

**Section 78 Appeal by:
Ringers Road Properties
Limited**

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

**PROOF OF
EVIDENCE -
PLANNING**

PINS REF: APP/G5180/W/24/3340223

LPA REF: DC/21/05585/FULL1

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GTWY PLANNING

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1. Qualifications, Experience and Scope of Evidence

Personal Introduction: Qualifications and Experience

- 1.1. My name is Mark Batchelor and I am the Founding Director of 4TY Planning Limited. I am instructed to present evidence to this appeal on behalf of Ringers Road Properties Limited ("the appellant").
- 1.2. I have been a Member of the Royal Town Planning Institute since March 2010 and I hold a Bachelor of Science Honours Degree in Geography and Town and Country Planning from the University of Birmingham (2004) and a Master of Science Degree in Town Planning from University College London (2007).
- 1.3. I started my career working for Robinson Escott Planning, a small family run planning consultancy based in Bromley. I worked there for approaching 10 years before moving to Peacock and Smith Limited as an Associate Director in their London office. After 3 years at Peacock and Smith, I moved Boyer as a Director in the company's London office. I was offered the Head of London position in 2022, but instead decided to establish 4TY Planning Limited, which has been operational since January 2023.
- 1.4. Across my career I have given professional advice to clients on a wide range of planning projects, including residential (including care and nursing care), education, leisure, commercial and industrial development proposals both through the planning application and appeal processes. My experience includes supporting numerous planning appeals heard by way of informal hearing and public inquiry.
- 1.5. I first advised the appellant on their proposal at the appeal site in 2019 and have been involved continuously since in the preparation, submission and management of the planning application, including attending site meetings and speaking in support of the application at the Development Control Committee meeting in December 2023.
- 1.6. I have a long and unique knowledge and understanding of the appeal site. I was born in Bromley and lived in the Borough for 30 years and my wife and I bought our first property in Bromley town centre in 2008. My parents and other friends still live in the Borough and as such I have occasion to visit on a regular basis for both work and pleasure.
- 1.7. Prior to that and for approaching 25 years, my father was Headmaster at St Mark's Primary School (located only some 300m to the south west of the appeal site) and my aunt was a receptionist in the surgery on Ringers Road. As a 16 / 17 year old I had a part time job at Allders on Bromley High Street (now Primark). As a result, it would be no exaggeration to say that I have visited Bromley town centre and have walked past the appeal site on many hundreds of occasions and I therefore have a detailed knowledge and understanding of its history, evolution and unfortunate decline across an extended period.

Scope of Evidence

1.8. I have written my Proof of Evidence following the submission of an appeal against the decision taken by the London Borough of Bromley (“the Council”) to refuse planning permission for the redevelopment of at 2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1 1HT (“the appeal site”). The Council’s decision was made under reference DC/21/05585/FULL1.

1.9. The development proposed (“the appeal proposal”) 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).

1.10. Planning permission was refused for this development by decision notice dated 19 December 2023 (copy at **Appendix 1**). The decision taken by the Committee was in line with the officer’s recommendation to refuse planning permission, as set out in their Committee Report (copy at **Appendix 2**).

1.11. In refusing planning permission, the Council identified 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 Policies 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.*
- 1.12. My Proof of Evidence specifically addresses the matters raised by the Council in reasons for refusal 2 (in respect of the proposed unit mix), 4 (in respect of the quality of accommodation provided for future residents, including separation distances between habitable room windows) and 5 (in respect of the relationship with neighbours).
- 1.13. My Proof of Evidence also addresses the planning balance.
- 1.14. In reaching my conclusions, I have relied upon the evidence of other expert witnesses.
- 1.15. The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute and I confirm the opinions expressed hereunder are my true professional opinions.

2. Policy and Guidance

2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

2.2. 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)

2.3. 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.

2.4. The overriding focus of the NPPF in relation to housing development is a requirement for developments to boost significantly the supply of new homes on previously developed land and in the most sustainable and accessible parts of the country.

2.5. In deciding the application, the Council has also made reference to various guidance documents. Rather than rehearse the requirements of these here, I instead make reference to them, where relevant, in the following sections of my Proof.

