

GREATER LONDON AUTHORITY

Development, Enterprise and Environment

Gemma Usher
London Borough of Bromley
Town Planning
Civic Centre
Stockwell Close
Bromley, BR1 3UH

Our ref: D&P/3633b/AP01
Your ref: 17/00170/FULL1
Date: 24 April 2017

Dear Ms. Usher,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

Footzie Social Club, Station Approach Lower Sydenham London SE26 5BQ.
Local planning authority reference: 17/00170/FULL1

I refer to the copy of the above planning application, which was received from you on 14 March 2017. On 24 April 2017 the Mayor considered a report on this proposal, reference D&P/3633b/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan, for the reasons set out in paragraph 74 of the above-mentioned report, which should be addressed before the application is referred back to the Mayor.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Andrew Dorrian, email AndrewDorrian@tfl.gov.uk, telephone 020 3054 7045.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Colin Wilson', with a stylized, flowing script.

Colin Wilson

Senior Manager – Development & Projects

cc Gareth Bacon, London Assembly Constituency Member
Tony Devenish, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL
Chris Francis, West & Partners, 127 Metal Box Factory, 30 Gt. Guildford Street, SE1 OHS

Footzie Social Club, Lower Sydenham

in the London Borough of Bromley

planning application no. 17/00170/FULL1

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of the existing buildings and redevelopment of the site to provide a four to eight storey (+ basement) development comprising 229 residential units together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.

The applicant

The applicant is **Relta Ltd**, the agent is **West & Partners Town Planning Consultants**, and the architect is **Ian Ritchie Architects**.

Strategic issues

Principle of development: The proposals represent inappropriate development on Metropolitan Open Land and very special circumstances have not been demonstrated to outweigh the harm caused to the open quality and permanence of the MOL (paragraphs 22-41).

Affordable housing: 35% by habitable rooms is supported in accordance with the threshold approach set out in the Mayor's draft Affordable Housing and Viability SPG; however, in accordance with the SPG an early stage review mechanism should be secured, and the applicant should review the inclusion of grant. Further discussion is also required regarding affordable rent levels and the intermediate offer (paragraphs 43-45).

Density and urban design: While the maximum building height has been reduced and the layout amended, the height, mass, and density will be harmful to the open character and quality of the MOL (paragraphs 49-57).

Sustainable development: Further information/clarifications/commitments related to overheating and cooling demand, future connection to a district heating network, and the provision of Photovoltaics is required (paragraphs 59-60).

Transport: The application is in general conformity with the strategic transport policies of the London Plan, but changes are required in respect of cycle access, impact on Lower Sydenham station and detailed conditions/obligations regarding bus stop improvements, travel planning, delivery and servicing and construction logistics (paragraphs 63-69).

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 74 of this report, which should be addressed before the application is referred back to the Mayor.

Context

1 On 14 March 2017 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 24 April 2017 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 1A and 3D of the Schedule to the Order 2008:

Category 1A: *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".*

Category 3D: *"Development on land allocated as Green Belt or Metropolitan Open Land...which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building."*

3 Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is triangular in shape and comprises an area of 18,649 sq.m. currently occupied by a large area of open space and an area of hardstanding used for parking and storage with a few small scale buildings. It is bound to the west by the Hayes to London Charing Cross railway line with Lower Sydenham Station a short distance further north, with an industrial estate beyond the railway lines to the west. To the south and east the site adjoins further open space used as playing fields, and to the north it adjoins another warehouse and a recently implemented flatted development (by the same applicant and architect) on the wider site of the former Dylon International premises (referred to as Dylon Phase 1). It is understood that the current site historically provided open space and recreation for employees of Dylon International.

6 The site is accessed via a single lane private road off Station Approach and Worsley Bridge Road that runs parallel with the railways lines and adjacent to the Dylon Phase 1 site. There is a narrow track leading to the southern part of the site. The topography of the site falls gently from the north to the southern corner and from west to east towards the Pool River.

7 The entire site is designated as Metropolitan Open Land (MOL) in Bromley Council's Unitary Development Plan (UDP) and forms part of a Green Chain. The Pool River runs along the south-east boundary of the site.

