

Application No : 16/05897/FULL1

**Ward:
Copers Cope**

**Address : Maybrey Business Park, Worsley Bridge
Road, London SE26 5AZ**

OS Grid Ref: E: 536949 N: 171257

Applicant : Bellway Homes (Thames Gateway) Objections : YES

Description of Development:

Demolition of existing buildings and comprehensive redevelopment of the site to provide new buildings ranging from five to nine storeys in height comprising 159 residential units (Use Class C3), 1,099 sq m commercial floorspace (Use Class B1a-c), residents gym (Use Class D2), together with associated car and cycle parking, landscaping and infrastructure works.

Key designations:

Biggin Hill Safeguarding Area
Green Chain
London City Airport Safeguarding
Metropolitan Open Land
Sites of Interest for Nat. Conservation
Smoke Control SCA 12

Proposal

- Demolition of existing buildings providing at least 3273 sqm of Class B1/B2/B8/Sui Generis floorspace
- Re-development of the site for 159 flats comprising 75 one bed, 56 two bed and 28 three bedroom flats and 1,129 sqm of B1a-c employment floorspace and 143 sqm residents gym
- The proposal is for two new buildings extending between 5 and 9 storeys in height which would appear to be divided into 5 distinct blocks by using different heights and breaks in the massing to provide modulation to the buildings
- The residential units will be positioned at first floor level and above
- the commercial and D2 uses will be positioned at ground floor of the blocks with a central area used for car and cycle parking, an energy centre, water tank and refuse storage
- The parking provision has been revised to provide 158 spaces including 16 spaces designed to accessible standards accessed via the existing eastern most vehicular access from Worsley Bridge Road which will be modified to accommodate refuse vehicles
- The western access point would also be retained to provide vehicular access to the substation and 5 car parking spaces proposed for the commercial uses situated along the western site boundary

- 2 car club spaces would be supplied
- at first floor a central communal courtyard is proposed providing a landscaped amenity/play space for occupiers of the development and further amenity and play space will be provided for resident of Block B on the roof of block A
- A site-wide landscaping Masterplan has been submitted which also includes brown and sedum roofs on all blocks, hard and soft landscaping adjacent to the Pool River on the eastern site boundary to create a recreational space
- the possibility of extending the public footpath along the rivers edge through to the Metropolitan Open Land to the south of the site has been suggested however no further details are given
- pedestrian/cycle paths are proposed along the southern and western boundaries as well as additional parking along the western edge
- pedestrian movements through the site will be facilitated either through dedicated footways through the central landscaped podium or shared surfaces with direct pedestrian access provided onto Worsley Bridge Road.

Amendments to scheme received 29/03/17; 31/03/17:

- Increase in cycle parking from 290 to 310 spaces
- Amended parking layout at ground floor and provision of upper half-levels increasing total parking provision to 158 spaces including 16 wheelchair accessible spaces
- Southern boundary treatment amended to prevent ingress from publicly accessible spaces
- Layouts amended to facilitate residential access from block B to the central podium garden at first floor level
- Layouts amended to separate private balcony spaces where buildings A and B meet
- Western access point from Worsley Bridge Road corrected to align with existing highways crossover
- Accessible and adaptable apartments layout amended
- Apartment layout amended to address housing officer comments.

The applicant has submitted the following documents and reports in support of the application which are summarised below:

- **Planning Statement by Savills (Dec 2016)**

This gives the background information and characteristics of the application site and adjacent sites and sets out the design approach behind the proposed scheme. The statement suggests the isolated position of the site from the wider Lower Sydenham Business Area by the railway line and development coming forward on the adjacent Dylon site, is likely to undermine the suitability of industrial floorspace on the site and that development of this part of the site would not compromise the primary function of the LSIS.

The statement concludes that the proposals will provide a wide range of planning benefits for the site and surrounding area including the redevelopment of a poor quality brownfield site; increasing the Boroughs housing stock with a range of well-designed, sustainable accommodation including affordable homes; re-provision of employment use with high quality, flexible commercial floorspace suitable for creative industries, providing a minimum employment density of 18.8 + 2.2 provided by the gym; provision of high quality open space, landscaping and play space; improvements to the wider environment, especially along the River Pool and adjoining MOL; and sustainable design and construction methods helping to tackle climate change. Overall, the applicant considers that the scheme complies with the relevant national, regional and local policy guidance.

- **Supporting Letter by Savills (March 2017)**

This sets out the revised/additional information which has been submitted in support of the application and is summarised below:

Principle of Development

An Addendum Employment Land Report and a commercial vision document which will form part of the soft marketing of the units going forward have been submitted. The applicant has confirmed that they would be prepared to accept an appropriately worded planning obligation with the legal agreement regarding the requirements of the marketing strategy. The applicant considers that the application meets the criteria in Draft Policy 82 for why the loss of industrial land may be acceptable and therefore considers that the site should be de-designated. The findings of the Addendum Employment Land Report are summarised below.

They also refer to the recently published Housing White Paper (Feb 2017) which places greater emphasis on the need to make as much use of brownfield land for homes and say they can see no reason why the site cannot be re-designated for residential use.

Design/impact on MOL

The applicant considers that the different heights and breaks in the building frontages adds visual interest and modulation to the buildings massing and takes account of the MOL. The main revisions made to the design of the scheme are listed above.

Affordable Housing

The applicant says that a viability report is being prepared which is to be submitted subsequently.

Highways

Concludes that the level of car parking provision is unlikely to have a material effect on the results of the analysis; on the basis of the minor anticipated increase in vehicle trips over the course of a day it was considered unnecessary to model the junction and no material harm is anticipated. Furthermore, it is assumed that at the time the Dylon development was considered any analysis would have accounted for the permitted uses on the Maybrey site. The applicant does not consider that the proposed development is likely to result in a material increase

from those findings. The findings of the updated Transport Statement are summarised below.

Thames Water and Drainage

The applicant states that an updated flood risk assessment will be issued in due course.

Residential Amenity

The applicant states that the submitted daylight/sunlight assessment demonstrates that there would be negligible impact on adjacent windows at the Dylon site with all but 1 window meeting the min standards. Furthermore the effects of the proposed development of the Maybrey works will be no worse than the prevailing condition of some of the units within the Dylon scheme where blocks are in close proximity to one another.

Secure by Design

The applicant states details of amendments in relation to this are to be provided.

Occupational Therapy

In order to address concerns raised the applicant says that the internal layouts have been substantially revised and has submitted further details in relation to this.

Energy and Sustainability

The applicant has responded to the GLA's and Officer's comments regarding the exclusion of the commercial units from the heat network and has also provided a roof plan layout showing the size and position of PV panels. They also confirm that CHP is to be the lead heat source for all building uses. Further details of the energy assessment are summarised below.

- Design and Access Statement by Stockwool Architects (Dec 2016)

This describes the site, its context and the key local receptors which have informed the proposals. It goes on to set out the design evolution before describing the planning submission in detail. Due to the flood risk issues with the site it says residential development would be inappropriate at ground floor and instead the scheme has been designed to be mixed-use offering "*high quality, flexible commercial floorspace - suitable for a variety of small and medium enterprises*" (p.60) across the ground floor. A key design intent has been to open up the site and increase permeability and activity throughout for pedestrians as well as providing car parking for residents and access to alternative more sustainable transport modes such as cycle parking and car club.

The scheme also provides various forms of external amenity space, private and communal, and the layouts proposed for residential units include a high porportion of dual-aspect flats with views onto adjoining MOL or green roofs. The smaller single aspect dwellings, it says, will benefit from a projecting balcony to maximise aspect. The report also sets out how the proposal has been desgned to be fully accessible for commercial and residential users including wheelchair users.

The statement concludes that the proposals represent a high quality, sustainable, safe and welcoming scheme, delivering 159 units of accommodation offering a mix

of housing types and tenures to promote mixed and balanced communities. The redevelopment of the site, it says, will not only deliver a landmark building - "*highly appropriate to its location given the predominantly residential character east of the railway line*" (p.72) but will also realise the potential of this deteriorating site.

Furthermore, it states that the provision of circa 1100sq m of commercial floorspace will compensate for the loss of industrial uses that currently occupy the site and will deliver an enhanced employment offer.

- **Amended Design Proposals by Stockwool Architects (March 2017)**

This attempts to address concerns raised by Officers and consultees during the course of application in respect of design and layout, including wheelchair accessible design and designing out crime. The main changes are listed above.

- **Employment Land Review prepared by Grant Mills Wood (Nov 2016) as amended by Addendum Employment Land Report received 29-03-17**

This report describes the configuration of the site for its current uses, the status of the site's freehold/leasehold arrangements and the physical characteristics of the premises. It states that the site is expected to be completely vacant before the end of 2016 and that due to the poor, outdated nature of the buildings they are "*physically obsolete*" and "*uneconomic to refurbish*". It goes on to say that the site is effectively 'isolated' from the more modern Kangley Bridge Road Industrial Estate by the railway lines which restrict the access of larger heavy goods vehicles and concludes that due to the character of the area being now "*largely dominated by residential and green belt uses*" including the neighbouring Dylon development which "*conflicts with the 24/7 working practices of warehouse/storage and distribution uses*" and given "*the restricted access to the site*" it is no longer suitable for industrial uses.

Furthermore, it states that there is no evidence of demand for industrial/warehouse uses in this location and 'B1a' type uses may be more appropriate. However, it goes on to cite the adjacent Dylon development as an indication as to the lack of demand for offices across the Borough and says that there is an overall weakening of demand for Offices in this part of London generally.