2.6. The objectives of the development plan and NPPF relevant to my evidence are reviewed below.

NPPF

2.7. 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.

2.8. 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.

2.9. The NPPF has not changed the statutory status of the Development Plan as the starting point for decision-making; however, it constitutes guidance for local planning authorities and decision-making both in drawing up plans and as a material consideration in determining applications.

2.10. 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.

- 2.11. 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.
- 2.12. 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.
- 2.13. 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.
- 2.14. 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.
- 2.15. 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.”
- 2.16. 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 apply the NPPF’s presumption in favour of sustainable development (set out at paragraph 11d).
- 2.17. 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.
- 2.18. 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.

- 2.19. 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.

London Plan

- 2.20. In this section, I do not summarise the objectives of all policies in the London Plan relevant to the consideration of the appeal, but instead focus on those listed on the decision notice and others on which I rely later in my Proof.
- 2.21. The London Plan (2021) is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Mayor's strategic policies aim to provide more homes and to create a housing market that works better for all Londoners. The London Plan (2021) is a part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Some of the key policies are summarised below.
- 2.22. Policy GG1 'Building Strong and Inclusive Communities' encourages early and inclusive engagement with stakeholders, including local communities, in the development of proposals, policies and area-based strategies, as well as, seeking to ensure changes to the physical environment to achieve an overall positive contribution to London.
- 2.23. Policy GG2 'Making the Best Use of Land' seeks to create successful, sustainable mixed-use places that make the best use of land. Part (a) specifies that the development of brownfield land should be enabled, particularly on small sites. Part (b) specifies that well-connected sites should be prioritised. Part (c) sets out that those involved in planning and development should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in well-connected locations.
- 2.24. Policy GG4 'Delivering the Homes Londoners Need' advises that those involved in planning and development must ensure that more homes are delivered.
- 2.25. Policies D3 'Optimising Site Capacity Through the Design-Led Approach' and D4 'Delivering Good Design' both emphasise the importance of creating high quality spaces and require development to make the best use of land by following a design-led approach that optimises the capacity of sites by responding to an area's context and capacity for growth.
- 2.26. Policy D5 'Inclusive Design' sets out that developments should achieve the highest standard of accessible and inclusive design, taking into account the needs of London's diverse population.
- 2.27. Policy D6 'Housing Quality and Standards' emphasised the importance of high quality design and requires development to provide adequately sized rooms with comfortable and functional layouts. It encourages the maximum provision of dual aspect units and seeks to ensure that accommodation receives sufficient daylight and sunlight. The policy also requires amenity space at the standard of 5 sqm per 1-2 person unit and 1 sqm per each additional occupant unless there are no higher local standards.

- 2.28. Policy H1 'Increasing Housing Supply' provides ten-year housing targets for each of the boroughs. It states that Bromley is required to deliver 7,740 dwellings between 2019/20 and 2028/29, equating to 774 homes per annum. To ensure that these targets are met, the policy specifies that boroughs should optimise the potential for housing delivery on all suitable and available housing sites. The policy lists certain sources of capacity which are particularly important, which includes accessible sites within PTAL scores of 3-6 or which are located 800m from a station or town centre boundary and small sites.
- 2.29. Given that the Inspectors found that the targets in the London Plan would miss, by some considerable margin, the delivery of housing to keep pace with need in the capital, I find it perverse to suggest that these targets are not minimum targets which Boroughs should aim to achieve and exceed.
- 2.30. Policy H2 'Small Sites' sets out that Councils should proactively support well designed new homes on sites of less than 0.25ha in order to significantly increase the contribution of these sites to meeting London's housing needs while also supporting SME housebuilders. Part B explains that Councils should recognise that an area's character evolves over time in order to accommodate the additional housing required to meet local needs. Table 4.2 of the Plan sets out 10 year targets for net housing completions on small sites with Bromley's target being 3,790 additional homes, equating to an annual target of 379 additional homes. It is notable that the Council's small sites target accounts for almost 50% of the overall housing target, emphasising the importance of such sites to meeting housing needs in the Borough.
- 2.31. Policy H10 'Housing Size Mix' relates to housing size mix and states that schemes should generally consist of a range of unit sizes and that applicants should have regard to, amongst other things, local housing needs assessments, the a site's location and access to public transport and services, as well as the requirement to deliver mixed and inclusive neighbourhoods, and the need to deliver a range of unit types at different prices across London.

