

**Application No :** 18/00399/OUT

**Ward:**  
**Bromley Town**

**Address :** 10A Sherman Road Bromley BR1 3JH

**OS Grid Ref:** E: 540450 N: 169684

**Applicant :** South East Living Group

**Objections :** YES

**Description of Development:**

Proposed outline application for the demolition of 10A Sherman Road and redevelopment with a mixed-use, 10-storey, scheme comprising 6no. one bed, 3 no. two bed flats and B1 commercial space.

Key designations:

Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
London City Airport Safeguarding  
Open Space Deficiency  
Proposal Sites  
Smoke Control SCA 10

Proposal

The application is submitted in outline to consider matters of access and layout for the demolition of the existing building (10A Sherman Road) and the redevelopment of the site with a mixed-use, 10 storey scheme comprising 6no. one bed and 3no. two bed units with B1 commercial space.

In respect of the layout of the scheme, the block replicates the floor plan at ground floor level of the garage building with a set-back from the highway. At first floor level, the proposal steps in 1m from the flank boundaries for the remaining height of the proposal and set in from the rear given the constraints of the adjacent Northpoint development. It is proposed that the building will house 9 units of 1 and 2 bedrooms over the six upper floors with the lower three floors proposed for commercial floor space (381.5sqm). The site measures 0.03ha in size and is rectangular in shape.

Whilst the development is in outline provision to consider layout and highways, it is acknowledged within the development description that the proposal is to be 10 storeys and illustrative drawings and reports have been provided to support this. Illustrative images of the design of the building, including materials and roof treatments have also been provided.

The scheme is proposed to be car free with the use of an existing car club outside 3 Sherman Road. Residential and commercial cycle parking is provided internally.

Following receipt of TfL's comments, revised parking plans were submitted which now include two disabled parking bays to the front of 10 Sherman Road.

The application was supported by the following documents:

*Transport Assessment (Sarnlea Limited, January 2018)* - The report states that the development is in accordance with local and national policy and the proposal has been assessed in terms of its accessibility by non-car borne modes and the level of accessibility is good and in accordance with a development of this type and scale. The report also considers that the site layout is suitable and fit for purpose in terms of highways safety.

*Daylight and Sunlight report (GVA, January 2018)* - The report concludes that the impact of the proposed development would be considered acceptable given the proximity of existing neighbours, extraordinarily high baseline values and adequacy of retained values, together with the significant overall degree of compliance with the BRE default recommendations.

*Energy Statement (AJ Energy Consultants Limited, January 2018)* - It is not feasible to incorporate a CHP plant. Photovoltaic panels are proposed for the roof level. The report concludes that the incorporation of the energy efficiency measures, and photovoltaic panels equates to a reduction of 35.7% against the TER 2013 for the scheme, which exceeds the local policy requirements.

*Acoustic Assessment (Sharps Redmore, March 2018)* - The report states that acceptable external levels at amenity spaces can be achieved with a good acoustic design, which would include layout and orientation. Reasonable internal noise levels can be achieved using conventional acoustic glazing and alternative means of ventilation with appropriate acoustic performance as set out. Specifications for these systems would need to be dealt with post grant of planning permission and incorporated into the building design.

*Flood Risk Assessment (Monson, March 2018)* - The report shows that there is no significant risk of flooding to the development site from all sources. The impact that the development could have elsewhere has also been considered, and it has been demonstrated that the proposals will reduce the risk of flooding offsite by including a sustainable drainage system within the scheme design. It is therefore concluded that the proposed development will meet the requirements of the NPPF and local planning policy with respect to flood risk.

*Air Quality Assessment (Redmore Environmental, March 2018)* - Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. The dispersion modelling assessment indicated that predicted pollution levels were below the relevant criteria at all locations across the development. The site is therefore considered suitable for residential use from an air quality perspective. Potential emissions from the development were assessed in order to determine compliance with the air quality neutral requirements of the

London Plan. The results indicated an acceptable level of building and transport emissions from a scheme of this nature. As such, the development was considered to be air quality neutral.

*Bat Survey (Greenspace Ecological Solutions, March 2018)* - With exception of the small area (3m) of loose flashing on the north-eastern elevation, the existing garage offers no visible PRF for roosting bats. Although connectivity for bats exists to the north, the area is well lit by artificial light and when considering the lack of thermal stability and the nature of the PRF, its potential to support roosting bats is considered Negligible. No trees exist within the site and those present on the boundary support no features suitable for use by bats. All trees within and adjacent to the site have Negligible potential for roosting bats.

*Heritage Assessment (April 2018)* - The report concludes that the Station's significance has been diluted over time and is separated from the main part of the Bromley Town Centre Conservation Area by Tweedy Road. The proposed re-development of 10A Sherman is considered to cause less than substantial harm to the setting and the significance of the listed Station. This harm would however be at the lower end of the spectrum.

*Contamination Desk Study Report (Geo-Environmental, April 2018)* - The proposed end use of the site is assumed to comprise a residential development without soft landscaping. As such, sensitive uses such as in private gardens with gardening activities (including dust being tracked back into buildings) and growing vegetables are not considered as part of the end use scenario for this site and there is no risk of harm to end users from soil contamination. The built environment and groundwater are considered to be at moderate to low risk of possible contamination within the Made Ground. There is also a low risk posed to end users from ground gases. A list of recommendations have been put forward for compliance.

*Baseline Television Signal Survey and Television Reception Impact Assessment (GTech Surveys Limited, March 2018)* - Whilst widespread interference to DTT service reception is not expected, the proposed development and use of tower cranes may cause slight interference to several existing properties located to the immediate southeast on Sherman Road; particularly the Mission Care and Living buildings. Due to the lack of viewers in any theoretical signal shadow zones, the proposed development is unlikely to have any adverse effect on the reception of digital satellite television services such as Sky and Freesat. Mitigation solutions exist that will quickly restore the reception of television services leaving no long-term adverse effects for any viewer.

A design and access statement, planning statement, Townscape and Visual Impact Assessment and scheme of community involvement have been submitted in support of the application.

### Location and Key Constraints

The site is located on Sherman Road, to the north east of Bromley North Station where there is a single storey industrial building on the site, occupied by a tyre

fitting and MOT servicing garage measuring 239sqm in size. The site is a narrow, broadly rectangular, fragment of land between a 10 storey residential apartment block (Northpoint) and 6-10 Sherman Road (redevelopment of 6-10 Sherman Road is proposed in a separate full planning application for demolition of the existing buildings (6-10 Sherman Road) and redevelopment with a mixed-use, 23-storey, scheme comprising 219 Build to Rent apartments, flexible class B1/D1 floorspace, car and cycle parking, associated access and public realm improvements under reference 17/05790/FULL1.

6-10 Sherman Road is currently made up of three, 3-storey, office buildings and a single storey industrial building that is currently vacant. Adding to the mixed-use, commercial character of this part of Sherman Road, there is also a Royal Mail delivery office, a mixed office and residential block (Acorn Group), and the continuation of Bromley North station includes a shopping parade of 6 shops. The rear of 10A Sherman Road site runs along the railway track. The site is located close to the junction with Tweedy Road which is a strategic route within the UDP and forms part of Transport for London's TLRN.

On the opposite side of Tweedy Road the Conservation Area continues along East Street and North Street where buildings are typically two-three storey Victoria terraces. Further to the west of the application site the area is characterised by predominantly residential development of two-three storey traditional Victorian terraced and semi-detached dwellings. The site is located within the Bromley Town Centre boundary.

The site forms part of the wider Site 2 allocated site within the Draft Local Plan which proposes the redevelopment of the site for a mixed use including 525 residential units, 2000sqm of office accommodation, community use, 230sqm café/retail, transport interchange and parking. The site is identified within the Five Year Housing Land Supply document for the re-development of the land east of the railway line, along with 6-10 Sherman Road, for 120 units.

### Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

#### *Objections*

- Too tall
- Overlooking
- No parking facilities
- Out of keeping with village feel and conservation area
- Trains from Grove Park are already over crowded
- Highways Safety and junction capacity issues
- Impact on daylight and sunlight
- Piecemeal development is a wasted opportunity
- No outside space
- Poor aesthetic design

- Nothing should go ahead until there is an acceptable scheme for the whole of the Bromley North site
- Wind tunnel impacts
- Water pressure impacts
- Undue pressure on local amenities
- The development is of no benefit to local community or future residents
- There is no lack of B1 space within the local area
- Out of character with neighbouring low rise buildings
- There will be nothing stopping residents of the proposed development to enter the courtyard area of Northpoint and gain access to the property of Northpoint - this is a massive and unnecessary security risk.
- Dust, air and noise pollution to adjacent occupiers
- Bromley North station is a Grade 2 listed building and the black metal design of the proposed development is not in keeping with the character of the area.
- High rise development reduced social and community interaction
- High rise is isolating and dehumanising
- Tall buildings offer increased profits for developers. However, the higher a building rises, the more expensive is the construction. Thus, the tallest buildings tend to be luxury units, often for global investors. Tall buildings inflate the price of adjacent land, thus making the protection of historic buildings and affordable housing less achievable. In this way, they increase inequality.
- high-rises use almost twice as much energy per square metre as mid-rise structures and are not green
- This area has largely retained its Victorian character which should be preserved
- Object to single staircase buildings in multiple occupancy
- The net usable space, with huge corridors, will put off some business users looking for modestly priced accommodation.
- 12 cycle spaces isn't enough
- The surveys which have been carried out, particularly in relation to the effect of daylight, sunlight and overshadowing are flawed as they cover only a very limited area in the immediate vicinity of the proposed development.
- The façade is not in keeping with local architecture
- The road will become very dark and claustrophobic with increased high rise properties
- The site is part of an area designated by Bromley Council to be developed to include 525 residential units. The remainder being the Station Car park/ Bus station Area bounded by Tweedy Road and Babbacombe Road. The proposed development at Sherman Road providing 9 units amounts to nearly 2% of the total allocation of Units on a site which is less than 1% of the designated area. This overdevelopment is completely unnecessary and totally disproportionate
- There is existing office space which isn't used, why is more required?

*Support*

- Not sure if this development is the right one, but something should be done with the premises given their locality to amenities and services
- Residents should be welcomed into the town
- Good for businesses

### Comments from Consultees

*Thames Water* - No objections subject to conditions

*London City Airport* - No objections subject to the building being appropriately lit with aviation obstruction lighting.

*Highways* - This is an outline application. The site is located in an area with high PTAL rate of 6a (on a scale of 1 - 6, where 6b is the most accessible). Furthermore there are On Street-parking within the vicinity of the site via dedicated "Pay & Display" bays.

*Vehicular access*- None indicated on the submitted plan

Car Parking- None indicated on the submitted plan, this is regrettable and the applicant should be aware that the resident's rights to Parking Permits would be restricted; this will prevent the development contributing to on street parking congestion. Furthermore the applicant is showing two disabled bays on Sherman Road this is unsatisfactory as this would narrow the carriageway further causing road congestion and be a contributory cause of road traffic accidents as well as having other direct or indirect effects on other issues such as the use of public transport, business and environment however this is not a reason for refusal as the length of road narrowing is limited to two cars length.

Servicing- Refuse collection and servicing will take place on-street from Sherman Road. This is satisfactory in principle.

Cycle parking- London plan would be adhered to. This is satisfactory.

Bin Store- indicated

Please also bear in mind that there is another application for 6-10 Sherman Road (17/05790/FULL1) which entails the redevelopment of the site with a mixed-use, 23-storey, scheme comprising 215 Build to Rent apartments, flexible class B1/D1 floorspace, including class B1 meeting room. If both applications receive approval this would reduce the width of Sherman Road for a minimum length of 37.0m causing road congestion and inconvenience to other road users.

*Environmental Health Officer* - No objections are raised subject to the imposition of conditions relating to the compliance with the acoustic report and restricting the noise levels from the commercial units.

*Historic England* - The development site contains no designated heritage assets, but is located in close proximity to the Bromley Town Centre Conservation Area which incorporates the Grade II listed Bromley North Station at its north east end.

A visual impact assessment of the proposed development in views from Bromley North Station would be helpful in gaining a clear understanding of the level of impact on the setting of the Listed Building and Conservation Area. However, due to the slightly larger scale of the neighbouring Northpoint tower block, we consider it very unlikely that this development would have a significant impact on the existing setting of these, or any other designated heritage assets in the vicinity.

We therefore confirm that Historic England has no objection to these proposals.

Following the submission of Historic England's comments a TVIA was submitted however Historic England were re-consulted and did not wish to provide any additional comments.

*Conservation Officer* - I note the contents of the applicant's Heritage Statement. The applicant has submitted Accurate Visual Representations which I feel illustrate how visually dominant and visually harmful the proposed structure would be behind the listed Bromley North Station. Viewpoints 4 & 6 illustrate this harm although I would like to have also seen some additional views between these 2 points. I would also note that whilst fixed viewpoints are helpful, we must also consider the kinetic quality of views as one moves around the area near the proposal site. This dominant impact is in my view harmful to the listed building's setting and detracts from the attractive silhouette and strong visual lines of the railway station's roof profile and cupola. The indicative height of the proposal is in stark contrast to building heights inside the conservation area and most of the surrounding buildings with the exception of Northpoint which I would consider to be harmful to the setting of the listed building, but its construction predates the listing in 1990.

In this respect I find the impact on the setting of both the conservation area and listed building to be harmful in a manner that could be classed as "less than substantial" with respect to paragraph 196 of the NPPF. No clear public benefit is offered that would outweigh this harm.

We are also obligated to have "special regard to the desirability of preserving the building or its setting" when considering applications that affect the setting of a listed building, Sect 66 Planning (Listed Building and Conservation Areas) Act 1990.

The proposal is contrary to policies BE8 and BE13 for the above reasons of excessive indicative height and visual impact.

*Drainage Officer* - No objection subject to conditions.

Transport for London - No trip generation assessment has been undertaken for the proposed development. This is considered to be acceptable in principle given the scale of the development (9 residential dwellings and 382 sqm of office). The development trips will have negligible impact on the local transport network.

The proposed development will be car free which is strongly supported by TfL, and in line with current and emerging London Plan policy. No disabled car parking

spaces are proposed. A car club bay is present opposite the site and residents of this development will be offered 2 years free membership to the car club. This is welcomed by TfL and should be secured by S106 agreement. The S106 should also prevent prospective residents being eligible for parking permits in the neighbouring CPZ.

London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Furthermore, the Housing SPG (November 2012) states that each wheelchair accessible dwelling should have an associated accessible parking space. As the development proposes two wheelchair adaptable units, the proposal should strictly include two wheelchair accessible spaces for the residential use. To strictly meet the London Plan and Draft London Plan 2017 disabled car parking standard for the office use one disabled bay should also be provided.

Even though it may not be possible to provide three disabled spaces, the applicant should aim to provide a minimum of two disabled car parking spaces (a minimum of one for the residential use and one for the office use) and should identify where these could be located on-street, considering existing restrictions/ bay configurations. If there is not scope to add two additional disabled bays to the existing on-street configuration, two of the existing on-street pay and display bays should be converted to disabled bays. The provision of any disabled spaces should be secured by condition.