It concludes that "*replacement office space in a secondary location such as Worsley Bridge Road is not viable and will not become viable in the foreseeable future. Any new provision can therefore only come forward through permitting a higher value mixed use scheme*".

- **Addendum Employment Land Report & Appendices received 29-03-17:
The Mayor's SPG**

The report contends that although the whole of Bromley is an a category of 'restricted transfer' for industrial land there is a declining demand for employment land in and around the application site and several other forms of development on such sites in the Borough have been permitted historically. Furthermore the applicant considers that the guidance in the Mayors SPG which refers to certain industrial activities would not be applicable to the application site (with the possible exception of 'creative industries') and says that "the restrictive transfer allocation should therefore only apply to sites suitable for the types of uses that have been highlighted". The only potential use highlighted by the examples given is, they

consider, that of "creative industries" which the application proposes to accommodate.

Alleged Shortage of Supply of small and medium industrial premises

The applicant considers that that the majority of available industrial/business space in the Borough actually falls within the small or medium categories and suggests that there is in fact a good local supply of employment floorspace. They conclude that the release of "poorly located land on sites such as this" would not have an adverse impact on supply.

Viability

The applicant still considers that the buildings and property are physically obsolete and it would be unviable to refurbish the existing site and let it out for business uses.

Marketing

The applicant states that the property and its various parts have been available to the market since 2008 however the author of the report was not the principal sale/letting agent during the whole of that period. Furthermore, they say that the poor condition of the accommodation is a hindrance to it being successfully let or purchased. They also provide further information about the recent period pf marketing the premises from 8th June 2015 to 23rd Dec 2016 stating that it was "intensely marketed" during this period including circulating a set of detailed particulars to their database of around 10,500 contacts. The property was also marketed on the web. General feedback from prospective purchasers was that the property was unsuitable for B uses on any short, medium or long term basis due to its poor condition and extensive size.

Occupation of Units

It is stated that there was as significant level of under occupancy on the premises in a 2013 report undertaken by the author and they do not accept the proposition that most of the property was occupied in 2014.

Dylon Site; potential for higher density occupation

It is considered that similarities exist between the application site and Dylon in that Dylon had some temporary low-rent occupation which does not show real demand and the physical characteristics of Dyon were also similar. As such they question why it was accepted that there was no market demand for Dylon but not Maybrey and consider that the Council is being inconsistent. Furthermore, they contend that market signals have demonstrated that there is no market demand or need from B1 users for this part of the larger industrial estate, the majority of which can be found on the other side of the railway lines.

Historic Reports

These have been referred to by the author as a demonstration of evidential trends in market activity for employment purposes which they say remain valid.

- Sequential Test prepared by Savills (Dec 2016)

This sets out the flooding vulnerability of the site, which is classified as being in flood zones 2 and 3 of the Environment Agency (EA) Food Map, and sets out the

aims of national planning policy in the form of the NPPF and NPPG in relation to climate change and flooding. National planning policy seeks to direct development away from areas at highest risk of flooding. Consequently the applicant has undertaken the sequential test in order to try and ascertain if any alternative suitable sites, i.e. those which would be capable of housing the development at roughly the same density and with a lower probability of flooding, are 'reasonably available'.

The report goes onto explain the rationale for only applying the sequential test across the administrative area of the London Borough of Bromley. It says that given the demand for land and floorspace in the Borough over the next 15 years:

"it is clear that the redevelopment of the Maybrey Works site with the amount of commercial floorspace proposed has to be located within LBB. If the proposed development were to be located outside the administrative area of LBB, then in addition to the fact that the Maybrey Works site would most likely become a long term vacant site, the borough would not benefit from this new high quality flexible floorspace" (Para 6.10).

The applicant has identified 5 alternative sites within the London Borough of Bromley which exhibit the minimum floor area required for the development. However these have all been discounted as being suitable either due to them not being currently available, not realistically able to deliver housing within 5 years or being within the Green Belt.

The report concludes that this redevelopment proposal cannot take place anywhere other than on the Maybrey Works site itself by virtue of it being a redevelopment of the existing site. Notwithstanding this, the applicant concludes that at the time of the sequential test there are no reasonably available suitably preferable sites for the proposed development within lower risk flood areas.

- **Exceptions Test prepared by Savills (Dec 2016)**

This report has been prepared in order to try and demonstrate that flood risk to buildings and people will be managed satisfactorily and is intended to be read alongside the Flood Risk Assessment (FRA). The report outlines the proposal and its sustainability objectives which include improving the environmental condition of the site, social benefits of providing much needed residential accommodation which, in turn, it says, will enable employment floorspace to be maintained on the site, resulting in economic benefits.

The report concludes that there is an exceptional case to proceed with the redevelopment of the site as proposed and considers that the sustainability benefits of the proposal would accord with national, regional and local planning policy resulting in wider sustainability benefits to the community which would outweigh flood risk. The accompanying FRA (see below), it says, includes evidence to show that the development proposed "will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall".

- **Flood Risk Assessment and Surface Water Drainage prepared by Ardent Consulting Engineers (Dec 2016) as amended by report received 11/04/17**

This report identifies the sources of flooding to which the site is at risk. It confirms that the site is located within floodzones 2 and 3b associated with the Pool River which abuts the south eastern boundary of the site. There is a Thames Water foul water pumping station and associated substation located just outside the north-eastern part of the site. The site is considered to be at low to medium risk of surface water flooding and Worsley Bridge Road and the entrance of the site also has a high and medium risk of pluvial flooding. No records of sewer flooding in the vicinity of the site have been found. The site is not located within a Groundwater Source Protection Zone (SPZ) or within any Groundwater Vulnerability Zone. Part of the site is at risk of flooding from the South Norwood Reservoir however it says that this is unlikely to happen since Reservoirs are well managed.

The report goes on to set out the mitigation measures proposed for managing flood risk from the various sources and includes the proposal to locate all residential accommodation above ground floor level with less vulnerable commercial uses on the ground floor; it outlines a range of flood resilience measures, emergency planning measures and means of access/egress to safe area in the event of a flood.

The proposal has been designed to achieve at least a 50% reduction in the rate of surface water discharge from the site through the use of green roofs, permeable paving, landscaping and attenuation tanks/geo-cellular storage totalling 210 cubic metres of storage. It is concluded that proposals are consistent with the aims of the NPPF and the 'more vulnerable' residential properties are not at risk of flooding. Furthermore, the proposed development, it says, will not increase flood risk to others.

- **Amended Flood Risk Assessment and Appendices received 11/04/17**

The amended report finds that the surface water runoff rate for all storm events (up to and including the 1 in 100 year event plus climate change allowance of 40%) is restricted to a maximum rate of 28l/s from the whole site, into the Pool River. This is a reduction of 67% of the existing 1 in 1 year discharge rates. As a result of the reduction in impermeable area, the volume of surface water runoff from the Site will reduce.

Furthermore, residential properties will be located above the flood level. It is also recommended that all ground floor commercial properties should incorporate flood resistance measures to minimise potential damage. The conclusions of the report are the same as above.

- **Ecological Assessment prepared by the Ecology Partnership (Dec 2016) as amended by report received 11/04/17**

A desk-top study search of the site was undertaken to understand the habitats present in and around the survey area and habitat linkages and features within the wider landscape. A search radius of 1km was carried out. An extended ecological appraisal was carried out on 3rd October 2016 including assessment of the potential of the site to support protected species.

The report was updated to acknowledge the fact that part of the site along the eastern edge fell within the Grade 2 Site of Interest for Nature Conservation (SINC), the River Pool. There is one statutory designated site within 2km, Beckenham Place Park which is a local nature reserve. The report considers that the development would only impact on habitats within the redline site boundary.

No features were identified on the site indicating the presence of bats, however not all buildings were surveyed internally. None appeared to support any external features which suggested roosting bats were present. It is likely that the edge of the site along the River Pool provides some suitability for foraging bats and it is considered that this feature provides a green corridor along the edge of the site and into the wider landscape. The wider landscape also has the potential to support foraging bats.

The surveys identified none to negligible opportunities for Great Crested Newts and reptiles on the site or around it and Badgers are also unlikely to be present on site. All mature trees and scrub areas within the site boundary as well as buildings have the potential to support nesting birds and the report recommends that any clearance work is carried out outside of breeding season. There is some potential for stag beetles on and close to the site given the presence of dead wood. Japanese knotweed has also been identified on the adjacent fields and water courses.

It concludes that the development would not impact the SINC significantly and the redevelopment of the adjacent site and the eastern corner would enhance the river corridor itself. Mitigation and enhancement measures for the SINC within the red line boundary are recommended including new and replacement trees and planting replacing scrub to be removed from the water's edge. Further recommendations are made in respect of future inspection of buildings for signs of bats and trees if additional trees are to be removed; additional and replacement tree planting; a sympathetic lighting scheme for the development; bat boxes; clearance of scrub with hand tools in case Badgers are present; treatment of Japanese knotweed; ecological enhancements for Stag Beetles and brown or sedum roofs.

- **Transport Statement prepared by Mayer Brown (Dec 2016) as amended/updated by information received 29-03-17**

The report considers the existing conditions and relationship of the site to public transport as well as pedestrian, cycle and highways infrastructure. It sets out the proposed access and internal highways arrangements of the development, the proposed number of parking spaces including the provision of an onsite car club which, it says, would offset the need for an additional 26 car parking spaces on the site, and the refuse collection strategy proposed.