Bromley Local Plan

- 2.32. Bromley's Local Plan sets out the vision for Bromley up to and puts in place a policy framework to deliver that vision. Taken as a whole, it is the local expression of sustainable development. It balances competing requirements and demands to deliver against economic, social and environmental objectives. It aims to deliver sustainable development including new homes, business premises and infrastructure in order to enhance the attributes that make Bromley a desirable place to live, work and invest and which creates thriving sustainable communities.
- 2.33. Policy 1 'Housing Supply' outlines how the Council will make provision for a **minimum average** (my emphasis) of 641 additional homes per annum (this target having been replaced by the higher target of 774 in the London Plan). One of the policy's key areas of focus is to support housing delivery on windfall sites in the Borough.
- 2.34. Policy 4 relates to 'Housing Design' and states that all new housing development will need to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing schemes will also need to respect local character, spatial standards, physical context and density.
- 2.35. Policy 20 details that the Council will promote the quality of life and the health and wellbeing of those living and working in the Borough and engage with providers to ensure the provision, enhancement, and retention of a wide range of appropriate social infrastructure, including facilities education.

- 2.36. Policy 37 relates to General Design of Development and states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Developments will be expected to meet a number of criteria, which are listed within the policy.

Bromley Town Centre Area Action Plan

- 2.37. The Bromley Town Centre Area Action Plan was adopted in October 2010 and remains an adopted policy document which forms part of the development plan in Bromley. In the Committee Report (**CD3.3**), officers said that the Council no longer uses the Plan for decision making purposes. However, the Plan has not been withdrawn by the Council and is, therefore, extant.
- 2.38. As I come on to explain below, the policies in the Plan are consistent with the objectives of the development plan and as such, it is my firm opinion that the policies and guidance set out in the Plan should be considered in this appeal.
- 2.39. The Area Action Plan was adopted in October 2010 and provides a strategic planning framework for the future of Bromley Town Centre. The site is identified as an Opportunity Site within the Town Centre (Opportunity Site G).
- 2.40. The Spatial Strategy diagram identifies potential locations suitable for tall buildings, identified with a blue asterisks. One of these is positioned adjacent to the appeal site and my opinion is that these locations are not site-specific, but instead are based on a townscape assessment, which indicates locations within the town centre where tall building development is likely to be supported.
- 2.41. Policy BTC1 concerns mixed use development and seeks to deliver mixed use schemes on the Opportunity Sites identified in the Key Diagram. For Opportunity Site G, the AAP envisages the delivery of approximately 1,180 residential units together with commercial space. The vision outlined in this policy is consistent with that detailed in the Local Plan.
- 2.42. Policy BTC2 supports residential development in the town centre subject to appropriate densities being achieved and developments not having unacceptable impacts.
- 2.43. Policy BTC3 seeks to ensure that housing developments include a mix of unit sizes, including market and affordable housing.

3. The Ineffectiveness of the London Plan

- 3.1. The London Plan was adopted by the Mayor of London in March 2021 and forms part of the statutory development plan, relevant to the consideration and assessment of applications for planning permission across London.
- 3.2. On 8 October 2019 the Inspector’s Report and Panel Recommendations were published (CD8.26) following the Examination in Public. The Report ratified the London-wide 2017 SHMA which calculated a need for 66,000 additional homes to be delivered each year, but went on to acknowledge that such levels of delivery were unachievable “by some margin” and identified a “major concern” that targets in the Plan are so far below the assessed need. In conclusion at paragraph 178, the Inspectors stated, “Overall the recommended 10 year housing target of 52,285¹ per annum would be higher than the existing London Plan and above the 45,505 units completed in 2016/2017. **It is therefore right to say that boroughs should use all the tools at their disposal to ensure homes are actually built**” (my emphasis).
- 3.3. The “Planning London Datahub” provides details of housing completions and targets by year². Images 1 and 2, below, shows that since 2016/2017, there has been a decline in housing completions across London as a whole with targets routinely missed.

