

2-4 Ringers Road and 5 Ethelbert Road

Local Planning Authority: Bromley

Local Planning Authority reference: 21/05585/FULL1

Strategic planning application stage 2 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 existing buildings and construction of a residential-led mixed use development comprising 94 homes and 413 sq.m. of commercial/community floorspace (Use Class E) across two blocks of 12 and 14 storeys, and residents' amenity space.

The applicant

The applicant is **Ringer's Road Properties** and the architect is **Hollaway**.

Key dates

GLA 'in principle' pre-application meeting: 5 February 2020

GLA stage 1 report: 4 April 2022

LPA Planning Committee decision: 30 September 2023

Strategic issues summary

Bromley Council has resolved to refuse permission for this application. The Mayor may issue a direction under section 2A of the Town and Country Planning Act 1990 to take over determination of the application in accordance with Article 7 of the Town and Country Planning (Mayor of London) Order 2008, or may decide that he is content for the authority to determine the application itself.

In this case, taking into account the specific circumstances of the application, the matters set out in the Committee Report and Addendum Report, and the Council's draft decision to refuse the application; GLA officers consider that the application would not have a significant impact on the implementation of the London Plan; it would not have significant effects on more than one borough; and there are no sound reasons to intervene in this particular application. There is therefore no basis to issue a direction under Article 7 of the Order 2008.

The Council's decision

In this instance, Bromley Council has resolved to refuse planning permission.

Recommendation

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

Context

1. On 25 February 2022, 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. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- 1B(c) *“Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”.*
- 1C(c) *“Development which comprises or includes the erection of a building of more than 30 metres high and is outside of the City of London”.*

2. On 4 April 2022, the Mayor considered planning report [GLA/2022/0167/S1](#)¹ and subsequently advised Bromley Council that the application did not comply with the London Plan for the reasons set out below:

- **Land use principles:** The principle of intensified residential use, with an element of non-residential space, is supported on this under-utilised, Opportunity Area, town centre site; however, this is subject to addressing agent of change, design, and residential quality concerns. Affordable workspace is strongly supported and should be appropriately secured.
- **Housing and affordable housing:** 35% (habitable room) affordable housing (60% affordable rent and 40% intermediate). Subject to confirmation of the tenures of existing homes on the site and those proposed, which must meet affordability requirements, meeting all other policy requirements and obligations, and confirmation that grant funding has been investigated; the affordable housing proposed may be eligible to follow the fast track viability route. Family-sized housing should be provided. Door-step play provision is required as a minimum.
- **Urban design and historic environment:** The buildings are located in an area identified as potentially suitable for tall buildings in the Local Plan; however, significant concerns are raised with the design, layout, massing, and density of the proposals, as well as the consequent deliverability of adjacent sites through a masterplan approach. The proposals are considered to be over-development of the very restricted site. Further views analysis is required before GLA officers can confirm if any harm would be caused to the nearby Conservation Area. A revised fire statement is required.
- **Transport:** Concerns are raised about adverse impacts on the adjacent coach/bus stands/stop during both construction and operation. Contributions to Healthy Streets improvements and Legible London signage are required.
- **Climate change and environment:** Further information is required on energy, whole life carbon, circular economy, green infrastructure, water-related matters, and air quality.

¹ <https://planapps.london.gov.uk/planningapps/21-05585-FULL1>

3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4. On 30 November 2023, Bromley Council decided that it was minded to refuse permission for the application, and it subsequently advised the Mayor of this decision, with documentation confirmed on 5 December 2023. 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; 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. The Mayor has until 18 December 2023 to notify the Council of his decision and to issue any direction.

5. The decision on this case, and the reasons, will be made at [GLA/2022/0262/S2](#)².

Response to consultation

6. Bromley Council publicised the application on 25 February 2022 by sending 214 notifications to local addresses, and issuing site and press notices. The relevant statutory bodies were also consulted. In response to amendments, a further round of consultation was undertaken on 10 July 2023. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.

