

Committee Date	24/09//2020		
Address	Footzie Social Club, Station Approach, Lower Sydenham London, SE26 5BQ		
Application number	20/00781/FULL1	Officer Jessica Lai	
Ward	Copers Cope		
Proposal	Demolition of the existing buildings and redevelopment of the site by the erection of a four to eleven storey development comprising 254 residential units (130 one bedroom; 107 two bedroom and 17 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.		
Applicant		Agent	
Iain Hutchinson		Chris Frances West and Partners	
Reason for referral to committee	Outside delegated authority/ Major development	Councillor call in NO	

RECOMMENDATION	Resolve to Contest at Appeal
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<p>KEY DESIGNATIONS Metropolitan Open Lane (MOL) Adjacent to a site of Interest for Nature Conservation Biggin Hill Safeguarding Area London City Airport Safeguarding Flood Zone 2/3 Green Chain Smoke Control PTAL2</p>

Residential Use				
	Number of bedrooms per unit			
	1	2	3	Total
Private Market	84	69	11	164
Affordable Housing	46	38	6	90
Total	130	107	17	254

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard residential car spaces	N/A	+ 129	+ 129
Disabled parking spaces car spaces	N/A	+26	+26
Motor cycle	N/A	+39	+39
Cycle	N/A	+444	+444
Electric charging point	N/A	+122	+122

Representation summary	Neighbour consultation letters were sent on the 13th March 2020. A site notice was printed on the 13th March 2020. A press notice was displayed in the News Shopper on the 25.03.2020.
Total number of responses	26
Number of objections	26

Legal Agreement - Heads of Term	Amount	Agreed in Principle
Health	To be agreed upon affordable tenure and mix is confirmed	No
Education	To be agreed upon affordable tenure and mix is confirmed	No
Carbon offset	£127, 860	Yes
Highway	£30,000 (accessibility to bus services and way finding) £5,000 (waiting restrictions)	
Affordable housing early and late stage review	To be agreed upon affordable and tenure and mix is confirmed	No
Planning obligation and monitoring fee	To be agreed upon affordable and tenure and mix is confirmed	No
Total	£ To be agreed upon affordable and tenure and mix is confirmed	No

Background

The application is being reported to Development Control Committee as the applicant has exercised their right of appeal to the Planning Inspectorate on the

grounds of non-determination. Members are advised to consider the suggested grounds to contest the appeal as set out in this report.

SUMMARY OF KEY REASONS FOR RECOMMENDATION

The proposal comprises inappropriate development within Metropolitan Open Land and the principle of development is not considered acceptable in Metropolitan Open Land and “very special circumstances” have not been demonstrated to outweigh the harm to the MOL.

The proposal would provide 254 residential units including 90 of which would be for affordable housing (35 percent) as indicated in the submitted documents. The proposal could potentially contribute to the Council housing and affordable housing provision and would represent an uplift when compared with the 2019 appeal scheme.

There are no material changes in terms of the conditions of the site since the 2019 planning appeal was determined on the 26th June 2019. The key change in terms of the applicant’s very special circumstances is that the development can no longer be considered under the fast track route for the assessment of the affordable housing provision.

No details of the affordable housing tenure have been provided to enable the Council to assess whether the proposed development complies with affordable housing policy and therefore fully assess the harm arising from this proposed development and weighing into the overall planning balance. The proposal would also fail to demonstrate the provision of affordable housing would meet the need in the Borough. No justification or other material considerations have been provided to demonstrate why the requirements of the development plan should be set aside with particular regard to affordable housing. The submission of a planning appeal on the grounds of non-determination where insufficient information has been provided to enable the Council to properly assess the development is both unreasonable and unnecessary.

The proposal would represent a significant intensification of residential development in MOL. The proposal would tower over the adjacent developments and would be positioned in a close proximity to the neighbouring development known as Dylon 1. The scale and massing of the proposal would have an adverse impact on the openness of MOL, residential amenities of the neighbouring development in terms of loss of outlook and increased sense of enclosure. The scale and massing of the proposal should be reduced. The creation of a high proportion of single aspect units, are unwelcome and the inactive communal entrance frontage should also be addressed.

Having regard to the presumption in favour of sustainable development, **inadequate information have been submitted to enable officers or a decision maker to fully assess** against the policies in the National Planning Policy Framework taken as a whole. As such, it is considered that the proposal cannot be supported for the reasons outlined below.

1. LOCATION

- 1.1 This site is designated as Metropolitan Open Land (MOL) in the Bromley Local Plan. The site is broadly triangular in shape and measures approximately 1.8 hectares (18,649sq.m) in area. The ordnance survey map indicates that the site was first occupied as an outdoor athletic ground with a tennis ground since 1896 -1897. The site was used as an open sports ground with sports pavilion buildings until the modern times.



Fig 1: Ordnance survey map 1896-1897 and Aerial photo (credit: Google Maps)

- 1.2 The site is secured by a fence at present and is occupied by a number of structures, former pavilion buildings, dilapidated caravans, a storage compound to southern corner of the site with various hardstanding and cars parked within the site. A part of the application site was also occupied with hardstanding to assist the redevelopment of Dylon 1 site in 2018.
- 1.3 The site is adjoining to two former industrial sites to the north, formerly known as Dylon 1 (or currently known as Purbeck Gardens and Burbeck Gardens) and the former Maybrey Work site, which is currently under construction.
- 1.4 To the west of the site is a railway line which leads to Lower Sydenham Railway Station. The River Pool runs along the east boundary of the site. To the east of the site is the National Westminster Bank Sports Ground on Copers Cope Road and planning permission was granted for new outdoor and indoor facilities in March 2020.
- 1.5 The access to the site is via a shared one way road system with the Dylon 1 development. The majority of the site, approximately 80 percent in area is located within Flood Zone 3. The topography of the site slopes down from north to south and from west to east. The site and the surrounding highway network are subject to low to high risk of surface water flooding. The public transport accessibility of the site is rated at 2, on a scale between 0 to 6b where 0 is worst and 6b is excellent. Lower Sydenham Railway Station is located approximately 115 metres north from the site. There are no listed buildings within the site and the site is

not located within a conservation area. There are no trees served with Tree Preservation Orders.

2. PROPOSAL

2.1 Full planning permission is sought for the demolition of the existing buildings and redevelopment of the site to provide 254 residential units with a basement car park and an area of open space to be accessible by members of the public. The residential accommodation would be provided in two residential blocks (North and South Block) and the buildings would be linked by a podium and a basement car park. The proposal comprises of:

- 130 x 1 bed, 107 x 2 bed and 17 x 3 bed units;
- 26 wheelchair units;
- 129 parking spaces (a ratio of 0.51 spaces per unit) in total of which 120 spaces including 26 disabled parking spaces would be located at the basement level and 9 parking spaces would be at street level including 3 disabled spaces;
- 2 car club spaces with electric charging points at street level;
- 504 cycle storage spaces (444 spaces at basement level and 60 spaces at street level).

2.2 The residential accommodation would be provided in two residential blocks, North and South Block with parking spaces in the basement. The proposed buildings would be linked with a podium with steps connecting the proposed buildings to the proposed open space.

2.3 The proposed private market units (164 units) would be located in the northern block and would be part 8 to part 11 storeys in height plus basement. The proposed building would measure up to 33 metres wide, 65 metres long and up to 34 metres high from the proposed ground level.

2.4 The proposed affordable units (90 units) which equates to 35.4 percent by units would be located in the southern block. The proposed building would be partly 4 to part 7 storeys in height plus basement and would measure up to 33 metres wide, 58.4 metres long and up to 21.6 metres from the proposed ground level.

2.5 Neither the affordable housing tenure nor financial viability assessments are provided. The applicant has indicated that affordable housing would be located in the southern block. They have indicated that the affordable housing tenure would be agreed at a later stage and the application should be considered based on the submitted information.

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

- 2.7 An access road would run down the western edge of the site leading to proposed parking spaces in the basement and surface level. To the east, the remainder of the MOL would be re-landscaped to include new public paths and an outdoor space with a children’s play area.
- 2.8 The design and access statement states that the site coverage of the proposed scheme is reduced from 38 percent to 36.5 percent.
- 2.9 No information has been provided in relation to the proposed affordable housing tenure mix and size in the current scheme. The key differences of the proposed housing and affordable housing between the current proposal and the allowed scheme in June 2019 are tabled as follows:

Housing size / mix by unit	1 bed	2 bed	3 bed	Total
Private	84	69	11	164
Affordable	46	38	6	90
Total	130	107	17	254

Table 1 Proposed housing and affordable housing mix and size

Housing size / mix by unit	1 bed	2 bed	3 bed	Total
Private	44	46	7	97
Social Rent	14	17	1	32
Intermediate	5	17	0	22
Total	63	80	8	151

Table 2. The 2019 appeal scheme (ref: 18/01319F)

3. RELEVANT PLANNING HISTORY

Application site – The following applications and appeals were submitted by the applicant and the planning agent.

- 3.1 Full planning permission was refused (ref: 15/00701/FULL1) for the demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8 to part 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 subsequent planning appeal was withdrawn.

N.B. The affordable units were to be located in the southern part of the building – Block 02. A total of 36 percent affordable habitable room achieving a split of 70 percent rent and 30 percent intermediate units were proposed. The housing and affordable housing provisions were as follows:

Housing tenure/size by units	1 bed	2 bed	3 bed	Total
Private	94	88	7	189
Affordable	54	47	6	107
Total	148	135	13	296



3.2 Planning permission was refused (ref: 15/04759/FULL1) on the 9th February 2016 for the 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 subsequent planning appeal was dismissed on the 2nd August 2016 (ref: APP/G5180/W/16/3144248).