The proposals include the provision of 12 cycle spaces for the residential use and 10 for the office use which will be provided in separate ground floor stores. The cycle parking for the office use is in accordance with London Plan 2016 and Draft London Plan 2017 standards. Although the cycle parking for the residential use complies with London Plan 2016 standards it does not meet Draft London Plan 2017 standards (a requirement for 15 residential spaces). The applicant should aspire to provide all cycle parking in accordance with Draft London Plan 2017 standards. All cycle parking spaces should be easily accessible from adjacent cycle routes and appropriate signage should be provided. The applicant should consider enlarging the size of the bike stores as there appears to be very limited space to access the stands. TfL would advise that shower and locker facilities are also provided for members of staff wishing to cycle to work. All cycle parking facilities should be secured by condition.

A Draft Travel Plan has been submitted with the application for the residential and office use. The full Travel Plan should be secured, delivered, monitored and funded through the Section 106 agreement.

No Construction Logistics Plan (CLP) has been submitted with the application. A CLP should be secured by condition and submitted and agreed prior to commencement of development. In particular, the CLP will need to consider how Bromley North station users will be protected during construction, so Network Rail will need to be a consultee when drafting/ approving the final CLP.

Network Rail - The Developer must ensure that their 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
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Informatives are proposed.

*Arquiva:* The report sets out the recommendations as discussed with Arquiva and no further comments are made.

GLA Stage 1 Comments can be summarised as:

**Principle of development:** A high density residential-led mix use development within this highly accessible site within a town centre and opportunity area is strongly supported in principle, in accordance with London Plan and the draft London Plan. Notwithstanding this, there is strategic concern that allowing this site to come forward in isolation could undermine the successful delivery of a more comprehensive development, contrary to Local Plan objectives.

**Affordable housing:** No affordable housing is proposed. This is wholly unacceptable. Whilst a payment in lieu may be acceptable given the number of units and site constraints, the applicant must submit a Financial Viability Appraisal for rigorous assessment by GLA officers to ensure that the maximum level of affordable housing is secured.

**Design and heritage:** Insufficient information has been submitted to enable GLA officers to assess the design merits of the scheme. The applicant must provide a detailed Townscape and Visual Impact Assessment, including fully rendered visualisations showing the potential impact on heritage assets and on local views.

**Climate change:** Further information on overheating and the proposed renewable energy system must be provided. Mitigation for the remaining shortfall in carbon dioxide reductions must be secured through a Section 106 agreement.

**Transport:** A minimum of one on-street disabled parking bay must be secured alongside an increase in cycle parking provision to meet the minimum standard in the draft London Plan.

### 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 48 of the NPPF decision takers 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 to the policies in the NPPF, the greater the weight that may be given).

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.

### *London Plan*

#### 2.13 Opportunity areas

3.1 Ensuring equal life chances for all

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.7 Large residential developments

3.8 Housing choice

3.9 Mixed and balanced communities

4.2 Offices

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.4a Electricity and gas supply

5.6 Decentralised energy in development proposals

5.7 Renewable energy

5.9 Overheating and cooling  
5.10 Urban greening  
5.11 Green roofs and development site environs  
5.13 Sustainable drainage  
5.14 Water quality and wastewater infrastructure  
5.15 Water use and supplies  
6.3 Assessing effects of development on transport capacity  
6.9 Cycling  
6.13 Parking  
7.1 Lifetime neighbourhoods  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.5 Public Realm  
7.6 Architecture  
7.7 Location and design of tall buildings  
7.8 Heritage assets and archaeology  
7.13 Safety, security and resilience to emergency  
7.14 Improving Air Quality  
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
8.2 Planning obligations  
8.3 Community infrastructure levy

Shaping Neighbourhoods: Play and Informal Recreation (2012)

Accessible London: Achieving an Inclusive Environment (2014)

The Control of Dust and Emissions during Construction and Demolition (2014)

Sustainable Design and Construction (2014)

Housing (March 2016)

Homes for Londoners - Affordable Housing and Viability (2017)

### *Unitary Development Plan*

BE1 Design of New Development

BE8 Statutory Listed Buildings

BE13 Development Adjacent to a Conservation Area

BE17 High Buildings and the Skyline

BE18 The Skyline

C1 Community Facilities

EMP2 Office development

EMP3 Conversion or redevelopment of Offices

EMP5 Development outside Business Areas

H1 Housing Supply

H2 and H3 Affordable housing

H7 Housing Density and Design

H9 Side Space

IMP1 Planning Obligations

T1 Transport Demand

T2 Assessment of Transport Effects

T3 Parking

T6 Pedestrians  
T7 Cyclists  
T17 Servicing of Premises  
T18 Road Safety

Planning Obligations SPD  
Affordable Housing SPD

*Bromley Town Centre Area Action Plan (AAP)*

BTC5: Office Development  
BTC8: Sustainable Design and Construction  
BTC11: Drainage  
BT12: Water and Sewage Infrastructure Capacity  
BTC13: Combined Heat and Power  
BTC14: Recycling  
BTC16: Noise  
BTC17: Design Quality  
BTC18: Public Realm  
BTC19 Building Height  
BTC22: Public Transport  
BTC24: Walking and Cycling  
BTC25: Parking  
BTC31 Developer Contributions  
BTC32: Public Realm Improvements  
IA2: Business Improvement Areas

*Emerging Local Plan*

1 Housing Supply  
2 Provision of Affordable Housing  
4 Housing Design  
8 Side Space  
20 Community Facilities  
30 Parking  
31 Relieving Congestion  
32 Road Safety  
33 Access for All  
37 General Design of Development  
38 Statutory Listed Buildings  
42 Development Adjacent to a Conservation Area  
47 Tall and Large Buildings  
48 Skyline  
83 Non-Designated Employment Land  
84 Business Improvement Areas  
90 Bromley Town Centre Opportunity Area  
116 Sustainable Urban Drainage Systems (SUDS)  
119 Noise Pollution  
120 Air Quality  
123 Sustainable Design and Construction

124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy  
125 Delivery and Implementation of the Local Plan

### Planning History

The relevant planning history relating to the application site is summarised as follows:

12/02227/FULL2 - Change of use from light industrial (B1) to tyre fitting and retailing place (Sui Generis) - Permitted

12/02228/ADV - 2 Non-illuminated signs - Advertisement Consent Granted

13/02881/VAR - Variation of condition 1 of planning permission 12/02227/FULL2 to allow for MOT testing and no other car service works - Approved

### Considerations

The main issues to be considered in respect of this application are:

- Principle and Housing Supply
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other
- CIL
- S106

### Principle and Housing Supply

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires that in dealing with a planning application, a 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.

For proposed development which affects a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. In respect to buildings or other land in conservation

areas section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In respect of development proposed outside a conservation area which would affect its setting or views into or out of the area, the desirability of preserving or enhancing the conservation area would also be a material consideration.

The National Planning Policy Framework (NPPF) states in Paragraph 11 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The London Plan Policy 3.3 requires the Borough to make provision for at least 641 additional dwelling completions per year 2015-2025. The current proposal could represent a positive contribution to the Council's required Housing Land Supply in a location adjacent to Bromley Town Centre.

The site is in the north of Bromley Metropolitan Town Centre, and forms part of the Bromley Town Centre Opportunity Area. London Plan Policy 2.13 seeks to promote the town centre's strategic role in the borough and realise its capacity for sustainable growth. The London Plan identifies the Opportunity Area as having indicative capacity for 2,500 new homes and 2,000 additional jobs.

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

Within the Bromley Town Centre Area Action Plan, diagram 3.2 Spatial Strategy identifies the following for the overall site:

- (i) Key area for change;
- (ii) Possible location for a tall building;
- (iii) Potential for new improved public spaces;
- (iv) Possible interchange location;
- (v) Possible future guided public transport route;
- (vi) General traffic routes and access to car parking.