The report also considers the potential vehicular trip generation associated with the scheme, taking into account the potential trip generation associated with its existing or former permitted uses and discounts the proposed resident's only gym from these calculations. TRICS data has been used to estimate the number of trips which will be generated by the proposed uses on the site. The total number of expected trips made by public transport in relation to both the business and

residential uses is estimated to be 76 during the morning peak and 65 during the evening peak. Private vehicle trip are estimated at 34 weekday morning and 32 weekday evening trips during the peak hours. Overall the report concludes that the proposal will result in decreased vehicular movements during the morning peak and an additional vehicle movement during weekday evenings and recommends no subsequent junction or highway modelling.

Furthermore, it considers that the existing infrastructure is sufficient to accommodate any increase in pedestrian, cycling and public transport trips. In addition, the number of heavy goods vehicles entering the site is expected to be reduced as a result of the development. A parking stress survey was also carried out over 2 weeknights between the hours of 00:30 and 05:30 which identified a surplus of on-street parking available within a 400m radius of the site.

Overall the report concludes that the development as proposed would have an acceptable impact on the local transport network.

- **Framework Travel Plan prepared by Mayer Brown (Dec 2016)**

This sets out the objective of the Travel Plan which is to encourage long-term, sustainable travel patterns and alert the residents of the proposal to sustainable travel options and sets out the role of the travel Plan coordinator. It also identifies the accessibility of the site by a range of travel means. It is proposed to provide an onsite car club vehicle would be provided as an alternative to car ownership. Support has been secured from a car club to provide 2 vehicles initially which will offer free membership to all residents. The report also sets out the measures which will be introduced to residents to encourage the uptake of more sustainable modes of transport. The Travel Plan will be reviewed 2 years after implementation.

- **Townscape and Visual Impact Appraisal prepared by Turley (Dec 2016)**

The report considers the various characteristics of the site and its surroundings which contribute towards the townscape character of the area and identifies various visual receptors from which the application site can be seen. Four townscape character areas have been identified which it considers will be indirectly affected by changes to a restricted amount of views. Nine representative viewpoints into the site have been identified, none of which are located within a Conservation Area or identified as local views of importance. Visual assessments were carried out. The assessment considers that whole the site would be more visible from the north, east and south, the surrounding built form and vegetation will continue to restrict its visibility and the Dylon development will continue to screen views from the northwest. It also consider that there would be open to partial views from adjacent areas of MOL but that the scheme will be seen in context with the adjacent residential block currently under construction at the Dylon site.

The report asserts that the scheme proposed is of high quality design, replacing derelict buildings and promoting activity at street level and adjacent to Pool River with proposed landscaping which enhances the appearance of the street scene and provides an enhanced buffer to adjacent MOL. Furthermore, it contends that the massing of the built form in views from the MOL is addressed through the central landscaped podium which "breaks up the massing" (para.7.6).

Overall the appraisal finds that the magnitude of change as a result of the proposed development would be moderate to minor and largely beneficial for the viewpoints assessed with only views 4 (Braeside) and 5 (Worsley Bridge Road (SE)) considered to be neutrally impacted by the development and concludes that the proposal would not lead to any significant visual effects.

- **Contamination Assessment prepared by Idom Merebrook Ltd (Dec 2016)**

The assessment finds some contamination at the site and in respect of the soft landscaping areas recommends that at least 300mm of clean validated soil is imported to provide a suitable growing material and to break potential exposure pathways. Further investigation is recommended in the centre of the site where shallow perched groundwater has been impacted by hydrocarbons to determine whether there is a significant risk of contamination to the shallow aquifer and adjacent river. Asbestos containing materials on the site should also be removed by a suitably licensed contractor.

- **Daylight/Sunlight Assessment prepared by Thomas Road (Dec 2016)**

Assessment was carried out in respect of how far the development would be likely to impact upon daylight and sunlight at properties in Montana Gardens and the adjacent Dylon development currently under construction. It concludes that no significant daylight or sunlight impacts would occur at properties in Montana Gardens. For daylight, the development would have minimum impact on the adjoining Dylon site with all but a single window receiving VSC levels in excess of the recommended levels (27% VSC) (after the balconies removed assessment). For sunlight 94 rooms were eligible for assessment and 90% complied with the target guidance (after the balconies removed assessment).

Overall it concludes that the results of the daylight and sunlight assessment are in line with the intentions of the BRE guidance and are considered acceptable particularly given the context of redevelopment set by the neighbouring Dylon Works scheme.

- **Energy Strategy prepared by Hodkinson (Dec 2016) as amended/updated by information received 29-03-17**

The energy strategy has been prepared in line with the Energy Hierarchy outlined in the London Plan and further to this, gives consideration to the emission of other pollutants. The report sets out the relevant policy background including the NPPF, the London Plan, London Plan SPGs and local planning policy including the Draft Local Plan. A number of measures are proposed to reduce energy demands across the site including improved fabric performance, communal heat network, energy efficient lighting and passive cooling in apartments avoiding the need for mechanical cooling and ventilation. There are no existing or planned heat networks which the development could connect to, however an on-site network is proposed, constructed within a 62sq m energy centre, in order to provide heat to the residential units only. Air Source Heat Pumps are proposed for the commercial units. Combined Heat and Power (CHP) technology is also proposed to provide a proportion of the heating demand. A range of low carbon and renewable energy sources are also assessed. In order to complement the proposed heat network it is proposed to use Air Source Heat Pumps (for the commercial uses) and Solar

photovoltaics are proposed positioned over the proposed brown roofs of the buildings.

The energy strategy results in an expected onsite dwelling reduction of Regulated Carbon dioxide emissions by 35.5%. The remaining 64.5% will be offset through a cash in lieu payment to the Council. In line with GLA guidance, the applicant has used a price of £60 per tonne of Regulated CO₂, for a period of 30 years to calculate the contribution required to meet "Zero Carbon" compliance. This equates to a contribution of £212,040.

- **Landscape Masterplan by Stock Wool Architects (Dec 2016)**

This sets out the proposed landscaping which will be undertaken as part of the development and includes improvement to access alongside the River Pool providing amenity space for occupiers of both the commercial and residential elements. Soft and hard landscaping is proposed and it is also intended to reconstruct the river walls using low gabion baskets filled with stones instead of the existing concrete. To the south of the site potential future access to the adjoining MOL has been considered extending the public footpath along the water's edge through to this area, however, no further details of this are given.

The central podium is proposed to be the main open space for residents which has been designed to be permeable but enclosed to allow safe playspace. More dedicated play equipment will also be provided. A timber pergola is proposed to offer semi-privacy from residents of flats above looking down and privacy for residents whose homes back onto the podium garden will be protected by the inclusion of a tame or buffer of defensive planting that wraps around the exterior of the garden. The 5th floor amenity space will also provide play space and, overall, 1,107 sq m of dedicated play space is proposed for the development.

The provision of green roofs is also proposed and a lighting strategy for the site has also been indicated in this document.

- **Archaeological Assessment by CGMS Consultants (Dec 2016)**

A desk based assessment has been undertaken in accordance with planning policy and guidance and no further archaeological mitigation measures are recommended in this instance.

- **Air Quality Assessment by Ardent Consulting Engineers (Dec 2016)**

This recommends a series of mitigation measures in respect of dust and soiling during construction. With these mitigation measures enforced, the likelihood of nuisance dust occurring at receptors adjacent to the development is considered low. Notwithstanding this, the Developer should take account of the potential impact of dust and air quality on worker exposure although monitoring is not recommended at this stage. However a visual assessment should be undertaken and logged in order to prevent nuisance dust episodes from reoccurring in the future.

- **Arboricultural Report by SJA trees (Dec 2016)**

Six trees were surveyed within or adjacent to the site. 1 Lombardy poplar tree is to be removed as part of the proposals. This is considered a category 'C' tree and is

not subject to a Tree Preservation Order (TPO). It concludes that the proposed tree removal would not have an adverse impact on the character and appearance of the area. Tree protection measures in respect of retained trees are recommended.

- **Noise and Vibration Impact Assessment by Ardent consulting Engineers (Dec 2016)**

Noise levels have been measured at 2 locations across the site over several days. The report recommends that north facing bedroom windows of Blocks A or B will require acoustic glazing, however all other windows will meet the desirable noise levels with standard double glazing. External noise levels on balconies overlooking Worsley Bridge Road are likely to be higher than recommended levels, however the report does not consider any mitigation measures are necessary in this respect. Furthermore, it states that no mitigation measures for vibration are required.

- **Overheating Assessment by Hodkinson (Dec 2016)**

Concludes that all the unit types assessed including single aspect units would have an acceptable level of overheating when assessed against the relevant guidance.

- **Statement of Community Involvement by Curtin & Co (Dec 2016)**

The applicant sets out the key interest groups which were consulted prior to the application being submitted including local residents, community groups, stakeholders and elected representatives. The report states that in general there was support for the redevelopment of the brownfield site and there was support for a mixed use scheme on the site.

- **Sustainability Statement by Hodkinson (Dec 2016)**

This outlines the sustainability issues which have been considered throughout the development, in particular the incorporation of sustainable design and construction methods, energy and water saving measures, waste reduction techniques as well as measures to enhance the ecological value of the site and concludes that a good quality and sustainable development is proposed.

