

Statement of Common Ground

LB Bromley reference: DC/21/05585/FULL1

Planning Inspectorate reference: APP/G5180/W/24/3340223

**2-4 Ringers Road and 5 Ethelbert Road
Bromley
BR1 1HT**

18 June 2024

Table of Contents

1.	Introduction	1
2.	Description of the appeal site	2
3.	Description of the surrounding area	4
4.	Planning history	5
5.	The proposed development	6
6.	Planning policy and guidance	7
7.	Matters agreed	11
9.	Matters in dispute	15
10.	List of conditions	20
11.	Heads of Terms	21
12.	Core documents	22
13.	Declaration	23

1. Introduction

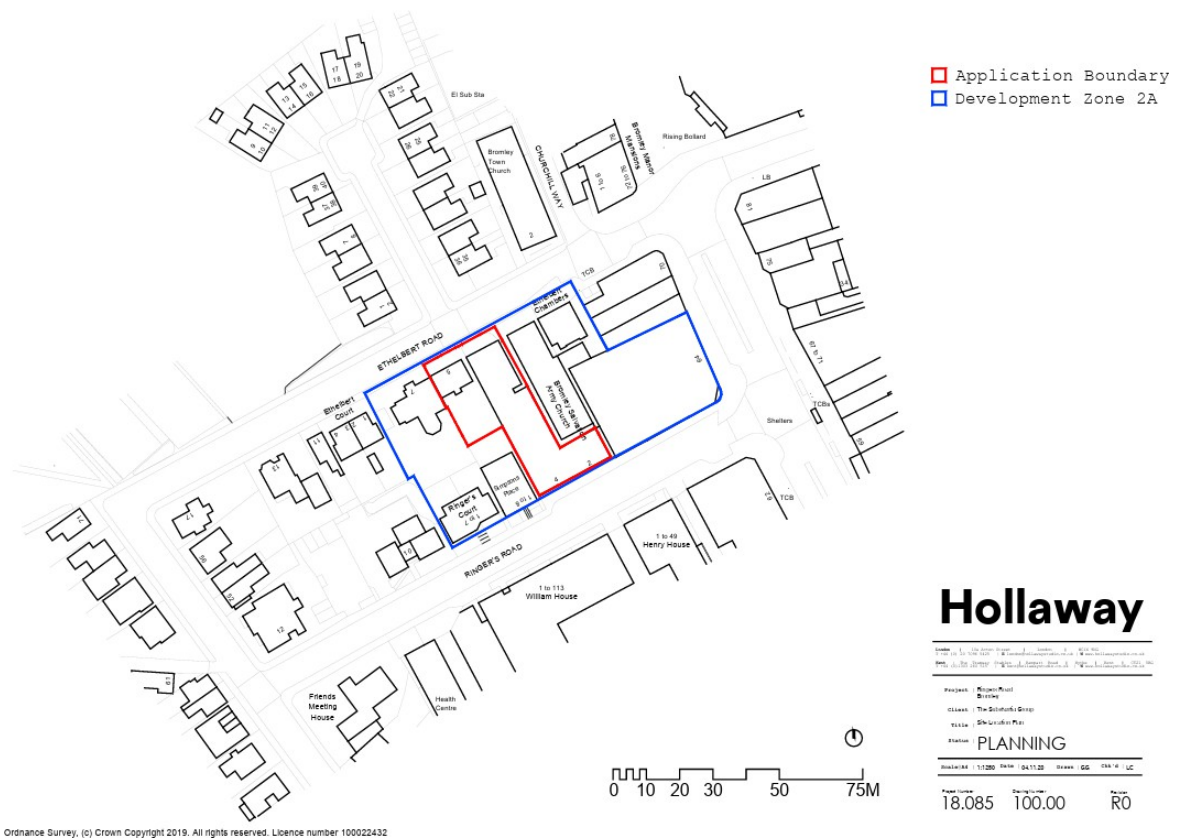
- 1.1. This Statement of Common Ground is written in relation to an appeal that has been submitted relating to the proposed redevelopment of the site at 2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1 1HT (“the appeal site”).
- 1.2. The purpose of this Statement of Common Ground is to detail the matters which are agreed and disputed by the appellants, Ringers Road Properties Limited, and the London Borough of Bromley (“LBB”).
- 1.3. This appeal concerns a detailed application for planning permission submitted to LBB dated 24 November 2021. The application was validated on 25 February 2022.
- 1.4. The agreed description of development is as follows:

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).