7. Following the neighbourhood consultation, process Bromley Council received a total of 107 responses including 104 in objection and 1 in support). The reasons for objection are collectively summarised below:

- Site is too compact for the scale of this development.
- Excessive and over-dominating height, scale and massing.
- The density is excessive
- Premature in the absence of a Masterplan.
- Ugly, featureless, characterless.
- Fire safety.
- Harm to Queens Mead Conservation Area and Bromley Town Centre Conservation Area.
- Harm to views.
- Loss of light to Library Gardens.
- Overshadowing.
- Right to light issues.
- Loss of daylight, sunlight, privacy and outlook.
- Loss of privacy and overlooking.
- Impact on microclimate and wind tunnels.
- Increase in crime and anti-social behaviour.
- Air pollution, traffic pollution, noise pollution during construction and operation.
- Poor internal amenity in terms of sunlight, privacy and unit sizes.
- Buildings too close together.
- Loss of parking bays and inadequate provision.
- Highway safety.
- Inadequate servicing and delivery provision.

² <https://planapps.london.gov.uk/planningapps/21-05585-FULL1>

- Adverse effects on the natural environment and wildlife.
- Additional pressure on local infrastructure.
- Undue calls on local utility services.

Responses from statutory bodies and other organisations

8. Health and Safety Executive: Initially raised significant concerns (March 2022) about the single staircases; means of escape; external fire spread; and fire service access. Later (July 2023) confirmed that it was content with the fire safety design as a result of amendments.

9. London Fire Brigade: Raised concerns (November 2023) about evacuation lift arrangements; the number of evacuation and firefighting lifts; connection between residential and commercial areas; undercroft areas; ventilation systems; and electric cycle storage areas.

10. Thames Water: No objection, subject to conditions.

11. Advisory Panel for Conservation Areas: Objection on grounds of being overwhelmingly out of scale; harm to the Conservation Area; huge blank wall facing the High Street; premature until the outcome of the 70 High Street planning appeal and in the absence of the Town Centre Supplementary Planning Guidance Consultation and design code.

12. Shortlands Residents' Association: Objection due to overwhelming massing; inadequate separation between the two blocks; excessively prominent height; no indication how this development would link with neighbouring proposals; no indication of infrastructure requirements; no parking spaces; excessive cycle parking; unclear service and delivery arrangements; and congestion and blockages on Ringers and Ethelbert Roads.

13. Bromley Civic Society: Objection on grounds of harm to Bromley Town Conservation Area and poor design.

14. Bromley Friends of the Earth: Objection on grounds of being too tall and oppressive; impact on Conservation Area; poor design; poor planning; and impact on infrastructure.

15. RSPB Bromley Group: No objection, subject to conditions.

Representations to the Mayor

16. The Mayor has received no representations on the application.

Response to consultation - conclusion

17. Should the Mayor take over the application for his own determination, the above statutory and non-statutory responses to the public consultation process will be fully considered as part of the GLA officer's assessment of the application.

Update

18. Since consultation stage, GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. In May 2023, the applicant submitted amendments comprising:

- Incorporation of a second stair into both blocks, with revisions to the mix of units, internal layouts, and elevational changes.
- Introduction of a double height co-working lounge with more glazing facing the street (Block A).
- Addition of openable windows in the side elevation of Block A; enlargement of areas of glazing and bay windows in both Blocks; and introduction of a solid panel to reduce overheating.
- Removal of three parking bays on Ethelbert Road to provide a car club, disabled bay, and enhanced servicing; and the removal of one bay on Ringers Road to provide an enhanced servicing area.

19. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation.

Relevant policies and guidance

20. Since consultation stage the following are now material considerations:

- Characterisation and Growth Strategy LPG; Optimising Site Capacity LPG; Housing Design Standards LPG; Affordable Housing draft SPG; Development Viability draft LPG; Sustainable Transport, Walking and Cycling LPG; Air Quality Neutral LPG; Air Quality Positive LPG; Urban Greening Factor LPG.