- **Utilities and Service Statement by Ardent Consulting Engineers (Dec 2016)**

This concludes that the proposed development can be provided with the necessary services and connections to existing water supplies for future occupiers of the development.

Location

- The site comprises is situated to the south/southwest of Worsley Bridge Road and comprises 1930s - 1940s two and three storey industrial buildings with a sewer pumping station on the eastern corner of the site
- The 0.6 hectare site lies within the Lower Sydenham Business Area as designated in the UDP to which adopted Policy EMP4 applies
- The application site is not located within a Significant Industrial Location (SIL) however it is being taken forward as a proposed Locally Significant Industrial Site (LSIS) in the Draft Local Plan.

- The site is within flood zones 2 and 3 and is at high risk of surface water flooding
- Immediately to the south of the site and to the south-east and north-east on both sides of Worsley Bridge Road are extensive areas of playing fields which are covered by Metropolitan Open Land designation and form part of the Green Chain
- The Site also includes a site of importance for nature conservation on its eastern boundary along the river Poole
- The west of the site is flanked by the Dylon site which is being redeveloped for residential led mixed use providing approximately 223 residential units
- the Hayes to Charing Cross railway line abuts the Dylon site to the west
- The playing field immediately to the south of the application site is the former Dylon sports ground also known as Footzie Social Club
- Commercial accommodation continues further to the west beyond Lower Sydenham station and the railway line in the Lower Sydenham Business area which is characterised by large warehouses used for general industrial uses
- the Maybrey site remains the only land east of the railway line in industrial use
- On the north-east side of Worsley Bridge Road is some 1990s residential development with a mix of 2 storey detached, semi-detached and terraced properties around a cul de sac and 3 storey flat blocks
- There are 2 storey semi-detached type flats further to the north.
- The context of the site therefore combines relatively low rise commercial and residential buildings and a significant degree of spaciousness provided by swathes of recreational land
- The site is within an Air Quality Management Area (AQMA)
- The site had a Public Transport Accessibility Level (PTAL) rating of 2 on a scale of 0-6b where 6b is the highest level of accessibility to public transport
- There are three existing vehicular access points to the site off Worsley Bridge Road.

Consultations

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

Representations are summarised below:

- The proposed Maybrey development and existing Sylon development will continue to cause increased road and pedestrian traffic on Worsley Bridge Road and Meadowview Road
- What pedestrian crossings and traffic slowing measures will be put in place?
- What parking measures will be taken without this extra traffic effecting residents parking long Meadowview Road and Worsley Bridge Road?
- Will the bus stop be located to a more suitable position?
- Parking is already full to capacity
- Where will apartment owners with more than one vehicle, visitors, employers, employees, retail customers and delivery vans park?

- Bromley Council have tried to promote green space but have failed to balance this with the amount of pollution, traffic volume, congestion and danger which it will bring
- Fewer parking spaces than apartments
- Will make it impossible for other local residents to park within reasonable proximity of their house
- It's an improvement
- Good idea if there are affordable homes
- Hope it's nice and that nice people live there
- Concerns about increased population on school spaces
- Worried about impact on commuter trains which are already crowded
- Worried that riverside walk and estate grounds will become a recreational area for children from the new development - its already being littered and fly-tipped by the public
- Potential height may compromise the privacy of back gardens
- Would like development to be softened by existing or new trees and planting
- The riverside needs to be as natural as it can be
- Would be good to keep historic features
- Want to see low rise housing which is more appropriate in the context of Beckenham
- The buildings would dominate the skyline
- Further increase in density would give the feeling that we are in inner London
- Seven storeys up is a long way for people to take their shopping and change their washing machine
- There is no need for a gym on site as there are other in the vicinity
- Would like to see the developer offering to extend the landscaped public walkway by the river pool and open it up for the public.

Consultee Comments:

GLA stage 1 comments (summary - full comments attached as Appendix 1):

While surplus industrial land, in the right locations, can be used to deliver new, high-density housing and supporting uses, the Mayor's preferred approach to releasing such land is through the local plan process. However, release of such land through the determination of individual planning applications will also be considered.

London Plan Policies on industrial land, housing, urban design, flood risk and sustainable drainage, climate change and transport are relevant to this application. The application does not fully comply with these policies and cannot be supported in principle at this stage. Further information is needed in order to fully comply with the London Plan including further justification for the loss of industrial land to include marketing evidence and the acceptance of residential uses; additional information regarding how the rental levels proposed for the affordable housing units relate to local and strategic need; and how the application complies with London Plan climate change mitigation policy and transport policy. More detailed comments in respect of these issues are set out below:

- o *Land use principles:* Where land is to be released from LSIS's it must be based on strategic and local evidence and the proposed new uses must no compromise the integrity and viability of the remainder of the LSIS. While the proposal to provide flexible employment space is welcomed, and the quantum proposed would be considered a significant element of employment generating floorspace, the applicants own supporting information confirms the concerns relating to the viability of the site for office or light industrial uses. Subject to successful demonstration that the loss of industrial land would be acceptable, the proposals represent an opportunity for Bromley Council to reach and exceed its housing targets and further strengthen the residential character of this emerging neighbourhood. Development on this part of the LSIS would be unlikely to compromise the primary function of the LSIS or its use for industrial use because of the separation due to the railway line.
- o *Housing:* the proposed delivery of 159 homes would provide approximately 25% of Bromley's annual housing target and as such is strongly supported. The unit size mix is considered acceptable. The offer of 35% affordable housing by habitable room is welcomed, however, the current offer needs to be supported by sufficient information setting out how the proposed rental levels relate to strategic and local need. The proposed children's playspace would exceed that which is required and would be sited in amenity spaces across the site in areas that are safe, accessible and overlooked.
- o *Urban Design:* given the proximity of Lower Sydenham railway station, any potential resident's would have significantly better access to rail services than the low PTAL of the site suggests. The site is adjacent to large existing open spaces and is also within walking distance of Beckenham Town centre. As such, the higher density is considered acceptable given the high levels of on-site playspace, appropriate response to local context and overall high quality of design. The proposed form and massing of the buildings is considered acceptable and the proposals are considered a significant improvement over the existing buildings which would enhance the appearance of the immediate and wider areas and help to consolidate the residential character of the area to the east of the railway tracks. Furthermore, it is not considered that the proposals would have an adverse impact on the openness of MOL. With regard to residential quality the applicant should confirm that all units will achieve a minimum 2500mm floor to ceiling heights.
- o *Flood risk and Sustainable Drainage:* If the flood risk maps had not been updated by the EA taking the site out of Flood Zone 3B, the proposal would not have complied with NPPF and London Plan policy which prevents development within Flood Zone 3b. The site is expected to flood in the 1 in 100 year event and parts of the site would flood in the 1 in 50 year event. The accompanying FRA states a range of mitigation measures relevant to the high fluvial and surface water flood risk of the site and the proposals are considered acceptable in terms of London Plan policies 5.12 and 5.13 subject to the application of conditions to secure the mitigation measures.
- o *Climate Change Mitigation:* a drawing showing the route of the heat network linking all the buildings on site should be provided for future connection to a district heating network. A roof layout should be provided showing the location and size of the PV panels. Further information is also required in relation to the CHP, space heating and hot water demand.

- o *Transport:* see TfL comments below.

Transport for London (TfL):

- It is considered that proposed development would be unlikely to have a significant impact on the TLRN or SRN
- The proposed parking ratio of 0.5 spaces per unit is considered acceptable
- Electric vehicle charging point should be provided in line with London Plan policy 6.13
- The proposed cycle parking for the residential uses is considered acceptable, details of any cycle parking for the proposed commercial uses should also be confirmed
- A detailed Travel Plan should be secured with monitoring through a S106
- Agreements
- A delivery and servicing plan and construction logistics plan is required and should be secured through condition.

Subsequent to these comments, concerns have been raised in respect of the increase in car parking for the residential use proposed in the information received 31/3/17 which would equate to just under 1 space per unit which, given the location of the site near to Lower Sydenham station, is considered particularly high.

The Council's Highways Development Engineer:

Initial concerns were raised regarding the amount of car parking provision for the residential units which was considered low due to the PTAL rating of the site and issues of on-street parking in the area. Furthermore, there was skepticism over whether the car club spaces would be equivalent to 13 spaces. Some of the proposed spaces were also considered sub-standard and provision should be made for visitor parking.

The initial parking surveys carried out are not an accurate reflection of the situation at the site due to the time of day they were carried out and the proposed level of parking provision is not acceptable in this instance. Furthermore, the applicant has not submitted a junction capacity analysis for Worsley Bridge Road/A2218 junction, or demonstrated that the proposal would have no material residual effects on the operation of the junction. The calculations should also take account of the adjacent Dylon scheme.

Additional Highways comments in response to additional/revised information received 31/03/17:

Site Access Arrangement: Further explanation is required as to how refuse vehicles can enter and exit the site in a forward gear.

Parking Provision: The parking provision has been revised to provide 158 spaces including 16 spaces designed to accessible standards); this is acceptable in principle. However it seems that no parking is provided for the commercial element of the development, the applicant is required to justify this.

Car Club Provision: Two car club spaces (1 car & 1 Van) would be supplied and operated in designated parking spaces on the development. This is acceptable in principle.

Parking Surveys: A survey for two weekdays and a Saturday to identify the parking demand in the middle of the day, when commuters are likely to be parked. This indicates that there are adequate spaces available within walking distance of the proposal.

