

28 January 2016

Footzie Social Club, Lower Sydenham

in the London Borough of Bromley

planning application no. DC/15/04759/FULL1

Strategic planning application stage 1 referral

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

The proposal

Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part eight part nine storey building comprising 253 residential units (128 x one bed; 115 x two bed and 10 x three bed units) together with the construction of an estate road, car and cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public.

The applicant

The applicant is **Relta Ltd** and the architect is **Ian Ritchie Architects**.

Strategic issues

The proposals represent **inappropriate development** on **Metropolitan Open Land** and **very special circumstances** have not been demonstrated to outweigh the harm caused to the open quality and permanence of the MOL.

While the maximum building height has been reduced, the **layout, height, mass, and density** will be harmful to the open character and quality of the MOL, and further work is also required on the ground floor layout to improve street level activity and good quality public realm.

The indicative position on **affordable housing** is acceptable at this stage although further information is required on the **unit mix** across the affordable tenure. Matters of **flooding** and **children's playspace** are acceptable subject to further clarification and planning condition.

Further information is required on matters of **inclusive access, energy and transport** and a number of conditions are required.

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 88 of this report, which should be addressed before the application is referred back to the Mayor.

Context

1 On 22 December 2015 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 1 February 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

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

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

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

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

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

Site description

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

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

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

8 The nearest part of the Transport for London Road Network (TLRN) is London Road A205 approximately 1.5 kilometres to the north. The nearest part of the Strategic Road Network (SRN) is Crystal Palace Road A234 approximately 750 metres to the south.

9 A bus stop approximately 350 metres east of the site on Worsley Bridge Road is served by the 352 service, enabling journeys to Beckenham and Bromley town centres. Lower Sydenham national rail station is approximately 200 metres north of the site, providing access to London Cannon Street, London Bridge, Waterloo East and London Charing Cross stations. The application is Phase 2 of a wider scheme and the Public Transport Accessibility Level (PTAL) is two (on a scale of one to six, where six is excellent).

Site history

10 The site was historically associated with the site to the north, for which planning permission was granted in 2010, referred to as Dylon Phase 1 and has now been implemented. This development comprised the erection of a part five, six, seven, eight storey building plus basement to provide 149 residential units, B1 office accommodation, A1 retail space, A3 cafe/restaurant and D1 creche with car parking and landscaped open space. It was allowed on appeal following the Council's decision to refuse permission on grounds of its impact on character and the openness of the Metropolitan Open Land.

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

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

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

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

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

Details of the proposal

14 The application seeks to address the above reasons for refusal and proposes 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.

15 The main revisions to scheme relate to the reduction in the maximum building height to nine storeys, a reduction in the number of units from 296 to 253 and some revisions to the surrounding public realm.

Strategic planning issues and relevant policies and guidance

16 The relevant issues and corresponding policies are as follows:

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| • Land use principles | <i>London Plan;</i> |
| • Metropolitan Open Land | <i>London Plan;</i> |
| • Housing | <i>London Plan; Housing SPG; Draft Interim Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;</i> |
| • Affordable housing | <i>London Plan; Housing SPG, Draft Interim Housing SPG;</i> |
| • Density | <i>London Plan; Housing SPG; Draft Interim Housing SPG;</i> |
| • Urban design | <i>London Plan; Shaping Neighbourhoods: Character and Context Draft SPG;</i> |
| • Inclusive access | <i>London Plan; Mayor's Accessible London SPG;</i> |
| • Flooding | <i>London Plan;</i> |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change and Energy Strategy; Mayor's Water Strategy;</i> |
| • Transport and parking | <i>London Plan; the Mayor's Transport Strategy;</i> |
| • Crossrail | <i>London Plan; Mayoral Community Infrastructure Levy.</i> |

17 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plans in force for the area are; the 'saved' policies of Bromley Council's Unitary Development Plan, originally adopted on 20 July 2006 with the majority of policies saved in 2009, and; the London Plan (Consolidated with Alterations since 2011).

18 The following are also relevant material considerations:

- Bromley Council's Draft Policies and Designations Local Plan (consultation closed March 2014);

- Minor Alterations to the London Plan;
- The National Planning Policy Framework and National Planning Policy Guidance.

