



Town Planning

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London Land Bromley Limited
C/o Miss Ellen Moore
Avison Young
65 Gresham Street
London
EC2V 7NQ

Application No : / DC/23/00774/FULL1
Date : 9th February 2024

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the development, referred to in your application received on
27th February 2023 as amended by documents received on 13.11.2023 26.06.2023 21.03.2023
09.05.2023 05.06.2023 04.07.2023 12.07.2023 16.08.2023 18.08.2023 30.08.2023 31.08.2023
05.09.2023 13.10.2023

at : 1 Westmoreland Road Bromley BR2 0TB

Proposal: Demolition of existing structures; site preparation and enabling works; and the construction of buildings of up to 12 storeys providing residential homes (Use Class C3), office floorspace (Use Class E(g)(i)), and retail floorspace (Use Class E); highways/access works; landscaping; car and cycle parking; and other associated works.

For the following reasons :-

- 1 In the absence of sufficient information to demonstrate both the adequacy of the culvert carrying the River Ravensbourne, which runs through the site, to prevent an unacceptable risk of flooding to the development and elsewhere throughout the development's lifetime, and also an acceptable offset for operational access to the culvert, the application fails to demonstrate that the development would be safe for its lifetime from flooding and fails to ensure that flood risk is minimised and mitigated, and that residual risk is addressed; contrary to Policy 115 of the Bromley Local Plan (2019), the London Borough of Bromley's Strategic Flood Risk Assessment (SFRA) (2017), Policy SI12 of the London Plan (2021), and Paragraph 159 of the NPPF.
- 2 Insufficient information has been provided to demonstrate that there are no sequentially preferable alternative sites to accommodate the proposed development in areas with the lower or lowest risk of flooding; contrary to Policy 115 of the Bromley Local Plan (2019), the London Borough of Bromley's Strategic Flood Risk Assessment (SFRA) (2017) and Chapter 14 of the NPPF.

- 3 By reason of the unacceptable location of the proposed surface water attenuation tanks and their proximity to the culverted River Ravensbourne, the applicant has failed to submit an acceptable surface water drainage strategy for the proposed development and therefore the application fails to demonstrate compliance with the requirements of Policy 116 of the Bromley Local Plan (2019) and Policy SI13 of the London Plan (2021).
- 4 The proposed development, by reason of its combined height, scale and massing, would result in an incongruous, overbearing and unneighbourly form of development which would fail to respect the transitional townscape character of its immediate surroundings and the amenities of adjoining residential properties, as well as the setting of nearby heritage assets and protected longer range views of the Keston Ridge. The proposal is thereby contrary to Policies 4, 37, 38, 39, 41, 47 and 48 of the Bromley Local Plan (2019), Bromley's Urban Design SPD (July 2023) and Bromley Town Centre SPD (October 2023), Policies D3, D4, D9, HC1 and HC3 of the London Plan (2021), and the aims and objectives of the NPPF (2023).
- 5 The applicant has failed to robustly demonstrate, through the submission of satisfactory viability evidence, that the proposed development would provide the maximum reasonable amount of Affordable Housing on-site. The proposal would therefore be contrary to Policy 2 of the Bromley Local Plan (2019), Policies H4 and H5 of the London Plan (2021), the Mayor's Affordable Housing and Viability SPG (2017) and the Planning Practice Guidance.
- 6 The proposed development, by reason of a high proportion of single aspect units offering poor outlook and daylight conditions, and concerns relating to privacy and noise, 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 for future occupiers. Consequently, the proposal is contrary to Policies 4 and 37 of the Bromley Local Plan (2019), Policies D3, D5, D6, D7 and D14 of the London Plan (2021) and the Mayors Housing Design Standards LPG (June 2023).
- 7 Insufficient information has been provided to demonstrate that 10% of the units would meet the requirements of Building Regulation M4(3) 'wheelchair user dwellings'. The proposal would therefore be contrary to Policy D7 of the London Plan (2021) and Policy 4 of the Bromley Local Plan (2019).
- 8 The proposed development, by virtue of the resulting loss of office floorspace would compromise the Borough's employment land and office accommodation within a designated Business Improvement Area (BIA), contrary to the requirements of Policy 84 of the Bromley Local Plan (2019), as well as the wider strategic objectives contained within Policy 80 Bromley Local Plan (2019), Policy E1 of the London Plan (2021) and paragraph 81 of the NPPF (2023).
- 9 Insufficient information has been provided to demonstrate that the proposed development would comply with the requirements of Policies SI2 and SI4 of the London Plan (2021), the Mayor of London's Energy Assessment Guidance (June 2022) and the Mayor of London's Whole Life-Cycle Carbon Assessments LPG (March 2022) which seeks to minimise greenhouse emissions and minimise adverse impacts on the urban heat island by reducing the potential for internal overheating and reliance on air conditioning systems.
- 10 Insufficient information has been provided to demonstrate that the proposed development would comply with the requirements of Policies D3 and SI7 of the London Plan (2021), and the Mayor of London's Circular Economy Statements LPG (March 2022) which seeks to reduce waste and support the circular economy.
- 11 Insufficient information has been provided to demonstrate that adequate cycling infrastructure could be accommodated within the proposed development to ensure compliance with Policy T5 of the London Plan (2021) which seeks to remove barriers to cycling and create a healthy environment in which people choose to cycle.