The Council's decision

21. The Council resolved to refuse this application. The Council's draft decision notice sets out the following reasons for refusal:

- Reason 1: The application does not comply with all the criteria listed in London Plan Policy H5C. The application therefore fails to meet the criteria necessary to qualify for the Fast Track Route and in the absence of a Financial Viability Assessment the application fails to demonstrate that the proposal would maximise the delivery of affordable housing, thereby contrary to Policy H4 and H5 of the London Plan and Local Policy 2.
- Reason 2: The proposed development, by reason of not providing any larger family sized units (3 bedroom +), would fail to address the identified need in the Borough, contrary to London Plan Policy H10 and Local Plan Policy 1 and policy 2.
- Reason 3: The proposed development, by reason of its siting, height, scale, massing and appearance would appear as an over-intensive development within a confined site and would prejudice the development potential of the adjoining sites within the allocated Site 10 in the Local Plan. The proposal would appear as an overly dominant and overbearing addition to the town centre skyline and out of context with its immediate surroundings. The proposed development

would therefore cause harm to the character and appearance of the area and fail to preserve or enhance the setting of the setting of the Bromley Town Centre Conservation Area, contrary to London Plan Policies D1, D3, D4, D7, D9 and HC1; Local Plan Policy 37, 42, 47, 48 and Site Allocation 10; Bromley Urban Design SPD and Bromley Town Centre SPD.

- **Reason 4:** The proposed development, by reason of a high proportion of single aspect units offering poor outlook and daylight conditions, mutual overlooking and inadequate provision of children's playspace, is reflective of an over-development of the site resulting in a compromised internal layout, which would not provide a satisfactory standard of residential accommodation. Consequently, the proposal is contrary to the provisions of London Plan Policies D3, D5, D6, D7 and S4; Local Plan Policies 4 and 37; Housing Design LPG; and Play and Informal Recreation SPG.
- **Reason 5:** The proposed development, by reason of its siting, height, scale, massing and design would appear as overbearing when viewed from nearby residential properties and their external amenity spaces and would lead to an adverse loss of light and privacy, thereby harming the living conditions of the surrounding residential occupiers, contrary to Local Plan Policies 37 and 47, and Site Allocation 10 and Bromley Urban Design SPD.
- **Reason 6:** Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to London Plan Policies DF1 and M1, and Local Plan Policies 125 and Bromley Planning Obligations SPD (2022) and subsequent addendums.

Article 7: Direction that the Mayor is to be the local planning authority

22. In order to exercise the power to direct that the Mayor is to be the local planning authority and to determine an application of potential strategic importance (PSI), the Mayor must be satisfied that certain statutory tests set out in Article 7(1) of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.

23. The relevant statutory tests comprise the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there must be sound planning reasons for issuing a direction.

24. Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

25. Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of whether the Council has achieved relevant development plan targets. Only where the application relates to development which falls within Category 1A of the Schedule, is the Mayor required to take account of the extent to which the borough is achieving, and has achieved the applicable development plan targets for new housing, including affordable housing.

26. This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to Article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

27. Article 7(1)(a) concerns whether the Mayor considers that the development or any of the issues raised by the development is of such a nature or scale that it would have a significant impact on the implementation of the London Plan.

28. As set out above, the application is for 94 homes and 413 sq.m. of commercial/community floorspace, which is modest in strategic planning terms. The reasons for refusal relate to affordable housing; housing mix; townscape and heritage; residential quality and amenity; drainage; and planning obligations.

29. The development is neither of a scale or nature that it would have a significant impact on the implementation of the London Plan. Test (a) is therefore not met.

Policy Test 7(1)(b): Significant effects on more than one borough

30. Article 7(1)(b) concerns whether the Mayor considers that the development or any of the issues raised by the development to which the application relates has significant effects that are likely to affect more than one London borough.

31. The site is not close to a neighbouring borough, which together with the modest scale of the proposals and the nature of the issues raised, means that there would not be significant effects on more than one borough. Test (b) is therefore not met.

Policy test 7(1)(c): Sound planning reasons for intervening

32. Article 7(1)(c) concerns whether the Mayor considers that there are sound planning reasons for issuing a direction.

33. Having regard to the details of the proposals, including the outstanding matters from consultation stage as set out in this report, and the Council's Committee Report and reasons for refusal; no sound planning reasons are identified to intervene in this case. Test (c) is therefore not met.

