



**LONDON BOROUGH OF BROMLEY
HOUSING, PLANNING & REGENERATION**

STATEMENT OF CASE

APRIL 2024

**LBB Ref No: DC/21/05585/FULL1
PINS Ref No: APP/G5180/W/24/3340223**

Appeal by Ringers Road Properties Ltd against the decision of the London Borough of Bromley to refuse planning permission for the demolition of existing buildings and construction of a mixed use development comprising residential units, ancillary residents' facilities (including co-working space) and commercial floor space (Use Class E) across two blocks, along with associated hard and soft landscaping, amenity spaces, cycle and refuse storage (Revised scheme incorporating a second stair into Block A and Block B, internal layout and elevational changes, and changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road) at 2-4 Ringers Road and 5 Ethelbert Road, BR1 1HT

1.0 INTRODUCTION

1.1 This appeal relates to the abovementioned proposal. The application was received on 29 November 2021 and refused permission by Decision Notice dated 19 December 2023 following its determination by the Development Control Committee of 30 November 2023 for the reasons listed below:

"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.

- 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.*
- 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.*
- 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.*
- 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.*

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."

2.0 SITE AND SURROUNDINGS

- 2.1 The appeals site is located towards the southern end of the High Street just south of its pedestrianised section. It measures approx. 0.10 hectares (1,000 sqm) and is an irregular shape fronting, to the south, Nos.2-4 Ringers Road and to the north Nos. 5 Ethelbert Road. In relation to the southern Ringers Road frontage the site is bounded to the east by the rear elevation of No. 64 High Street a sizeable four storey building in retail use and to the south-west boundary by the flank elevation of Simpsons Place a 4/5 storey building in residential use as flats.
- 2.2 In relation to the northern Ethelbert Road frontage the site is bounded to the south-west by No.7 Ethelbert Road which is a detached two storey single dwelling with residential curtilage and to the north-east by Bromley Salvation Army Church and Community Centre which has a relatively deep footprint and extends to two / three storeys in height.



Fig. 1 Site Location Pan

- 2.3 The southern section of the site is currently in use as a restaurant / bar (Smoque) which provides 150 covers. The building is single storey and has a high parapet wall fronting Ringers Road which gives the building an appearance of being two storeys in height. The northern section of the site comprises a two/ three storey building which had last been in use as a photography studio, together these structures extend across the footprint of the appeal site. Adjacent to the photography studio to the west is a detached period property (No.5) which extends over three floors (including basement) and has been converted to 6 studio apartments with residential curtilage to the rear.
- 2.4 The surrounding area is characterised by both residential and commercial development with commercial development focused toward the eastern end of Ringers and Ethelbert Road closest to Bromley High Street. Residential properties along Ethelbert Road, Ethelbert Close and beyond range between 2-3 storeys in height. Along Ringers Road there are purpose-built blocks of flats ranging 4 to 11 storeys high, including Henry House and William House opposite the appeal site which are 8 and 10 storeys in height respectively. Further to the east fronting the high street are commercial buildings with some residential upper floors ranging from 2-4 storeys high.
- 2.5 The land levels drop as you proceed south towards Bromley South train station and from the high street in a westerly direction along Ringers Road and Ethelbert Road towards Ravensbourne Road.
- 2.6 Within the Bromley Local Plan the appeal site forms part of Site Allocation 10 which comprises 4.54ha of land within Bromley Town Centre stretching from the pedestrianised High Street as far south as Bromley South Train Station. It involves redevelopment for mixed uses including 1,230 homes, offices, retail, and transport interchange. The site is also within Bromley (Metropolitan) town centre, the boundary of which extends into Ethelbert Close and along Ethelbert Road to the west. Within the London Plan, Bromley Town Centre (as a whole) is designated as an Opportunity Area.
- 2.7 There are no statutorily or locally listed buildings within or close to the site and it is not within a conservation area. The boundary of the Bromley Town Centre Conservation Area is located approximately 50 metres to the north-east, at the junction of Ethelbert Road and Churchill Way.



Fig.2 Site location and neighbouring buildings

- 2.8 Bromley Park to the north includes Martin's Hill and Church House Gardens Site of Importance for Nature Conservation (SINC). There is one mature Sycamore tree within the site boundary and a further 3 trees adjacent to the site within the curtilage of No7 Ethelbert Road.
- 2.9 The Site is in a Groundwater Source Protection Zone (Zone I - Inner Protection Zone). The site is in Flood Zone 1.
- 2.10 Along Ethelbert Road, there is a pedestrian access at ground floor level as well as a vehicular access into a servicing yard. Along Ringers Road, there is no vehicular access, but there are two pedestrian accesses along the site frontage.
- 2.11 The site's PTAL rating is 6b with the southern extent of the site falling within the 6a category, demonstrating an excellent level of accessibility to public transport services within the vicinity of the site. Bromley South Station is located approximately 270m southeast of the site, whilst Bromley North Station is situated approximately 800m northeast of the site.

- 2.12 On Ringer's Road, a coach stand lies directly adjacent to the site, with a bus stop and stand immediately to the east of this, close to its junction with the High Street.
- 2.13 A copy of the Local Plan designations map is attached at Site 10 Bromley Local Plan red lined with appeal site identified with blue star **Appendix 1**.
- 2.14 Photos of the site and surrounding are attached at **Appendix 2**.

3.0 RELEVANT PLANNING HISTORY

2-4 Ringers Road

- 3.1 There is a long history of applications related to the ground floor of 2-4 Ringer's Road.
- 3.2 Under planning reference 87/03705 permission was granted for the change of use from retail to restaurant/bar.
- 3.3 Under planning reference 93/01999 permission was granted for the change of use of first and second floors to a manager's three bedroom flat.
- 3.4 Under planning reference 17/00004 permission was granted for a gym at part of the ground floor and part of the first floor (use Class D2).

Neighbouring Sites

William House and Henry House (formerly land to the south side of Ringers Road)

- 3.5 Under planning reference 06/01528/FULL2 permission was granted for demolition of covered footbridge over Ringers Road and re-development comprising one 10 storey and one 8 storey blocks containing a total of 163 one, two and three bedroom residential unit with 80 car parking spaces secure storage for motorcycles and bicycles associated landscaping and amenity space and alteration to vehicular access to/from Ravensbourne Road.
- 3.6 Under planning reference 07/03632/FULL2 a new application proposing minor amendments to the approved scheme comprising reduction of 3 units, minor elevational, additional landscaping.
- 3.7 Under planning reference 12/03088 planning permission was refused for a revised scheme the main components of which comprised:

- Additional storey to Block A from 10 to 11 storeys and Block B from 8 to 9 storeys
- Reduction in the number of flats from 160 to 148 to increase the number of two bed units

3.8 The scheme was considered to be an improvement over the previously approved development (implemented under 07/03632/FULL2) in terms of providing larger flats and ground floor commercial floorspace. However, given the visibility of the blocks from the high street which would form a significant component of the townscape it was considered the additional height and bulk of the blocks would appear dominant and overbearing to the character of the area and the residential amenities of the occupants of nearby residential properties.