Land use principles - Metropolitan Open Land

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

20 The relevant national guidance on Green Belts is set out in paragraphs 79-92 of the NPPF and this applies equally to MOL. The construction of new buildings in MOL is inappropriate development, although NPPF paragraphs 89-90 identify circumstances where new buildings are not inappropriate, including for example buildings for agriculture/forestry, facilities for outdoor sport/recreation and small extensions or replacements of existing buildings. London Plan Policy 7.17 echoes this approach and states that appropriate development will be limited to small scale structures to support outdoor open space uses. The application proposals are, therefore, inappropriate development which is harmful to MOL. As set out in NPPF paragraphs 87-88, very special circumstances (VSC) need to exist to outweigh the harm caused.

21 The applicant has put forward a number of reasons to justify the development on MOL comprising its VSC case and these are assessed below.

MOL designation

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

23 As previously expressed in the Mayor's representations on the original proposals (GLA ref: D&P/3633/01), the planning application process is not the process through which to challenge the designation of MOL. As advised, this needs to be done via the Local Development Framework process, so that MOL boundaries can be considered strategically by the Council and the Mayor. The extent of the MOL boundary in this location was established and reaffirmed in previous development plan iterations. It is understood that the applicant has submitted a number representations to the Council throughout its consultation on the preparation of its draft Local Plan, which is currently ongoing, urging the Council to re-assess all Green Belt and MOL boundaries and to promote the application site for residential use. At the time of writing, it is understood that the MOL designation for the application site has remained unchanged.

24 Notwithstanding the above, as previously advised, it is the GLA officer's view that the site does meet the necessary criteria in Policy 7.17 for designating MOL. The land does contribute to the physical structure of the area and is clearly distinguishable from the built up area to the north, as it is part of and connects with a wider network of open space, which is clearly visible in long range and shorter views (from Addington Hills for example and from the railway). It also forms part of a designated Green Chain and includes open air facilities that formerly were used for sport and recreation which could serve a significant part of London if public access were allowed.

Housing need

25 As part of the applicant's case for demonstrating VSC, it asserts that the Council will be unable to meet, let alone exceed, the increased borough housing target within the 2015 London Plan without developing sites such as this. In order to substantiate this claim; the applicant has commissioned an assessment of Bromley's five year housing land supply, which was shared in draft form as part of the consultation on the previously refused scheme. The assessment has identified a number of discrepancies in the calculation of the Council's five year housing supply land and as a result has removed a total of 704 residential units, which would result in the five year supply being reduced to 4.1 years. On this basis, the applicant argues that as the Council cannot demonstrate a five year supply of housing, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF), planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits.

26 As set out in the assessment of the original application, it should be noted that the London Plan housing targets are based on a Strategic Housing Land Availability Assessment (SHLAA) which was tested and endorsed at Examination in Public. A key principle of the SHLAA and London Plan is that the target can be met without the need to consider designated open space.

27 Bromley Council has in previous years been able to demonstrate a five year housing supply in its Annual Monitoring Reports, and indeed has reported annual completions above the target. Furthermore, within its committee report for the original application, the Council asserted with confidence that it has a deliverable five year housing land supply and provides a robust defence to the applicant's case on housing need and housing land supply. The Council recently agreed its updated housing land supply paper (June 2015) based on the GLA's latest Strategic Housing Land Availability Assessment (SHLAA 2013). GLA officers are satisfied with the Council's position in this regard. Nonetheless, even if the Council's position with regard housing land supply were vulnerable as suggested by applicant's own assessment and were to be accepted as a VSC, the NPPF and London Plan Policy make it clear that those circumstances must outweigh the harm that would be caused to the MOL from inappropriate development. In this case, for the reasons set out within this report in relation to the design, height and mass, the harm would be significant, and GLA officers are of the view that that harm would not be outweighed by the benefits of the scheme in relation to housing supply and improved landscape.

28 Notwithstanding the above, if it were to be verified that the Council's housing land supply had been incorrectly calculated, GLA officers are of the opinion that the Council should have the opportunity to respond and demonstrate how it would meet a shortfall through the Local Plan review process; which is currently underway, and the granting of this permission should not be a forgone conclusion. In this respect, those comments made in paragraph 23 of this report are equally relevant to this issue.