Development Plan targets

34. Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority, to take account of whether the

Council has achieved relevant development plan targets. Article 7(3) states that only where the application relates to development which falls within Category 1A of the Schedule, is the Mayor required to take account of the extent to which the borough is achieving, and has achieved the applicable development plan targets for new housing, including affordable housing. The application does not fall within Category 1A since it does not include more than 150 houses/flats, and the Mayor does not therefore need to take account of performance against housing and affordable housing targets. No other development plan targets are relevant in this case.

Conclusion

35. For the Mayor to issue a direction that he is to be the local planning authority, all relevant statutory tests set out in Article 7(1) of the Order must be met. As none of the tests have been met, there is no basis to issue a direction under Section 2A of the Town and Country Planning Act 1990.

Update on outstanding issues raised at consultation stage

36. When considering whether to take over the application it is also relevant for the Mayor to have regard to the planning issues that were raised at consultation stage. In this context, it should be noted that the Mayor is only considering whether to intervene by becoming the local planning authority. The Mayor is not at this stage required or being invited to reach any decision on the overall merits of the proposal and whether or not to grant planning permission. An update on the outstanding issues is discussed in the following sections.

Land use principles

37. At consultation stage, the uses proposed were considered to be in accordance with London Plan policies H1, H8, SD1, SD6, SD7, SD8, SD9, E2 and E3, subject to addressing design concerns.

38. It was noted that the site is adjacent to a church and the proposed homes could be impacted by noise from the church; however, this was not addressed in the applicant's Noise Assessment. Further consideration was also requested to be given to the impact of noise and other disturbance from adjacent coach and bus operations on residents. The proposals were identified as not therefore in accordance with London Plan Policy D13 on agent of change.

39. The Council's Committee Report supports the residential and no-residential uses, although affordable workspace was not proposed to be secured as the Council did not identify a need in this location. It notes that an updated Noise Assessment was provided and that the required internal noise limits could be achieved through acoustic measures, which would need to be secured with any permission. Subject to this, the proposals would be in accordance with London Plan Policy D13.

Housing

40. At consultation stage, the application proposed 35% affordable housing, made up of 60% affordable rent and 40% intermediate tenure; however, the applicant was requested to clarify the tenures. Subject to this, the proposals could meet the requirements of the London Plan fast-track viability route; however, concerns were

raised about the absence of family-sized homes and the lack of any play space on the site.

41. The mix of homes was subsequently amended, with the proposed affordable housing proportions maintained; however, no family-sized homes were introduced. The applicant stated that 190 sq.m. of shared amenity space (none dedicated for play) and private amenity space on site, plus existing off-site facilities would meet play space requirements.

42. The Council's Addendum Report identifies that the affordable housing would comprise 20 social rent homes and 13 shared ownership, and that the applicant had submitted evidence to demonstrate that grant funding had been sought from PA Housing. The affordable housing proposed could potentially meet the requirements of the London Plan fast-track route; however, London Plan Policy H5 also requires applications to "*meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant*". As set out in this report, the application fails to do that in a number of areas and the proposals are not therefore in accordance with Policy H5.

43. The Council's Committee Report identifies that 53 one-bed and 41 two-bed homes would be provided, but that family-sized homes should be provided in response to identified need. It states that the delivery of larger units would need to be supported with an appropriate provision of amenity and play spaces, which the proposals fail to do even without family housing. The proposals would be contrary to London Plan Policy H10 on housing mix.

44. The Committee Report states that Council officers are unconvinced that the required 146 sq. m of dedicated play space for under 5s could be provided within the courtyard space (c.190 sq.m.) alongside other proposed features as well as achieving the required urban greening, which it states is symptomatic of overdevelopment of the site. An off-site financial contribution (£19,131) was proposed for older children, to enhance existing nearby facilities. The lack of any on-site play space would be contrary to Policy S4.

Urban design

45. At consultation stage, significant concerns were raised about the very restricted separation distance of 8-12 metres between habitable rooms in the two tall buildings, including single aspect units, with balconies much closer. Significant concerns were also raised about the window openings on the side elevations, which would provide limited daylight or outlook, more-so should neighbouring sites come forward for development. Consequently, significant concerns were raised about residential quality in terms of privacy, overlooking, daylight and sunlight; as well as the quality of the very restricted and overshadowed communal residents' amenity space between the two tall buildings, which would also worsen should neighbouring sites come forward for development. The proposals would also prejudice development of the adjacent sites, even with relatively limited height. Significant concerns were raised with the design, layout, massing, height, and density of the proposals, suggesting over-development of the site.