8 The nearest part of the Strategic Road Network (SRN) is approximately 750 metres south (A2015, Rectory Road). All other roads are local authority controlled. One bus route (the 352) operates immediately adjacent to the site and a further five routes are available from Lower Sydenham station. The site is close to the borough boundary with Lewisham. The public transport accessibility level (PTAL) is 2 (on a scale of 1 – 6 where 6 is excellent).

9 The station was earmarked for a possible Bakerloo Line station on an extension to Hayes. TfL is currently consulting on an extension of the Bakerloo line from Elephant and Castle to Lewisham via the Old Kent Road. However, this option does not preclude a future extension to Hayes.

Site history

10 The application site was historically associated with the site to the north (referred to as Dylon Phase 1), for which planning permission was granted in 2010 and has now been implemented. The current application site, however, was not included in the red line boundary for the approved Dylon Phase 1 scheme. Dylon Phase 1 comprised the erection of a part five, six, seven, eight storey building plus basement to provide 149 residential units, B1 office accommodation, A1 retail space, A3 cafe/restaurant and D1 creche with car parking and landscaped open space. It was allowed on appeal following the Council's decision to refuse permission on grounds of its impact on character and the openness of the Metropolitan Open Land.

11 The application site was subject to a previous planning application of potential strategic importance, which was submitted to the Council in February 2015 and referred to the Mayor in April 2015. The application sought the demolition of the existing buildings and redevelopment of the site to provide a part eight, nine, ten, eleven and twelve storey building comprising 296 residential units. In his initial representations, the previous Mayor advised the Council that the application did not comply with the London Plan. In particular, the Mayor advised the Council that the proposal represented inappropriate development within MOL, that 'very special' circumstances had not been demonstrated to outweigh the harm and that further justification was required on the loss of the site as a former playing field. In addition, further strategic issues relating to affordable housing, urban design and inclusive access and further information regarding climate change and transport were raised (GLA ref: D&P/3633/01).

12 In September 2015, the Council resolved to refuse planning permission for the proposals based on the following four reasons:

- The proposals were considered to be inappropriate development in the MOL and the applicant had failed to demonstrate very special circumstances. The substantial level of harm that would arise from the development by way of harm to the MOL, design, amenity and flood risk was considered to outweigh any housing land supply or other socio-economic benefits that would arise or the benefits of opening up public access to the MOL and enhancing its landscape.
- The site was an inappropriate location for a tall building as it failed to satisfy local policy requirements in this respect. The proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the landscape and the skyline, poor response to the existing street network and connection, failure to improve or enhance legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design.
- The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; ability of single aspect flats to promote natural ventilation and mitigate solar gain; or provide adequate amenity in terms of noise when windows are open fails to demonstrate a high quality living environment. It was demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout.

- The site is within Flood Zone 2 and 3 and despite the ability of the design to mitigate flood risk, the approach taken has significant effects on the overall quality of the development. As such it had not been demonstrated that an appropriate solution to mitigate flood risk could be achieved.

13 On 23 September 2015, the previous Mayor of London considered a report on the above (D&P/3633/02) and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice decided there were no sound planning reasons for him to intervene in the case and advised Bromley Council that he was content for it to determine the case itself.

14 A revised planning application was referred to the Mayor on 22 December 2015 seeking to demolish the existing buildings and redevelop the site with the erection of a basement plus part eight part nine storey building comprising 253 residential units (128 x one bed; 115 x two bed and 10 x three bed units) together with the construction of an estate road, car and cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. In his initial representations the previous Mayor advised the Council that the application did not comply with the London Plan, expressing similar concerns to those raised about the previous application, namely inappropriate development within MOL and that 'very special' circumstances had not been demonstrated to outweigh the harm. In addition, further strategic issues relating to affordable housing, urban design and inclusive access and further information regarding inclusive access, climate change and transport were raised (GLA ref: D&P/3633a/01).

15 In February 2016 Bromley Council resolved to refuse planning permission for the application for the following reasons:

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

car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, the Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).