- 1.5. The application was reported to the Council's Development Control Committee on 30 November 2023 with an officer recommendation that planning permission should be refused. Initially, the officers recommended that permission should be refused on 7 grounds, including in respect of drainage matters.
- 1.6. Following pre-Committee discussions, the objection on drainage matters was resolved and the final recommendation from officers was that permission should be refused on 6 grounds.
- 1.7. By decision notice dated 19 December 2023, planning permission was refused with 6 reasons for refusal listed.
- 1.8. This planning appeal is made against that decision to refuse planning permission.

2. Description of the appeal site

2.1. The appeal site is show outlined in red, below.



- 2.2. The appeal site is located in Bromley town centre, to the west of the High Street. It comprises a plot of land which is bound by Ringers Road to the south, Ethelbert Road to the north. A Salvation Army Church lies immediately to the east and residential housing extends to the west.
- 2.3. The site extends to an area of approximately 0.1ha and comprises previously developed land.
- 2.4. Existing uses on the site comprise a mix of Use Class E floorspace (approximately 1,103sqm) in one building and a separate house which is divided into 6 flats in the other building.
- 2.5. Land levels drop to the south along the High Street towards Bromley South station and from the High Street to the west along Ringers Road and Ethelbert Road.
- 2.6. There are no statutory listed buildings on the appeal site.
- 2.7. There are no locally listed buildings on the appeal site.
- 2.8. The appeal site is not in a conservation area, or area of special residential character.
- 2.9. The appeal site is in Flood Zone 1 and is not subject to surface water flooding.
- 2.10. The appeal site has excellent public transport access with a PTAL score of 6b, which is the highest score available.

- 2.11. Bromley town centre is identified as an Opportunity Area in the London Plan. Table 2.1 identifies potential for 2,500 additional homes and 2,000 additional jobs in the town centre.
- 2.12. The site forms part of the allocated Site 10 West of Bromley High Street and land at Bromley South in the Bromley Local Plan. The allocation seeks the redevelopment of the land for mixed use development comprising 1,230 additional homes together with offices, retail and transport interchange.
- 2.13. The appeal site is subject to the following designations and allocations:
- Bromley town centre (Metropolitan Town Centre)
 - Bromley Town Centre Opportunity Area
 - Area of Archaeological Significance
 - Area deficient in access to nature

3. Description of the surrounding area

- 3.1. The surrounding area is characterised by a mix of uses, which is reflective of the site's location within Bromley town centre. To the immediate east of the site is the Salvation Army Church (3 storey) fronting Ethelbert Road and the large footprint, 4-5 storey TK Maxx building which fronts the High Street.
- 3.2. To the west of the site, the area is predominantly residential in character which includes a mix of 2-4 storey houses and flatted blocks of 3-5storeys and to the south of the site is a more recent flatted development built in 2015 by Crest Nicholson that includes William House and Henry House which rises from 8 to 10 storeys.
- 3.3. Adjacent to Henry House is 62 High Street, where planning permission (app ref: 21/04667/FULL1) has been granted for a 3 storey upwards extension, increasing the height of the existing building to 6 storeys.
- 3.4. The surrounding area is also characterised by a variety of building heights and styles, transitioning from two storey properties on the western end of Ringers Road which is at a lower ground level to the 10 storey block to the south of the site on the opposite side of the road.
- 3.5. To the west of the site is Church House Gardens, a large public open space which wraps around the west side of the town centre and links through to the Queensmead Recreation Ground and on to Shortlands train station.
- 3.6. Church House Gardens contains a skatepark, tennis courts, play grounds, an amphitheatre and formal gardens. There is a pedestrian entrance to the park close to the appeal site on Ethelbert Road.

4. Planning history

- 4.1. This section summarises the planning history on the application site and provides details of permissions in the surrounding area, which are material to the application proposal.