Churchill Quarter

3.9 Under planning reference 18/02181/FULL1 an application was submitted for demolition of 1-40 Ethelbert Close, 2 Ethelbert Road, 102-108 High Street, and buildings to the north of Ethelbert Close, and redevelopment with a mixed-use scheme of 407 homes and ground floor non-residential uses in buildings of up to 16 storeys. The site from Ethelbert Road to the Churchill Theatre is set behind the existing shops (within the Conservation area), on the High Street. This scheme would demolish the Town Church on Ethelbert Road, another 1930s structure and replace it with a new church as part of a larger development which also includes new housing and a new central public space adjacent to the Churchill Theatre. The application was withdrawn (finally disposed).

66-70 High Street

3.10 Under planning reference 19/04588/FULL1 permission was refused on 26 April 2021 for demolition of existing buildings (No.66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area. The reasons for refusal were twofold: the first being its scale, bulk, massing, materials and design would appear overly dominant and out of keeping with the immediate surroundings, and would be harmful to Bromley Town Centre Conservation Area and the surrounding area; and the second being that the introduction of an isolated tall building would represent a piecemeal and incongruous development that fails to fully follow a plan-led approach. The application was subsequently allowed on appeal.

3.11 Under planning reference 21/03231/FULL1 permission was refused for demolition of existing buildings (66-70 High Street) and erection of a part 13 and part 16 storey building to provide 559 sqm retail floorspace (Use Class Ea) and 68 residential units with associated disabled car parking spaces, cycle parking and refuse storage area. A subsequent appeal against non-determination was dismissed.

3.12 The above appeals were linked and the appeal decision is attached at **Appendix 3**.

62 High Street

3.13 Under planning reference 21/04667/FULL1 permission was granted for proposed conversion of existing building and 3-storey roof extension to accommodate Class E commercial space on the ground floor and 30 residential flats on the upper floors. The proposed 3-storey roof extension would result in a 6 storey building on the site up to a height of 20m.

4.0 APPEAL PROPOSAL

4.1 The appeal scheme involves the demolition of the buildings on the site and the redevelopment of the entire site to provide residential development in the form of two buildings to provide 94 residential units with ancillary residential and commercial uses on the lower floors.

4.2 Block A would be situated to the south of the site and would extend up to 14-storeys (43m). The development would step down to the north, with Block B rising to 12 storeys (36.7m). The two residential blocks would be accessed independently with Block A accessed via a residential entrance off Ringers Road and Block B, accessed off Ethelbert Road.

4.3 A breakdown of the residential accommodation proposed has been provided below:

- Block A – 45 units comprising 37 x one-bedroom and 8 x two-bedroom apartments;
- Block B – 49 units comprising 16 x one-bedroom 33 x two-bedroom apartments.

4.4 The scheme would provide a total of 423sqm of Class E use floorspace in Block B, of which 271sqm is stated as affordable workspace at lower ground and ground floor, and 152sqm as café unit over ground and first floor levels.

4.5 With the exception of the disabled car parking space and accessible car club space which would be provided along the site frontage on Ethelbert Road, the proposals would be car-free as such no vehicle accesses to the site would be provided.

4.6 The affordable housing provision has been revised down following refusal of permission and would now comprise 10 units which is an 12% provision by habitable room and 11% by unit, of which 6 would social rented and 4 would be shared ownership units.

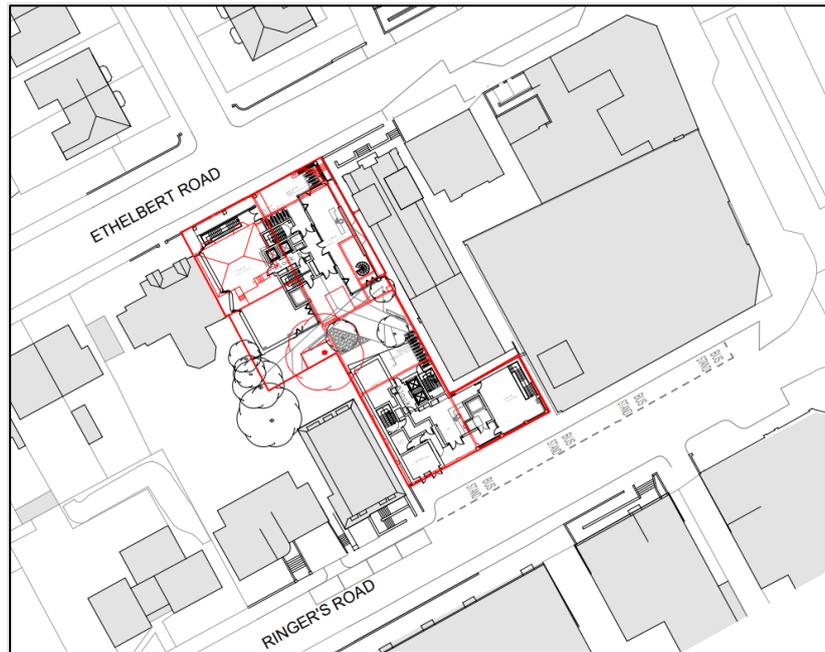


Fig. 3 Proposed Ground Floor Plan

4.7 The planning application considered by the Council was initially accompanied by the following supporting documents (excluding drawings):

- Application Form and Certificate A (prepared by Boyer);
- Planning Statement (prepared by Boyer);
- Community Infrastructure Questions (prepared by Boyer);
- Design and Access Statement (prepared by Hollaway);
- A full set of existing and proposed drawings (prepared by Hollaway);
- Air Quality Assessment – prepared by Lustre
- Arboricultural Report – prepared by Chartwell Tree Consultants Ltd
- Bat Survey – prepared by Tyler Grange
- CGIs
- Construction Logistics Plan – prepared by Evoke
- Internal Daylight and Sunlight Assessment – prepared by XCO2
- Daylight, Sunlight and Overshadowing Assessment – prepared by XCO2
- Ecological Appraisal and Preliminary Bat Roost Assessment – prepared by Tyler Grange
- Economic Benefits – prepared by Boyer
- Energy Statement – prepared by XCO2
- Fire Statement – prepared by Orion
- Land Contamination Assessment – prepared by Lustre
- Landscape Drawings and DAS – prepared by ETLA
- Noise Assessment – prepared by Lustre