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

16 On 25 February 2016, the previous Mayor of London considered a report on the above (D&P/3633a/02) and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice decided there were no sound planning reasons for him to intervene in the case and advised Bromley Council that had the applicant not submitted an appeal against Bromley Council's non-determination of this application, the Mayor would have been content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.

17 Prior to the above, the applicant submitted an appeal to the Secretary of State against Bromley's non-determination of the application within thirteen weeks. The Inquiry was held on the 24-27 May and 2 June 2016, and the appeal was dismissed in a decision issued on 2 August 2016. The Inspector concluded that:

- The extent of harm that would be caused through inappropriate development, loss of openness and to the character and appearance of the surroundings are factors that cause the proposed development to conflict with the DP to a substantial degree. I find that the scheme would not represent sustainable development as defined in paragraph 7 of the Framework because of its failure to meet the environmental criteria set out in that paragraph, through the harm to the character of the surroundings; and
- Even though the policies for the supply of housing may be out of date, I conclude that the identified harm significantly and demonstrably outweighs the benefits in favour of the proposal identified above, when assessed against the policies of the Framework as a whole. Very special circumstances to justify the grant of planning permission do not, therefore, exist in this case.

Details of the proposal

18 The current application seeks to address the concerns raised by the Inspector in the Appeal Decision (Ref: APP/G5180/W/16/3144248) issued on 02 August 2016 relating to the scale and mass of the building, and proposes the demolition of the existing buildings and redevelopment of the site to provide a four to eight storey (+ basement) development comprising 229 residential units together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.

19 The main revisions to scheme relate to the reduction in the maximum building height to eight storeys, the separation of the building into two blocks, a reduction in the number of units from 253 to 229 and some revisions to the surrounding public realm.

Strategic planning issues and relevant policies and guidance

20 The relevant issues and corresponding policies are as follows:

- Metropolitan Open Land *London Plan;*
- Housing *London Plan; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Affordable housing *London Plan; Housing SPG; Draft Affordable Housing and Viability SPG;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG;*
- Inclusive access *London Plan; Mayor's Accessible London SPG;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change and Energy Strategy; Mayor's Water Strategy;*
- Transport and parking *London Plan; the Mayor's Transport Strategy;*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy.*

21 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 'saved' policies of Bromley Council's Unitary Development Plan, originally adopted on 20 July 2006 with the majority of policies saved in 2009; and the London Plan 2016 (Consolidated with Alterations since 2011). The following are also relevant material considerations: Bromley Council's Proposed Draft Submission Local Plan (closed December 2016); The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.

Principle of development - Metropolitan Open Land

22 The site is designated as Metropolitan Open Land (MOL). London Plan Policy 7.17 states that the strongest protection should be given to London's MOL in accordance with national guidance, and inappropriate development should be refused except in very special circumstances, giving the same level of protection as in the Green Belt.

23 The relevant national guidance on Green Belt is set out in paragraphs 79-92 of the NPPF and this applies equally to MOL. The construction of new buildings in MOL is inappropriate development, although NPPF paragraphs 89-90 identify circumstances where new buildings are not inappropriate, including for example buildings for agriculture/forestry, facilities for outdoor sport/recreation and small extensions or replacements of existing buildings. London Plan Policy 7.17 echoes this approach and states that appropriate development will be limited to small scale structures to support outdoor open space uses. The application proposals are, therefore, inappropriate development which is harmful to MOL. As set out in NPPF paragraph 87, inappropriate development should not be approved except in very special circumstances (VSC). In accordance with paragraph 88 of the NPPF substantial weight must be given to any harm to the MOL and VSC will not exist unless potential harm to the MOL by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Very special circumstances (VSC)

MOL designation

24 The applicant has retrospectively applied the policy tests of London Plan Policy 7.17 used when considering whether to designate land as MOL in the preparation of a Local Plan and asserts that when considering a proposal for development on MOL, it is appropriate to undertake an assessment to establish whether the land meets these tests. The applicant has concluded as part of this assessment that the land is erroneously designated as MOL as it does not satisfy the MOL designation criteria set out in the policy because part of the site contains structures and hardstanding, there is no public access to it and it does not contain any landscape features of national or metropolitan value. While it forms part of a Green Chain the applicant asserts that it fails to meet at least one of the preceding tests and so fails the last test.

