

Application No : 18/ 01319/FULL1

Ward: Copers Cope

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

OS Grid Ref: E: 536826 N: 171157

Applicant : Iain Hutchinson

Objections : YES

Description of Development:

Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey development with basement parking, comprising 151 residential units (63 x one bedroom, 80 x two bedroom and 8 x 3 bedroom) 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.

Location and Key Designations

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

The 1.8 ha site is located on the outskirts of Beckenham close to Sydenham and the borough boundary with London Borough of Lewisham. The site is designated as Metropolitan Open Land (MOL), broadly triangular in shape and is bound to the West by railway tracks and a line of mature trees, to the North is Maybrey Works site (currently subject to a pending appeal with a public inquiry held in May 2018) and the first phase Dylon development which are both located within a designated business area for industrial purposes, to the East and South by the River Pool and a line of strong tree belt.

The site is open in nature and is visible on Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and further afield.

At present, there are three pavilion buildings along the western edges of the site and an access track. The open space has historically been used as a playing field albeit some time ago. In more recent times the site has been allowed to fall into a poor state of repair being used for storage of vans and a dumping ground for un-roadworthy vehicles and ad hoc items. In addition, a significant parcel of hardstanding area is being used as a construction and storage compound for the adjacent Dylon development. A number of vehicles are also being parked on the open areas of the site and it appears to be associated to the on-going construction works at Dylon site. This matter has been referred to the Planning Enforcement Team for further investigation.

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

Background

The application is being reported to Planning Development Control Committee as the applicant has exercised their right of appeal to the Planning Inspectorate on the grounds of non-determination. It is necessary for Members to consider the suggested grounds to contest the appeal as set out in this report.

Proposal

Full planning permission is sought for the demolition of all existing structures and erection of two buildings (North and South Block) to provide 151 residential flats with a basement car park and an area of open space to be accessible by members of the public. The proposal comprises:

- 63 x one bed, 80 x two bed and 8 x three bed;
- 115 car parking spaces (including 15 disabled spaces);
- 310 cycle parking spaces (of which, 260 for residents and 50 for visitors);
- 54 units would be affordable (36.8% by unit and 36.2% by habitable room); and,
- 15 wheelchair accessible units (10%) comprising 6 x one bed and 9 x two bed.

The details and break down of this proposed housing and affordable housing mix, size and tenure are set out in the following tables:

Tenure	Unit	% by unit	Habitable Room	% by habitable
Market	97	64.2	254	63.8
Social	16	10.6	42	10.6
Intermediate	38	25.2	102	25.6
Total	151	100	398	100

			Market				Affordable			
							Social rent		Intermediate	
Unit size	Total unit	%	Total habitable	%	Unit	%	Unit	%	Unit	%
1bed	63	42	126	32	44	45.4	6	37.5	13	34.2
2bed	80	53	240	60	46	47.4	10	62.5	24	63.2
3bed	8	5	32	8	7	7.2	0	0	1	2.6
Total	151	100	398	100	97	100	16	100	38	100

The development would comprise of two residential blocks (North and South Block), positioned along the western edge of the site with a gap of 29 metres between the blocks. The highest part of the North block would be basement plus 8 storeys (52.8m AOD/26 metres) and would step down in height with the lowest part being 5 storeys (43.1m AOD). The Southern block would comprise basement plus 5 storeys (43.8m AOD/16.4 metres) on its northern end stepping down to 3 storeys (37.1m AOD) towards the southern end.

The proposed buildings would include an undercroft parking level with residential accommodation siting at podium level and above. The proposed podium between the blocks would be landscaped. The eastern edge of the built development would be provided with steps and connect to the public open space at ground floor level.

Due to the topography of the site, the ground floor comprises metal grilles along east elevation as a result of the podium design, which responds to the flood risk designation of the site. The north, south and west facades are punctuated with main entrances, fenestration and balconies serving the ground floor units and openings to the refuse and car park areas.

The building would be constructed primarily of London stock bricks, with translucent cast channel-glass detailing on the top floor, aluminium windows and white powder galvanised steel balconies. Winter gardens are proposed for units facing onto the western boundary of the site (adjacent to the railway).

An access road would run down the western edge of the site leading to 2 disabled parking spaces and 3 drop-off areas. A further access would be provided through the Dylon development from Worsley Bridge Road leading to the undercroft parking area. To the east the remainder of the MOL would be re-landscaped to include new public paths, outdoor space with children play area.

Based on the submitted drawings, a comparison and difference between the existing, previous scheme and current proposal is table below:

	Existing site coverage	Previous refused (3rd) scheme, under ref: 17/00170/FUL	Current proposal Dwg O04A/DS7-05	Difference between proposed and existing site coverage
Proposed units and building heights	N/A	229 units; 4 to 8 storey plus basement	151 units; 3 to 8 storey plus basement	N.B. No residential building. Single storey pavilion buildings associated with the former social club. Various unauthorized structures/ uses.
Building footprint (sq.m)	833	3, 304	2, 981	Increase by 2, 148

Hardstanding/ Private space footprint (sq.m)	7,012	4, 009	3,716	Reduce by 3, 296
Combined built development footprint (sq.m)	7,845	7313	6, 697	Reduce by 1, 148
Green space footprint (including the river) (sq.m)	10,804	11,336	11,952	Increase by 1,148
Total (sq.m)	18, 649	18, 649	18, 649	18, 649

As shown above, the submitted drawings suggested that the proposal would result in an overall reduction in hardstanding/built footprint and increase in green space. However, it should be noted that the hardstanding area has been expanded on site including the construction compound associated to the Phase 1 construction works, reduction of proposed surface level parking spaces and size of vehicle turning head. The applicant has also included the landscaped area at the podium level in calculating built coverage. Irrespective of the above, it is important to note that there would be a significant increase in building scale and volume for the proposed flats compared to the existing single storey buildings on site.

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

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

This document seeks to explain the background to the application and as assessment of relevant planning considerations against development plan policies. The statement sets out the headlines for considerations, applicant's rationale for the proposal in terms of developing MOL, housing need, provision of public open space, detailed design rationale, transport, flood risk, contamination, energy and sustainability and economic and social benefits.

The applicant suggests that the proposal would result in more than a 19% (242sq.m) reduction in brownfield development with a corresponding net addition in open land area. In their view this is a marked improvement when taken together with the proposed public open space. This document suggests that the proposed changes to the building footprint and new siting and massing of the buildings sufficiently address the Appeal Inspectors comments on the previous proposal.

The applicants do not consider that the Council's 5YHLS should be relied upon in the determination of this application. This is on basis of a planning appeal decision (Appeal Ref: 3174961; Dated 22nd March 2018) related to Land at the junction of South Eden Park Road and Bucknall Way, a Local Plan Examination Statement prepared by Lichfield's submitted on the 1st December 2017 and the London SHMA (2013). It is stated that the Council have a deficit in terms of 5 Year Supply as the London SHMA (2013) identified housing need in Bromley to be 1,315 dwellings per

annum and when taken with the most up to date evidence base of the draft New London Plan there is an increased housing need for Bromley 1,424 per annum.

On the issue of MOL, this report concluded that the proposal would reduce built coverage on site. The proposal including massing of the buildings address the inspector's comment in terms of openness of MOL.

A total of 54 affordable housing units (35.8%) of which, 16 social rent units and 38 intermediate units (achieving a split of 30% rented and 70% intermediate) would be provided. This would improve the Council's housing target in the London Plan. The applicant suggests the following issues amount to Very Special Circumstances:

- The Council has no other readily available new land to meet the current and draft London Plan housing targets;
- Provision of new residential dwelling including policy compliant levels of affordable;
- Provision of a new public open space on the eastern part of the site and possible link to the Waterlink Way;
- Economic benefits of the proposal;
- The site is in a highly accessible location;
- S106 contributions to mitigate the impact of the development;
- Provision of an onsite car club vehicle;
- Contribution towards bus stop improvements;
- Planning obligations towards carbon offsetting, education and health;
- Mayoral CIL

At Addendum E the applicant has included a 'Statement of Truth' prepared by a current tenant on the site which confirms that the site has been used for a range of commercial activities since 1994. The applicant is seeking to establish that a large proportion of the site has been 'developed' for quite some time and therefore significant weight should be given to issue of previously developed/brownfield land.

Design and Access Statement (prepared by Ian Ritchie Architects - Appendix 1)

This document describes the site, surrounding context, details of the proposal including unit breakdown and location and detailed internal layouts, comparison with the previous application and the applicant's assessment of the proposal in relation to relevant development plan policies. The applicant describes the proposal as an extension to the Dylan scheme which they refer to as Phase 1. The proposal is described as enhancing the urban character of the area on a brownfield site/ previously developed land and would not comprising the openness of the wider MOL as footprint of the proposal would occupied less than the existing buildings. The proposal would provide high quality new buildings acting as a discreet backdrop to the new MOL landscape.

Officers accept that the site has some relevance in that it is an adjacent development and has a degree of similarity in terms of architectural language including scale and massing of the residential blocks. However, it should be noted that Dylan 1 site was not designated as MOL and therefore the circumstances and context of that development are significantly different to the current proposal. Officers are not

disputing that Dylon is an urban site but for reasons that will be demonstrated throughout this report do not accept that the application site is an acceptable extension of the Dylon development. Consequently it is not appropriate to refer to the current proposal as Phase 2 of the Dylon development.

This document sets out the differences between the first application DC/15/00701/FULL1, the second application DC/15/04759/FULL1, the third application (DC/17/00170/FULL1) and the current proposal.

This statement confirms that the site comprises an area of 18,649sq.m, the footprint of the new buildings would be 2, 981 whilst the GEA would be 20,089sq.m. The density equates to 81 u/ha or 214hr/ha.

Shadow diagrams have been provided that show the proposed landscaped space would be largely overshadowed during the evening all year round (although to a lesser extent than the previous proposal) but would receive a minimum of 2 hours sunlight all year round during the day thus meeting BRE guidelines.

Addendum Transport Assessment and Residential Travel Plan (prepared by Royal Haskoning DHV – Appendix 2 and Appendix 3)

This statement sets out an analysis of existing transport links, local highway operation, transport demand arising from the proposal, junction capacity assessment and relevant policy considerations.

The proposal includes provision for 115 car parking spaces and 310 cycle parking spaces. There is also a commitment to provide a car club with 2 spaces on site.

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

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

The travel plan has been prepared in line with TfL guidance and includes an action plan. An outline **construction logistics plan has been provided (Appendix 11)**.

Flood Risk Assessment (prepared by RPS – Appendix 4 (i))

This report has been submitted because the site is designated as Flood Zone 2 (medium probability) and Zone 3 (high probability). The report covers relevant planning policy, existing and proposed drainage, flood risk mitigation, surface water management and sequential test.

