 Strategic planning application stage 1 referral

The proposal
Application 1:
Demolition of the existing buildings at 202-210 Bromley Road SE6 and the construction of a six storey building comprising 3 retail commercial units (Use Class A1) on ground floor and 114 bedroom hotel (Class C1) fronting onto Bromley Road with basement parking for 45 cars and 16 bicycles spaces and at ground floor coach parking/drop off point, servicing area and vehicular access via Franthorne Way (Outline Application). (Reps D&P/4003 & 15/094187)

Application 2:
Demolition of the existing buildings on Land to the rear of 208-210 Bromley Road & 2-4 Randlesdown Road SE6, together with the construction of a four storey building with balconies plus basement level comprising retail space (Use Class A1) on the ground floor and 9 two bedroom self-contained flats over 3 floors above with associated landscaping and the provision of 18 car parking, 3 motorcycle and 12 cycle spaces, ground floor servicing area and vehicular access via Franthorne Way (Outline Application). (Reps D&P/4003a & 15/094188).

Note: Whilst Application 2 is not of a scale to be referred to the Mayor under Town & Country Planning (Mayor of London) Order 2008, it is considered to be linked (see paragraphs 2 and 3 of the report).

The applicant
The applicant is Mr F Griffiths, and the architect is WS Planning & Architecture.

Strategic issues summary
The principle of the proposed development for a range of non-industrial uses, namely retail, hotel and residential within Strategic Industrial Land (SIL) and the potential to impact upon the operation of the adjoining bus garage is not supported and contrary to the London Plan (paragraphs 16 – 23).

Recommendation
That Lewisham Council be advised that the applications do not comply with the London Plan, for the reasons set out in paragraph 62 of this report. The applications do not need to be referred.
back to the Mayor if the Council resolves to refuse permission, but they must be referred back if the Council resolves to grant permission.

**Context**

1. On 2 June 2016 the Mayor of London received documents from Lewisham Council notifying him of planning applications 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 13 July 2016 to provide the Council with a statement setting out whether he considers that the applications comply 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. Application 1 (D&P Ref/4003) is referable under Category 3E of the Schedule to the Order 2008:

   “Development — (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following classes in the Use Classes Order—(ix) class C1 (hotels)”

3. Application 2 (D&P Ref/4003a) is referable by virtue of Paragraph 2 of the Schedule to the Order 2008:

   “If the local planning authority receives an application for planning permission for development, which they consider forms part of more substantial proposed development, on the same land or adjoining land, they must for the purposes of this Schedule treat that application as an application for planning permission for the more substantial development.”

4. Once Lewisham Council has resolved to determine the applications, it is required to refer them back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine them itself, unless otherwise advised. In this instance if the Council resolves to refuse permission for the applications it need not refer them back to the Mayor.

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

**Site description**

6. Both application sites are adjoining and lie to the south of Catford Major Centre. Adjoining the north of the sites is Catford Bus Garage which has overnight parking and repair and maintenance facilities for over 150 buses used for 17 routes running in south east and central London. It operates 24 hours a day, seven days a week. To the west of the sites is the River Ravensbourne, which runs in a concrete culvert between the rear of these sites and the Franthorne Way Industrial Estate further west. To the east of the adjoining sites is the A21 Bromley Road (which forms part of the Transport for London Road Network (TLRN), and to the south of the adjoining sites is Randlesdown Road.

7. Bellingham railway station is within 100m walking distance. Four bus routes stop outside the application site. The PTAL value for the application site is 4 which is classified as ‘good’ on a scale of 1 to 6b where 6b is considered as excellent.

8. In strategic policy terms, both sites form part of the Bromley Road Preferred Industrial Location (PIL), classified as a Strategic Industrial Location (SIL) within the London Plan. The adjoining River Ravensbourne forms part of the Blue Ribbon Network.
Details of the proposal

9 Application 1 (D&P Ref:4003) seeks the demolition of the existing buildings on-site and the erection of a six storey building comprising 3 retail units (Class A1) on ground floors with a 114 bedroom hotel (Class C1) above. The proposal also includes a basement car park for 43 cars via a ramp off Franthorne Way.

