

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

STATEMENT OF CASE

March 2024

GTY PLANNING

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1. Introduction

1.1. This Statement of Case is written in support of a planning appeal made by Ringers Road Properties Limited (“the appellant”) under s.73 of the Town and Country Planning Act (1990) against the decision taken by the London Borough of Bromley (“the Council” / “LBB”) to refuse planning permission for the proposed redevelopment of the site at 2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1 1HT (“the appeal site”).

1.2. The development proposed in this appeal comprises:

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).

1.3. The application (LBB ref: DC/21/05585/FULL1) was reported to the Council’s Development Control Committee on Thursday 30 November 2023 with an officer recommendation that planning permission should be refused.

1.4. The Council’s decision notice refusing planning permission was issued on 19 December 2023. The decision identifies the following 6 reasons for refusal:

- I. 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.*
- II. 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.*
- III. 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.*
- IV. 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 Polices D3, D5, D6, D7 and S4; Local Plan Policies 4 and 37; Housing Design LPG; and Play and Informal Recreation SPG.*

- V. *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.*
 - VI. *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.*
- 1.5. The Council's reasons for refusal identify the following 7 matters to be considered as part of this appeal:
- I. Whether the development makes an acceptable affordable housing contribution;
 - II. Whether the proposed unit mix is acceptable;
 - III. Whether the development would prejudice the development of other sites within Site Allocation 10;
 - IV. Whether the development would cause harm to the local townscape and the setting of the Bromley Town Centre Conservation Area;
 - V. Whether the development would provide adequate living conditions for future residents;
 - VI. Whether the development would cause harm to the residential amenities of neighbouring occupiers; and
 - VII. Whether the required planning obligations can be secured.
- 1.6. As discussed in further detail below, the appellant considered there to be other complex material considerations relevant to the Inspector's assessment of this appeal and in respect of which, detailed technical evidence will be adduced during the appeal. These considerations include the 5 year housing land supply position in the London Borough of Bromley and acute housing and affordable housing needs which exist in the Borough.

Appeal procedure

- 1.7. The Planning Inspectorate has published guidance titled Procedural Guide: Planning appeals – England (updated 11 January 2024), which has been reviewed in the preparation of this appeal.
- 1.8. That guidance makes reference to further published guidance titled Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals (dated 21 April 2022). This publication provides guidance on appeal procedures and having reviewed these in detail, it is the appellant's firm opinion that due to the complexity of the matters, the need for cross examination of witnesses and for submissions by their advocate, the Inquiry procedure is the only appropriate mode for the determination of this appeal.
- 1.9. The guidance sets out that an Inquiry is the appropriate procedure if any of 5 criteria are met. In this case, it is the appellant's firm opinion that the following 3 criteria are clearly met, meaning an Inquiry is the appropriate procedure to be used to determine the outcome of the appeal:

- I. **There is a need for evidence to be tested:** In this case, the Council's first (affordable housing contribution), third (insofar as it relates to heritage impacts), and fifth (in relation to light impacts) reasons for refusal relate to detailed technical matters where the Inspector's full understanding of the case would be greatly assisted by the hearing of evidence from expert witnesses with advocates having the opportunity to undertake cross examination in order that the evidence can be fully tested.

Additionally, the appellant will introduce evidence in this case in relation to the 5 year housing land supply position in the Borough and in connection with housing and affordable housing need in the Borough. Again, these are complex technical matters on which the Inspector will need to hear evidence from expert witnesses.

- II. **Complexity of issues:** Linked with the above, the technical issues which need to be tested are inherently complex and cannot fully and properly be understood and interrogated through an exchange of written submissions, or through roundtable discussions at a hearing. To sustain its first, third and fifth reasons for refusal, the Council will need to call technical experts and likewise the appellant's technical team will want to present evidence to demonstrate that the reasons for refusal are very poorly founded.

Furthermore, the housing supply and need matters which will be introduced into the appeal are highly complex matters, on which the Council and appellant will need to present evidence.

- III. **Extent of local interest:** As summarised in the Committee Report, there is considerable local interest in this development with over 100 neighbour comments being submitted during the course of the Council's consideration of the application.

- 1.10. Unless the Inquiry procedure is adopted in this case, the Inspector's full understanding of the main planning considerations will be hampered to the extent that they will not be able to properly discharge their obligations. The appellant is concerned that if one of the written representations or hearing modes are awarded, the Inspector could - at a late stage - request a procedural change, resulting in unnecessary delays to an important development that is needed now and could be delivered quickly.

2. The Appeal Site and Surrounding Area

- 2.1. The appeal site, shown in Images 1 and 2, below, comprises the properties at 2-4 Ringers Road and 5 Ethelbert Road. The 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 development extends to the west.



Image 1: Extract from Site Location Plan (no. 18.085 100.00 R0)



Image 2: Aerial view of the site and surroundings

- 2.2. The site forms part of Opportunity Site G 'West of the High Street' in the Bromley Town Centre Area Action Plan which is anticipated to provide 1,180 residential units, 20,000 sqm of additional retail floorspace, 5,000 sqm of catering services floorspace and 2,000 sqm community floorspace.
- 2.3. The appeal site also forms part of Site 10 'West of Bromley High Street and land at Bromley South' in Bromley's adopted Local Plan (2019). Allocation Site 10 is 4.54 ha in size and extends from Churchill Gardens to the north west of the appeal site, covers the appeal site and the residential areas to the west and extends south to Bromley South Station. The allocation is for:

Redevelopment for mixed use including 1,230 residential units, offices, retail and transport interchange.
- 2.4. The site also forms part of the London Plan designated Bromley Town Centre Opportunity Area, which *inter alia*, is defined as having capacity to accommodate 2,500 new homes.
- 2.5. The site currently accommodates two buildings. The largest of these runs along the east of the site and fronts both Ethelbert Road and Ringers Road. The element to the south fronting Ringers Road is a single storey restaurant (Class E) occupied by Smoque (2-4 Ringers Road). This building steps up to the north and the Ethelbert Road façade is three storeys in height. This part of the building provides 185 sqm of floorspace which has most recently been in use as a photography studio. At ground floor are large servicing doors, and the forecourt in front of this is used for the storage of bins. As such, this reads as a servicing area of the building and detracts from the street scene and character of the area more generally.
- 2.6. The second building on the site is a brick property (5 Ethelbert Road) which is three storeys in height. This building is in residential use and accommodates six flats. To the rear of this building is a grassed area which is used as communal amenity space for the property.