Junction Analysis: The applicant considered it unnecessary to model the junction stating that "*there would be no material harm arising from the proposals*". On the basis that TfL and LB Lewisham haven't objected a junction analysis is not required.

Pedestrian permeability: This is considered acceptable.

The Council's Environmental Health Officer:

Pollution: no objections subject to the implementation of the recommendations in the accompanying reports.

Housing: questions whether all of the proposed windows and doors shown on the submitted plans and elevations are openable.

The Council's Occupational Health Therapist:

A number of concerns and suggestions were identified with regard to internal layouts of the proposed affordable social rented wheelchair units relating to features such as internal door widths, bathroom layouts, kitchen layouts and door entry systems. The 'let ability' of the proposed units was also identified as a serious concern due to flats being positioned above ground/first floors and concerns of future potential occupiers over access/egress, fire, the number of access doors and the inability of residents to answer their own private front doors.

Additional OH comments in response to the additional/revised information received 31/03/17:

o Many of the households requiring occupancy of these special flats have at least one household member who has postural and high levels of mobility problems, and is frequently dependent on electrically operated powered profile beds to keep them posturally safe, powered wheelchairs; they often additionally have a high reliance on further assistive technology, including not unusually clinical prescription of oxygen for use in the domestic environment to manage day to day activities. The evacuation and management, and after care of clients with this level of need, in an emergency, is a serious factor that such clients consider when choosing to bid on an accessible home.

o In relation to access and positioning generally of these flats, the comparative difference in a journey between ground/ first floor and any upper floors which may be deemed as negligible, for able bodied persons, occupying the majority of general needs flats, in the event of a fire, with a Stay Put Policy in Place, is not comparable to the requirements of the majority of those for whom we would be hoping to let these fully wheelchair accessible flats.

- o Current and recent local experience in adjacent and neighbouring London Boroughs evidences the reluctance of this client group to live in flats in multi storey high rise flats, above first floor. High proportions are left vacant, many months after completion. The letting of this type of design would be more attractive to those needing it, if arranged on ground / first floor only.
- o As a maximum of only 10% of affordable social housing is ever allocated for development purposes for this group of clients, it would be both advantageous and prudent to consider the likelihood of letting, before committing to developing multi storey occupation for wheelchair users, which is likely otherwise to remain unoccupied, not yielding rent to the Social Landlord, and not providing homes for those most needing it, who are subscribed to the Council Housing Register.
- o The number of heavy communal / fire doors, on each level, and the requirement for disabled occupants to be able to control these remotely/ automatically in a wheelchair and/ or from their flats, to control / enable the access of their guests/ visitors/ clinical deliveries/ through communal lobby areas, limits management / affects letability when spread over several floors. Many highly dependent household members for whom these flats are designed, cannot manage Meet and Greet Arrangements in Communal Areas for the delivery of vital clinical supplies, when they are above ground floor.
- o I have not seen communal doorways/ access/ lift access. These require careful planning for wheelchair access from home. I need to see details to allow informed professional comment.

Furthermore, a number of concerns still remain in relation to hall corridor widths, doors, radiators/heating and bedroom, bathroom and kitchen layouts.

The Council's Drainage Officer:

Does not agree with results of the submitted FRA which say that surface water will be reduced by 50%. The surface water strategy should aim to achieve greenfield run-off rate (8l/s/ha) and should justify why a minimum of 50% was adopted. More SUDS measures should be investigated to be incorporated in the scheme.

Further to the revised Flood Risk Assessment submitted 11-4-17, there are no objections sustained from a Drainage perspective, subject to conditions regarding a SUDS scheme and green roofs.

Environment Agency: to be reported verbally at the meeting.

Thames Water:

No objections to sewerage infrastructure capacity; With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to

discharge to a public sewer, prior approval from Thames Water Developer Services will be required; There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings; No impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water; - Worsley Bridge Sewage Pumping Station is located within the proposed development boundary. The developer should contact Thames Water to agree an assessment of potential impacts on amenity for future occupiers of the proposed development before a planning application is submitted. This should include an appraisal of existing odour, noise and lighting from the Sewage Asset and its potential impact on future occupiers of the proposed development.

Natural England:

Advises the Local Authority to refer to their standing advice.

Historic England:

No archaeological requirement recommended.

Planning Considerations

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

The final consultation for the Preferred Submission draft Local Plan was completed on December 31st 2016. It is expected to be submitted to the Secretary of State for examination in public in mid-2017. The weight attached to the draft policies increases as the Local Plan process advances.

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

BE1 Design of New Development

BE2 Mixed Use Development

BE4 Public Realm

BE6 Environmental Improvements

BE7 Railings, Boundary Walls and Other Means of Enclosure

BE16 Ancient monuments and archaeology

BE17 and BE18 High Buildings and the Skyline

EMP2 Office Development

EMP4 Business Areas

ER7 Contaminated Land
ER10 Light Pollution
ER16 The Water Environment - River Corridors
ER17 Development and the Water Environment
G2 Metropolitan Open Land
G6 Land adjoining Green Belt or Metropolitan Open Land
H1 Housing Supply
H2 and H3 Affordable Housing
H7 Housing Density and Design
H9 Side Space
IMP1 Planning Obligations
NE2 Development and Nature Conservation sites
NE3 Nature Conservation and Development
NE5 Protected Species
NE7 Development and Trees
NE9 Hedgerows and Development
NE12 Landscape Quality and Character
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T6 Pedestrians
T5 Access for People with Restricted Mobility
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

Relevant policies from the proposed submission Draft Local Plan include:

Draft policy 1: Housing Supply
Draft policy 2: Provision of Affordable Housing
Draft policy 4: Housing Design
Draft policy 8: Side Space
Draft policy 26: Health & Wellbeing
Draft policy 30: Parking
Draft policy 32: Road Safety
Draft policy 33: Access for All
Draft policy 37: General Design of Development

Draft policy 50: Metropolitan Open Land
Draft policy 53: Land Adjoining Green Belt or Metropolitan Open Land
Draft policy 73: Development and Trees
Draft policy 77: Landscape Quality and Character
Draft policy 78: Green Corridors
Draft policy 79: Biodiversity and Access to Nature
Draft Policy 82: Locally Significant Industrial Sites
Draft policy 116: Sustainable Urban Drainage Systems (SUDS)
Draft policy 119: Noise Pollution
Draft policy 120: Air Quality
Draft policy 123: Sustainable Design and Construction
Draft policy 124: Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
Draft policy 125: Delivery and Implementation of the Local Plan

Relevant London Plan Policies include:

2.6 Outer London: Vision and Strategy
2.7 Outer London: Economy
2.18 Green Infrastructure: the multi-functional network of green and open spaces
3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.6 Children and Young Peoples Play and Informal Recreation Facilities
3.8 Housing Choice
3.9 Mixed and Balanced Communities
3.10 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
4.1 Developing London's Economy
4.2 Offices
4.4 Managing Industrial Land and Premises
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
5.6 Decentralised Energy in Development Proposals
5.7 Renewable Energy
5.9 Overheating and Cooling
5.10 Urban Greening
5.11 Green roofs and development site environs
5.12 Flood Risk Management
5.13 Sustainable Drainage
5.14 Water Quality and Waste Water Infrastructure
5.15 Water use and Supplies
5.21 Contaminated Land
6.1 Strategic Approach
6.3 Assessing the 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
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.17 Metropolitan Open Land
- 7.18 Protecting open space and Addressing Deficiency
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodland
- 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 SPG's are:

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

The National Planning Policy Framework 2012 (NPPF): relevant paragraphs

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

Planning History

12/03701/EIA: Mixed use redevelopment comprising 148 residential units and 4,120 sqm light industrial floorspace with associated access, landscaping and 184 car parking spaces (request for formal screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended): EIA NOT REQUIRED

13/01815/FULL1: Demolition of existing buildings and redevelopment to provide a part 5, part 7 storey building with 4,122 sq m of Use Class B1 floorspace on the ground floor with 147 residential units above with new access arrangements, provision of 183 car parking spaces at basement level and landscaping, refuse and recycling facilities: APPLICATION WITHDRAWN

16/05805/EIA: Re-development of site to deliver up to 165 residential dwellings and 1800 sq m of commercial floorspace along with up to 100 parking spaces and landscaping works with vehicular, cycle and pedestrian access provided from Worsley Bridge Road (request for formal screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended): EIA NOT REQUIRED

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.

The acceptability of the loss of employment site and re-development for mixed use

The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and identify strategic sites for local and in-ward investment. However, paragraph 22 states: "Planning policies should avoid the long term protection of sites allocated for employment use where there is no prospect of a site being used for that purpose....Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

The Mayors SPG: Land for Industry and Transport 2012 puts Bromley in the category of 'restricted transfer' commenting that this applies to Boroughs with typically low levels of industrial land relative to demand.... Boroughs in this

category are encouraged to adopt a more restrictive approach to the transfer of industrial land to other uses. This approach is reflected in Policy 4.4 of the London Plan which identifies Bromley as being within the restricted transfer of industrial land to other uses. Annex 1 of the SPG assigns Bromley an indicative industrial land release benchmark for 2011-2031 of no more than 9 hectares and an annual industrial land release benchmark of no more than 0.5 hectares. Since 2011, over 3 hectares of land in the Borough has been transferred from industrial to other land uses by change of use permissions, exceeding the annual benchmark in the SPG. This excludes the GlaxoSmithKline site on South Eden Park Road, Beckenham (granted permission for change of use in 2014).