10 Application 2 (D&P Ref:4003a) seeks the demolition of the existing buildings on-site and the erection of a four-storey building comprising 5 retail units (Class A1) on ground floors and 9 two-bed flats (Class C3) above. The proposal also includes a basement car park for 17 cars via a ramp off Franthorne Way.

11 Both applications share the same ramped access into the proposed basement car parks.

Case history

12 There is no strategic planning history associated with this application. It is noted that there have been 2 previous refused applications for similar proposals on these sites. Both refusals were upheld at Appeal, but none of the previous applications have been previously referred to the Mayor.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Principle of development London Plan;
- Housing London Plan; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG
- Affordable housing London Plan; Housing SPG; Housing Strategy
- Density London Plan; Housing SPG
- Urban design London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG
- Mix of uses London Plan
- Transport London Plan; the Mayor’s Transport Strategy; Land for Industry and Transport SPG
- Crossrail London Plan; Mayoral Community Infrastructure Levy;
- Parking London Plan; the Mayor’s Transport Strategy
- Retail/town centre uses London Plan; Town Centres SPG
- Employment London Plan; Land for Industry and Transport SPG
- Access London Plan; Accessible London: achieving an inclusive environment SPG;
- Ambient noise London Plan; the Mayor’s Ambient Noise Strategy;
- Sustainable development London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy
- Tourism/leisure London Plan;
- Blue Ribbon Network London Plan

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Lewisham’s Core Strategy (2011), Development
Management Local Plan (2014) and the London Plan consolidated with alterations since 2011 (March 2016).

15 The following are also relevant material considerations:


**Principle of development**

16 The existing sites form part of the Bromley Road Preferred Industrial Land (PIL), a Strategic Industrial Location (SIL) identified within Annex 3 of the London Plan. SILs are London’s main reservoir of industrial land including general and light industrial uses, logistics, waste management and environmental industries (such as renewable energy generation), utilities, wholesale markets and some transport functions.

17 London Plan policy 2.17A (Strategic Industrial Locations) states that the Mayor will promote, manage and, where appropriate, protect those areas which are designated as SIL. London Plan policy 2.17B states that development proposals in SILs should be refused unless a) they fall within the broad industrial type activities outlined in paragraph 2.79; b) they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document; c) the proposal is for employment workspace to meet identified needs for small and medium sized enterprises (SMEs) or new emerging industrial sectors; or d) the proposal is for small scale ‘walk to’ services for industrial occupiers such as workplace crèches or cafes. London Plan policy 2.17C states that development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities.

18 Application 1 seeks to develop the site for a mix of retail and hotel uses and Application 2 seeks to develop the site for a mix of retail and residential uses. Neither of these proposals would meet the tests sets out in Policy 2.17B and it is considered the proposed uses would compromise the effectiveness of the Bromley Road PIL in accommodating industrial-type activities. Accordingly they should be refused.

19 Adjoining the Application 1 site is Catford Bus Garage. Catford Bus Garage has overnight parking and repair and maintenance facilities for over 150 buses used for 17 routes running in south east and central London.

20 Both London Plan policy 6.2 (Providing public transport capacity and safeguarding land for transport) and the Land for Industry and Transport SPG (2012) seek to protect land used for transport or support functions, and this includes the consideration of the effect of changes to neighbouring land uses which could impact upon the operation of such land.

21 TfL (Transport for London) objects to the applications, in particular they are concerned that the proposed development would impact the operations of the bus garage, which operates 24 hours a day, 7 days a week, and give rise to complaints from potential residents and the hotel operator with regards to noise, air quality and visual amenity associated with the garage and the movement of buses to and from the site.

22 GLA officers consider the bus garage to be strategically important to London’s public transport network. Bus garages are ‘unneighbourly uses’ and are generally located in industrial areas, due to their potential negative impacts on residential uses. It is considered that the proposed uses would jeopardise the future operation of the bus garage and should be refused.
In line with London Plan policies 2.17, 6.2 and the Land for Industry and Transport SPG (2012), the proposed use of these sites for a mix of non-industrial uses, namely retail, hotel and residential is not supported, and would be contrary to the aims and objectives of the London Plan.

Notwithstanding the in-principle objection to the proposed development, general comments on the proposals are set out below.

