

Application No : 18/05236/FULL1

Ward:
Copers Cope

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

OS Grid Ref: E: 536826 N: 171157

Applicant : Mr I Hutchinson

Objections : YES

Description of Development:

Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey development with basement parking comprising 151 residential units (63, one bedroom; 80, two bedroom and 8 three bedroom) together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.

Location and Key Designations

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

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

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

At present, there are three dilapidated pavilion buildings along the western edges of the site and an access track. The open space has historically been used as a playing field albeit some time ago. In more recent times the site has been allowed to fall into a poor state of repair being used for storage of vans and a dumping ground for un-roadworthy vehicles and ad hoc items. A significant area of hardstanding was paved and used as a construction and storage compound associated with the Dylon development during construction which was completed in 2018. A number of vehicles

are also being parked on the open areas of the site in an arbitrary manner. This matter has been referred to the Planning Enforcement Team for further investigation.

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

Background

This is the fifth residential development proposal to be advanced for this site. Members are advised that a Public Inquiry is scheduled by the Planning Inspectorate to be held on the 4th June 2019 in connection with the last/fourth submission in March 2018 (ref: 18/01319/FULL1). The grounds to contest the last appeal were referred to the Development Control Planning Committee on the 11th September 2018. Members are advised that the Council's Local Plan was adopted on the 16th January 2019 and this document forms part of the development plan in assessing the merits of this proposal. The updated Council's 5 Year Housing Land Supply Document has been reported and confirmed by Members at the Development Control Committee meeting on the 4th April 2019.

Since the last planning application (ref: 18/013139/FULL1) was submitted in March 2018, the applicant considers that the revised National Planning Policy Framework 2018 and 2019, planning appeal decision at the Maybrey Business Park (ref: 16/05897/FULL1; dated 16th July 2018) and the draft London Plan including a letter sent from Ministry of Housing, Communities and Local Government to the Mayor of London dated 27th July 2018 are relevant material considerations to allow this updated residential proposal on the Metropolitan Open Land (MOL). The key differences of the proposal are outlined below:

1. Changes to the proposed affordable housing tenure split

32 affordable rent and 22 intermediate units is proposed which achieves a split of 59% rent and 41% intermediate unit, instead of 40% rent and 60% intermediate unit in the last scheme. The total number of affordable housing remains unchanged.

2. Reduction of development area

This is primarily achieved by reducing the private terraces associated with the ground floor units, readjustment of access road and rearrangement of the internal layout of the proposed buildings. The size of the private outdoor space associated with two ground floor 3 bedroom flats in Core 3 and 2 x 2 bedroom ground floor flats in Core 4 has been reduced. An area of access road located between the front of Core 6 and the turning head has been removed. A former access road area located outside a ground floor 1 bed flat in Core 5 is now to be a private amenity area. The waste storage areas associated with Core 1 and Core 2 are repositioned. The planning

statement states that these re-arrangements count towards a reduction of development area from 6,486sq.m to 6,387sq.m.

3. *Use of more glazing material and reduction of single aspect units*

Additional glazing material is used aiming to provide an improved outlook and availability of lights. This would be installed adjacent to the windows or doors next to the projecting balconies. The applicant has indicated that the views for the single aspect units would be wider with the proposed angled balcony. Whilst there is no single aspect north-facing family unit, the number and proportion of single aspect units remains high with a total of 58 units. This equates to 38% of the overall units. There were 58 single aspect units proposed in the last scheme.

The siting and overall massing of the proposed buildings, total number of proposed housing and affordable housing units, housing size, mix, access and level of parking spaces remains identical to the last submission.

Proposal

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

The siting and key headlines of the current proposal are identical to the last submission comprising:

- 63 x one bed, 80 x two bed and 8 x three bed flats;
- 115 car parking spaces including 19 disabled spaces (disabled spaces increased from 15 to 19);
- 310 cycle parking spaces;
- 54 units affordable housing (36% by habitable room); and,
- 15 wheelchair accessible units (10%) comprising 6 x one bed and 9 x two bed.

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

Tenure	Unit	% by unit	Habitable Room	% by habitable room
Market	97	64.2	254	63.8
Social	32	21.2	83	20.9
Intermediate	22	14.6	61	15.3
Total	151	100	398	100

The development would comprise two residential blocks (North and South Block), positioned along the western edge of the site with a gap of 29 metres between the blocks. The highest part of the North block would be basement plus 8 storeys (26 metres/52.8m AOD) and would step down in height with the lowest part being 5 storeys (16.2 metres/43.1m AOD). The maximum length and width of the North Block would measure approximately 64 metres and 35 metres respectively.

The southern block would comprise basement plus 5 storeys (16.4 metres/43.8m AOD) on its northern end stepping down to basement plus 4 storeys (12 metres/37.1m AOD) towards the southern end. The maximum length and width of the South Block would measure approximately 61 metres and 35 metres respectively.

A raised podium level linking the North and South Block would be provided measuring 35 metres wide and 29 metres deep and 5 metres high when measured from the open space. The proposed buildings would include an undercroft parking level with residential accommodation sitting at podium level and above. The eastern edge of the built development would be provided with steps and connect to the public open space at ground floor level. The total residential floor area of the proposal would measure 19, 857sq.m.

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

The building would be constructed primarily of London stock bricks, with translucent cast channel-glass detailing on the top floor, aluminium windows and white powder galvanised steel balconies.

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

Based on the submitted drawings, a comparison between the existing site, the previous appeal scheme and the current proposal is set out below:

	Existing site coverage	The third submission (17/00170/FULL1) refused	The fourth submission (18/01319/FULL1)	Current proposal	Difference between proposed and existing site coverage.
Proposed units and building heights	N/A	229 units; 4 to 8 storey plus basement	151 units; 3 to 8 storey plus basement	151 units 3 to 8 storey plus basement	N.B. No permanent residential building currently on site, only single storey pavilion buildings associated with the former social club. Various unauthorized structures/ uses.

Building footprint (sq.m)	833	3,304	2, 981	2,921	Increase by 2,088
Hardstanding/ Private space footprint (sq.m)	7,012	4,009	3,716	3,677	Reduce by 3,335
Combined built development footprint (sq.m)	7,845	7313	6,697	6,598	Reduce by 1,247
Green space footprint (including the river) (sq.m)	10,804	11,336	11,952	12,051	Increase by 1, 247
Total (sq.m)	18,649	18,649	18,649	18, 649	18,649

The submitted drawings suggest that the proposal would result in a reduction of hardstanding measuring 3,335sq.m and there would be an increase in green space. This suggestion is not accepted as the Council's aerial photo record indicates that the "existing" hardstanding area has been expanded extensively since 2006. This includes a large temporary construction compound associated to the construction work at the Dylon factory site.

A site survey indicates (prepared by Sterling Surveys, dated Dec 2016) that a total area of 6,686sq.m within the site in occupation and is divided into 8 areas. There are 2 further areas associated with the Dylon works construction site. The use, nature, extent, lawfulness and occupation of each area is unclear and does not fully correspond to the submitted documents. For example, Area 8 is covered by hardstanding at present and measures 347sq.m on the site survey. However, this does not correspond to drawing number DR P05A/DS1-03 and P05A/DS1-08 which indicates that this area was clearly open and covered by lawn. Area 1 is being used as a car park/storage with containers surrounded by timber fence without relevant consent. This does not correspond to the drawing number P05A/DS1-08. The updated site surveys, along with the submitted documents and information gathered by officers, indicate that this MOL site has been progressively and substantially paved and occupied on an ad-hoc basis without relevant planning consent.

Irrespective of the above, it is important to note that there would be a substantial increase in building scale and volume for the proposed flats compared to the existing single storey buildings on site.

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

Planning, Design and Access Statement (Prepared by West and Partners, Dated November 2018)

This document outline the changes of this proposal in terms of massing and design, the applicant's opinion and assessment of the Council's Housing Land Supply, affordable housing provision, impact on MOL considerations, and very special circumstances.

The applicant considers this much-reduced proposal at a highly accessible and sustainable location would address the issues raised by the previous planning inspectorate in dismissing an earlier/second scheme (Dated 2nd August 2016; Ref: APP/G5180/W16/314428). The applicant does not consider that the Council's 5YHLS should be relied upon in the determination of this application. This is on basis that the Council's 5 YHLS document was published in November 2017 and has not been updated and the Council was found to be unable to demonstrate a 5 year housing land supply at the Maybrey Works public Inquiry (Addendum B – Dated July 2018) and the appeal relating to South Eden Park (Addendum C – Dated March 2018). A high proportion of housing has been delivered at planning appeals, the applicant argues. The Council's 2017 5 YHLS indicates a 5.43 years housing land supply and a surplus of 292 units and does not reflect the housing need in Bromley. It is stated that the Council have a deficit in terms of 5 Year Supply as the London SHMA (2013) identified housing need in Bromley to be 1,315 dwellings per annum and when taken with the most up to date evidence base of the draft New London Plan there is an increased housing need for Bromley of 1,424 per annum. The proposal would be policy compliant and deliver 36% affordable housing.

On the issue of MOL, this report concludes that the proposal would reduce built coverage on site, would measures 242 square metres and result in a net increase in open land area. In their view this is a marked improvement when taken together with the proposed public open space. This document suggests that the proposed changes to the building footprint and new siting and massing of the buildings sufficiently address the Appeal Inspector's comments on the openness of MOL.

The applicant indicates that the completed Dylon site was located on a low quality edge of MOL. The allowed scheme at the Dylon site sets a benchmark for future development rather than a harmful precedent. The factors in allowing the completed development at the Dylon site should be equally applied for the proposed site.

A total of 54 affordable housing units (35.8%) would be provided, of which 32 would be social rent units and 22 intermediate units (achieving a split of 59% rented and 41% intermediate).