- 12 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.

You are further informed that :

- 1 The Application was subject to referral to the Mayor of London. The Local Planning Authority acknowledges that the Applicant submitted further information after Stage 2 referral to the Mayor of London which the Local Planning Authority considers could overcome Reason for Refusal 7 (relating to wheelchair user dwellings) and Reason for Refusal 11 (relating to cycle infrastructure). It is not possible to remove these Reasons for Refusal since the application has already been considered by the Mayor at Stage 2; however, the Local Planning authority would not seek to contest Reason for Refusal 7 (relating to wheelchair user dwellings) and Reason for Refusal 11 (relating to cycle infrastructure) at any subsequent Appeal.

Signed:

A handwritten signature in black ink, appearing to be 'JA', with a long horizontal flourish extending to the right.

Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF – these include information on time limits within which to submit an appeal, which can be as short as 28 days from the decision date.

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website at www.bromley.gov.uk/planning. Through the provision of a pre-application advice service the Local Planning Authority encourages early engagement to resolve problems that can occur in relation to dealing with a planning application by providing clear guidance as to how the aims of the development plan can be achieved in a sustainable and appropriate manner in accordance with paragraphs 188 - 190 of the National Planning Policy Framework 2012.

Approvals with or without conditions, or refusals of applications for planning permission under the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Procedure) Order 2015 (as amended) and applications for Listed Building and Conservation Area Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Southern Gas Network (SGN) has asked the Council to highlight the importance of working safely near gas pipelines. The following links give clear guidance on what to do and who to contact before starting any work and how to locate pipes near to your property.

- <https://www.sgn.co.uk/damage-prevention>
- <https://www.linerearchbeforeudiq.co.uk/>

If you disagree with the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, you may appeal to The Planning Inspectorate (PINS). This is an independent Executive Agency which provides fair and impartial decisions on appeals against LPA decisions on planning consents in accordance with Section 78 of the Town and Country Planning Act 1990 and for Listed Building and Conservation Area consents in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeals must be made within 12 weeks of the Decision Notice date for householder planning applications and within 6 months for any other application. They must be submitted on a form, which is obtainable from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>. If an enforcement notice is or has been served relating to the same or substantially the same development as in your application, then the time limit to appeal will expire 28 days after the enforcement notice is served – except that you will have a minimum of 28 days to appeal after the right of appeal begins and the time limit will expire no later than it would if there were no enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (PlanningAppeals@bromley.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. See <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries> for further details.

The Secretary of State (including PINS) is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the Statutory requirements, to the provisions of the development order, and to any directions given under the order.