- Statement of Community Involvement – prepared by Curtin & Co
- Sustainability Statement – prepared by XCO2
- Sustainable Drainage Assessment – prepared by Water Environment
- Swept Path Analysis – prepared by Evoke
- TVIA, Tall Buildings Assessment and VuCity Renders – prepared by ETLA
- Transport Assessment – prepared by Evoke
- Travel Plan – prepared by Evoke
- Wind and Microclimate Assessment – prepared by XCO2

4.8 Across the course of the application, there have also been changes to BRE daylight and sunlight standards and the GLA's energy guidance. As such the proposal had been revised to accommodate the updated requirements. In summary, the following amendments have been made:

- Incorporation of a second stair into Block A and Block B
- Revisions to the proposed mix of units
- Internal layout
- Elevational changes:
 - A double height co-working lounge has been introduced with more glazing facing the street (Block A)
 - Addition of openable windows in the side elevation of Block A
 - Enlargement of the areas of glazing and bay windows in both Blocks
 - Introduction of a solid panel introduced to reduce overheating.
- Changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road resulting in the removal of three 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.

4.9 The appeal submission was accompanied by additional documents comprising:

- Financial Viability Assessment by Turner Morum March 2024
- Accommodation Schedule by Holloway March 2024
- Document List

4.10 The documents are aimed, in part, at addressing the Council's RFR1. The additional documents are discussed under the section entitled Main Submissions.

Comments from consultees

- 4.11 The Greater London Authority (GLA) raised objections at Stage 1 on the basis that the proposal does not comply with the London Plan. whilst the principle of intensified residential use was supported significant concerns were raised in relation to the design, layout, massing, and density of the proposals which was suggestive of the overdevelopment of the very restricted site.
- 4.12 The GLA Stage 2 comments take into account the amendments to the scheme and additional information received to address some of the concerns raised at consultation stage and conclude (para.67) that if the scheme were to be taken forward to appeal / new application then outstanding matters including affordable housing, housing mix, play space, urban design, historic environment, fire safety, inclusive design should be addressed.
- 4.13 A copy of the GLA's stage 1 and 2 comments were forwarded with the appeal questionnaire.
- 4.14 Details of responses submitted by local residents and groups and other consultees were forwarded with the appeal questionnaire.

5.0 NATIONAL, REGIONAL AND LOCAL PLANNING POLICIES AND GUIDANCE

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. The development plan includes the London Plan (LP) (2021), Bromley Local Plan (BLP) (2019) and the Bromley Town Centre Area Action Plan (2010) (BTCAAP).
- 5.2 The London Plan 2021 is the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, "if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."
- 5.3 The Council acknowledges that the BTCAAP is an extant Development Plan Document. However, given its age and the fact that it has been superseded by the adoption of the BLP and London Plan, this document is considered to have very limited weight. The London Plan sets out a design-led approach and detailed criteria to assess tall buildings; this would supersede any potential tall building locations identified in the BTCAAP. Upon adoption of the

Bromley Town Centre SPD, the Council has written to the Secretary of State for Levelling Up, Housing and Communities to request that the BTCAAP be revoked.

- 5.4 The draft Site G/10 masterplan (2018) is also referenced by the appellant and has underpinned the design strategy in relation to the height, scale and massing. However, the masterplan was only a consultation document and was never adopted and does not form part of Bromley's Development Plan.
- 5.5 The Council's case in this respect will be that the appellant has placed undue reliance on the BTCAAP and the Site G/10 indicative masterplan in informing the design principles of the appeal scheme.
- 5.6 A significant material consideration in the determination of this appeal are the policies of the National Planning Policy Framework (2023) (NPPF).
- 5.7 Details of relevant National, Regional and Local Planning Policies and Guidance were sent with the appeal questionnaire.

6.0 MAIN SUBMISSIONS

- 6.1 The appellant's statement of case updated its position in relation to the provision of affordable housing alongside the submission of a Financial Viability Assessment (FVA) by Turner Morum and revised Schedule of Accommodation. The appeal proposal will follow the viability tested route. It is now submitted that the proposal for 35% provision would render the scheme unviable and undeliverable. The appellant is instead proposing to deliver 10 affordable homes comprising 6 social rent and 4 shared ownership, this amounts to a 12% (by habitable room) provision.
- 6.2 The FVA has been independently assessed by BPS Surveyors appointed by the Council who confirmed the scheme cannot provide any additional affordable housing. Having regard for the conclusions of this report the Council no longer wishes to contest RfR 1, although it is noted that the reduced affordable housing offer does have implications for the exercise of planning balance (discussed below). An extract from the BPS Surveyors FVA comprising a summary table sets out the areas of common ground between the parties in respect of key inputs and viability findings. The summary table is contained within the general SoCG.
- 6.3 Given the viability position of this proposal and in line with London Plan Policy H5, should the Inspector be minded to allow the appeal, a clause to manage and monitor the progress on

implementation of the development including an early and late stage viability reviews would be secured in the S106 agreement, in line with the London Plan Policy H5 and the Mayor of London's Affordable Housing and Viability SPG (2017).

6.4 RfR 6 relating to planning obligations remains under review by the Council however the Council will seek to agree Heads of Terms and have a signed legal agreement in place before the start of the Inquiry.

6.5 Based on the Council's remaining reasons to refuse to grant planning permission for the appeal proposal, the main issues for consideration at the Inquiry may be summarised as follows:

- (1) Whether the scheme would result in an acceptable unit mix;
- (2) Whether the proposed development represents an over-intensive development of the site negatively impacting on local townscape and neighbouring amenity;
- (3) The effect of the proposed development on the character and appearance of the area including the immediate setting and the wider surrounding context;
- (4) Standard of residential accommodation and the effect of the proposed development on the living conditions of future occupants with particular reference to outlook, light conditions, mutual overlooking and children's play space provision;
- (5) The effect of the proposed development on the living conditions of surrounding residential occupiers with particular reference to visual impact, loss of light and privacy;
- (6) Securing Planning obligations: Whether the submitted planning obligations would adequately address the impacts of the proposed development

Unit Mix – Provision of Larger Family Sized Units: RfR 2

6.6 Chapter 5 of the NPPF 'Delivering a sufficient supply of homes' seeks to create mixed and balanced communities and states amongst other things that the size, type and tenure of housing needed for different groups should be reflected in planning policies.

6.7 Paragraph 63 states:

"Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people..."

6.8 London Plan Policy H10 states that schemes should generally consist of a range of unit sizes and sets out several factors which should be considered when determining the appropriate housing mix of a scheme. These factors include:

- housing need and demand,
- the nature and location of a site,
- the requirement to deliver mixed and inclusive neighbourhoods
- the aim to optimise housing potential and
- need to deliver a range of unit types.

