

APPEAL REF APP/G5180/W/24/334022
2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1 1HT

LBB PLANNING REF – 21/05585/FULL1

SECTION 106 AND CIL REGULATIONS COMPLIANCE STATEMENT
ON BEHALF OF
THE LONDON BOROUGH OF BROMLEY

This is a planning obligation and community infrastructure levy compliance statement relating to appeal ref: 334022 (LBB Planning reference 21/05585/FULL1) at 2-4 Ringers Road and 5 Ethelbert Road, Bromley. Without prejudice and in the event that the Planning Inspectorate determines that the above appeal should be allowed, this statement provides justification for the financial contributions and obligations being sought by the London Borough of Bromley.

1. THE REGULATORY FRAMEWORK

1.1 The regulatory framework for the consideration of the appropriateness or otherwise of the contributions and obligation being sought is contained in the CIL Regulations 2010 (as amended).

1.2 Regulation 122 of the Community Infrastructure Levy Regulations (2010) (as amended) sets out the legal basis for planning obligations;

“122. (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) Subject to Paragraph (2A), a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is

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(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

(2A) Paragraph (2) does not apply in relation to a planning obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority’s area, provided —

(a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and

(b) the sum to be paid to the authority does not exceed the authority’s estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.”

1.3 The National Planning Policy Framework (NPPF) (2023) sets out the planning policy basis for planning obligations with paragraph 57 stating;

“Planning obligations must only be sought where they meet all of the following tests²⁶:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.”*

2. DEVELOPMENT PLAN POLICY RELATING TO PLANNING OBLIGATIONS

2.1 The London Plan (2021)

2.1.1 Policy DF1 A (Delivery of the Plan and Planning Obligations) states that applicants should take account of Development Plan policies when developing proposals and acquiring land. Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

2.2 The Bromley Local Plan (2019)

2.2.1 Policy 125 (Delivery and implementation of the Local Plan) states that the Council will work with partners to deliver the vision, objectives and policies of the Local Plan:

- Requiring development to provide for the infrastructure, facilities, amenities and other planning benefits that are necessary to support and serve it;
- Working with relevant providers and developers to ensure necessary infrastructure is secured and delivered in time to support Bromley’s consolidated growth and development and provide facilities for the borough’s communities;
- Using planning obligations where appropriate alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and to mitigate the impact of development;
- Working with neighbouring boroughs to co-ordinate delivery across boundaries; and,
- Monitoring the implementation of the Local Plan, and publish results annually in the Authority Monitoring Report.

2.3 Bromley Planning Obligations SPD (2022)

2.3.1 The Council’s Planning Obligations SPD 2022 provides guidance on the Council’s general approach to Planning Obligations, and where possible the requirements, and mechanisms for infrastructure contributions.

2.3.2 The Council’s CIL charging schedule can be viewed on the Bromley Website:

<https://www.bromley.gov.uk/planning-policy/bromleys-community-infrastructure-levy>

²⁶ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

- 2.3.3 Paragraph 4.5 states that CIL will be levied on all qualifying developments (the creation of 100sqm or more, or where creating a new residential unit) at the relevant charging rates set out within section 1 of the SPD. The charge is applied based on the quantum of the proposed floorspace in any new building, extension or change of use (existing/demolished floorspace may qualify for a deduction) at the rates adopted. New development may also benefit from relief to pay CIL (such as for the floor space that will be used for affordable housing).
- 2.3.4 The use of Planning Obligations through a Section 106 agreement will remain for site specific infrastructure, affordable housing and any other non-infrastructure matters required to make a development acceptable in planning terms (such as monitoring or management arrangements).
- 2.3.5 Appendix 2 of the Council's Planning Obligations SPD (2022) details the thresholds, criteria, types of obligation and formula that the Council will employ in seeking to apply policy on planning obligations.

3. THE JUSTIFICATION/REQUIREMENT FOR AFFORDABLE HOUSING OBLIGATION

3.1 London Plan (2021)

- 3.1.1 Policy H4 (Delivering Affordable Housing) provides a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Foot Note 50 of Policy H4 states that "All major development of 10 or more units triggers an affordable housing requirement". Affordable housing should be provided on site and must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.
- 3.1.2 Policy H6 (Affordable housing tenure) states that the following split of affordable products should be applied to residential development:
- 1) a minimum of 30 per cent low-cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes
 - 2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership
 - 3) the remaining 40 per cent to be determined by the borough as low-cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.