The applicants FRA has been prepared in liaison with the Environment Agency whose advice has informed the buildings slab levels, extent of landscaping and surface water drainage solutions. Detailed site specific flood monitoring has been undertaken in addition to site specific flood storage calculations. The FRA concludes

that this site is suitable for residential development subject to conditions to control flood risk mitigation and drainage.

Foul Sewerage Drainage Assessment (prepared by GDM – Appendix 4 (ii))

This report sets out the approach to foul drainage, a modified single stack system would be used and connect to the public foul water sewer in Worsley Bridge Road, via Phase 1.

Tree Survey Report (prepared by Ian Richie Architects – Appendix 5)

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

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

Phase 1 Habitat Survey (prepared by Betts Ecology - Appendix 6)

This report indicates that the site is not located within any or within 2km from any statutory designated sites. This report concludes that the proposal is expected to have no or only minor adverse impacts on ecology and biodiversity. The buildings within the site boundary and trees on site are considered to have negligible or low potential for roosting bats and no further surveys are recommended. A method statement shall be agreed by the LPA to ensure site clearance work should be carried outside the bird nesting season and River Pool can be provided during construction. Additional planting should make use of native species and new buildings should include bird and bat boxes. Any works to trees should be undertaken outside of bird nesting season.

Geotechnical and Geo-environmental Ground Investigation Report (prepared by Geosphere Environmental Ltd – Appendix 7)

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

Planning Noise and Vibration Report (prepared by Cole Jarman – Appendix 8)

Noise and vibration surveys were undertaken to assess the impact of adjacent uses. The site is exposed to noise and vibration from the adjacent railway, factories and commercial uses. The report indicates the level of railway noise for balconies for the west facing walls would be at or below 55dB. Wintergardens are considered to be a suitable solution for the west facing units. Alternative means of ventilation are recommended for some residential properties to maintain suitable levels of amenity and remove any sole reliance upon openable windows for ventilation.

Air Quality Assessment (prepared by Air Quality Consultants – Appendix 9)

This site lies within an Air Quality Management Area. This report sets out the site description and baseline conditions for air quality, addressing construction and operational phase impacts and appropriate mitigation. The report concludes that during construction a package of mitigation measures to minimise dust emissions would be necessary but with mitigation measures in place the overall impacts will not be significant. During operation, traffic generated by the proposal will affect air quality at existing properties along the local road network. However, the assessment concludes that the emissions will result in imperceptible increases. Concentrations will remain well below the objectives and the impacts would be negligible.

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

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

Energy Statement and Sustainability Appraisal (prepared by Isambard Environmental – Appendix 10 –(i))

This statement has been prepared in line with the principles of the London Plan Energy Hierarchy. The building fabric will seek to reduce CO₂ emissions by 13.28% over the Building Regulation compliant figures, using CHP and solar panels to reduce CO₂ by a further 36.42% and 21.56% respectively. The total reduction on Building Regulations 2013 will be 72.26%. The report suggested that a carbon offsetting payment of £137, 466 would be required to meet 100% reduction in regulated carbon emissions.

The proposal has been assessed against the **Home Quality Mark Pre Assessment (Appendix 10 – ii)**. The report suggests that the residential development would achieve an average of 3.5 star rating.

Affordable Housing Statement (prepared by West and Partners- Appendix 12)

This statement indicates that 54 affordable units (36%) will be provided in the south block. This document outlines the breakdown of private and affordable units and confirms that the units will meet all necessary quality standards. The proposal would provide a UDP policy compliant level of affordable housing but with tenure mix to be negotiated.

Daylight and Sunlight Assessment (prepared by West and Partners – Appendix 13)

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

Desk-top Archaeological Assessment (prepared by Isambard Archaeology – Appendix 14- (i))

The report reviewed and identified the undesignated heritage assets of the site and concluded that the impact on archaeological significance is low.

Archaeological Evaluation (prepared by Compass Archaeology – Appendix 14- (ii))

This report concluded that there is archaeological or environmental evidence for prehistoric activity on this site and no further work is required.

Playing pitch assessment (prepared by West & partners – Appendix 15)

A letter dated 13th May 2015 from the agent (West & Partners) states that there are 58 football pitches in the borough. The proposal would retain open space for play purposes and would not result in unacceptable loss and comply with Sports England Policies. A letter dated 7th May 2015 from the applicant (Relta Limited) states that the site was acquired in 2007 and have been no spaces activities except car boot sales between 2003 and 2009.

Landscape Management Plan (prepared by Ian Ritchie Architects – Appendix 16)

This document sets out detailed proposals for the management and maintenance of the open space aspect of the proposal which will be sited to the east of the two residential blocks. The open landscaped area will comprise large areas of planting as well as a playground. It is intended to make the open space accessible to the public.

Outdoor Gym and Playground (prepared by Ian Ritchie Architects – Appendix 17)

This document sets out the detailed design proposal for the public open space proposed within the eastern section of the site. The document includes a number of artistic images of how the space could look.

Visual Assessment (prepared by Cityscape Visual – Appendix 18)

This report has been prepared to address the comments raised by the Planning Inspector. The report contains details of the design revisions and the Accurate Verified Views taken from 9 viewpoints surrounding the site. The report suggests that

the proposal will by virtue of its mass, scale, form and design have an acceptable visual impact on the MOL.

Design assessment (prepared by Paul Finch, OBE – Appendix 19)

This is an independent design statement explaining the design and quality of the proposal and observations.

Housing Need, Delivery and Supply Assessment Review (prepared by NLP)

This report states that the Council is unable to delivered 5 years supply of housing land in Bromley. The Council's housing requirements and MOL designation of the site is also out-of-date. In line with NPPF Para 14 and 49, the shortfall in housing supply alone is enough to trigger the operation of the "titled balance" and there should be a presumption in favour of approving this application.

Objectively assessed housing need should be used to benchmark and calculate the required housing supply. Very limited weight should be given to the extant Development Plan (Bromley Draft Local Plan and UDP) as it is time expired and not up-to-date for the purpose of housing provision. The development plan does not meet the full current OAN and comply with the NPPF.

Draft NPPF introduces new housing delivery test including definition of a deliverable site. The Council's draft Local Plan is seeking to achieve (rather than exceed) a minimum annual average housing target which is based upon an out-of-date evidence as the draft Local Plan is based on the 2013 SHLAA, rather than the 2017 SHLAA. The weight to be attached to the draft Local Plan should be limited and should be considered to be unsound.

This report states that 52 percent of housing completions in Bromley were allowed at appeal and the actual delivery would have been far less than the identified delivery.

The report indicates that the Council has failed to meet the current and emerging draft London Plan requirements for housing and affordable housing. Great weight should be attached to the Dylon application as it would contribute to market and affordable housing delivery in Bromley.

Metropolitan Open Land (MOL) Assessment (prepared by NLP)

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

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

accessible, is not well maintained and plays a limited role when viewed from public places.

The report considers the landscape and visual impact of the proposal. The proposed building would be sited in an area that is already occupied by buildings. The report states that there would be no material change to the overall 'developed area' across the site and would not cause actual harm to the MOL. Whilst part of the site is designated as Green Chain it is not open to the public, the proposal would improve this by opening up the site for public use. The report suggests that the effect on openness of this part of the MOL would be limited due to the limited views of the site and lack of access to it.

The report suggests that due to its use, urban character and immediate context the site is distinct and separate from the remainder of the MOL. It is noted that the wider MOL has a number of buildings on it, many of which were approved after designation of the MOL and it is therefore argued that there is precedent for residential and other buildings being approved on MOL and Green Chain Land in this locality.

The report suggests that the site does not meet any of the London Plan MOL criteria for designation. It further suggests that the site does not serve a Green Belt or MOL purpose. Whereas the proposed green space within the development would meet MOL objectives.

The report sets out potential benefits of the proposal being, improved public access, enhanced outdoor recreation facilities, landscape, visual amenity and biodiversity enhancements and improving damaged land. As well as these benefits the report suggests that housing need and delivery and socio-economic benefits arising from the proposal are material considerations of sufficient weight to outweigh the harm caused by the proposal and therefore very special circumstances exist.

Economic and Regeneration Benefits Assessment (prepared by NLP)

The report provides an assessment of the economic benefits which will arise from the proposal. The following benefits are stated:

- Construction benefits
 - £37.1 million construction value, 214 construction jobs and further 324 supply chain jobs.

- Operational and expenditure benefits
 - £831, 000 first occupation expenditure
 - £875,000 resident expenditure
 - 6 supported jobs from increased expenditure in local area

- Local Authority revenue benefits
 - Mayor CIL, education, health and other S106 contribution £0.98 million
 - £1.2 million New Homes Bonus
 - £239,000 Council Tax receipts per year

Comments from Local Residents and Groups

The owner(s)/occupier(s) of the neighbouring properties (including the adjacent Dylon site) were consulted. A site notice was displayed and this application was also advertised in the local press.

7 letters of objection were received. The grounds of objection are summarised as follows:

Density, scale and height

- Scale and massing of the proposal would be excessive and would not outweigh the benefits could bring to this area; and,
- Excessive density and height. The site is situated on the border of Beckenham and adjacent to a light industry area where there is a great degree of openness. The proposed developments, together with the adjacent phase 1 development and emerging development (Maybrey Works) are totally overbearing and would radically alter the local environment.

Transportation and highway

- Vehicular access is not acceptable;
- Inadequate parking spaces;
- Increase traffic pressure and impact upon the surrounding area;
- Cumulative impact including the Bellway development adjoining to the site;
- Worsley Bridge Road is already struggling to cope with the influx of traffic, particular at the junction with Southend Lane with serious backlogs during rush hour;
- Whilst parking spaces would be provided, there is no information indicates how the proposal can be accommodated on the surrounding roads;
- The existing road should be amended or re-design to accommodate the increased traffic;
- Consideration should be given to the cyclist and their safety; and,
- There is an insufficient parking on the road.

Residential amenities

- Loss of light;
- Overshadowing; and,
- Loss of privacy.

Inadequate infrastructure to support the scale of the proposal

- Train station and network capacity already saturated. The proposed would increase the pressure on public transport;
- Inadequate school place in the area and the proposal would further reduce its capacity; and,
- Inadequate General Practise/NHS to support the proposal.

Flooding

- The proposal would increase the risk of flooding in the area. The communal garden area and underground car park in Dylon 1 are flooded. The proposal could easily be compounded with the prospect of the nearby Bellway development which is subject to a public inquiry; and

- Cumulative impact of development on local flooding.

Need for more housing/ development

- The latest 5YHLS indicates that the Council can meet its housing target plus 5% buffer. The provision of housing does not constitute very special circumstances for development of MOL land;
- No additional demand for more development in the area as Dylon Works is struggling to sell their flats; and,
- High rise developments are not conducive to a community nor or they a good place to bring young children up in.