Diagram 4.1 Key Diagram identifies the following for the overall site:

- (i) Opportunity Site;
- (ii) Possible location for a tall building;
- (iii) New/improved public spaces.

The application site formed part of an Opportunity Site within the BTCAAP (Opportunity Site A). The Plan identified the overall site as capable of providing around 250 residential units, ancillary food and drink uses (A3/A4/A5) and 1000sqm of community uses. Paragraphs 5.2.1 - 5.2.6 of the Plan relate specifically to the site in addition to Policy OSA Bromley North Station. The policy and supporting text sets out in detail what was envisaged to be provided on the overall site. However, the Opportunity Site A designation and was quashed in December 2011 following a High Court judgement. The Judgement focusses on the lack of reasoning of the DPD Inspector when he accepted that the overall site could be developed for 250 homes, contrary to viability information submitted to the Examination that specified a figure of 400 homes may be more viable.

The site is allocated within the Draft Local Plan as part of the wider Site 2. The policy states that the site is capable through redevelopment of providing a mixed use including 525 residential units, 2000sqm of office accommodation, space for community use, 230sqm café/retail, transport interchange and parking. The policy goes further to state that proposals will be expected to provide a sensitive and effective transition between the adjoining low rise residential areas and the higher density town centre, respect and enhance the setting of the Grade II Listed Bromley North Station and allow for the long term aspirations for improved rail connectivity to central and east London.

The wider Site 2 allocation follows the same boundary as the previously allocated Site A, encompassing an area of 3ha either side of the Bromley North to Grove Park railway line. As such, the requirements of the draft allocation to provide the quantity of development assigned is envisaged to encompass the wider site, and not solely the area of the site to the east of the railway line. It is also noted that the land to the east of the railway is not wholly the subject of this application, with the adjoining units at 6-10 Sherman Road not proposed for development within this application (however they are subject to a separate proposal 17/05790/FULL1). Officers are concerned as to the impacts of the development of this site as a stand-alone form, specifically given that the scale of the development is not fixed within this application, and without sufficient evidence to allay fears that it would not impact detrimentally upon the deliverability of the wider site. This is specifically in respect of the land at 6-10 Sherman Road and other uses on the western side of the site, particularly along the train line whereby this proposal could be a barrier to any future proposals. It is clear that the two submitted schemes do not appear to be mutually compatible in view of the very close proximity between 6-10 Sherman Road, 10A Sherman Road and residential dwellings at Northpoint House which have the ability to appear cramped and discordant and would not appear as a holistic, well designed form of development. This further evidences the Council's concerns in this regard and emphasises the importance for the Applicant to consider a more comprehensive and coherent approach to this part of the site to

prevent piecemeal development which may ultimately be harmful to the wider site delivery.

This site is located within a prime central brownfield location and proposes only 9 units with no justification of the height or density proposed. In the absence of such, Officers remain concerned as to the lack of reasoned justification for the low density of the scheme and it is reiterated again that a wider comprehensive scheme including 6-10 Sherman Road would be far more successful in terms of land use and housing provision.

Notwithstanding the above concerns, UDP Policy H1 requires the Borough to make provision for at least 11,450 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. As a brownfield site, subject to being able to demonstrate that the site is no longer required for its current use, an increased housing provision could make a valuable contribution to the Boroughs housing supply however this should be done in an appropriate manner. It is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations. It is also noted that 120 units are included in the 2017 Five Year Housing Land Supply Paper for Land adjacent to Bromley North Station. Appendix One of the Paper includes reference to the Sherman Road element of the overall site in relation to the 120 units. As such it is envisaged that this element of the site would come forward at an early stage of the wider site allocation. However at 120 units this was projected as being for a significantly higher number of units than submitted, and for the whole of the eastern land, not a portion of this as proposed within this application.

Under NPPF Section 5, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application. The emerging draft London Plan (2017) shows an increase in the housing numbers target for Bromley Borough, this is however subject to objections from the Council and is of limited weight at this early stage of its preparation. The Council's 2017 Five Year Housing Supply Paper shows that there is a Five Year supply in the Borough.

The building at 10A Sherman Road is currently used as an MOT testing centre and tyre fitting and retailing place. The application scheme proposes the redevelopment of 239 sqm of non-designated employment floorspace, currently occupied by an MOT service (Class B2), with 392 sqm of Class B1a floorspace. Therefore, UDP Policy EMP5 and Draft Local Plan Policy 83 need to be considered. UDP Policy EMP5 supports the redevelopment of non-designated employment premises for Class B1 purposes. Draft Policy 83 includes stipulations relating to changes of use to a "non-employment generating use", with the implication that first preference be given to "industrial and related employment uses". Whilst the proposed Class B1a space is not industrial, if flexibly designed, it could readily accommodate light or high-tech industrial elements. Permitted development rights also allow changes to other B class uses.

Further, the proposal to develop new Class B1a floorspace is supported by the site's location in a proposed Business Improvement Area (BIA). Draft Policy 84 encourages improvements to the quality and quantity of office floorspace in these locations, including through mixed use schemes, where the primary function of the BIA as a key destination for office based business is not compromised. Whilst the Council's objective is to retain existing non-designated industrial premises where suitable and viable, this should be weighed against the proposed net increase in employment-generating floorspace in the form of Class B1a space and the site's BIA designation. On balance, the application is consistent with current and proposed business and employment policies.

### Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). This site is considered to be in a 'central' setting and has a PTAL rating of 6a giving an indicative density range of 35-405 dwellings per hectare / 650-1100 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 650-1100 habitable rooms / 240-435 units per hectare for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

Development should comply with the density ranges set out in table 4.2 of the UDP and table 3.2 of the London Plan and in the interests of creating mixed and balanced communities development should provide a mix of housing types and sizes. The Council's Supplementary Planning Guidance No1 - General Design and No.2 - Residential Design Guidance have similar design objectives to these policies and the NPPF. Policies 3.3 and 3.4 of the London Plan seek to increase the supply of housing and optimise the potential of sites, whilst policy 3.5 seeks to protect and enhance the quality of London's residential environment.

The proposed scheme includes 9 new homes on a site area of 0.03Ha, with the number of units being fixed in the application. As the scheme is mixed-use, the calculation of residential density is based on a site area that is reduced by an amount that is equivalent to the proportion of total floorspace allocated to non-residential uses. This equates to a proposed residential density of 414 dwellings per hectare and approximately 733.33 habitable room per hectare.

Policy BTC2 of the BTCAAP requires development to accord with the density matrix in the London Plan. The policy notes that given the heritage/conservation sensitivity of some sites, density will not be the determining factor in considering the appropriateness of development. This is reinforced in Draft Policy 4 of the Local Plan where development should have regard to the London Plan, balanced

against respecting local character. At a site-specific level, the site policy for Site 2 notes that proposals will be expected to 'provide a sensitive and effective transition between the adjoining low rise residential areas and the higher density town centre' and to 'respect and enhance the setting of the Grade II listed Bromley North station building'.

The density matrix is not to be applied mechanistically, and Policy 3.4 and 3.5 of the London Plan, as well as Draft Policy 4 of the Local Plan and Policy BTC2 of the BTCAAP, require a balance between optimising density with a consideration of the local context and character. It is noted that the existing commercial floorspace is increased through the proposals, however at 414 dwellings per hectare, the proposed residential density slightly exceeds the recommended range for the site, and so is broadly in line with London Plan policy and meets the criteria set out in Policy H7.

Whilst the density is broadly in line with policy, the proposed scheme gives rise to questions as to whether it is making best use of a sustainable brownfield location which will be discussed further within the report.

### 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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's

access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

The application is in outline with matters of appearance, scale and landscaping reserved, as such the extent in which the external appearance of the proposal can be considered is limited.