Other MOL residential development in Bromley

29 The applicant has provided a detailed summary of a number of example cases or varying circumstances, both granted by the Council and allowed on appeal for housing developments on Green Belt and MOL over the past eight years. While the value these case studies provide in demonstrating the consideration of very special circumstances in other MOL development applications is noted, as acknowledged by the applicant, each planning application must be assessed on its own merits, and therefore these are not relevant to the consideration of this specific planning application and is not, therefore, an argument of very special circumstances for this application.

MOL improvements

30 Notwithstanding the above, the applicant has highlighted that the proposals would deliver a number of benefits to the MOL, principally by opening up the site to public access, retaining and enhancing the open space and landscape features on the eastern side adjacent to Pool River, improving its recreational value, and enhancing biodiversity. The conditional state of the site is also referred to, although it is noted that there are a number of enforcement cases currently pending for unauthorised uses.

31 As noted in Policy 7.17 and previously expressed, the Mayor is keen to see improvements in the quality and accessibility of MOL and Green Chains, and the benefits set out above are therefore supported and welcomed. However, arguably these could be achieved without the scale of inappropriate development proposed and would in most cases be a policy requirement of any development. These improvements therefore, despite welcomed, cannot be fully accepted as very special circumstances and do not outweigh themselves outweigh the harm to MOL.

Conclusion on VSC

32 The applicant has put forward a number of factors to justify inappropriate development on MOL. Whilst the improvement to the landscape and provision of public access is welcomed, by itself it is not a very special circumstance. With regards to Housing need, as previously expressed in the Mayor's initial representations on the original application and as demonstrated in some of the precedent examples provided, this could be a valid VSC argument in some cases. However, as set out above, GLA officers are satisfied with the Council's position in this regard and have been assured that the Council is, and will continue to be able to, meet its housing target over the next five years. Furthermore, if such a case arose that it was demonstrated and verified that the Council's housing supply calculations were in correct, this should be corrected through the Local Plan review process as a first priority. In light of the above, very special circumstances to outweigh the harm caused by the inappropriate development on MOL have not been demonstrated.

Impact on openness

33 NPPF paragraph 79 makes it clear that the essential characteristic of Green Belt/MOL is its openness and permanence. Whether or not very special circumstances exist to outweigh the harm caused by inappropriate development on MOL, it is also necessary to consider the impact on the openness and character of the MOL.

34 This is discussed in greater detail in paragraphs 58 to 64 of this report in the urban design section. However, the overall conclusion is that while the maximum height of the building has been reduced by three storeys, overall the revised height, scale and mass of the building must, by definition have a harmful impact on openness as largely undeveloped open land with a few small scale buildings is being replaced by a substantial building.

Playing fields

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

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

37 As part of the original planning application, the applicant submitted further details demonstrating that the area is not deficient in either open space or playing pitches, and confirms that the site has not been used as a playing field for more than eight years. It is noted that the Council did not pursue a refusal reason on this basis that the proposals would result in its loss. However, given the statutory representation from Sport England, the application would be required to be referred to the Department for Communities and Local Government (DCLG), in the event of a resolution to grant permission.

Housing

38 The proposal seeks to provide 253 residential units with the following unit mix:

Unit type	No. of units	% of units
1 bed flat	128	51%
2 bed flat	115	45%
3 bed flat	10	4 %
TOTAL	253	100%

Affordable housing and tenure

39 London Plan Policies 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units, taking into account; the need to encourage rather than restrain development; the housing needs in particular locations; mixed and balanced communities, and; the specific circumstances of individual sites. The tenure split suggested by the London Plan is 60% social/affordable rent and 40% shared ownership. The NPPF, the Mayor's Housing SPG and the London Plan clearly state that to maximise affordable housing in London and provide a more diverse offer for the range of people requiring an affordable home, the affordable rent product should be utilised in the affordable housing offer in residential developments.