Development in Bromley's green spaces

- Set a worrying precedent within the area and harming Bromley's green spaces in favour of overly dense and imposing development.

Appearance

- The character of the area currently comprises of low rise industrial units, small-scale residential properties and open sports pitched. The introduction of part 4 and part 8 storey building will cause a cumulative harm on the openness and visual links within the MOL;
- Whilst the new build (Dylon 1) near this site in isolation has already been approved, this proposal would appear as a wall-like appearance when viewed from the road. The proposed high-rise apartments akin to the imposing structures which blight the central London landscape;
- The proposal would be similar to Dylon 1 and this will expand the view of a huge housing complex into MOL land. The appearance of the proposal would be out of keeping with the rear and surrounding green open space area; and,
- The proposal would have an unacceptable and adverse visual impact on the surrounding MOL and area. There is an excessive cluster of tall tower building in the area. Houses or two storey flats with a reduced number of units would have a less impact and strain on local resources.

Inadequate family unit and affordable family unit

- 8% of the proposed units would be 3 bed units of which, 1 unit would be affordable; and,
- The proposal should be considered in conjunction with adjacent development at Dylon 1 and the emerging development at Maybrey Business Park.

Land use

- Inappropriate development in MOL; and,
- Whilst the site is under private ownership, the land is clearly disguisable from the built up area. The openness of this MOL affords numerous views toward the application site and should be maintained.

Quality of accommodation

- The proposal is close to the railway line and is subject to noise;
- High concentration of single aspect units face onto the railway line and industrial estate, exposing to high level of noise resulting in very poor quality accommodation.

Comments from Consultees

GLA (summary):

The proposal does not comply with the London Plan and the following should be addressed before the application is referred back to the Mayor:

Principle of Development: The proposal represents an inappropriate development on Metropolitan Open Land (MOL) and very special circumstances have not been demonstrated at this time to outweigh the harm caused to the openness of the MOL.

Affordable Housing: 36.2% affordable housing by habitable rooms proposed with a split of 30% social rent and 70%. Subject to the applicant exploring grant in line with draft London Plan Policy H6 and the Mayor's Housing and Viability SPD, the proposal would qualify for the Fast Track Route. An early review mechanism must be secured by Section 106 legal agreement and details of the proposed rent levels should be submitted

Urban Design: While the scale of development has been reduced and the layout amended, the height, mass, and density would be harmful to the open character and quality of the MOL.

Climate Change: Further information/clarifications/commitments related to overheating and cooling demand, solar photovoltaics installation are required before the carbon dioxide savings can be verified. Any remaining regulated Co2 emission must be met through a contribution to the borough's offset fund.

Transport: The proposal is broadly acceptable from a strategic transport perspective. However, changes are required in respect of cycle access and parking and detailed conditions / obligations are required in relation to bus stop improvements, travel planning, delivery and servicing and construction logistics, EVCPs and residents' on-street parking permits restrictions.

TfL (summary): In principle TfL considers the proposal to be acceptable from a strategic transport perspective. However to ensure the application complies fully with current and emerging London Plan transport policies, the following matters should be considered and addressed:

- Provision of a contraflow cycle route from Worsley Bridge Road to the site;
- A small increase in long-stay cycle parking to meet draft London Plan standards;
- Electric Vehicle Car Parking Spaces secured by condition, at a ratio of 20:80 active to passive to meet draft London Plan standards;
- A £30,000 contribution by s106 towards delivering step free access works at the nearest bus stop;
- Travel Plan incorporating car club provision and memberships to be secured by s106;
- A Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) be secured by condition; and,
- Mayoral CIL.

Environment Agency (summary): Objection is raised and more detailed floodplain compensation calculation, existing and proposed flood depth map are required.

The level for level floodplain compensation calculations is provided in the Flood Risk Assessment (referenced: RCEF60978-001 R Final, dated March 2018). However, the applicant should fully demonstrate that there is no net loss of void within any slice of void of equal thickness drawn parallel to the 1 in 100-year flood gradient, factored for climate change. Therefore, detailed calculations, post-development topographic survey and sections drawings indicate how the level for level compensation will work across the site are required.

Appendix B indicates the difference in flood depths between the existing and proposed situations and show there are increases in flood depths located off site (0.15 to 1m in depth).

The colouring of the maps needs to be updated so that the entire flood outline can be seen clearly. Any increase in flood risk offsite would be unacceptable as this is contrary to the National Planning Policy Framework Paragraph 102 with regards to passing the Exception test. From the submitted information it is unclear the extent and potential specific depths of flood waters off site.

Sport England: Object on the grounds of loss of a playing area. Should the Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the DCLG Planning Casework Unit.

Network Rail: No objection is raised provided that the proposal, both during construction and after completion of works on site does not encroach onto Network Rail land, affect the safety, operation or integrity of the company's railway and its infrastructure, undermine its support zone, damage the company's infrastructure and adversely affect any railway land or structure, place additional load on cuttings, over-sail or encroach upon the air-space of any Network Rail land, cause obstruct or interfere with any existing or works associated to Network Rail development.

Construction and future maintenance be conducted solely on the applicant's land without affecting, encroaching upon or over-sail Network Rail's land and air-space. Building should not be within 2 metres from Network Rail's boundary. Any scaffold must not over-sail the railway with protective netting installed.

Should vibro-compaction/displacement piling plant be used during the development, details of method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property must at all times be carried out in a "fail safe" manner such that in the event of failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Trespass proof fence with a minimum height of 1.8 metres and a vehicle incursion barrier or high kerbs should be installed to prevent vehicles accidentally driving or

rolling onto the railway or damaging lineside fencing. Adequate maintenance provision must be made for both parties and no part of works shall encroach upon Network Rail land.

No surface water shall be discharged or run-off onto Network Rail's property. The surface water drainage including maintenance and external lighting details should be submitted and Network Rail's Asset Protection Engineer's shall be consulted. The site is adjacent to the railway line and future residents would be subject to noise/vibration. The current train timetable may be subject to change without notification. Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at <https://www.networkrail.co.uk/communities/lineside-neighbours/working-by-the-railway/>

Historic England- Archaeology (summary): No objection to the proposal and no further archaeology work is required.

London Borough of Lewisham: No response received

Secure by Design (Summary): In principle the proposal is acceptable as it will provide managed housing in an underdeveloped site that has been prone to higher than expected crime. A health and safety audit of the play area should be undertaken. There should be a secure boundary to the resident's area and secured parking. A management and security plan should be provided. The proposal is appropriate for Secure by Design Accreditation and the applicant should liaise with the Design out Crime Officer.

Environmental Health Pollution (summary):

Air quality: An Air Quality assessment prepared by Air Quality Consultants (Report ref J2131/2/F1, 17 January 2017 and March 2018) is submitted and no objection is raised on air quality ground. There is scope to provide additional mitigation measures such as adoption of a car free and car capped development, provision of cycle storage, travel plan, car club bays and green walls. It is recommended that these details be secured by a planning condition.

Contamination: An Geotechnical and Geoenvironmental Ground Investigation Report prepared by Geosphere Environmental Ltd (Report ref 821,GI-PHASE 2/SG,PD/04-08-14/V2) is submitted and no objection is raised. It is recommended that the details of relevant remediation works be secured by a planning condition.

Nosie: An Noise and Vibration Report prepared by Cole Jarman Associates (Report ref 11/4200/R2) is submitted and no objection is raised. It is recommend that proposed glazing and ventilation, soundproofing and external lighting be secured by a planning condition.

Environmental Health Housing (summary): It is reasonable to assume a dwelling with two or more bedrooms will be occupied by a family with children. The majority of these proposed flats will have no view of the communal external recreational space.

The only communal living space in the proposed flats will be combined with the kitchen area which is not desirable.

Strategic Housing (summary): The proposed housing mix does not meet the need of the Borough with a very high proportion of 1 bed unit rather than family sized units. The proposed housing tenure should achieve a split of 60% social rent and 40% intimate unit. Details of 10% wheelchair units and clarification of developer's setting up as a register provider should be provided.

Drainage Advisor: The submitted Flood Risk Assessment (prepared by RPS Ref: RCEF 60978-001R dated March 2018) indicates that Geocellular Crate Soakaway, green roofs and permeable paving would be used to restrict the discharge rate into the Pool River to a maximum of 5l/s for all events including the 1 in 100 plus climate change storm event are acceptable. The detail of surface water drainage scheme and an assessment of the hydrological and hydro geological context of the development should be secured prior to the commencement of the development

Tree Officer: The aerial photography indicates that there are limited trees would be immediately impacted by the proposed development. It may be unnecessary to remove the Poplar trees. In order to ensure the correct Root Protection Areas have been calculated and the appropriate protection is given to the retained trees, it is recommended that arboriculture method statement, tree protection plan and soft and hard landscaping details be secured by planning conditions.

Rights of Way Officer: No response was received

Highways: In summary, the proposal will have a reduced travel demand in comparing with the previously refused schemes. The site has a PTAL rating of 2 and a total of 115 parking spaces (0.76 spaces per unit) and 310 cycle storage spaces would be provided at surface level and basement. The level of parking and cycle storage would comply with the London Plan requirement. 2 car club spaces would be provided. A turning head is proposed at the end of the site's estate road allowing large refuse vehicle to enter and leave the site in a forward gear. Adequate tracking plans are submitted.

The proposal will result in a minor impact on the operation of the Southend Lane/ Worsley Bridge Road traffic signal control junction. The access arrangement lacks detail and is unsatisfactory in terms of legibility and permeability. However, this is not sufficient to warrant a refusal on highway grounds. The relationship between the development and station in terms of wayfinding, distance and quality requires more careful consideration.

The following details/provision should be secured by planning conditions
H01 (Access), H03 (Car Parking), H18 (Refuse), H22 (Cycle Parking), H23 (Lighting), H25 (Servicing facilities), H29 (Construction Management Plan) and H30 (Travel Plan)

The following details/provision should be secured via a S106 Legal Agreement

2 car club spaces to be located at surface level and a car club operator to be appointed to operate a minimum of 1 car for at least 2 years.

A financial contribution (£5,000) to be secured for a period of 7 years to make any changes (provision of waiting restrictions and possibility of introducing pay and display bays around the site) should parking become any adjustment a problem after the development is complete.

A financial contribution (£ 30,000) is requested by TfL to improve pedestrian accessibility to the local bus stops on Worsley Bridge Road including changes to the waiting restriction on highway, improved signage, creation of a step free access to the bus stops and a new bus shelter to support southbound bus services.