46. The applicant subsequently submitted amendments to increase glazing to improve daylight and sunlight; however, this would worsen the identified overlooking issues between the two blocks.

47. The Committee Report states that given the need for the development to remain contextually appropriate, respect neighbouring occupiers, and offer good levels of internal amenity; the proposed quantum of development is considered excessive and unacceptable. It also describes the proposals as overdevelopment of the site. It states that the siting of a building of this scale close to the pavement edge on a residential street is evidence of overdevelopment, and that building tight against the site boundaries would prejudice the redevelopment of adjoining plots. The buildings are described as being of excessive height that would be visually overbearing with no relationship to their context, concluding that the height, scale, and massing would be unacceptable. The 'courtyard' would be overshadowed by the two tall buildings, hemmed in on either side with limited sunlight, resulting in a dark, unappealing and heavily overlooked space. The Committee Report also identifies that residential outlook, aspect, privacy, daylight and sunlight delivered by the proposals would be unacceptable, and concludes that the standard of residential accommodation would be unacceptable. It also identifies unacceptable impacts on outlook, privacy, daylight, sunlight and overshadowing of adjacent properties.

48. The proposal represents overdevelopment of the site and would be contrary to London Plan Policy D3, as it is not design-led; contrary to Policy D4 as it would not deliver good design; contrary to London Plan Policy D6, as it would deliver poor residential quality; and contrary to Policy D9, as it would result in unacceptable visual impacts.

Historic environment

49. At consultation stage the applicant's Townscape and Visual Impact Assessment was considered lacking in its assessment of the impact on Bromley Town Centre Conservation Area and did not conclude whether any harm would be caused, although the Planning Statement identifies that there would be no harm. It was noted that the blank eastern elevation of the Ethelbert Road block would be particularly prominent, and both blocks would rise above buildings along the High Street.

50. The Committee Report states that the Council's Conservation Officer considers that the over-dominant scale and massing of the proposed buildings would visually overwhelm the character of Bromley Town Centre Conservation Area. The officer also considers that the proposal, alongside existing and emerging tall buildings would cause negative cumulative impact which would be against Historic England's guidance on the setting of heritage assets, identified as 'less than substantial'.

51. The harm caused to heritage assets means that the proposals are not in accordance with London Plan Policies HC1. Considerable weight and importance must be given to the harm identified. The NPPF requires the harm to designated heritage assets to be weighed against the public benefits of the proposals. The public benefits comprise a net gain of 88 homes, including 35% affordable homes; however, significant concerns are set out above due to poor residential quality. A total of 413 sq.m. of Use Class E space is proposed; however, this is a reduction compared to the existing non-residential space on the site. The public benefits are considered to be limited, particularly taking into account the height of the proposed buildings, and would not

clearly and convincingly outweigh the harm to the Conservation Area. In considering historic environment effects, GLA officers have taken account of the statutory duty contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Fire safety

52. At consultation stage, the applicant was requested to provide a fire statement that responds to Policies D12 and D5 of the London Plan.

53. Amendments were subsequently submitted, including the addition of a second staircase in both buildings; however, a London Plan compliant Fire Statement was not provided. London Fire Brigade have also raised concerns about evacuation lift arrangements; the number of evacuation and firefighting lifts; connection between residential and commercial areas; undercroft areas; ventilation systems; and electric cycle storage areas. The application cannot be confirmed to be in accordance with London Plan Policies D12 and D5 in relation to fire safety.

Inclusive design

54. As stated at consultation stage, subject to securing by condition that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings', and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings', the proposals could be in accordance with London Plan Policy D5 and D7. However, the Committee Report identifies that six of the nine M4(3) homes would have limited daylight and aspect. The poor residential quality of these homes would be contrary to policies D5, D6 and D7.