40 Bromley Council's current 'saved' policy in the UDP on affordable housing requires all residential developments to provide 35% affordable housing with a tenure split of 70% social rent to 30% intermediate, unless it can be demonstrated (through viability or the aim for mixed communities, for example) that a lower level or different tenure split is appropriate.

41 The applicant states that 92 units in B03 will be made available as affordable housing units, which equates 36% of the overall number of units and will be delivered via a tenure split of 60% social rent and 40% intermediate, in accordance with the preferred tenure split in the London Plan. The offer at this stage therefore meets the policy requirement in Bromley's UDP. The site however, is a greenfield, windfall site which could not have been purchased on the basis of its development potential. In addition, the London Plan policy as outlined above, is for the maximum reasonable amount of affordable housing to be delivered and is a far more up-to-date policy than Bromley Council's UDP policy. On that basis therefore, GLA officers require the applicant to conduct a financial viability appraisal to demonstrate the maximum reasonable amount of affordable housing will be delivered, based on the development's viability. This should be based on the existing use value (EUV) of the site (open space) or a suitable benchmark land value (of comparable open space transactions).

42 The Council and/or its independent consultant should scrutinise the toolkit appraisals to determine whether the maximum reasonable amount of affordable housing that the development can deliver is being secured. GLA officers will require both reports to be submitted prior to the application being referred back at stage two. It is noted that this issue remained unaddressed at the decision making stage for the original application and this should therefore be addressed.

43 The affordable housing offer, tenure split, and type of products proposed, should aim to meet both local and strategic needs, whilst also maximising the overall provision. As noted in paragraph 39, in order to maximise affordable housing delivery and provide a more diverse offer for those requiring an affordable home, the affordable rent product should be utilised. In Bromley where values are more affordable than central London, the affordable rent product can maximise the affordable quantum without necessarily impacting on the affordability of the units for local people. GLA officers therefore strongly urge the applicant to consider affordable rent as a product, whilst ensuring that the final offer, tenures and unit mix proposed meets both local and strategic housing needs. The financial viability assessment should therefore include a policy compliant scenario test, with affordable rent to indicate whether there would be a difference in affordable quantum, as well as details of how rent levels inputted into the toolkit have been established.

44 GLA officers welcome further information on the applicant's timescales for delivery. If, due to phasing, the units will not be delivered in the short term, GLA officers would welcome the inclusion of a review mechanism in the section 106 agreement, requiring the developments finances to be re-tested at a later stage to allow any additional financial surplus to be captured prior to implementation/between phases, that may be generated by an uplift in sales values. Such a mechanism would need to be designed so as to ensure an appropriate proportion of any financial surplus would be awarded to the Council, and ring-fenced for the delivery of additional affordable housing units.

Mixed and balanced communities

45 London Plan policies 3.8, 3.9 and 3.11 and the Mayor's Housing SPG all accord priority to affordable family housing in new residential development, promote housing choice and seek a balanced mix of unit sizes and tenures in new developments in order to promote mixed and balanced communities, which can be achieved by providing a mix of tenures across the development and ensuring that the scheme is tenure blind.

46 From the information provided, it is suggested that all units in B03 will be affordable and will provide 47 one bed units, 40 two bed units and 5 three bed units. As set out in the Mayor's initial consultation response to the original application, to ensure a mixed and balanced community, the affordable units should be spread as far as practicable across the development and there should be no design differences between the tenures. The applicant should therefore provide

further information on how this has been explored in the design process. In addition, the applicant should provide a detailed breakdown of unit types across tenures.

47 The development includes ten family sized units (those with three or more bedrooms), representing approximately 4% of the total development. While this is a fairly low proportion of family units, this reflects the proportion of family sized units that the Council accepted when considering the original application, as the local housing market shows a demand for two bedroom properties. The mix is therefore acceptable in the context of local housing needs. However, further information on the unit and tenure mix of the affordable housing element is required before further comment can be provided on the acceptability of the proportion of affordable family housing. Notwithstanding this, from the information available, this is expected to be low and the applicant should seek to maximise this provision in accordance with the strategic priority afforded to maximising affordable family housing.