N.B The affordable units were located in the southern part of the building – Block 03. A total of 36 percent affordable habitable rooms achieving a split of 60 percent rent and 40 percent intermediate units were proposed. The housing and affordable housing provisions were as follows:

Housing tenure/size by units	1 bed	2 bed	3 bed	Total
Private	81	75	5	161
Affordable	47	40	5	92
Total	128	115	10	253



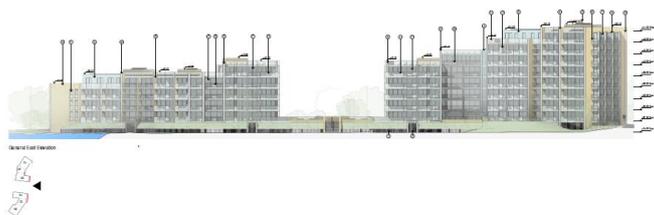
3.3 Planning permission was refused on the 9th May 2017 (ref: 17/00170/FULL1) for the demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey (plus basement) development comprising 229 residential units (118 one bedroom; 103 two bedroom and 8 three 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. The subsequent planning appeal was withdrawn.

N.B The location of affordable units was not indicated and 35 percent affordable housing achieving 100 percent intermediate was indicated. The housing and affordable housing provision was as follows: -

Housing tenure/size by units	1 bed	2 bed	3 bed	Total
Private	68	77	2	147
Affordable (100% intermediate as set out in the application form)	50	26	6	82
Total	118	103	8	229



3.4 Planning permission was refused on the 11th September 2018 (ref: 18/01319/FULL1) for the 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. The subsequent planning appeal was allowed (ref: APP/G5180/W/18/3206569) on the 26th June 2019.

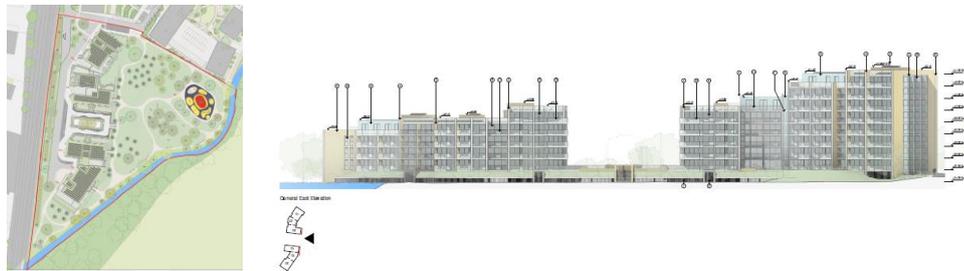


N.B The private units were located in the northern block and affordable units were located in a southern building. A total of 36.2 percent affordable habitable rooms (54 units) were secured in a S106 legal

agreement. The housing and affordable housing provisions were as follows:

Housing tenure/size by units	1 bed	2 bed	3 bed	Total
Private	44	46	7	97
Social rent	14	17	1	32
Intermediate	5	17	0	22
Total	63	80	8	151

- 3.5 Planning permission was refused on the 30th April 2019 (ref: 1805236/FULL1) for the 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



- 3.6 The following planning conditions associated to application reference: 18/01319 are discharged: -
- Condition 3 -Tree protection plan (Dated 5th Dec 2019; ref: 1801319/CONDT4);
 - Condition 4a Remediation (Dated 12th Dec 2019; ref: 18/01319/CONDT3)
 - Condition 5 - Construction Management Plan - Demolition works only (Dated 10th Jan 2020; ref: 1801319/CONDIT)
 - Condition 6 - Floodplain Storage Works (Dated 17th Dec 2019; ref 18/01319/CONDT1)
 - Condition 7 – Piling (Dated 14th Nov 2019; ref: 18/01319/CONDT 2).

- 3.7 There are no recent pre-application records associated to the site.

Adjacent former Dylan 1 site

- 3.8 Planning permission was refused (ref: 09/01664) 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).

- 3.9 Applications for detailed permissions were submitted (13/01973 and 13/03467). An appeal was lodged on the grounds of 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 D
- 3.10 A Section 73 application (ref: 15/04692) 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. This was approved.
- 3.11 A Section 73 application (15/04702) 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 1,021sqm of commercial floorspace (A1/A3/D1). This was approved.

Former Maybrey Works

- 3.12 Full planning was refused (ref: 16/05897) and a 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.

4. CONSULTATION SUMMARY

a) Statutory:

4.1 Highways - on balance acceptable

Parking

The proposal would provide 254 residential units (130 x 1 bed; 107 x 2 bed; 17 x 3 bed) and 129 parking spaces of which 120 spaces would be provided in the basement). This is not considered satisfactory and does not comply with the Local Plan. A parking ratio of 0.65 spaces per unit should be provided.

Access

The proposed access road and turning head is considered acceptable as per the previous schemes (15/00701 and 15/04759). The proposal will result in a minor impact on the operation of the Southend Lane/Worsley Bridge Road traffic signal control junction. This is not sufficient to warrant a refusal on highways grounds. More consideration to improve the relationship between the proposed development and the Railway Station in terms of wayfinding, quality and cyclist environment should be sought.

Should planning permission be recommended, the following conditions should be attached:

- H01 (Access)
- OC03 (Satisfactory parking)
- OC05 (Servicing facilities)
- AG11 (Refuse storage)
- AG12 (Cycle parking)
- PC17 Construction Management Plan
- AG14 Travel Plan
- AG13 (Lighting)
- OC06 (the agreement to include restrictions on eligibility of future occupiers of the units to apply to the Council for the future Residents Parking Permit).

The following should be secured by a s106 agreement:

- Two on-site car park vehicles and spaces at the surface level;
- Two year free car park club membership.

4.2 Drainage (lead local flood authority) – No objection

Environment Agency should be consulted in relation to fluvial flooding. With regards to surface water flooding, a pre-commencement planning condition requiring the detailed design measures as indicated in the Flood Risk Assessment carried out by RPS (ref No. RCEF60978-001 R) shall be submitted to and approved by the Local Planning Authority.

4.3 Thames Water – No objection, subject to planning conditions

Waste and waste water infrastructure

Thames Water request that the following conditions be added to any planning permission as with the information provided they have been unable to determine the waste and waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for foul water and surface water drainage, but have been unable to do so in the time requested.

- “No properties shall be occupied until confirmation has been provided that either:- “1. Capacity exists off site to serve the development or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. 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. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.”

Water Comments

Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal, following an initial investigation. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such, Thames Water requests that the following condition be added to any planning permission.

- No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve 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.

The developer is also advised that this development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The developer is encouraged to read the Environment Agency’s approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>). The Foul and Surface Water discharge locations, surface water discharge rate and type and Foul water discharge type will need to be specified.

4.4 Environment Agency – No objection, subject to planning conditions

The initial objection has been removed by the Environment Agency following the receipt of an amended landscape design plan (634-D2P60A-214_R01) and the incorporation of biodiversity metric 2.0 Calculation Tool in calculating the improvement of biodiversity changes. The Environment Agency has advised that the proposed development will only meet the requirements of the National Planning Policy Framework provided that the following measures are implemented and secured by planning conditions: -

Condition 1 – Floodplain storage works

Before development commences a scheme of compensatory floodplain storage works shall be submitted to and approved in writing by the local planning authority. The scheme shall:

A) 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 the work.

B) Comply with the approved Flood Risk Assessment (FRA) 'Dylon Phase 2 Worsley Bridge Road, Sydenham, London' By RPS Reference RCEF60978-001 R Final (dated May 2020) plus accompanying report Reference Mb/Ra/Rcef60978-003 L (dated 8th June 2018) and the following measures as detailed within the FRA:

1. Provision of level for level floodplain storage compensation and external ground levels as detailed in Section 9.8 of the submitted FRA and submitted drawing P06A/DS7-07 '*Site Plan showing topography contours every 250mm, with highlighted contours at 23.80m AOD, 24.05m AOD, 24.30m AOD, 24.55m AOD, 24.80m AOD and 25.05m AOD*

2. Water entry grille thresholds are set no higher than 24.00m AOD as detailed in drawings P06A/DS7-05 '*Car-Park Waterflow Strategy*' and P06A/DS7-10 '*Car-Park Waterflow Strategy - West Grille*

3. The ground floor (access) level is set no lower than 27.0 m AOD as detailed in drawing number P06A/201 Rev R00 '*Level 00 (Ground Level) Plan (+27.00)*'

4. The lower deck car park floor level is set at 24.0 m AOD as detailed in drawing number P06A/213 Rev R00 '*Level -1 (Undercroft Car Parking) Plan (+24.00)*'

The development will then only proceed in strict accordance with the approved scheme and will be maintained as such thereafter.

Condition 2 – Buffer zone along the Pool River

No development shall take place until a scheme for the provision and management of the buffer zone alongside the Pool River shall be submitted to and agreed in writing by the local planning authority. The buffer zone scheme

should be free from built development and could form a vital part of green infrastructure provision. The scheme shall include:

- Details of proposed river in-channel/bank enhancements (within the identified zone for naturalisation of river edge) in drawing 'Landscape Plan' 634_P06A_214 Rev02 to help maintain and enhance the 'River Pool at New Beckenham', a Site of Importance for Nature Conservation.
- Details of any proposed planting scheme (native species of local provenance should be used).
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan. Details of the longer term management of invasive non-native species should also be included.

Condition 3 – Report of any unexpected contamination during construction

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Condition 4 – Infiltration of surface water drainage into the ground

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters.

Condition 5 Piling / foundation design details

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

4.5 Greater London Authority (GLA)

The GLA considers that the application does not comply with the London Plan and draft London Plan for the following reasons:

- **Principle of development:** The proposal comprises inappropriate development within MOL and "very special circumstances" have not yet been demonstrated to outweigh the harm to the MOL. The applicant should reduce the massing of the northern buildings to limit the impact of the

development on the openness of the MOL. Further justification is required in respect of the loss of playing pitches and the affordable housing officer verified in order to complete the assessment of VSC.