| Year | Completions | Target | % of target |
|--------------|----------------|----------------|-------------|
| 2016/17 | 43,538 | 42,388 | 103% |
| 2017/18 | 31,000 | 42,388 | 73% |
| 2018/19 | 36,096 | 42,388 | 85% |
| 2019/20 | 32,342 | 42,388 | 76% |
| 2020/21 | 33,392 | 42,388 | 79% |
| 2021/22 | 38,066 | 52,287 | 73% |
| 2022/23 | 35,558 | 52,287 | 68% |
| Total | 249,992 | 316,514 | 79% |

Image 1: Residential completions dashboard from 2016/17 to date (source: GLA datahub)

¹ It should be noted that the ten year target adopted in the London Plan is 522,870 (52,287 homes annually), which is shown in the GLA datahub table at Image 1.

² I note that the information provided on the datahub is “live” and relies on accurate inputs from LPAs and developers and as such is not 100% reliable and there can be discrepancies with other data sources.

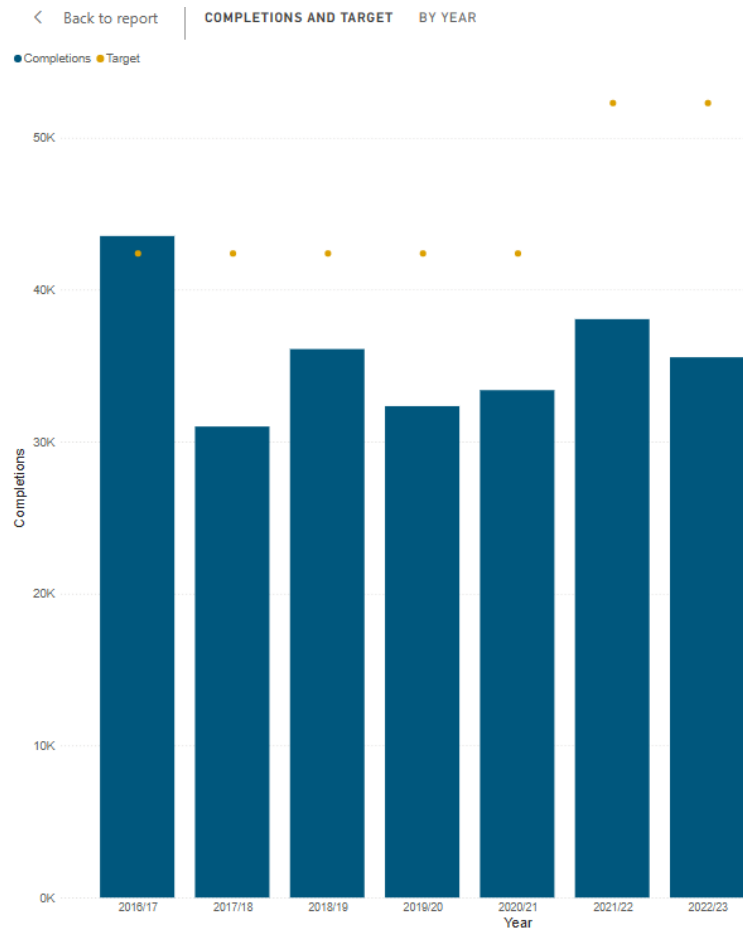


Image 2: Residential completions dashboard from 2016/17 to date (source: GLA datahub)