Planning history on the site

- 4.2. There is a long planning history at 2-4 Ringers Road comprising various minor applications related to the commercial operation of the property.
- 4.3. There is one previous application at 5 Ethelbert Road, which proposed the use of the basement accommodation as offices. Planning permission was refused on the basis of the unacceptable loss of residential accommodation. A subsequent appeal was dismissed on 17 August 1992.
- 4.4. There are no previous proposals for the comprehensive redevelopment of the sites.

Other relevant planning history

- 4.5. There are a number of proposals for the redevelopment of surrounding sites which are relevant to the consideration of this appeal.
- 4.6. **Churchill Quarter (18/02181/FULL1):** 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, later amended to 14 storeys. Application withdrawn. The London Borough of Bromley has now notified its development partner (Countryside / Vistry) that it will not extend the terms of their agreement.
- 4.7. **66-70 High Street (19/04588/FULL1):** Demolition of existing buildings (No.66 to 70 High Street), construction of 12 storey building to provide retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area. The application was refused on 26th April 2021. The decision was appealed and the appeal was allowed. A linked appeal (LBB ref: 21/03231/FULL1) for a 16 storey development was dismissed.
- 4.8. Subsequent s.96a and s.73 applications have been submitted to vary this permission, including a proposal to raise the plant enclosure height (situated on the roof) by 700mm (LBB ref: 19/04588/RECON).
- 4.8. **62 High Street (21/04667/FULL1):** 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 to a height of 20m. The upper floors are set back from the High Street and Ringers Road at each level.

5. The proposed development

- 5.1. The proposed development comprises the demolition of all buildings on the appeal site and the construction of 2 new buildings standing between 10 and 14 storeys in height, containing commercial space, ancillary residents' amenity spaces and 94 flats across both blocks, comprising a mix of 1 and 2 bedroom homes.
- 5.2. The Schedule of Accommodation at **Core Document CD8.11** is agreed.
- 5.3. Block A is situated to the south of the site, fronting Ringers Road, and extends up to 14 storeys (43m) in height. This building will be accessed via a residential entrance off Ringers Road, which will provide access to the lobby and internal lift and stair core. At ground and lower ground floor levels will be approximately 100 sqm of amenity facilities for the residents which will include co- working areas. This will be accessible for all future residents of the development in order to generate greater interaction between the future residential community and support enhanced homeworking conditions which has the added benefit of keeping residents in Bromley Town Centre across the week and thus boosting further the local economy. Residential units will be located across the upper floors.
- 5.4. The development steps down to the north, with Block B fronting Ethelbert Road rising to 12 storeys (36.7m) in height. Access to this building will be via Ethelbert Road. This will accommodate 423 sqm of Class E commercial floorspace on the lower levels. It is proposed that this will be used as a smaller café unit at ground and first floor (152 sqm), along with a larger space across ground and lower ground floor levels to be provided as affordable workspace (271 sqm) delivered as offices operating at 20% discount to market office rents. Again, the proposed homes are arranged across the building's upper floors.
- 5.5. In total Block A (fronting Ringers Road) would contain 45 flats and 98 habitable rooms. Block B (fronting Ethelbert Road) would contain 49 flats and 131 habitable rooms.
- 5.6. The amended affordable housing contribution comprises 10 flats, which equates to a contribution of 11% by unit and 12% by habitable room. The affordable housing contribution will comprise 6 Social Rent and 4 Shared Ownership homes. The social rent properties comprise 4 two bedroom flats and 2 one bedroom flats; the shared ownership properties comprise 2 two bedroom and 2 one bedroom flats. The affordable housing contribution includes two M4(3) units, being unit B.02.05 (a social rent unit) and B.03.05 (a shared ownership unit).
- 5.7. Early and late stage review mechanisms will be included in the s.106 agreement. The mechanisms will not facilitate any reduction in affordable housing delivery.