Residential quality

48 London Plan Policy 3.5, Table 3.3 and Annex One of the Housing SPG set out requirements for the quality and design of housing developments, including minimum space standards for new development. The application documents demonstrate that the minimum floor space and floor-to-ceiling height standards would be met or exceeded, together with compliance with the Lifetime Homes standard, which is welcomed and should be secured by condition.

49 The Mayor's Housing SPG states that new residential development should generally not provide more than eight units per core, in order to promote a sense of community and ownership over one's home. In addition, in order to achieve a quality internal environment in terms of light and cross-ventilation, the SPG states that dual aspect units should be maximised and single aspect units facing north should be avoided altogether.

50 The design and access statement and application drawings demonstrate that generally there will be either three or four units per core and due to the high number of cores, dual aspect units have been maximised with no single aspect north-facing units, which is commended. Generally unit sizes meet or exceed the Mayor's draft housing standard in the recently published Minor Alterations to the London Plan (MALP) consultation.

51 Private amenity space will be provided for each dwelling by way of balconies or private patio areas, and due to the site's MOL setting, residents would also benefit from extensive open space for recreation and amenity.

Density

52 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy. Based on the characteristics of the location set out in paragraphs 5-9, the site can be regarded as having a 'suburban' setting as it is predominantly characterised by low-rise housing development and low density industrial areas with open space. The applicant has previously disagreed with this view and considers the setting to be 'urban' based on the Inspector's assessment of the setting of the Dylon 1 scheme to the north. However, as previously expressed in the Mayor's final decision on the original application, GLA officers agree with the Council's view that the setting of a site within the MOL should not be the same as a site of previously developed land within an industrial estate (such as Dylon 1) and that this site is different in character.

53 For a 'suburban' setting with a medium PTAL rating, the matrix suggests a residential density in the region of 150-250 habitable rooms per hectare. The revised application documents

confirm that the scheme has a density of 344 habitable rooms per hectare and therefore falls outside of the 'suburban' range but within the 'urban' range.

54 While the policy seeks to optimise housing output and realise the optimum potential of sites, it also acknowledges that the density matrix should not be applied mechanistically, as other factors such as the surrounding context, layout and residential quality will also inform the appropriate density range. As noted earlier, the site is in MOL where any development must be designed to maintain openness. In this instance and in the context of the comments made at paragraph 58 to 64 on urban design,

55 Even if VSC for inappropriate development were to be accepted to allow the principle of residential development to proceed, the design, density, mass and height of such a development would still be expected to be sensitive to its surroundings and respect the open character and visual amenity of the MOL. As noted in the urban design section below, the development's density is not appropriate to the MOL setting as the resultant wall of built mass and its height is not a design approach that sits well in the open context. This further adds to the argument that the impact on the open character is too great. In this respect, there remains a strategic concern with regards to the design and density of the development.

Children's play space

56 Children and young people need free, inclusive, accessible and safe spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments. Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

57 Applying the methodology within the Mayor's Play and Informal Recreation SPG (2012), and based on the accommodation schedule set out above, the development will generate a child yield of sixteen children requiring approximately 164 sq.m. of playspace. However, this figure is based on a wholly private scheme as there is no detailed information at this stage on the unit mix across the affordable tenures, so will need to be updated when the application is referred back at stage two. Nonetheless, given the site's location in MOL and the extensive open space that will remain on site, there is sufficient scope to ensure that on-site playspace is provided. While it is noted from the landscape management plan that the adjacent area of MOL will provide a formal play area and open gym facilities, the applicant should however provide an indicative play space strategy before the application is referred back at stage two, which should be secured by condition by the Council.

Urban design

58 The main strategic issue in urban design terms is the visual impact the proposals will have on the open quality of the surrounding MOL. As noted earlier in this report, London Plan Policy 7.17 sets out that except in a few cases, development in the MOL is inappropriate and harmful and only in very special circumstance can that harm be outweighed by other benefits. The Policy and the NPPF also make it clear that in all cases, built form must be designed so as to minimise its visual impact on the open quality.