- 3.4. The above evidence shows that the London Plan is failing to meeting the housing needs identified in the 2017 SHMA. The evidence further shows that the Inspectors' confidence that a reduced target of 52,285 additional homes per annum could realistically be achieved was misplaced and at no point since the adoption of the London Plan has that target been achieved. In fact the evidence shows that the targets have been missed by a wide margin each year.
- 3.5. In March 2020, the then Secretary of State for Housing, Communities and Local Government (Rt Hon Robert Jenrick) wrote to the London Mayor following the Mayor's notification of his intention to adopt the London Plan. In his letter (copy at **Appendix 3**), Mr Jenrick noted *"Every part of the country must take responsibility to build the homes their communities need. We must build more, better and greener homes through encouraging well-planned development in urban areas; preventing unnecessary urban sprawl so that we can protect the countryside for future generations. This means densifying, taking advantage of opportunities around existing infrastructure and making best use of brownfield and underutilised land."*
- 3.6. Mr Jenrick goes on to observe, *"Housing delivery in London under your mayoralty has been deeply disappointing, over the last three years housing delivery has averaged just 37,000 a year; falling short of the existing Plan target and well below your assessment of housing need."*
- 3.7. Mr Jenrick then explained, *"Having considered your Plan at length my conclusion is that the necessary decisions to bring more land into the planning system have not been taken, the added complexity will reduce appetite for development further and slow down the system..."* and subsequently laid out a series of Directions to bring about changes to the Plan.

- 3.8. On 18 December 2023, Rt Hon Michael Gove MP, Secretary of State for Levelling Up Housing and Communities wrote to Mayor Khan in relation to housebuilding in London (copy at **Appendix 4**). In his letter, Mr Gove explained, *“We agree that housing delivery in London is far below the levels needed. Not only is delivery considerably short of your own London Plan target by approximately 15,000 homes per year, it was approximately 63,500 homes lower than actual need last year, as calculated by the standard method... London was the worst performing region in the Housing Delivery Test 2022. Fewer than half of the London Boroughs and Development Corporations delivered more than 95% to their appropriate housing requirement for the test over the three year monitoring period.”*
- 3.9. Mr Gove went on to explain, *“Due to the significant shortfall in housing supply and under delivery of housing in our capital, I have concluded that it may be necessary to take further action now, as a matter of urgency, to make sure London is delivering the homes our capital needs.”* In his letter, Mr Gove then explained his intention to instruct a panel of expert advisors to consider the parts of the London Plan which could be preventing thousands of homes coming forward.
- 3.10. On 15 January 2024 the London Plan Review Report of Expert Examiners (“the Expert Report”) was published and is enclosed at **Appendix 5** with relevant and pertinent sections highlighted for ease of reference. The Expert Report is of considerable relevance to the appeal proposal and the important matter of housing delivery in London and Bromley. There are significant sections of the Expert Report which I could quote in this section, but instead I provide at Table 1 a focused review with paragraph numbers appropriately cross-referenced.

| Paragraph reference | Summarised comment |
|---------------------|---|
| 2 – 5 | London’s <i>“significant housing crisis”</i> is identified and it is explained that at only 4 years into the 10 year plan period there is <i>“an undersupply of more than 60,000 homes, more than a year of equivalent supply”</i> . A downward trend in housebuilding in London is identified, which if it continues <i>“would result in a shortfall of more than 150,000 homes – equivalent to 29% of the total target by 2028/29”</i> . It is further recognised that a reduction in the grant of planning permissions will reduce the pipeline which can be delivered in future years. |
| 8 | In considering the policies of the London Plan, the Expert Report explains, <i>“there is persuasive evidence that the combined effect of the multiplicity of policies in the London Plan now works to frustrate rather than facilitate the delivery of new homes, not least in creating very real challenges to the viability of schemes.”</i> |
| 11 | In order to address the growing shortfall in housing deliveries in London, the Expert Report recommends <i>“new viable permissions are needed urgently and by no later than 2026/27”</i> (my emphasis). |
| 2.15 – 2.19 | In relation to house building, the Expert Report details that across the first 4 years of the plan period there has been an undersupply of more than 60,000 homes against a target of 209,150 homes, equating <i>“to more than a year of equivalent supply against the London Plan target. Against the SHMA assessed housing need, there has been an undersupply of 114,000 homes.”</i> To address existing undersupply since 2019 and to meet future need to 2029, the Expert Report identifies that <i>“a total of more than 62,300 homes per annum will need to be delivered”</i> (my emphasis). |