- **Affordable housing:** 35 percent affordable housing by habitable room has been proposed but the applicant has not confirmed the tenure mix. In the absence of this information, the scheme must follow the viability tested route and a viability assessment submitted accordingly.
- **Urban design and playspace:** All entrances (across both tenures) should be designed to appear welcoming and legible from the public realm. The applicant should consider activating the space between the blocks with entrances to residential cores. The northern building should be scaled back to massing more akin to the previous scheme, retaining variation in height. The on-site playspace provision should be commensurate to the child yield of the proposed development.
- **Inclusive design:** A Fire Strategy should be provided at application stage as well as the appropriate number and distribution of fire evacuations lifts.
- **Energy and drainage:** The relevant application documents have not been updated to reflect the increased size of the scheme. These documents should be updated to reflect the current scheme and the issues as raised in connection with the
- **Transport:** The scheme is likely to have an acceptable impact on traffic and public transport. Conditions should be secured in respect of the provision of Electric Vehicle Charging Points, the design of cycle parking. The s106 should seek to secure permit restrictions, car club, membership, contributions towards bus stop relocation and parking controls, and a construction logistic plan and travel plan.

4.6 Transport for London

- Site Context

The nearest Strategic Road Network (A2015 Rectory Road) is approximately 750 metres south from the site. All other roads are local authority controlled. The site is within walking distance to Lower Sydenham National Rail station and one bus route (No 352) operates adjacent to the site. The PTAL rating is 2 (on a scale 1 -6, where 6 is excellent).

- Parking

The parking ratio of 0.5 spaces per unit is proposed and would broadly comply with the intended to publish London Plan Policy T6.1. The parking spaces should be available for lease, rather than sold. A total of 122 electric vehicle charging points would be provided and this should be secured by condition.

- *Cycle*

The development proposes 444 long stay cycle parking spaces with 60 spaces for visitors. This level is compliant with the intended to publish London Plan Policy and should be secured by a condition.

- *Controlled Parking Zone (CPZ) and car club*

A Controlled Parking Zone (CPZ) with residential permit restrictions should be considered by the Council, to be funded by the s106 agreement and may require collaboration with the LB Lewisham. The provision for 2 new car club spaces and two years free memberships for residents should be secured through the s106 agreement.

- *Healthy Streets/Bus Stop enhancements*

Pedestrian accessibility to the nearest bus stops on Worsley Bridge Road is poor. This can be improved by changes to the waiting restrictions on the highway, improved signage, the creation of step-freeboard access to the bus stops and a new bus shelter to support southbound bus services. The cost of the measures is estimated to be £30,000 and should be secured by a s106 legal agreement. A further £5,000 for waiting restrictions/parking control on the approach road should also be secured, as per the 2019 application.

- *Transport impact*

The trip generation assessment is acceptable and the development would be unlikely to have a significant impact on the highway and public transport networks. A travel plan, construction logistic plan and delivery and servicing plan must be submitted for approval by the Council prior to commencement and should be secured by conditions or S106 planning obligation.

- *Mayoral CIL*

The Mayoral CIL is £60 per square metres, which would contribute towards Crossrail.

4.7 Sport England – Acceptable

The proposed development does not fall within either their statutory remit, or non-statutory remit. Therefore, Sport England has not provided a detailed response in this case and the following standard advice and guidance are attached: -

- General guidance and advice can however be found on our website: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#_planning_applications
- Any loss of any sports facility should be assessed in line with Paragraph 97 of National Planning Policy Framework (NPPF), local policies and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. Proposal should provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance provides ten principles to help ensure the design

and layout of development encourages and promotes participation in sport and physical activity.

- If existing sports facilities do not have the capacity to absorb the additional demand generated by the additional housing, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

4.8 Historic England (Archaeology) – Acceptable

No objection to the proposal and no further archaeology works are required.

4.9 London Borough of Lewisham – No comment received

b) Local groups:

4.10 Royal Society for the Protection of Birds – No objection

The swift is a rapidly declining bird species and is listed as a priority species in the Bromley Biodiversity Plan. Swifts already nest in the ward and also in nearby Penge and Lewisham, which allows an opportunity to expand existing colonies. As swifts prefer to nest near each other, larger developments such as this proposal provide ideal opportunities to install multiple integral swift nest bricks that could support a new thriving swift colony. Swifts were not mentioned in the habitat and ecological survey and it is considered that if Bromley Council intends to grant permission, up to 20 integral swift nest bricks should be installed and secured by a planning condition.

4.11 Network Rail

Network Rail note within the Transport Statement the rail trip generation figures are included within the public transport figures. To enable Network Rail to undertake a full assessment of the proposed development's impact on our infrastructure, Network Rail would like to ask the applicant to provide specific rail trip generation figures, particularly during peak times. Due to the close proximity of the proposed development to Network Rail land, Network Rail also strongly recommends the developer contacts Network Rail's Asset Protection team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to any works commencing on site, with a view to enter into an Asset Protection Agreement to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>. As well as contacting our Asset Protection team, the applicant must follow the attached Network Rail guidance for developments within close proximity to the operational railway.

c) Adjoining Occupiers:

Objection

- 4.12 Twenty-six letters of objection were received. The grounds of objection are summarised as follows:-
- 4.13 Inappropriate development in MOL (addressed in section 6.2 -6.3)
- Site is located in MOL and planning permission was refused as very special circumstance was not demonstrated. The proposal would contribute to a substantial level of harm to the MOL.
 - The proposal would present an alien interjection on the visual space. The quantum of the current proposal is close the original refused scheme.
 - The proposal would be contrary the London Plan 7.17. The proposal is not an appropriate development in MOL. Development in MOL should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of MOL.
 - The increased visual impact is unacceptable and unjustified.
- 4.14 Housing mix and need for more housing (addressed in section 6.5)
- The proposal would provide 17 x 3 bed homes, less than 7% of the overall proposed units
 - Planning appeal was allowed for the redevelopment for the former Dylon 1 industrial site for 223 residential flats. A further 159 flats was also allowed at the former Maybrey works and currently being constructed by Bellway Homes. There are already 382 new homes in the area. Whilst first phase of Dylon works was completed in July 2017 and the final phase was completed in April 2018, it should be noted that the units in Dylon works are not fully occupied with a number of flats still on the market. It is unclear whether the proposal would be affordable. There may be a need for housing in Bromley, it is definitely not in this area, with the number of new units being allowed and remaining unoccupied. There is a lack of “complementary facilities” in the phase 1 scheme, it should also be noted that there is only one commercial unit delivered 2.5 years on since the development was completed.
- 4.15 Cumulative impact on infrastructure (addressed in section 7)
- There is a long waiting list for the local GP and dentist.
- 4.16 Excessive scale, density, out of keeping with surrounding (addressed in section 6.6 - 6.7)
- Scale of the development is excessive at this location and to be immediately located in front of the living room/kitchen windows and balconies of Purbeck Gardens. There is no such high rise buildings in the area
 - Over-density, disregard local character and place making.

- The proposal would appear garish and out of place
 - The maximum height of the surrounding developments are 7 storeys and this would amount to serious “cramming” in a low density area
 - The proposal represents a 68.2 percent increase in residential units and is not considered acceptable at this site.
- 4.17 Impact on residential amenities (addressed in section 6.3 and 6.7)
- Scale and size of the proposed development will impact negatively on the existing residents’ welfare.
 - Loss of outlook, increase enclosure, loss of natural light, privacy;
 - Significant over-shadowing,
 - The primary noise data was collected in 2014 and updated following a site visit in 2018 and is considered to be fundamentally flawed. The report fails to acknowledge Sydenham scrap metals is located adjacent to the site and the absolute level of industrial noise sources was not considered to be particularly high as stated in the noise report. Track noise starts at 7am.
- 4.18 Standard of accommodation (addressed in section 6.5)
- High number of single aspect units
- 4.19 Highway (addressed in section 6.8)
- Impact on pedestrian safety as there is a nursery in Dylon 1
 - Additional strain on the already overcapacity Hayes to London train line and Lower Sydenham
 - The one-way access road is narrow and is not designed to accommodate the amount of the proposed development. Emergency services have been unable to access the site a number of times due to narrow and restricted access.
 - Station Approach would provide the only access for vehicles to the proposed site and is already congested and unsafe on this narrow private road.
- 4.20 Air quality (addressed in section 6.12.2)
- Increased air pollution
 - The site is subject to noise from the railway line and the industrial units to the west.
- 4.21 Noise (addressed in section 6.12.2)
- Negative impact on mental wellbeing due to the proximity of the works, scale of the development, noise and disruption to the nearby residents, especially people who are working from home.
 - Disturbance and damage to the private access road
- 4.22 Increase in crime (addressed in section 6.5.25)
- 4.23 Flooding (addressed in section 6.9)
- The site is located in a flood zone and the car park in Dylon works are flooded.