- 2.7. 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 fronting Ethelbert Road and the substantial TK Maxx building which fronts the High Street. To the west of the site, the area is predominantly residential in character which includes a mix of houses and blocks of flats and to the south of the site is a more recent flatted development built by Crest and which rises to 10 storeys.
- 2.8. The surrounding area is also characterised by a variety of building heights and styles, transitioning from 2-3 storey properties such as those on Ravensbourne Road to the 8-10 storey blocks at William House and Henry House, immediately to the south of the site. In the near future, that transition will include the 12 storey building approved at 66-70 High Street and beyond is likely to include the significant development at the Churchill Quarter (to the immediate north of the site), which previously involved buildings rising to 14 storeys.
- 2.9. There are no statutorily or locally listed buildings within or close to the site and it is not within a conservation area. The Bromley Town Centre Conservation Area is located to the north of the site. The closest boundary of the Conservation Area is on the junction of Churchill Way and Ethelbert Close, approximately 40m to the north east. The site is located within the Old Bromley Archaeological Priority Area.
- 2.10. The site is within the London Plan designated Metropolitan Town Centre and Bromley Town Centre Opportunity Area. As such, it is located in one of the most sustainable and accessible (PTAL 6b) locations across the whole of south London with a wide range of shops, services and leisure amenities within immediate walking distance. Moreover, the site is within easy walking distance of Bromley South (c.300m) and Bromley North stations and numerous bus routes (including night bus services) which serve the High Street.

3. Planning History

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

Planning history on the site

3.2. There is no relevant planning history on the appeal site.

Other relevant planning history

3.3. This sub-section summarises the relevant planning history at nearby sites.

66-70 High Street (LB Bromley ref: 19/04588/FULL1)

3.4. Planning permission was granted on appeal for the development of the neighbouring site, 66-70 High Street (see image 3, below). A copy of the Appeal Decision for that site is submitted with the appeal and will be referred to in evidence.



Image 3: Showing 66-70 High Street (outlined in yellow) in relation to the appeal site

3.5. The approved development comprises the demolition of the existing buildings and the construction of a replacement building standing at 12 storeys in height to provide 256.4sqm of retail floorspace at ground floor level and 47 flats above. Due to the steep incline along Ethelbert Road, the tallest part of that approved building exceeds the height of the tallest part of the 14 storey block proposed on Ringers Road.

3.6. Under reference 19/04588/AMD2, LB Bromley approved a non-material amendment to the approved scheme (dated 7 November 2023) to omit the quantum of retail space from the description of development.

- 3.7. Under reference number 19/04588/RECON, the Council is currently considering an application submitted under s.73 of the Town and Country Planning Act (1990), proposing an amendment to the approved development to allow the introduction of a second stair for fire escape purposes. A decision is due to be made on that application by 3 April 2024.

Churchill Quarter (LB Bromley ref: 18/02181/FULL1)

- 3.8. Countryside Properties are the selected Development Partner with LB Bromley, promoting the redevelopment of 1-40 Ethelbert Close, 2 Ethelbert Road, 102-108 High Street and other buildings (see image 4, below) to provide a mixed use development of 407 homes with new Class E and F floorspace and public realm works. The application site was assembled through both land in public ownership and through proposed CPO powers.



Image 4: Extract from the applicant's Location Plan showing the extent of the Churchill Quarter site

- 3.9. The application was submitted on 14 May 2018 but after close to 5 years of negotiations, the applicant withdrew the application on 06 March 2023.

62 High Street, Bromley (LB Bromley ref: 21/04667/FULL1)

- 3.10. A planning application has been submitted by the landowners proposing the conversion of the existing building and a 3 storey roof extension to accommodate Class E floorspace at ground floor level with 30 flats above (all 1 and 2 bedroom flats). The site's location is shown at Image 5, below.



Image 5: Extract from Committee Report showing the location of 62 High Street (outlined in red)

- 3.11. The application was reported to Committee on 9 March 2022 with a recommendation that planning permission should be granted subject to the completion of a s.106 agreement. Minutes from that meeting confirm that Members resolved to grant planning permission subject to the completion of the legal agreement.
- 3.12. The application is still showing as “awaiting decision” online so it would appear that there are issues with the completion of the legal agreement, which are preventing that permission from being granted.

33-41 Masons Hill, Bromley (LB Bromley ref: 21/00741/FULL1)

- 3.13. The landowners proposed the redevelopment of the site and the construction of a new part 8, part 11 storey building to contain flexible commercial floorspace (Use Class E) at ground floor level with 50 residential units above. The site’s location is shown at Image 6, below.



Image 6: Outline of 33-41 Masons Hill approximately outlined in red

- 3.14. Planning permission was refused by the Council in November 2022 and a subsequent appeal was dismissed (dated 13 December 2023).
- 3.15. The issues in the appeal were whether the development would pass the flood risk sequential test, whether the development would give rise to unacceptable flood risk and whether the development would result in an unacceptable loss of social infrastructure. The appeal failed on both grounds.

4. The Proposed Development and Engagement

- 4.1. This section provides a summary description of the proposed development together with commentary on engagement with the Council throughout the pre-application and application process.

The proposed development

- 4.2. 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 (423sqm in total), ancillary residents' amenity spaces and 94 flats across both blocks, comprising a balanced mix of 1 and 2 bedroom homes.
- 4.3. Block A is situated to the south of the site, fronting Ringers Road, and extends up to 14 storeys 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.
- 4.4. The development steps down to the north, with Block B fronting Ethelbert Road rising to 12 storeys. 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). Again, the proposed homes are arranged across the building's upper floors.

Engagement

- 4.5. The applicant engaged extensively with the Council, the Greater London Authority ("GLA"), local residents and Councillors prior to the submission of the application and details of this engagement, including the Design Review Panel's ("DRP") recommendations are set out in the Planning Statement at Section 4.
- 4.6. The applicant continued to engage positively and constructively with the Council (including the Highway Authority) and GLA post-submission of the application with various updates being submitted to the development in order to address and respond to comments from statutory consultees and to ensure the development complied with updated guidance published during the course of the application, including in respect of energy, overheating, light impact and fire escape matters.