The proposal applies in detail for the layout of the Site as part of the outline planning application.

The illustrative internal arrangement within the building includes commercial uses on the ground floor up to the second floor, and the 9 residential apartments are located from the third to ninth floor. The 6no. 1 bed apartments are located on the third to the fifth floor, with two units per floor. The 3no. 2 bed apartments are located on the sixth floor to the ninth floor, with a duplex apartment at floor 8 and 9. The proposal includes separate entrances for the commercial and residential uses from Sherman Road, but with a shared stair core and lift. The secure commercial and residential bike parking are accessed from a third entrance from Sherman Road, which also provides access to the bin store.

Diagram 2.3 of the BTCAAP identifies the frontage along Sherman Road for the length of the site as a 'key active frontage location'. Site policy for the draft allocation in the Local Plan notes that the Site is suitable for mixed-use redevelopment. The proposal responds to this policy by introducing commercial uses at ground, first and second floor. Whilst this introduces a degree of active frontage, the illustrative proposal for three entrances in such a constrained site does not use the space efficiently, and the residential entrance does not possess the stature and prominence that it should. The illustrative materials for the ground floor, with the stated design aim of creating a solid mass to the building, also adds to the inactivity and unattractiveness of the base. This is contrary to London

Housing SPG Standard 8, which states that 'all main entrances to...communal entrance lobbies should be visible, clearly identifiable, and directly accessible from the public realm'. The width in the illustrative design for the refuse and bike corridor is also very narrow at 1400mm, which will make accessing the bike stores difficult. It is also likely that there will be conflicts between access to the refuse bins, and access to the bike store. These are matters for future consideration within a reserved matters application.

At ground floor, the proposal builds out to the site boundary on all sides, except that the building is slightly stepped away from the pavement on Sherman Road. This replicates the footprint of the existing building, but it adds to the lack of presence of the entrance. On the southern, western and northern elevations, the illustrative design introduces a 1m offset, as well as a cut-back to improve the relationship with Northpoint. As scale is not being fixed, there is no mechanism through which to secure this however should be considered within a future reserved matters application. As an illustrative approach, the 1m offset does allow for the introduction of bay windows on the southern elevation, which is a positive approach to improving light to the deep floorplans and to address the issue of there being relatively little window frontage however as scale is not being fixed there is no planning mechanism in which to fix this. Due to the angle of the adjacent residential block, and that the closest part of Northpoint is the core, the direct visibility is limited. Nonetheless, the illustrative design for a cut back from the second floor angles the windows away from Northpoint, so as not to have any direct views.

### Impact on Conservation Area and Statutory Listed Building

The proposed building sits to the north-east of Bromley North station, which is roughly equivalent to 3 storeys. Along the Sherman Road frontage of the station is a parade of 6, single storey, shops. Adjoining the site on its southern edge, is 6-10 Sherman Road, which is currently a 3 storey office and single storey industrial unit. The submitted planning application for 6-10 Sherman Road includes a building of 23 storeys to adjoin the site. Where the two sites meet, the proposed building is 23 storeys at the back on the railway side, and there is a 4-storey terrace on Sherman Road, which provides a separation. Northpoint is a 10-storey block of serviced apartments. Opposite the site is a 5-storey residential care home, a 5-storey mixed residential and office block (Acorn Group) and a 3-storey equivalent Royal Mail delivery office. Beyond this the scale of buildings and character on Sherman Road turns to 2-3 storey suburban housing. The Site is within the Northern Gateway Character Area, and adjacent to the historic 'North Village' Character Area, as identified in the BTCAAP.

Policy 7.4 of the London Plan requires development to have 'regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass' and Policy 7.7 reiterates this need in the context of considering the appropriateness of tall buildings. Policy BE1 of the Unitary Development Plan and Draft Policy 37 of the Local Plan also notes that buildings need to be 'imaginative to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas'. With regards to tall buildings, UDP Policy BE17 and Draft Policy 47 of the Local Plan

adds that buildings 'need to be of the highest architectural design quality and materials and appropriate to their location and historic context'. The suitability for a tall building on 6-10 Sherman Road is illustrated in Diagram 4.3, and Policy BTC19 of the BTCAAP notes that proposals need to be tested against CABE/Historic England guidance on tall buildings.

Whilst the description of development states that the proposal is limited to 10 storeys, the Applicant has reserved scale in this outline planning application. The definition of a storey height is not set, so this level of control is insufficient to fix the building height and the maximum perimeters of this are unknown. The minimum height can be estimated on the minimum floor to ceiling heights as laid out in the London Plan and it is presumed that this is reflective of the illustrative material submitted with the application. The historic context of the Site, including the adjacent Grade II Listed Bromley North station building and the Bromley Town Centre Conservation Area, means that understanding the proposed scale of the building is critical to assessing its impact. It is not possible to assess the application without this information being fixed within the application and without information in this regard, Officers can only assume, given that the maximum height of the building is unknown, that there would be harm to the Statutory Listed Building and adjacent Conservation Area as a result of the proposal. The Conservation Officer has also indicated that a building of the presumed minimum height, would also cause harm to the Listed Building given that the impact on Northpoint can be understood and when viewed from the top of North Street it is visually dominant immediately behind the listed Bromley North Station. This impact according to the Officer is that the proposed development at its minimum parameters would be harmful to the listed building's setting and detract from the attractive silhouette and strong visual lines of the railway station's roof profile and cupola. The Officer goes further to state that the minimum height of the proposal is also in stark contrast to building heights inside the conservation area and most of the surrounding buildings with the exception of Northpoint. On balance, Officers consider that the submission of the application with scale and appearance reserved does not allow for the flexibility that is required for the design of a tall building and in such a sensitive context, is wholly unacceptable.

Comments have been received from Historic England who state that due to the slightly larger scale of the neighbouring Northpoint tower block, they consider it very unlikely that the development would have a significant impact on the existing setting of these, or any other designated heritage assets in the vicinity however Officers consider that given that the scale of the development is not fixed within the application, the impacts of this are unknown and as such cannot be assessed despite the submission of illustrative elevations, townscape analysis and TVIA.

### Materiality

The details of appearance are not being fixed through this outline application, but the Applicant has indicated in the illustrative material that the building will feature black metal cladding panels, framed glazing and frameless glass balustrades for the balconies.

Policy BTC17 of the BTCAAP notes that 'new buildings should not directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own'. Draft Policy 37 of the Local Plan also notes that materials should complement the adjacent buildings and areas. Policy 7.7 of the London Plan requires buildings of this height to be of the highest architectural quality and materials. The site is also adjacent to the Conservation Area, which is protected directly under Draft Policy 41 of the Local Plan, and with development adjacent to the Conservation Area guided by Draft Policy 42, which requires its setting to be preserved or enhanced.

Illustrations of the potential elevation materials are provided in the Design and Access Statement. However, as appearance is reserved there is no commitment in this application to continuing with the illustrative approach set out. It is therefore not possible to assess the impact of the proposed appearance on the Conservation Area or listed Bromley North station building, or assess it against Policy 7.4 and 7.7 of the London Plan, Draft Policy 37, 42 and 47 of the Local Plan or Policy BTC17 and BTC19 of the BTCAAP.

The illustrative proposal for metal panelling relates to the existing black panelling and orange panelling on the two buildings opposite the site. Officers are concerned about the potential of further panelling on this site, adjacent to the grey metal panelling of Northpoint, to lead to a dominance of this material on Sherman Road, and erode the character of the Conservation Area. Comments are also received from the GLA which also raise concern over the use of panelling given the existing unattractive impact this has on the street from nearby buildings.

