**Strategic planning application stage II referral**


**The proposal**

Demolition of existing buildings and erection of two 4-5 storey blocks and one 5-6 storey block of flats comprising 252 residential units (84 x 1 bed, 120 x 2 bed and 48 x 3 bed including affordable housing provision), basement car parking, landscaped podium deck, open space, play space, associated access roads, private and communal landscaping, cycle parking, recycling and refuse stores and associated works including widening of existing vehicular access onto William Booth Road.

**The applicant**

The applicant is **Fairview New Homes Ltd** and the architect is **Metropolis Architects**.

**Strategic issues summary**

**Housing**: 252 units proposed. Affordable housing offer of 35% by habitable room (split 60:40 affordable rent to intermediate units) is compliant with Bromley Council’s affordable housing policy requirements. (paras. 9-13).

**Design**: height, massing and design supported (paras 14-16).

**Transport**: Parking provision increased but complies with London Plan requirements; conditions and section 106 obligations secured (paras 21-22).

**The Council’s decision**

Bromley Council has resolved to grant planning permission.

**Recommendation**

That Bromley Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.
Context

1 On 17 May 2016 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. The application was referred to the Mayor under Category 1A of the Schedule to the Order 2008:

- 1A ‘Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.’

2 On 27 June 2016 the Mayor considered planning report D&P/3817/01, and subsequently advised Bromley Council that whilst the application was generally acceptable in strategic planning terms, the application did not fully comply with the London Plan for the reasons set out in paragraph 62 of the report. Possible remedies were set out in that paragraph.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site and its history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 6 September 2016 the Council decided that it was minded to grant planning permission, and on 23 September 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Bromley Council under Article 6 to refuse the application or issue a direction to Bromley Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 7 October 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

5 At the consultation stage, Bromley Council was advised that the application was broadly acceptable in strategic planning terms, but that some outstanding information was required to confirm its compliance with the London Plan:

- **Principle of development**: The change in land use from social infrastructure to residential accommodation is supported in strategic planning terms; provided the Council are satisfied there is no identified local need for other forms of social infrastructure on this site.

- **Housing**: The proposal is in accordance with London Plan policies 3.3, 3.4, 3.5, 3.8 and 3.11. The applicant should confirm the quantum of playspace provision to be provided on site and provide details of any off-site provision.

- **Affordable housing**: The applicant is providing 35% affordable housing by habitable room with a tenure mix of 58% intermediate and 42% affordable rent. This meets Bromley Council’s affordable housing policy requirements.
- **Urban design:** Generally the urban design approach is supported; however, there are concerns regarding the level of car parking to be provided on site, and the applicant should further consider the interaction of the scheme with the adjacent MOL.

- **Inclusive access:** The applicant should include details of how disabled people access the site from William Booth Road. The Council should secure compliance with Building Regulations M4 (2) and M4 (3) via condition.

- **Sustainable development:** The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan, but some matters to be addressed before compliance with London Plan energy policy can be verified; conditions on drainage requested.

- **Transport:** TfL encourage the applicant to reduce on-site car parking provision. TfL recommends 3 years free car club membership is offered to residents, secured by the s106 agreement. The travel plan should be secured via the s106 and the construction logistics plan and delivery servicing plan should be secured by condition.

The applicant and the Council have provided responses to the issues raised at Stage 1. Taking each of these points in turn the following is noted:

**Principle of development**

At Stage 1 it was noted that the site has previously been occupied by the London Autistic Spectrum Condition Centre and as such the use would be classified as social infrastructure. The change in land use to residential accommodation is supported in strategic planning terms so long as the Council confirms that there is not an identified local need for other forms of social infrastructure on the site, in accordance with London Plan policy.

In accordance with London Plan Policy 3.16 (Protection and enhancement of social infrastructure), the applicant and the Council have carried out an assessment of the suitability of the redundant facility for any other forms of social infrastructure, for which there is a defined need. The assessment has confirmed that there is no current deficiency or demand for social infrastructure in the locality, and also as the existing building was built for a specific purpose it would be impractical to convert the buildings for an alternative community use. However, the applicant has offered a social infrastructure contribution of £30,000 towards Anerley Town Hall and Crystal Palace Community Development Trust, and this is welcomed. GLA officers consider that under the circumstances and noting the results of the community needs assessment, the use of this redundant site would be most efficiently used to address housing need in the borough. The residential use of the site is thus supported.