The applicant suggests the following benefits would amount to very special circumstances which justify allowing the proposal in the MOL:

- The Council's does not have a 5 YHLS and relevant policies are out of date;
- The Council fails to meet the need of housing and affordable housing and there is a lack of available housing land in Bromley to meet the current and draft London Plan housing targets;

- The revised NPPF Green Belt policies do not apply on MOL land and NPPF para.145(g) applies as the proposal would neither have a greater impact on openness nor cause substantial harm to the openness of the Green Belt. The proposal would result in a reduction of 242sq.m brownfield land which would not cause any actual harm on MOL.
- The proposal would provide policy-compliant affordable housing;
- Possible link to the Waterlink Way, ecological and environmental improvement;
- Economic benefits of the proposal and new home bonus;
- The site is in a highly accessible location;
- S106 contributions to mitigate the impact of the development;
- Provision of an onsite car club vehicle;
- Contribution towards bus stop improvements;
- Planning obligations towards carbon offsetting, education and health;
- Mayoral CIL.

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

Design and Access Statement (Prepared by Ian Ritchie Architects, Dated November 2018) – Appendix 1

This document provides a summary of the proposal, planning application history and outlines the design and architecture merits of the proposal. This document concludes the proposal is considered to be exceptionally high standard and would enhance the character of the site without compromising the character and openness of the locality. The proposal would provide housing and affordable housing with a reduced development footprint. The outdoor space would be re-landscaped and publicly accessible without any harm on the MOL.

Addendum Transport Assessment (Prepared by Royal Haskoning DHV, Dated March 2018) - Appendix 2

This Addendum report provide an analysis of site accessibility by non-car modes, local highway network, travel demand arising from the proposal, trip generation and relevant policy considerations.

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

As result of parking surveys undertaken, the assessment concludes that the surrounding area is subject to commuter parking during the day but there is sufficient parking capacity in the area at night. In any event the proposed provision of onsite car parking meets London Plan standards. The junction capacity modelling

for Worsley Bridge Road/Station Approach/Montana Gardens indicates that the proposal will not have a significant impact.

The applicant considers that the development would not result in a 'severe' transport impact and as such the scheme accords with national transport policy. The provision of parking spaces has regard to the car ownership in the local ward. The travel plan has been prepared in line with TfL guidance and includes an action plan (**Appendix 3**). An outline construction logistics plan has been provided (prepared by West and Partners, dated November 2018) - **Appendix 11**.

Flood Risk Assessment (prepared by RPS, Dated March 2018) - Appendix 4 (i)

This report including the Environment Agency's response to the consultation on the last submission (Dated 03th August 2018) has been submitted. The site is designated as Flood Zone 2 (medium probability) and Zone 3 (high probability). The report covers relevant planning policy, existing and proposed drainage, flood risk mitigation, surface water management and sequential test.

The applicant's FRA has been prepared in liaison with the Environment Agency whose advice has informed the slab levels of the buildings, the extent of landscaping and surface water drainage solutions. Detailed site-specific flood monitoring has been undertaken in addition to site-specific flood storage calculations. The FRA concludes that this site is suitable for residential development subject to conditions to control flood risk mitigation and drainage.

Foul Sewerage Drainage Assessment (Prepared by GDM – Dated January 2018) - Appendix 4 (ii)

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

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

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

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

Phase 1 Habitat Survey (Prepared by Betts Ecology, Dated February 2017) - Appendix 6

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

Geotechnical and Geo-environmental Ground Investigation Report (prepared by Geosphere Environmental Ltd, Dated August 2014) - Appendix 7

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

Planning Noise and Vibration Report (Prepared by Cole Jarman, Dated 19th March 2018) - Appendix 8

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

Air Quality Assessment (Prepared by Air Quality Consultants, Dated March 2018 and January 2017) - Appendix 9

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

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

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

Energy Statement and Sustainability Appraisal (Prepared by Isambard Environmental – Date March 2018) - Appendix 10 –(i)

This statement has been prepared in line with the principles of the London Plan Energy Hierarchy.

In the first stage of the Energy Hierarchy (Be Lean) fabric efficiency measures will reduce regulated CO₂ emissions by 35.28tCO₂/yr (13.28%) over the Building Regulations compliant figures. As a part of the energy efficiency improvements all practical measures have been implemented to minimise risks of overheating and calculations have shown that the solar gain limits in summer have not been exceeded.

For the second stage of the Energy Hierarchy (Be Clean) and Policy 5.6 of the London Plan 2016 it is proposed that the requirements to reduce CO₂ emissions will be met with the installation of a CHP system and communal heat network for the site. The proposed CHP system, a PowerBox PB70SNG using natural gas, will reduce regulated CO₂ emissions by 96.79tCO₂/yr (36.42%) over the Be Lean figures. For the third stage of the Energy Hierarchy (Be Green) it is proposed that 89.49kW of PV panels will be installed on the south facing roof which will reduce regulated CO₂ emissions by 57.29tCO₂/yr (21.56%) over the Be Clean figures.

Overall, regulated CO₂ emissions will be reduced by 189.36tCO₂/yr (71.26%) after implementing the three stages of the Energy Hierarchy.

The report suggested that a carbon offsetting payment of £137,466 would be required to meet 100% reduction in regulated carbon emissions.

The proposal has been assessed against the **Home Quality Mark Pre Assessment (prepared by Isambard Environmental, dated march 2018 - Appendix 10 – (ii))**. The report suggests that the residential development would achieve an average of 3.5 star rating.

Affordable Housing Statement (Prepared by West and Partners, Dated November 2018) - Appendix 12 (i)

This statement indicates that 54 affordable units (36%) and 15 wheelchair units (10%) will be provided. The proposed accommodation would comply with all the necessary policy standards.

Affordable Housing Statement (Prepared by Tetlow King, Dated November 2018) - Appendix 12 (ii)

This statement states that a total of 279 affordable homes were delivered in the past 10 years with an average of 47 affordable per annum since 2011. The Council's draft homelessness strategy indicates that the number of people registered as homeless is high (4,093). The affordable housing delivery is 7% in the past 10 years. There is a backlog of over 8,000 affordable homes and this should be addressed in the next 5 years. The draft Homelessness Strategy 2018-2023 states that there are over 4,000 households on the Council's Housing register, requiring 87 years to clear the backlog. The number of households accepted as homeless and in priority need has increased by 25% over the past 5 years. Since 1996, the median house price has increased 450% from £77,000 to £425,000 in 2017 and is not affordable. The local housing allowance does not cover rental cost in the Borough. The provision of housing and affordable housing should be given substantial weight. Nevertheless the proposal would not cause substantial harm to the openness and would contribute to affordable housing need and should be approved.

Daylight and Sunlight Assessment (Prepared by West and Partners, Dated November 2018) - Appendix 13

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

Desk-top Archaeological Assessment (Prepared by Isambard Archaeology, Dated June 2015) - Appendix 14(i)

The report reviewed and identified the archaeology assets of the site and concluded that the impact on archaeological significance is low. Historic England has considered no further works would be required.

Archaeological Evaluation (Prepared by Compass Archaeology, Dated May 2017) – Appendix 14(ii)

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

Playing pitch assessment (Prepared by West & Partners) – Appendix 15

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

Landscape Management Plan (Prepared by Ian Ritchie Architects, Dated November 2018) – Appendix 16

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

Outdoor Gym and Playground (Prepared by Ian Ritchie Architects, Dated November 2018) - Appendix 17

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

Visual Assessment (Prepared by Cityscape Visual, Dated November 2018) – Appendix 18

This report has been prepared to address the comments raised by the Appeal Inspector. The report contains details of the design revisions and the Accurate Verified Views taken from 9 viewpoints surrounding the site. The report suggests that the proposal will by virtue of its mass, scale, form and design have an acceptable visual impact on the MOL.

Design assessment (Prepared by Paul Finch, OBE, Dated March 2018) – Appendix 19

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

Housing Need, Delivery and Supply Assessment Review (Prepared by NLP)- Appendix 20

This report states that a high proportion of housing completions in Bromley were allowed at appeal and the actual delivery would have been far less than the identified delivery. This report states that the Council was unable to demonstrate a 5-year supply of housing land at the South Eden Park and Maybrey Works appeals. The Council's housing policy requirement and the 5YHLS is out of date as these documents are based on the adopted London Plan requirement of 641 dwellings per annum (dpa). The draft London Plan requires 1,424dpa and significant weight should

be applied to the shortfall in Bromley Housing Land Supply. The Council's 5YHLS has not been updated since November 2017.

The housing need in Bromley ranges between 1,315dpa (London 2013 SHMA) and 2,635dpa (standard methodology introduced in the NPPF). Based on the current 5YHLS position and the standard methodology, the Council is unable to meet the housing need (equates to 1.3 years based on the standard methodology and 0.9 years on their assessment of supply). The applicant considers that the Council does not have a 5YHLS and there is a significant shortfall in housing land supply in Bromley. The tilted balance in the NPPF should be engaged and very significant weight should be applied to allow this proposal.

The revised NPPF introduces a new housing delivery test and a new definition of a deliverable site. The applicant does not consider that the Council's 5YHLS is in conformity with the definition of "deliverability" in the NPPF. This is due to the time period to implement the consented schemes having lapsed and the small windfall sites relied upon fall outside the scope of the NPPF. The housing land supply figures have been discounted by the application and reduced to 3.8 years or, 1.6 years when applying London SHMA (1,315dpa).

It is argued that the weight to be attached to the draft Bromley Local Plan should be limited as this document seeks to achieve a minimum annual average housing target that is based upon the adopted London Plan which is out of date in housing evidence terms. The report states that the Council has failed to meet the current and emerging draft London Plan requirements for housing and affordable housing. Great weight should therefore be attached to this application as it would contribute to market and affordable housing delivery in Bromley.

Economic and Regeneration Benefits Assessment (prepared by NLP, dated November 2018) – Appendix 21A and B

The report provides an assessment of the economic benefits which would arise from the proposal. The proposal would provide 151 new dwellings providing public accessible and landscaped open space. The following benefits are stated:

- Construction benefits
 - £37.1 million construction value, £56.3 million economic output, 214 construction jobs and further 324 supply chain jobs.