6.9 London Plan Guidance (LPG) Housing Design Standards states that development should (A2.2):

"Ensure that the mix of dwelling types reflects strategic and local need and recognises the importance of mixed and inclusive communities. Large developments should aim to deliver a wide range of housing tenures and typologies and respond to specific local needs ,,,".

6.10 Local Plan Policy 1 supporting text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by two bedroom (21%) and three bedroom (20%) units. It also notes that larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis. Bromley's Housing Register also shows affordable need for social/affordable rented 3 bed units.

6.11 Figure 4 below from the London SHMA (2017) shows net annualised requirement for homes by tenure and size.

Table 13: Final net annualised requirement for new homes 2016-41

	1b	2b	3b	4b+	Total	% of total
Market	10,682	2,043	4,101	6,210	23,037	35%
Intermediate	4,334	3,434	2,409	1,693	11,869	18%
Low cost rent	21,318	5,311	2,462	1,881	30,972	47%
Total	36,335	10,788	8,971	9,783	65,878	100%

Fig. 4 Table 13 of London SHMA

6.12 The Council's case is that the proposal would conflict with requirements set out in the framework, London Plan and Local Plan. It would fail to make any provision for those groups that require larger family sized units, a need for affordable social rented 3 bed units has been

identified in Bromley's Housing Register (December 2019) and therefore the scheme cannot be said to provide a suitable mix of housing unit sizes.

6.13 It recognised that the location of the site within an Opportunity Area, a metropolitan town centre and an area with very good public transport accessibility level could justify the delivery of predominantly 1-2 bed units as part of a smaller-scale proposal. However, in light of the identified need, a new build scheme of a scale such as that proposed should include a proportion of larger 3 bedroom homes. Paragraph 30 of the GLA's Stage 1 report makes reference to incorporating 3 bedroom affordable rent units. In light of the identified need in the Borough it has not been robustly demonstrated that a variation to the mix is justified in this case.

6.14 The fact that in this instance we are not considering a shortfall but rather a complete absence of provision, calls into question whether the decision not to include larger units rests with the site's constrained size and the requirement for larger units to be supported with an appropriate provision of amenity and play spaces both in quantitative and qualitative capacity. The lack of a unit mix is therefore considered to be symptomatic of the overdevelopment of the site. It will leave unmet an important element of need within the Borough.

Impact on Local Townscape – RfR 3

6.15 Paragraph 1.5 of the appellant's Statement of Case identifies 7 matters to be considered as part of this appeal, among those listed, points III and IV refer to the appellant's interpretation of Reason for Refusal 3 (RfR3).

6.16 For clarity, RfR3 consists of 2 elements: As a result of its *siting, height, scale, massing and appearance*, the proposed development would:

- I. appear as an over-intensive development of the site and would prejudice the development potential of the adjoining sites within Site 10.

- II. appear as an overly dominant and overbearing addition to the town centre skyline and out of context with its immediate surroundings, causing harm to the character and appearance of the area and the setting of the Bromley Town Centre Conservation Area.

Siting

6.17 Policy D3 of the London Plan states that all development proposals must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Appropriate form and layout is a key requirement of the design-led approach, Policy D3 states that development proposals should: *enhance local context by delivering buildings*

and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

- 6.18 Blocks A and B extend close to the boundary edges with minimal separation distances between neighbouring buildings on adjacent sites. Whilst the siting of Block A replicates the existing condition; the existing building is of a much smaller scale to that which is being proposed. It is important to note that as the scale of proposed development increases the impacts on adjacent sites become greater. In the case of both Block A and Block B little consideration has been given to siting in relation to scale of which there is a significant increase from the existing condition.
- 6.19 Block B projects beyond the established building line on Ethelbert Road, the proposed siting of a building of this scale close to the pavement edge is further evidence of overdevelopment. It should be noted that the footway along Ethelbert Road is narrow and of a scale akin to a residential street – representative of the character of Ethelbert Road. The siting, scale and footprint of the building in relation to the size of the plot, and the proposed relationship with/impact on the street, are clear indicators of an over-intensive development of the site.

Impact on adjoining sites in Site 10

- 6.20 Paragraph 6.32 of the appellant's Statement of Case refers to the recent appeal decision at 66-70 High Street specifically with regard to piecemeal development in the absence of a wider area masterplan. Whilst the view of the Inspector is acknowledged, it is important to note that the outcome in the short to medium-term (and potentially long-term) resulting from the proposed development would be far greater in terms of visual townscape impact than that of the 66-70 High Street site given the difference in the site locations/immediate context, particularly in the case of Block B where the visual impact from, and disconnect between the proposed development and the scale and character of the existing context is at its greatest.
- 6.21 The appellant also refers to paragraph 70 of the NPPF which states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, with part (e) supporting the sub-division of larger sites. As stated in paragraph 6.1.4 of the Committee Report, the principle of development is supported from a land use perspective.
- 6.22 Whilst the likelihood of piecemeal development (in the absence of a wider masterplan) is acknowledged, piecemeal development should still follow a design-led approach in accordance with Policy D3 of the London which includes responding to the existing character of a place. It is important to consider how the proposed development would relate to the adjacent sites

including No.6 Ringers Road (Simpsons Place), Bromley Salvation Army Church, and 7 Ethelbert Road.

6.23 The need for the proposed development to be able to stand alone in its current context as well as working in the medium to long-term is emphasised in paragraph 1.7 of the independent Design Review Panel Report, paragraph 1.8 states that *'the site itself lacks rationality as it is the result of at least 2 sites being stitched together....the development sits on the site boundary and has been extruded upwards with little consideration towards its neighbours'*.

6.24 Building tight against the respective site boundaries would undoubtedly prejudice to varying degrees the development potential of the adjoining sites, particularly No.64 Ringers Road and the site currently occupied by the Bromley Salvation Army Church on Ethelbert Road.

Height, scale, massing and appearance

6.25 Paragraph 6.37 of the appellant's Statement of Case states that the Council's objection on the grounds of harm to the local townscape is unclear. For clarity, matters of height, scale and massing, and appearance in relation to townscape impact are set out below.

Location

6.26 In accordance with Policy D9 of the London Plan tall buildings should be part of a plan-led approach. The site has not been specifically identified as an appropriate site for a tall building in the Local Plan and does not mark a key gateway in terms of location, threshold or land use.