3.2 Bromley Local Plan (2019)

- 3.2.1 Policy 2 of the Bromley Local Plan seeks affordable housing on all residential developments capable of providing 11 residential units or more or where the residential floorspace is more than 1000sqm, irrespective of the number of dwellings. However, the London Plan (2021) introduced a lower threshold of all major development of 10 or more units (gross) triggering an affordable housing requirement. The London Plan threshold takes precedence.

- 3.2.2 Policy 2 (a) (Provision of Affordable Housing'), specifies, inter alia that "In negotiating the amount of affordable housing on each site, the Council will seek 35% affordable housing to be provide and achieving a split of 60% social-rented / affordable rented housing and 40% intermediate provision" and "Where an applicant proposes a level below the 35% or the tenure mix is not policy compliant the Council will require evidence within a Financial Viability Appraisal that will be independently assessed".
- 3.2.3 Supporting text paragraph 2.1.42 clarifies that the arrangements for securing occupancy will be confirmed through a legal agreement. This should include the provision of the social rented units designed to meet Building Regulation standard M4(3)(2b) 'wheelchair accessible'.

3.3 Assessment

- 3.3.1 Providing affordable housing is necessary to meet the demand for those units, however only the amount of affordable housing which would maintain the development's viability is to be secured.
- 3.3.2 The obligation is directly related as the proposal is for residential development.
- 3.3.3 The obligation fairly and reasonably relates in scale and kind, as the requirement for affordable housing is only triggered on larger sites and only a percentage of the housing is to be affordable.

4 THE JUSTIFCATION/REQUIREMENT FOR REVIEW MECHANISMS OBLIGATIONS

4.1 The London Plan (2021)

- 4.1.1 Policy H5 sets out the threshold approach to applications, relating to affordable housing. Depending on the applications route – either 'viability tested' or 'fast track' – the policy has specific requirements for the imposition of review mechanisms. For viability tested' schemes, the requirements are:
- a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough;
 - b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough; and
 - c) Mid Term Reviews prior to implementation of phases for larger phased schemes.
- 4.1.2 For fast-track schemes Policy H5 E clarifies the requirement for an Early Stage Viability Review to ensure an applicant fully intends to build out the permission.
- 4.1.3 Paragraph 4.5.14 provides further information:
"Viability Review mechanisms should be applied to all viability tested applications at early and late stages in the development process (and mid-term reviews in the case of longer phased schemes) to ensure that affordable

housing delivery is maximised as a result of any future improvement in viability. Further guidance is provided in the Affordable Housing and Viability SPG.”

4.2 Affordable Housing and Viability SPG (2017)

4.2.1 The Affordable Housing and Viability SPG (2017) sets out the Mayor’s approach to review mechanisms, in particular the circumstances in which early-stage, mid-term and late-stage reviews will apply. Annex A – Suggested review formulas – applies to this scheme.

4.3 National Planning Practice Guidance – Viability

4.3.1 NPPG Paragraph 009 Reference ID: 10-009-20190509 states that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up-to-date plan policies.

4.3.2 Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.

4.3.3 The application was supported by a Financial Viability Assessment and therefore followed the ‘viability tested’ route of Policy H5 of the London Plan. Accordingly, in line with the development plan, the required early and late stage review formulas would be required as part of the S106 agreement.

4.4 Assessment

4.4.1 The significant shortage of affordable housing and the changing nature of construction and other development costs render this obligation necessary.

4.4.2 The obligation is directly related as the proposal would be unviable if a policy-compliant amount of affordable housing were provided.

4.4.3 The obligation fairly and reasonably relates in scale and kind, as the existing viability information would only be updated and a fixed profit level for the developer would be maintained.

5 THE JUSTIFICATION/REQUIREMENT FOR CARBON OFFSETTING OBLIGATION

5.1 National Planning Policy Framework (2023)

5.1.1 Section 14 of the NPPF addresses meeting the challenge of climate change and advises in paragraph 159 that new development should be planned for in ways that can help to reduce greenhouse gas emissions.

5.2 The London Plan (2021)

5.2.1 Policy SI 2 (Minimising greenhouse gas emissions) requires a minimum on-site reduction of at least 35 per cent beyond Building Regulations (Building Regulations 2013) is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified, and delivery is certain.

5.3 Bromley Local Plan (2019)

5.3.1 Policy 124 (Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy) requires that "major developments should aim to reduce their carbon dioxide emissions in accordance with the levels set in the London Plan...The carbon dioxide reduction target should be met on site unless it can be demonstrated that it is not feasible. Any shortfall may be met through an identified project off-site or through a payment in lieu to a local carbon off-setting scheme".