6. Planning policy and guidance

Adopted planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission are decided in accordance with the development plan unless material considerations indicate otherwise.
- 6.2. The extant development plan for the London Borough of Bromley, as of 18 June 2024, comprises:
- **London Plan (March 2021)**
 - **Bromley Local Plan (January 2019)**
 - **Bromley Town Centre Area Action Plan (October 2010)**
- 6.3. The Government's policy aims as outlined in the National Planning Policy Framework (December 2023) are a material consideration.
- 6.4. The policies in the development plan relevant to the proposed redevelopment of the appeal site are listed in the table below. Those policies shown in italics are those listed on the Council's decision notice:

Policy Reference	Title
London Plan (March 2021)	
GG2	Making best use of land
GG3	Creating a healthy City
GG4	Delivering the homes Londoners Need
GG5	Growing a good economy
GG6	Increasing efficiency and resilience
SD1	Opportunity Areas
SD6	Town Centres and high streets
SD7	Town Centres: Development principles and plan documents
SD10	Strategic and local regeneration
<i>D1</i>	<i>London's form, character and capacity for growth</i>
<i>D3</i>	<i>Optimising site capacity through a design-led approach</i>
<i>D4</i>	<i>Delivering good design</i>
<i>D5</i>	<i>Inclusive design</i>
<i>D6</i>	<i>Housing quality and standards</i>
<i>D7</i>	<i>Accessible housing</i>
<i>D9</i>	<i>Tall buildings</i>
D11	Safety, security and resilience to emergency
D12	Fire Safety
D13	Agent of Change
D14	Noise
H1	Increasing housing supply
H2	Small Sites
<i>H4</i>	<i>Delivering affordable housing</i>
<i>H5</i>	<i>Threshold approach to applications</i>
H6	Affordable housing tenure
H7	Monitoring of affordable housing
<i>H10</i>	<i>Housing size mix</i>

S4	<i>Informal recreation and play</i>
E1	Offices
E2	Providing suitable business space
E3	Affordable workspace
E9	Retail, markets and hot food takeaways
HC1	<i>Heritage conservation and growth</i>
HC6	Supporting the night-time economy
G5	Urban Greening
G6	Biodiversity and access to nature
G7	Trees and woodland
SI-1	Improving air quality
SI-2	Minimising greenhouse gas emissions
SI-3	Energy infrastructure
SI-4	Managing heat risk
SI-5	Water infrastructure
SI-8	Waste capacity and net waste self-sufficiency
SI-13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Accessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential parking
T7	Deliveries, servicing and construction
DF1	<i>Delivery of the plan and planning obligations</i>
M1	<i>Monitoring</i>
Bromley Local Plan (January 2019)	
1	<i>Housing supply</i>
2	<i>Affordable housing</i>
4	<i>Housing design</i>
5	Parking of commercial vehicles
30	Parking
31	Relieving congestion
32	Road safety
33	Access to services for all
34	Highway Infrastructure Provision
37	<i>General design of development</i>
42	<i>Development adjacent to a conservation area</i>
46	Ancient Monuments and Archaeology
47	<i>Tall and large buildings</i>
48	<i>Skyline</i>
70	Wildlife Features
72	Protected species
73	Development and Trees
77	Landscape quality and character
79	Biodiversity and access to nature
91	Proposal for main town centre uses
92	Metropolitan and major town centre
113	Waste management in new development
115	Reducing flood risk
116	Sustainable urban drainage systems

117	Water and wastewater infrastructure capacity
118	Contaminated land
119	Noise pollution
120	Air quality
122	Light pollution
123	Sustainable design and construction
124	Carbon reduction, decentralized energy networks and renewable energy
125	<i>Delivery and implementation of the Local Plan</i>
<i>Site Allocation 10</i>	<i>Land West of High Street</i>

Published and draft guidance

6.5. The following published and draft local and Mayoral guidance documents are relevant to the consideration of this appeal. The guidance shown in italics is listed on the Council's decision notice:

- *Urban Design Guide SPD (July 2023)*
- *Bromley Town Centre SPD (October 2023)*
- *Planning Obligations SPD (June 2022)*
- *Housing Design Standards LPG (June 2023)*
- *Play and Informal Recreation SPG (September 2012)*
- **Accessible London: Achieving an Inclusive Environment (2014)**
- **Air Quality Neutral LPG (2023)**
- **Air Quality Positive LPG (2023)**
- **Be Seen energy monitoring LPG (2021)**
- **Circular Economy Statements LPG (2022)**
- **Urban Greening Factor LPG (2023)**
- **Whole life carbon LPG (2022)**
- **Optimising Site Capacity: A Design-led Approach LPG (2023)**
- **Affordable Housing and Viability SPG (2017)**
- **Housing SPG (2016)**
- **Urban Greening Factor LPG (2023)**
- **Energy Assessment Guidance (2022)**
- **Sustainable Transport, Walking and Cycling LPG (2022)**
- **Social Infrastructure SPG (2015)**
- **The Control of Dust and Emissions during Construction and Demolition (2014)**
- **Draft Affordable Housing LPG (2023)**
- **Draft Development Viability LPG (2023)**
- **Draft Fire Safety LPG (2022)**
- **GLA Planning Practice Note: Heritage Impact Assessments and the Setting of Heritage Assets (2023)**

7. Matters agreed

7.1. The following matters are agreed between the Council and appellant.

Principle of development

- 7.2. The principle of redevelopment and the replacement of the existing buildings is supported. The site is within a Local Plan site allocation (Site 10).
- 7.3. The development would provide 413sqm of commercial space and 94 flats.
- 7.4. The housing mix comprises 1 and 2 bedroom homes. There will be 53 one bedroom flats and 41 two bedroom flats.
- 7.5. The proposed mix of uses is acceptable and consistent with the objectives of the Development Plan.

Housing matters

- 7.6. LBB's housing target in the London Plan is 7,740 homes across a 10 year period from 2019/20 to 2028/29 (774 additional homes per annum).
- 7.7. LBB's small sites target in the London Plan is 3,790 homes across a 10 year period (379 additional homes per annum). This is a minimum target which is a component of, and not additional to, the overall housing target..
- 7.8. The 2022 Housing Delivery Test shows that LBB delivered 52% of its housing target across the last 3 years, therefore a 20% buffer should be added to the Council's five year housing supply requirement, as per paragraph 77 of the NPPF.
- 7.9. It is agreed that very substantial weight should be given to the proposed housing supply.
- 7.10. The presumption in favour of sustainable development is engaged as set out in paragraph 11 of the NPPF..
- 7.11. The appellant's viability assessment by Turner Morum has been independently assessed on behalf of the Council by BPS Surveyors and it is agreed that the scheme can deliver 10 affordable housing units comprising 6 social rent and 4 shared ownership amounting to a 12% (by habitable room) provision / 11% (by unit) provision. Early and late stage review mechanisms will be included in the s.106 agreement, as required by London Plan policy H5.
- 7.12. It is agreed that substantial weight should be given to the proposed affordable housing provision.
- 7.13. The summary table below is an extract from BPS Surveyors viability assessment and sets out the agreement between the parties in relation to the key inputs and viability findings.

Input	TM	BPS	Comments
Income			
Open Market Sales	£33,753,125 (£6,728psm/£625psf)	£33,753,125 (£6,728psm/£625psf)	Agreed
Affordable Housing	£2,055,063 (£3,222psm/£299.31psf)	£2,055,063 (£3,222psm/£299.31psf)	Agreed
Affordable Workspace	£828,603 (£258 psm/£24 psf)	£948,343 (£258 psm/£24 psf)	Ambiguous – headline figures agreed, assuming terms in s106 agreement in perpetuity
Cafe	£604,283 (£3,874psm/£360psf) £30 psf pa, 6 mth rent free at 7%	£695,636 (£3,874psm/£360psf) £30 psf pa, 6 mth rent free at 7%	Ambiguous – headline figures agreed
Co-Working Space	£nil	£nil	Agreed – assuming non-revenue producing status secured in s106
Ground Rents	£nil	£nil	Agreed
Car Parking	£nil	£nil	Agreed
Expenditure			
EUV	£2.485m	£2.485m	Agreed
Landowner Premium	10%	10%	Agreed
Benchmark Land Value	£2.734m	£2.734m	Agreed
Build Costs	£21,079,917	£21,079,917	Agreed
Contingency	5%	5%	Agreed
Professional Fees	10%	10%	Agreed
Abnormals	£969,559	£969,559	Agreed
OMS Disposal Fees	3%	3%	Agreed
Commercial Letting fees	15%	15%	Agreed
Affordable disposal fees	0.5%	0.5%	Agreed
Purchaser's Costs	6.8%	6.8%	Agreed
S106	£118,624	£118,624	Ambiguous - We require confirmation from the Council on this input.
CIL	£1,309,478	£1,309,478	Ambiguous - We require confirmation from the Council on this input.
Finance	£2,455,922	£2,590,724	Agreed
Profit: OMS Affordable	17.5% 6%	17.5% 6%	Agreed