**Housing**

At the consultation stage, the applicant was requested to confirm the quantum of playspace provision to be provided on site and provide details of any off-site provision.

In response, the Council has confirmed that the formal play area in the south western corner of the site is 604 sq.m. in size and the scheme also includes open space which can be used for informal play, totalling 1772sq.m. This complies with the GLA’s total playspace requirement of 702sq.m. (with 340 sq.m. minimum on-site provision). The Council has recommended a condition requiring detailed designs of the playspace to be submitted. The playspace provision is thus acceptable.
Affordable Housing

11 At the consultation stage, the GLA noted that the applicant’s offer of 35% affordable housing (measured by habitable room) met Bromley Council’s affordable housing policy requirement.

12 Since the Stage 1 report, the applicant has amended the tenure mix of the proposed affordable housing to reflect London Plan and the borough’s local policies. The tenure split of the affordable housing is now proposed to be 60% affordable rented accommodation and 40% intermediate (shared ownership) accommodation. The rents and income levels are as follows:

<table>
<thead>
<tr>
<th>Affordable rent</th>
<th>Rents capped at Local Housing Allowance (LHA) rates as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-bedroom</td>
<td>Maximum £161.02 per week (60.76% of market rent)</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>Maximum £198.02 per week (63.5% of market rent)</td>
</tr>
<tr>
<td>Three-bedroom</td>
<td>Maximum £242.40 per week (65% of market rent)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intermediate</th>
<th>Gross household income as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-bedroom</td>
<td>£43,287 or less</td>
</tr>
<tr>
<td>Two-bedroom (61sq.m.)</td>
<td>£51,723 or less</td>
</tr>
<tr>
<td>Two-bedroom (75sq.m.)</td>
<td>£53,073 or less</td>
</tr>
<tr>
<td>Two-bedroom (80sq.m.)</td>
<td>£54,422 or less</td>
</tr>
</tbody>
</table>

13 The Council has confirmed that the affordable housing meets local policy requirements. London Plan policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) states that “the maximum reasonable amount of affordable housing should be sought…[having regard to] affordable housing targets adopted in line with Policy 3.11”. The GLA is therefore satisfied that the affordable housing offer complies with London Plan policy.

Urban Design

14 At Stage 1, the GLA supported the height, scale and massing of the proposals, however it was noted that the amount of car parking negatively impacted on the quality of the public realm within the scheme. The impact of the proposals on the adjacent Metropolitan Open Land (MOL) was also required to be considered.

15 Whilst it is acknowledged that the new buildings will be a substantial development close to the boundaries of the MOL, it is considered that the design and siting of the buildings away from the site boundary would minimise the impact. Furthermore, the limited height of the buildings and set back from the boundary ensures that the development would remain comfortably within the context of the tree line and surrounding development when viewed from longer views across the Orchard School playing fields, and would not overdominate the boundary with the William Booth Open Space. The Council have also concluded that the development is acceptable with regard to its impact on the MOL.

16 Since the Stage 1 report, the applicant has increased the parking provision on the site from 240 spaces to 246 (98% provision) to take account of Bromley Council’s requirements. Whilst a reduction in parking would deliver design improvements, noting Bromley Council’s position the overall design and landscaping strategy seeks to mitigate the impact of the parking by incorporating mature planting within the car parking areas as well as large areas of soft landscaping adjacent to the boundary with the MOL. Much of the car parking would also be concealed beneath a central podium deck with landscaping above. This overall design approach is supported and the scheme is acceptable with regard to urban design.
Inclusive design

17 The Stage 1 report requested further clarity on how disabled people would access the site from William Booth Road. The applicant has confirmed that the site is wheelchair accessible via the public footpath on William Booth Road, with gradient levels capped at 1:20 to enable accessibility. The Council has also secured suitable conditions ensuring that the units are designed to M4(2) standards and 10% of the units to M4(3) standards. The GLA’s comments regarding accessibility have thus been addressed.

Sustainable development

18 At the consultation stage, the GLA advised that the application was broadly compliant with the London Plan’s energy policies, but that further information should be provided to support the carbon savings claimed.