If planning permission, listed building or conservation area consent to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State (including PINS) on appeal, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Bromley a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Part VI Chapter 1 of the Town and Country Planning Act 1990 or in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission or consent is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 and in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Applications for Express Consent under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007

If you disagree with the decision of the local planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, you may by notice served within 8 weeks of the receipt of this notice, or such longer period as the Secretary of State may agree, appeal to the Planning Inspectorate in accordance with the provision of Part 3 Section 17 of The Town and Country Planning (Control of Advertisements) Regulations 2007. Forms are available from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>

Town and Country Planning Act 1990 (as amended). A Certificate of Lawfulness for an existing proposed use or development

If you are aggrieved by a refusal to grant, a Certificate of Lawfulness, you may appeal to the Planning Inspectorate under Section 195 and 196 of the Town and Country Planning Act 1990 (as amended).

AN IMPORTANT FOOTNOTE

Permission or approval referred to overleaf is confined to permission under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, the Town and Country Planning General Development Order 2015 as amended, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and does not obviate the necessity of compliance with any other enactment, by law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, Building Regulation, consent, approval or authorisation which may be required.

You are reminded that the Borough Council's permission does not modify or affect any personal or restrictive covenants, easement, etc., applying to or affecting either this or any other land or the rights of any persons (including the London Borough of Bromley Council) entitled to the benefits thereof or holding an interest in the property concerned in this development or in any adjoining property.

If the Council has approved your application, it can be challenged by judicial review within 6 weeks of the approval date.

ACCESS FOR PEOPLE WITH DISABILITIES

Your attention is drawn to British Standard and Government advice concerning means of access for people with a disability. This advice applies to educational, recreational and retail premises as well as office, factories and business premises.

Community Infrastructure Levy (CIL) Information Note

This application is considered to be liable for the Mayor of London's Community Infrastructure Levy (CIL). The CIL is a planning charge levied on net additional floorspace arising from new developments or creation of new dwellings (including through a change of use) in order to fund infrastructure to support development in the local area. The Council acts as collecting authority for the Mayor of London who has a levy to raise money for transport Infrastructure in the London area.

The first step in the CIL process is to complete a CIL Additional Information Requirement Form or Form 5: Notice of Chargeable Development for permitted developments. All the forms underlined can be found at: <http://www.bromley.gov.uk/cil>

The CIL Team can calculate the CIL liability based on the information you provided for the planning application, however we are unable to discount existing floorspace that has been in continuous use without the above forms.

At the same time, Form 1: Assumption of Liability must be completed in order to produce a Liability Notice. This form tells us who is responsible for paying the CIL charge. If this form is not completed within two weeks of the issue of the planning decision notice, CIL liability will default to the landowner or applicant at a cost of £50. You may have already completed the forms above during the application process.

If you wish to apply for charitable or social housing relief then Form 2: Claiming Exemption or Relief should be submitted. If you are a 'self builder' who builds or commissions a home for their own occupation you may apply for exemption using Form 7: Self Build Exemption Claim Form: Part 1 for the entire home or Self Build Annex or Extension Claim Form. **Exemption forms must be submitted before commencement** of the development and will be granted relief upon receiving a Relief Decision Notice. The **Form 7: Self Build Exemption Claim Form Part 2 form must be submitted within six months of completion** or the levy will become payable.

The Council will serve a Liability Notice on the person(s) who have assumed liability to pay. It is the liable party's responsibility to notify the Council when commencement (demolition, digging for foundations and underground services and change of use) has started using Form 6: Commencement Notice. **Late notification of a commencement date will result in penalties such as the removal of eligibility for the self-build exemption, a 20% surcharge**, the removal of the 60 day payment period requiring immediate payment or CIL stop notices.

The Council will issue a Demand Notice to the liable person(s) setting out the total CIL amount payable on commencement of the development and the payment date. Please note the chargeable amount will be indexed linked. This notice will be emailed and/or posted to the liable person(s) via the contact details provided in Form 1: Assumption of Liability.

Our finance contractors will shortly afterwards send an invoice with a paying-in slip and information on payment methods following a Demand Notice. Non-payment and failure to comply with CIL procedures will result in surcharges.

The CIL liability will be registered as a local land charge against the land affected by the planning permission and will be revealed when a property search is made. CIL payment will make the charge on the register fulfilled.

Forms (underlined above) can be found at:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

For further information or if you have any questions regarding CIL please contact us at cil@bromley.gov.uk or on 020 8313 4974.