5. Planning Policy

5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission (and subsequent planning appeals) are decided in accordance with the development plan unless material considerations indicate otherwise.

5.2. The development plan for the London Borough of Bromley comprises the following documents:

Bromley Local Plan (January 2019)
Bromley Town Centre Area Action Plan (October 2010)
London Plan (March 2021)

5.3. The objectives of the relevant policies in the development plan are explained at paragraphs 6.18 – 6.47 of the Planning Statement submitted with the planning application and are not, therefore, repeated hereunder.

5.4. The Government's policy aims as outlined in the National Planning Policy Framework ("NPPF") are a material consideration. In December 2023, the Government published an updated NPPF, the objectives of which are detailed below.

NPPF

5.5. The National Planning Policy Framework (NPPF) was updated in December 2023 by the Department for Levelling Up Housing and Communities. The document sets out the government's economic, environmental and social planning policies for England.

5.6. The overarching national planning policy theme evident from the NPPF is a presumption in favour of sustainable development, which the Government has advised should be at the heart of the planning system. In terms of development management, it advises that the primary objective is to foster the delivery of sustainable development and should not hinder or prevent future development.

5.7. At Section 2 the NPPF explains that the purpose of the planning system is to contribute to achieving sustainable development, which is explained to be development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

5.8. There are 3 overarching and mutually interdependent objectives to the planning system which need to be pursued. These are defined in the NPPF as being first, an economic objective with the aim of building a strong, responsive and competitive economy, supporting growth and innovation. Second, a social objective with the aim of ensuring that a sufficient number of homes are provided to meet present and future needs while building strong, vibrant and healthy communities with accessible services which support health, social and cultural wellbeing. Third, an environmental objective which requires the protection and enhancement of the natural, built and historic environment through the effective use of land, improving biodiversity, minimising waste and moving to a low carbon economy.

5.9. At paragraph 10, the NPPF sets out a presumption in favour of sustainable development with paragraph 11c) explaining that for decision taking this means approving development which is compliant with an up-to-date development plan without delay.

- 5.10. Paragraph 11d) explains that where policies which are most important for determining an application are out of date, planning permission should be granted unless any adverse impacts of doing so would “**significantly and demonstrably**” outweigh the benefits arising from the development.
- 5.11. Section 5 relates specifically to the delivery of new housing with the revised policy objectives in the NPPF adding extra emphasis to the importance of delivering homes in existing urban areas. The NPPF recognises the importance of “**significantly boosting**” housing supply to meet local needs and paragraph 60 states that to support this objective, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The Government’s aim is to ensure that local housing needs are met through the delivery of an appropriate mix and type of housing.
- 5.12. At paragraph 70, the NPPF acknowledges the important contribution small and medium sized sites can make to meeting local housing requirements, recognising that such schemes are usually quick to build out. It continues by saying that Councils should support the development of windfall sites through decisions, giving “**great weight**” to the benefits of using suitable sites within existing settlements for homes.
- 5.13. Footnote 27 adds further emphasis to the importance of developing urban sites, explaining that Councils should “...prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.”
- 5.14. Paragraph 79 sets out a requirement for Councils to monitor the progress in building out sites which have permission. Where the Housing Delivery Test (“HDT”) results fall below the housing requirement over the previous 3 years, there are consequences. The 2022 HDT shows that the London Borough of Bromley has delivered only 52% of its housing requirement across the last 3 years, meaning it must add 20% to housing targets and must apply the NPPF’s presumption in favour of sustainable development set out at paragraph 11d).
- 5.15. Chapter 7 ‘Ensuring the vitality of town centres’ sets out that Council’s should take a positive approach to the growth, management and adaptation of centres, allowing them to grow and diversify while supporting residential development given the important role such development play in ensuring a centre’s vitality¹.
- 5.16. Chapter 11 is entitled ‘Making Effective Use of Land’ and Paragraph 123 sets out the planning policies and decisions should promote the effective use of land to meet the need for homes. Paragraph 124c) sets out that Councils should give “**substantial weight**” to the value of using land for homes with paragraph 124d) requiring that Councils promote and support the development of underutilised land and buildings where this would meet housing needs.
- 5.17. Paragraph 128 sets out that development should make efficient use of land, taking into account the identified need for different types of housing and other forms of development and the availability of land suitable for accommodating it. Part (d) of this paragraph explains that Councils should take into account the desirability of promoting regeneration and change.

¹ These objectives being set out at paragraph 90.

- 5.18. Chapter 12 relates to creating well designed and beautiful places. Paragraph 131 stresses that good design is a key aspect of sustainable development as it creates better places to live and work and makes development acceptable to communities. Paragraph 135 requires developments to function well and add to the overall quality of the area, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place and optimise the potential of the site and create places which are safe, inclusive and accessible.
- 5.19. Chapter 16 relates to the historic environment. Paragraph 205 explains that when considering the impact of a development on the significance of an asset, great weight should be given to the asset's conservation. Paragraph 208 explains that where a development would lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal.

6. The Appellant's Case

6.1. In the light of the matters addressed above, it is considered that there are 9 principal matters for consideration, as follows:

- I. Housing land supply and delivery in LB Bromley;
- II. Housing and affordable housing needs in LB Bromley
- III. The proposed affordable housing contribution;
- IV. Unit mix;
- V. Impact on the development of other sites within Site Allocation 10;
- VI. Impact on local townscape and the setting of the Bromley Town Centre Conservation Area;
- VII. Living conditions for future residents;
- VIII. Impact on neighbour amenity;
- IX. Securing the required planning obligations.