Also TfL has requested a cycling environmental review system (CERS) audit to identify any required improvements to the cycle links. In order to improve safety and convenience for cyclists and 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.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan

The Greater London Authority is preparing a new London Plan. Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is closed on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan, the weight given to it is a matter for the decision maker based on the legal status of the Plan.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework 2012 (NPPF)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Green Belt is intended to serve five purposes:

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

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

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

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

Relevant London Plan Policies include:

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 2.6 Outer London: vision and strategy
- Policy 2.7 Outer London: economy
- Policy 2.8 Outer London: transport
- Policy 2.18 Green Infrastructure: The Multi-Functional Network of Green and Open Spaces
- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.17 Metropolitan Open Land
Policy 7.19 Biodiversity and access to nature
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

The 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
- Affordable Housing and Viability (2016)

Relevant UDP policies include:

H1 Housing Supply
H2 Affordable Housing
H7 Housing Density and Design
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T6 Pedestrians
T7 Cyclists
T9 and T10 Public Transport
T15 Traffic Management
T18 Road Safety
BE1 Design of New Development
BE4 Public Realm
BE17 High Buildings
BE18 The Skyline
NE2 and NE3 Development and Nature Conservation Sites
NE7 Development and Trees
NE12 Landscape Quality and Character
G2 Metropolitan Open Land
G7 South East London Green Chain
L6 Playing Fields
ER7 Contaminated Land
IMP1 Planning Obligations

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

- 5 Year Housing Land Supply Paper
- Affordable Housing SPD
- Planning Obligations SPD
- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

Relevant Draft Local Plan Policies include:

1. Housing supply
2. Provision of affordable housing
4. Housing design
30. Parking
31. Relieving congestion
32. Road safety
33. Access for all
37. General design of development
47. Tall and large buildings
48. Skyline
49. The Green Belt
50. Metropolitan Open Land
73. Development and trees
77. Landscape quality and character
113. Waste management in new development
115. Reducing flood risk
116. Sustainable urban drainage systems
119. Noise pollution
120. Air quality
123. Sustainable design and construction
124. Carbon dioxide reduction, decentralised energy networks and renewable energy

Planning Application History

History for this site includes:

88/01449 – Full permission was granted
Single storey stable block and formation of car park.

89/01826: - Full permission was refused
Use of sports ground for car boot sales.

95/00294: Full permission was granted
Single storey detached building for use as a mini cab office.

14/02176: Full permission was refused
Temporary static caravan for security purposes (retrospective)

15/00701: Full permission (1st Submission) was refused. A subsequent appeal was withdrawn by the applicant.

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8/9/10/11/12 storey building comprising 296 residential units (148 x one bed; 135 x two bed and 13 x three bed units) together with the construction of an estate road, 222 car parking spaces, 488 cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The grounds of refusal are:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain or provide adequate amenity in terms of noise when windows are open; fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).

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

15/04759: Full application (2nd submission) was submitted. An appeal was lodged on the basis of non-determination and was subsequently dismissed (Dated 2nd August 2016; PIN ref; App/G5180/W/16/3144248).

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8 part 9 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. The Council resolved to contest the appeal on the following grounds:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain; or provide adequate amenity in terms of noise when windows are open fails to demonstrate that a high quality living environment with

satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).

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

The appeal was dismissed with the following conclusions (the full appeal decision is attached as Appendix 3). Relevant extracts of the Inspectors decision will be discussed in the analysis section below.

"I consider 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.

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.

Consequently, for the reasons given above I conclude that the appeal should be dismissed"

17/00170/FULL1: Full application (3rd submission) was refused. A subsequent appeal was withdrawn by the applicant. The Council has awarded cost against the applicant.

Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey (+ basement). Refused for the following reasons:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the

development by way of harm to the MOL, design; and insufficient affordable housing provision 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 (2016) and G2 of the UDP (2006).

2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form, amount of development, number of single aspect units, adverse impact on the Landscape and failure to improve or enhance the character of the area 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 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. On the basis of the information submitted, the applicant has failed to demonstrate that the proposal would deliver a policy compliant provision of affordable housing contrary to Policy H2 of the Unitary Development Plan, Policy 3.11 of the London Plan (2016) and Bromley's Affordable Housing SPD (2008).

Relevant history for the adjacent Dylon site includes:

09/01664: Full permission was refused and subsequently allowed at appeal (Dated 15/15/2010; PIN ref: APP/G5180/A/09/2114194).

Mixed use redevelopment comprising basement car parking and 2 part five/ six/ seven/ eight storey blocks for use as Class B1 office accommodation (6884 sqm)/ Class A1 retail (449 sqm)/ Class A3 cafe/ restaurant (135 sqm)/ Class D1 creche (437 sqm) and 149 flats (32 one bedroom/ 78 two bedroom/ 39 three bedroom).

13/01973 and 13/03467: Full permissions were submitted. An appeal was lodged on non-determination ground. The appeals were allowed (Dated 16th Feb 2015: PIN ref: APP/G5180/A/14/2219910).

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

14/01752: Full planning was refused.

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

15/04692: A material amendment application was approved.

Section 73 application for a minor material amendment to 09/01664/FULL1 (Mixed use development comprising basement car parking and 2 part 5/6/7/8 storey blocks for use as Class B1 office accommodation (6884sqm)/ Class A1 retail (449sqm)/ Class A3 café/restaurant (135qsqm)/ Class D1 crèche (437sqm) and 149 flats (32 one bed/ 78 2 bed/ 39 3 bed) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation, reduction of size of the basement, revised elevational details and external materials and samples.

15/04702: A material amendment application was approved.

Section 73 application for a minor material amendment to 13/01973/FULL1 (amendment to block A03 forming part of pp 09/01664);(to provide a total of 223 residential units, A1 retail unit, A3 café/restaurant unit, D1 crèche and associated works) for amendments to the external elevational treatments, materials, fenestration and landscaping, re-configuration of windows, balconies and internal layout of units, core, upper terraces and form of roof, additional windows and balconies, re-configuration of bin stores and refuse, additional substation and reduction of size of the basement.

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

Also of relevance is an application for Maybrey Business Park

16/05897: Full planning was refused and subject to a public inquiry (Held in May 2018; PIN ref: APP/G5180/W/17/3181977)

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), 1,129sq m commercial floorspace (Use Class B1a-c), residents gym (Use Class D2), together with associated car and cycle parking, landscaping and infrastructure works.

Permission was refused for reasons relating to loss of industrial floorspace, overdevelopment, poor design and impact on adjacent MOL, impact on infrastructure and substandard level of amenity for future occupiers.

Consideration

The main issues to be considered are:

- Main differences from previous proposal;
- Principle of Development;
- Meeting the MOL designation criteria;
- Housing Need and Supply;
- Density;
- Design;

- Appropriateness of tall buildings
 - Impact on Landscape
 - Design quality
- Trees and Ecology;
- Housing Issues;
 - Housing mix and tenure
 - Standard of accommodation
 - Outlook and privacy
 - Wheelchair Standard
 - Play space
- Highways and Traffic Issues;
 - Parking spaces and car club
 - Cycle;
 - Trip generation;
 - Access
- Impact on neighbouring properties;
- Sustainability and Energy;
- Flood Risk; and,
- Planning Obligations.

Main differences from the previous proposal

This is the fourth planning application proposing a residential development on this site within Metropolitan Open Land (MOL). This application has been submitted in order to try and overcome the previous reasons for refusal (3rd application ref: 17/00170/FULL1) and including an earlier scheme which was dismissed at appeal (2nd application ref: 15/04759). In order to assist with the assessment of the current application, it would be useful to identify the main differences from the previous refused scheme.

Reduction in residential units

The total number of proposed residential units has been reduced from 229 units to 151 units (78 less units when compared with the last/3rd scheme under ref: 17/00170FULL1).

Increased distance between two blocks

The design has been amended to provide an increased distance between the proposed residential blocks (North and South Block) in an attempt to reduce the overall mass of the built form. The new buildings would be positioned along the western boundary of the site adjacent to the railway with a 29 metres gap between the blocks with a podium level incorporating a soft landscape area.

The applicant believes that the introduction of a wider gap between the proposed residential blocks with a dropping roof height towards the south of the site would help to create visual openness.

Reduction in height

The current proposal has a height range of basement plus 3 – 8 storeys whereas the previous proposal (3rd scheme) ref: 17/00170 was for basement plus 4 -8 storeys. (The second scheme – ref: 15/04759 was for basement plus 9 storeys and the first

application DC/15/00701/FULL1 was proposed at basement plus 8 – 12 storeys). The reduction in scale attempts to address concerns regarding the scale and mass. The north wing of the northern block would reflect the height of the Dylon scheme on the shared boundary at basement plus 8 storeys, the lowest part of the development (basement plus 4 storeys) would be located on the southern boundary of the site adjacent to the remaining MOL.

The facades have been remodelled in and aimed to reduce the dominant appearance of the block, particularly on the eastern side facing the open space. Furthermore, top floor setbacks are proposed in an attempt to provide a varied roof scape and reduce the scale of the blocks. The materials palette has been refined to include more glazed areas as well as winter gardens on the western elevations.

Removal of surface level/ground floor parking spaces

A total 29 surface level parking spaces along the proposed access road, adjacent to the railway line are removed from the current proposal. This reduces the overall hardstanding area by approximately 334sq.m.

Single aspect units

The applicant has stated that there are no single aspect units in the current proposal. Whilst there is no single aspect north facing family units, the number of single aspect units proposed remained high (60 units equates to 40%).

Winter gardens have been introduced for the west facing units in an attempt to overcome previous concerns relating to noise and ventilation for the residential units on this side of the building.

Principle of the Development

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

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

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

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

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

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

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

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

This proposed residential development, including introduction of substantial new buildings which do not fall within the exceptions set out in paragraph 89 of the NPPF. The proposed development would constitute inappropriate development in MOL. The harm arises from this inappropriate development; by definition, causes should be given substantial weight.

Meeting the MOL designation criteria

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

Policy G7 of the UDP seeks to protect the Green Chain. The policy states that, 'Development proposals will be required to respect and not harm the character or

function of the Green Chain and the Green Chain Walk, as defined on the Proposals Map. Measures to protect this designated area are to include the use of suitable screening, landscaping or in appropriate areas the planting of native vegetation and enhancing of wildlife habitats. The above approach is supported by the Council's draft Local Plan Policies 49 and 50.

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

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 asserted that as part of their assessment, 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 considered that it fails to meet MOL policy requirements.

Officers disagreed with the applicant's assessment. The site does meet the criteria as set out in London Plan Policy 7.17 which states " to designate land as MOL borough need to established the land meets at least one of the following criteria:

- a) it contributes to the physical structure of London by being clearly distinguishable from the built up area;
- b) it includes open air facilities, especially for leisure, recreation sport, arts and culture activities which serve either the whole or significant parts of London Borough Bromley;
- c) it contains features or landscapes of either national or metropolitan value;
- d) it forms part of a Green Chain or link in the network of green infrastructure and meets one of the above criteria.