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| | <p>If the current rate of delivery persists across the plan period, the existing shortfall would grow to more than 150,000 homes, equivalent to 29% of the total target and the Report goes on to explain <i>“If this analysis is compared to the assessed need in London (66,000 homes per annum), this would be a projected shortfall of 286,000 homes, or 43% of the assessed need.”</i> (my emphasis).</p> <p>Paragraph 2.18 identifies that only 4 LPAs have met or exceeded their London Plan target with Figure 2.2 detailing that Bromley is already approximately 1,500 homes below its housing completions target from 2019/20 to 2022/23.</p> |
| 2.33 – 2.36 | <p>Figure 2.6 (pg.13) of the Report shows the proportion of units on sites of 10 or more homes started by builder size and region. Paragraph 2.33 identifies that London is unique with small housebuilders accounting for more than 60% of new homes, compared with an average of 25-35% in other regions. It further advises, <i>“Small and medium sized enterprise (SME) housebuilders account for more than 75% of homes in London over this period.”</i> The reason for this is explained at paragraph 2.34 with the high proportion of small housebuilders reflecting the typical nature of development sites in London <i>“being usually brownfield and complex redevelopment sites that are less suited to volume housebuilders.”</i></p> <p>Paragraph 2.36 explains <i>“the planning system can be disproportionately compelx and cumbersome for small sites, inadvertently causing delays in the determination of applications and inhibiting development viability. These effects – including increasing costs and other market factors – disproportionately impact SME housebuilders, who are less able to mitigate these risks across a portfolio that is smaller than volume housebuilders. In turn, given the proportion of SME builders within London, this has a more significant impact on housing delivery and the capacity to meet the London Plan target”</i> (my emphasis).</p> |
| 3.8 – 3.9 | <p>The Report bemoans the fact that, approaching halfway through the London Plan’s 10 year period, Local Plan preparation has been inadequate. Table 3.1 identifies that the Bromley Local Plan is not reflective of the London Plan’s Strategy.</p> <p>Paragraph 3.9 explains the net result is that Local Plans do not contain the policies needed to deliver the homes required through site allocations and spatial strategies.</p> |
| 3.24 – 3.25 | <p>These paragraphs and Figure 3.2 assess the quality of decision making on major applications in London compared with the rest of the country. The evidence shows that from Q3 2020 to Q3 2021, London performed well against the average outside London, but from Q3 2021 onwards, there has been a sharp and continuing rise in appeal overturns in London with a reduction in appeal overturns outside London.</p> <p>As paragraph 3.25 points out, <i>“the indication is that, despite the London Plan being in place and sites in London being focused on brownfield land, it is now more likely for the decision to be overturned than prior to the London Plan. This also indicates a slowr planning process in London, as the process of appealing a planning application and then its considerations by the Planning Inspectorate adds significant delays to the process of securing consent.”</i></p> |

| | |
|-------------|--|
| 3.32 – 3.39 | <p>In drawing together the various strands, the Expert Report identifies a number of key findings. First, in relation to the need to deliver more than 62,300 homes per annum to address the shortfall and meet targets, the paragraph 3.23 explains, <i>“But all the forward indicators (not least the GLA’s own planning pipeline) say that this will not happen, and the trend is downward”</i> (my emphasis).</p> <p>Paragraph 3.33 identifies that although some large development proposals have emerged and are underway, they will not be completed within the 10 year plan period and so they <i>“must be complemented by other projects, including on small sites, that will build out in the short term”</i> (my emphasis).</p> <p>Paragraph 3.36 acknowledges that there are a range of factors affecting housing delivery, including slow Local Plan progress, the challenge of resources and levels of investment to bring forward developments in the light of global economic challenges which impact viability. However, it notes <i>“This problem is particularly acute for higher-density, capital-intensive projects on previously developed land, led by SME developers, which make up a much larger proportion of London-based housing developments”</i> (my emphasis).</p> <p>Furthermore, the GLA has also been self-critical in acknowledging the issues caused by its approach to the consideration of applications, citing that there has been <i>“an excessively mechanistic approach to applying the policies of the Plan as imperatives rather than ambitions ... many policies of the Plan are expressed as ‘shoulds’ but are incorrectly applied as ‘musts’, thereby raising the bar for what is necessary for schemes to benefit from the statutory presumption in favour of the development plan”</i> (my emphasis).</p> |
| 4.8 – 4.9 | <p>In concluding and setting out recommendations, the Expert Report explains, <i>“the combined effect of the multiplicity of policies in the London Plan work to frustrate rather than facilitate the delivery of new homes on brownfield sites, not least in terms of creating very real challenges to viability ... Without a step change, it is highly unlikely that the housing targets of the London Plan will be met within its ten-year period and, as a consequence, the current housing crisis will continue, if not worsen”</i> (my emphasis).</p> |