6.27 By contrast, the recent appeal site at 66-70 High Street referenced by the appellant, marks a prominent junction and is referred to as a key nodal point in paragraph 7 of the appeal decision, the topography and character of which differs greatly to the application site. The application site does not share these characteristics i.e. set much further back from the High Street mid-way down a sloping residential street. The nature of the site in relation to the scale of development being proposed is referenced in paragraph 1.1. of the Design Review Panel Report which states that *"since it is not located in a particularly noteworthy location there seems to be little call for its proposed height and visual impact on a residential side street"*.

6.28 Site 10 covers a particularly large part of Bromley Town Centre and does not identify specific locations as being suitable for tall buildings. It does however state that proposals will be expected to incorporate a sensitive design which respects the adjoining low rise residential development. The site allocation does not advocate a quantum-led approach over a design-led approach, the total number of residential units is indicative, the potential for higher density

developments within Site 10 does not override the requirements of London Plan Policies D3 and D9.

Townscape impact – immediate setting

- 6.29 It is important to note that the application is for 2 tall buildings and that the context of Ringers Road and Ethelbert Road differ in terms of their scale and character. Tall building proposals must be assessed in terms of their impact on both the immediate setting and the wider townscape.
- 6.30 The design strategy appears to focus solely on the wider townscape without considering the impact on the immediate setting i.e. where there is a significant step-change in scale being proposed resulting in a particularly poor relationship between Block B and existing neighbouring buildings in Ethelbert Road.
- 6.31 As stated in paragraph 6.4.23 of the Committee Report, buildings heights should reduce and respond to changes in topography and the existing low-rise residential context (to the west), with taller buildings marking key nodal points (i.e. 66-70 High Street) fronting the High Street.
- 6.32 This principle is echoed in paragraph 2.3 of the Design Review Panel Report which emphasises the need for the building(s) to *'address and respect the neighbouring residential context sensitively, not only in terms of stepping down in height but also by allowing space around the site boundaries. A more sensitive design will aid a smooth transition along the roads from the higher density high street down the hill towards the lower density houses and the park'*.
- 6.33 The Inspector's comments in relation to Appeal B of the 66-70 High Street scheme are also relevant here, where he concluded that the storey heights were pushing the relationship with the existing context too far *'to the detriment of a visually cohesive built environment'* – without enough public benefit to outweigh the harm. This assessment is particularly applicable to Block B within the context of Ethelbert Road.
- 6.34 It should be noted that the visual impact on the streetscene and the harm caused to the character and appearance of the area resulting from Appeal B were among the reasons for refusal. The maximum height deemed to be acceptable for the 66-70 High Street site marking a key nodal point was 12 storeys.
- 6.35 As stated in paragraph 6.4.25 of the Committee Report, it is accepted that the southern part of the site would be more suitable for a taller building. However, at 14 storeys Block A would be the tallest building outside of Bromley South exceeding the height of Henry House (10

storey) and the consented 66-70 High Street development (12 storeys) – at odds with the established townscape hierarchy where beyond the tall building cluster in Bromley South building heights reduce thereby retaining a legible transition in scale which positively contributes to the character and appearance of the area. It is noted that in the case of Block A the massing steps up from east to west which is at odds with the topography of the street and the surrounding low-rise residential context, the rationale for doing so is unclear.

- 6.36 Paragraph 6.42 of the appellant's Statement of Case notes that the proposed development would be further downhill than the approved development at 66-70 High Street. Paragraph 6.43 states *'in townscape and visual terms, it is not clear how the appeal scheme can be harmful as it would stand below the height of the approved neighbouring development'* (66-70 High Street). The conclusion that the sloping topography along Ringers Road and Ethelbert Road and the separation distance from the High Street frontage would ensure that there is no harm to character or townscape is misguided. This claim fails to take into account the visual impact on the low-rise residential context to the west of Churchill Gardens, particularly in the case of Block B, where the step change in scale and height is significant and in no way representative of a responsive or considered approach to the setting.

Townscape impact – wider context

- 6.37 The Townscape and Visual Impact Assessment (TVIA) submitted with the application provides limited analysis considering the scale and height of the proposed development as highlighted in paragraph 45 of the GLA Stage 1 Report. It should be noted that the scope and location of viewpoints were not agreed with officers.
- 6.38 Both the Tall Building Study (February 2021) and Rendered Vu City Images (July 2021) included within the TVIA show redevelopment proposals for the neighbouring Churchill Quarter site which were submitted in 2018, this application was withdrawn in 2023. They also include indicative height and massing ('development zones 2, 3 and 4') which formed part of the now obsolete draft Site G/10 masterplan – a consultation document dating back to June 2018 which was never adopted.
- 6.39 Consequently, the views provided illustrate a hypothetical context which differs considerably to the existing town centre skyline, the inclusion of additional tall buildings is intended to suggest that the proposed development would sit more comfortably within the wider context and appear less prominent than it actually would. It is important to note that there is no guarantee that neighbouring sites will be developed in the way that is being envisaged or in a way that supports a particular development proposal. Proposals for tall buildings are required to make a positive townscape contribution on their own merits and cannot be solely dependent

upon hypothetical scenarios which may not materialise in order for their impact to be deemed acceptable.

- 6.40 It is noted that the TVIA was not updated during the application process to reflect a reduction in the proposed storey heights following the Design Review held in April 2021. Despite this, the visual prominence and impact on the existing skyline is clear from the Tall Building Study in long-range viewpoints A, D and E, the visual prominence would further increase if the hypothetical neighbouring developments were removed from the model. This is also true in mid-range viewpoints C and F. It is evident from viewpoints C and M that the buildings would coalesce reading as a single mass due to the minimal separation distance between Block A and Block B, as highlighted in paragraph 45 of the GLA Stage 1 Report.
- 6.41 The rendered Vu City images demonstrate similar impacts: the increased prominence in views A, C, D, and E (if the Churchill Quarter massing / Site G/10 masterplan development blocks were removed), and the coalescence of the blocks in views B and E. Views B and C demonstrate a significant visual impact on the low rise residential context when assessed against the existing condition, and the extent to which the proposed development is dependent upon neighbouring sites being developed at a similar scale and height in order mitigate/offset the visual impact.

Bromley Town Centre Conservation Area

- 6.42 The Bromley Town Centre Conservation Area forms part of the wider townscape and therefore the impact on the character and appearance of the setting must be considered. The cumulative impact from the proposed development when read alongside the consented scheme at 66-70 High Street must also be considered.
- 6.43 The TVIA includes 2 unverified mid-short range views of the proposed development from within the Conservation Area (viewpoints F and G) and 1 long-range view (viewpoint A). As stated in paragraph 6.5.17 of the Committee Report officers acknowledge that the topography of the site falls away from the High Street and the Conservation Area boundary, however, both blocks would still have a visual impact rising above buildings along the High Street as demonstrated in views F and G. It should be noted that the blank eastern elevation of Block B would be particularly prominent.
- 6.44 As with wider townscape views provided within the TVIA, the assessment of the visual impact on the Conservation Area relies on the scale and massing of hypothetical buildings (Churchill Quarter) to mask/offset the extent of the prominence and visual impact of the blocks (evident in viewpoints A and F).