The site is clearly distinguishable from the built up area to the north and west of the site, in particular when viewed from the neighbouring roads. The existing pavilions on site are low level which contribute to the wider landscape of MOL. The site also forms part of the green chain. As such, it is considered that the applicant has misinterpreted the policy above. It should be noted that this view is supported by the Planning Inspector in dismissing an earlier submission. Paragraph 37 to 42 of the inspector report states "the site nonetheless makes a contribution to the larger open area through the fact of its designation and, as with land in Green Belt, the extent of

visibility of the site does not necessarily reduce the impact of the contribution that it makes. It is 'openness' that is the critical fact, with visual impact being judged under difference criteria".

This view is also endorsed by the Greater London Authority and is published in their Stage 1 report which states that, *"the applicant has retrospectively applied the policy tests of London Plan Policy 7.17 used when considering the designate land as MOL in the preparation of a Local Plan and conclude the site does not meet any of MOL designation criteria or purpose. As express in the previous Mayor's representation on the earlier proposal, the application process is not the channel for challenging the designation of MOL. 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. It should also be noted that Bromley Draft Local Plan is currently undergoing an independent examination and there is no indication that the site designation as MOL will change. As such, officers disagree with the applicant's Assessment regarding MOL designation or that it demonstrates the existence of VSC"*.

In addition, officers would also point out that there is no requirement in either the NPPF or the Local Plan to undertake a full review of Green Belt and MOL boundaries. Given that the Council's has an up-to-date 5 Year Housing Land Supply (published in November 2017), there is no justification or exceptional circumstances to promote unsustainable development in the Borough and there is no justification to release MOL/Green Belt Land or housing development during the identified period. The applicant has sought to make a case for very special circumstances through the submission of their document titled 'MOL Assessment' (the details of which have been set out above). Very special circumstances are stated by the applicant to apply because:

- The applicant contends that Bromley is unable to meet its 5 years housing land supply. The proposal would assist in proving housing and meeting housing need.
- Based on the updated site survey, the proposal represents a small gain in openness with less hardstanding when compared with the previous scheme.
- The site does not meet the London Plan criteria as defined in 7.17 for designating MOL and is of poor landscape character and visual amenity. The proposal would improve the condition of MOL by providing a publicly accessible open space including biodiversity improvement. The proposed open space would meet MOL criteria.
- The site is located close to Lower Sydenham Railway Station, industrial estate and nearby commercial retail park.
- The 'definitional harm' and 'actual harm' should be considered and must be primary assessed in terms of effect on its openness and weighed against 'Very Special Circumstances'.
- The benefits of the proposed development are considered by the applicant to outweigh the loss to MOL because of the carefully considered, exemplary and quality design of the proposed development and the improvements to the existing MOL land by making it publicly accessible.

Having established that the proposed development for housing is clearly inappropriate development, it is necessary to consider the harm that could arise both in terms of visual impact and openness.

Officers consider that the designation of the site as MOL to be fundamental to the assessment of this application, it is not appropriate to consider re-designation through the planning application process (as confirmed by the GLA) and it is important to note that the adjacent Dylon site was never designated as MOL so its circumstances for redevelopment are significantly different to this site.

Officers consider that this site is separate from the built up development to the north and despite being physically separated from the remaining open space by the river and planting along the boundaries, the site does form part of the wider MOL to the south and east and is an important buffer between built form and open landscape. Given that there is an on-going major development at the Dylon site and the appeal proposal at the Maybrey Works site, of which both relate to the former industrial sites to the north it is even more important to retain and protect the MOL.

At the present time the site is not open to public use, it has been allowed to fall into a poor condition and is currently being used for a range of different uses which include ad-hoc storage, a builder's compound and parking. The Council's Planning Investigation Team is currently investigating the range of uses taking place on the site.

The applicant is of the view that openness on this site has already been compromised by virtue of the existing low level development on the site and therefore the issue to consider is the extent of harm arising from the visual impact as a result of increasing the scale of the development on the site. The applicant is of the opinion that the openness of the site is very limited and the proposed buildings will not have any material effect on that openness.

Officers do not accept that openness has already been compromised as over 58 percent of the site measuring 10,804 (58%) is covered by planting and remains free from built form at ground floor level.

The applicant has indicated that the proposal would be located on a previously developed land as the site is already largely covered by hardstanding. The proposal would result in an overall reduction of hardstanding on site. Officers disagree with this view as the aerial photos reveal that the green open space within the site has been extensively eroded in the past 10 years with increased ad-hoc and unauthorised uses/activities.

The latest and most tangible loss of green open space is the hardstanding area associated to the Dylon 1 construction works and storage purposes. While the temporary use of a neighbouring site for construction works/storage purpose would not necessarily require the benefit of planning permission, it should be noted that the paving/hardstanding areas have extensively and significantly increased in the past 12 years without any planning application records. As such, the suggested proposition that the proposed development would reduce built coverage of this previously developed land is not supported.

Setting aside the above, the applicant has also indicated that the proposal would result in a slight increase in green space across the site when compared with the last refused scheme.

This is primarily due to the removal of surface level parking and inclusion of the soft landscaping area at the podium level. It should be noted that building footprint would be significantly increased from 833sqm to 2,981sq.m and substantially increased in volume (8 storeys in height with a combined length 127.6 metres). A minimal reduction of the suggested hardstanding but significant increase in built form above ground level clearly causes harm by virtue of harm to openness. This is exacerbated by the visual impact of a building designed to accommodate 20,089sq.m GEA.

The existing development/structure on site is low level with a limited effect outside of the site, whereas the proposed development would be of a far greater scale in terms of height, volume and footprint, the proposed buildings would result in a significantly greater physical presence on site which would have an adverse impact in terms of openness and visual impact. Existing buildings on site have a height of 6.7 metres whereas the proposed buildings would be measures 26 metres high representing a 19.1m increase.

The proposed North Block would measure 26 metres in height (8 storeys), 64 metres in length, between 21.5 metres and 33.5 metres in width. The proposed South Block would measure 16.4 metres in height (5 storeys), 48.8 metres in length, between 22 metres and 37 metres in width.

Whilst the distance between the proposed blocks would be increased when compared with the previous (3rd scheme), it should be noted that the proposed buildings would be link at the podium level including the basement level visible from the Worsley Bridge Road and Copers Cope Road. The combined length of the buildings would measure 127.6 metres. The scale and massing of the proposed buildings, remains substantial when compared with the existing lower level buildings within the site and the low level buildings along Copers Cope Road.

In order to demonstrate that the proposal, would not cause visual harm the applicant has submitted a Visual Assessment with verified views to demonstrate the impact of the proposal which has been reduced in scale. Whilst it is acknowledged that the massing of the buildings has been reduced, the visual images clearly demonstrate that the proposal will be visible from a number of surrounding viewpoints. The proposed building would appear as an extension of a series of high walls with different heights. Whilst the proposed blocks would be lower in scale than the Dylon development that particular site does not lie within MOL. The proposed blocks would obstruct views into and through the site as shown in the images taken from Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low level development surrounding it.

In the applicants Design and Access Statement they describe the proposal as enhancing the urban character of the area optimising the potential of the site to provide much needed residential accommodation. This site is not a development

site and it is not appropriate to consider its development potential in the same way as the adjacent former industrial site, the site is protected MOL with its purpose being to prevent urban sprawl by keeping land permanently open. Sites such as this play an important role in the built up areas of London by providing a break in built form and maintaining areas of openness which provide relief between urban and suburban development. Seeking to optimise development on a site such as this is a direct contradiction of its purpose which is to protect openness.

Furthermore, deliberate neglect, unauthorised use or lack of public access is not in itself a reason to allow development on important protected sites such as this. Whilst part of the site is occupied as open area storage with some hardstanding within the site, it should be noted that there is no planning application record confirming the lawfulness of the existing use/activities including the extensive expansion of hardstanding.

As part of the application, the developer proposes to landscape and make the eastern part of the existing MOL space publicly accessible, retaining and enhancing the open space and landscape features on the eastern side adjacent to the Pool River, improving its recreational value and enhancing biodiversity. 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. 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 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”*.

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

As set out above, in accordance with paragraph 87, the proposal is by definition inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances. The local planning authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm is clearly outweighed by other considerations. For the reasons set out in this report it is not considered that the applicants suggested Very Special Circumstances exist and the level of harm that would arise by virtue of inappropriateness and the harm to openness and visual impact substantially outweigh any benefits of the proposal.

Housing Need and Supply

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

UDP Policy H1 and draft Local Plan Policy 1 both require the Borough to make provision for additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. However, the presumption in favour of additional housing is intended to focus development within built up areas and on brownfield land, the need for additional housing provision does not outweigh national and development plan policies that seek to protect Green Belt/MOL.

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

The Council's latest 5 Year Housing Land Supply paper was published in November 2017. This sets out a supply of deliverable sites sufficient to provide five years' worth of housing against the housing requirement between 2017 and 2022. The housing requirement for LB of Bromley is set out in the Table 3.1 of the London Plan Policy 3.3 which requires a minimum of 641 dwelling per annum. It should be noted that this statement provides a 5% buffer. A supply of 3, 657 dwelling amounts to a 5.71 year supply based on a required of 641 dwellings per annum is set out in this paper. As such, the Council does have an up-to-date five years' worth of housing supply. This matter formed part of the Draft Local Plan examination in December 2017, which is at Modifications consultation stage.

The Council and GLA monitor the annual net housing completions in the relevant administrative area. The latest GLA annual monitoring report (AMR) indicates that the Council has a net completion rate of 765 units between 2015/2016 which represent a 19% over-provision. Whilst the average net completion rate for the past 4 years (between 2012/2013 and 2015/2016) is approximately 96.5%, it should be noted that the vacant units coming back to use are not recorded in the AMR. The AMR report together with the planned 5 Year Housing Supply Paper does indicate that the Council has achieved the minimum requirement in 2015/2016 and have capacity to meet the London Mayor's policy requirements.

With regard to the draft London Plan proposing an increase of housing target from 641 to 1, 440 dwelling per annum, this document remains at an early stage and it is anticipated that the first examination in public will be held in the autumn of 2018. Subject to any modifications, the new London Plan may be published in the following year. The draft London Plan is at a very early stage and only very limited weight can be given to this document at this stage. Furthermore, the Planning Practice Guidance states “*considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light*”.

The applicant believes that the proposal would improve the Council's poor housing delivery record and contribute towards the housing targets, especially in the context

of the minimum housing target in the draft London Plan. It should be noted that the London Plan Housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA), which are set and can be met without encroaching and building in MOL.

The above views are consistent with the current and draft London Plan and are supported by the GLA. The GLA Stage 1 report states that “A key principle of the SHLAA and London plan is that the target, including affordable housing can be met without *the need to consider designated open space...the draft London Plan and supporting SHLAA is based on the same principle and therefore does not consider the use of Green Belt as necessary to meet these targets. Housing need is therefore not 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, London Plan and draft London Plan 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.