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

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

Metropolitan Open Land (MOL) Assessment (Prepared by NLP – Dated November 2018) – Appendix 22

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

The report describes the townscape character of the site and its surroundings, with focus upon where the site can be viewed from within the surrounding area and wider borough. The report concludes that the site is a low-quality urban site which differs in character from the remainder of the MOL. The site is not publically accessible, is not well maintained and plays a limited role when viewed from public places.

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

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

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

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

Comments from Local Residents and Groups

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

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

Grounds of objections

Housing

- The CBRE Residential London Living 2018 document indicates that the average weekly earnings for Bromley are £898 and the average housing price is £451,029. The proposal fails to provide adequate affordable housing for the local people and is targeting overseas property investors for the rental market.
- Unacceptable housing mix as only 5% are family units and less than 1% of these units would be affordable.
- There is a high concentration of single aspect units which also face onto the railway line and the adjacent industrial estate (scrap metal yard and recycling centre).
- Excessive density.
- Since Dylon 1 was completed in April 2018, a number of technical documents were submitted stating the proposal would constitute a special circumstance and questioning whether the Council has a 5 year housing supply. The construction works associated to Dylon 1 are complete and residents have moved in to some of the units. However, there is a 78% vacancy rate in Block A and B (provided as social housing), 40% vacancy rate in Block F, close to full occupation in Block C, D and E, and a 65 % vacancy rate in Block G. Therefore, there are no very special circumstances that can be derived from the development of MOL land and as such this is not acceptable.
- Dylon 1 consists of 223 flats and consent has also been granted for the Maybrey works site located adjacent to the application site. A total of 382 new homes have been added in the area. There is no need for more housing as the existing Dylon works is struggling to sell. The first phase of Dylon 1 was completed in July 2017. With the Government's Help to Buy incentive, a total of 101 flats out of 223 are still available which represents an overall amount of 45%.

Inappropriate development on MOL

- This is a fifth resubmission for an inappropriate development in MOL land and this is indeed a difficult task to weigh the benefits of housing delivery against the harm to open space. However, the proposal will cause more harm than good. This proposal and the last submission do not sufficiently justify how the development will contribute to the local area or limit the strain placed on the already struggling local infrastructure. The proposed buildings would be four to eight storeys in height comprising of 151 residential units. The scale of the proposal should be clarified as the proposal will have a direct impact on the surrounding areas.

- Whilst the site is under private ownership and does include some unlawful uses, the land is historically and continues to be clearly distinguishable from the built-up area. The site shares a visual connection with the wider MOL and acts as a buffer between the remainder of the MOL and the adjacent railway line and industrial estate. As such, the application site makes an important contribution to the MOL and the appreciation of it from within the surrounding area.
- The visual impact assessment indicates that the proposal would have an adverse visual impact on the surrounding MOL.
- There are inadequate benefits proposed which would be outweighed by the considerable harm caused.
- The existing activities on site are illegal and fire services have been called multiple times as a result of illegal bonfires of plastic waste. The behaviour of current owners of site is not acceptable. The Council has no planning enforcement progress.
- The proposal would be visually detrimental to the existing landscape with its excessive height, massing and footprint.
- There would be a reduction of plant and wildlife habitat including protected species in the vicinity of the former Footzie Sports Pavilion.

Flooding

- Despite a relatively dry year, the car park has been flooding a number of times.
- Dylon 1 is already struggling with the flooding controls on the lower ground floor and the ground floor was flooded.
- The proposed mitigation seeks to replicate the measures proposed in the Bellway application/Maybrey Business Park
- The proposed buildings would require deep foundations in the floodplain. The proposal would exacerbate and substantially increase the flood risk to the wider area which affects the main Hayes to London rail line.
- There are standing waters at Dylon 1 with only light rain.
- Residents in Dylon have been made aware of the adjacent river level rising regularly and the basement level of Dylon Works which is set a distance away from the river has already experienced a considerable degree of flooding despite numerous mitigation measures being implemented as part of the development. This information was hidden at the time residents purchase their flats. There is standing water visible on the open land for several days following light rain. The proposal fails to address climate change and overdevelopment has led to an increased incidence of flooding.
- The mitigation measures used in Dylon 1 are clearly inadequate and this trend is likely to be followed by the Maybrey development. This proposal would result in long term flooding and structural issues for all 3 sites.

Design

- The proposal does not respect the scale or character of the surrounding area and does little to complement the local area. The proposal would not only be much higher than Dylon Works but would be quite different from the majority of houses.
- The proposal would be more suitable to a more densely populated urban centre

- The proposal would create an uneven skyline and would be visible from the nearby areas.
- The proposal would result in the loss of openness.
- The proposed public outdoor area would be unlikely to be used by residents living outside of this proposed development. The proposed layout does not make these new outdoor spaces sufficiently visible from outside of the development.
- The current proposal is largely similar to the last scheme with minor design changes. The proposed amendment does not justify inappropriate development on protected MOL Land.
- A noise survey was carried out in 2014 and this fails to consider a variety of appropriate impacts such as the Sydenham Scrap Metal Yard operating from 07.00am. The report fails to acknowledge the occupation of Dylon Works and Sydenham Scrap Metals located adjacent to the site. The existing occupiers in Dylon 1 suffered noise from the industrial sites (Screwfix, FK Ellis and Sons building and plumbing material, Howdens Joinery (suppliers of kitchens, joinery and hardware) with trucks reversing which increase the noise levels from 7am through to 6/7pm while commercial vehicles enter and leave, loading and unloading.
- Activities in the nearby industrial site start at 5am and this clearly demonstrates that the site is not suitable for residential use.

Inadequate infrastructure

- Inadequate infrastructure in the area in terms of public transport links and networks and local doctor's surgeries.
- A high percent of properties available in Dylon still remain unsold.
- Inadequate train capacities as residents traveling to Lewisham are unable to board the train. Dylon 1 development has already increased the demand for public transport in the area.
- Agreed with the grounds of objection raised by the residents. The proposal including the approved development will place over 600 residents in the area.
- The approved facilities for Dylon 1 such as a crèche/gym and café have not been completed and developers have failed to deliver the required services to meet the need of residents.
- There is no night bus in the area with bus route 352 running only every 20 minutes. The trains that service Lower Sydenham are only 4 per hour. The trains to Charing Cross and Cannon Street are only every 30 minutes. Getting a train from Lower Sydenham at 6.55am is standing room only and the next train leaves Lower Sydenham Station at 7.28 am. This development will cause yet further demand which cannot be accommodated. The existing infrastructure does not meet the current need.

Transport

- Worsley Bridge Road is unable to function during peak hours in the morning. The proposal would increase the traffic problem. A new nursery in Dylon 1 will be open in March and will add strain to the transport network.
- The transport network and the area are not able to cope with another large scale development.

- The construction of Dylon Works has already resulted in an exponential demand on the road, cycle and train network. These impacts will be further compounded by the construction and occupation of the Maybrey Works site. There is already a detrimental effect on cyclists attempting to use the local cycle networks.
- The access to the site is limited, particularly since Maybrey has been closed off for redevelopment. The access roads are narrow and are inadequate for emergency services and construction vehicles. This puts the residents at a significant health, safety and security risk.
- There are vehicles parked on either side of Station Approach as well as on the double yellow lines in front of the Lower Sydenham Station and this reduces the accessibility to the private access road.
- There is only one direct link to the site from the proposed car park, off Station Approach.

Security

- Poor security at Dylon 1 as there have been 3 vandalism and theft incidents.

Built environment

- The existing development has had a detrimental impact on traffic and local amenities which are at breaking point. There is no cumulative assessment regarding to the impact of the consented development. It is inappropriate for built development in Bromley's Green Belt Land.
- There is no demand for more housing and Dylon 1 is not fully occupied. New development should not be built on protected MOL land. London Plan Policy 7.17 states that the strongest protection should be given to MOL and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt.
- The surrounding area consists of low-rise building. The proposal would appear out of keeping

Comments from Consultees

GLA (summary): The proposal does not comply with the London Plan and the draft London Plan. The following should be addressed before the application is referred back to the Mayor:

Principle of Development: The proposal is inappropriate development within Metropolitan Open Land (MOL) and very special circumstances have not been demonstrated to outweigh the harm caused to the openness of the MOL.

Affordable Housing: 36.2% affordable housing by habitable rooms proposed with a split of 58% social rent and 42% intermediate. Subject to the applicant exploring grant in line with draft London Plan Policy H6, the scheme would qualify for the Fast Track Route in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG. An early review mechanism must be secured via the Section 106 agreement and details of the proposed rents submitted.

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

Climate Change: Further revisions and information including investigating alternatives to CHP, overheating and cooling demand, heat demand and photovoltaic installation are required before the carbon dioxide savings can be verified. Any remaining regulated CO2 emissions must be met through a contribution to the borough's offset fund. Further details on the proposed SUDs system must be submitted and water consumption managed in accordance with London Plan policies.

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

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

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

Environment Agency (summary): The proposal will only comply with the National Planning Policy Framework requirements provided that a scheme of compensatory floodplain storage works is submitted and approved in writing by the local planning authority. The scheme shall set out the sequence of works to transition from the existing situation to the completed development and finished landscape surface whilst preventing an increased risk of flooding during works. The scheme shall also be carried out in accordance with the Flood Risk Assessment which includes: (1) the provision of level for level floodplain storage compensation and external ground levels; (2) the lower deck car park floor level is set at 24.0 m AOD; (3) Water entry grille thresholds are set no higher than 24.00m AOD; and, (4) The ground floor (access) level is set no lower than 27.0 m AOD and these works are to be implemented in accordance with the submitted details.

Should any contamination not previously identified be found during construction, no further development shall be carried out until a remediation strategy is agreed by the Local Planning Authority. Express written consent from the Local Planning Authority would be required for the infiltration of surface water into the ground. Piling or any

other foundation designs using penetrative methods may result in unacceptable risk to groundwater and shall not be permitted unless details are approved by the Council.