Housing Commercial	15%	15%	
Development Timeframes			
Pre-construction Period	6-months	6-months	Agreed
Construction Period	18-months	18-months	Agreed
Pre-Sales	50%	50%	Agreed
Sales Period	12-months	12-months	Agreed - 4 sales pcm
Viability Position	-£2.267m	-£2,262,253	Agreed – No affordable housing can be provided
Actual Profit	10.7%	10.7%	

Design.

- 7.14. The TVIA (Townscape and Visual Impact Assessment) VuCity View E (TVIA Part 5) indicates that the proposed development would sit below the height of the Churchill Theatre.
- 7.15. The proposed flats meet the Minimum Internal Space Standards for new dwellings set out in London Plan policy D6 and Table 3.1.
- 7.16. The proposed private amenity spaces meet the minimum standards for private outdoor space set out in London Plan policy D6.
- 7.17. London Plan policy D6 encourages provision of communal amenity space in addition to private outdoor space. While the policy does not set out requirements for the amount of communal amenity space to be provided, London Plan Table 3.1(iv) sets out design criteria for such spaces; with further guidance set out in the Housing Design Standards LPG.
- 7.18. There is no prescriptive policy requirement to meet in respect of separation distances between habitable room windows. The Housing Standards LPG provides guidance on dual aspect units in relation to separation distances.

Heritage

- 7.19. The site is within an Area of Archaeological Significance. The desk-based assessment submitted during the application shows that there is not likely to be any archaeological interest with this site. Planning conditions have been recommended to be imposed on any planning permission.
- 7.20. The site does not fall within the Bromley Town Centre Conservation Area.
- 7.21. There are no listed, or locally listed buildings on or adjacent to the appeal site.
- 7.22. The site is not within any locally designated view, or any London View Management Framework Views.

8. Other matters

- 8.1. The development is acceptable in respect of all highway matters, including no on site car parking, the provision of adequate cycle parking, the provision of adequate bin storage and suitable servicing and delivery arrangements for both the commercial and residential elements.
- 8.2. An acceptable energy and sustainability strategy is proposed for the development. The development would achieve regulated CO2 savings on site of 75% for the domestic part and 44% for the non-domestic part.
- 8.3. The redevelopment of the site would give rise to a biodiversity net gain of 424.9%.
- 8.4. Following the conclusion of negotiations before planning committee, the development is now acceptable in terms of drainage and flooding matters.
- 8.5. The development would give rise to economic benefits through the construction and operational phases of the development.

9. Matters in dispute

9.1. The matters which remain in dispute are provided below, relating to the reasons for refusal.

Matter	Appellant	LBB	Prospect of resolution
Affordable housing contribution	<p>A Financial Viability Assessment is submitted with the appeal in order to agree an affordable housing position ahead of the Inquiry. The Schedule of Accommodation has been updated and affordable housing plans provided to show where these will be located.</p> <p>It is now agreed that the development is viable and deliverable.</p>	<p>Following an independent financial viability review the affordable housing position is now agreed comprising 6 social rent and 4 shared ownership amounting to a 12% (by habitable room) provision / 11% (by unit) provision.</p>	High
Unit mix	<p>The development provides an appropriate unit mix, which meets local needs and is compliant with policy objectives.</p>	<p>This is not agreed, as per paras 6.1.32-6.1.36 of committee report.</p>	Low
Development height / density	<p>The development would optimise the use of a site within an adopted allocation. The principle of tall building development in this location is supported by the development plan. The development height responds positively to the height of nearby buildings, including approved developments.</p> <p>The development will contribute to the evolution of the area's character, as envisaged by the development plan.</p> <p>The updated and 9 additional TVIA viewpoints demonstrate that the proposed building would sit comfortably in its context, respecting the height and scale of other buildings which are being (or have been) delivered on surrounding sites.</p>	<p>The siting and scale of the proposed development represents an overdevelopment of the site. The site has not been specifically identified as an appropriate site for a tall building in the Local Plan. The proposed building heights do not respond positively to nearby buildings or the wider townscape. The over dominant height, scale and massing would have a negative impact on the character of the area.</p>	Low