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’.

The applicant considers that “very special circumstances” justifying development on MOL have been established by virtue of the ability of the site to meet housing need and housing land supply. However, Officers do not agree that very special circumstances are justified on this specific basis. Officers are of the view that the housing supply targets of London Plan Policy 3.3 can be met without developing this designated MOL site. Consequently the ability of this site to deliver additional homes for the Borough cannot be accepted to override the harm to MOL as required in UDP Policy G2 and draft Local Plan Policies H1, 49 and 50. In any event, the advice of the PPG is that unmet housing need is unlikely to outweigh harm to the Green Belt (MOL) and other harm to constitute very special circumstances.

The applicant has put forward a number of factors to justify inappropriate development on MOL. Whilst the proposed landscape works and provision of a public accessible space is welcome, it is not considered as a very special circumstance by itself as these improvement can be delivered without the construction of two tall buildings.

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.

Furthermore, the socio-economic benefits and merits derived from this proposal can be delivered without building in MOL land. It is clear that the merits identified are very limited and 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.

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) outlines a suggested residential density ranges related to a site's setting and public transport accessibility (PTAL). The suggested density range for this site with a PTAL rating of 2 is between 150-250 hr/ha or 50-95 u/ha.

The proposed density would be 214 habitable rooms/ha or 81 units/ha and would comply with the London Plan Policy. However, paragraph 3.28 of the London Plan states *“a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is no appropriate to apply Table 3.2 mechanistically”*. This is only a suggested threshold.

Paragraph 1.3.8 of the Housing SPG (March 2016) provides further guidance on apply the density matrix which states that Table 3.2 should be used as a starting point as a guide rather than as an absolute rule. This is in order to take proper account of their objectives and local context. Paragraph 1.3.9 of the Housing SPG also states that proper weight should be given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in Chapter 7 of the London Plan. The standard of accommodation would be detailed and assessed in the following section of this report.

The applicant considers that the proposed development and density is justified on MOL land due to its proximity to a railway station and an urban scale development at the adjacent Dylon site which is nearly completed.

These views are not supported by officers as the application site does not form part of designated business and industrial land. The site is not identified as a housing site but is currently designated as MOL. The site is within MOL and adjacent to the Dylon site which has been granted permission for a scheme with an urban density. It is considered that this site forms a transition zone between the urban development to the north and suburban development, taking account of the area to the south and east of the site characterised by a predominance of semi-detached houses and Metropolitan Open Land.

As discussed above the principle of redeveloping this site for residential use is considered to be unacceptable. Even if putting the MOL considerations to one side, the proposal is not considered to be a sustainable form of development. The nearest primary school and local shops are approximately a ten minute walk from the site. GPs surgeries are a 17 min walk away. The only facilities near the site are sports fields and gyms. Whilst the Dylon development includes some commercial units and

the development has commenced, there is no guarantee that the commercial uses will be delivered. Consequently, the sustainability credentials of this location are therefore questionable and there are concerns about the appropriateness of the site to accommodate the density proposed.

The NPPF states that planning permission can be given to buildings that are not compatible with the existing townscape if they promote high levels of sustainability and concerns have been mitigated by good design. The location of this building and the harm caused to the surrounding landscape and MOL discussed elsewhere in this report clearly show that that the site is not located within a suitable location.

Playing Fields/Sport England Comments

This site was historically used as a sports facility for the Dylon Factory. Given its historical use Sport England were consulted. Their response has been set out in full above. The applicant has submitted information which states that the since 2007 there have been no sports activities carried out on the playing fields at Footzie Social Club. Car boot sales were held on the playing fields between 2003 and 2009, there are records for the licenses obtained for this activity'.

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

In light of the fact that the site has not been used as a playing pitch or sporting facility for a considerable period of time (in excess of 10 years) officers are not seeking to raise an objection to the application in this respect. In the event that this application was to be considered acceptable in all other respects the application would be referred to the Secretary of State in accordance with the Consultation Direction 2009.

Design

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

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

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

In respect of design for the previous proposal the Appeal Inspector stated:

“I consider that the design of the building, taken in isolation, is indeed a meticulous and finely detailed concept that would reflect that of the Dylon 1 scheme. I find no problem with the integration of the flood protection measures into the layout, considering that they would be discreet and well integrated into the landscape proposals. Similarly, the ‘podium’ layout objected to by the Council would, I consider, be 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.

Nevertheless, I am not persuaded that the relationship with the Dylon 1 site is the most important in this situation. That site is not within MOL and whilst its character is a factor that must now be taken into consideration in the design of any development on the appeal site, the proposed new block would, I consider, be of an overly dominant height when seen against the relatively small scale development on, and open nature of, other surrounding land.

The appeal scheme would maintain a uniform roof level and would be one storey higher than the top floor level of the Dylon 1 buildings, the bulk of which are then reduced as they step down towards the north. However, the remainder of the surrounding development is a mixture that includes industrial and commercial uses, generally at no more than 2 storeys high, the sports grounds that comprise the remainder 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.

In this context, a building of 10 storeys and of the length proposed would, I consider, create a hard dominant edge that would be better suited to a more central urban area where the surrounding densities are more comparable. The constant height of the block would convey the impression of it being considerably larger than Dylon 1, which, as has been noted, is outside the MOL.

While the argument has been made that if development is to take place, it should deliver the highest density possible, it seems to me that if development is to take place that would effectively remove some of the designated MOL, it should be more closely aligned with the generally open nature of the remainder of the land within this designation and the suburban and less densely built-up character of the majority of the land adjoining it.

However, I am also of the opinion that the proposed building would be excessively high when seen from, and in relation to, the park and would have the effect of enclosing it, so that the open land would appear dominated and overlooked by the block. The sense of space would be diminished and the appreciation of the remaining areas of MOL within the site, and beyond where available, would also be reduced. The building would appear as a solid wall of development, despite the angled

façades, with little variation along its length to relieve its somewhat monumental character.

It would be visible from a considerable distance and be prominent on the skyline, from where it would clearly be seen as one block despite the articulation of the elevations. There is no objection per se to seeing an attractive building in a location where previously there was little development, but in an area where specific protection has been accorded to the openness of the surroundings, I consider that particular care should be taken to ensure that any change does not appear overly bulky or higher than absolutely necessary.

While the building might, in other locations, be considered a valuable addition to the townscape, for the reasons set out above I do not find its relationship with its surroundings would be of sufficient architectural quality to be a consideration in its favour. Indeed my concerns about the scale and massing of the block, together with the quality of accommodation for some of the future occupants are major factors weighing against the proposal”.

In respect of design it will be necessary to assess whether the current scheme sufficiently overcomes the above comments. The key elements of design are assessed below.

a) Appropriateness of tall buildings

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

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

The proposed building is considered to be a tall building in the context of its surroundings. Whilst it is acknowledged that Dylon site is largely complete and does form part of the character of the area it is not considered that this sets the predominant character for this site. As noted by the Appeal Inspector for the previous scheme, beyond the Dylon site the remaining surrounding development is a mixture that includes industrial and commercial development, generally at no more than 2 storey's high. Consequently the current proposal is still considered to be at odds with the prevailing character of development in this locality and of an overly dominant height when seen against the relatively small scale and low level development on, and open nature of, other surrounding land. Furthermore as discussed above the proposed density is not appropriate for this site. Consequently, the proposal does not satisfy the criteria set out in Policy BE17.

Delivering a tall building in this location is completely contrary to planning policies within the UDP and London Plan. Policy 7.7 of the London Plan states that tall and

large buildings should generally be limited to sites in the Central Activity Zone, opportunity areas and areas of intensification or town centres that have good access to public transport. The site is not located in any of these locations and although the site is located next to Lower Sydenham station, the PTAL rating is 2, this is considered poor. It should be noted that the PTAL rating is ranges between 0 to 6b where 0 is worst and 6b is excellent. When setting out suitable locations for tall buildings the London Plan clearly states that tall buildings should be part of a plan led approach to change or develop the area and not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan clearly states that tall buildings should relate to the proportion, composition, scale and character of surrounding buildings, urban grain and public realm and areas where the character would not be adversely affected. This is repeated in UDP Policy BE1 and draft Local Plan Policies 37, 47, and 48 which require development should to the scale form and layout of the area.

The built character in the local area is varied, and there is little consistency. It varies from 2 storey suburban dwellings to industrial sheds. The Dylon development currently under construction will introduce a new urban form between 5 and 8 storeys. The landscape of the site and wider area does, however, give the area a more dominant and strong character. Proposals on the application site should therefore respond to the landscape and open space, as the primary influence on the site. This does not mean that the development of the application site should be of a suburban scale, but it should respond sensitively and positively to the landscape and open space. Despite being reduced in height from the previous proposal, the current scheme at 4 to 9 storey (including basement level) would be completely out of character with the landscape and open space.

As discussed above it is acknowledged that the building has been reduced in height, however, the visual images submitted clearly demonstrate that the proposal will be visible from a number of surrounding viewpoints. Whilst the proposed blocks would be lower in scale than the Dylon development the proposed blocks would obstruct views into and through the site as shown in the images taken from the adjacent railway line, Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low level development surrounding it. In conclusion a tall building is considered to be entirely inappropriate for this location contrary to Policy 7.7 of the London Plan and Policies BE17 and BE1 of the UDP.

Paragraph 53 of the GLA Stage 1 report states that “the massing is still visually prominent when viewed from the main expanse of MOL, to the south-east of the site and scale of the development would alter the quality of openness of this part of the MOL.” 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”. Officers agree with this analysis and conclude that the introduction of tall buildings would be inappropriate for this site, contrary to the above policies.

b) Impact on the Landscape

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

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

When considering the previous proposals, officers were of the view that the mass and scale of the proposed buildings would severely impact on the open character of the site and adversely affecting the setting and character of the MOL and Green Chain. Despite planted screening around the western and south-eastern borders of the site, the building would be highly visible and would block existing open views. Despite the design amendments, the current proposal still gives rise to the same concerns.

Paragraph 7 of the NPPF states that the planning system must protect and enhance the natural environment. This is repeated in policy NE12 of the UDP that states that the Council will seek to safeguard the quality and character of the local landscape. Despite the reduced scale and mass of the current proposal Officers still consider that the open nature of the surrounding landscape will be severely impacted by the development.

In conclusion the proposal is considered to be entirely inappropriate for this location due to the significant adverse impact on the landscape contrary to UDP Policies BE18, NE12, G2 and G7, draft Local Plan Policies 47, 48 and Paragraph 7 of the NPPF.

c) Design Quality

There is a strong emphasis in development plan policies, national and local planning guidance to deliver good design. Paragraph 56 of the NPPF states that good design is indivisible from good planning. UDP Policy BE17 states that buildings that exceed the general height of buildings in the area should be of outstanding architectural quality. This approach is consistent with draft Local Plan Policies 4 and 37. The Residential Design SPG is very clear in stating that the appearance of the proposed development and its relationship with its surroundings are both material considerations in determining planning applications.