- 6.45 Officers consider that the proposed height, scale and massing would negatively impact on the setting of the Conservation Area causing a negative cumulative impact and visual harm by dominating views within particularly from the High Street to the detriment of the character of the area.
- 6.46 Paragraph 6.42 of the appellant's Statement of Case makes reference to the 66-70 High Street appeal decision to draw comparisons between the two schemes. As stated above, the application site/development proposal does not share the same characteristics as the consented scheme at 66-70 High Street. The stepped form, siting and retention of the existing 1930s building facade were among the reasons given by the Inspector in determining that the visual impact on the Conservation Area was acceptable. Paragraph 16 of the appeal decision states "*The retention of the frontage of the existing buildings would assist in striking a pleasant medium between visual integration with the CA to the north (architecturally and historically speaking) and inserting a modern statement building*". This is not the case with the siting, form and appearance of the current proposal.
- 6.47 The GLA Stage 2 Report states that the proposals are not in accordance with London Plan Policies HC1. The NPPF requires the harm to designated heritage assets to be weighed against the public benefits of the proposals. Paragraph 51 of the Stage 2 report concludes that "*The public benefits are considered to be limited, particularly taking into account the height of the proposed buildings, and would not clearly or convincingly outweigh the harm to the Conservation Area*".

Summary

- 6.48 For the reasons set out above, officers consider that the proposed siting, height, scale and massing represents an over-intensive development which fails to respond appropriately to the characteristics or constraints of the site. The overly dominant scale and massing would have a negative impact on the character and appearance of the area.
- 6.49 It should be noted that paragraph 48 of the GLA Stage 2 Report supports the Council's assessment as set out within the Committee Report stating that "*the proposal represents an overdevelopment of the site and would be contrary to London Plan Policy D3, as it is not designed, 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*".

Standard of Residential Accommodation / Living Conditions - RfR 4

- 6.50 The NPPF 2023 paragraph 135 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.
- 6.51 London Plan Policies D3 and D6 deals with housing quality and standards and sets out a number of requirements which housing developments must adhere to in order to ensure a high-quality living environment for future occupants.
- 6.52 Bromley Local Plan (2019) Policy 4 Housing Design requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places.
- 6.53 The Mayors Housing Design Standards LPG (June 2023) brings together and interprets the housing guidance and policies in the London Plan (2021). The document makes it clear that compliance with guidance does not constitute compliance with London Plan Policies. Whilst the Council accepts this document not a London Plan or Local Plan policy document, this guidance is nevertheless a material consideration which contributes towards interpretation of the relevant policies and as such weight should be given to its content. Notably the standards within the document are stated at para 1.1.2 to:
- "...encompass designing with residents' wellbeing in mind and express what it means to optimise site capacity for a residential development, as opposed to simply maximising the development of a site."
- 6.54 It is the Council's evidence that the appellant has sought to maximise and not optimise the development on site and that this is borne out by a number of aspects related to the standard of the residential accommodation that are individually and cumulatively considered to be symptomatic of the overdevelopment of the site.

Single Aspect Units

- 6.55 The Mayoral guidance, contained in the Housing Design Standards LPG (2023), states that new homes should be dual aspect unless exceptional circumstances make this impractical or undesirable. Where single aspect dwellings are proposed, they are required, amongst other things, to have adequate daylight and privacy.
- 6.56 The appellant has stated (para. 6.51) that dual aspects have been provided where possible and that if the scheme was designed to comply fully with the LP Housing Design Standards

then it would result in a significant reduction in the unit numbers and the site potential would not be realised.

- 6.57 Whilst the Council accepts the Housing Design Standards LPG is not a London Plan or BLP policy document, the guidance is nevertheless a material consideration which contributes towards interpretation of the relevant policies accordingly weight should be given to its content. LP Policy D6 also states that a single aspect dwelling should only be provided where, amongst other things, it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3. This latter policy deals with ways of optimising site capacity through the design-led approach. Part B states that higher density developments should generally be promoted in accessible locations. The appeal sites accessibility is acknowledged however, this needs to be weighed against whether sufficient regard has been had for the scheme in providing acceptable living conditions for future occupiers and indeed nearby residents.
- 6.58 Having regard to the above documents the Council will demonstrate that the quantum of development proposed does not respond sufficiently to the site context and specifically its restricted size with development extending up to the boundary with minimal separation distances to neighbouring buildings. This view in relation to overdevelopment was also expressed by the GLA in their stage 1 report.
- 6.59 The Council will demonstrate that single aspect units are not being considered in isolation, in an instance where the overall quality of the development remains appropriate. It is the case that there remains a number of outstanding aspects in relation to the standard of accommodation as encapsulated within RfR 4.
- 6.60 The additional flank windows introduced in the latest revision should not be regarded as providing a genuinely dual aspect accommodation because they would offer a highly constrained outlook owing to the presence of the flank walls of adjoining buildings and should neighbouring sites come forward for development, the number of units with unacceptably poor outlook would likely increase.
- 6.61 In relation to the above at the lower levels (floors 1-3) of Block A, a number of 'dual aspect' units would feel like single aspect homes, including the north facing units which look out onto the rear of Block B. In terms of Block B, the quality of the living experience for residents of the single aspect/'enhanced single aspect' north facing homes and those facing the rear of Block A would be oppressive, feeling hemmed in and unacceptably restricted manner.

6.62 The appellants DSO (Daylight, Sunlight and Overshadowing) report for neighbouring impact and light within the proposed units have been independently review on behalf of the Council by EK McQuade and have been found to be unreliable. The Council will present evidence based upon the review and inspection of the results, 3D models, source data and research used that seriously undermine the assertions at paragraphs 6.57 -6.58 and 6.69 of the appellant's Statement of Case.

Mutual overlooking

6.63 The minimum distance between the proposed blocks would measure approx. 8-10m. Whilst the typical floor plan drawing shows the use of angled windows, the balconies would afford the views into habitable rooms. The size of many of the balconies are large enough for sitting out and as such overlooking could be for sustained periods. Where the views are not direct due to angled windows this would not alleviate the perception of overlooking that is likely to remain given the height and scale of the buildings and their relatively close proximity to one another. The very restricted separation distances between facing habitable rooms raise fundamental concerns regarding the mutual overlooking and is indicative of the overdevelopment of the site. The amendments to the original scheme to introduce larger areas of glazing to improve daylight and sunlight also have the effect of increasing overlooking and the perception thereof.