Transport

55. A number of transport requirements were identified at consultation stage. These comprised of providing electric vehicle charging for the two Blue Badge parking spaces were provided from the outset; residents should be ineligible from applying for on-street car parking permits; confirming that cycle lifts have minimum dimensions and automated doors; a contribution to Healthy Streets improvements; £22,000 for Legible London signage; and securing a delivery and service plan and a construction logistics plan. Concerns were raised about adverse impacts on the adjacent coach stand due to delivery and service vehicles associated with the development, both during construction and operation; however the coach bay has now been converted into car parking spaces by the Council.

56. The Committee Report confirms that the two Blue Badge parking bays would have been secured with electric vehicle charging by condition; that residents would be prohibited from applying for on-street car parking permits; that cycle parking would be acceptable; and that £22,000 would be secured for Legible London signage. A delivery and servicing plan and construction logistics plan would also have been secured. Overall, the proposals are considered to be in accordance with London Plan transport policies.

Climate change and environment

57. At consultation stage, the applicant's energy strategy was assessed as potentially being compliant with the London Plan; however, additional information was

requested on energy costs to occupants; overheating risk; district heating; the site heat network; heat pumps; modelling output sheets; and the Good Homes Alliance Early Stage Overheating Risk Tool. This information was subsequently provided. The estimated regulated CO₂ savings on site would be 75% for the domestic part and 44% for the non-domestic part. A financial contribution of £64,398 for the residential element and £13,095 for the non-domestic element would be secured by section 106 agreement. The proposals would comply with London Plan Policies SI2, SI3, and SI4, subject to future-proofing for district heating, and maximisation of photovoltaics being secured by condition; and carbon offset contribution being secured by section 106 agreement.

58. The applicant had not provided a Whole Life-Cycle Carbon Assessment at consultation stage; however, this was subsequently provided. The proposed development would be in accordance with London Plan Policy SI2, subject to post-construction monitoring being secured by condition.

59. The applicant had not provided a Circular Economy Statement at consultation stage; however, this was subsequently provided. The proposed development would be in accordance with London Plan Policy SI7, subject to post-construction monitoring being secured by condition.

60. The applicant was requested to clarify the Urban Greening Factor (UGF) score at consultation stage; provide further information on how it would avoid impacts on the nearby Site of Importance for Nature Conservation (SINC); and clarify tree planting; however, this was not provided. The Council's Committee Report notes that a UGF score of at least 0.4 would be secured; that further information on tree loss and replacement would be required should planning permission be granted; and that a Construction and Environmental Management Plan would be required to control SINC impacts. Subject to these provisions, the proposals would be in accordance with London Plan Policies G1, G5, G6 and G7.

61. At consultation stage, the surface water drainage strategy did not comply with London Plan Policy SI13 as further commitments were required regarding SuDS and rainwater harvesting. The Council's drainage officer considers that the proposed discharge of 5 l/s would be high for such an urbanised area and not acceptable considering the lack of capacity. A revised SuDS strategy was submitted, incorporating an area of crated storage in the courtyard area and a stormwater drainage discharge rate of 2 l/s would be achieved, in line with London Plan policies SI12 and SI13. The proposed development meets the requirements of Policy SI5.

62. At consultation stage, further information was requested to determine compliance with London Plan air quality policies, comprising confirmation that no emergency diesel-fired generators would be installed; no gas-fired plant is proposed; and further information on PM_{2.5} (10 µg/m³). Although the Committee Report considers that the proposals are in accordance with air quality requirements, this information would be required in order to confirm compliance with London Plan Policy SI1.

Planning obligations

63. Since no planning obligations are secured, it is noted that the proposal would be contrary to London Plan policies DF1 and M1.

Legal considerations

64. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor 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. The Mayor may also leave the decision to the local authority. 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

65. 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 approval of details (unless the Council agrees to).

Conclusion

66. Having regard to the details of the application, the matters set out in the Council's Committee Report and the reasons for refusal, there is no basis for the Mayor to intervene in this particular case by issuing a direction under Article 7 of the Order 2008.

67. Should the scheme be considered at appeal or a revised application submitted, outstanding matters relating to affordable housing, housing mix, play space, urban design, historic environment, fire safety, inclusive design, and air quality should be addressed accordingly; and the requested conditions and legal obligations secured.

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