25 As expressed in the previous Mayor's representations on the earlier proposals (GLA ref: D&P/3633/01 and D&P/3633a/01), the planning application process is not the channel for challenging the designation of MOL. As advised, this needs to be done via the Local Development Framework process, so that MOL boundaries can be considered strategically by the Council and the Mayor, and as such this does not constitute very special circumstances.

Previously developed land (PDL)

26 Under paragraph 89 of the NPPF, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) is considered appropriate development in Green Belt, provided there would be no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

27 As set out in the table below the application proposes substantial increases on the building footprint, floorspace and height. This increase in volume as well as other aspects of the proposal would result in a greater impact on the openness of the MOL and the purpose of including land within it than the existing development. The development is considered inappropriate development.

feature	current	proposed	change
footprint	833.7 sq.m.	3,304 sq.m.	+2,470.3 sq.m.
floorspace	776.7 sq.m.	20,138 sq.m.	+19,361.3 sq.m.
height	6.7 metres	25.8 metres	+19.1 metres

28 Although queries were raised by GLA officers in the previous application (D&P/3633a/01) about unauthorised uses on the site based on the number of enforcement cases that were pending at the time, in the Appeal Decision (Ref: APP/G5180/W/16/3144248) the Inspector notes that at the Inquiry the status of the PDL was not challenged or the issues of unauthorised uses raised.

Housing need

29 As part of the applicant's case for demonstrating VSC, it asserts that the calculations in the London Borough of Bromley Five Year Housing Land Supply (November 2016) neither accord with national policy and guidance nor the findings of the Inspector in the recent appeal case. However, as set out in the 5YHLS, the key issues raised at the above appeal, namely a small number of specific sites, the small site allowance methodology and the relevance of incorporating a lapse rate to sites with planning permission not commenced were considered and addressed. The 5YHLS

concludes that over the five-year period 3,544 units will be delivered, which exceeds the Council's targets of 3,173 and 3,332 units, with the additional 5% buffer.

30 As highlighted in the previous applications, the London Plan housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA), which was tested and endorsed at Examination in Public. A key principle of the SHLAA and London Plan is that the target can be met without the need to consider designated open space.

31 Housing need is not therefore considered to constitute very special circumstances. Furthermore, even if the Council's position with regards to housing land supply were vulnerable as suggested by the applicant's own assessment and were to be accepted as a VSC, the NPPF and London Plan Policy make clear that those circumstances must outweigh the harm that would be caused to the MOL from inappropriate development. In this case, for the reasons set out within this report in relation to the design, height and mass, the harm would be significant, and GLA officers are of the view that the harm would not be outweighed by the benefits of the scheme in relation to housing supply and improved landscape.

32 Linked to the need for housing, the applicant asserts that the provision of 35% affordable housing without public subsidy should be regarded as a 'very special circumstance' given the Council's position on the delivery of affordable housing. As indicated above, the housing target, which includes affordable housing, can be met without the need to consider designated open space; and as such the provision of affordable housing is not considered a 'very special circumstance'.

MOL improvements

33 The applicant has highlighted that the proposal would deliver a number of benefits to the MOL, principally by opening up the site to public access, retaining and enhancing the open space and landscape features on the eastern side adjacent to Pool River, improving its recreational value, and enhancing biodiversity.

34 As expressed in Policy 7.17, the Mayor is keen to see improvements in the quality and accessibility of MOL and Green Chains, and the benefits set out above are therefore supported and welcomed. As previously set out, however, these could be achieved without the scale of inappropriate development proposed and would in most cases be a policy requirement of any development. It should be noted that the Inspector in the Appeal Decision (Ref: APP/G5180/W/16/3144248) also concludes that "*infrastructure contributions cited by the appellants as benefits are required to make the development acceptable in any event and do not add to the balance in favour of the scheme*".