5.3.2 Supporting paragraph 7.0.72 advises that "contributions to the carbon off-set fund will be secured through the use of S106 planning obligations in accordance with the CIL regulations."

5.4 Bromley Planning Obligations SPD (2022)

5.4.1 Paragraph 12.14 confirms that calculation of an offset payment should be calculated based on the price per tonne of £95, as set out in London Plan policy SI 2. The £95 carbon price is subject to change as per recommendations outlined in any future updates to the London Plan.

5.4.2 The applicant submitted an Energy Statement (20th April 2023) prepared by XCO2 which aims to address the requirements of the policy.

5.4.3 Overall carbon emissions would be reduced on site by 69%. That is 75% reduction on the domestic element, and 44% on the non-domestic element.

5.4.4 In order to achieve 'zero carbon' for the residential portion of the scheme, 22.6 tonnes per annum of regulated CO₂, equivalent to 678 tonnes over 30 years,

from the new-build domestic portion should be offset, which is estimated to equate to a one-off payment of **£64,398**.

5.4.5 The shortfall to a zero-carbon reduction from baseline for the new build non-domestic portion of the scheme are estimated to be 4.6 tonnes per annum of regulated CO₂, equivalent to 138 tonnes over 30 years, to be offset, which would equate to a one-off payment of **£13,095**.

5.4.6 The total carbon offsetting payment in lieu, therefore, would be **£77,493** (plus Retail Price Indexation (RPI) from the date of permission).

5.5 Assessment

5.5.1 The emissions need to be off-set in order to ensure carbon neutrality.

5.5.2 The obligation is directly related as only carbon emissions from this development would have to be off-set and the funding would be used to facilitate and deliver improvements to energy and low carbon infrastructure within the borough.

5.5.3 The obligation fairly and reasonably relates in scale and kind, as off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide to be offset.

6 THE JUSTIFICATION/REQUIREMENT FOR THE PLAY SPACE OBLIGATION

6.1 The National Planning Policy Framework (2023)

6.1.1 The NPPF at Section 8, paragraph 102 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.

6.2 London Plan (2021)

6.2.1 Policy S4 of the London Plan states that development proposals for schemes that are likely to be used by children and young people should: *'for residential developments, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of playspace should be provided per child.'*

6.3 Bromley Local Plan (2019)

6.3.1 Policy 4 of the Local Plan states that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places. Policy 4 lists a number of criteria which the Council will expect to be demonstrated in new housing schemes, including *The provision of*

appropriate play space in accordance with the Mayor's Play and Informal Recreation SPG.

6.4 Bromley Planning Obligations SPD (2022)

- 6.4.1 The Council's Planning Obligations SPD states, at paragraph 6.6, that the Council expects all new residential development to deliver on-site amenity and play space. However, should circumstances be that the full extent of the above requirements cannot be provided on-site, the Council may accept a payment in lieu to be used to improve a local park or gardens in the vicinity of the site.
- 6.4.2 On the basis of the revised accommodation schedule supplied with the appeal, the GLA calculator produces a child yield of 23.9 children, of which 13.2 are under the age of 5 yrs. Children 5+yrs represent 44.7 % of the total child yield. The GLA calculator produces a requirement for 257.6sqm of playspace, of which 132sqm of playspace for U5's should be provided on site.
- 6.4.3 For older age groups, whilst on-site provision is preferable off-site provision to mitigate for the failure to meet policy requirements may be acceptable and an off-site contribution to address the outstanding play requirement for 5- 17 yrs and produce a policy compliant scheme in terms of play should be sought.
- 6.4.4 To mitigate the 44.7% of children (5yrs+) for whom the applicant indicates no provision is to be made on site, a contribution of **££16,807.20** would need to be sought (a ratio of 44.7% produces a sum of £178.8 per unit).
- 6.4.5 There is existing provision for 5-11 play at Church House Gardens or Queens Gardens (both of which lies within 400m from the site). The financial contribution will be used to improve/upgrade these existing facilities.

6.5 Assessment

- 6.5.1 The improvements are necessary in order to meet the demand that would be generated by the development.
- 6.5.2 The obligation is directly related as the play space would be used by occupiers of the development.
- 6.5.3 The obligation fairly and reasonably relates in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of children and is based on the number of dwellings.

7 THE JUSTIFICATION/REQUIREMENT FOR THE VALUE OF THE TREE TO BE LOST ('I-TREE' OR 'CAVAT' SYSTEM) OBLIGATION

7.1 The National Planning Policy Framework (2023)

- 7.1.1 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and

adapt to climate change. It advises that planning policies and decisions should ensure that existing trees are retained wherever possible.