Fig.5 Typical Floor Plan

Inadequate provision of children's play space

6.64 London Plan Policy S4.B Play and informal recreation sets out the requirements for development that are likely to be used by children and young people as follows:

1) increase opportunities for play and informal recreation and enable children and young people to be independently mobile

2) for residential developments, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of play space should be provided per child that:

a) provides a stimulating environment

b) can be accessed safely from the street by children and young people independently

c) forms an integral part of the surrounding neighbourhood

d) incorporates trees and/or other forms of greenery

e) is overlooked to enable passive surveillance

f) is not segregated by tenure

3) incorporate accessible routes for children and young people to existing play provision, schools and youth centres, within the local area, that enable them to play and move around their local neighbourhood safely and independently.

6.65 Following the proposed reduction in the affordable housing provision, the Council have accordingly adjusted the play space provision requirements. At the time of writing the appellant had not advised the size (1 or 2 bed) of the 6 No. social rent units. The figures put into the GLA population yield calculator are based upon 6 x 2 bed social rent units. The scheme based upon the revised affordable housing contribution would need to provide 132 sqm under 5's play space provision this is a slight reduction compared to the 146 sqm required previously. The Council's case will be that it has not been demonstrated that genuinely playable play space can be accommodated alongside proposed provision of pedestrian paths, seating, water features, tree planting raised beds and other landscaped element which would contribute to the achievement of the recommended Urban Greening Factor score of 0.4. The Council's case will be that the size of the space relative to the various features and functions it is necessary to make provision for is considered to be particularly small. The genuinely 'playable' play space is difficult to discern from the landscape design plans.

Compromised internal layout

6.66 Local Plan Policy 4 Housing Design addresses the accessibility of residential units requiring:

'i *Ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings; and*

j Ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

- 6.67 Policy D5 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design, not just the minimum. Policy D7 of the London Plan requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 6.68 Paragraph 3.7.3 clarifies that to ensure that all potential residents have choice within a development, the requirement for M4(3) wheelchair user dwellings applies to all tenures. Wheelchair user dwellings should be distributed throughout a development to provide a range of aspects, floor level locations, views and unit sizes.
- 6.69 Six of the M4(3) dwellings would be located on floors 1-3 in Block A and the remaining three on floors 2, 3 and 4 in Block B. The appellants own the Daylight and Sunlight report demonstrates that all of these units would have restricted daylight- provision. Further concerns are raised with the limited choice of aspect of these units.
- 6.70 The allocation of these poorly performing units to occupants who may have less options to decide whether the internal amenity meets their requirements and those who may not be able to actively improve the quality of their homes due to restricted mobility or visual impairment would not ensure inclusive development as required by Policy D5, D6 and D7 of the London Plan.
- 6.71 The appeals stage accommodation schedule confirms that 9 units (10%) would be M4(3) wheelchair accessible. Previously 8 out of the 9 wheelchair accessible homes were allocated to be Social Rented (SR) with the remaining single unit allocated for market housing. However, it has not been made clear what proportion if any of the 10 affordable housing units would be for wheelchair accessible homes.
- 6.72 The Council's case will demonstrate how the compromised internal amenity will impact upon inclusivity of the development for occupants of wheelchair accessible homes. As well as generally how the quantum of development has compromised the internal layout.

Surrounding Residential Amenity – RfR 5

- 6.73 Policy 37 (e) of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings from inappropriate development. Providing healthy environments that ensure they are not unduly harmed by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.74 The scale and position of the proposed blocks and in some instances the topographical disparity would undoubtedly result in them being perceived as overbearing when viewed from nearby residential properties and associated curtilage.
- 6.75 The closest residential units are predominantly to the west and south of the site, comprising a four-storey flatted development at 6 Ringers Road, 8-10 storey apartments buildings to the south (William House and Henry House), as well as further residential development to the west along Ringers Road and those residential properties in Ravensbourne Road.
- 6.76 There are also residential properties to the north on Ethelbert Close and to the west at Nos. 7 and 9 Ethelbert Road and the Salvation Army Church and Community Centre to the east.
- 6.77 The Council's case in general terms is that the amenity impacts of neighbouring properties would increase significantly as a result of the scale and mass of the proposed tall buildings. The height of Block A would be more than 3 times greater than that of existing buildings on the northern side of Ringers Road, whilst the height of Block B would be 6 times greater than that of existing residential dwellings in Ethelbert Road / Close.
- 6.78 The elevated position of the balconies relative to the surrounding buildings, a number of which are on a lower ground level, would result in an invasive sense of overlooking and resulting loss of privacy. Even if there is no direct overlooking due to the provision of angled windows the scale of the development is such that there is likely to remain a perception of overlooking.
- 6.79 The existing four trees on and adjacent to the site would extend between 6m -17m in height. In this instance the height and scale of the proposed buildings means there is limited opportunity for views of upper floors to be filtered by landscaping. It is also notable that three of the four trees are within the curtilage of No.7 Ethelbert Road and therefore there is nothing to prevent their future removal. The tree survey schedule indicates that the life span of the trees (10+ to 20+ years) means they are unlikely to be retained for the lifetime of the development. Sycamore tree (T1) removal is also proposed in order to facilitate the appeal

scheme. There is no certainty that any screening offered by the remaining trees would remain in perpetuity.

Outlook/Privacy – Unacceptable

6.80 With a separation of only 12.5m-14m¹ between the rear elevation of Block B and No.6 Ringers Road (Simpsons Place), direct views onto the rear elevation of this property would be available, leading to an actual and perceived overlooking of the neighbouring flats. Views would also be available from the corner balconies of Block A. The Planning Statement argues that that there would be no harmful privacy impacts for 6 Ringers Road and consequently the submission does not offer any explanation on how the proposed windows and balconies would be designed to respect the privacy of its occupiers.

6.81 It is further considered that the additional mass of the proposed development in such close proximity to No.6 Ringers Road, together with the loss of the sycamore tree to the rear of the site which currently provides occupiers with a degree of visual screening between the two sites, would result in a poor and uncomfortable spatial relationship, that would be oppressively intrusive and overbearing for its existing occupants. This is particularly objectionable given that the building in question comprises some single aspect residential units that rely solely on its northern aspect for daylight, sunlight and outlook.

Light

6.82 In respect of neighbouring light impact it is considered that the scope of properties assessed should have been expanded to include additional residential and sensitive receptor properties around the site. Notional room layouts appear to have been used in some instances despite evidence of some floor plans being available on the Council's public access planning portal.