**Visitor accommodation**

London Plan policy 4.5 (London’s Visitor Infrastructure) is supportive of new visitor accommodation, seeking to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10% should be wheelchair accessible. Outside the Central Activities Zone (CAZ), new visitor accommodation should be focussed in town centres and opportunity and intensification areas which there is good public transport access to Central London and international and national transport termini.

The proposed development is not within a town centre, nor an opportunity or intensification area. Lewisham has two Major Centres and seven District Centres (Table A2.1 of the London Plan) and two Opportunity Areas (Deptford Creek & Lewisham, Catford and New Cross). GLA Officers consider that these locations should be the priority for any new visitor accommodation within the Borough. The applicant should set out their rationale for the proposed hotel in this location prior to any Stage 2 referral.

**Housing**

Application 2 would deliver 9 residential units (9 x 2-bed units). Whilst London Plan policy 3.3 seeks to increase housing delivery, it should be noted that the housing targets set out in Table 3.1 explicitly excludes land designated as SIL, with the assumption that such land would be protected from residential development over the lifetime of the London Plan. In the absence of any evidence to the contrary, GLA officers consider the borough’s housing target to be robust and capable of delivery without development within SIL.

**Affordable Housing**

The proposal falls below the threshold of 10 units within Policy 3.13 of the London Plan. Lewisham Council should assess the site against its relevant local plan policies.

**Residential quality**

London Plan Policy 3.5 promotes quality in new housing provision and sets out minimum space standards at Table 3.3. The proposed units would all exceed the standards set out within Table 3.3 and the units benefit from private amenity space, in the form of balconies which exceed the minimum standards (standard 26) set within the Housing SPG (March 2016). The minimum depth and width should be 1500mm in line with standard 27 of the SPG.

**Residential density**

This site has a public transport accessibility level of 4, and GLA officers have classified the setting as suburban in character. The London Plan density matrix (Table 3.2), therefore, suggests a residential density of between 200 to 350 habitable rooms per hectare for this scheme or 45 – 130 units per hectare.
No details on density are included within the planning statement. The proposed density should be confirmed by the applicant prior to any Stage 2 referral and when calculating the density, the applicant should adjust to reflect the mixed use nature of the scheme in accordance with Paragraphs 1.3.69-72 of the Housing SPG (2016).

**Children’s play space**

Based on the proposed residential mix, and applying methodology within the Mayor’s Play and Informal Recreation SPG, GLA officers have calculated an expected child yield for the scheme at 1 child. The SPG does not require developments with an estimated child yield of less than 10 children to provide play space on-site.

**Energy**

Application 1 is major development and the applicant has not provided an energy assessment. This omission must be addressed prior to any referral of the application at Stage 2 in order for the Mayor to consider the proposal has satisfied the London Plan energy policies. The GLA’s energy planning guidance (March 2016) explicitly states that all outline planning applications will be expected to set out an energy strategy with commitments to guide the design and development of a planning application at the detailed stages.

Depending on the matters to be considered, applicants should still undertake initial feasibility work on each part of the energy hierarchy set out in this guidance to illustrate how they will minimise carbon emissions from the development. The local planning authority should secure the key energy commitments in the strategy through appropriate clauses in the section 106 agreement or through an appropriate planning condition, and require reserved matters applications to demonstrate consistency with the outline energy strategy.

The energy strategy provided to the GLA prior to Stage 2 referral must include:

- Estimated site-wide regulated CO2 emissions and reductions (broken down for the domestic and non-domestic elements of the development), expressed in tonnes per annum, after each stage of the energy hierarchy;
- A clear commitment to regulated CO2 emissions savings compared to a Part L 2013 of the Building Regulations compliant development through energy demand reduction measures alone;
- Clear evidence that the risk of overheating has been mitigated through passive design
- Evidence of investigation into existing or planned district heating networks that the development could be connected to, including relevant correspondence with local heat network operators
- Commitment to a site heat network served by a single energy centre linking all apartments and non-domestic building uses, if appropriate for the development
- Where applicable, investigations of the feasibility of installing CHP in the proposed development (if connection can’t be made to an area wide network) before considering renewables. If CHP is proposed, provide a feasibility assessment to ensure that CHP is optimised to meet the domestic hot water and part of the space heating demand, thereby minimising CO2 emissions.
- An initial feasibility test for renewable energy technologies and, where appropriate, commitment to further reduce CO2 emissions through the use of onsite renewable energy generation.