Housing land supply and delivery in LB Bromley

- 6.2. The NPPF sets out at paragraph 76 that local planning authorities are not required to identify and update annually a 5 year housing land supply to provide a minimum of five years' worth of housing if their adopted plan is less than five years old and the adopted plan identified at least a five year supply of specific deliverable sites at the time that its examination concluded. The Appellant will demonstrate that this does not apply in Bromley and in any case due to transitional arrangements set out in footnotes 40 and 79 of the Framework does not apply as the appeal application was submitted before 19th December 2023.
- 6.3. For the purposes of this appeal in accordance with paragraph 77 of the Framework, LB Bromley must demonstrate a 5 year housing land supply against the adopted housing requirement in the London Plan of 774 dwellings per annum, the shortfall since the base date of the Local Plan and a 20% buffer.
- 6.4. The Council's latest published position on housing land supply has a base date of 1st April 2021. It claims the deliverable supply at 1st April 2021 is 3,235 dwellings. Against the housing requirement set out in the London Plan, a shortfall since the base date of the London Plan of 687 dwellings and a 20% buffer, this equates to just **2.96 years**. The Appellant will demonstrate that this is overstated. It is the appellant's case that the already critical issue of housing supply in the Borough is in fact getting worse.
- 6.5. The Council's latest housing land supply assessment was published in November 2021 and has a base date of almost three years ago. The Appellant will demonstrate that LB Bromley has failed to identify and update its position annually as required by paragraph 77 of the Framework. Given the base date of the current position, should the Council update its assessment then the Appellant respectfully requests the opportunity to make further comments on it.
- 6.6. In view of the 5YHLS position in Bromley, the NPPF's tilted balance is engaged and there is a very strong presumption in favour of a grant of planning permission pursuant to paragraph 11d) of the NPPF.

- 6.7. The 2022 Housing Delivery Test was published by DLUHC in December 2023 and this shows that housing delivery in LB Bromley is only 52% of its housing requirement across the last 3 years. Not only that, the HDT shows a sharp fall in housing delivery across those years with 485 homes delivered in 2019-20; 272 homes delivered in 2020-21; and only 103 homes delivered in 2021-22.
- 6.8. As a result of the poor delivery in LB Bromley, the new NPPF's presumption in favour of a grant of planning permission also applies because the latest HDT result is less than 75%.

Housing and affordable housing needs in LB Bromley

- 6.9. Recent appeal decisions in Bromley have established that there is an acute and growing need for housing and affordable housing in the Borough.
- 6.10. The appellant's case will be that the issue of housing need in Bromley is going to further deteriorate given the Council's reluctance to grant planning permission for major housing development. This is immediately demonstrated by the 2022 Housing Delivery Test which shows that housing delivery in LB Bromley across the last 3 years is only 52% of the housing requirement. Not only that, the HDT shows a sharp fall in housing delivery across those years with 485 homes delivered in 2019-20; 272 homes delivered in 2020-21; and only 103 homes delivered in 2021-22. This is an alarmingly low level of housing delivery in London's largest Borough.
- 6.11. It will be the appellant's case in this appeal that contrary to the requirement of London Plan Policy H1, the Council is not planning to meet local housing needs. Rather the Council's plan is – and for a considerable period of time has been – to avoid meeting local housing and affordable housing needs.
- 6.12. Evidence will be presented to look at the corporate priorities of the Council in respect of affordable housing provision, including the following documents:
- Making Bromley Even Better (Corporate Strategy) 2021 to 2031;
 - Bromley Housing Strategy 2019-2029; and
 - Bromley Homelessness Strategy 2018-2023
- 6.13. Evidence on the annual ongoing need for affordable housing will be presented, considering the evidence contained in the South East London Strategic Housing Market Assessment (2014).
- 6.14. Evidence will also be presented on past market and affordable housing delivery and comparisons will be made with the identified affordable housing needs against delivery performance.
- 6.15. The appellants will consider a number of affordability indicators; for example, the number of households on the Council's Housing Register, which totalled 2,700 households at 31 March 2023. Other indicators include:
- House prices;
 - Annual earnings;
 - Affordability ratios; and

- Private rents

- 6.16. Evidence will be presented looking at other material considerations such as Secretary of State and Inspector's decisions.
- 6.17. The appellant will present evidence that there is an acute need for more affordable housing and the benefit of 11% affordable housing by unit / 12% by habitable room weight heavily in favour of the appeal.
- 6.18. The appellant reserves the right to expand upon the above information following receipt of the Council's Statement of case.

The proposed affordable housing contribution

- 6.19. Paragraph 66 of the NPPF sets out that where major development involving the provision of housing is proposed, an affordable housing contribution of at least 10% the total number of homes proposed should be available for affordable home ownership.
- 6.20. London Plan Policy H4 concerns the delivery of affordable housing and sets out the Mayor's target for 50% of all new homes to be genuinely affordable. Part B of the policy explains that affordable housing should be provided on site and should only be provided off site or as a cash in lieu contribution in exceptional circumstances.
- 6.21. London Plan Policy H5 addresses the threshold approach to applications and explains that this applies to major developments with the threshold being set at a minimum of 35%. Part C of the policy sets out 4 criteria which should be met in order for the Fast Track Route to be followed. Where the Fast Track Route is available, a financial viability assessment is not required. Part F of the policy explains that where a development does not follow the Fast Track Route, it must follow the Viability Tested Route with the application to be supported by detailed viability evidence.
- 6.22. Upon submission of the application, it was the applicant's intention to follow the Fast Track Route. However, the Committee Report explains that this is not available because, in the Officer's assessment, the development does not meet the requirements of London Plan Policy H5C3), which requires that developments meet other relevant policy requirements and obligations to the satisfaction of the Borough and Mayor.
- 6.23. Since the submission of the application, the proposed development and economic conditions have changed dramatically. The proposed development now includes a second stair in both buildings, significantly increasing construction costs while reducing the net sales area in both blocks. At the same time, construction costs and borrowing costs have both increased considerably and house prices have stagnated.
- 6.24. In the light of the Council's objection on this ground and the much changed economic conditions, the appellant has commissioned detailed viability evidence which is submitted in support of this appeal (see the Viability Assessment at **Document 59**). The evidence confirms that with a policy compliant 35% affordable housing contribution, the proposed development would be unviable and undeliverable.
- 6.25. Accordingly, in the light of the evidence now available, the appellant would instead offer the delivery of 10 affordable homes in the development (11% by unit; 12% by habitable room). As detailed in the updated Schedule of Accommodation (provided at **Document 60**), the affordable housing contribution will comprise 6 Social Rent and 4 Shared Ownership homes.