Officers have concerns about illustrative designs for the entrances, and have concerns about the design intent for a 'solid mass of metal panelling' at the ground floor. Whilst appearance is not being fixed, the principle of establishing an attractive and active frontage is very important, and required by the BTCAAP. The illustrative design for the ground floor frontage lacks visibility and does not address the street positively.

Conclusively the impact of the building's appearance on the adjacent Conservation Area, the listed Bromley North station, and the wider streetscape cannot be assessed given detail has not been provided on the proposed materials and detailing however, it is considered that the building at the minimum extent of 10 storeys is considered harmful.

### Housing Standards

#### *Unit Size Mix:*

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The size of the site and location in a town centre setting

would respond well to the provision of 1 and 2 bedroom flats as is the intended provision highlighted within the illustrative drawings.

*Affordable Housing:*

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

The development is not considered liable for the provision of affordable housing on site as set out in Policy H2 given that it proposes 9 units. It is noted that the GLA consider that whilst only 9 units are proposed, the units substantially exceed the minimum space standards in the London Plan which demonstrates that the site has capacity for 10 units and therefore consider Policy H6 of the Draft London Plan applies and affordable housing should be required. Additionally they state given the total gross internal floor space (1,422 sqm), Draft Policy H6 again applies which triggers the requirement for affordable unit provision. The GLA go further stating that affordable housing should be provided on site in order to deliver inclusive and mixed communities, in accordance with London Plan Policy 3.12, Policy H5 of the draft London Plan, and the Mayor's Affordable Housing and Viability SPG. The GLA go further, stating that as only 9 residential units are proposed, which would be accommodated on the 3rd to 9th floor sharing a single lift core, it is accepted that the provision and management of affordable homes on-site may be impractical and, consequently, off-site provision or a cash in lieu payment may be appropriate in this instance.

Whilst Officers acknowledge that the units are oversized and are aware of the requirements within policy 3.13 of the London Plan in respect of 'capacity to provide 10 or more homes', the proposal is at the extreme limits of the SRQ (table 3.2) capacity. It is considered that whilst 12 units are theoretically capable of being provided (0.03 ha site x 405 (u/ha) =12.15), this does not take account of the illustrative plans which set the bottom floors as commercial floor space. Further to this, Draft Policy H6 states that schemes would be eligible for affordable housing provision if they have a combined floor space greater than 1000sqm however this is not replicated within the Adopted Housing SPG or Adopted London Plan (2016) which makes no mention of a 'combined floor space' requirement.

The NPPF at paragraph 48 states from the day of publication, decision-takers may 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 to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Draft London Plan is in its very early stages, and is yet to be examined in public and it is anticipated there will be considerable objection to the plan however these objections are yet to be made public. As such, Officers consider that minimal weight can be given to Draft Policy H6 and as such the affordable housing requirements as set out in Policy H2 of the Unitary Development Plan are afforded most weight whereby it is concluded that affordable housing is not required for the site.

#### *Standard of Residential Accommodation:*

Policy 3.5 of the London Plan sets out the Mayor's aspirations for the quality and design of housing developments. Part 2 of the Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies 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.

The 2016 Minor Alterations to the London Plan adopted the DCLG Technical Housing Standards - nationally described space standard (March 2015) which standard 24 of the SPG says that all new dwellings should meet. Furthermore, the Minor Alterations at paragraph 3.48 state that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' which can be conditioned to be forthcoming should outline permission be granted. Generally this will require a lift where a dwelling is accessed above or below the entrance storey which within the illustrative drawings is shown to be included.

Whilst a matter for a future reserved matters application, the indicative floor plans show compliance with the London Plan Housing Standards however the submitted drawings do not provide area measurements for all private amenity spaces, nor confirm that they all meet London Plan requirements for 5sqm per 1-2 bed flat. This policy requirement should be met for all apartments and would be conditioned to be forthcoming within a future application.

Officers are particularly concerned about the rooms to the rear of the building, including the bedroom with the angled window facing north, and the living/kitchen/dining rooms that have a deep floor plan. Should the application proceed to the reserved matters stage, a daylight/sunlight assessment considering future residential amenity will be required to be submitted once the floorplans are fixed in order to assess impact.

#### *Highways*

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. 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 and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The scheme is car free in nature with two blue badge car parking spaces proposed on-street. It is proposed that the scheme will use existing car club bays within the vicinity of the site.

Comments have been received from the Council's Highways Officer who states that there are no car parking spaces indicated on the submitted plan which is regrettable however given the size and location of the development this is not considered a reason to object to the application. The applicant should be aware that the resident's rights to Parking Permits would be restricted. This will prevent the development contributing to on street parking congestion. In respect of on street parking, the applicant is showing two disabled bays on Sherman Road which is unsatisfactory as this would narrow the carriageway causing road congestion and ultimately highway safety issues however the Officer does not consider the narrowing of the road would be a cogent reason for refusal, given that this is for only 10m of road length. The Officer goes on to state that refuse collection and servicing will take place on-street from Sherman Road which is satisfactory in principle and no objections are made to the cycle parking which is commensurate with London Plan standards.

Further to the above comments, TfL have also commented on the application stating:

The proposed development will be car free which is strongly supported by TfL, and in line with current and emerging London Plan policy. No disabled car parking spaces are proposed. A car club bay is present opposite the site and residents of this development will be offered 2 years free membership to the car club. This is welcomed by TfL and should be secured by S106 agreement. The S106 should also prevent prospective residents being eligible for parking permits in the neighbouring CPZ.

London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Furthermore, the Housing SPG (November 2012) states that each wheelchair accessible dwelling should have an associated accessible parking space. As the development proposes two wheelchair adaptable units, the proposal should strictly include two wheelchair accessible spaces for the residential use. To strictly meet the London Plan and Draft London Plan 2017 disabled car parking standard for the office use one disabled bay should also be provided. Amended plans were

subsequently submitted to include two blue badge spaces to the front of 10 Sherman Road.

Whilst no highways objections are raised to the reduction in road width in respect of this application given that it is for a maximum length of 2 bays, it is noted that the application at 6-10 Sherman Road proposes 7 on street parking bays which if built concurrently with this scheme would result in 9 on street parking bays which would cause an unsatisfactory highways safety impact given the cross-over with the bays on the northern side of the road further exacerbated by the servicing/ refuse collection which is proposed to be undertaken from Sherman Road. The narrowing of the road is considered to cause road congestion and be a contributory cause of road traffic accidents as well as having other direct or indirect effects on other issues such as the use of public transport, business and the environment. Should the current application at 6-10 Sherman Road not come forward for any reason, the site is identified within the 5 year housing land supply document for 120 residential units, which in itself would bring a requirement for on-street parking space on the Sherman Road frontage. Officers consider that given the piecemeal nature of the development on this eastern part of the wider Site A allocation, it is clear that should the developments not come forward together with a more holistic and comprehensive parking layout, the cumulative impact of on-street parking within this locale would be unacceptable.

In conclusion, the proposed location of the on-street blue badge spaces when considered cumulatively with any future requirement for parking on the wider site allocation is considered to inconvenience and in some locations cause a risk to traffic and pedestrian safety which is considered contrary to Policy T18 and T3 of the Unitary Development plan and Draft Policy 30, 31 and 32 of the Draft Local Plan.

### *Neighbouring amenity*

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

### *Daylight/sunlight*

The building is proposed at 10 storeys of an undetermined height and of a width measuring 9.1m at ground floor level and approximately 7m at all other floors. The buildings most impacted as a result of its siting would be those within the immediate locale including the residential/commercial units opposite the site to the south-east, units 6-10 which currently operate in B1a and B2 use classes to the west, Northpoint flats to the north-east and the users of Bromley North Station to the north-west. Given the overall size and scale of the proposal, the development will also be appreciable from surrounding roads including Station Road, Glebe Road, Florence Road and Babbacombe Road to the west and Palace Grove, Palace Road and the resulting part of Sherman Road to the east and north however to a lesser extent given its direct siting behind the Northpoint building. The

building will also be viewed from a number of viewpoints within the town centre as evidenced within the submitted Townscape assessment, most prominently from East Street.