Table 1: Summary of key aspects arising from the London Plan Review: Report of Expert Examiners

- 3.11. I fully agree with the findings and recommendations of the Expert Report.
- 3.12. Based on the above and my own experience of working in London, I firmly am of the opinion that the London Plan is an ineffective development plan document. It delays, stifles and frustrates development, imposing significant additional burdens on developers (mostly within the SME sector such as the Appellant), adding considerable time and cost to an already slow and expensive process. The effect is that the Plan negatively impacts on development viability and deliverability.
- 3.13. Although only anecdotal, my current experience is that clients are increasingly seeking to develop outside London where the perception is that the process will be quicker and easier to navigate. The consensus view is that London is "too hard". Indeed, so poor is view of the GLA and the way it applies the policies in the London Plan that those clients which continue to work in London now routinely design schemes to avoid the GLA, keeping housing numbers down to 149 homes and develop only up to 29.9m in order to avoid the relevant thresholds in the Mayor of London Act (2008).

4. The Ineffectiveness of the Bromley Local Plan

- 4.1. Having established above that the London Plan has not been effective in meeting housing needs in the capital, it is necessary to understand the extent to which the Bromley Local Plan has been an effective tool in delivering housing in the Borough.
- 4.2. Following an Examination in Public process in December 2017, the Local Plan Inspector released their report dated 11 December 2018 (**CD8.27**). There are matters addressed in the report which are pertinent to the consideration of housing matters associated with this appeal.
- 4.3. At paragraph 24, the Inspector's Report notes that in addition to the development of windfall sites (which historically account for approximately 45% of supply in Bromley), large sites in Bromley Town Centre will form a significant part of supply, consistent with the Opportunity Area Designation in the London Plan. The Inspector further noted the Draft Local Plan's ambition to intensify housing within town centres, including Bromley Town Centre.
- 4.4. Following the adoption of the Local Plan, there have been very few permissions granted on sites which are allocated for residential development. These sites are shown in the Local Plan Policies Map extract at **Appendix 6**. Only 13 sites across the whole of the Borough have been allocated to include residential development, as detailed in Table 2, below.

| Allocation Site Reference | Indicative Residential Capacity | Homes Approved Since 2019 (unless otherwise stated) |
|---|---------------------------------|---|
| Site 1: Bromley Civic Centre | 70 | 73 (ref: 21/03120/RESPA) |
| Site 2: Land adj. Bromley North Station | 525 | 75 (ref: 23/01547/FULL1) |
| Site 3: Hill Car Park and Adj. Lands, Bromley Town Centre | 150 | 0 |
| Site 4: Gas Holder Site, Homesdale Road, Bickley | 60 | 0 |
| Site 5: Land Adj. Bickley Station | 30 | 0 |
| Site 6: Bromley Valley Gym and adj. Lands, Chipperfield Road | 200 | 0 |
| Site 7: Orchard Lodge, William Booth Road | 250 | 0 |
| Site 8: Bassetts Campus, Broadwater Gardens, Orpington | 100 | 115 (ref: 15/04941/FULL3 (dated 18 August 2016)) |