- 6.26. One of the fundamental aims of the NPPF is to ensure that developments are deliverable. Notwithstanding the fact that with an affordable housing contribution of 11% (by unit) or 12% (by habitable room) the development is in deficit and technically non-viable, the appellant will demonstrate that it would remain commercially deliverable.
- 6.27. In the event that the viability position improves following a grant of planning permission, the appellant anticipates the inclusion of early and late stage review mechanisms in the s.106 agreement.
- 6.28. The level of affordable housing contribution being proposed following the viability review is comparable to that which has been approved on other nearby sites, including 30-31 Masons Hill (10% affordable housing, all provided as Discount Market Rent), 66-70 High Street (11% affordable housing, all provided as Shared Ownership) and 62 High Street (0% affordable housing).

Unit mix

- 6.29. The development comprises only 1 and 2 bedroom flats. This decision is based on the Council's own evidence with the 2014 SHMA highlighting that the highest levels of need across the Borough up to 2031 is for 1 bedroom units (53%) followed by 2 bedroom units (21%). This is then repeated at paragraph 2.1.17 of the Local Plan, which concludes by stating, "*Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis.*" There is no unit mix policy within the adopted Local Plan.
- 6.30. Moreover, in dealing with unit mix, the London Plan sets out at Policy H10 that developments should generally consist of a range of unit sizes, to be determined by, *inter alia*, robust local evidence of need, the nature and location of the site. It further advises that developments should contain a higher proportion of 1 and 2 bedroom units in town centres, and other areas of good public transport accessibility in order the aim to optimise housing potential.
- 6.31. Accordingly, it will be the appellant's case that the unit mix proposed in this appeal is acceptable and is supported by the Council's evidence on housing need and policy objectives in the development plan.

Impact on the development of other sites within Site Allocation 10

- 6.32. In the appeal at 66-70 High Street, the Inspector concluded that there could be no objection to a piecemeal approach to the development of sites in Site Allocation 10. Indeed, at paragraph 70e), the NPPF explains that small and medium sized sites make an important contribution to meeting local housing needs and can be built out quickly. It goes on to encourage Councils to work with developers to "*encourage the sub-division of large sites where this could help speed up the delivery of homes.*"
- 6.33. The appellant will demonstrate that the design of the development has been very carefully considered to ensure that neighbouring sites can come forward for development in order to ensure that the Council's ambitions for Site Allocation 10 can be realised.
- 6.34. Rather than hampering the development of other sites in the allocation, the appellant's case will be that the proposed development can act as a catalyst to development coming forward in the area.

- 6.35. Given the site's location within a key opportunity site in the AAP, design proposals have been developed to ensure that the new buildings will be appropriate to the evolving local context. The proposal has been developed to consider all completed, in construction, and as yet not approved developments in the area and responds sensitively to these.
- 6.36. By taking into account the surrounding context and interrogating it throughout the design process, the development will be shown to be appropriate to both the existing and emerging townscape.

Impact on local townscape and the setting of the Bromley Town Centre Conservation Area

- 6.37. The basis for the Council's objection on the grounds of harm to the townscape is unclear.
- 6.38. During the DRP presentation, the applicant was advised that the proposed building should be designed so as to not exceed the height of the Churchill Theatre building, which with reference to Image 7, is located c.165m to the north of the Site.

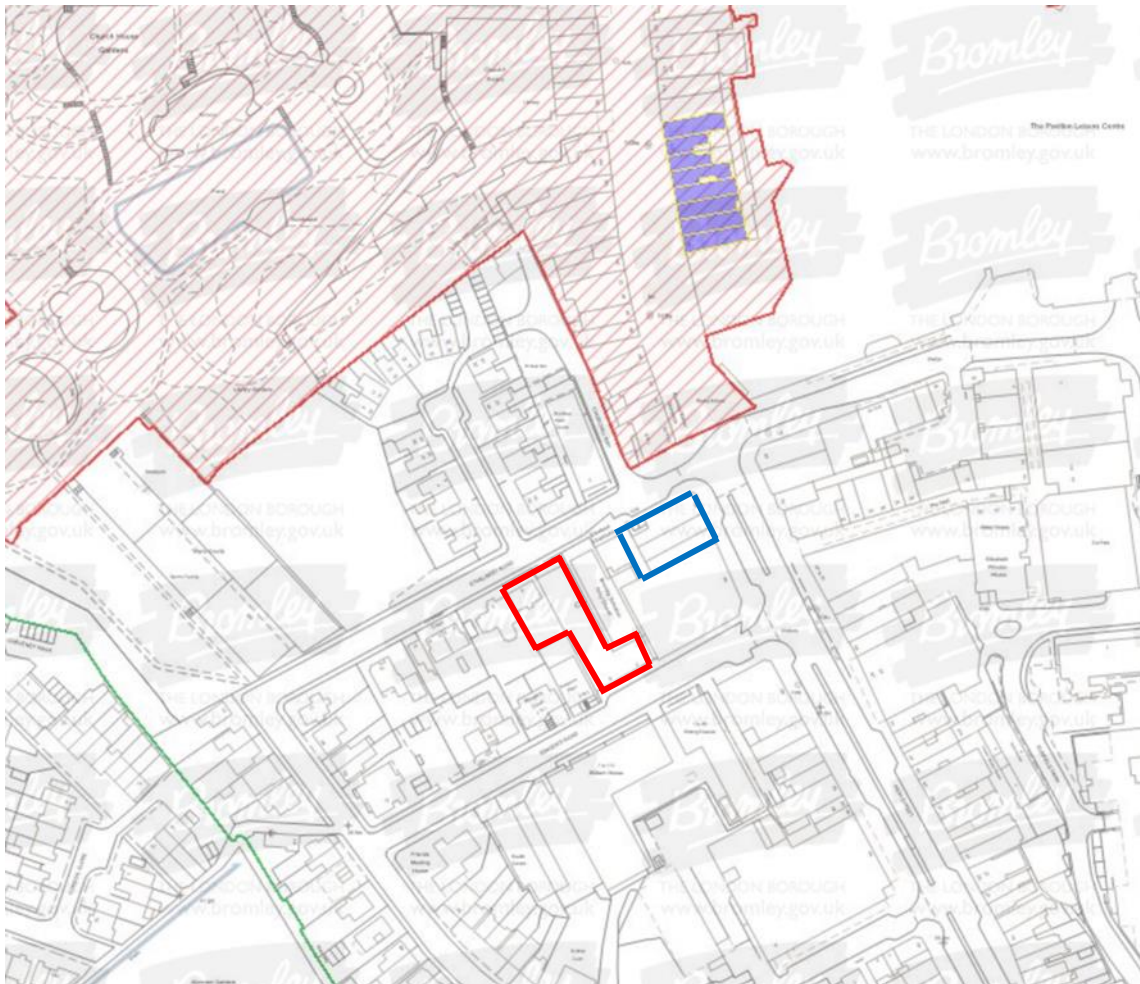


Image 7: Map showing the southern extent of the Bromley Town Centre Conservation Area, 66-70 High Street outlined in blue, appeal site outlined in red