A daylight/sunlight assessment has been submitted which considers the impact of the development upon neighbouring owner/occupiers. It is clear within this submission that there are a number of residential units significantly impacted as a result of the development most particularly Northpoint, 3 Sherman Road and 1 Sherman Road.

With regard to Northpoint, it was considered that the potentially affected windows currently achieve extraordinarily high levels of VSC (Vertical Sky Component). It is stated that post-development, the VSC values would be considered commensurate with a suburban context. It was confirmed that there would be no material effects to existing No-Sky Line within the potentially affected areas. With regard to the APSH (annual probable sunlight hours) the report is clear that existing values are high and post-development the residual APSH values would be considered as commensurate with the context however would be noticeable to occupants.

The report states that in respect of 3 Sherman Road the VSC would be considered commensurate with the existing and emerging context however the difference between the current and proposed values would be noticeable to occupants. With regard to No-Sky Line, there would be no material difference to existing values. It was stated that with regard to the APSH that as the property is north-facing there is no reasonable expectation of sunlight amenity and as such was not analysed in further detail.

In respect of 1 Sherman Road, the report states that post-development, the vast majority would retain in excess of the BRE target recommendation of at least 27%VSC, or less than 20% difference, the point at which the BRE considers VSC changes may become noticeable to occupants. In respect of a limited number of self-obstructed window locations there would be greater percentage differences, albeit these would represent a no-worsening of the baseline scenario. With regard to No Sky-Line there would be no change in most rooms with an overall no worsening of the baseline scenario.

The fixed building layout, and illustrative massing does lead to a reduction in daylight and sunlight to surrounding properties, particularly Number 1 and 3 Sherman Road, as well as Northpoint, which will be noticeable to future occupants. These are the buildings closest to the site, which is not unexpected. Whilst the VSC test highlights a number of fails against the BRE Guidelines, the Average Daylight Factor test demonstrates a high level of compliance as currently modelled. There is policy support for establishing frontage development to Sherman Road, and for a dense scheme on the site, however, given the scale is not being fixed, the height of the building could be increased, in which case the daylight and sunlight impact will need to be re-evaluated.

Officers note that the daylight/sunlight assessment makes no reference to the current application site at 6-10 Sherman Road, nor the proposal to develop this for a 23 storey residential tower. Whilst the applications should be considered on their

own merits, the impact of the 10 storey tower on the daylight/sunlight of 6-10 Sherman Road will also be required to be considered at a future stage to ensure that this does not impact upon the deliverability of the wider site allocation for the number of units envisaged within this portion of the site (as envisaged within the 5 year housing land supply document) and the Draft Site 2 requirements.

#### *Overlooking/Overbearing impacts*

It is clear that there will be a greater perceived level of overlooking to number 3 Sherman Road as a result of the illustrative front facing balconies proposed for the upper floors of the proposed development. The development is sited approximately 13m from 3 Sherman Road however weight is given to the sites location within a central, town centre location close to a transport hub where high density development is encouraged and relationships between buildings such as this are not uncommon and may be found to be acceptable. Whilst Northpoint is sited between 1-23m from the development, given the absence of windows to the north-east elevation there is not considered to be any undue privacy impacts however this will again require assessing at reserved matters stage.

It is acknowledged that that 120 units are included in the 2017 Five Year Housing Land Supply Paper for Land adjacent to Bromley North Station which inevitably will involve a higher density development than that which exists, as such a level of visual intrusion is likely to occur even if the site was developed within the outlined parameters of the housing supply document. However, there is no long term strategic vision for the site at 10A to come forward as a stand-alone development, and as such the impact of the proposal upon existing land uses must be considered.

The application site sits adjacent to Northpoint to the north and due to its angled nature, is sited 1-23m in distance from the neighbouring residential block. Given the lift shaft, the closest habitable room windows will be located 9m from the flank elevation of the development which has a fixed height of 10 storeys. It can be considered that a building of 10 storeys at the minimum floor to ceiling height within this location will have a detrimental overbearing impact upon owner/occupiers of the Northpoint building and will cause significant detrimental impacts upon the outlook from these apertures given the proximity and illustrative height of the proposal which would only be exacerbated by the illustrative dark cladding materials. Whilst it is acknowledged that the materials could be altered through the reserved matters stage, the storey height is fixed, and as such Officers consider the impact upon the neighbouring residential amenity of the Northpoint residents facing the development site to be harmful contrary to Policy BE1 of the Unitary Development Plan.

It is further acknowledged that a development of 10 storeys could potentially impact upon the development opportunity of the wider site allocation (6-10 Sherman Road), in that the proximity of the proposal could result in detrimental overbearing or outlook impacts. Whilst both applications must be considered on their own merits, a scheme has been submitted for the development of 6-10 Sherman Road and in its current form Officers would consider that the development at 10A may have a detrimental impact upon the outlook from the

fourth floor dedicated amenity space within the 6-10 application and to a lesser extent the north facing habitable windows sited approximately 10m from the boundary, resulting in an oppressive and overbearing form. It is considered again that whilst the applications should be considered on their own merits, the impact of the 10 storey tower on the amenity of 6-10 Sherman Road given the unknown impact of the scale and appearance of the building is not considered satisfactory to Officers who are concerned as to the impact this would have upon the deliverability of the wider site. It is reiterated that to overcome these issues, it is recommended that the site comes forward as a comprehensive form of development.

### Wind and Microclimate

There will be a resultant impact upon the microclimate of the locale by the development of a tall building. No wind and microclimate report has been produced to accompany the application and as such, given that the height of the development is not fixed, this is considered acceptable to accompany any future reserved matters application should permission be forthcoming.

### Noise and Vibration

The site lies between Sherman Road and the Bromley North Branch Railway Line, approximately 85 metres to the north-east of the busy, arterial A21 road. The rail line carries three passenger trains per hour in each direction, during the day, connecting to Grove Park. The site is influenced by sound arising from road traffic in the area, particularly the A21, with occasional acoustic contributions arising from slow-moving rail traffic entering and exiting the railway station.

An acoustic assessment has been submitted with the application. The report states that acceptable external levels at amenity spaces can be achieved with a good acoustic design, which would include layout and orientation. Reasonable internal noise levels can be achieved using conventional acoustic glazing and alternative means of ventilation with appropriate acoustic performance as set out.

Specifications for these systems would need to be dealt with post grant of planning permission and incorporated into the building design. No objections are raised by the Council's Environmental Health Officer subject to the imposition of conditions relating to the compliance with the acoustic report and restricting the noise levels from the commercial units. It is further noted that a revised acoustic assessment will be required to be submitted with any future reserved matters application once the appearance and scale of the development is fixed. Whilst the impact of the development upon surrounding land uses has not been considered, it is not considered likely, given the absence of communal outdoor space and the number of private balconies, that the development would cause any appreciable impact in this regard however should permission be forthcoming a condition will be required for an updated acoustic assessment to be submitted which should outline any required mitigation in this regard. With regard to noise impacts from development and construction, this is considered to be temporary in nature and as such acceptable subject to conditions as set out within the construction management plan. No objections are raised by the Council's Environmental Health Officer.

With regard to vibration impacts, no assessment of construction vibration has been submitted. It is considered that given that the appearance and scale of the development is indicative at this point vibration effects will be governed by appropriate planning conditions which would seek further clarification of these matters at reserved matter stage. This condition would also be expanded to consider the impact of the train tracks upon future residential occupants' amenity.