- 4.24 Loss of trees (addressed in section 6.11)
- The existing trees would be at risk during construction and would be further harmful to the MOL.
- 4.25 Other:
- Waste was not collected at the beginning of the lock down;
 - The applicant is familiar with the planning and appeal process. A number of planning applications and appeals have been lodged. The current proposal appears to revert back to the earlier proposals which were rejected due to the encroachment of MOL and density issues.
 - This is the 6th application submitted by the applicant for a large residential development on MOL. The first application was between 8 and 12 storeys in height for 296 units. The subsequent appeal was withdrawn on the 22nd 2016 as there was no realistic prospect to succeed at appeal. The second application for a 253 unit scheme and buildings between 8 and 12 storeys in height was dismissed. The proposal was not considered acceptable in a suburban townscape. The third application down from 253 units to 229 was refused due to the scale and massing. The appeal was withdrawn.
 - The appeal allowed in June 2019 was a fourth attempt and the number of units was reduced to 151 units. The fifth application for a virtually identical scheme was refused by the council. The application record and the timing of the current planning submission indicates that the applicant was never prepared to settle at 151 units. Should this application be successful, a further scheme to increase the proposed units back to 296 units between 8 to 12 storeys would be proposed.
 - The applicant submitted a proposal in 2016 for a 296 unit scheme between 8 and 12 storeys in height which was refused by the council. The approach from the applicant is clearly a tactical admission.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

5.2 NPPG

5.3 The London Plan

- 2.6 Outer london: vision and strategy
- 2.7 Outer london: economy
- 2.8 Outer london: transport
- 3.1 Ensuring equal life changes for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities

- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolitions waste
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

5.4 Draft London Plan

- 5.4.1 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

5.4.2 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

5.4.3 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

5.4.4 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

5.4.5 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

5.5 **Draft London Plan 2019**

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm

- D9 Tall buildings
- D11 Safety, security, and resilience to emergency
- D12 Fire Safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of Affordable Housing
- H10 Housing size mix
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- G3 Metropolitan Open Land
- G4 Open Space
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage
- T2 Healthy Streets
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential Parking
- T7 Deliveries, servicing, and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the Plan and Planning Obligations
- M1 Monitoring

5.6 Mayor Supplementary Guidance

- Homes for Londoners- Affordable Housing and Viability Supplementary Planning Guidance (August 2017);
- Housing Supplementary Planning Guidance (March 2016);
- Accessible London: Achieving an Inclusive Environment (October 2014);
- The control of dust and emission during construction and demolition (July 2014)
- Sustainable Design and Construction (April 2014);
- Shaping Neighbourhoods: Character and Context (June 2014);
- Providing for Children and Young People's Play and Informal Recreation (September 2012).

5.7 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Provision of Affordable Housing
- 4 Housing Design
- 22 Social Infrastructure in New Developments
- 26 Health and wellbeing
- 30 Parking
- 31 Relieving congestion
- 32 Road Safety
- 33 Access for all
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 47 Tall and Large Buildings
- 48 Skyline
- 50 Metropolitan Open Land
- 54 South East London Green Chain
- 57 Outdoor Recreation and Leisure
- 58 Outdoor Sport, Recreation and Play
- 72 Protected Species
- 73 Development and Trees
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

5.8 Bromley Supplementary Guidance

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2010) and subsequent addendums

6. ASSESSMENT

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

- Five Year Housing Land Supply

- Principle of Development
- Impact on MOL
- Potential benefit/VSC
- Housing
- Design, Scale and Massing
- Impact on Neighbouring Amenities
- Transport and Highways
- Flooding and Drainage
- Energy and Sustainability
- Tree and Biodiversity
- Noise, Air Quality and Contamination
- Planning Obligations

6.1 Five Year Housing Land Supply (5YHLS)

6.1.1 The 2019 appeal decision at this site was issued on the 26th June 2019 and that has implications for the assessment of planning applications involving the provision of housing in the Borough. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. A draft/update 5YHLS is being prepared at the time of writing this report and is due to be appear elsewhere on this agenda. At this stage it is anticipated that the report will confirm a significant under supply.

6.1.2 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.1.3 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, 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; 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.

6.1.4 Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

6.1.5 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a 10 year target (between 2019/20 – 2028/29).

6.1.6 This application includes the provision of 254 residential dwellings and would represent a positive contribution to the supply of housing within the Borough. The planning merits and impacts of the proposal will be considered and assessed in line with the development plan. The overall planning balance of the proposal having regard to the presumption in favour of sustainable development is set out in the following sections of this report

6.2 Principle of Development – Not acceptable

6.2.1 The site is designated as Metropolitan Open Land (MOL) in the Local Plan and forms part of the South London Green Chain. London Plan Policy 7.17 strongly supports the current extend of MOL and its protection from development having an adverse impact on the openness of MOL. The strongest protection should be given to London's MOL and inappropriate development should be reduced, except in very special circumstances, giving the same level of protection as the Green Belt. London Plan Policy G3 of the intend to publish London Plan (ItP) states that MOL is afforded the same statues and protection as Green Belt land. This approach is consistent with the Bromley Local Plan.

6.2.2 NPPF paragraph 133 makes clear that the essential characteristic of Green Belt/MOL is their openness and permanence. NPPF Paragraph 145 requires a local planning authority consider the construction of new buildings as inappropriate development unless the proposal falls within one the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connections with the existing use of land or change of use) for outdoor spots, outdoor

- recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
 - e) limited infilling in villages
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) 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.

6.2.2 The proposal falls outside of the circumstances above and in line with Paragraph 143 of the NPPF, the proposal is considered to be inappropriate development, and by definition, harmful to the MOL and should not be approved except in very special circumstances (VSC).

6.3 Impact on MOL

6.3.1 Paragraph 144 of the NPPF states substantial weight must be given to any harm to the MOL and VSC will not exist unless potential harm to the MOL by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is noted that the 2019 appeal scheme was allowed on the 26th June 2019 for 151 residential units on the basis that very special circumstances were found to have been demonstrated. In determining whether or not VSC exist to outweigh the harm caused by inappropriate development on MOL, it is essential to consider the impact of the current proposal on the openness and character of the MOL.

- Building coverage

6.3.2 The siting, layout and footprint of the proposed building would be broadly the same as the 2019 appeal scheme. The submitted design and access statement explains that *“the overall area of the site covered in buildings being 36%, slightly less than the area of the approved scheme”*. However, a comparison between the allowed and current proposal indicates that the footprint of the proposed building would be reduced by 16sq.m when compared with the allowed scheme. There is a reduction of total private garden coverage associated to the ground floor units and

a reduction of hardstanding associated to the turning head of the access road along with other minor changes mounting to the suggested reduction in building coverage. Given the 16sq.m reduction in building footprint, it is considered that the reduction in building coverage is not considered to be readily noticeable. The key differences are tabled as follows:

	Proposed	Allowed	Difference
Building footprint	2,965sq.m	2,981sq.m	-16sq.m
Private amenity area (ground/surface level)	375sq.m	503sq.m	-128sq.m
Publicly accessible open area above car park	1,277sq.m	1,022sq.m	+255sq.m
Road access and parking	1,813sq.m	1,980sq.m	-167sq.m

- *Height, scale and massing*

6.3.3 The main difference between the current and allowed scheme is tabled below:

Height	Proposed	Allowed
North block	Part 8 (AOD 52.1 /25 metres) Part 11(AOD 61.125/ 34 metres)	Part 5 (43.8 AOD/16.4 metres) /Part 8 (52.8 AOD/ 26 metres)
South block	Part 4 (AOD 40.1/ 21.8 metres) Part 7 storey (AOD 49.1/15.6 metres)	Part 3 (37.1 AOD/ 9.8 metres) / part 5 (43.8 AOD/16.4 metres)

Width and Length	Proposed	Allowed
North block	65 metres length (max) 33.2 metres in width (max)	64 metres in length (max) 33.5 metres in width (max)
South block	58.4 in length (max) 33 metres in width (max)	48.8 metres in length (max) 37 metres in width (max)

6.3.3 The quantitative measurement outlined above indicates that 3 additional storeys and up to 2 additional storeys would be introduced in the North Block and South Block respectively. It is noted that glazing material would be used on the north elevation of the north block aiming to provide a lighter appearance. However, the additional height, scale, bulk and massing of the proposal would remain significant when compared with the 2019 appeal scheme. It should also be noted that the proposed density would be increased by approximately 63 percent when compared with the 2019 appeal scheme from 214HRH to 348HRH. The differences in terms of the height, scale and massing of the proposal can be visualised as below:



East elevation of the 2019 appeal scheme



East elevation of the current scheme

6.3.4 The applicant has referred to the recent development adjoining to the site at the National Westminster Sports Grounds. Whilst planning permission was granted for new indoor and outdoor sports facilities at the National Westminster Sports Grounds, it should be noted that the proposed development cannot be an appropriate comparison as it would remain visible from the public view and would be materially larger than the 2019 appeal scheme.

6.3.5 The proposed north block would tower over the neighbouring developments, in particular the 8 storey residential block adjacent to the site. A building of 11 storeys in height and of its scale, bulk and mass would be overly dominant at this out of town centre location. The massing of the buildings in the 2019 appeal scheme are considerably less than the current scheme which lies behind the adjacent developments. The proposal would further punctuate the skyline due to its substantial increase in bulk and height. The 2019 appeal scheme enables the skyline to be kept subordinate as a backdrop within the current townscape and when viewed from the neighbouring road and vantage points. Paragraph 21 of the 2019 appeal decision states “*In most views, the lower, southern building would either be wholly screened, even in winter, by existing dense landscaping. Where views could be obtained it would be seen against the backdrop of existing development and materially below the skyline to the west and south-west. The northern building would be more visible, but its impact would be reduced in that it would barely break the skyline to the west. In this context, whilst the buildings would have a material impact on openness, that impact would be mitigated by the level of existing screening, its setting below the skyline and the gap between the buildings*”.

6.3.6 Due to the height, scale and massing of the proposed building, it is considered that the proposal would have a significant and substantial

harm on the openness of the MOL and would be more visually intrusive, causing additional and further harm by reason of inappropriateness. This is illustrated in the submitted visual images.



Visual view 4 – Copers Cope Road



Visual view 6 – Worsley Bridge Road

6.3.7 The above view is supported by the GLA. The GLA Stage 1 report Paragraph 42 states *“The images clearly show that the proposed development, particularly the northern building as now being noticeable*

taller than the Dylan 1 development and the approved Maybrey Works development. It also clearly breaches the skyline, a factor that the inspector relied upon heavily in determining the impact of the 2019 appeal case on openness. Furthermore, the main criticism that the previous appeal inspector had in relation to the 2015 scheme for 253 units of up to 9 storeys in height was the excessive height of the development and prominence of the buildings in surrounding view. This is clearly apparent again from the proposed images of the development as shown above and is considered to amount to substantial harm to openness of the MOL”.