The site lies within the Lower Sydenham Business Area in the UDP to which adopted Policy EMP4 applies. The policy applies to a range of Class B uses and seeks to resist loss of land within allocated Business Areas to non-Class B uses such as proposed here. It sets out the criteria for evaluating proposals in designated business areas stating that only uses relating to B1, B2 (general industry) and B8 will be permitted on such sites.

The site is being taken forward as a proposed Locally Significant Industrial Site (LSIS) in the Draft Local Plan, to which policy 82 would apply. This outlines the types of uses permitted on such sites to be B1, B2(c) & B8 and proposals involving the loss of industrial uses will be refused, unless it can be demonstrated that the site is no longer suitable and viable for its existing or alternative industrial use in the medium to long term.

Consequently, changes of use in designated industrial areas should be resisted. The Supporting Text to draft policy 82 further explains that, where it is demonstrated that existing premises cannot viably accommodate a quantum of Class B floorspace in the medium and long term, the Council will consider employment-led mixed use proposals that are consistent with the primary function of the LSIS and do not impede the effective operation of existing employment uses in the vicinity. Specifically, it states that proposals for employment generating uses that would result in a loss of Class B uses on the site will be permitted provided that the following is demonstrated:

- The site is no longer suitable or viable for the existing or any potential Class B use, refurbishment or redevelopment in the medium to long term (as demonstrated through a period of recent, active marketing undertaken prior to the submission of a planning application, to the Council's satisfaction);;
- The proposed development contains a similar quantum of floorspace for employment generating uses and is designed to allow for future refurbishment for a range of industrial uses and other compatible uses;
- The proposed use would not compromise the primary function of the LSIS or capacity conditions of neighbouring sites in the LSIS to continue to accommodate Class B uses in the medium to long term;
- The proposed development is compatible in scale and design with its surroundings.

The proposed development would result in the loss of approximately 3273 sq m of Class B1/B2/B8/Sui Generis floorspace in favour of residential uses and 1,099 sq

m of Use Class B1a-c employment floorspace (offices/research and development/light industry). The overall reduction in employment floorspace would be approximately 34%.

The applicant states that the site has been marketed since at least since 2008 and that due to the physical state of the buildings it would be unviable to refurbish the existing site and let it out for business uses. However, no evidence is provided of marketing prior to June 2015. Between June 2015 and December 2016, part of the site was advertised, as shown in Appendix 4 of the Employment Land Study, however, the advert appears to only show 2 units totalling 643.8 sq m. It is not explained if/why the remaining 4,131 sq m of internal floorspace was not marketed. Furthermore, the advert does not suggest the entire property is offered highlighting potential for redevelopment.

The Mayor's Land for Industry and Transport SPG considers a reasonable period of marketing to determine long term interest to be at least two years. There is insufficient evidence to suggest this has occurred for the entirety of the site. A majority of units were occupied as recently as 2015, for a range of Class B1, B2 and *sui generis* industrial purposes, which suggests there remains potential for reuse on the site in the medium term and, despite the applicant's assertion that the site was expected to be completely vacant before the end of 2016, at the time of writing, one of the units is still occupied by a use associated with the motor industry.

The Mayor's SPG outlines the various other industrial type activities for which there is expected to be increasing demand over the plan period. These include efficient and sustainable land for logistics, waste management, recycling, environmental industries including renewable energy generation, transport functions, utilities, wholesale markets and some creative industries. Furthermore, LSIS are identified as suitable locations for such uses, the protection of which should be reviewed regularly and justified in development plan documents.

The applicant considers that the majority of industrial type activities (with the exception of creative industries) would not be applicable to the application site due to its physical characteristics, such as its proximity to residential development and segregation from the remainder of the Business Area. However, it is important to recognise that the application site is being taken forward as a proposed LSIS in the Draft Local Plan and there have been a number of examples of other business sites in the Borough where redevelopment for B uses is being put forward. These include:

- First Centre West Buses Ltd, Faraday Way, Orpington (located in the SIL) (14/03092/FULL1): Erection of three buildings subdivided into nine units for B1(c), B2 and B8 uses, together with associated roads, parking and landscaping;
- Klinger Works, Edgington Way, Sidcup (Located in the SIL) (16/05782/FULL1 - PENDING CONSIDERATION: Partial demolition and redevelopment of the Klinger factory and associated buildings to provide 15 units to be used for B1(c), B2, B8 uses together with associated access and parking.

Given the scale of residential development proposed compared with employment floor space, this proposal could not be considered an "employment-led mixed use

"proposal" when assessed against Draft Policy 82 and the proposed residential portion of the scheme is likely to represent additional constraints which would impair the potential range of business uses that could realistically occupy the employment portion. The current site operates precisely as it is intended to offer small to medium sized Class B1, B2 and B8 accommodation to local businesses and the proposal to restrict it to Class B1 uses would, in itself, realise the loss of this industrial space and the ability to accommodate similar uses in the future.

The applicant also cites the appeal decision relating to the adjacent Dylon site as justification for the loss of employment land at Maybrey Business Park and alleges that the Council is being inconsistent in its approach to the application site. Officers consider that the 'Dylon' scheme is distinct from the application site in that the site was vacant and had been unsuccessfully marketed for business use for a significant period of time. Furthermore, the fact that a residential development has been allowed on the adjacent Dylon site does not preclude the application site from continuing to operate in its current permitted B Use Classes. Indeed, no significant concerns were raised by the Inspector for the Dylon site in respect of harm to future residential amenity caused by the Maybrey site operating within its current permitted uses. The redevelopment of the neighbouring Dylon site (currently in the Business Area but to be excluded from the LSIS under the Draft Local Plan) is therefore not considered a direct precedent for the proposed development at Maybrey Works.

Whilst the applicants intend to provide a redevelopment that is congruous in scale and design with the neighbouring Dylon site development, the proposal would result in a reduction of approximately 34% of employment floorspace and the employment component cannot therefore be described as a "similar quantum" of floorspace as is currently provided on the site.

While the NPPF warns against the long-term protection of sites allocated for employment use where there is no prospect of a site being used for that purpose, in this instance no evidence has been submitted to demonstrate that this is the case and the proposal would therefore be contrary to adopted policy EMP4, Draft Policy 82 of the Local Plan and the London Plan.

Housing Need:

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups on the community; identify the size, type, tenure and range of housing that is required in particular locations; and where they have identified that affordable housing is needed, set policies for meeting this on site, unless off-site provision can be robustly justified (Para 50, NPPF).

Furthermore, Local Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate (Para.51, NPPF).

The Council's latest Five Year Housing Land Supply paper was reported to and agreed by Development Control Committee on 24.11.2016. It concludes that the Council does have five years' worth of housing supply and it has informed the Council's Proposed Submission Draft Local Plan (November 2016) that was out for public consultation until the end of December 2016.

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. Instead the site is being taken forward as part of a new LSIS designation in the draft Local Plan. This demonstrates the Council's intentions in respect of the employment function of the site going forward.

While it is accepted that the proposal for 159 residential units would, in principle, help to contribute to the London Plan's minimum target for Bromley to deliver 641 new homes per year until 2025, as set out above, the proposal would not be "employment-led" and there is insufficient evidence of the site being marketed for a reasonable period to conclude that there is no prospect of this LSIS being reused or redeveloped for continued employment uses. As it stands, the development, as proposed, would therefore be contrary to the employment policies of the development plan and is considered unacceptable in principle.

Impact on Metropolitan Open Land (MOL)

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".

The London Plan at policy 7.17 states that the MOL serves the same purpose as Green Belt in that it has an important role to play as part of London's multifunctional green infrastructure and it will be afforded the same level of protection as Green Belt. Inappropriate development that adversely affects the openness of MOL will therefore be refused except in very special circumstances. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of the MOL.

The London Plan also recognises the importance of Green chains to London's open space network, recreation and biodiversity and should be designated as MOL due to their London-wide importance.

Policy G2 of the UDP states that the openness and visual amenity of the MOL shall not be injured by any proposals for development within or conspicuous from the MOL which might be visually detrimental by reason of scale, siting, materials or design. Policy G6 requires development proposals on land abutting MOL to not harm the visual amenity, character or nature conservation value of the adjacent designated area. Policy 53 of the Draft Local Plan is consistent with this approach.

The fundamental aim of Green Belt and therefore MOL policy is to prevent urban sprawl by keeping land permanently open and, as set out above, UDP and draft local policies are specifically concerned with the impact that development would have on character, visual amenity and nature conservation value of MOL. The supporting text to Draft Policy 53 adds that "sites adjoining MOL should be retained as a buffer between built development and the open land to ensure that both the character and visual amenity of the Green Belt fringe and MOL sites is maintained....any sites considered to be of visual or ecological importance to MOL will be subject to this policy".

The application site is bordered to the east and south by land designated as MOL. The proposed perimeter block arrangement would result in development in close proximity to the MOL boundaries, particularly to the south. With the exception of the Dylon development, the surroundings include a mixture of industrial and commercial uses, generally at no more than 2 storeys high, the adjacent sports grounds that form part of the MOL and suburban residential streets where development does not generally exceed 4 storeys at most, with much of it being limited to 2 storeys.

The development, as proposed, would provide a set-back of around 8m (minimum) between the eastern site boundary abutting the Pool River and the proposed 6 and 7 storey blocks along the eastern side of the site. The height of development would step-up towards the western side of the site adjacent to the Dylon site and development in this part of the site would be sited around 1m away from the southern site boundary.