Details of a sustainable drainage scheme, piling or any other foundation design using penetrative methods shall be agreed in writing with the Local Planning Authority. The proposed development has potential to have a detrimental impact on the river due to the increase in public use of the adjacent path to the river. A comprehensive landscape management plan has been submitted. However, the Environment Agency considers additional enhancement to the river, riparian zone and public open space may be possible. Environment Agency can provide guidance on any potential improvements to the submitted design.

Sport England: Sport England objects to the proposal and considers that the proposal would not meet their adopted playing fields policy or NPPF Paragraph 74 as the proposal will result in the loss of the playing field on this site. Whilst the site has not been used for more than 5 years because it is in private ownership, the lack of use should not be seen as an absence of need for playing fields in the locality. The Council does not have an up-to-date Playing Pitch Strategy and Sport England does not consider that the brief assessment provided as part of this planning application (see letter 13th May 2015) adequately demonstrate that Exception 1 of Sport England's playing fields policy has been met. Without a comprehensive borough-wide assessment of the need for playing fields in the catchment (including consideration of cross-boundary issues), it cannot be concluded with certainty that there is no need for the playing fields in this location. The addition of 150 new homes in this location could potentially further exacerbate any existing shortfalls in sports pitch provision.

Other than the proposed outdoor gym, it is unclear what sports provision will be included within the application to meet the needs of the existing and proposed community in this location. The management and maintenance of the proposed outdoor gym and playground would also need to be given further consideration within the planning process. Sport England would like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

Network Rail: The comment below relates to the last submission. No comment had been received at the time of writing this report.

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

No building should be within 2 metres from Network Rail's boundary. Any scaffolding must not over-sail the railway, and protective netting must be installed.

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

A trespass proof fence with a minimum height of 1.8 metres and a vehicle incursion barrier or high kerbs should be installed to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing. Adequate maintenance provision must be made for both parties and no part of such works shall encroach upon Network Rail land.

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

Historic England- Archaeology (summary): No further assessment or conditions are necessary. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

London Borough of Lewisham: The Council has no comments or observations to make in respect of this planning application.

Secure by Design (Summary): To ensure the full benefit of secured by design principles, a secured by design condition should be attached to this application. The proposal could achieve secured by design accreditation. A number of security concerns and areas would need to be addressed and it would be beneficial to liaise with a design out crime officer to ensure a safe and secured environment can be provided.

Thames Water: Waste comment: A positive pumped device (or equivalence reflecting technological advances) should be installed to avoid the risk of back flow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Should there be discharge of ground water to the public network a Groundwater Risk Management Permit would be required from Thames Water. A petrol / oil interceptors should be fitted in all car parks. No objection would be raised if sequential approach is followed for the discharge of surface water drawing. No objection to the waste water network and waste water process infrastructure capacity

Water Comment: No properties shall be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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

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

Noise: A Noise and Vibration Report prepared by Cole Jarman Associates (Report ref 11/4200/R2) is submitted and no objection is raised. The details of proposed glazing and ventilation and mitigation measures shall be submitted and approved in writing and secured by a planning condition.

The full details of a Construction Management Plan shall be agreed in writing and secured by a planning condition.

Environmental Health Housing (summary): It is reasonable to assume a dwelling with two or more bedrooms would be occupied by a family with children. The majority of these proposed flats would have no view of the communal external recreational space. The only communal living space in the proposed flats would be combined with the kitchen area which is not desirable. Ideally the windows to two or more bedroom properties should not only provide a reasonable outlook and views of open space but they should also allow for the supervision of outside recreation space (to be used by children).

Combined kitchen, dining and living spaces are not desirable due to the risk of accidents associated with areas used for both food preparation and recreation. The window and external door design should include windows with small opening casements or similar. This will avoid conflicts between providing natural ventilation to the room, retaining warmth in the winter and adequate security. External doors are not included when calculating the natural ventilation provision for a room. Unlike an external window an external door cannot be left open to provide natural ventilation without compromising the security of a property. In winter time leaving it open would also allow excessive heat loss. In summer time leaving it closed would prevent natural ventilation which may result in excessive heat gain in the room.

LB Bromley Housing (summary): The revised affordable housing provision and proposed tenure split would comply with the Council's policy. However, more

affordable 3 bed units should be provided and the rent level should be affordable rent and should be secured by a legal agreement.

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

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

Rights of Way Officer: No response was received.

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

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

The following details/provision should be secured by planning conditions:

- H01 (Access), OC03 (Car Parking), AG11 (Refuse), AG12 (Cycle Parking), AG13 (Lighting), OC05 (Servicing facilities), PC17 (Construction Management Plan), AG14 (Travel Plan) and OC10 (removal of rights to apply for a future residents parking permits).

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

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

- A financial contribution (£5,000) to be secured for a period of 7 years to make any changes (e.g. provision of waiting restrictions and possibility of introducing pay and display bays around the site) should parking become a problem after the development is complete.
- A financial contribution (£30,000) is requested by TfL to improve pedestrian accessibility to the local bus stops on Worsley Bridge Road, including changes to the waiting restrictions on the highway, improved signage, creation of step-free access to the bus stops and a new bus shelter to support southbound bus services.

Also, TfL has requested a cycling environmental review system (CERS) audit to identify any required improvements to the cycle links. In order to improve safety and convenience for cyclists and in line with London Plan Policy 6.9, the applicant should also investigate a contraflow cycle lane on the access road (south westbound) for those accessing the site from Worsley Bridge Road.

Legal and 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) states 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 (new) 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 with the NPPF.

The Bromley Local Plan was formally adopted on the 16th January 2019. The draft London Plan is under examination in public at present. The weight attached to the draft policies increases as the Plan process advances. The 2016 consolidated London Plan remains as part of the adopted development plan.

National Planning Policy Framework 2019 (NPPF)

The NPPF contains a wide range of guidance relevant to the application, specifically sections covering sustainable development, delivering a wide choice of quality

homes, requiring good design, conserving and enhancing the natural environment, decision-taking and implementation.

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives:

An economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

A social role – to support strong, vibrant and healthy communities, by ensuring that sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,

An environmental role – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 makes it clear that a presumption in favour of sustainable development applies to both plan-making and decision-taking.

For decision-taking, this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or,
- b) where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date [footnote 7], granting permission unless;
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote 6]; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnotes:

6. The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7. This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of

housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

Paragraph 127 states that planning decisions should 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;
- Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change;
- 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 and support local facilities and transport networks;
- 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.

Section 13 of the NPPF (paras 133-142) sets out the Government's planning policy for Green Belts. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes (para. 134):

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

Paragraph 136 states that once the Green Belt boundaries are established they should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.

Paragraph 143 to 144 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The construction of new buildings in the Green Belt should be regarded as inappropriate unless the proposal falls within one of the following exceptions:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments;

- extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- limited affordable housing for local community needs under the policies set out in the development plan;
- limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - i. not have a greater impact on the openness of the Green Belt than the existing development; or
 - ii. not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 153 states that in determining planning applications, local planning authorities should expect new development to: 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption'.

Paragraph 155 states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.'

Paragraph 163 states that 'local planning authorities should ensure that flood risk is not increased elsewhere'. Paragraph 165 requires major development to incorporate sustainable drainage systems.

Relevant London Plan Policies include:

Policy 1.1 Delivering the strategic vision and objectives for London, without encroaching on London's protected open spaces

Policy 2.6 Outer London: vision and strategy

Policy 2.7 Outer London: economy

Policy 2.8 Outer London: transport

Policy 2.18 Green Infrastructure: The Multi-Functional Network of Green and Open Spaces

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 3.13 Affordable housing thresholds

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.17 Metropolitan Open Land
Policy 7.19 Biodiversity and access to nature
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Relevant London Plan SPG's are:

- Land for Industry and Transport (September 2012)
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Housing (2016)
- Energy Strategy (2018)
- Affordable Housing and Viability (2016)

The following Planning Documents produced by the Council are relevant:

- 5 Year Housing Land Supply Paper
- Affordable Housing SPD
- Planning Obligations SPD

- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

Relevant Bromley Local Plan Policies include:

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

Relevant draft London plan policies should also be considered.

Planning Application History

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

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

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

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

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

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8/9/10/11/12 storey building comprising 296 residential units (148 x one bed; 135 x two bed and 13 x three bed units) together with the

construction of an estate road, 222 car parking spaces, 488 cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The grounds of refusal were:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain or provide adequate amenity in terms of noise when windows are open; fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).
4. This site lies within Flood Zone 2 and 3 and meets the requirements for Sequential Test in the NPPF. Despite the ability of the design to mitigate flood risk, the approach taken has significant adverse effects on the quality of the development. As such it has not been demonstrated that an appropriate solution to mitigate potential flood risk can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.12 of the London Plan.

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

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8 part 9 storey building comprising 253 residential units (128 x one bed; 115 x two bed and 10 x three bed units) together with the construction of an estate road, car and cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public. The Council resolved to contest the appeal on the following grounds:

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

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

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

"I consider that the extent of harm that would be caused through inappropriate development, loss of openness and to the character and appearance of the surroundings are factors that cause the proposed development to conflict with the DP to a substantial degree.

I find that the scheme would not represent sustainable development as defined in paragraph 7 of the Framework because of its failure to meet the environmental criteria set out in that paragraph, through the harm to the character of the surroundings.

Even though the policies for the supply of housing may be out of date, I conclude that the identified harm significantly and demonstrably outweighs the benefits in favour of the proposal identified above, when assessed against the policies of the Framework as a whole. Very special circumstances to justify the grant of planning permission do not, therefore, exist in this case.

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

17/00170/FULL1: Full application (3rd submission) was refused. A subsequent appeal was withdrawn by the applicant, resulting in an order by the Inspectorate that the applicant pay the Council's costs in part.

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

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and insufficient affordable housing provision is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2016) and G2 of the UDP (2006).