- 6.3.9 The applicant was requested to address the impact stated above and it was also stated that due consideration should be given to the scale and massing of the northern block. No amendments have been received to address the concerns raised by officers and the GLA, except a letter dated 3rd July which states:

“Dylon Phase 2, 254 unit scheme concept, is the result 7 years of intensive development and refinement. The Dylon Phase 2 scheme, is without any doubt, the best urban design scheme under 500 units ever proposed in the London Borough of Bromley, and perhaps South London, in the last 2 decades. The size, bulk and mass of the taller North Building is correct, when considered correctly against the current Townscape, specifically the built and sold Dylan Works, the Bellway scheme under construction, and the Crystal Palace Training Ground also under construction.

The North building is part of a Tall Building cluster around a Transport Node. Please refer to Ian Ritchie’s Design Approach Summary. It is also worth noting that the Dylan Works, under recent Permitted Development changes, could add 2 extra storeys, taking the development to a maximum of 10 storeys, WITHOUT CONSENT from the London Borough of Bromley.

The size, bulk and mass of the South Building is correct; we regard this as a townscape transitional building, URBAN/SUBURBAN/OPENLAND. The South Building does not “pierce” the Ridgeline behind, therefore preserving the local topography. Given the current Townscape shown in the attachments, the 17 references to “OPENNESS” in the GLA Stage 1 report, need to be reconsidered”.

- 6.3.10 Based on the submitted details, it is clear that the proposed development would have a greater impact in terms of its scale and bulk when compared to the scheme allowed at appeal. Officers consider that the bulk and massing of the proposal would be excessive at this location. The townscape surrounding the site remains the same and there are no other new or emerging large scale residential developments in the area or near the site within the adjoining Borough of Lewisham, except the indoor and outdoor sports facilities at the National Westminster Sports Ground. Accordingly, the proposal would punctuate the skyline when

viewed from the neighbouring road and surrounding area and amount to very substantial harm.

6.3.11 Furthermore, the current proposal is a development that requires planning permission. Whilst two storeys upwards extensions potentially could be constructed under the new permitted development legislation, the building should not be more than 30 metres high after the extension. In addition, the permitted development rights for upwards extensions will be subject to an application for prior approval from the local planning authority and this is subject to relevant planning consideration of technical matters including transport and highways effects, external appearance, and flooding. The suggestion that planning permission is not required for a 2 storey upwards extension to the original Dylon scheme and this somehow represents a baseline for the height of development in the area is therefore, not accepted.

Impact on playing fields/sport provisions

6.3.12 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 licenses obtained for this activity. The applicant has also submitted an assessment to demonstrate that there is an excess of playing fields in the catchment area. In light of the fact that the site has not been used as a playing pitch or sporting facility for a considerable period of time (in excess of 10 years) officers are not seeking to raise an objection to the application in this respect.

6.4 Potential benefits/VSC of the proposal

6.4.1 The planning statement puts forward the following benefits in support of the proposed development:

1. Meeting the housing need in the absence of a 5 Year Housing Land Supply (5YHLS);
2. Delivering appropriate increase in density in proximity of an established commuter hub;
3. Provision of affordable housing without public subsidy;
4. Economic benefits;
5. Public accessible open space and biodiversity;
6. Remediation of contamination;
7. Planning obligation to health, education and transport;
8. Car club spaces and travel plan.

6.4.2 Officers note that very substantial weight was attached to the contribution of housing, in particular the need for affordable housing in allowing the 2019 appeal scheme. Very significant weight was also attached to the recreational and environmental benefits of the scheme.

Significant weight was attached to the architectural and townscape quality and moderate weight was attached to the economic, locational regeneration benefits of the 2019 appeal scheme. Officers would point out that full details and benefits of the above including affordable housing tenure were provided in the 2019 appeal scheme which enabled these matters to fully considered as part of an overall planning balance.

- 6.4.3 However, it should be noted that the potential benefits of the current scheme remain almost the same as the 2019 appeal scheme, except the uplift of 103 residential units. This needs to be weighed against the additional harm to the openness and visual amenities of the MOL as a result of the greater height and scale of development now proposed, along with any other harm identified elsewhere in this report.
- 6.4.4 The London Mayor's affordable housing and viability supplementary planning guidance set out the "threshold approach" to viability, which is where the approach to viability information differs depending on the level of affordable housing being provided.
- 6.4.5 Under the "Fast Track Route", applications that meet or exceed 35 percent affordable housing provision without public subsidy, provide affordable housing on-site, meeting the specified tenure mix, and meet other planning requirements and obligation to the satisfaction of the LPA and the Mayors are not required to submit viability information. The 2019 appeal scheme was considered under the fast track route.
- 6.4.6 For schemes which do not meet the 35 percent affordable housing threshold, or require public subsidy to do so, are required to submit detailed viability information and this information will need to be scrutinised by the decision maker, including the GLA where proposals are referable to the Mayor. Where a LPA or the Mayor determines that a greater level of affordable housing could viably be supported, a higher level of affordable housing will be required which may exceed the 35 per cent threshold.
- 6.4.7 London Plan Policy 3.12 states that the maximum reasonable amount of affordable housing should be sought, having regard to the current and future requirements for affordable housing at local and regional level identified in line with Policies 3.8, 3.10 and 3.11 and the Mayor's supplementary guidance. Negotiations on sites should take account of their individual circumstance including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of a scheme prior to implementation.
- 6.4.8 Under the 2019 appeal scheme, a total of 54 affordable units comprising of 32 affordable rent units and 22 intermediate units were secured under the allowed scheme and would be located in the southern block with a mixture of 1 to 3 bed units.

6.4.9 The proposal would provide 254 residential units, of which 164 units would be private and 90 units would be affordable. The proposal would provide an uplift of 103 residential units and 36 additional affordable units overall.

6.4.10 The current proposal could potentially contribute to a greater number of housing and affordable housing provisions in the borough and this could be a factor that weighs in favour of the development. However, in order to determine whether these benefits would clearly and demonstrably outweigh the identified harm full details must be provided to enable decision makers to assess and arrive at a planning decision in an open and transparent manner. The details of affordable housing tenure are required to assess the planning merits and the appropriate level of weight that this should be given in the overall planning balance.

6.4.11 The applicant has failed to confirm the proposed affordable housing tenure. The detail of affordable tenure was requested by officers including the GLA for planning assessment purposes. The applicant has advised that a specific tenure mix cannot be defined at application stage and should be determined at a later date, when new build values come back into focus.

6.4.12 The applicant has also advised that *“A Heads of Terms, is not a binding contract. A section 106 is a binding contract. On our attachment; Recent Tall Building Approvals, we have 9 Tall Building Approvals in London, varying from 16 storeys to 34 storeys, all granted, subject to a section 106 agreement, signed and ratified. Or to put it another way these London schemes have been consented, without a S106 in place. Our guess is, in all 9 approvals the Heads of Terms, will be very different to what is signed and ratified, in the section 106 agreement...the reality is a Heads of Terms means very little”*. The suggested tall building cases are as follows:

1. Kidbrook Station Square Henley Cross, Greenwich
2. Holiday Inn London West 4 Portal Way Acton, Ealing
3. Former Tesco Car Park, Conington Road
4. Friary Park Estate The Drive, Joseph Avenue, Sparks Close And Friary Road Acton
5. Colindale Station and 167 - 173 Colindale Avenue and Flats 1- 6 Agar House, Colindale Avenue, NW9 5HJ
- 6 Quayside Quarter (Former HM Site, Southall), UB2 4AB
7. 49-53 Glengall Road, Southwark, SE15 6NF
- 8 1 Bradfield Road, Silvertown, London, E16 2AX
9. 1-4 Capital Interchange Way, Brentford, TW8 0EX

6.4.13 Officers are unclear as to how these developments are directly comparable to the current application. These applications (out of LB Bromley) were assessed by the relevant decision makers under the fast

track viability test route wherein it would have been necessary to confirm the tenure split and are not therefore relevant to this application.

6.4.14 There are no noticeable changes in terms of the site conditions and there has been no change in land ownership since the 2019 appeal. The Council has published a draft housing strategy aiming to provide better quality and more affordable homes. Housing associations can receive grant funding for every affordable home they build. There is no information provided or available to confirm that any public subsidy has been sought to bridge any funding gap or provide more affordable housing.

6.4.15 In the absence of a confirmed affordable housing tenure and/or a financial viability assessment and adequate reasons to justify why the proposal should not be assessed in accordance with the development plan, it is uncertain whether any planning benefits could be derived from this aspect of the current proposal. It is also uncertain whether the substantial weight to the provision of housing and affordable housing in the 2019 decision can be delivered as there was no planning requirement to provide a viability assessment in the previous scheme as the proposal included a policy compliant level of affordable housing with a compliant tenure split.

6.4.16 In summary, officers note that the current scheme could potentially provide an uplift of housing and affordable housing provision. However, the proposed delivery of these potential benefits cannot be fully assessed in the absence of the affordable tenure and/or viability assessment, subject to other relevant planning assessments in this report. There are no material changes in terms of the site conditions since the planning appeal was allowed in June 2019. The applicant has failed to provide adequate reason to demonstrate that the proposal should not be assessed in accordance with the requirements of the adopted development plan, enabling officers or decision makers to make a full and transparent planning assessment. Accordingly, it cannot be concluded that the potential benefits of the proposal that could be derived would be of sufficient weight to clearly and demonstrably outweigh the harm to the MOL by reason of inappropriateness and other harm identified in this report.