7.2 The London Plan (2021)

7.2.1 Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.

7.2.2 Supporting Para 8.7.3 further advises that an i-Tree Eco Assessment of London's trees quantified the benefits and services provided by the capital's urban forest. This demonstrated that London's existing trees and woodlands provide services (such as pollution removal, carbon storage, and storm water attenuation) valued at £133 million per year. The cost of replacing these services if the urban forest was lost was calculated at £6.12 billion. Consequently, when trees are removed the asset is degraded and the compensation required in terms of substitute planting to replace services lost should be based on a recognised tree valuation method such as CAVAT or i-Tree Eco.

7.3 Bromley Local Plan (2019)

7.3.1 Policy 73 (Development and Trees) of the Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.

7.3.2 The sites' location in an area identified in the Bromley Local Plan as being deficient in access to nature meaning that delivery of high-quality, landscaped open spaces on the site would be key to the success of this scheme.

7.4 VALUE OF THE TREE TO BE LOST ('CAVAT' SYSTEM)

7.4.1 There is one tree within and three trees adjacent to the site, none of which is covered by the Tree Preservation Order. The applicant has provided an Arboricultural Report, which states that three out of four trees are Category C Sycamore trees and a single Yew Category B tree.

7.4.2 One of the Sycamore trees (T1) would need to be removed to facilitate the proposed development.

7.4.3 Based on the survey data included in the Arboricultural Report submitted, the CAVAT value of the tree (T1) has been calculated at £172.

7.5 Assessment

7.5.1 The obligation is directly related to the proposal and necessary in order to compensate for the loss of the existing tree.

7.5.2 The obligation fairly and reasonably relates in scale and kind considering the extent of the development, and the amount is calculated through the established and recognised tree valuation method.

8 THE JUSTIFICATION/REQUIREMENT FOR THE HEALTHY STREETS OBLIGATION

8.1 National Planning Policy Framework (NPPF) (2023)

8.1.1 Section 8, paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which “*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas*”.

8.1.1 Section 9 paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals so that the potential impacts of development on transport networks can be addressed and pattern of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

8.2 The London Plan (2021)

8.2.1 Objective GG1 of the London Plan seeks to ensure that streets and public spaces are consistently planned for people to move around and spend time in comfort and safety and those involved in planning and development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease, creating a welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation.

8.2.2 The London Plan (Policy T1 Strategic approach to transport) seeks a mode share of 75% of all trips in outer London being made by public transport, walking and cycling by 2041, up from 60% in 2015, and that all Londoners have at least 20 minutes of active travel a day (para 10.2.3). In places like Bromley that have high car ownership, extra effort needs to be made to achieve this.

8.2.3 Paragraph 10.1.4 states: ‘*Rebalancing the transport system towards walking, cycling and public transport...will require sustained investment including improving street environments to make walking and cycling safer and more attractive*’.

8.2.4 Policy T2 directs development proposals to follow the Transport for London (TfL) ‘Healthy Streets’ indicators, namely reducing the dominance of vehicles on the street and be permeable by foot and cycle, connecting to local walking and cycling networks as well as public transport. The Mayor of London has

identified a list of indicative priority transport schemes in Table 10.1 of the London Plan.

- 8.2.5 Policy T3 of the London Plan states that development proposals should support capacity, connectivity and other improvements to the bus network and ensure it can operate efficiently to, from and within developments.
- 8.2.6 Policy T4 'Assessing and mitigating transport impacts' states that, where appropriate, mitigation either through direct provision of public transport or through financial contributions, will be required to address adverse transport impacts that are identified.
- 8.2.7 Policy T5 of the London Plan seeks improved cycling infrastructure to support the delivery of a London-wide network of cycle routes.
- 8.2.8 Policy T9 of the London Plan directs the use of Planning Obligations to secure improvements to the transport network, both to address single impacts of development and the cumulative impact of development on transport networks.
- 8.2.9 Policy SD6 requires that Town Centres, such as Bromley Town Centre, should deliver sustainable access to a competitive range of services and activities by walking, cycling and public transport, and the vitality and viability of London's varied town centres should be promoted and enhanced by supporting the role of town centres in building sustainable, healthy and walkable neighbourhoods with the 'Healthy Streets' Approach embedded in their development and management.