The GLA Guidance on preparing energy assessments (March 2016) can be downloaded at: [https://www.london.gov.uk/sites/default/files/gla_energy_planning_guidance_-_march_2016_for_web.pdf](https://www.london.gov.uk/sites/default/files/gla_energy_planning_guidance_-_march_2016_for_web.pdf)
Air Quality

37 Application 1 is major development and we would expect all major developments to be accompanied by an Air Quality Assessment (AQA) in order to demonstrate that the development is in accordance with London Plan policies 7.14 and 5.3. An AQA should be submitted before any Stage 2 referral and should comprise the following:

1. An assessment of the existing environment and the suitability of the site for the proposed use
2. An assessment of the impact of the site on the surrounding area demonstrating that the impact has been minimised through design measures.
3. An Air Quality Neutral assessment demonstrating that the development will meet or exceed the minimum benchmarks set out in the GLA SPG “Sustainable Design and Construction”.
4. A dust risk assessment setting out the likely impacts and mitigation measures to be employed through the construction and demolition phases, in accordance with the GLA SPG “The Control of Dust and Emissions during Construction and Demolition”

38 As this application is in outline, it may be possible to use suitably-worded conditions to require that items 2, 3 and 4 are addressed at the detailed design stage, however item 1 must still be addressed. Without this information it is not possible to determine if the development is in accordance with London Plan policy 7.14

39 Application 2 is not, in its own right, a major development and therefore not subject to the same requirement for an Air Quality Assessment. However, as the sites are linked, it would be beneficial if it were included in the assessment of the suitability of the site. Any elements of linked construction or demolition or energy strategy should also be included in the assessment.

Transport

Catford Bus Garage

40 As set out above, TfL is concerned that there will be potential conflicts between the proposed uses and the existing bus garage, with noise, air pollution and visual nuisance being particular concerns. TfL object to the proposed development on these grounds.

41 Notwithstanding the in-principle objection to the proposals, details comments are set out below.

Vehicle parking

42 TfL considers the proposed level of car parking for both applications to be excessive.

Application 1:

43 Whilst there is no set car parking standard for hotels, the London Plan 2016 states that in locations with a PTAL of 4-6 on site provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing. However for a 114 room hotel, 38 car parking spaces are proposed within a shared 45 space basement car park. Furthermore in the absence of effective management all 45 spaces could be used by hotel guests.
In terms of the retail use, at least seven spaces are proposed, albeit in effect more could be available without effective management when there is less demand from hotel guests. This number just falls within the relevant maximum London Plan standard but TfL considers it should be reduced given the good site PTAL and small size of units and especially given the potential for custom from the hotel, bus garage and other nearby existing and proposed uses.

Furthermore, and in any event, Blue Badge parking and the provision of Electric Vehicle Charging Points (EVCPs) should meet the relevant London Plan standards.

A coach drop off/pick off point is proposed. However to comply with the London Plan two additional coach parking spaces should be provided. Furthermore, use of this coach drop off/pick up point would be compromised by the adjoining service area and its location off a rear access and would result in coach passengers having to enter and leave the hotel through an unwelcoming entrance. TfL are concerned if there is inadequate provision that passengers will be picked up and dropped off instead on the A21 with consequent safety and transport impacts.

London Plan policy also has a requirement for a taxi rank to serve the hotel or, as a minimum, a dedicated drop off and pick up point for taxis and pre booked private hire vehicles, where justified. TfL is similarly concerned that, in the absence of suitable on-site provision and access for pick-up and drop-off of passengers, taxis, PHV and private cars drivers will be tempted to drop off and pick up on Bromley Road reducing highway capacity and causing safety issues.

The location of all cycle parking spaces in one corner of the basement to which access is only via the shared vehicle ramp and the proposed vehicle access route along Franthorne Way is unlikely to encourage cycling and thus is considered not to comply with London Plan policy. At least two short stay cycle parking spaces for hotel visitors and two – eight for shoppers should also be provided at street level close to the main entrances to the development. To support cycling, staff showers, lockers and on-site changing facilities should also be provided.

Application 2:

The amount of car parking proposed is unclear and may exceed the London Plan maximum of 1 space per dwelling. In any circumstance, given the site’s good PTAL rating it is considered that parking should be no more than 0.5 per unit, in line with the level of car ownership prevailing in the ward.