2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form, amount of development, number of single aspect units, adverse impact on the Landscape and failure to improve or enhance the character of the area amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. On the basis of the information submitted, the applicant has failed to demonstrate that the proposal would deliver a policy-compliant provision of affordable housing contrary to Policy H2 of the Unitary Development Plan, Policy 3.11 of the London Plan (2016) and Bromley's Affordable Housing SPD (2008).

18/ 01319/FULL1: Full application (4th submission) is subject to a public inquiry to be held on the 6th June 2019. The grounds to contest the appeal are:

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. In particular, the substantial level of harm that would arise from the development by way of harm to the MOL and visual harm is considered to outweigh any housing land supply or other socio-economic benefits that would arise or the benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2018) and Policies 7.17 of the London Plan (2016), Policy G2 of the UDP (2006) and Policy 50 of the draft Local Plan (2017).

2. This site is considered to be an inappropriate location for tall buildings as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale and massing, number of single aspect units, inadequate outlook and privacy, adverse impact on the landscape and failure to improve or enhance the character of the area amounts to overdevelopment of the site and fails to provide a scheme of outstanding design and architectural merits, contrary to the aims and objectives of the NPPF (2018), Policies H7, BE1 and BE18 of the UDP, Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, draft Local Plan Policies 4, 37, 47, 48, 50, 77, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.

Relevant history for the adjacent Dylon site includes:

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

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

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

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

14/01752: Full planning was refused.

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

15/04692: A material amendment application was approved.

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

15/04702: A material amendment application was approved.

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

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

Also of relevance is a planning permission relating to the Maybrey Business park Site

16/05897: Full planning was refused and subsequent planning appeal was allowed on 16 July 2018 (Appeal ref: APP/G5180/W/17/3181977) for:

Demolition of existing buildings and comprehensive redevelopment of the site to provide new buildings ranging from five to nine storeys in height comprising 159

residential units (Use Class C3), 1,129sq m commercial floorspace (Use Class B1a-c), residents gym (Use Class D2) together with associated car and cycle parking, landscaping and infrastructure works.

Considerations

The main issues to be considered are:

- Land Use
- Meeting the MOL designation criteria;
- Housing Need and Supply;
- Density;
- Design
 - Appropriateness of tall buildings
 - Impact on landscape
 - Design quality
- Trees and Ecology;
- Housing Issues:
 - Housing mix and tenure
 - Standard of accommodation
 - Outlook and privacy
 - Wheelchair Standard
 - Play space
- Highways and Traffic Issues;
 - Parking spaces and car club
 - Bicycles;
 - Trip generation;
 - Access
- Impact on neighbouring properties;
- Sustainability and Energy;
- Flood Risk; and,
- Planning Obligations.

Land Use

The Development Plan consists of the Bromley Local Plan (2019) and London Plan (2016).

The site is designated as Metropolitan Open Land (MOL) and forms part of the South London Green Chain in the Bromley Local Plan (2019). The applicant considers that the Green Belt Policies in the revised 2019 NPPF are not applicable to assess this application. The list of specified policies in footnote 6 of the revised NPPF does not refer to Metropolitan Open Land policies specifically, only Green Belt policies. Alternatively, the applicant considers that para 145(g) of the NPPF applies as the proposal would not cause substantial harm to the MOL and the proposal would provide affordable housing on previously developed land to meet the housing needs of Bromley.

Metropolitan Open Land is a local designation which relies on the London Plan and the Local Plan for its association with Green Belt policies. The fact that footnote 6 of the 2019 NPPF refers only to Green Belt policies, and not MOL policies specifically, is not surprising given that the NPPF is a national policy document and MOL is a local designation. The important point is that the MOL designation remains part of the adopted development plan. This means that, even if paragraph 11(d) of the NPPF is triggered because important policies are deemed to be out-of-date (which the Council does not accept in any event), any conflict with local MOL policy will still be highly relevant when carrying out the tilted balance when applying the NPPF paragraph 11(d)(ii) (even if paragraph 11(d)(i) is not engaged).

This approach is consistent with the 2016 appeal. Paragraph 35 states *“whether or not MOL is a specific policy in terms of footnote 9, it remains part of the adopted development plan through the up-to-date Local Plan, and triggers the need to identify very special circumstances if planning permission is to be granted”*. This approach is also supported by the Greater London Authority (Stage 1 report Paragraph 30) which states that *“Green Belt Policy as continued within the NPPF should be applied equally to MOL”*

As part of the development plans, London Plan Policy 7.17A states *“The Mayor of London strongly supports its protection from development having an adverse impact on the openness of MOL”*. Policy 7.17B states *“The strongest protection should be given to London MOL and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt”*. It should be noted that this approach is being carried forward in the draft London Plan Policy G3 which states *“The principles of national Green Belt policy also apply to MOL”*. This approach is also consistent with the Bromley Local Plan Policy 50 which states *“MOL will be given the same level of protection as Green Belt. The exceptions to inappropriate development are consistent with Green Belt policy and permission will not be given for inappropriate development except in very special circumstances”*.

NPPF paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. This is in line with Bromley Local Plan Policy 49. Exceptions to this include paragraph 145(g) which states: limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or,
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The applicant submits that this exception applies in this case as the proposal would not cause any actual harm to the MOL. This is demonstrably incorrect. This proposal would introduce new buildings of substantial scale and massing on MOL land. It is clear that these buildings would have a much greater impact on the openness of the MOL than the site as it exists currently, causing substantial harm to the openness of

the MOL. The harm which would arise by reason of this inappropriateness should be given substantial weight. Whilst the proposal would contribute to the Council's housing supply and delivery including affordable housing, very limited weight should be given to this as the housing need can be met by development outside Green Belt or MOL land as identified in the up to date development plans. The adopted development plans including the Bromley Local Plan and updated 5 YHLS document were published in 2019.

Meeting the MOL designation criteria

In line with Bromley Local Plan Policy 54, the Council seeks to protect land within the Green Chain and promote it as a recreational resource whilst conserving and, where appropriate, enhancing the landscape. The South East London Green Chain comprises a number of open spaces in a variety of ownerships and largely in recreational use which extend in a virtually continuous arc from the Thames, through the London Boroughs of Bexley, Greenwich, Lewisham and Bromley. The boroughs jointly administer the Green Chain in accordance with the objectives in the Green Policy Document, agreed by the South East London Green Chain Joint Committee in 1977. The well-established partnership between boroughs maintains the Green Chain as a valuable recreational amenity, landscape and nature conservation reserve for the wider south-east London area.

The applicant considers that the site does not meet the MOL designation criteria or purpose when measured against the four criteria set out in the London Plan. Officers would point out that these policy tests were used when considering whether to designate land as MOL when the Local Plan was being prepared. The applicant has asserted that the site does not satisfy the MOL designation as there is no public access to it and it does not contain any landscape features of national or metropolitan value. While it forms part of a Green Chain the applicant considers that it fails to meet MOL policy requirements.

Bromley Council is an outer London Borough with clusters Green Belt/MOL Land of various size and shape dispersed across the Borough. Officers consider that the site does meet the criteria in London Plan Policy 7.17 which states that, to designate land as MOL, it must meet at least one of the following criteria:

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

The site is clearly distinguishable from the built up area to the north and west of the site, in particular when viewed from the neighbouring roads. The existing pavilions on site are low-level which reflect the wider landscape of MOL. The site also forms part of the Green Chain. As such, it is considered that the applicant has misapplied the policy above. This view is supported by the Appeal Inspector who dismissed the second proposal for the site. Paragraph 37 of the inspector's decision (*Appeal ref:*

APP/G5180/W/16/3144248) states “the site nonetheless makes a contribution to the larger open area through the fact of its designation and, as with land in Green Belt, the extent of visibility of the site does not necessarily reduce the impact of the contribution that it makes. It is ‘openness’ that is the critical fact, with visual impact being judged under different criteria”.

The above view is supported by the Greater London Authority. The planning application process is not the forum in which to challenge the designation of MOL (GLA Stage 1 report Paragraph 33).

The Council’s Local Plan including the Council’s 5YHLS document is up to date. The Council’s Local Plan was adopted in January 2019 and there was no requirement to carry out a further review or release further land for housing purposes at present. This view was supported by the Planning Inspectorate. Paragraph 84 of the Planning Inspector’s Local Plan Report states: *“concerns that further Green Belt, MOL or [Urban Open Space] should have been released to meet housing need are in themselves not justified, given the amount of housing provided. The Plan already provides for more than the minimum housing requirement and in the light of the London Plan’s protection for the Green Belt, the exceptional circumstances do not exist for further deletion to provide more housing”*.

Paragraph 136 of the NPPF 2019 states “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”. As such, there are no overriding reasons to release MOL land.

The applicant has sought to make a case for very special circumstances through the submission of their document titled ‘MOL Assessment’ (the details of which have been set out above). Very special circumstances are stated by the applicant to apply because:

- The applicant contends that Bromley does not have a 5-year housing land supply and the proposal would meet the Council’s housing need.
- Based on the updated site survey, the proposal represents a small gain in openness with less hardstanding when compared with the previous scheme.
- The site does not meet the London Plan criteria as defined in Policy 7.17 for designating MOL and is of poor landscape character and visual amenity. The proposal would improve the condition of MOL by providing a publicly accessible open space including biodiversity improvement. The proposed open space would meet MOL criteria.
- The site is located close to Lower Sydenham Railway Station, industrial estate and nearby commercial retail park.
- The benefits of the proposed development are considered by the applicant to outweigh the loss to MOL because of the carefully considered, exemplary and quality design of the proposed development and the improvements to the existing MOL land by making it publicly accessible.

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

The Dylon factory site and Maybrey Works site were designated as employment land and were occupied by large industrial buildings. The relevant policies to assess the planning merits of residential development outside MOL are significantly different from other development within MOL.