6.83 The 3D digital models which informs the site are basic and set within restricted parameters which do not allow sufficiently for modelling of the wider context. Elements of the building design are missing from models such as balconies which would affect the overall accuracy of the assessment.

6.84 In summary the shortcomings and inaccuracies within the assessment means that the results of the XCO2 DSO (Daylight, Sunlight and Overshadowing) assessment are unreliable in relation to neighbouring impact.

¹ The appellant's SoC at paragraph 6.54 puts this distance at between 12.5m – 15m. This is an aspect of the proposal upon which the Council would like to reach agreement.

Whether there is a suitable mechanism to ensure compliance with planning obligations - RfR 6

- 6.85 It is considered that the obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. A draft Statement of Compliance has been appended to this statement. (**Appendix 4**).
- 6.86 The appellant has raised objections in respect of contribution of £22,000 sought by TfL for a Legible London sign/local sign refresh. This would allow for one new sign adjacent to the site on each frontage and a refresh of other town centre Legible London sign maps. Further justification will need to be sought from TfL in order to progress this contribution towards an agreed status.
- 6.87 The addendum to the Development Control Committee (**Appendix 5**) report of 30 November 2023 confirmed that the pay & display parking bay contribution had been removed from 'Heads of Terms'.
- 6.88 The S106 legal agreement is currently being negotiated with the appellant however at this stage, in the absence of a completed and signed legal undertaking the appeal proposal is considered unacceptable. If a legal agreement is signed, RfR6 falls away. It is the Council intention to seek to progress and agree Heads of Terms and have a signed legal agreement in place before the start of the Inquiry. Please see latest update to Heads of Terms included in Statement of Common Ground (SoCG).

7.0 PLANNING BALANCE

- 7.1 The principle to redevelop this brownfield site in a highly accessible, metropolitan town centre location with a residential led, mixed use scheme is supported from a land use perspective. The site falls within a designated opportunity area in the London Plan and forms part of the housing allocation Site 10 in the Bromley Local Plan. The Council acknowledges that other public benefits would arise from the proposed development.

General Housing Provision (Supply)

- 7.2 The appellant has stated that a part of its case will be in relation to housing supply and delivery in the Borough. However, the Council accepted at application stage that the FYHLS position represented a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply

(paragraph 11(d) of the NPPF 2023). It was further acknowledged that the proposed net gain delivery of 88 homes would make a substantial contribution to housing supply in the Borough.

- 7.3 The Council's FYHLS position has changed since application stage, where a supply of 3.38 years was acknowledged reflecting an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293 - **Appendix 6**). The Housing Delivery Test 2022 results (published in December 2023) indicate that housing delivery against Bromley's housing requirement has fallen below 85% over the HDT period; this requires the addition of a 20% buffer to the Council's housing requirement over the FYHLS period (in accordance with Footnote 8 of the NPPF). Applying this buffer to the appeal derived figure noted above (3.38 years) gives a supply of 2.96 years. The Council acknowledges this amended appeal derived figure for the purposes of determining this appeal and considers this to be a very significant level of undersupply.
- 7.4 Taking into account the current housing supply position, the benefits of the scheme to the Borough's housing supply attract **very substantial weight**.

Affordable Housing Provision

- 7.5 The scheme now proposes a substantial reduction in the affordable housing provision, whilst the level of provision has been justified through the submission of detailed viability evidence, this would result in a significant reduction in provision from 35% to 12% by habitable room (11% by unit). The appellant submits that the acute housing need means that the benefit of 11% affordable housing weighs "heavily" in favour of the appeal scheme, and at paragraph 7.3 of their statement of case, attributes substantial weight to this benefit. The Council acknowledges the significant need for affordable housing in Bromley and across London, and that the provision of 12% affordable housing is an acknowledged benefit of the scheme. However, the weight to be attributed to this benefit is reduced from the very substantial weight attributed at application stage; the Council considers that the reduced affordable housing provision attracts **substantial weight**.
- 7.6 The appellant has stated that the appeal proposal will result in a range of economic benefits as set out in the economic benefits summary (it is noted that this document has not been updated to reflect the reduced affordable housing provision) relating to construction job creation, increased local spend, enhanced Council Tax, affordable workspace and CIL payments. Overall, the employment generation, increased local spend and Council Tax receipts should be afforded only limited weight as creation of construction jobs would be temporary and any increase in local spending would be a modest long-term contribution. The potential benefit of increased Council Tax receipts will help to cover cost arising from an increased local

population directly as a result of the proposed development. With regards to affordable workspace there has been no evidence that there is a need for affordable workspace in this location. Having regard for the above the “economic benefits” arising from the appeal attracts **moderate weight**.

7.7 CIL payments are not considered to be socio-economic benefit arising from the development but rather a means of ensuring that development contributes to the cost of infrastructure that it will rely upon.

7.8 The BNG of 424.9 % is acknowledged as a benefit of the development however as the site is for the most part made up of buildings and hard surfaces it would be an expectation that there would be a significant improvement on the baseline biodiversity value of the existing habitat. Having regard for the overall size of the habitat in relation to the significant scale of the development proposed the benefit attracts **limited weight**.

7.9 Whilst it is agreed that the proposal will result in public benefits these need to be weighed against the planning harms that have also been identified. The Council will argue that the design, layout, massing, and density proposed is considered to be an excessive and over intensive form of development that fails to respond appropriately to the characteristics or constraints of the site and would prejudice the future development potential of the wider site allocation. Substantial wider public benefits would be required to justify the scale of harmful impacts associated with the development being proposed. The Council’s case will be that in this instance, the identified harm would significantly and demonstrably outweigh the benefits arising when assessed against the policies in the Framework taken as a whole. A significant proportion of the benefits could still be realised without causing the level of harm referred to in relation to RfR 2-5

8.0 CONCLUSION

8.1 The Council has set out the outline of its case in the preceding section and in so doing has responded to the appellant’s Statement of Case.

8.2 In all the circumstances the Secretary of State is asked to support the Council in dismissing this appeal.

8.3 The Council reserves the right to make further representations in the event of the appellant’s or the appellant’s agent’s additional comments or material.

APPENDICES

APPENDIX 1 – Bromley Local Plan Site 10 Map

APPENDIX 2 - Photos of site and surrounding

APPENDIX 3 - 66-70 High Street Appeal Decisions (Nov 2022):
PINs Ref. Appeal A: APP/G5180/W/21/3285586 &
Appeal B: APP/G5180/W/21/3288856

APPENDIX 4 - Statement of Compliance

APPENDIX 5 - Development Control Committee Report Addendum (Nov 2023)

APPENDIX 6 - Worsley Bridge Road Appeal Decision (Aug 2023):
APP/G5180/W/23/3315293

APPENDIX 7 - Site Plan