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

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

It is important to note that despite concerns raised with respect to the podium design for historic applications, the Appeal Inspector did not object to this approach, she also did not object to the detailed design approach taken for the elevational treatment. This application has been considered in that context.

It is considered that the form of the building (separating it into two blocks) and approach to articulating the facades together with the choice of materials palette could result in a high quality building of architectural merit (subject to detailed design execution controlled through conditions). Furthermore the design amendments resulting in more entrance cores at street level together with the landscaped access point between the blocks does overcome previous concerns with the design in this respect. In isolation the proposed building could be considered well designed and might be appropriate for an urban site. However, the massing is still visually dominant 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 with a greater distance between the proposed blocks would still block the views of the MOL from the railway line, a characteristic which connects the MOL with the wider urban area. Consequently a building of this scale and mass is not considered to be appropriate for this protected site and the harm that will arise cannot be overcome by the quality of the architecture or materials pallet or the improvements made in respect of access.

In conclusion it is not considered that the proposal is of an appropriate design for this site, despite the reduction in height overall, modulated roof form and providing a greater distance between the proposed building blocks up to 9 storeys in height including the basement. The proposal does not sufficiently overcome previous reasons for refusal or adequately address the concerns raised by the Appeal Inspector in respect of the previous proposal.

Trees and Ecology

UDP Policy NE7 and draft Local Plan Policy 73 require proposals for new development to take particular account of existing trees on the site and on adjoining land. Policies NE2 and NE3 seek to protect sites and features which are of ecological interest and value. Planning Authorities are required to assess the impact of a development proposal upon ecology, biodiversity and protected species. The presence of protected species is a material planning consideration. Natural England has issued Standing Advice to local planning authorities to assist with the determination of planning applications in this respect as they have scaled back their ability to comment on individual applications. Natural England also act as the Licensing Authority in the event that following the issue of planning permission a license is required to undertake works which will affect protected species.

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

The Council's Tree Officer has advised that there is no objection in principle to the proposed removal of trees as set out in the applicant's submission. A number of poplar trees could be retained on-site. In the event that this application were acceptable in all other respects it would be appropriate to secure an arboricultural impact and method assessment including a detailed landscaping strategy by way of condition. These details would need to include sufficient and robust replacement tree planting, native species to improve ecology and habitats and ecological enhancements such as bird and bat boxes.

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

Housing Issues

At regional level, the 2016 London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure, supported by effective and attractive design, adequate infrastructure and an enhanced environment. UDP Policy H7 outlines the Council's criteria for all new housing developments. The policy seeks the provision of a mix of housing types and sizes.

UDP Policy H2 Affordable Housing specifies that "In negotiating the amount of affordable housing on each site the Council will seek 35% provision, with 70% social-rented housing and 30% intermediate provision unless it can be demonstrated that a lower level should be sought or that the 70:30 split would not create mixed and balanced communities". This is being carried forward in the draft Local Plan Policies 1 and 2.

Draft Local Plan Policy 2 Provision of Affordable Housing specifies that "In negotiating the amount of affordable housing on each site, the Council will seek 35% provision with 60% social-rented / affordable rented housing and 40% intermediate provision unless it can be demonstrated that that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities.....Where an applicant proposes a level below the 35% or the tenure mix is not policy compliant

the Council will require evidence within a Financial Viability Appraisal that will be independently assessed”.

The South-East London Strategic Housing Market Assessment (2014) identifies a high level of need across the sub-region as referenced in paragraph 2.1.28 of the Proposed Submission Draft Local Plan. This is supported by current borough evidence in relation to bedsize and band requirements from the Council’s Housing Division.

Policy 3.11 of the London Plan Affordable Housing Targets specifies that “In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing”.

a) Housing Mix and Tenure

The proposal would provide the following residential development

	1 Bed	2 Bed	3 Bed	Total
Private/Market	44	46	7	97
Social Rent	6	10	0	16
Intermediate	13	24	1	38
Total	63	80	8	151

The proposed housing mix equates to 42% one beds, 53% 2 beds and 5% three beds. This is a similar breakdown to the historic applications for which no objection was raised. The concerns raised by The Council’s Strategic Housing Officer in respect of a very high proportion of 1 bed unit and low proportion of family housing have been duly considered. The Council’s development plan policies do not specify a detailed breakdown of unit sizes and on balance it is not considered that an objection on the grounds of low provision of family housing could not be sustained in this instance. It should be noted that there is a high proportion of 2 bed units (53%) with a mixture of 2 bed /3 person units and 2 bed/4 person units. Consequently the proposed mix is considered to be acceptable.

The London Mayor’s Viability SPD states the Mayor is keen to maintain the flexibility to meet local needs. A minimum of 30% social rent or affordable rent and a minimum of 30% intermediate products should be delivered. The remaining 40 per cent is to be determined by the LPA.

The proposal would provide 36.2 % affordable housing by habitable rooms (144 out of 398 habitable rooms) with a tenure split of 30% social rent and 70% intermediate unit. Whilst the proposal tenure would not be contrary to the London Viability SPD, it should be noted no evidence has been provided to support the proposed tenure and a split of 60% social rent and 40% intermediate unit cannot be achieved. The Councils Housing Team has advised that the proposal tenure is not adequate and does not reflect the Council’s housing need (60% social rent and 40% intermediate unit equates to 32 rented units and 22 intermediate units). The proposed tenure is therefore, not considered acceptable.

In the stage 1 response the GLA also advised that the applicant should explore grant to maximize the level of affordable housing provision. In line with the London viability SPG, the proposal should also be subject to an early stage review mechanism.

Based on the content of the application which does not include any evidence to justify a particular tenure mix (such as a Financial Viability Appraisal), rent levels for the affordable housing products, the applicant has failed to demonstrate that the proposal would deliver a policy compliant provision of affordable housing, contrary to Policy H2 of the Unitary Development Plan and Policy 3.11 of the London Plan (2016).

b) Standard of Residential Accommodation

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

Table 1 of the Nationally Described Space Standards sets out minimum space standards for new development. The standards require:-

- 1bed2person 50 sqm,
- 2b3p units 61sqm,
- 2b4p units 70 sqm
- 3b4p units 74 sqm
- 3b5p units 86 sqm

All of the units meet the minimum unit sizes and make adequate provision for amenity space by virtue of private balconies and terraces as well as the communal landscaped space to the east of the building. The buildings meet appropriate standards in terms of the approach to entrances, units per core, lift access and internal layout.

The applicant has stated that the proposal would comply with Standard 29 of the London Mayor's Housing SPD which requires the number of single aspect units to be minimised. However, it should be noted that number of single aspect units remain high with a total of 60 single aspect units of which 24 units would be facing the railway line. These units have less opportunity for cross ventilation, restricted views with no views across the proposed open space and face the noisier site surroundings. The inclusion of wintergardens on the west facing units does overcome previous concerns relating to noise from the railway to some extent. However, the number of single aspect units still raises a significant concern. Officers consider the inability of the scheme to be able to deliver any dual aspect one bed units to be symptomatic of the fact that the proposed building is not appropriate for this site.

It is noted that the GLA has not raised an objection to the standard of accommodation. Nevertheless it is considered that the single aspect design is another indicator that the amount and density of development proposed is not appropriate for this site.

c) Outlook and privacy

The proposed ground floor terraces associated to the 2 bed units in the North block would be sited at an angle and located immediately opposite to the adjacent one bedroom single aspect east facing unit. Whilst it is not uncommon to introduce privacy screens along terraces or install obscured glazed windows for balconies, it should be noted that these measures would significantly reduce the outlook, enjoyment of view and the availability of natural light for the one bed unit. It is considered that the siting of the proposed building and layout of the proposed units would fail to provide an acceptable level of outlook and privacy for the future occupiers.

The use of controlled aspect windows/doors is not uncommon on modern buildings to provide additional light and air sources as well as managing privacy. A Bedroom is categorized as a habitable room and it is essential to ensure that adequate outlook can be provided for all habitable rooms.

The proposed floor plans (ground to 7th floor) indicate that each bedroom would be provided with a window and this would enable a degree of outlook from the relevant habitable room. However, it should be noted that the bedroom windows for the 2 bedroom units are sited at an angle which limit the outlook and view, in particular the bedroom windows of the proposed 2 bedroom units in Core 1, Core 3 and Core 4. Furthermore, the width of bedroom windows is relatively narrow measuring 1 metre wide. This is in comparison with the overall width of the bedrooms which range between 4 metres to 7.2 metres wide. Due to the siting of the window, size and shape of the bedroom, it is considered that the outlook provided for these habitable rooms would be limited and poor. The proposed layout and design of the proposal including the zig-zag walls would fail to provide a good quality living environment for the future occupiers and represent a cramped development on MOL land.

d) Wheelchair Standard

London Plan Policies 3.8 and 7.2 .48 requires ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This is supported by draft Local Plan Policies 4 and 33.

The proposals respond positively to London Plan Policy in this respect; all units will meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'. Policy 3.8 of the London Plan requires 10% of all new dwellings to be wheelchair accessible. Bromley's Affordable Housing SPD confirms that 10% of all housing including affordable housing should be wheelchair accessible in developments of 20 or more units.

A schedule in the Design and Access Statement confirms that 15 wheelchair units would be provided (6 x 1 bed and 9 x two bed) and comply with the policy and Building Regulation requirement M4 (3) 'wheelchair user dwellings'. Each core has the benefit of two lifts. It is not clear from the submission whether a minimum of 2 affordable wheelchair user dwellings would be provided but if the application were acceptable in all other respects this issues could be clarified with the applicant.

e) Playspace

Based on the Mayor's Play and Informal Recreation SPG and in accordance with London Plan Policy 3.6, a minimum of 108sq.m child play space should be provided on site.

An area of play space with indicative play equipment has been indicated on the landscaping plans. The size of the play area has not been specified. However, these can be addressed a part of a condition if this application were acceptable in all other respects.

Highways and Traffic Issues

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

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

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

Parking spaces and Car Club spaces

The development will be supported by 115 car parking spaces (including 15 disabled spaces) at surface level and within a basement, provided a ratio of 0.76 spaces per unit. The proposed car parking ratio is therefore broadly consistent with the site's previous planning submissions. Electric car charge points would be installed and comply with the minimum requirement (20% active and a further 20% passive).

The NPPF makes reference to Local Authorities setting parking standards for residential and non-residential development, with reference to local levels of car ownership. Using the proposed schedule of accommodation including the number of habitable rooms per dwelling and applying this to the 2011 Census car ownership data for Copers Cope, the Council's Highway Officer has estimated car ownership to be 108 cars for the 151 dwellings (a ratio of 0.72 cars per unit).