59 As set out earlier in this report, the applicant has revised the design of the proposals in light of the Council's reasons for refusal of the original application; the main revision being the reduction of the maximum building height from twelve to nine storeys. However, while the scale of the building has been marginally reduced at its centre, the massing still presents a predominantly nine storey wall of development that is not appropriate to the open context of the site. On the basis of the above policy context, significant concerns still remain with regards to the scale and

bulk of the building, and the development's ability to enhance the spatial relationship with the MOL. As a result, many of the urban design issues raised with the original application remain relevant to the revised proposals and these are set out below.

60 It is accepted that the quality of the MOL along the western boundary particularly has less value, but as noted elsewhere in this report it would appear that this is due to unauthorised activity and neglect. In addition, whilst the Inspector granting the permission for Dylon Phase 1 described that site as being relatively secluded in nature and land locked by the industrial land and adjoining street network, the layout and massing of that scheme aligns with the surrounding street edges, mediating in scale with the neighbouring industrial units and residential properties. The application site however is less secluded, more open in nature and more prominent in views further to the east/south-east as demonstrated in the visuals submitted.

61 The proposal seeks to continue the building line and draw on the scale of the western portion of Phase 1, introducing a linear building form of eight storeys with a stepped back ninth storey along the edge of the railway. While marginally smaller in scale than the previous scheme, this still results in a visually prominent wall of development when viewed from the main expanse of MOL to the south-east of the site. This would significantly alter the quality of openness of this part of the MOL and although officers acknowledge that this has been reduced, would still cause a substantial amount of overshadowing, limiting the usability of the open space particularly during late afternoon/evening in the summer months. While there may be a case to be made for introducing some enclosure between the railway line and MOL to enhance the quality of the space, the scale and bulk of the proposed building goes beyond what could be recognised as being necessary or acceptable to achieve this. The revised scale would also almost entirely block the views of the MOL from the railway line, a characteristic which connects the MOL with the wider urban area.

62 The applicant has sought to address those concerns raised with regards to the western ground floor frontage of the original application, particularly the concern that it was dominated by the required vehicular/serving access arrangements and car parking, and offered little to ensure a high quality public realm. In response, larger terrace gardens have been provided in front of the ground floor units and the level of surface car parking has been reduced with additional planting along the railway line incorporated. In addition, an extra entrance in the centre of the block has been introduced. However, while this may go some way to improving the pedestrian environment and outlook along this edge, this does not address the concern regarding the potential lack of street based activity. The applicant should also have regard to those comments in the transport section below regarding the pedestrian environment.

63 Similarly, while it is acknowledged that the eastern ground floor frontage has now been modulated to try and address the blank and continuous, inactive retaining wall which raised strategic concerns on the original scheme, the landscaped solution effectively 'greens' the lower portion of the retaining wall and does not help provide an increased degree of natural surveillance to the MOL to the east. Therefore, those fundamental concerns raised with regards to the ground floor/podium level raised in the original consultation still remain.

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

Inclusive design

65 The aim of London Plan Policy 7.2 is to ensure that proposals achieve the highest standards of accessibility and inclusion. Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled and deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity.

Residential units

66 The design and access statement demonstrates how the development responds to the principles of inclusive design, and typical floor plans showing how the design of the residential units meets the sixteen Lifetime Home standards have been included. The submission confirms that 26 units will be wheelchair accessible, which equates to 10% of the total number of units, and these will be distributed across the building and unit sizes. Sample flat layouts have been provided demonstrating compliance with relevant wheelchair housing design guidance and in order to ensure compliance with the new housing technical standards, the Council should include a condition to secure the Building Regulation standards M4(2) and M4(3).

Public realm

67 Extending the Lifetime Homes concept to the public realm can help to ensure that the parking areas, the routes to the site and links to adjacent public transport and local services and facilities are also designed to be accessible, safe and convenient for everyone, particularly disabled and older people.

68 Whilst the planning permission includes details of how disabled people access each of the entrances safely, further information clarifying safe and inclusive access to the rest of the site is required before this aspect of the scheme can be appropriately assessed. This should include information on the varying levels, gradients, widths and surface materials of the paths and how they are segregated from traffic and turning vehicles etc, and how any level changes on the routes will be addressed, how wheelchair users would access the site safely and conveniently given its tucked away position down a private road and how step free access to the podium deck from the open space will be achieved.