6.5 Housing – Not Acceptable on affordable housing and high proportion of single aspect

Affordable housing provision

6.5.1 Proposals should promote opportunity and provide a real choice for Londoners in ways that meet their needs at a price they can afford. The London Mayor's Viability SPG set out the Mayor's preferred approach to implementing London Plan. Policies 3.11 (affordable housing targets), 3.12 (Negotiation affordable housing on individual private residential and mixed use schemes) and 3.13 (Affordable housing threshold. Proposals

which do not meet the 35 percent affordable housing threshold will be required to submit detailed viability information which is scrutinised by the LPA and treated transparently. In order to give impetus to a strong and diverse intermediate housing sector, 60 percent of the affordable housing provision should be for social/ affordable rent and 40 percent should be intermediate rent or sale. Priority should be accorded to provision of affordable family housing. This approach is supported by the Bromley Local Plan Policy 2 and the Council's Planning Obligations SPD.

- 6.5.2 Policy H5 of the ItP London Plan sets a strategic target of 50 percent. Policy H7 requires a minimum of 30 percent social/affordable rent units, a minimum of 30 percent intermediate units and the remaining 40 percent to be determined by the local authority based on identified need and consistency with the definition of affordable housing.
- 6.5.3 The Council's Housing division is unable to support the proposal without the details of affordable housing tenure despite the fact that the proposal would provide more housing. The affordable housing tenure details must be provided at the application stage for planning consideration and priority should be given to affordable rent units meeting the borough's greatest need. The Council's housing division is unable to locate any adequate justification for policy non-compliance provisions and the affordable housing tenure should be confirmed and provided for consideration. A financial viability assessment is required for policy non-compliance. There is a substantial demand for affordable rent housing in the borough and there is also a high number of households on the Council's register. The lack of tenure detail for this revised proposal could mean the 22 affordable rent units secured under the 2019 appeal scheme would no longer be available and would result in affordable housing products that fail to meet the greatest need in the borough.
- 6.5.4 The affordable housing policy requirements, including the requirement for a financial viability assessment to be submitted in relation to policy non-compliant proposals is well founded in the adopted development plan. This is in accordance with the Bromley Local Plan, London Plan, Mayor's viability SPG and ItP London Plan Policy H4 which states the affordable housing provision should be subject to an early stage and late stage viability review mechanism if the agreed level of progress had not been made in 2 years. Based on the information provided, the proposal is required to be assessed under the viability test route and no information has been provided to enable this matter to be assessed.

Density

- 6.5.5 The proposed density would be increased from 214HRH to 348HRH when compared with the 2019 appeal scheme and would comply with the London Plan density matrix. Residential density is often a starting point in assessing the merits of the proposed accommodation. Consideration should be given to the local context, character and quality

of the accommodation. It should be noted that the density matrix will be removed and more focus on a design-led approach when the ItP London Plan is adopted.

Housing mix

- 6.5.6 The proposal would provide a mixture of one to three bed units comprising of 130 x 1 bed, 107 x 2 bed, 17 x 3 bed. This equates to 51.2% one beds, 42.1% 2 beds and 6.7% three beds. The breakdown of the proposed housing mix is similar to the previous applications with a higher proportion of 1 and 2 bed units. Whilst the proposal would provide a higher proportion of 1 and 2 bed units, it should be noted that these accommodation areas are designed to accommodate between 2 to 4 persons. Given that there is no specific policy requirement, on balance it is not considered that an objection on the grounds of low provision of family housing could be sustained in this instance.
- 6.5.7 The affordable housing provision would comprise of 46 x 1 bed, 38 x 2 bed, and 6 x 3 bed, 90 units in total. This equates to 51.2% one beds, 42.1% 2 beds and 6.7% three beds. No affordable housing tenure is provided and therefore, this part of the proposal cannot be assessed against the policy requirement.

Internal floor area

- 6.5.8 London Plan Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The London Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic policy issue. Local Plans are required to incorporate minimum space standards that generally conform to Table 3.3 - 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2016.
- 6.5.9 In March 2015, the Government published 'Technical housing standards - nationally described space standard.' This document deals with internal space within new dwellings across all tenures. It sets out requirements for the gross Internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's 'Housing' SPG 2016 reflect the national guidance.
- 6.5.10 Table 1 of the Nationally Described Space Standards sets out minimum space standards for new development. The standards require:

- 1bed 2person units 50sq.m;
- 2b 3person units 61sq.m;

- 2b 4 person units 70sq.m;
- 3b 4 person units 74sq.m;
- 3b 5 person units 86sq.m.

6.5.11 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.

Wheelchair unit and inclusive living environment

6.5.12 Paragraph 3.3 under London Plan Policy 3.1 states "The Mayor is committed to ensuring a London that provides equal life chances for all its people, enabling them to realise their potential and aspirations, make a full contribution to the economic success of their city - and share in its benefits - while tackling problems of deprivation, exclusion and discrimination that impede them. This includes understanding and addressing the physical and social barriers that prevent disabled people participating"

6.5.14 London Plan Policy 3.8 requires that 10% of new housing meets Building Regulation requirement M4(3) Wheelchair users dwelling; 90% of new housing meets Building Regulation M4(2) accessible and adaptable dwellings. London Plan Policy 7.2 requires new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design.

6.5.15 The proposal would provide 26 wheelchair user units in the north and south block with 26 disabled parking spaces and would comply with the policy requirements.

Market Wheelchair units	Units	Affordable Wheelchair Units	Total
1 bed	9	1	10
2 bed	8	5	13
3 bed	1	2	3
Total	18	8	26

Dual Aspect

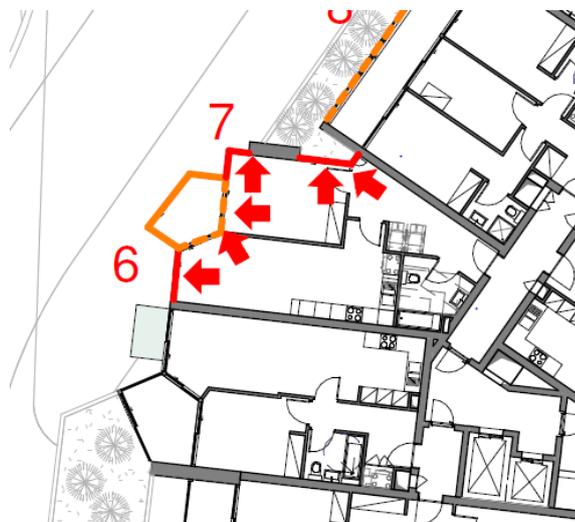
6.5.16 Standard 29 of the London Housing SPD states new development should minimise the number of single aspect dwellings. Dual aspect dwellings with opening windows on at least two sides have many inherent benefits. These include better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation and a greater capacity to address overheating, mitigating pollution, offering a choice of views, access to a quiet side of the building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of

rooms. Where possible the provision of dual aspect dwellings should be maximised in a development proposal.

6.5.17 A dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building (the provision of a bay window does not constitute dual aspect).

6.5.18 The submitted documents state that the design and quality of the proposed accommodation is high. However, it should be noted that 115 units out of 254 units (45.3 %) would be single aspect. Officers acknowledge that the previous planning inspector has considered that it is not unusual for some single aspect dwellings in this type of area (para 28 of the 2019 appeal decision). For good quality accommodation, due consideration should be given to its site opportunity, site area and context, layout and design quality of the overall accommodation, in order to minimise the number of single aspect units as well as to ensure a good quality living environment can be provided. Given that the substantial number of single aspect units would be created (from 60 to 115 units), it is considered that the design and layout of this intensified proposal would not be acceptable in this instance.

6.5.19 Furthermore, the proposed floor plan indicates that a recessed wall with glazed windows detached from the adjoining units would be created aiming to achieve or be counted as dual aspect. It should be noted that the recessed flank and glazed window would be positioned close to the flank wall of the adjoining unit. Officers considered that the incorporation of a recessed and angled wall and windows, including the balcony could achieve a wider view, similar to a bay window. The design and layout of this unit is not considered to be a dual aspect. Accordingly, the number of single aspect units contained within this proposal would amount to 123 units (equates to 48.4%).



Proposed dual aspect unit

Private outdoor space

- 6.5.20 Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm.
- 6.5.21 Paragraph 2.3.31 of the Housing SPD states "Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants".
- 6.5.22 Access to a private outdoor space in the form of a private balcony and/or private terrace would be provided to each residential unit. The floor area of the private balcony would range between 5.1sq.m and 18.7sq.m. Whilst some of the proposed balconies would be irregular in shape, in view of the proposed balcony floor area and a communal outdoor space, accessible by members of the public, on balance, it is considered that the level of private outdoor space is acceptable in this instance.

Child Play

- 6.5.23 London Plan Policy 3.6 states proposals that include housing should make provision for play an informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's Supplementary Planning Guidance "Providing for Children and Young People's Play and informal Recreation set out guidance to assist this process. The GLA population yield calculator is a tool for estimating population yield from new housing development. The calculator provides an indication of the possible number and age of children that could be expected to live in a new housing development of a given bedroom or tenure mix.
- 6.5.24 It is noted that an outdoor landscaped area including child play equipment would be provided as part of this proposed development. This provision of an outdoor publicly accessible area was considered to be acceptable in the 2019 appeal for 151 units. These provisions would be carried over in the current scheme without any significant improvement to support the uplift of 103 residential units. In the absence of the affordable housing tenure, the child play requirements of this proposal cannot be fully assessed.