35 These improvements therefore, though welcomed, cannot be accepted as very special circumstances and do not outweigh the harm to MOL.

Conclusion on VSC

36 The applicant has put forward a number of factors to justify inappropriate development on MOL. Whilst the improvement to the landscape and provision of public access is welcomed, by itself it is not a very special circumstance.

37 With regards to housing need, the Council has published a 5YHLS that demonstrates that housing targets set for the Borough will be met and given the principle of the SHLAA is predicated on meeting need without considering open space; the provision of housing cannot be considered a very special circumstance.

38 As such, very special circumstances to outweigh the harm caused by the inappropriate development on MOL have not been demonstrated, and the principle of the development is unacceptable.

Impact on openness

39 NPPF paragraph 79 makes clear that the essential characteristic of Green Belt/MOL is its openness and permanence. Whether or not very special circumstances exist to outweigh the harm caused by inappropriate development on MOL, it is also necessary to consider the impact on the openness and character of the MOL. This is discussed in greater detail in paragraphs 54 to 58 of this report in the Urban design section.

Playing fields

40 Paragraph 74 of the NPPF sets out that existing open space, sports and recreation land should not be built on except in certain prescribed circumstances. These include: evidence that the land is surplus to requirements, a replacement would be secured in a suitable location, or the proposal is for alternative sport/recreation use which outweighs the loss.

41 While it would appear that through neglect and various unauthorised activities, the land has not been used as a playing field for some time, it is understood that it historically provided a sport and recreation facility for employees of Dylon International. The applicant is required to demonstrate therefore how the proposed development meets the exceptions outlined in the NPPF, to justify that the loss of this land for sport/recreation purposes is acceptable.

Housing

42 The proposal seeks to provide 229 residential units with the following unit mix:

unit type	no. of units	% of total units
1Bed	118	52%
2Bed	103	45%
3Bed	8	3%
total	229	100%

Affordable housing

43 London Plan Policy 3.13 requires councils to seek affordable housing provision in all residential developments providing ten or more homes; whilst Policies 3.11 and 3.12 expect the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units. Locally, Policy H2 of Bromley Council’s Unitary Development Plan (UDP) requires all residential developments to provide 35% affordable housing with a tenure split of 70% social rent to 30% intermediate.

44 The scheme will deliver 35% affordable housing by habitable rooms.

45 The initial affordable housing proposal is supported. However, in accordance with the Mayor’s Draft Affordable Housing and Viability SPG, an early stage review mechanism will be required, whereby an affordable housing review will be triggered if an agreed level of progress on implementation is not made within a specified period, typically 2 years; GLA will agree an appropriate trigger point with the Council and applicant. Furthermore, the applicant is required to

submit additional scenario testing to demonstrate whether the scheme can viably deliver 40% affordable housing with grant funding and appropriately engage with a Registered Provider.

Housing mix

46 London Plan Policy 3.8, together with the Mayor's Housing SPG seek to promote housing choice and provide a balanced mix of unit sizes in new developments, with a focus on affordable family homes. The proposal currently proposes 3% family units; while this is a low proportion, it reflects the local housing market demand for two bedroom properties and is acceptable in the context of local housing needs.

Residential quality

47 The overall residential quality is high, and accords with standards relating to minimum floor space, floor-to-ceiling height and units per core. The number of dual aspect units have been maximised with no single aspect north-facing units and unit sizes meet or exceed the Mayor's Housing SPG. Private amenity space will be provided for each dwelling by way of balconies or private patio areas, and due to the site's MOL setting, residents would also benefit from extensive open space for recreation and amenity.

Children's play space

48 The application accords with London Plan Policy 3.6 and includes appropriate facilities for play and recreation. The Council should secure the proposed playspace by condition.

Density

49 For the purposes of London Plan Policy 3.4, as with the previous applications, the applicant has argued that the site is 'urban' in character based on the Inspector's assessment of the setting of the Dylon Phase 1 scheme to the north; and therefore the density submitted with the application is 309 habitable rooms per hectare based on an urban setting.