Clarification is also required in respect of the proposed retail car parking provision. However TfL would advocate zero or very low car parking given the nature and location of the units, save for suitable on or off street parking for disabled people.

12 cycle parking spaces are proposed for the development as a whole. However to meet London Plan standards at least 18 secure, covered and conveniently located spaces are required for the residents, including 10% suitable for larger bikes, and a further 2 spaces for the retail employees. Furthermore the intended location of the cycle parking within a basement car park to which access is via a shared ramp and Franthorne Way (an industrial area at the rear of the site) is unlikely to encourage cycling.

Adequate short stay provision of at least 1 cycle parking space for residential visitors and 1 for shoppers should also be made which should be close to the entrances to the shops and flats as opposed to in a rear accessed basement. To support cycling by the retail staff, showers, lockers and changing facilities should also be provided.
Blue Badge and cycle parking together with EVCPs and cyclist facilities should all be secured by condition. The s106 agreement should include a provision exempting residents and staff from obtaining Controlled Parking Zone permits unless they are disabled.

Walking/Cycling and Highway Access

Both sites are located within walking distance of Bellingham rail station and bus stops on Bromley Road. TfL supports the provision of way-finding signage by the applicant. This should be Legible London signage to coordinate with provision elsewhere in the borough and much of London.

It is noted that an additional (to Bromley Road) pedestrian access to the hotel and the sole access for cyclists is proposed at the rear via Franthorne Way which serves an industrial estate. Concerns exist that in the absence of improvement and suitable management that the latter route will not be used, discouraging cycling and walking to the hotel.

TfL would support the vehicle access via Franthorne Way rather than Bromley Road. However it seeks confirmation that the applicant can deliver such an arrangement and put in place the necessary management. A section 278 agreement would also be needed with Lewisham additional to one with TfL to secure removal of the redundant crossover and reinstatement of the footway on Bromley Road.

Other Matters

A Delivery and Servicing Plan (DSP) and a Travel Plan will be required for both applications, to be agreed by the Council prior to first occupation. TfL requests that a Construction Logistics Plan (CLP) should also be submitted and approved by the Council before construction work commences on-site. A condition securing an access and parking management plan should also be imposed to manage the access and use of any on site car parking. These plans should be secured via appropriate planning condition or Section 106 obligation.

Community Infrastructure Levy

In accordance with London Plan Policy 8.3 the Mayor commenced CIL charging for developments on 1 April 2012. Within Lewisham, the charge is £35 per square metre. This is in addition to the local borough CIL.

Local planning authority’s position

Lewisham Council’s position is unclear at the moment.

Legal considerations

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. 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

There are no financial considerations at this stage.

Conclusion

London Plan policies on the principle of development, visitor accommodation, housing, energy, air quality and transport are relevant to this application.

- **Principle of development**: The principle of the proposed development within the SIL is not supported, and should be refused in line with London plan policy 2.17. The proposed development could give impact upon the operations of the adjoining bus garage, contrary to London Plan policy 6.2.

- **Visitor accommodation**: In line with London Plan policy 4.5, the site does not fall within the CAZ, a Town Centre, an Opportunity Area or an Area for intensification. The applicant is asked to justify the proposal.

- **Housing**: Whilst London Plan policy 3.3 seeks to increase housing delivery, it should be noted that the housing targets set out in Table 3.1 explicitly excludes land designated as SIL, with the assumption that such land would be protected from residential development over the lifetime of the London Plan. In the absence of any evidence to the contrary, GLA officers consider the borough’s housing target to be robust and capable of delivery without development within SIL. The applicant should set out their justification for residential uses in the SIL and confirm the proposed density, prior to any Stage 2 referral.

- **Energy**: In line with London Plan policy 5.2, the applicant should provide an energy strategy for Application 1, prior to any Stage 2 referral.

- **Air Quality**: In line with London Plan policy 7.14, the applicant should provide an Air Quality Assessment for Application 1, prior to any Stage 2 referral.

- **Transport**: TfL object to the proposed development, on the grounds it would affect the operation of the adjoining bus garage. Notwithstanding the in-principle objection, the applicant should deal issues relating to car parking, cycle parking, coach parking and other matters raised, to ensure London plan standards are met prior to any Stage 2 referral.

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