- 6.39. The theatre is within Bromley Town Centre Conservation Area but is not a listed building. The theatre is not considered to be particularly remarkable in Heritage and Townscape terms or important but the Bromley Local Plan identifies the theatre as a 'local landmark'. Due to the distance between the site and the theatre, coupled with the geometry of their spatial and visual relationships, there are no issues with the proposed development being perceived to 'compete' with the theatre.
- 6.40. There is currently no published Conservation Area Appraisal which identifies what is special about Bromley Town Centre Conservation Area and its character; however, general features which are noted on the Council's online Conservation Area guidance include locally significant buildings, green and open spaces, significant views, natural elements and features which make the area locally distinct. The 2011 Bromley Town Centre Conservation Area Statement identifies key views across the conservation area, but none are towards the appeal site.
- 6.41. As demonstrated by the Townscape and Visual Impact Assessment ("TVIA") submitted with the application, Bromley's skyline is varied, comprising a range of building forms and heights. The theatre is visible within this context, along with the Mall Tower, Henry House, Perigon Heights and St Mark's Tower. The development would not compete with views of the theatre due to the development's lower position in the townscape and intervening distance.
- 6.42. Moreover, as noted above, the development would be further downhill than the approved development at 66-70 High Street (shown outlined on Image 7, above). In allowing the appeal for that development, the Inspector concluded, *"...appeal A would have an obvious presence and be a direct contrast to its prevailing scale, to which it owes much of its significance. Again however, as a tall building, that's largely the point. 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. I appreciate that there is an argument of isolation insofar as it would be spatially separated from the larger scale of buildings to the south, but there would be some visual context for height nonetheless, particularly from Henry's House. CA's are not a snapshot in time and modern, sometimes strikingly so, development of scale has its place. The appeal site is not within the CA but any building of such a size would, without a doubt, have an effect on its setting. That said, and for the reasons I have set out above, that effect would not be a negative one. The significance of the CA would thus be preserved. In the wider sense, and referring again to my findings above, the scheme in regard to appeal A would not be harmful to the character and appearance of the area."*
- 6.43. 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. The Site is not within an Area of Special Residential Character, nor is it located across the stated *"major skyline ridges"*, nor is it within any London View Management Framework Views. The appeal scheme would form an integrated part of a varied skyline and would not adversely impact any views of existing landmarks or ridgelines in the town centre. Indeed, the appeal scheme would provide visual interest to the skyline and be a positive feature, forming one of a number of tall buildings in close proximity to the site, as well as forming part of a wider arrangement of taller massing across the skyline.

- 6.44. In heritage terms, it is not clear how the appeal scheme can be harmful when it would stand behind / adjacent to and further from from the boundary of the conservation area than the approved neighbouring development at 66-70 High Street. Although it could be seen in some views, visibility does not equate to dominance and similar considerations would apply as outlined above in tehMoreover, it would have the effect of adding appeal at 66-70 High Street, albeit with the difference that mostly only the upper parts of the proposed development would be visible from the conservation area. This is different to the case at 66-70 High Street where the site is directly opposite the conservation area boundary and the existing building and the new upper floors would be plainly visible from the conservation area.
- 6.45. The proposed development would have the effect of adding some visual context to the tall building at the adjoining site (the Inspector's comment in relation to the potential 'isolation' of the propoasls at 66-70 High Street can be noted here), helping to realise the ambitions of the Council's allocation.
- 6.46. Additionally, it is noted that the Council is working with Countryside Properties on the development of land at Ethelbert Close, immediately to the north of the appeal site. Before it was withdrawn, that application proposed the construction of new buildings rising to 16 storeys in height.
- 6.47. In contesting the appeal at 66-70 High Street, the Council's case (detailed at paragraph 6.16 of its Statement of Case) focused on the appropriateness of delivering height back from the High Street's frontage. That opinion reinforces the appellant's case that the proposed height of the development is acceptable and that the Council's objection on townscape and heritage impact grounds are spurious and completely unsustainable.

Living conditions for future residents

- 6.48. The Council's objection here specifically relates to matters of single aspect design, outlook, daylight conditions, mutual overlooking and inadequate playspace.
- 6.49. In June 2023, the GLA published the Housing Design LPG, which sets standards to be achieved in new development. At paragraph 1.1.1, the guidance explains, *"This document brings together, and helps to interpret, the housing-related design guidance and policies set out in the London Plan 2021. It provides a set of standards that relate to housing design. It does not attempt to reproduce the content of the Plan, and compliance with this guidance should not be inferred to mean compliance with the policies"* (my emphasis). It should logically follow, therefore, that failure to comply with all aspects of the guidance should not mean that a proposed development is not compliant with the overall objectives of the relevant policies in the London Plan.