Secure by Design

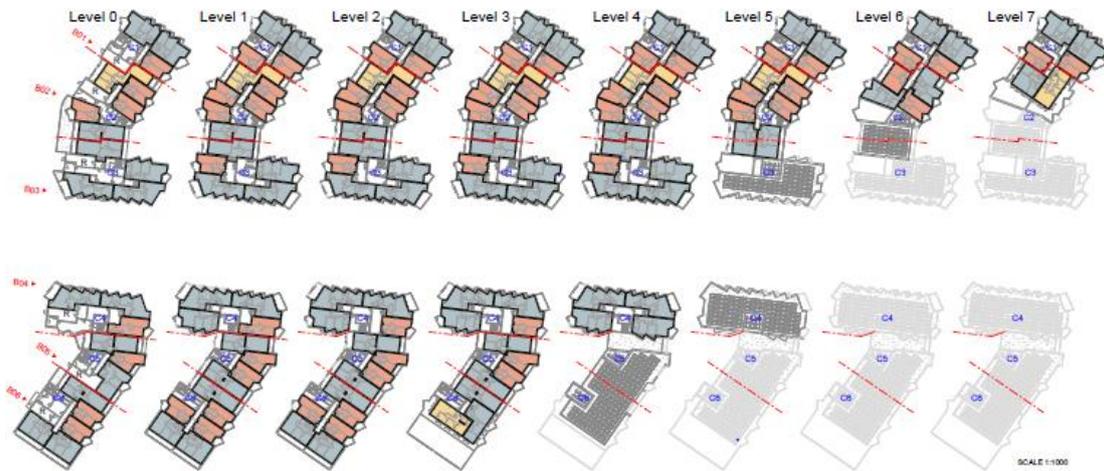
- 6.5.25 London Plan Policy 7.3 (Designing out crime) states development should reduce the opportunities for criminal behaviour and contribute to

a sense of security without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design). The Designing out crime officer has recommended that a planning condition requiring the development to achieve Secured by Design Accreditation be attached should planning permission be recommended for approval.

6.6 Design, scale and massing – Not Acceptable

6.6.1 Para 26 of the 2019 appeal decision states *“The northern block would start at 8-storeys high and descend to 5-storeys. The southern block would start at 5-storeys and descend to 3. This staggering of height combined with the separation of the buildings, the finesse of the design and detailing, particularly the extensive use of glazing, combine to create a development of exceptional architectural placemaking quality that has a lightness of touch and appearance. The setting of the development along the western edge of the site, the extent of the landscaped and publicly accessible park to the east and south combined with the lighter scale and mass of the development combine to create a development that relates sympathetically to the site and the MOL”.*

6.6.2 The applicant considers that the proposal would optimise the development of the site. Whilst the general design concept of the proposal is similar to the approach in the 2019 appeal scheme, the height, scale and massing of the proposed building would be significantly bulkier and tower over the neighbouring developments and cause a significant change to the skyline. The proposed buildings would no longer appear as a backdrop when viewed from the identified vantage points. It is noted that the proposed building is designed with a descending height with multiple angled windows and flank walls. However, the visual views (View 4 and View 6) illustrates the scale and massing of the proposal (under the impact of MOL section of this report), including the 2019 appeal and proposed floor plate below can see the bulk and volume of the buildings would be significantly increased. The descending approach would be less apparent and less considerable for each block or when viewed as whole and in the wider area. It is considered that the prominence of the proposed development would have an adverse impact on the skyline and due to its size would be harmful.



Floorplan of the 2019 appeal scheme



Floorplan of the proposed scheme

Quality of Communal Entrances

6.6.3 Standard 8 of the Housing SPD states all main entrances should be visible, clearly identifiable and directly accessible from the public realm. Paragraph 85 of the GLA stage 1 report states “*All entrance should be designed to appear welcoming and legible from the public remain. The applicant should consider activate the space between the blocks with entrances to residential cores*”.

6.6.4 The communal entrance to each core would be located on the ground floor. It is not uncommon that there is a variation of communal entrances and corridors width or frontages across a scheme or the entrances being located adjacent to the communal storage area. However, the proposed floor plan indicates that the size of the communal entrances and corridors are relatively narrow and in some instance the frontages associated to a communal entrance door would be smaller than the frontages associated to a communal waste storage area, presenting an unwelcoming frontage. Should planning permission be recommend, the

details to minimise the inactive frontages, including increasing the size of the communal entrances leading to the corridor should be secured by a planning conditions.

6.7 Impact on Neighbouring Amenities – Not Acceptable on outlook and enclosure

6.7.1 The Dylon 1 and Maybrey Works developments are the nearest residential accommodations that would be affected by the proposal, in particular the southernmost blocks.

Sunlight and daylight

6.7.2 A sunlight and daylight report is submitted and 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 and Maybrey works as other residential properties are far enough away from the site not to be affected and the adjacent commercial properties fall outside of the scope of assessment. Commercial buildings are not afforded the same level of protection in this respect.

6.7.3 The proposal would have an impact on the south facing windows in Dylon 1 in terms of daylight resulting in a reduction between 21 to 23 percent. However, these windows would receive sunlight between 29 percent and 44 percent of the annual sunlight hours and would comply with the BRE guidance. 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.

6.7.4 Shadow diagrams have been provided that show the landscaped spaces would be largely overshadowed during the evening all year round but would receive a minimum of 2 hours sunlight all year round during the day thus meeting BRE guidelines. Accordingly, it is considered that the availability of sunlight and daylight would remain acceptable.

Privacy

6.7.5 New windows and glazing materials would be introduced on the north elevation in the north block due to the additional storeys being proposed. The north facing windows are angled windows and the proposed building would also be sited at an angle. Given that the siting of the proposed buildings would not be closer than the 2019 appeal scheme to the neighbouring properties. It is considered that the proposal would not have an adverse impact in terms of loss of privacy or outlook for the neighbouring properties in Dylon 1 and Maybrey works development.

Outlook and increase sense of enclosure

6.7.6 The proposed north block would be positioned immediately to the south of Dylon 1 at an angle and would not be sited closer than the 2019 appeal scheme. The main bulk of the proposed building would be highly concentrated in the north block.

6.7.7 The proposed north block would measure approximately 60 metres in length and approximately 34 metres in height (61.1AOD). Whilst the height of the proposed building would be reduced and descends to the south, it should be noted that the height of the proposed building at 10 storeys would remain at 34 metres in height, due to the topography of the site and the requirement to provide parking spaces as well as flood storage areas in the basement level. The siting of the proposed building and its length would increase the bulk and the massing of the building to an excessive degree when viewed from the neighbouring windows.

6.7.8 Furthermore, it should be noted that the nearest part of the proposed building would be located approximately 13 metres from the neighbouring development.

6.7.9 Due to its excessive scale and massing and relationship with the neighbouring windows, it is considered that the proposal would have an adverse impact in terms of loss of outlook and increased sense of enclosure.



West elevation plan of the 2019 appeal scheme



West elevation plan of the proposed scheme

6.8 Transport and Highways - Acceptable

Access

6.8.1 The vehicular access to the site would be taken from the Dylon 1 estate road and this arrangement is consistent with the 2019 appeal scheme. 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.

6.8.2 The proposed access to the site's basement car park is also broadly consistent with that of the 2019 appeal scheme. 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 and the Council's highway division were 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.

Parking

6.8.3 The development will provide 129 parking spaces, including 26 disabled spaces. The parking ratio would be reduced from 0.76 spaces per dwelling (115 spaces for 151 units) to 0.51 spaces per dwelling (129 spaces for 254 units) when compared with the 2019 appeal scheme. Whilst the parking provision would be lower, consideration should be given to its proximity to the Lower Sydenham Railway Station, provision of car club spaces, free car club memberships and obligation to improve the accessibility to bus services in the area and £30,000 would be secured as part of this development. An obligation of £5,000 to review waiting restrictions in the area would also be secured via s106 legal agreement. The right for future residents to apply for a residents parking permit will also be removed. Furthermore, it should be noted that 39 motor cycle spaces would be provided in the basement car park. The Council's highway division have recommended the obligations above be secured by planning conditions or a s106 legal agreement is recommended. On balance, it is considered that the parking provision would be acceptable in this instance.

Electric charging points

6.8.4 The draft London Plan sets the minimum standards for electric charging facilities for residential development, a minimum of 25 (20 percent) of parking spaces should have active charging with passive provision for all remaining spaces. Whilst the transport statement and the proposed floor plans indicate that a total of 122 electric charging points would be provided, a minimum of 25 active charging and 104 passive charging spaces would be required. Should planning permission be recommended, these details would be secured by a planning condition.

Cycle storage

- 6.8.5 The proposal would provide 444 long stay cycle parking spaces with 60 spaces for visitors. The cycle storage area would be located in the basement car park and ground level and would comply with the London Plan and ItP London Plan requirement. TfL has advised that the layout of the proposed cycle storage should comply with the London Cycle Design standard which recommends that at least 5 per cent of all spaces should be capable of accommodating a larger cycle. These details can be secured by a planning permission should planning permission be recommended.

Waste storage

- 6.8.6 Residential waste and recycling waste associated to the existing facilities will be collected within the site. The Council's waste guidance note states that 1 x 1100 litre bin for non-recyclable, 1 x 240 litre bin for paper and 1 x 240 litre bin for bottles should be provided for every 6 flats. A dedicated waste and recycle storage area would be provided in each core of the building. Subject to a waste strategy, it is considered that this part of the proposal would be acceptable.

6.9 Flood risk and surface water flood risk – Acceptable

- 6.9.1 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.
- 6.9.2 This site is located in an identified flood risk and surface water 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 site is also subject to low to high risk of surface water flooding. 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 building coverage in the current scheme would be less than the 2019 appeal scheme. The proposals to mitigate flood risk on site remain unchanged when compared with the 2019 appeal 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 slab level would be set at 24m AOD. This would enable flood water enter to the basement car park.

6.9.3 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; the reporting of unexpected contamination; details of sustainable drainage schemes; piling and foundation design.

6.10 Energy and carbon offsetting – Acceptable

6.10.1 The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and 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 statement based upon the Mayor's energy hierarchy adopting lean, clean, green principles. An energy assessment was submitted. The applicant has followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole.

6.10.2 London Plan sets a minimum on-site carbon reduction to be achieved and allows for any carbon shortfall to be paid as a payment-in-lieu contribution into the local authority's carbon offset fund. New residential development is required to achieve zero carbon of which, a minimum of 35 percent carbon reduction should be achieved on site.