8.3 Bromley Local Plan (2019)

- 8.3.1 The Local Plan is underpinned by a number of transport objectives (Paragraph 1.3.17):
- Reduce road congestion at peak times through better management of the network and encouraging patterns of development that reduce the need to travel and by improving road junctions and layouts whenever and wherever possible.
 - Support improvements to public transport links, including associated parking, and facilitate environments that encourage walking and cycling. Locate major developments where they can maximise the use of public transport.
 - Ensure new developments include electric charging points, cycling facilities such as dedicated cycle routes, and car clubs where appropriate, increasing choice for local people.
 - Ensure streets are safe, accessible and uncluttered, improve road safety and reduce air and noise pollution from traffic.
 - Ensure the efficient movement of freight, whilst minimising its impacts on the transport network.
 - Secure investment in critical public transport infrastructure to improve transport connectivity and orbital movements to East London.

- 8.3.2 Policy 31 (d) 'Relieving Congestion' asserts that any new development likely to be a significant generator of travel will need to incorporate or contribute to improvements to the highway network including traffic management measures that limit the significant impacts of the development and are designed to be sensitive to the surroundings.
- 8.3.3 Paragraph 4.0.14 states that *"traffic management measures will be required to be in place through encouraging appropriate measures within development proposals, primarily through the levels of parking provision, appropriate contributions to public transport, fostering alternative methods of travel and the provision of Travel Plans."*
- 8.3.4 Policy 33 'Access for All' advises in part (c) that the Council will consider the potential impact on public transport services and their users, and will seek provision of and contributions to, suitable infrastructure improvements and other facilities, including highway works and bus shelters, services and railway station improvements where such works are necessary and related in scale and kind to the proposed development.
- 8.3.5 Paragraph 4.0.20 advises that *"new development can make significant improvements to facilitate safe and convenient direct cycle routes and implement secure cycle parking facilities, with the Mayor's Cycling Vision for London an agreed approach for developers to take. It also requires similar implementation of walking routes. Contributions towards Mayoral cycle route programmes may be sought."*

8.4 Bromley Planning Obligations SPD (2022)

- 8.4.1 Paragraph 9.15 of the Bromley Planning Obligations SPD advises that developments should assist with facilitating safe and convenient direct cycle routes in line with the Mayor's Cycling Vision for London. A planning obligation may be required to secure the provision of such routes on site, either by way of an undertaking for the developer to carry out the works, or for such works to be completed by a contractor appointed by the Council. In the case of works carried out by the Council, a financial contribution will be sought to cover the costs of providing the works.
- 8.4.2 Paragraph 9.16 states *"In cases where such provision cannot be accommodated on-site, the Council may accept a payment towards improvements to the existing cycle network in the vicinity of the site."*
- 8.4.3 The provision of 94 new residential units (a net gain of 88 homes) and the additional commercial floorspace would result in additional pressure on the public realm and an increase in visitor footfall to the town centre. The development would also be 'car-free' (apart from disabled persons parking), meaning the majority of trips will be by walking, cycling or public transport.
- 8.4.4 In order to assist with facilitating safe and convenient direct cycle and walking routes to the site, it is considered that the appellant should make a financial contribution of £15,000 (which should be subject to Retail Price Indexation

(RPI) from the date of permission). The amount would be spent on the Traffic Management Order, signing, markings, kerb realignment and areas of resurfacing relating to a Cycleway from Kent House via Beckenham to Bromley, routed along Ravensbourne Road as shown in the Appendix 1.

8.5 Assessment

8.5.1 Improving access to and from the site by non-car means is necessary in order to encourage sustainable modes of transport.

8.5.2 The obligation is directly related as the improvements would be available for occupiers to use and connect to the site.

8.5.3 The obligation fairly and reasonably relates in scale and kind considering the extent of the development, the number of occupiers and the extent of the improvements to be made.

9 THE JUSTIFICATION/REQUIREMENT FOR SIGNAGE AND WAYFINDING (LEGIBLE LONDON)

9.1 The National Planning Policy Framework (2023)

9.1.1 Paragraph 96(b) of the NPPF advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space.

9.2 London Plan (2021)

9.2.1 Paragraph 10.1.4 states: '*Rebalancing the transport system towards walking, cycling and public transport...will require sustained investment including improving street environments to make walking and cycling safer and more attractive*'. Legible London promotes walking by providing high quality information without the need to have a smartphone.

9.2.3 Policy T2 Healthy Streets states that 'Development proposals...should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling' and that 'Development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators'. The Healthy Streets Indicators include 'people chose walking' and 'pedestrians from all walks of life', which Legible London supports.