### Sustainability

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.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The Applicant has provided an energy statement. The Agent notes that given the size of the scheme is not feasible to incorporate a CHP plant. Photovoltaic panels are proposed for the roof level however at the moment these are illustrative and will be subject to the reserved matters application to consider their siting and appearance. The report concludes that the incorporation of the energy efficiency measures, and photovoltaic panels equates to a reduction of 35.7% against the TER 2013 for the scheme. A payment-in-lieu amount has been calculated as £14,165.20 and agreed by the Applicant however it is understood that this will be amended as necessary at reserved matters stage should permission be forthcoming.

### Air Quality

Policy 7.14 of the London Plan aims to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans.

Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level which can be subject to condition for compliance. The dispersion modelling assessment indicated that predicted pollution levels were

below the relevant criteria at all locations across the development. The site is therefore considered suitable for residential use from an air quality perspective. Potential emissions from the development were assessed in order to determine compliance with the air quality neutral requirements of the London Plan. The results indicated an acceptable level of building and transport emissions from a scheme of this nature. As such, the development was considered to be air quality neutral and acceptable by Officers. If required, an updated report will be considered at the reserved matters stage.

### Drainage

Policy 5.13 of the London Plan states that Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

The Applicant submitted a Flood Risk Assessment which stated that there is no significant risk of flooding to the development site from all sources. The impact that the development could have elsewhere has also been considered, and it has been demonstrated that the proposals will reduce the risk of flooding offsite by including a sustainable drainage system within the scheme design.

Comments have been received Drainage Officer who states that following the submission of a revised FRA, it is concluded that the development is committed to using underground tank to restrict surface water run-off to 0.8l/s which is acceptable. Subject to conditions for a surface water drainage strategy to be submitted, no objections are raised. No objections are also raised by Thames Water subject to conditions.

If required, an updated flood risk assessment will be submitted at the reserved matters stage.

### Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 175/176 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

UDP Policies NE2, NE3 and NE5 seek to protect wildlife features and protected species requiring development proposals to incorporate appropriate mitigation

where damage may occur. Policy NE7 requires proposals for new development to take particular account of existing trees and landscape features on the site and adjoining land.

It is also entirely appropriate for a development of this nature and scale to enhance opportunities for ecology and biodiversity as part of a detailed landscaping scheme however it is noted that landscaping is a reserved matter for future consideration.

With regard to the potential for bats, a bat survey was submitted with the application in which it was found that there is a negligible potential for roosting bats to be found on the site and that all trees within and adjacent to the site also have negligible potential for bats.

Details of landscaping are not being fixed as part of this outline planning application, but the illustrative proposal includes an indication of sedum roofs on areas of flat roof as the building steps in massing, and each apartment has an area of private amenity space.

### Public Realm

There are no improvements proposed to the public realm. Diagram 3.2 and 4.1, 4.2, and Policy BTC32 of the BTCAAP envisage improved public space at Bromley North and an improved junction/crossing to Tweedy Road, encouraging movement to High Street with better wayfinding. Whilst the scheme does not propose any public realm as part of the site, given it is part of the Draft Site 2 allocation, it would be expected that contributions would be sought towards the wider public realm improvements around Bromley North Station, and to improve the crossing at Tweedy Road to the town centre.

According to the Council's Draft Local Plan, for Site 2 - The Land Adjacent to Bromley North Station, the Council has a site allocation of 525 units for the whole of the site. It is also reasonable that all development coming forward within Site 2 be expected to contribute towards the development of the proposed public transport interchange. The area of the applicant's scheme has a specific allocation of 11.25 units which is 2.145% of the 525 units allocated for the whole of Site 2. The applicant is therefore required to contribute 2.145% of the total cost of £4,000,000 for proposed bus stands to be installed as part of the transport interchange enhancements. This amounts to £85,800 which has been agreed with the Applicant and will be secured via a S.106 if permission should be forthcoming.

### Planning Obligations

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

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

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

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

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

The applicant has agreed, in principle, to pay a payment in lieu for carbon off-setting and a town centre contribution as discussed above as well as a mechanism within the S.106 for use of the existing car club on Sherman Road.

The scheme would also be subject to Mayoral CIL.

### Conclusion

The application is in outline with matters of scale and appearance reserved for future consideration. As a result, it is not considered that there is sufficient detail to allow Officers to consider the impact upon the Grade II Listed train station or the adjacent Conservation Area, given the absence of parameter plans to ascertain maximum heights however it is acknowledged that at its minimum extent there would be some harm to the wider townscape, conservation area and listed building.

Officers are concerned as to the impacts of the development of this site as a stand-alone form, specifically given that the scale of the development is not fixed within this application. As a result, given that the impacts of the scale of the development cannot be considered, the proposal is considered to jeopardise the deliverability of the wider Draft Site 2 allocation. Furthermore, the impact of the building's appearance on the adjacent Conservation Area, the listed Bromley North station, and the wider streetscape cannot be assessed given detail has not been provided on the proposed height, materials and detailing. As such, without sufficient information to suggest otherwise, officers consider that there is insufficient information to conclude that there would be no adverse impact upon the adjacent heritage assets. Concern is moreover raised as to the impact of the scheme at its minimum height upon designated heritage assets. Whilst it is noted that the development would make a contribution to the Borough's five year housing land supply by providing residential development on an allocated site, the harm and lack of information identified is considered to outweigh the benefits in this regard.

Additionally, it is noted that 120 units are included in the 2017 Five Year Housing Land Supply Paper for Land adjacent to Bromley North Station, which in itself would bring a requirement for on-street parking space on the Sherman Road frontage. Officers consider that given the piecemeal nature of the development, it is clear that should the developments not come forward together with a more holistic and comprehensive parking layout, the cumulative impact of on-street parking within this locale would be unacceptable.

With respect to neighbouring amenity, it can be considered that a building of 10 storeys at the minimum floor to ceiling height within this location will have a detrimental overbearing impact upon owner/occupiers of the Northpoint building and will cause significant detrimental impacts upon the outlook from these apertures given the proximity and illustrative height of the proposal. It is further considered that a development of 10 storeys could potentially impact upon the development opportunity of the wider site allocation (6-10 Sherman Road), in that the proximity of the proposal could result in detrimental overbearing or outlook impacts which may stifle future development opportunities.

Under NPPF Section 5, it is national policy to boost significantly the supply of housing. This is reflected in the London Plan (2016), Policy 3.3. Therefore, the benefit of additional housing provision is an important policy consideration to be considered in assessing this application.

In spite of the benefits of housing provision and taking into account the policies and material planning considerations set out above the harm caused by this specific proposal is such that on balance the application should be refused.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: APPLICATION BE REFUSED**

### **The reasons for refusal are:**

- 1 In the absence of information to suggest otherwise, the proposed development is considered to harm the Statutory Listed Bromley North Station and Bromley Town Centre Conservation Area contrary to Policy BE8 and BE13 of the Unitary Development Plan, Draft Policies 38 and 42 of the Draft Local Plan and Policy 7.8 of the London Plan.**
- 2 The proposed development is considered to result in a detrimental overbearing impact upon the owner/occupiers of Northpoint, preventing adequate outlook from habitable room windows contrary to Policies BE1 and H8 of the Unitary Development Plan and Draft Policy 4 and 37 of the Draft Local Plan.**
- 3 In the absence of information to suggest otherwise, the stand-alone nature of the development is considered to compromise the deliverability of the wider draft allocation by virtue of providing an unacceptable piecemeal development of an unknown scale and appearance and lack of justification as to the density of the proposed development and would also cause an**

**unacceptable impact upon highways safety contrary to Policies T18 and T3 of the Unitary Development Plan and Draft Policies 1, 30, 31 and 32 of the Draft Local Plan and London Plan Policy 3.7**