The applicant has submitted a Views Impact Assessment showing computer generated visuals of the development from various vantage points to demonstrate how it would appear in the context of its surroundings. This report considers that the development would have a beneficial effect when viewed from the MOL by resulting in an improvement when compared to the existing buildings on the site and providing visual interest and activity to existing views from the MOL.

This opinion is not shared by Officers. In views from the MOL to the east of the site the development would appear as a mass of solid unbroken built development, higher and more elongated in these views than the adjacent Dylon development. In views from the former Dylon sports ground to the south, the development would extend eastwards of the approved Dylon development replacing existing views of the low-rise one/two storey industrial buildings with high-rise blocks. The

development would also appear closer to the MOL boundary and more prominent than the Dylon scheme in longer-range views from the south-eastern part of Worsley Bridge Road and from Copers Cope Road (which has not been assessed for the purposes of the Visual Impact Assessment).

While it is accepted that the existing buildings are of no particular architectural merit, the proposal would have a poor relationship when seen against the public open space to the south and the east, diminishing the visual buffer between the higher density development at Dylon and the open land, and appearing overly dominant in height and massing.

While the applicant's attempts to break-up the massing of the building by providing varied roof heights, articulation and through the use of a variety of materials are noted, for the reasons stated above, the development would result in significant harm to the setting and visual amenities of the adjacent MOL.

The eastern part of the site along with the adjacent MOL forms part of a Site of Interest for Nature Conservation (SINC) and the River Pool forms a green corridor and habitat linkage within the site linking up to the adjacent open space. 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.

As part of the redevelopment of the site, the applicant is proposing a programme of landscaping works including reconstruction of the river walls and enhancements to its banks to include hard landscaping and planting. It is not considered that the development, as proposed, would have a significant impact on the ecological function of the SINC, nor would it undermine the potential of the green corridor along the eastern edge of the site to support protected species and habitats.

Notwithstanding the ecological impacts which, on balance, are considered acceptable, the development in the manner proposed, by reason of its height, scale, massing and proximity to adjacent open space would have a significant detrimental impact on the visual amenities of the MOL.

Other main issues to be considered in respect of this proposal are:

- Design
- Density
- Impact on neighbouring amenity
- Housing Issues
- Planning obligations.
- Highways impacts
- Flooding and Drainage
- Trees and ecology
- Sustainable Energy

- Pollution and Contamination
- 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. Furthermore , development should be human in scale and create a positive contribution with street level activity (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 established character of the area is a mixture of industrial and commercial uses, generally at no more than 2 storeys high, the adjacent sports grounds that form part of the MOL and suburban residential streets where development does not generally exceed 4 storeys at most, with much of it being limited to 2 storeys. The adjacent Dylon development which is currently under construction has altered the character of this area noticeably by introducing a high density residential use in what was a former business site at up to eight storeys in height.

The application site is sandwiched between the Dylon site and open space to the south and east which extends further north on the opposite side of Worsley Bridge Road. While the adjacent Dylon scheme does set a precedent to a certain extent for higher density, taller development in this area, it does not justify an even taller and more dense development on this site and it is considered that development at this site should be transitional in scale having regard to the Dylon scheme, the existing grain of development on the opposite side of the road and the adjacent MOL. While the principle of flatted development in this location would not be unacceptable in principle in character terms, the proposed blocks would be excessively high (exceeding the maximum height of adjacent Dylon development), substantial in scale and massing and with limited separation to site boundaries. The peripheral block arrangement proposed would give the appearance of a somewhat hard edge of development along the eastern and western elevations in particular, despite the applicant's attempts to break up the massing using articulation, set-backs and varied materials.

At the front of the site, the proposed 9 storey block 'B' would be stepped back by around 3.5m from the front of the 5 storey block 'A' which would extend to a width of approximately 35m along the site's frontage. Block 'D' would be set back significantly from Worsley Bridge Road and would be 7 storeys high. It is considered that the scale and height of the development would be at odds with the lower density terraces and blocks of flats opposite the site in Montana Gardens where development is generally 3 storeys high. From the Worsley Bridge Road street scene and from within Montana Gardens itself the proposed 5 and 9 storey blocks fronting the application site would appear unduly prominent. While the height of development has been reduced to 7 storeys on the eastern site with the 6 storey block 'E' behind it, it is still considered that the development would have a poor relationship with the adjacent open space, as discussed above, which would be harmful, overall, to the appearance of the street scene and the characteristics of this area.

The design is for 2 main buildings in a peripheral arrangement along the eastern and western/northern sides of the site which would be set at varying heights and broken-up to appear as 5 distinct blocks. Recessed balconies, deep reveals, and contrasting bricks are all proposed to help provide articulation to the buildings. The commercial elements will be provided with extensively lazed frontages providing views across the MOL. Green sedum and landscape roofs and brown roofs are proposed. Notwithstanding the concerns over scale and massing, the approach to the detailed design of the buildings is considered acceptable in principle. If this application were considered acceptable overall, a condition requiring further details of materials would be required.

Due to the flood risks associated with this site all residential uses have been placed on the upper floors with purely commercial accommodation at ground floor level. Entrances to residential cores accessed via a pedestrian access direct from Worsley Bridge Road would help to promote a more active night time frontage when the commercial units are units are closed.

Pedestrian movements have been considered across the site including the possibility to open up pedestrian access through to the MOL to the south and proposed improvements to the edge of the River Pool, promoting access to green space. These proposals are welcomed, in principle.

A central amenity area at first floor level on a central podium deck. This is considered acceptable in terms of the quality and amount of amenity space which this would provide residents with and the applicant has considered how to mitigate potential overlooking from adjacent flats using planting to help mitigate any perceived sense of overlooking and, vice versa, to protect the privacy of occupiers of flats adjoining this space.

Overall it is considered that an attractive setting for the development could be achieved utilising roofs and the edge of the River Pool to maximise amenity space for both residents and occupiers of commercial units. The proposals also include space within the development dedicated to car and cycle parking, refuse storage and an energy centre. However, Officers are concerned with the amount of development proposed due to the proposed scale and massing of buildings, their proximity to site boundaries and 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 resulting development would be at odds with and detrimental to the important characteristics of the area.

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 an 'urban' setting and has a PTAL rating of 2. The London Plan gives an indicative density range of 70-170 units/ha and 200-450 habitable rooms/ha. UDP Policy H7 also includes a density/location matrix which supports a density of 100-150 units/ha and 300-450 habitable rooms/ha for locations such as this provided the site is well designed, providing a high quality living environment for future occupier's whist respecting the spatial characteristics of the surrounding area.

Taking into account the accommodation schedule submitted and the fact this is a mixed use scheme, the density calculations for the proposed development are approximately 297 units/ha and 805 habitable rooms/ha which significantly exceeds indicative density guidelines in both the London Plan and the UDP. Although the site is within close walking distance to the Lower Sydenham train station with very convenient commuter links to London making it potentially suitable to a density in the upper ranges of the matrix at table 3.2 of the London Plan, as discussed above a numerical calculation of density is only one consideration. It is also necessary to consider the quality of the development in relation to the surrounding context. It is noted that during the assessment of the adjacent Dylon planning application the proposed residential density was found to be equivalent to 134 dwellings per hectare and 409 habitable rooms per hectare on a 1.119 ha site, giving an indication of the amount of development which was considered acceptable on this adjacent site. As discussed above, the development of the Maybrey site would need to provide a transition between Dylon, the residential development opposite and the open space. In this instance, the amount of development proposed, based on height, scale and massing and separation of development to boundaries would amount to a cramped overdevelopment of this site.

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.

The Daylight/sunlight assessment submitted as part of the application concludes that, for daylight, the development would have minimum impact on the adjoining Dylon site and that the existing balconies on the Dylon development are the main cause of reduced levels of sunlight and daylight to these adjacent flats. No significant harm was found to result at properties in Montana Gardens as a result of the development proposed.

Whilst the submitted Daylight/Sunlight Assessment concludes that the impact from the development on the adjacent Dylon site would be within the guidelines set out by BRE, as stated in these guidance notes " these should be interpreted flexibly because natural lighting is only one of many factors in site layout design" and there are concerns that the proposed development, particularly given its height over and above that of the Dylon development and elongated design would have an overbearing visual impact on adjacent occupiers of this site, appearing as a continuous frontage of built development. The impact would be particularly harmful for occupiers of those flats which are single aspect and east facing.

While the applicant asserts that the separation distances between the Dylon development and the proposed building would be sufficient and that no undue overlooking would result between sites, as set out above, the scale and massing of the proposal together with its relationship to the Dylon development is likely to have a harmful impact on the amenities of adjacent occupiers.

Concerns have also been raised by local residents over the impact on the privacy of rear gardens at properties opposite the site in Montana Gardens. These concerns have not been addressed by the applicant.

Concerns have also been raised from local residents regarding highways and road safety impacts and the pressure that the development would put on local services and infrastructure. The highways impacts of the proposal are discussed below. Furthermore, a development of this scale would give rise to developer contributions being sought to offset the impact on local infrastructure, should the development be considered acceptable in all other respects. This is discussed further below.

For the reasons set out the development, as proposed, is considered likely to have a significant negative impact on the amenities of occupiers of existing and planned residential dwellings in the vicinity of the site.