2 on-site car club parking spaces are reserved for use by Car Club vehicles. The spaces would be at surface level and a car club operator will be appointed to operate and manage the spaces. If this development were considered to be acceptable in all other respects the car club provision would be secured by a legal agreement.

Cycle storage

The development will provide 310 cycle parking spaces and would comply with the minimum standards required by the London Plan. All secure residential cycle parking will be provided within the basement (260 spaces), and this is provided in the form of a two-tiered parking system. Additional visitor cycle parking will be provided at surface level (50 spaces), and this will take the form of Sheffield Stands. Transport for London has advised that the applicant should aspire to provide 10 further long stay cycle storage spaces to meet the draft London Plan requirement.

Trip generation

In terms of unit numbers the proposed development is smaller than the previous schemes (application numbers 15/00701/FULL1, 15/04759/FULL1 and 17/00170/FULL1), and therefore the site's trip generation will be lower than for the site's previous planning submissions.

The Council's Highway Officer considered the travel demand for the proposed development, based on the trip generation rates that have been agreed with the Council in relation to the site's previous planning submissions. These rates are based on data contained in the TRAVL database.

The assessment has identified a car driver mode share of 35.5% over the course of a 12-hour day (07:00-19:00). This is broadly consistent with the car driver mode shares determined for the 08:00-09:00 and 17:00-18:00 periods.

The predominant mode share is 'walk / public transport', which achieves 51.6% of mode share from 08:00-09:00.

The Council's Highways Officer is of the opinion that the development will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal controlled junction. However it is not considered that this would be a sufficient reason to warrant refusal of this application on highways grounds.

Access

Vehicular access will be taken from the Phase 1 estate road and this arrangement is consistent with the previous refused schemes. A turning head is proposed at the end of the Site's estate road, and this will allow a large refuse vehicle to turn and exit in a forward gear.

Vehicle tracking for the Site's turning head and basement car park are provided and is of satisfactory. The proposed access to the Site's basement car park is broadly consistent with that proposed in the previous schemes (ref: numbers 15/00701/FULL1, 15/04759/FULL1 and 17/00170/FULL1).

The access arrangement lacks detail and is unsatisfactory in terms of legibility and permeability. The relationship between the development and station in terms of wayfinding, distance and quality requires more careful consideration. However, these are matters that could be addressed by way of conditions if this application were to be considered acceptable in all other respects.

As part of the GLA consultation, TfL was consulted and advised that the trip generation assessment is acceptable and the development would be unlikely to have a significant impact on the highway and public transport networks. The applicant should seek to improve safety and convenience for cyclist and investigate the feasibility a contraflow cycle lane on the access road for those accessing the site cycle directly from Worsley Bridge Road as this will reduce the likelihood of cycling on the footway of the estate road. These details could be address by way of conditions should this proposal were to be considered acceptable.

TfL also recommended a range of conditions and s106 obligations (Bus Stop enhancement, Travel Plan, Construction Logistic Plan, Delivery and Servicing Plan, Car Club) on that could have been secured if this proposal were deemed to be acceptable.

With regard to the impact on public transport infrastructure, rail transport in south east London is dominated by National Rail service operated on the South-eastern franchise area covering termini at London Bridge, Cannon Street, Charing Cross and Victoria. The proposal would place an increased demand on public transport including bus network. Network rail was consulted and no objection was raised to this proposed development. Given that the proposal would be limited to 151 units, it is considered that the proposal would not have a significantly impact on existing public transport capacity.

In summary it is not considered that the proposal would have severe adverse impacts in respect of highways issues and therefore no objection is raised in this respect (consistent with the historic submissions).

Impact on neighbouring amenity

UDP Policy BE1 and draft Local Plan Policy 4 seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss

of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

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

The site is largely surrounded by a range of non-residential uses comprising commercial and industrial uses to the north and west and MOL to the east and south. The closest residential properties are located to the nearly completed residential blocks located to north of the site. Whilst the proposed development would be visible from the neighbouring windows, it should be noted that the proposed building (North Block) would be located 13 metres from the neighbouring residential properties and would be sited at an angle. Due to this distance and its relationship with the neighbouring properties, it is considered that the proposed development would not result in significant impact on residential amenities in terms of loss of outlook and loss of privacy.

The residential properties located on Worsley Bridge Road are located over 95 metres from the site. Given the significant distance between this site and existing residential properties to the east and south, it is not considered that any harm to amenity would occur. There would be a degree of overlooking between the units on this scheme and the approved Dylon development. However, anyone choosing to move into the new schemes would be aware of the relationship and it is not considered that any mutual overlooking would give rise to an objection that could be sustained as a reason for refusal.

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

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

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

Sustainability and Energy

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals

there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

An energy strategy was submitted. The applicant has followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and variable speed drive pumps.

The demand for cooling will be minimised and managed through thermal mass and high ceilings, reduced heat pipework losses, recessed balconies and cross ventilation (MVHR) systems.

Through the building fabric efficiency measures, the development is estimated to achieve a reduction of 35 tonnes per annum (13%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development.

The applicant is proposing to install a gas fired combined heat and power (CHP) unit (70kWe/100kWth) as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating, leading to a further reduction in regulated CO₂ emissions of 97 tonnes per annum (36%). Whilst the use of CHP is welcome and is not uncommon for large scale development (500 units or more), the applicant should investigate more appropriate methods of supplying the heat demand of this site and a full feasibility study for all available technologic should be submitted for review. The proposal should also be designed to allow future connection to a district heating network should one become available.

With regard to on-site renewable energy technologies, the applicant is proposing to install 630sq.m Photovoltaic (PV) panels on an available roof area of circa 1,925sq.m. The PV array proposed is circa 33% of the available roof area. A reduction in regulated CO₂ emissions of 57 tonnes per annum (22%) will be achieved through this third element of the energy hierarchy. However, it is considered that a larger PV array can be accommodated within the site. The applicant should demonstrate that the PV installation has been maximised.

Based on the energy assessment submitted, the table below shows the residual Carbon (CO₂) emissions after each stage of the energy hierarchy and the CO₂ emission reductions at each stage of the energy hierarchy for the domestic buildings.

Table: CO₂ emission reductions from application of the energy hierarchy

	Total residual regulated CO₂ emissions (tonnes per annum)	Regulated CO₂ emissions reductions	
		(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	266		
Energy Efficiency	230	35	13%
CHP	134	97	36%
Renewable energy	76	57	22%
Total		189	71%

An on-site reduction of 189 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic buildings, equivalent to an overall saving of 71%. The carbon dioxide savings exceed the on-site target set within Policy 5.2 of the London Plan. However the comments above should be addressed before the savings can be verified and the final offsetting amount can be agreed.

In summary, whilst the components of the applicant strategy are reasonable, it is considered the use of CHP in relation to the size of the proposal being below 500 units would be unrealistic in terms of the amount of on-site carbon reduction that can be achieved. The size and number of solar PV should be increased to improve the renewable energy performer. The proposal are required to meet the London Plan zero carbon targets and any shortfall must be offset through a financial contribution and secured by a legal agreement.

Flood Risk

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

This site is located in an identified Flood Risk Area, 14% of the site is in Flood Zone 1, 80% of the site is in Flood Zone 3 and 6% is in Zone 2. The topography of the site slope downward in an easterly and southerly direction towards Pool River and adjacent to the watercourse

The existing ground level is varied across the site ranging between 23.86 AOD and 26.2 AOD. The proposals to mitigate flood risk on site remain unchanged when compared with the last scheme, which includes:

1. Enable the surface level parking and access routes area located in areas free from flooding.
2. The ground floor (access) level will be set at 27.0m AOD and the lower deck car park floor level at 24.0m AOD which means that the residential floor would be located 2.17 metres above the flood level modelled 1 in 100 year plus 35% climate change. This would provide a suitable dry egress from the site during a flood event.
3. The basement parking park slab level would be set into the site topography (at 24m AOD) enabling flood water enter to the basement car park.

Additional drawings have been provided confirming the spot height of the proposed open space. At the time of writing this report, the Environment Agency has informally advised that this has addressed their concerns regarding the calculated flood compensation and objection could be removed in principle provided that more detail design of the proposed landscape area leading to the proposed flood storage area are provided. An update confirming the Environment Agency's final position will be reported for Members' considerations.

Other Considerations

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

Planning Obligations

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

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

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

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

- Education (£343, 573);
- Health (£192, 072);
- Carbon offsetting payment (£137, 466);
- Affordable Housing (54 units);
- Wheelchair housing (15 units);
- Access to and maintenance of the public open space;
- Provision of car club spaces membership; and,
- Highways contributions to address Bromley and TfL requirements.

Environmental Impact Assessment

The Council issued a Screening Opinion on the 10th May 2018 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Summary

The proposed development of the site raises issues associated with the principle of developing the MOL for residential purpose and the acceptability of the development in terms of its nature and scale, impact on the local environment and surrounding area. The benefits of the proposal have been carefully weighed against the harm arising, this report has considered those matters in light of the NPPF (paragraphs 14, 49 and 87) as well as adopted and emerging development plan policies and other material considerations including third party representations.

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

On balance officers do not consider that the potential harm to the MOL by reason of inappropriateness and other harm due to overdevelopment, design and inadequate affordable housing provision are clearly outweighed by the benefits of the development set out above. In particular, the council has an up-to-date 5 Year Housing Land Supply. Therefore very special circumstances do not exist and the principle of redeveloping this site for residential purposes is considered to be wholly unacceptable and contrary to national and development plan policies which seek to protect MOL.

In addition, there are fundamental issues in terms of amount, scale and detailed design of the proposal that would seriously threaten the character, placemaking and functionality of the area as well as giving rise to a poor standard of amenity for future residents. Notwithstanding the MOL designation it is considered that the proposal in its detail results in adverse impacts that significantly and demonstrably outweigh the benefits of the development.

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

Background papers referred to during the production of this report comprise all correspondence on file ref 18/01319/FULL11 and other files referenced in this report, excluding exempt information.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL WITH THE FOLLOWING GROUNDS subject to any necessary referral to the Mayor of London and Secretary of State

1. **The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design; and inadequate affordable housing provision 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 (2016), Policy G2 of the UDP (2006) and Policy 50 of the draft Local Plan (2017).**
2. **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, amount of development, number of single aspect units, adverse impact on the Landscape and failure to improve or enhance the character of the area 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 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 7.6 and 7.7 of the London Plan, draft Local Plan Policies 4, 37, 47, 48, 50, 77, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.**
3. **On the basis of the information submitted, the applicant has failed to demonstrate that the proposal would deliver a policy compliant provision of affordable housing in terms of affordable housing tenure, contrary to Policy H2 of the Unitary Development Plan, Policy 2 of the draft Local Plan, Policy 3.11 of the London Plan (2016) and Bromley's Affordable Housing SPD (2008).**