- 6.50. In terms of the alleged single aspect design of the units, the fundamental aim of the London Plan is to avoid the development of single aspect north facing units. Policy D6 part C sets out that housing development should maximise the provision of dual aspect units, and should “normally avoid” the provision of single aspect dwellings. The policy makes reference to part B of Policy D3, which supports the optimisation of site capacity through a design led approach. This policy states, “Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.” The appellant will argue that the appeal site is in an area well connected to jobs, services and infrastructure as well as public transport and cycle connections. Accordingly, the inclusion of single aspect units (none of which face due north) is not objectionable.
- 6.51. The layout of the flats within both blocks has been designed to achieve an optimised delivery of housing, where possible providing a dual aspect design through angled facades and stepped window designs. It will be demonstrated that if the development was designed to comply fully with the guidance within the LPG, it would result in a significant reduction in unit numbers and the site’s potential would not be realised.
- 6.52. In terms of outlook and overlooking, the Housing Design Standards LPG explains at paragraph 4.1.2, “Visual privacy is more difficult to achieve in dense environments, particularly on lower floors. Off-setting or angling windows can mitigate problems...”.
- 6.53. Although now increasingly outdated, the GLA’s Housing SPG (March 2016) sets out at paragraph 2.3.36 “In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terraces). These can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density.”
- 6.54. The habitable room windows in the rear elevations of Blocks A and B are separated by between approximately 12.5m and 15m with the rear elevations of both blocks being designed and rooms orientated to ensure that no direct views will occur. It will be argued that the relationship proposed between the blocks is not untypical of the kind of relationship found in any regenerated town centre in London and further afield and that the approach to the design and site layout, including the use of angled windows, is supported by the Housing Design Standards LPG.
- 6.55. Reference will be made to a decision taken by LB Bromley at Pikes Close Estate in Sundridge, where the proposed blocks in the regenerated estate were only 12m apart with facing habitable rooms. Planning permission for that development was granted in September 2022 (ref: 21/03622/FULL1) and will be discussed in detail in evidence.
- 6.56. The application was supported by necessary light impact and overheating assessments to demonstrate that the development would meet relevant policy tests. In terms of sunlight, the Committee Report confirms that the development is acceptable (paragraph 6.3.26). The same conclusion is reached in respect of overshadowing (paragraph 6.3.28).

- 6.57. The Council's concern on proposed light amenity centres on the provision of daylight within the development. The appellant's evidence sets out a detailed assessment, concluding that the majority of rooms pass the relevant BRE tests and that where there are shortfalls below the prescribed thresholds, the design seeks to maximise daylight provision. The officer's conclusion is that the levels of illuminance within the affected rooms are low, even allowing for some flexibility given the dense urban environment (paragraph 6.3.21).
- 6.58. The applicant's case in this appeal will be that in overall terms, the habitable spaces within the proposed development will receive adequate levels of daylighting given the urban setting of the site. It is also important to note that while the BRE guidance is accepted as good practice and gives numerical guidelines, *"these should be interpreted flexibly since natural lighting is only one of many factors in site layout design"*, as stated in the Guide itself. It is also important to reiterate that the advice given in the BRE guide is *"not mandatory"* and *"its aim is to help rather than constrain the designer"*. Looking to the kitchen, living, dining spaces ("KLDs"), the majority are dual aspect. It is worth noting that generally bedrooms are expected to be less occupied during the day and therefore dual aspects of these rooms takes a slightly lower priority in terms of achieving adequate daylight levels.
- 6.59. The design has been developed to mitigate heat loss and balance daylight access with other elements of the design such as Overheating Risk (for which adherence to Building Regulations Part O has been preliminarily tested and is expected to be achieved). Mitigation measures developed with the architect in order to optimise the internal daylight results as far as reasonably practical included revisions of internal layouts, diagonal glazing, increased window sizes, and additional windows where possible.
- 6.60. The provisions of paragraph 129c) of the NPPF are also noted in this context. Here the Framework states, *"Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances: ... local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."*
- 6.61. As introduced above, there is clearly an existing shortage of land available to meet housing needs in the Borough and as such, it will be argued that the Council's approach to the assessment of the proposed development in relation to this matter has been insufficiently flexible.
- 6.62. Finally, in terms of play space, the development optimises the delivery of communal amenity and play space, shown through the landscape plan. This communal space is shown to connect in the future to other communal spaces to be delivered across adjoining sites in the allocation.
- 6.63. Not all play space needs can be met on site and as such, a financial contribution of circa £19,000 will be agreed and secured through a s.106 agreement which will contribute towards the off site delivery of play space. This approach is entirely consistent with the objectives of the development plan. Accordingly, it will be argued that the development is acceptable in respect of play space provision.

Impact on neighbour amenity

- 6.64. The Council's objection on this ground alleges that the development would be overbearing when viewed from nearby residential properties and that the development would lead to an adverse loss of light and privacy.
- 6.65. The Council's objection on this ground focuses on the relationship between Block B (facing Ringers Road) and the 5 storey block at no. 6 Ethelbert Road – known as Simpsons Place. The Committee Report alleges that the rear elevation of Block B is separated from the rear of Simpsons Place by between 12.5m and 14m. This measurement is considered to misrepresent the actual separation proposed from this block.
- 6.66. At its closest point, the rear facing habitable rooms windows are set 14.3m from the rear elevation of Simpsons Place and this is considered appropriate in a town centre location and is not significantly different to the window to window separations shown elsewhere in the surrounding area. It will, therefore, be argued that the development will not give rise to any unacceptable harm to the neighbours' privacy or outlook.
- 6.67. The Council also alleges that the development would be overbearing on no.7 Ethelbert Road, but no explanation or justification is provided. Rather, the objection (at paragraph 6.6.7 of the Committee Report) is vague and cannot, therefore, be sustained.
- 6.68. It will be the appellant's case that the rear elevation of Block B aligns with the rear elevation of no.7 and as such has been designed sensitively and ensures that no unacceptable harm will occur. Equally, however, it is important to recognise that this part of the town centre is at the start of a period of transition in the townscape, facilitated by the Local Plan and the vision for Allocation Site 10. The allocation covers a vast swathe of land in the town centre and given complex land ownerships, the allocation's vision can only be realised through piecemeal development (a point supported by the Inspector at 66-70 High Street) and a gradual change to the character of the area. This inevitably involves some impacts on neighbours, but the design is such as to prevent any unacceptable impacts.
- 6.69. The development is supported by necessary light impact assessments, which the appellant argues demonstrates that the impact on neighbours is not unacceptable. The Committee Report outlines concerns not previously communicated to the applicant during the course of the application, including a suggestion that the impact of the development on the emerging proposal at 62 High Street should be analysed. As has been explained above, planning permission has not been granted at that site and as such, it would be unnecessary for daylight impacts to be tested. It should, however, be noted that the applicant's assessment considers the impact on the existing building at no.62 and demonstrates that there would be no harm to arise.