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 London Plan at policy 3.29 says that higher density housing for smaller households should normally be focused on areas with good public transport accessibility (measured by PTALs). The site although in a low PTAL location is within close walking distance to the Lower Sydenham train station with very making it potentially suitable for higher density housing. It also has good access to open space making it well suited to the provision of family accommodation. The breakdown of proposed unit sizes is as follows:

1 bed:	76 (48%)
2 bed:	55 (35%)
3 bed:	28 (18%)
TOTAL	159

Overall the proposed unit mix is considered acceptable.

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 Londoner's 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 scheme is proposing a tenure split of 74% affordable rented and 26% intermediate units (based on habitable room). No information has been provided by the applicant to account for how rental levels will support strategic and local need. If the application were to be considered acceptable in principle these particular issues would have been discussed further with the applicant and GLA in order to arrive at an agreement.

Standard of Residential Accommodation:

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.

The applicant submitted additional plans on 31/03/17 showing the proposed internal layouts of all the flats at 1:50 scale. However, it appears that a number of the proposed units would fail to meet the minimum space standards for bedrooms and storage space as set out in the DCLG Technical Housing Standards - nationally described space standard (March 2015).

Furthermore, there are a number of single aspect dwellings proposed, including north facing onto Worsley Bridge Road. 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. Given the site's location within an Air Quality Management Area there are concerns that this would result in difficulties ventilating the flats. Furthermore, the noise assessment accompanying the application finds high levels of noise for the balconies fronting onto Worsley Bridge Road. There are additional concerns that single aspect units along the western side of the site in blocks B and C will have limited views of the surroundings facing predominantly onto the adjacent Dylon development.

The applicant asserts that only 4 units in total in block B will have single aspect north-east facing aspects where the "inclusion of a projecting balcony will ensure the potential of the aspect is maximised". Furthermore, they state that the majority

of other single aspect units will benefit from views of the high quality landscaped areas within the development. However, Officers consider that the inability of the development to provide high quality living accommodation for all potential future occupiers is a further indication that the development, 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.

Wheelchair user dwellings:

In accordance with the London Plan Policy 3.8, 10% of all new dwellings should meet building regulation M4(3) 'wheelchair user dwellings'. The Council will expect the provision of wheelchair units across all tenures, and in the case of affordable rented wheelchair units (where the Council has nomination rights) the Housing SPG advises that these should be provided as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion) in accordance with the South East London Housing Partnership (SELHP) standards. In addition, 90% of all of the new dwellings should meet building regulation M4(2) 'accessible and adaptable dwellings'.

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

16 adaptable and accessible units are to be provided over an equal split between blocks B and C with those in block B being affordable rented units and those in block C being private units.

As set out in approved document part M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (3), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey. The South East London Housing Partnership's SELHP standards generally exceed Part M of the Building Regulations, requiring 2 wheelchair accessible lifts for units above ground floor.

The detailed layouts for the wheelchair units confirm that the proposed wheelchair user dwellings in block B will each have an internal area of either 84.9 square metres or 88 square metres which is just below the (SELHP) standard of 85 sq m for a 2 bed four person unit in the case of flat type B04. However type B10 exceeds the SELHP standards. For the private wheelchair adaptable and accessible units, the layouts provided indicate a 2 bed three person unit with a GIA of 73.4 sq m. This falls just short of the 75 sq m required by SELHP however the

layouts indicate that the units could be successfully adapted to meet Part M(3) requirements. On balance this is considered acceptable.

Blocks B and C will each have 2 lifts both suitable for wheelchair users however the internal arrangements for these blocks appear tight and do not provide a level space with a min width of 1500mm for passing or turning at each end of the approach routes at maximum intervals of 10m. Furthermore, the landing areas in front of the communal lifts appear to be below the min area of 1500mm x 1500mm required by Part M4(3). It is noted that a number of the flats with wheelchair accessible and adaptable layouts would be positioned on the upper floors of the buildings, which is not ideal. If this application were considered to be acceptable in principle these particular issues would have been discussed further with the applicant in order to find a more appropriate layout.

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, education, Affordable housing provision, Wheelchair units, Traffic Safety and Parking Scheme, Car Club and Travel Plan and Carbon offsetting. These would be considered necessary to make the application acceptable in planning terms and a legally binding planning obligation would be required.

The scheme would also be subject to Mayoral CIL.

Highways impacts

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.

The parking provision has been revised to provide 158 parking spaces including 16 accessible spaces and 5 spaces for the commercial units. While this is above the maximum parking standards set out in the London Plan 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 has also submitted supporting information to demonstrate that there are additional spaces in surrounding roads within walking distance of the proposal. Furthermore, the transport assessment finds that only a minor increase in vehicle trips would arise from the proposals. On balance, the development is considered acceptable from a parking and road safety perspective.

Should this application have been considered acceptable in all other respects additional information relating to the level and type of cycle parking proposed for the commercial units would conform to London plan policy. Highways conditions would have also been recommended including construction management, service and delivery plans and refuse storage.

Flooding and Drainage

The application is within Flood Zones 2 and 3 where the NPPF at paragraph 100 requires a Sequential Test to be undertaken. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.

Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted (Para.102, NPPF)

The applicant has undertaken a sequential test to try and identify other more suitable sites for the development. They have also submitted a Flood Risk Assessment (updated version received 11.04.17) in support of the Exceptions Test undertaken.

The development, as proposed, locates all residential accommodation above ground floor level with less vulnerable commercial uses on the ground floor. The FRA also outlines a range of flood resilience measures, emergency planning measures and means of access/egress to safe area in the event of a flood. Furthermore, the proposal has been designed to achieve at least a 50% reduction in the rate of surface water discharge from the site by utilising a range od SUDS techniques.

Subject to the recommendations made in the reports, the development is considered acceptable, in principle, from a flooding and drainage perspective. If this development were to be considered acceptable overall, flooding and drainage conditions would be recommended.

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 net 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.

There are no trees subject to a preservation order in place on or adjacent to the site and the trees around the site edges are of limited amenity value. The landscaping Masterplan proposes soft planting and new tree planting across the site and it is considered that an attractive scheme of landscaping could be secured if the development were to be considered acceptable in principle.

The ecological appraisal makes a number of recommendations in respect of protected species and habitat linkages including enhancement of existing 'green corridors' along the River Pool.

If this application were to be considered acceptable overall it would be appropriate to attach landscaping, tree and ecology conditions to any subsequent grant of planning permission.

Energy and Sustainability

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 at least a 35% reduction in carbon emissions above that of the 2013 Building Regulations. Furthermore, they have offered a cash in lieu payment to offset the remaining regulated carbon emissions up to 100% to the Council.

If the application were to be considered acceptable overall this would need to be secured through the section 106 legal agreement. Additional details of the appearance of on-site energy equipment would also be required.

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 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).

If the development were considered acceptable overall it would be appropriate to attach conditions requiring compliance with the proposed mitigation and remedial measures set out in the reports accompanying the application.

Archaeological impacts

A desktop archaeological study was submitted with the application. No further archaeological work is recommended in respect of this application. This is agreed.

Conclusions

This site continues to be designated as a Locally Significant Industrial Site (LSIS) in the Draft Local Plan. The development as proposed would be contrary to both the saved employment policies of the UDP and the emerging policies as well as to the strategic objectives of the London plan. The release of such land from its designation would be a matter for the Local Plan process. Furthermore, it is not considered that the additional housing units which this development would provide would outweigh the harm which would result to Bromley's supply of industrial land, should this application be permitted.

There are also concerns over the scale and form which the development would take and the impact this would have on the character of the area and the setting of the adjacent Metropolitan Open Land. The development would also fail to provide satisfactory living accommodation for all of its occupiers.

Additional concerns are with the impact that the development would have on the amenities of nearby residents. These are all major factors weighing against the proposal. 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.

This application must be referred to the Mayor before determination in accordance with the request of the GLA in its Stage One Response (referable under Category 1A- development which comprises or includes the provision of more than 150 houses, flats, or houses and flats).

Background papers referred to during production of this report comprise all correspondence on the file refs 16/05897 and those set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 09.01.2017 29.03.2017 31.03.2017
06.04.2017 11.04.2017**

RECOMMENDATION: APPLICATION BE REFUSED (SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON)

The reasons for refusal are:

- 1 The site is located in a Business Area in the Unitary Development Plan (UDP) and a Locally Significant Industrial Site in the Proposed Submission Draft Local Plan and the proposal would be contrary to Policy EMP4 of the UDP, draft policy 82 of the Local Plan and London Plan policy 4.4 which seek to safeguard sufficient supply of land in the Borough for industrial purposes.
- 2 The proposal, by virtue of its height, scale, siting and design, would have a harmful impact on the visual amenities of the adjacent Metropolitan Open Land which, in London, is afforded the same level of protection as Green Belt and would therefore be contrary to policy G6 of the Unitary Development Plan, policy 53 of the Proposed Submission Draft Local Plan and London Plan policy 7.17.
- 3 The development, as proposed, would result in a cramped overdevelopment of the site, which would fail to provide a satisfactory form of living accommodation for future occupants and due to its height, scale, siting and design would be detrimental to the visual amenities and character of the area, contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Proposed Submission Draft Local Plan and policies 7.4 and 7.6 of the London Plan.
- 4 The proposal would have an unacceptable visual impact for occupiers of adjacent sites, seriously prejudicing the amenities of the occupiers of those dwellings, contrary to policy BE1 of the Unitary Development Plan and policy 37 of the Proposed Submission Draft Local Plan.