50 However, the setting is 'suburban' reflecting its MOL status, and cannot be considered the same as the Dylon Phase 1 site which was previously developed land within an industrial estate.

51 For a 'suburban' setting with a medium PTAL rating, the matrix suggests a residential density in the region of 150-250 habitable rooms per hectare. While the policy seeks to optimise housing output and realise the optimum potential of sites, it also acknowledges that the density matrix should not be applied mechanistically, as other factors such as the surrounding context, layout and residential quality will also inform the appropriate density range. As noted earlier, the site is in MOL where any development must be designed to maintain openness.

52 As noted in the urban design section below, the development's density is not appropriate to the MOL setting as the resultant design of built mass and its height is not a design approach that sits well in the open context. This further adds to the argument that the impact on the open character is too great. In this respect, there remains a strategic concern with regards to the design and density of the development.

Urban design

53 The main strategic issue in urban design terms is the visual impact the proposals will have on the open quality of the surrounding MOL. As noted earlier in this report, London Plan Policy 7.17 sets out that except in a few cases, development in the MOL is inappropriate and harmful and only in very special circumstances can that harm be outweighed by other benefits. Policy 7.17 and

the NPPF also make it clear that in all cases, built form must be designed so as to minimise its visual impact on the open quality.

54 The applicant has revised the design of the proposed development in response to the concerns relating to scale and mass raised by the Inspector in the appeal case. In this regard, rather than one building as previously proposed, two buildings separated by a landscaped courtyard are proposed. The maximum building height has also been reduced from nine to eight storeys, to align with the height of the adjacent Phase 1, stepping down to seven, five and four storeys at various points.

55 The varying building heights have created a rhythm of vertical elements, which along with the courtyard is an overall improvement on the continuous wall of development previously proposed. However, the massing is still visually prominent when viewed from the main expanse of MOL to the south-east of the site. The scale of development would significantly alter the quality of openness of this part of the MOL and although officers acknowledge that this has been reduced, would still cause a substantial amount of overshadowing, limiting the usability of the open space particularly during late afternoon/evening in the summer months. While there may be a case to be made for introducing some enclosure between the railway line and MOL to enhance the quality of the space, the scale and bulk of the proposed building goes beyond what could be recognised as being necessary or acceptable to achieve this. The revised scale would still block the views of the MOL from the railway line, a characteristic which connects the MOL with the wider urban area.

56 The applicant has sought to address the concerns raised previously by GLA officers related to the lack of street based activity, however, further work is required as is outlined under Transport comments in this report. In addition, concerns which were raised about the degree of natural surveillance to the MOL to the east have not been addressed and as such still remain outstanding. It should be noted that the Inspector accepted the integration of the flood protection measures into the layout, and considered the 'podium' layout an appropriate method of providing private open space that is clearly separate, but not isolated from the park or access way, providing a link at an appropriate human scale between the public and private realm at ground floor level.

57 As detailed above, in the context of the MOL, the revised form and massing strategy still raises concern due to its monolithic massing and its relationship to surrounding open land and cannot be supported in terms of London Plan Policy 7.17 in its current form. As a result the applicant should revisit the form and massing approach and any future proposals should include a clear demonstration as to how the scale and bulk of development is designed to respond to the need to maintain the open quality of MOL.

Inclusive design

58 The proposals respond positively to London Plan Policy 3.8; all units will meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', and 10% meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'. The public realm has been designed so as to be accessible to all, and provision has been made for Blue Badge parking.

Sustainable development

59 Based on the energy assessment an on-site reduction of 238 tonnes of CO₂ per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 91% which is subject to further verification. The applicant should also provide evidence demonstrating how the risk of overheating and cooling demand will be minimised. Part L compliance data sheets of the sample dwellings should also be provided.

60 Full details of the outstanding issues relating to energy have been provided directly to the applicant and Council.

Flood risk and drainage

61 The site is within Flood Zone 3 and a Flood Risk Assessment has been prepared by RPS. It should be noted that the flood mitigation measures are the same that were proposed through the FRA prepared in 2015 to support the previous application for 296 residential units, but the report has been revised to include up to date guidance and new flood level data. Overall, the risk based response to the flood risk on the site is appropriate and the development is therefore acceptable in terms of London Plan Policy 5.12, subject to the range of planning conditions proposed.