Parking

69 The submitted basement and ground floor plan identifies a total of nineteen disabled car parking spaces; this does not comply with the policy requirement of one wheelchair parking space for each wheelchair accessible unit. However, other application material refers to twenty spaces and this should therefore be clarified. In any respect, given that this quantum does not meet the policy requirement, it is recommended that the allocation of these bays must be actively managed to ensure that they are always available to those in greatest need. A parking management plan should identify how bays will be allocated to residents of the wheelchair accessible units and should include a mechanism to ensure that the supply and demand of the blue badge bays are regularly monitored and the provision reviewed. This ensures that the provision going forward equates to the demand from disabled residents and visitors, and also ensures that the bays are effectively enforced.

Sustainable development

70 The applicant has resubmitted the energy statement from the previous application without any revisions and therefore the applicant is required to update the energy statement to

account for any changes to the scheme since the previous application, for example updated in carbon emission figures due to the changes in number of residential units.

71 During previous consultation the applicant was required to provide further revisions and information including updated emissions figures to include the centralised system with gas boilers based on Part L 2013, sample SAP worksheets, information on the Dylon 1 heating arrangement to establish whether there is capacity to connect and further detail on the combined heat and power (CHP) unit, including management arrangements. The majority of the issues outlined were addressed for the previous application; however, the applicant should confirm that the proposed revisions are still applicable to the current application before the revised scheme can be appropriately assessed.

72 From the SAP worksheets provided it can be seen that the assumption used in the modelling is that CHP will provide 100% of the heating demand, this is contrary to the energy statement which states that gas boilers will also provide heating in order to meet the peak demands, and represents a significant overestimation of the carbon emission savings for the development. The applicant should therefore update the community heating assumptions to include the gas boilers which will meet the peak demands and account for approximately 25% of the space heating demand (as stated in the energy statement). The applicant should also provide the CHP manufacturer data sheet that shows the efficiency based on gross fuel input is 88.1%. The applicant should specifically request the efficiency based on Gross values from the manufacturer as datasheets are often quoted based on Net values. The updated carbon emission figures, modelling assumption and SAP sheets should be provided in the revised energy statement.

73 The applicant should also consider the installation of photovoltaic panel (PV) given the extent of roof space and orientation.

74 A reduction of 253 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected which is equivalent to an overall saving of 72%. While the carbon dioxide savings exceeds the target in London Plan Policy 5.2, further information is required as outlined above to ensure compliance with London Plan energy policies.

Flood risk and drainage

75 It appears that the applicant has resubmitted the same flood risk assessment produced in support of the previous application and therefore the applicant should confirm that this still remains relevant to the revised proposals.

76 In particular, the applicant should confirm that the basement arrangement remains unchanged as this forms an integral part of the flood storage strategy. Subject to this confirmation, the flood strategy assessed as part of the original application was considered an appropriate risk based response and was acceptable in terms of London Plan Policy 5.12. If the proposals were granted planning permission, the flood related planning conditions previously proposed by the Environment Agency would need to be secured.

77 Similarly, the applicant should confirm that the drainage strategy remains as previously proposed. If so, the applicant should have regard to those comments raised in the previous GLA planning report (ref:D&P/3663/01). Subject to the above confirmation, the principles of the surface water management for the site were previously found to be acceptable, subject to the inclusion of a planning condition to agree and secure the specific measures for the site.

Transport

78 In light of the minor revisions to the transport element of the proposals and that the site layout and vehicular arrangements remain unchanged; the applicant should have regard to those comments made on the previous application.

79 On further assessment of the proposals, Transport for London (TfL) raises concerns that the access arrangement proposed would not give priority to pedestrians and cyclists over motor vehicles, and that a one-way system proposed for vehicular traffic would discourage cycling and walking to and from the site without a contra-flow cycle lane and more generous footways. Although this was not raised in TfL's initial response to the original application, very similar comments by Lewisham Council's Highways officers were noted in the Council's planning officer's Committee Report and TfL agree with this view.

