimise not maximise development and density ranges are deliberately broad to enable account to be taken of other factors relevant to optimising potential such as local context, design and transport capacity, as well as social infrastructure, open space and play (para.3.28).

The Housing SPG (March 2016) provides further guidance on implementation of policy 3.4 and says that this and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (e.g. employment or commercial floorspace), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility (para.1.3.8).

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

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

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

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

### Impact on Heritage Assets adjoining the site

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

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

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

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

### Planning Obligations

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

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

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

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

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

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

The scheme would also be subject to Mayoral CIL.

#### Impact on Neighbouring Amenities

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

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

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

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

### Housing Issues

#### *Unit type/size:*

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

#### *Affordable Housing:*

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

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

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

#### *Standard of living accommodation:*

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

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

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

The 2016 London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The Housing SPG advises that affordable dwellings (where the Council has nomination rights) should be provided as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion). Affordable wheelchair units will additionally be required to comply with South East London Housing Partnership (SELHP) standards.

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

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

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

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

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

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

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

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

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

### *Amenity Space:*

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

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

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

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (Para.32).

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



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

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

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

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

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

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

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

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

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

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

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

### Pollution and Contamination

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

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

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

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

### Trees and Ecology

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

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

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

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

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

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

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

### Sustainable Energy

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

## Drainage

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

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

## Archaeology

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

## Environmental Impact Assessment

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

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

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

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

## **Conclusions**

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

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

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

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

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

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

**The reasons for refusal are:**

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