Officers consider that this site is separate from the built-up development to the north and despite being physically separated from the remaining open space by the river and planting along the boundaries, the site does form part of the wider MOL to the south and east and is an important buffer between built form and open landscape. Given that there is on-going major development at the former industrial sites to the north (Dylon and Maybrey Works), the need to ensure that there is no further encroachment of development onto MOL is even greater.

At the present time the site is not open to public use, has been allowed to fall into a poor condition and is being used for a range of different uses which include ad-hoc storage, a builder's compound and parking areas. The site is not connected to water or electricity supply since the alcohol licence was surrendered to the Council in 2005. The Council's Planning Investigation Team is currently investigating the range of uses taking place on the site.

The applicant is of the view that openness on this site has already been compromised due to the low level development on the site and the new developments at the Dylon Works and Maybrey Works. As a result, it is said that the site now has limited openness and the proposed buildings will not result in any actual harm to the openness of the land or have a materially visual impact.

Officers do not accept this. Over 58 percent of the site measuring 10,804sq.m is covered by vegetation and remains free from any built form at ground floor level.

The applicant contends that the proposal would be located on a previously developed land as the site is already largely covered by hardstanding. It is said that the proposal would result in an overall reduction of hardstanding on site. Officers do not accept that the extent of hardstanding currently on the site is the lawful baseline against which to assess the proposal. The aerial photos reveal that the green open space within the site has been extensively eroded in the past 10 years with increased ad-hoc and unauthorised uses/activities.

The latest and most visible loss of green open space is the hardstanding area associated with the Dylon construction works and storage purposes. The Dylon construction works has completed. However, the hardstanding area remains at the site and becoming part of the "previously developed land" suggested by the applicant.

Irrespective of the above, the applicant has indicated that the proposal would result in a reduction of "previously developed land" and an increase in green space across the site when compared with the existing site and previous schemes. It should be noted this is primarily due to the removal of surface level parking, reduced area of access road, adjustment of private amenity area and inclusion of the soft landscaping area at the podium level. The footprint of the proposed buildings would still be substantially increased from 833 sqm to 2,921sq.m. The proposed buildings would be over 25

metres in height and would encroach upon the MOL land. The existing unauthorised structures are low level with a limited effect outside of the site, whereas the proposed development would be of a far greater scale in terms of height, volume and footprint. The proposal would substantially increase the built development within the site and clearly cause significant harm to openness. In addition, there would be the visual impact of a building designed to accommodate 19,857sq.m of new residential floor area. The proposed development would cause substantial harm to the openness of the MOL.

The proposed North Block would measure 26 metres in height (8 storeys), 64 metres in length, and between 21.5 metres and 33.5 metres in width. The proposed South Block would measure 16.4 metres in height (5 storeys), 48.8 metres in length, and be between 22 metres and 37 metres in width. The combined length of the proposal is 127.6 metres as the building would be linked by a 5 metre high raised podium visible from the Worsley Bridge Road and Copers Cope Road. The scale and massing of the proposed buildings remains substantial when compared with the existing lower level buildings within the site and the low level buildings along Copers Cope Road.

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

In the applicant's Planning, Design and Access Statement and Affordable Housing Statement they describe the proposal as enhancing the urban character of the area, optimising the potential of the site to provide much-needed residential accommodation. This site is not a development site and it is not appropriate to consider its development potential in the same way as the adjacent former industrial site. The site is protected MOL with its purpose being to prevent urban sprawl by keeping land permanently open. Sites such as this play an important role in the built-up areas of London by providing a break in built form and maintaining areas of openness which provide relief between urban and suburban development. Seeking to optimise development on a site such as this is a direct contradiction of its purpose which is to protect openness.

As part of the application, the developer proposes to landscape and make the eastern part of the existing MOL space publicly accessible, retaining and enhancing the open space and landscape features on the eastern side adjacent to the Pool River, improving its recreational value and enhancing biodiversity. As expressed in Policy 7.17, the Mayor is keen to see improvements in the quality and accessibility of MOL and Green Chains, and the benefits set out above are therefore supported and welcomed. However, these could be achieved without the scale of inappropriate

development proposed and would in most cases be a policy requirement of any development. It should be noted that the Inspector in the 2016 Appeal Decision also concludes that *“infrastructure contributions cited by the appellants as benefits are required to make the development acceptable in any event and do not add to the balance in favour of the scheme”*.

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

As set out above, the proposal is by definition inappropriate development which is harmful to the MOL and should not be approved except in very special circumstances. The local planning authority should ensure that substantial weight is given to any harm to the MOL. Very special circumstances will not exist unless the potential harm to the MOL by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The circumstances relied upon by the applicant do not come close to having the quality of “very special” circumstances that would clearly outweigh the harm caused to the MOL by reason of inappropriateness and the visual harm caused.

Housing Need and Supply

The inspector’s report following the Examination of the Bromley Local Plan was published on 11th December 2018. This report approved the Council’s policies on housing and affordable housing, with the modifications considered to be sound. The Bromley Local Plan was adopted on the 16th January 2019 and the 2017 5 Year Housing Land Supply document formed part of the Local Plan. In line with the NPPF, an updated 5 Year Housing Land Supply document was published on 4th April 2019. The Council does have an up-to-date Local Plan and a 5-year housing land supply and these documents were subject to robust examination by the Planning Inspectorate for the Secretary of State.

The NPPF (para. 73) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The housing supply should include a 5% buffer to ensure choice and competition in the market for land.

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

In London, the assessment of housing need, housing supply and its distribution to Borough level is a strategic London Plan function. The relevant needs assessment is carried out for the London Housing Market Area.

The current five year supply requirement is derived from the current London Plan (published in March 2016 under Policy 3.3 and Table 3.1) which sets a 10 year housing target for the Borough of 6,413 dwellings (6,730 dwellings including 5% buffer) between the plan period of 2015 to 2025. This equates to a minimum annual target of 641 dwellings per annum (673 dwellings including 5% buffer). This target includes additional homes provided by development and redevelopment of residential and non-residential properties, vacant properties brought back into use, prior approval for change of use and non-self-contained accommodation (such as homes for older people, students and homes for multiple occupation).

Table 4 of the Council's 5YHLS (2019) indicates that the Council has a deliverable supply of 3,752 dwellings compared with a target of 3205, equivalent to 5.8 years supply, or compared with a target including a 5% buffer of 3365 units, equivalent to 5.6 years supply. As such, the Council does have an up-to-date five years' worth of housing supply to meet the housing need in the Borough.

The identified sites in the updated 5YHLS (April 2019) are considered to be deliverable. Moreover, the Council and GLA monitor the annual net housing completions in the relevant administrative area. The latest GLA annual monitoring report (AMR) indicates that the Council had a net completion rate of 980 units between 2016/2017 which represents a 53% over-provision. There was also an overprovision of 19% between 2015/2016. Officers note that net housing completion rate including affordable housing can fluctuate due to a number of factors such as the economic and political climate. The AMR report together with the planned and updated 5 Year Housing Supply Paper does indicate that the Council has achieved and delivered the required housing target and has capacity to meet the London Mayor's policy requirements.

A number of large scale major housing developments or community-led housing developments have been granted with permission or with a resolution to grant planning permission, subject to the completion of a legal agreement, in the past 6 months. In November 2018, a resolution was granted for a housing development to provide 280 residential units at the Glaxo site. Reserved matters at the South Eden Park site to provide 105 residential units have also been approved in April 2019. These are updated in the Council's 5YHLS. Overall, the Council's housing land supply and delivery remains positive to meet the housing need in the Borough.

With regard to the draft London Plan proposing an increase in the housing target from 641 to 1,440 dwellings per annum, this document is subject to examination in public and modification. It is anticipated that the examination in public will be finished in the summer/autumn of 2019. Subject to any modifications, the new London Plan may be published in the following year. For planning decisions, limited weight can be given to this document at this stage. The Planning Practice Guidance states "*considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light*". For plan making and monitoring purposes, the Council's planning policy and plan are updated on a regular basis in response to any changes to policy requirements.

The applicant believes that the proposal would improve the Council's housing delivery record and contribute towards its housing targets, especially in the context of the housing target in the draft London Plan. However, the London Plan housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA) which does not depend on housing development on MOL land.

The above views are consistent with the current and draft London Plan and are supported by the GLA. The GLA Stage 1 report states that the *“key principle of the SHLAA and London Plan is that the target, including affordable housing, can be met without the need to consider designated open space. In this context of this application, housing need is therefore not considered to constitute Very Special Circumstances. [...] Para 35 of the Inspector's report to the revised Local Plan EiP found that the Local Plan already provides for more than the minimum housing requirement and very special circumstances do not exist for further deletions to the Green Belt, MOL or USO to provide more housing. [...] Linked to the need for housing, the applicant asserts that the provision of 36% affordable housing without public subsidy should be regarded as a 'very special circumstance' given the Council's position on the delivery of affordable housing. As indicated above, the housing target, which includes affordable housing, can be met without the need to consider designated open space; and as such the provision of affordable housing is not considered a very special circumstance....The GLA officers are of the view that the harm would not outweigh the benefits of the scheme in relation to the housing supply and improved landscape”*.

Based on the plan-led planning system with the up to date 5 YHLS and Local Plan, officers consider that the housing supply targets of London Plan Policy 3.3 can be met without developing this designated MOL site. Consequently the ability of this site to deliver additional homes including affordable housing for the Borough cannot be accepted to override the harm to MOL for the purpose of Bromley Local Plan Policies H1, 49 and 50. In any event, the advice of the PPG is that unmet housing need is unlikely to outweigh harm to the Green Belt (MOL) and other harm to constitute very special circumstances.

The applicant has put forward a number of factors to justify inappropriate development. Whilst the proposed landscape works and provision of a public accessible space is welcome, it is not considered a very special circumstance by itself as these improvements can be delivered without the construction of two tall buildings. The socio-economic benefits and merits derived from this of the proposal could also be delivered without building on MOL.

As very special circumstances cannot be demonstrated, the principle of the development on this area of MOL is unacceptable.