80 Following further internal consultation with the TfL Cycling team, it is questioned whether a turning head and cul-de-sac are necessary considering there will be relatively few vehicle movements. A more informal approach could be used, reducing the 'highway' character of routes within the site. The landscaping should be attractive for people to use whether on foot or cycling or driving, rather than a long, straight expanse of tarmac that vehicles can take at speed.

81 The applicant is advised to investigate alterations to the surface treatment, removing centre lines and other markings, and introducing planting and other softer features. The roundabout at the end of the cul-de-sac may be unnecessary and comes across as over-engineered. For service vehicles, local widening may be sufficient rather than a full turning head. Inset drop-off bays may also be unnecessary, as drop off can take place from the street. If they were removed, service vehicles could turn in the space gained.

82 Overall the applicant should revisit the landscaping designs for the development in accordance with London Plan Policy 6.10, which states that development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space by referring to Transport for London's Pedestrian Design Guidance and that local authorities should encourage a higher quality pedestrian and street environment, including the use of shared space principles, such as simplified streetscape, decluttering, and access for all.

83 Notwithstanding the above, TfL accepts the trip generation associated with the proposed development would be unlikely to have any significant strategic impact on the local public transport and highway networks.

Community Infrastructure Levy

84 Mayoral CIL will be payable at a rate of £35 per sq.m (see Community Infrastructure Levy Charging Schedule – Mayor of London, February 2012). TfL seeks clarification as to the exact uplift in floorspace, as the CIL Liability form for the development is not available from the Council's website.

Local planning authority's position

85 At the time of writing the local planning authority's position is unknown.

Legal considerations

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

Financial considerations

87 There are no financial considerations at this stage.

Conclusion

88 London Plan policies on **land use principles (metropolitan open land, playing fields), housing, urban design, inclusive access, flooding, sustainable development and transport** are relevant to this application. The application does not comply with these policies and cannot be supported in principle at this stage. Further information is needed in order to fully comply with the London Plan. The potential remedies to issues of non-compliance are set out below:

- **Land use principles:** The proposal is inappropriate development within Metropolitan Open Land and 'very special circumstances' have not been demonstrated to outweigh the harm to the openness of MOL.
- **Housing:** While the indicative affordable housing offer of 36% accords with Bromley Council's UDP policy, the applicant is required to conduct a financial viability assessment to demonstrate that the maximum reasonable amount of affordable housing is being delivered on this greenfield, windfall site (based on existing use value for open space). This should be scrutinised by the Council and/or their independent consult and both reports supplied to the GLA. Further information is also required on the unit mix within the affordable housing tenures. The quantum of affordable family sized units is fairly low and the applicant should explore increasing this. The residential quality is broadly supported although the ground floor requires more work to reduce the number of units per core and improve ground level access. The density exceeds the guidance in the London Plan and supports the concern that the design is harmful to MOL openness.
- **Urban design:** While the footprint spread has been contained to the western edge and the maximum height reduced, the mass, scale and continuous wall of development would still be harmful to the open MOL setting. The ground floor layout also requires further work in order to create street based activity, improve the public realm and the buildings relationship to the adjacent open land.
- **Inclusive access:** Further detail is required on inclusive design of the public realm, in particular how those with mobility issues access the development conveniently and safely from nearby streets and how wheelchair users access the podium from the adjacent amenity space and vice versa. In addition, further clarification is required on the quantum and management of the disabled parking spaces.

- **Sustainable development:** The applicant has resubmitted the energy statement from the previous application without any revisions and therefore it should update the energy statement to account for any changes to the scheme since the previous application. This is required to enable an appropriate assessment against London Plan Policy 5.2.
- **Flooding:** The submitted flood risk and drainage information is the same as submitted with the previous scheme and this information was considered acceptable subject to the inclusion of a number of relevant planning conditions. The applicant should therefore confirm that the flood risk and drainage strategies remain relevant and appropriate to the revised design and refer to those comments previously made in GLA planning report D&P/3633/01.
- **Transport:** The site layout and vehicular arrangements remain unchanged and therefore the applicant should have regard to those comments made on the previous application. In addition, TfL raise concerns that the access arrangement proposed would not give priority to pedestrians and cyclists over motor vehicles and the applicant should revisit the landscaping designs for the development in accordance with London Plan Policy 6.10.

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