19 The applicant has provided further information on how the cooling demand will be reduced and a sample compliance sheet for Part L which shows that the overheating risk is slight for the sample model. The applicant has also provided further information on the insulation of the building envelope and the operation of the combined heat and power system (CHP), as requested.

20 The Council has secured suitable conditions concerning the implementation of the energy saving measures and the provision of green roofs. The additional information submitted satisfies the previous requests for further details and demonstrates that the development complies with the London Plan in respect of energy.

Transport

21 At Stage 1, the applicant was requested to consider reducing the amount of car parking on the site, given the good public transport accessibility levels. As noted in paragraph 16 above, the car parking has not been reduced, but in fact increased to reflect Bromley Council’s desire for 1:1 parking provision on this site. The parking provision is 0.98 spaces per unit. GLA and TfL officers maintain that in areas of good public transport accessibility, new developments should aim for significantly less than one parking space per dwelling in the interests of sustainable development. However, noting Bromley Council’s local requirements and the fact that the proposed parking provision does not exceed the London Plan’s maximum parking standards (London Plan policy would allow for a maximum of 276 parking spaces, and 246 are proposed), the parking provision is acceptable.

22 Conditions and obligations regarding the provision of a travel plan, cycle parking, car club membership, construction logistics plan and delivery and service plan have been secured within the draft planning permission. Consequently, transport issues have been satisfactorily addressed.

Response to consultation

24 Bromley Council’s committee report confirms that the current application was advertised by way of notification letters sent to neighbouring properties.

25 As a result of statutory consultation, the Council received 27 individual representations in objection to the proposals, 15 letters in support, 2 neutral letters and a petition in objection with 38 signatures.

26 Matters raised in objection include the following:

- Adverse impact on road safety of William Booth Road.
Concern about impact of construction traffic (safety of pedestrians and school children, noise, dust).

Adverse impact on school and local parking.

Development needs more parking spaces.

Additional access road required to alleviate pressure on existing cul-de-sac.

Overdevelopment; excessive height, bulky buildings, out of keeping with surrounding area.

Loss of openness of MOL.

Detrimental impact on character of William Booth Road and Sycamore Grove, loss of visual amenity.

Development will lead to additional traffic, noise and congestion.

Additional impact on public transport and local services.

Adverse impact on local residents in terms of noise, loss of light, overlooking and view.

Existing vegetation should be kept.

Consultation not adequate.

Wheelchair access needs improving.

Matters raised in support include the following:

- Support new houses and family housing.
- Car parking is adequate.
- Derelict site is being brought back into use.
- Affordable housing is a benefit.
- Will bring more people and investment into the area.
- Will improve an area in need of regeneration.
- Design is good and in keeping with existing developments.
- Development would not be overwhelming when viewed from the MOL.

The following groups and statutory bodies were also consulted and responded:

- **Environment Agency**: No objections to the proposals.
- **Thames Water**: Conditions and informatives recommended.
- **Metropolitan Police**: Conditions recommended.
- **Historic England – Archaeology**: no objections.

In relation to the objections raised, local issues including the impact on local roads, local services and matters of residential amenity, including loss of light and outlook have been considered by the Council in their report and Bromley Council’s officers considered them acceptable. The strategic issues raised, including height, density and design, impact on MOL, parking and inclusive access have been dealt with in this report and in the Stage 1 report.

**Legal considerations**

Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must
have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

31 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

32 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

33 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

34 The scheme, with the suggested conditions and section 106 obligations, is compliant with the London Plan. Issues regarding housing, affordable housing, urban design, inclusive design, climate change and transport have been appropriately addressed.

for further information, contact GLA Planning Unit (Development & Projects Team):

Stewart Murray, Assistant Director – Planning
020 7983 4271 email stewart.murray@london.gov.uk

Colin Wilson, Senior Manager – Development & Projects
020 7983 4783 email colin.wilson@london.gov.uk

Sarah Considine, Strategic Planning Manager – Development & Projects
020 7983 5751 email sarah.considine@london.gov.uk

Katherine Wood, Senior Strategic Planner (Case Officer)
020 7983 5743 email katherine.wood@london.gov.uk