Heritage impact	<p>The proposed development would stand behind / adjacent to the approved development at 66- 70 High Street in views from the Conservation Area and would be more visually separated from the townscape within the conservation area. The Inspector in the appeal at 66- 70 High Street identified “no harm” when granting permission for the 12 storey development and it is unclear how the proposed development would harm the significance of the Bromley Town Centre Conservation Area.</p> <p>The additional and updated views in the TVIA document (viewpoints A, E, H (adjacent to, but not in the CA), K, M and O) show that from the conservation area, the building would stand below the height of the approved development at 66-70 High Street and, from viewpoints where it is visible, would also be below the height of the Churchill Theatre.</p>	<p>Blocks A and B would have a negative visual impact on the setting of the Conservation Area as demonstrated by views in the TVIA and in the additional and updated views.. The application site does not share the same characteristics as 66-70 High Street. The siting and retention of the existing 1930s facade were among the reasons given by the Inspector in considering the visual impact on the Conservation Area to be acceptable (providing “visual integration with the CA”). The Inspector concluded that Appeal B (exceeding 12 storeys) would “cause harm to the character and appearance of the area and fail to preserve or enhance the setting of the CA”.</p>	Moderate
Quality of accommodation	<p>The proposed flats all meet minimum space standards and are well laid out. There is not an over-reliance on single aspect units. The development plan does not object to single aspect units, it opposes single aspect north facing units and no such flats are proposed in this development.</p> <p>The separation between the blocks is approximately 14m, which is reasonable and acceptable in the context of a town centre site. The blocks are designed and laid out to avoid direct views between the proposed flats.</p>	<p>It is considered that the appellant has sought to maximise and not optimise the development of the site, and this is borne out by a number of aspects related to the residential accommodation which individually and cumulatively are considered to be symptomatic of the overdevelopment of the site. They include a high number of e units offering poor outlook and daylight, mutual overlooking and inadequate play space provision for Under 5’s..</p>	

<p>Communal amenity space and playspace</p>	<p>There is no adopted standard in the development plan or guidance concerning the provision of communal amenity space.</p> <p>A development's playspace requirement is calculated using the GLA's Population Yield Calculator.</p> <p>The Council and the appellant have agreed to use "Outer London" Geographic Aggregation with a PTAL score of 3-4 on the basis that it is not possible within the calculator to select a higher PTAL score for outer London areas.</p> <p>Based on these metrics, the development would yield 22.9 children (aged between 0 and 17 years). This generates a playspace requirement of 229.1sqm.</p> <p>It is agreed that a financial contribution towards the delivery of off site playspace is required in this case, totaling £16,711.32.</p> <p>The Population Yield Calculation is agreed and is at APPENDIX 1 of this Statement.</p> <p>A planning condition can be used to ensure appropriate playspace can be provided in the communal garden area.</p>	<p>The proposal is considered to be quantitatively and qualitatively insufficient particularly for a redevelopment scheme for this number of units. The proposed courtyard relative to the multitude of functions it attempts to make provision for is too small and does not leave sufficient room for genuinely playable Under 5's play space.</p> <p>The open space typology plan floor space breakdown includes circulation pathway and bike store into the calculations. It is not considered that these elements should count towards the amenity space provision. Due to the restricted size of the courtyard they would not easily co-exist. The proposal is unable to demonstrate genuinely playable under 5's play space provision which by the GLA yield calculator amounts to 127 sqm.</p>	<p>Low</p>
---	---	--	------------