Density

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

transport accessibility (PTAL). The suggested density range for this site with a PTAL rating of 2 is between 150-250 hr/ha or 50-95 u/ha.

The proposed density would be 214 habitable rooms/ha or 81 units/ha and would therefore comply with the London Plan Policy. However, paragraph 3.28 of the London Plan states: *“a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically”*.

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

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

Officers disagree with this as the application site does not form part of designated business and industrial land. Unlike the Dylon site, the application site is in the MOL and the principle of redeveloping it for residential use is unacceptable. This fundamental distinction between the Dylon site and the application site cannot be set aside.

In any event, officers do not consider that the site could successfully accommodate the density of development proposed given its sustainability credentials. The nearest primary school and local shops are approximately a ten minute walk from the site. GPs surgeries are a 17 min walk away. The only facilities near the site are sports fields and gyms. Whilst the Dylon development includes some commercial units and the development has commenced, there is no guarantee that the commercial uses will be delivered and provide a local service.

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

Playing Fields/Sport England Comments

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

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

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

Design

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

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

The London Plan reinforces the principles of the NPPF setting out a clear rationale for high quality design. Bromley Local Plan Policies 1 and 4 sets out the requirements which proposals will be expected to meet. The criteria are clearly aligned with the principles of the NPPF as set out above.

The Appeal Inspector said this about the design of the previous appeal proposal:

"I consider that the design of the building, taken in isolation, is indeed a meticulous and finely detailed concept that would reflect that of the Dylon 1 scheme. I find no problem with the integration of the flood protection measures into the layout, considering that they would be discreet and well integrated into the landscape proposals. Similarly, the 'podium' layout objected to by the Council would, I consider, be an appropriate method of providing private open space that is clearly separate, but not isolated from the park or access way, providing a link at an appropriate human scale between the public and private realm at ground floor level.

Nevertheless, I am not persuaded that the relationship with the Dylon 1 site is the most important in this situation. That site is not within MOL and whilst its character is

a factor that must now be taken into consideration in the design of any development on the appeal site, the proposed new block would, I consider, be of an overly dominant height when seen against the relatively small scale development on, and open nature of, other surrounding land.

The appeal scheme would maintain a uniform roof level and would be one storey higher than the top floor level of the Dylon 1 buildings, the bulk of which are then reduced as they step down towards the north. However, the remainder of the surrounding development is a mixture that includes industrial and commercial uses, generally at no more than 2 storeys high, the sports grounds that comprise the remainder of the MOL and suburban residential streets where development does not generally exceed 4 storeys at most, with much of it being limited to 2 storeys.

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

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

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

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

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

It is necessary to assess whether the current scheme sufficiently deals with these comments. The key elements of the design are assessed below.

a) Appropriateness of tall buildings

Bromley Policy 47 states proposal for tall buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout enhances the character of the surrounding area. Tall and large buildings will need to be of the highest architectural design quality and materials and be appropriate to their local location and historic context, including strategic views. Proposals for tall buildings will be required to follow the current Historic England Guidance.

There is a mixture of built character surrounding the site and it varies from 2 storey suburban dwellings to industrial sheds. The Dylon development and Maybrey Works development currently under construction will introduce a new urban form between 5 and 8 storeys, but the general grain of development in the area is largely determined by the open character of the MOL of which the site forms part. Despite being reduced in height from the previous proposal, the current scheme at 4 to 9 storeys (including basement level) would be still be completely at odds with this context.

The proposed scheme would introduce two tall and large building blocks linked by a raised podium over 5 metres in height. The proposed north block would measure 26 metres in height (8 storeys) with a maximum length of 64 metres and width of 35 metres on MOL land. The proposed south block would measure 35 metres in width and 29 metres in length. Officers note that there is no quantitative definition of tall buildings in the development plan. What might be considered a tall building could vary according to the nature of its local area. The scale and volume of the proposal is significant and is considered to be a tall and large building in the context of its location, site designation and relationship with its surrounding area and MOL.

It is noted that the Dylon factory redevelopment is largely completed and planning permission was allowed on appeal for the redevelopment of the Maybrey Business Park site in July 2018. These developments are not considered to be the benchmark height for new development or represent the general building height of the area. These developments were assessed and determined on their merits, based on the relevant planning policies and development plan. It should be noted that the former Dylon and Maybrey Business Park sites are designated as Business Area land and are not located within MOL land.

As noted by the Appeal Inspector for the previous scheme, beyond the Dylon site the remaining surrounding development is a mixture that includes industrial and commercial development, generally at no more than 2 storeys high. The proposal would comprise of 9 floors (including basement) and would significantly exceed the general height of the buildings in the area.

Delivering a tall building in this location is completely contrary to planning policies within the Bromley Local Plan and London Plan. The proposed building height does not reflect the prevailing building height in the wider area and the character of the

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

The design of the proposed buildings does not represent the highest quality. This is due to the stepping of building heights, use of external materials and inconsistent window sizes and alignment of the top floor windows in Cores 2, 3 and 6. The proposed buildings, including the top floors of the proposed buildings would be visible from a number of vantage points including Worsley Bridge Road, across the sports ground to the east.

The use of external materials in combination with the variation in the heights of parts of the building would give the appearance of a broken wall when viewed from the road. The updated floor plan along with the projecting angled windows and balconies would appear odd and present a clumsy appearance. The metal grilles associated with the basement car park would be partially exposed above the ground level. It is noted that this is designed to address flooding. However, this does not provide an attractive appearance for the future occupiers or future visitors using the open area. As such, it is considered that the architectural design of the proposed building does not reach the highest standards.

The visual images submitted show that the tall development would still be visible from a number of surrounding viewpoints. Whilst the proposed blocks would be lower than the Dylon development and the adjacent Maybrey redevelopment, they would still obstruct views into and through the site as shown in the images taken from the adjacent railway line, Worsley Bridge Road, Copers Cope Road, Kangley Bridge Road and Lower Sydenham Station and would appear as a dominant form of development at odds with the open character of the MOL and the predominance of low level development surrounding it. The applicant suggests that the proposal would be highly obscured by the neighbouring development. However, the elevation plans including the newly completed and allowed developments clearly indicates that the proposal would represent an extension of a series of tower blocks on the neighbouring land and substantially encroach onto the openness of the MOL.

Paragraph 59 of the GLA Stage 1 report states that *“the massing is still visually prominent when viewed from the main expanse of MOL to the south-east of the site and the scale of the development would alter the quality of openness of this part of the MOL. Although GLA officers acknowledge that this has been reduced and the view from the railway line improved on from previous application, in the context of the*

MOL the revised form and massing strategy still raise concern due to its mass and its relationship to surrounding open land". Officers agree with this analysis and conclude that the introduction of a tall building would be inappropriate for this site, contrary to the above policies.

In conclusion a tall building is considered to be entirely inappropriate for this location contrary to Policy 7.7 of the London Plan and Policy 47 of the Bromley Local Plan.

b) Impact on the Landscape

Bromley Policy 48 states that "Development that may impact on the skyline will need to demonstrate how they will protect or enhance the quality of the important local views, or views of landmarks or major skyline ridges, as identified between paragraphs 5.1.22 and 5.1.24". This development sits within a local view "From Addington Hills of panorama across Crystal Palace, Penge, Beckenham and Greenwich towards Shooters Hill, Isle of Dogs and Blackwall Reach". This proposal also needs to be considered in its context of an important MOL landscape and relationship to the South East London Chain– a series of connected open spaces.

Bromley Local Plan Policy 54 states that new development should respect and not harm the character or function of the Green Chain.

When considering the previous proposals, officers were of the view that the mass and scale of the proposed buildings would severely impact the open character of the site and adversely affect the setting and character of the MOL and Green Chain. The siting and overall massing of the proposal remains broadly the same as the last scheme.

The existing trees along the railway line are mature trees and are visible on Kangley Bridge Road, beyond the railway line. As part of this proposal, a number of existing mature trees would be removed. Despite planted screening proposed around the western and south-eastern borders of the site, the building would be highly visible and would block existing open views. Despite the design amendments, the current proposal still gives rise to the same concerns.

Paragraph 170 of the NPPF states that the planning system must protect and enhance the natural environment. This is repeated in policy 77 of the Bromley Local Plan which states that the Council will seek to safeguard the quality and character of the local landscape. Despite the reduced scale and mass of the current proposal, officers still consider that the open nature of the surrounding landscape would be severely impacted by the development.

In conclusion the proposal is considered to be entirely inappropriate for this location due to the significant adverse impact on the landscape contrary to Bromley Local Plan Policies 47, 48 and 77 and Paragraph 7 of the NPPF.

c) Design Quality

There is a strong emphasis in development plan policies and national and local planning guidance on delivering good design. Paragraph 124 of the NPPF states that

the creation of high-quality buildings and places is fundamental in planning. Bromley Local Plan Policies 4 and 37 requires new housing to achieve a high standard of design and layout and respect local character. The Residential Design SPG is very clear in stating that the appearance of the proposed development and its relationship with its surroundings are both material considerations in determining planning applications.

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

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

Although officers previously raised concerns about the podium design proposed in previous applications, the Appeal Inspector did not object to this approach, nor did she object to the detailed design of the elevational treatment. This application has been considered with that in mind.

The entrance cores at street level together with the landscaped access point between the blocks are welcomed. However, the massing is still visually dominant when viewed from the main expanse of MOL to the south-east of the site. The scale of development would significantly alter the quality of openness of this part of the MOL and although officers acknowledge that this has been reduced, it would still cause a substantial amount of overshadowing, reducing the usability of the open space particularly during late afternoon/evening in the summer months.

Whilst the distance between the proposed blocks would be increased and the height of buildings would be reduced, the proposed buildings would obscure and interrupt the views of the MOL from the railway line. Due to the scale and massing of the proposed buildings, it is considered that the proposal would continue to diminish the openness and permanence of MOL. The proposed new buildings are not considered to be appropriate for this protected site and the harm that would arise would not be overcome by the quality of the architecture or materials pallet or the improvements made in respect of access.