9.2.4 Policy D8 of the London Plan further requires public realm that is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand.

9.3 Bromley Town Centre SPD (2023)

- 9.3.1 The SPD guidance note 3 states that legibility is a key aspect of movement and a key urban design objective. A legible place is a place that is easy to understand and move through, new development can promote legibility by providing recognisable routes, focal points, nodes, and landmarks which stitch into the existing urban fabric. All new development should promote accessibility, legibility, and ease of movement by creating places that connect well with each other and the wider area.
- 9.3.2 The amount of £22,000 is considered as sufficient to fund two Legible London (LL) signs (circa £9k each) and four existing sign map refreshes, to 'highlight' the development (circa £1k each).

9.4 Assessment

- 9.4.1 The obligation is necessary in order to integrate the site within the existing surroundings and aid wayfinding within the town centre.
- 9.4.2 The obligation is directly related to the development.
- 9.4.3 The obligation fairly and reasonably relates in scale and kind considering the extent of the development, the number of occupiers and the extent of the improvements to be made. As this is a 'double fronted' development, two Legible London signs would be appropriate, one at each entrance. There are numerous existing LL signs in the town centre so four map refreshes, picking the most relevant signs eg at Bromley South and North stations, seems appropriate and reasonable.

10 THE JUSTIFICATION FOR PARKING PERMIT REMOVAL RIGHTS

10.1 The London Plan (2021)

- 10.1.1 Policy T6 'Car parking' requires under 'A' that "car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity".
- 10.1.2 Paragraph 10.6.1 advises that *"to manage London's road network and ensure that people and businesses can move about the city as the population grows and housing delivery increases significantly, new parking provision must be carefully controlled. The dominance of vehicles on streets is a significant barrier to walking and cycling, reduces the appeal of streets as public places and has an impact on the reliability and journey times of bus services. Reduced parking provision can facilitate higher-density development and support the creation of mixed and vibrant places that are designed for people rather than vehicles. As the population grows, a fixed road network cannot absorb the additional cars that would result from a continuation of current levels of car ownership and use. Implementing the parking standards in this Plan is therefore an essential measure to support the delivery of new housing across the city. In some areas, it will be necessary for boroughs to introduce additional parking controls to ensure new development is sustainable and existing residents can continue to park safely and efficiently."*

10.1.3 Policy T6.1 'Residential parking' states in part A that "new residential development should not exceed the maximum parking standards set out in Table 10.3."

10.2 Bromley Planning Obligations SPD (2022)

10.2.1 Paragraph 9.12 of the SPD states that development in areas with low amounts of available on-street parking may be required to restrict the availability of Residential Parking permits for new occupants; such restrictions are important tool in conjunction with the London Plan 'car-free/'car-lite' policy, to ensure that potential impacts on local roads are fully mitigated. In such cases a planning obligation will be entered into that requires the site owner to notify new occupants (whether as new owners, leaseholders or renters) that they will not be eligible for an on-street residential parking permit from the Council. These obligations will be secured under Section 16 of the Greater London Council (General Powers) Act 1974.

10.3 Assessment

10.3.1 Parking permit restriction is necessary to ensure that potential impacts on local roads are fully mitigated and to encourage sustainable modes of transport.

10.3.2 The obligation is directly related to the development, fairly and reasonably relates in scale and kind considering the extent of the development.

11 THE JUSTIFICATION/REQUIREMENT FOR MONITORING FEE

11.1 CIL Regulations

11.1.1 Regulation 122(2A) permits an obligation to cover the cost of monitoring (including reporting under the Regulations) in relation to the delivery of planning obligations in the authority's area, provided— (a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and (b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development.

11.2 Bromley's Planning Obligations SPD (2022)

11.1.2 Appendix 1 of the Bromley's Planning Obligations SPD 2022 states that the Council charges £500 per Head of Term in each Section 106 agreement to cover the cost of officer time to process and approve matters related to the approval of any submission and on-going matters of compliance. This is the Council's estimate of its cost of monitoring the development over the lifetime of the planning obligations.

11.3 Assessment

11.3.1 The obligation fairly and reasonably relates to the development, as the Council would profit from the fee and it is based on the number of obligations. The

remaining tests in paragraph 122(2) of the CIL Regulations therefore do not apply.

12 CONCLUSION

12.1 These planning obligations are in accordance with the above-mentioned policies and guidance, and are necessary to make the development acceptable in planning terms and are directly related to the development and fairly and reasonably related in scale and kind to the development.