Securing the required planning obligations

- 6.70. The final consideration in this appeal essentially relates to the absence of a s.106 legal agreement to secure the planning obligations listed in the Committee Report.
- 6.71. The appellant will instruct solicitors to work with the Council's legal team in relation to this matter, ensuring an agreement is completed ahead of the future Inquiry.

- 6.72. However, it is noted that in the Committee Report, the Council seeks a payment of c.£190,000 to mitigate the loss of pay and display parking spaces from Ringers Road. In an email from the case officer dated 29 November 2023, it was confirmed by the Council that this contribution would no longer be sought. It is understood, therefore, that this item was mistakenly included in the draft Heads of Terms.
- 6.73. Based on correspondence with the Council, it is the appellant's understanding that the following are the agreed obligations in this case to be secured in a s.106 agreement:
- Affordable housing (including early and late stage review mechanisms);
 - Carbon offset payment: £77,493;
 - Playspace payment: £19,130.88
 - Removal of rights for future residents to obtain a parking permit;
 - Obligation monitoring fee: £500 / term
- 6.74. In the Committee Report, the Council also references a contribution of £22,000 for Legible London but no justification for this request has been provided and as such, at present the appellant is not satisfied that this request meets the statutory tests.
- 6.75. There are additional obligations listed in the Committee Report where final amounts have not yet been agreed, including the CAVAT payment to mitigate the loss of the tree on the site and the Healthy Streets obligation. These matters will be discussed and progressed with the Council through the appeal.

7. Planning Balance

- 7.1. The proposed development will give rise to a raft of significant material benefits, which the appellant will argue the Council has failed to consider when making its decision. The benefits included in the below assessment are tangible, deliverable benefits which comprise part of the development and which meet an identified local need and / or exceed policy targets. This list is not exhaustive.
- 7.2. The development will deliver 94 new homes, including both market and affordable homes. The development will, therefore, make a very important contribution to the Council's overall housing targets and the small sites target in the London Plan. In the light of the deteriorating 5 year land supply position, this is a benefit which attracts no less than **very significant weight**.
- 7.3. The Council accepts² that affordable housing delivery in the Borough is in crisis. There are over 2,700 families on the housing waiting list in the Borough and as such, the delivery of affordable homes should attract **substantial weight**.
- 7.4. The development's focus is on delivering housing for which there is greatest need in the Borough. The Council's evidence in the 2014 SHLAA shows that greatest need exists in respect of 1 and 2 bedroom units. The proposed unit mix focuses on meeting locally identified need and this must attract **substantial weight** in the planning balance.
- 7.5. The site is in a highly sustainable and accessible location (PTAL 6B), within Bromley town centre (a Metropolitan Centre), indeed it is one of the most sustainable places for housing development across the whole of south London. The appeal site is in very easy walking distance of public transport connections, shops, services and amenities. In accordance with paragraph 124c) of the NPPF, **substantial weight** should be given to the redevelopment of suitable brownfield land within to meet local housing need.
- 7.6. At paragraph 139, the NPPF explains that significant weight should be given to development which reflects local design policies and those which are of an outstanding or innovative design which promote high levels of sustainability. We argue that the design meets this objective and as such, this benefit attracts **significant weight**.
- 7.7. At paragraph 70, the NPPF details support for the development of small sites to meeting an area's housing requirement given the relatively quick build-out speed. At part c), the paragraph requires LPAs to support the development of windfall sites, affording **great weight** to the use of suitable sites within existing residential areas.
- 7.8. The proposed development will deliver a range of meaningful economic benefits through the construction and operational phases, including construction job creation, increased local spend, enhanced Council Tax as well as CIL payments. Moreover, the development will deliver affordable workspace in Bromley town centre. These economic benefits are considered to attract **significant weight**.

² Most recently in the planning appeal at Worsley Bridge Road, Lower Sydenham (LBB ref: DC/21/05503/FULL1)

- 7.9. The proposed redevelopment of the site presents an opportunity to significantly enhance biodiversity. Although the development plan does not yet prescribe a minimum biodiversity net gain to be achieved through the redevelopment of a site, the proposed development would achieve a substantial net gain of 424.9%. The biodiversity benefit arising from the site's development attracts **considerable weight**.
- 7.10. The development will achieve an Urban Greening Factor score of 0.48 against a target of 0.4. The beneficial greening arising through the proposed development attracts **moderate weight**.
- 7.11. The proposed development will deliver a publicly accessible car club space on the highway within 800m of the appeal site. The delivery of this space will reduce car ownership locally, encouraging more environmentally sustainable transport choices. This benefit attracts **limited weight**.
- 7.12. In the light of paragraph 11d) of the NPPF, permission should only be refused for the proposed development if the adverse impacts of the development would significantly and demonstrably outweigh the above and any other benefits which will be identified in future evidence. It will be the appellant's case that the Council failed to undertake a proper assessment of the benefits and harms arising in this case. If it had done so, it is considered that planning permission would have been granted.

8. Conclusion

- 8.1. It will be the appellant's case in this appeal that the proposed development meets the objectives of the development plan and that the Council's decision to refuse permission was very poorly founded and is unsustainable. As such, pursuant to paragraph 11c) of the NPPF, the appellant will argue that planning permission should be granted without delay.
- 8.2. If, however, the Inspector identifies any policy conflicts these will carry limited weight in the light of current circumstances in the Borough. Moreover, the appellant's case will present a wide range of tangible and substantial planning benefits which would arise from a grant of planning permission.
- 8.3. In the light of the prevailing circumstances in Bromley and the critical shortage of housing and affordable housing, the NPPF's presumption in favour of granting planning permission for housing development is engaged. Accordingly, in the event that the Inspector identified policy conflicts arising from the proposed development, planning permission should still be granted pursuant to paragraph 11d) of the NPPF, which requires that permission is granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 8.4. It will be argued that the benefits in this case are not significantly and demonstrably outweighed by any adverse impacts.
- 8.5. The Inspector will, therefore, respectfully be requested to allow this appeal, subject to necessary safeguarding planning conditions and the completion of a s.106 agreement.