62 The principles of the surface water management for the site are sound and are likely to comply with London Plan Policy 5.13.

Transport

Site access

63 Access is from the Dylon Phase 1 estate road into a surface level car park, with a secondary access to a basement car park, both at the eastern extents of the site. The applicant should submit a cycling environmental review system (CERS) audit or similar to identify any required improvements to the cycle links. To improve safety and convenience for cyclists in line with London Plan Policy 6.9, the applicant should also investigate a contraflow cycle lane on the access road (south westbound) for those accessing the site from Worsley Bridge Road. Further detail is required around on site provision for cyclists accessing the cycle stores.

Trip generation and impact

64 The trip generation assessment is acceptable and the development would be unlikely to have a significant impact on the highway and bus networks.

Parking

65 The application proposes 174 car parking spaces, which represents a ratio of 0.76 per unit. This ratio is slightly higher than the previous scheme but is considered consistent with London Plan Policy 6.13. The commitment to 20% active and passive Electric Vehicle Charging Points (EVCPs) is supported and should be secured by condition.

66 To manage parking, a Controlled Parking Zone (CPZ) with residential permit restrictions should be considered by the Council. The provision of two new car club spaces and two years free memberships for residents is supported in line with London Plan Policies 6.13 and 8.2 and should be secured through the s106 agreement.

67 The development proposes 390 cycle parking spaces (340 spaces for residents and 50 spaces for visitors) in accordance with London Plan Policy 6.9.

Bus stop enhancements

68 The contribution to improve the pedestrian accessibility of the southbound bus stop on Worsley Bridge Road is welcomed. A £30,000 obligation should be secured through the s106 agreement to be partly delivered by Lewisham Council.

Travel planning, servicing and construction

69 The development would fund the provision of a two-year car club membership to each household in the development, which is welcomed and should be secured in the s106 agreement. The framework travel plan (TP) submitted is considered acceptable and should be secured through the s106 agreement. In accordance with London Plan Policy 6.3, given the location and potential highway issues, a construction management plan (CMP) and delivery and servicing plan (DSP) should be secured by condition.

Community Infrastructure Levy

70 Mayoral CIL will be payable at a rate of £35 per sq.m. (see Community Infrastructure Levy Charging Schedule – Mayor of London, February 2012). The required CIL should be confirmed by the applicant and council once the components of the development have been finalised.

Local planning authority's position

71 Bromley Council officers are likely to refuse the application under delegated authority.

Legal considerations

72 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

73 There are no financial considerations at this stage.

Conclusion

74 London Plan policies on principle of development (MOL, playing fields), housing, urban design, sustainable development and transport are relevant to this application. The application does not comply with these policies and cannot be supported. The potential remedies to issues of non-compliance are set out below:

- **Principle of development:** The proposal is inappropriate development within Metropolitan Open Land and 'very special circumstances' have not been demonstrated to outweigh the harm to the openness of MOL.
- **Affordable housing:** 35% affordable housing by habitable room is supported. The Council should secure an early stage review through the s106 agreement. The applicant should also fully explore the inclusion of grant funding, in order to ensure compliance with London Plan Policy 3.12 and the Mayor's draft Affordable Housing and Viability SPG.

- **Urban design:** While the maximum building height has been reduced and the layout amended, the height, mass, and density will be harmful to the open character and quality of the MOL. The ground floor layout also requires further work in order to create street based activity and improve the buildings relationship to the adjacent open land.
- **Sustainable development:** Further information/clarifications/commitments related to related to overheating and cooling demand, future connection to a district heating network, and the provision of Photovoltaics required.
- **Transport:** The application is in general conformity with the strategic transport policies of the London Plan, but changes are required in respect of cycle access, impact on Lower Sydenham station and detailed conditions / obligations regarding bus stop improvements, travel planning, delivery and servicing and construction logistics.

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