Relationship with neighbours	<p>The proposed relationship with neighbours is not unusual in a town centre location. The regeneration, evolution and densification of Bromley town centre is commencing, consistent with the vision of the adopted allocation. The development has been designed to respect the amenity of neighbours and ensure that those sites can come forward for development in the future. The Council's reason for refusal does not specify any home, or homes which would be impacted by the development. The Committee Report makes reference to the development at Simpson Place, 6 Ringers Road (although does not specify and flat (or flats) or room (or rooms) which would be affected; and 7 Ethelbert Road. The Council's reason for refusal does not allege any harm to the operation of surrounding commercial properties or community facilities.</p>	<p>Due to the height, scale and siting of the proposed development in close proximity to the site boundaries there are serious concerns with regard to the resulting impact upon neighbouring properties. In particular the proposed blocks would loom over adjacent residential properties representing unneighbourly development, as well as blocking natural light to existing rooms in the Salvation Army building. There are also concerns that the minimal (or zero) separation distances to boundaries would significantly constrain future development of the adjacent sites</p>	Low
Daylight	<p>A specific Statement of Common Ground relating to light matters is being prepared.</p>	<p>It is not clear that the stated methodology has been followed through in the updated DSO (Daylight, Sunlight and Overshadowing) assessments. The DSO review report has noted a number of inaccuracies and shortcomings which significantly undermine the reliability of the appellant's case regarding the impact the proposal would have upon neighbouring light impact and light within the development.</p>	Low / Medium
Absence of a s.106 legal agreement	<p>It is expected that Heads of Terms can be agreed and a s.106 legal agreement completed ahead of the Inquiry.</p>	<p>It is expected that Heads of Terms can be agreed and s.106 legal agreement completed ahead of the Inquiry.</p>	High

<p>Bromley Town Centre Area Action Plan</p>	<p>The BTCAAP is an adopted policy document which forms part of the development plan. The objectives of the plan are consistent with those outlined in the London Plan and Local Plan and as such, despite the document's age, there is no reason why its policies should not be considered as part of the assessment of the appeal. Had the Council considered the BTCAAP to be inconsistent with the London Plan and Local Plan, it would have been withdrawn.</p>	<p>The Bromley Town Centre AAP is an extant Development Plan Document, but due to its age and the age of the evidence base that underpins it, the AAP is considered to have negligible weight. The policies in the plan have all, to some degree, been superseded by policies in the Local Plan and London Plan, which were adopted in 2019 and 2021 respectively. In addition, guidance in the Bromley Town Centre SPD and Urban Design Guide SPD expands on more recently adopted DPDs and is considered more relevant. The Council does not have the authority to withdraw a DPD; as per the provisions of the PCPA 2004, the Council has written to the SoS to request that the AAP is withdrawn. At the time of writing, no decision has been made, partly due to delays associated with the pre-election periods for the London Mayoral Election and General Election.</p>	
---	--	--	--

10. List of conditions

- 10.1. It is agreed that should the Inspector be minded to allow the appeal and grant planning permission, planning conditions should be imposed on the permission.
- 10.2. The Council and appellant have worked together to provisionally agree a list of conditions, which is attached at **Appendix 2**.

11. Heads of Terms

11.1. The appellant will continue to negotiate necessary planning obligations during the course of the appeal and will seek to ensure that a signed legal agreement will be submitted to the Planning Inspectorate ahead of the Inquiry.

11.2. The agreed Heads of Terms are shown in the table below:



Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset payment (total)	£77,493	Yes
Children Play Space	£16,711.32	Yes
Affordable housing: 11% by unit (6 SR and 4 SO)	NA	Yes
Early & Late stage affordable housing viability review	NA	Yes
Value of the tree to be lost using 'i-tree' or 'CAVAT'	£1,673.00	Yes
Removal of rights for resident's permit	NA	Yes
Legible London	£22,000	No
Healthy Streets	£15,000	Yes
Obligation monitoring fee	£500 per head of term	Yes
Total	TBC	Yes

12. Core documents

- 12.1. The Council will maintain a list of Core Documents for use during the Inquiry with these being uploaded to a specific page on the LBB website.
- 12.2. The final list is provided at **Appendix 3**.

13. Declaration

13.1. The above has been agreed by the Council and appellant.

Signed and dated on behalf of the appellant	Signed and dated on behalf of the London Borough of Bromley
 Mark Batchelor	
4TY Planning Limited on behalf of Ringers Road Properties Limited	London Borough of Bromley
18 June 2024	18 June 2024