6.10.3 An updated Energy Assessment was prepared and received in June 2020 and has been reviewed by the Council's energy officer. It is considered the proposed carbon reduction measures have followed the GLA Energy Hierarchy and the proposal would comply with the policy requirements. The total regulated carbon saving on the site would achieve 71.5 percent (178.33 tonne on-site carbon saving) against Part L 2013 of the Building Regulations Compliant Development. In line with the GLA Energy Assessment Guidance, the shortfall of 28.5 percent carbon saving, equivalent to 71.02 tonne (£127, 860) would be secured by a S106 legal agreement.

6.10.4 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. 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 (11.6%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development.

6.10.5 With regard to on-site renewable energy technologies, the applicant is proposing to install 307 numbers of PV panels of 360W capacity each will be mounted on the roof angled at 30 degree oriented south, and 245 numbers of PV panels of 360W capacity each will be mounted on the roof angled at 30 degree oriented south-west.

6.10.6 A reduction in regulated CO₂ emissions of 149.29 tonnes per annum (59.9%) will be achieved through this third element of the energy hierarchy.

6.10.7 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.

Carbon Dioxide Emissions – Regulated (Tonnes CO ₂ /yr) draft SAP 10			
	(Tonnes CO ₂ /yr)	%	
Be Lean: Savings from energy demand reduction	29.04	11.6%	
Be Clean: Savings from heat networks	0.00	0.0%	
Be Green: Savings from renewable energy	149.29	59.9%	
Total Savings	178.33	71.5%	
Total Target Savings	87.30	35%	
Annual surplus	91.03	–	
Annual shortfall (to meet zero carbon)	71.02	100%	
	Annual CO ₂ for offset payment	Cumulative CO ₂ for offset payment (over 30 years)	Cash-in-lieu contribution (@£60/tonne)
Whole scheme	71.02	2,131	£127,860

6.11 Trees and biodiversity

6.11.1 Local Plan Policy 73 requires proposals for new development to take particular account of existing trees on the site and on adjoining land. New development should 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.

- 6.11.2 There is no material change in terms of the site condition since the 2019 planning appeal. The proposed works on trees and biodiversity remain broadly the same as the 2019 appeal scheme.
- 6.11.3 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.
- 6.11.4 As per the 2019 appeal scheme, this application is accompanied by a habitat survey. This report indicates that the site is not located within any or within 2km from any statutory designated sites. 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 River Pool can be protected during construction. New plantings are proposed including willow trees, black poplar, birch trees apple and Morello cheery trees are proposed. The report is considered to be acceptable in terms of identifying potential impacts on ecology and required mitigation. Any works to trees should be undertaken outside of the bird nesting season.
- 6.11.5 A tree survey report is also provided which confirms that there are 19 Poplar trees and 1 Quercus Robur tree along the western edge adjacent to the railway line would be removed. These 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) located near to the river. 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 swift bricks for 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.

6.12 Noise and Air Quality - Acceptable

Noise

6.12.1 A Noise and Vibration Report prepared by Cole Jarman Associates (Report ref 11/4200/R3; Dated 27th February 2020) is submitted and no objection is raised from the Council's Environmental Health division. The site is exposed to noise and vibration from the adjacent railway, factories and commercial uses and such relationship remains the same since the 2018 appeal scheme. As such, the survey data remains relevant as part of the assessment. The report indicates that the level of railway noise for balconies for the west-facing walls would be at or below 55dB. Winter gardens 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. Should planning permission be recommended, the details of the proposed glazing and ventilation, soundproofing and external lighting should be secured by a planning condition.

Air Quality

6.12.2 London plan policy 7.14 and policy SI1 of the Draft New London Plan state that development should be at least 'air quality neutral' and not lead to further deterioration in poor air quality.

6.12.3 An Air Quality Addendum report prepared by Air Quality Consultants (Report ref J4035, 25th February 2020) is submitted and no objection is raised on air quality ground. 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.

Contamination

6.12.4 An Geotechnical and Geoenvironmental Ground Investigation Report prepared by Geosphere Environmental Ltd (Report ref 821,GI-PHASE 2/SG,PD/04- 08-14/V2) is submitted and no objection is raised from Environment Health and Environment Agency. An intrusive investigation has been undertaken and a number of potential contaminant sources and pathways to receptors were identified. The risks will be significantly removed during the redevelopment works due to the proposed

basement. Should planning permission be recommended, a 600mm layer of clean soils to be installed in the open area to the east of the site and the report of any unexpected contamination should be secured by planning condition.

7. OTHER ISSUES

Planning obligations and CIL

- 7.1 Developer contributions associated to new development are secured by means of planning conditions attached to planning permission, a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Level (CIL). This is in line with BLP Policy 125 and the Council's Planning Obligations SPD.
- 7.2 The proposal is liable to the Mayor of London's CIL and is subject to planning obligations. In line with the Council's Planning Obligation SPD, the following planning contributions are identified and should be secured prior to the development: -
- Health contribution: To be agreed upon confirmation of tenure;
 - Education contribution: To be agreed upon confirmation of tenure;
 - Energy £127, 860;
 - Highway improvement: £30,000 (accessibility to bus services and way finding) and £5,000 (waiting restrictions);
 - Affordable housing provisions and review mechanisms: To be agreed upon confirmation of tenure; and,
 - Planning obligation monitoring fee: To be agreed upon confirmation of tenure.
- 7.3 Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. It assists in mitigating the impact of unacceptable development to make it acceptable in planning terms. Paragraph 1.21 of the Bromley Planning obligations SPD states "*The Heads of Terms of any planning agreement will need to be finalised before applications are reported to elected members*". The required affordable housing tenure details have been requested by officers and have not been provided to date.
- 7.4 In the absence of affordable tenure and lack of adequate justification, the requirements and amount of planning obligations for health, education, child play spaces and affordable housing provisions cannot be assessed as these figures depend on the tenure split proposed. The information submitted to date has also failed to enable decision makers to fully assess the impacts and merits of the proposed development. Accordingly, it has not been demonstrated that the impacts that would arise from the proposal to introduce 254 dwellings can be mitigated.

8. CONCLUSION

- 8.1 The proposal comprises inappropriate development within Metropolitan Open Land and “very special circumstances” have not been demonstrated to outweigh the harm to the MOL. The proposal would represent a significant intensification of residential development in MOL. The scale and massing of the proposal would have an adverse impact on the openness of MOL, and on the residential amenities of the neighbouring development in terms of loss of outlook and increased sense of enclosure. The creation of a high proportion of single aspect units would result in a poor quality of residential accommodation and the inactive communal entrance frontage should also be addressed.
- 8.2 The proposal could potentially contribute to the supply of housing and affordable housing within the Borough and would represent an uplift when compared with the 2019 appeal scheme. However, the development would also result in a greater degree of harm to the openness and visual amenities of the MOL than the 2019 scheme by reason of its greater height and scale which would now result in a development that would break the skyline, and would give rise to other harm as identified in the previous paragraph. Unlike the 2019 scheme however no details of the affordable housing tenure have been provided to enable the Council to assess whether the proposed development complies with affordable housing policy, to enable a full assessment of the harm and potential benefits arising from this proposed development and the weighting of these considerations in the overall planning balance. The proposal would also fail to demonstrate that the provision of affordable housing would meet the need in the Borough. No justification or other material considerations have been provided to demonstrate why the requirements of the development plan should be set aside with particular regard to affordable housing. The submission of a planning appeal on the grounds of non-determination where insufficient information has been provided to enable the Council or decision makers to properly assess the development is both unreasonable and unnecessary.
- 8.3 Having regard to the presumption in favour of sustainable development, the proposal fails to provide adequate information to enable officers or a decision maker to fully assess the merits and harms of the proposal. As such, it is considered that the appeal should be contested for the reasons outlined below.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL WITH THE FOLLOWING GROUNDS.

REASONS:

1. Lack of information - MOL

The proposal constitutes inappropriate development in Metropolitan Open Land (MOL) and would result in harm to the openness and visual amenities of the

MOL by reason of its height, scale and massing. In the absence of adequate and sufficient information to enable a proper assessment of affordable housing, it is not possible to determine whether there are other considerations that would outweigh the harm to the MOL by reason of inappropriateness and other harm. Accordingly, very special circumstances have not been demonstrated and the proposal would be contrary to Paragraph 11, 133 - 147 of the National Planning Policy Framework, London Plan Policy 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 7.17, Bromley Local Plan Policies 2 and 50, intended to publish London Plan Policy G3, H4, H5, H6 and H7 London "Homes for Londoners- Affordable Housing and Viability" Supplementary Planning Guidance (August 2017).

2. Height, scale and massing

The proposal, by reason of its excessive height, scale, massing and relationship with the neighbouring development and in the MOL would have an adverse impact on the skyline, being over-dominant and resulting in an adverse impact on residential amenities in terms of loss of outlook and an unneighbourly increased sense of enclosure. The creation of a high proportion of single aspect units, inactive and unwelcoming communal entrances and corridors would also fail to demonstrate a good quality living environment can be provided for the future occupiers. As such the proposal would be contrary to Paragraph 11, 133 - 147 of the National Planning Policy Framework, London Plan Policies 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 7.4, 7.7, 7.17, Intended to Published London Plan Policies D4, D6, D9, G3, H4, H5, H6, H7, H10, London "Homes for Londoners- Affordable Housing and Viability" Supplementary Planning Guidance (August 2017), Housing Supplementary Planning Guidance (March 2016) and Bromley Local Plan Policies 2, 4, 37, 47, 50 and 58.

3. Planning obligations -

In the absence of adequate and sufficient information for affordable housing, the planning obligations necessary to mitigate the health, education and child play impacts that would arise from the proposal cannot be fully assessed, contrary to, London Plan Policies 8.2, 8.3, Bromley Local Plan Policies 125 and Planning Obligations (2010) and subsequent addendums.