In conclusion it is not considered that the proposal is of an appropriate design for this site, despite the reduction in height overall, modulated roof form and the provision of

a greater distance between the proposed building blocks. The proposal does not sufficiently overcome previous reasons for refusal or adequately address the concerns raised by the Appeal Inspector in respect of the previous proposal.

Trees and Ecology

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

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

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

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

Housing Issues

At regional level, the 2016 London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure, supported by effective and attractive design, adequate infrastructure and an enhanced environment. Bromley Local Plan Policy 4 outlines the Council's criteria for all new housing developments. The policy seeks the provision of a mix of housing types and sizes.

Bromley Local Plan Policy 2 Provision of Affordable Housing specifies that "In negotiating the amount of affordable housing on each site, the Council will seek 35% affordable housing to be provide and achieving a split of 60% social-rented / affordable rented housing and 40% intermediate provision. Where an applicant proposes a level below the 35% or the tenure mix is not policy compliant the Council will require evidence within a Financial Viability Appraisal that will be independently assessed".

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

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

a) Housing Mix and Tenure

The proposal would provide the following residential development

	1 Bed	2 Bed	3 Bed	Total
Private/Market	44	46	7	97
Social Rent	14	17	1	32
Intermediate	5	17	0	22
Total	63	80	8	151

The proposed housing mix equates to 42% one beds, 53% 2 beds and 5% three beds. This is a similar breakdown to the historic applications with a higher provision of 1 and 2 bed units. The Council’s development plan policies do not specify a detailed breakdown of unit sizes and on balance it is not considered that an objection on the grounds of low provision of family housing could be sustained in this instance.

The proposal would provide 36 % affordable housing by habitable rooms (144 out of 398 habitable rooms) with a tenure split of 59% social rent and 41% intermediate unit. Whilst the proposal tenure would not quite match the required 60% rented and 40% intermediate split, no objection is raised given that the difference is marginal.

In the stage 1 response the GLA has advised that the applicant should explore grant funding to maximise the level of affordable housing provision and that the proposal should also subject to an early stage review mechanism.

Based on the updated affordable tenure split, the proposal would comply with Policy 2 of Bromley Local Plan and Policy 3.11 of the London Plan (2016).

b) Standard of Residential Accommodation

Bromley Local Plan Policy 4 and Residential Standards SPD sets out the requirements for new residential development. The London Mayor’s Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

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

1bed 2person units 50 sqm,
2b 3person units 61sqm
2b 4 person units 70 sqm
3b 4 person units 74 sqm
3b 5 person units 86 sqm

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

The applicant has stated that the proposal would comply with Standard 29 of the London Mayor's Housing SPD which requires the number of single aspect units to be minimised. However, the number of single aspect units remains high with a total of 58 single aspect units of which 20 units would be facing the railway line. These units would have less opportunity for cross-ventilation, restricted views with no views across the proposed open space and face the noisier site surroundings. The inclusion of winter gardens on the west-facing units does overcome previous concerns relating to noise from the railway to some extent. However, the number of single aspect units still raises a significant concern. It should be noted that the use of an angled window or balconies would not be counted towards dual aspect. Officers consider the high proportion of single aspect units to be symptomatic of the fact that the proposed design and layout would result in an over-intensive development. It is clear that increasing the quantum of development has been prioritised over the standard of accommodation.

It is noted that the GLA has not raised an objection to the standard of accommodation. Nevertheless it is considered that the single aspect design is another indicator that the scale and layout of the proposed buildings would not be acceptable for this site.

c) Outlook and privacy

Concerns relating to privacy and outlook between the proposed units were raised in the last submission. The internal floor plan in Core 3 has been updated and there are some rearrangements within the proposed building which addresses the overlooking and privacy issues between the proposed units in the North Block.

Curtain walls would be installed next to the bedroom windows and doors. Whilst the use of curtain walling would increase the availability of light for the bedrooms when compared with the last scheme, the design and layout of the proposed buildings would result in a cramped and irregular floor plan with windows and balconies projecting at different angles and directions. The zig-zag walls and projecting balconies would not change the status of the single aspect units. As such, the proportion of single aspect units would remain very high for a housing development of

this size. The applicant has failed to demonstrate that a good quality internal living environment can be provided for the future occupiers.

d) Wheelchair Standard

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

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

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

e) Playspace

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

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

Highways and Traffic Issues

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

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

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

Parking spaces and Car Club spaces

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

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

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

Cycle storage

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

Trip generation

In terms of unit numbers the proposed development is same as the last scheme (ref: 18/01319/FULL), and therefore the site's trip generation will be lower than for the site's previous planning submissions.

The Council's Highway Officer considered the travel demand for the proposed development, based on the trip generation rates that have been agreed with the

Council in relation to the site's previous planning submissions. These rates are based on data contained in the TRAVL database.

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

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

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

Access

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

Vehicle tracking for the Site's turning head and basement car park are provided and is satisfactory. The proposed access to the Site's basement car park is broadly consistent with that proposed in the previous schemes (ref: numbers 15/00701/FULL1, 15/04759/FULL1, 17/00170/FULL1 and 18/01319/FULL1).

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

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

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

With regard to the impact on public transport infrastructure, rail transport in south east London is dominated by the National Rail service operated on the South-eastern franchise area covering termini at London Bridge, Cannon Street, Charing Cross and

Victoria. Network Rail was consulted and no objection was raised to this proposed development. Given that the proposal would be limited to 151 units, it is not considered that it would have a significant impact on existing public transport capacity.

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

Impact on neighbouring amenity

Bromley Local Plan Policy 4 seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

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

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

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

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

It is recognised that during construction of the development there could be a significant amount of noise and disturbance from construction-related activity including vehicular traffic. Construction-related noise and activity cannot be avoided when implementing a development of this nature and scale. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Logistics Plan (CLP), dust prevention measures and control of

construction hours. If this application were considered to be acceptable in all other respects relevant conditions could be used to limit the adverse impacts of construction.

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

Sustainability and Energy

The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayor's energy hierarchy adopting lean, clean, green principles.

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

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

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

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

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

With regard to on-site renewable energy technologies, the applicant is proposing to install 630sq.m Photovoltaic (PV) panels on an available roof area of circa

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

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

Table: CO₂ emission reductions from application of the energy hierarchy

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

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

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

Flood Risk

Paragraph 155 of the NPPF states that areas of highest flood risk should be avoided. London Plan Policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated Technical Guidance. Developments that are required to pass the exceptions test will need to address flood- resilient design and emergency planning.

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

A flood risk assessment has been provided confirming the existing and proposed spot heights of the open space, undercroft car park and ground level. The existing ground level is varied across the site ranging between 23.86 AOD and 26.2 AOD. The proposals to mitigate flood risk on site remain unchanged when compared with the last scheme, which include:

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

The Environment Agency and the Council's Drainage Officer have been consulted on the updated details provided and they have advised that the proposal would meet the NPPF requirements provided that the following are secured by planning conditions: a scheme of compensatory floodplain storage works; measures detailed within the Flood Risk Assessment (March 2018); the reporting of unexpected contamination; details of sustainable drainage schemes; piling and foundation design.

Other Considerations

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

Planning Obligations

The 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

Regulation 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory footing. Since 5 April 2015, it has been necessary to link education, health and similar contributions to specific projects in the Borough to ensure that pooling regulations are complied with.

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

- Education (£379,942.51);
- Health (£195,998);
- Carbon offsetting payment (£137,466);
- Affordable Housing (54 units);
- Wheelchair housing (15 units);
- Access to and maintenance of the public open space;
- Provision of car club spaces and membership;
- Removal of future right to apply for parking permit; and,
- Highways contributions to address Bromley and TfL requirements.

Environmental Impact Assessment

The Council issued a Screening Opinion on 17 April 2019 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Summary

The proposed development of the site raises issues concerning the principle of developing the MOL for a residential purpose and the acceptability of the development in terms of its nature and scale and its impact on the local environment and surrounding area. The benefits of the proposal have been carefully weighed against the harm identified.

As discussed above, the proposal would result, by definition, in inappropriate development on the MOL and would cause additional harm. Officers have considered the very special circumstances put forward by the applicant.

On balance, officers do not consider that the potential harm to the MOL by reason of inappropriateness and other harm due to overdevelopment, deficient design and high proportion of single aspect units are clearly outweighed by the benefits of the development set out above. There is also a five year housing supply in the area. Accordingly, very special circumstances do not exist and the principle of redeveloping this site for residential purposes is considered to be wholly unacceptable and contrary to the development plan policies which seek to protect MOL.

In addition, there are fundamental issues in terms of the amount, scale and detailed design of the proposal that would seriously threaten the character, placemaking and functionality of the area as well as give rise to a poor standard of amenity for future residents. Irrespective of the MOL designation, these matters would justify a refusal

of permission, but in combination with the harm to the MOL, the case for refusing this application is considered to be overwhelming.

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

Background papers referred to during the production of this report comprise all correspondence on file ref 18/05236/FULL11 and other files referenced in this report, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED subject to any necessary referral to the Mayor of London and Secretary of State

The reasons for refusal are:

1. **The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. In particular, the substantial level of harm that would arise from the development by way of harm to the MOL and visual harm is considered to outweigh any housing land supply or other socio-economic benefits that would arise or the benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2018) and Policy 7.17 of the London Plan (2016), Policy 50 of the Local Plan (2019).**

2. **This site is considered to be an inappropriate location for tall buildings as it fails to satisfy the requirements of Policy 47 of the Bromley Local Plan. Furthermore, the proposal by virtue of its scale and massing, number of single aspect units, adverse impact on the landscape and failure to improve or enhance the character of the area fails to provide a scheme of outstanding design and architectural merits. The proposal would result in an overdevelopment of the site. This is contrary to the aims and objectives of the NPPF (2019), Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, Bromley Local Plan Policies 4, 37, 47, 48, 50, 77, The Mayor's Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.**