| | | |
|---|-------|--|
| Site 9: Former Depot, Bruce Grove, Orpington | 30 | 28 (ref: 15/04574/FULL1 (dated 09 November 2016)) |
| Site 10: West of Bromley High Street and Land at Bromley South | 1,230 | 47 (ref: 19/04588/FULL1 (66-70 High Street)); 30 (ref: 21/04667/FULL1 (62 High Street)); 3 (ref: 22/03042/FULL1 (Unit 2, 62 High Street)); 4 (ref: 19/01340/FULL1 (52 High Street)); 5 (ref: 23/02947/FULL1 (50 High Street)); 2 (ref: 22/04831/CUETC3 (50 High Street)); 10 (ref: 20/04895/RESPA (34-38 High Street)); Total: 101 |
| Site 11: Homefield Rise, Orpington | 100 | 68 (ref: 20/02697/FULL1); 17 (ref: 21/03220/FULL1); Total: 85 |
| Site 12: Small Halls, York Rise, Orpington | 35 | 35 (ref: 21/02861/FULL1) |
| Site 13: Banbury House, Bushell Way, Chislehurst | 25 | 25 (ref: 20/02901/FULL1) |

Table 2: Permissions for housing development granted on allocated sites

- 4.5. The evidence shown in the above table makes clear how reliant LB Bromley is on windfall sites coming forward for development and how ineffective the Local Plan has been in catalysing the delivery of housing (and affordable housing) through site allocations.
- 4.6. Specifically, in relation to Allocation Site 10, the fact that the Council has given approvals for minor conversion schemes in the allocation area demonstrates that the ambitious delivery of housing envisaged by the Local Plan (and on which the Council is so reliant in order to meet its housing delivery obligations) will now be difficult to realise. This adds emphasis to the importance of supporting densified development on larger sites in the area which can be delivered.
- 4.7. Paragraph 33 of the Inspector's Report addresses "Site 10 (land west of Bromley High Street and Bromley South)", this being the allocation within which the appeal site sits. The Inspector notes that this is a large, complex site with land ownership issues and recognises the Council's acknowledgement that CPO powers may need to be used for land assembly. The Council's evidence supporting the Local Plan included a masterplan for the area³, which had been consulted upon and "*which includes parameters for height, scale and massing, since the development would bring **significant change to the existing character of the area** and view of it from south London*" (my emphasis).

³I understand that subsequent to the adoption of the Local Plan, the Council withdrew the masterplan and it is no longer available online. However, it is included in the Design and Access Statement at pages 6-11.

- 4.8. The Council's decision to withdraw the Masterplan seems to me to contradict the advice of the Local Plan Inspector, who explained at paragraph 33, "**MM009 is necessary to ensure that the masterplan is taken into account in the comprehensive redevelopment of the site, to ensure its effective development**" (my emphasis). MM009 required the inclusion of a bullet point in the site allocation, requiring that a proposed development is accompanied by a Masterplan to show how the proposed development is consistent with a comprehensive development of the site.
- 4.9. The Council's decision to withdraw the Stitch Architects Masterplan has been unhelpful to applicants, but nonetheless the Design and Access Statement includes at pg.37 a Future Masterplan, illustrating how the proposed development would fit into a wider redevelopment of neighbouring sites within the site allocation and Zone 2A as defined in the Stitch Architects Masterplan.
- 4.10. At paragraphs 40-42 of their Report, the Inspector forecasts issues surrounding housing delivery on the larger, more complex sites in part due to costs, funding and land assembly issues. They advise that this "*will be monitored by the Council to ensure that full provisions will be made, including augmenting provision for London more generally in terms of 'closing the gap'*" and go on to say, "*If further housing land had been allocated in the Plan, there would have been more flexibility in terms of the 5YHLS and a greater contribution would have been made to 'closing the gap' and boosting the supply of housing in Bromley.*". It is evident from these passages that the Inspector was already forecasting that there could be future issues surrounding housing land supply and delivery in Bromley.
- 4.11. The ineffectiveness of the Local Plan is perhaps best demonstrated by a review of the current housing land supply and delivery position in the Borough.
- 4.12. The matter of housing land supply is addressed by Mr Pycroft in his Proof of Evidence and I shall not rehearse the matter in detail. However, his evidence is that the London Borough of Bromley is only able to demonstrate a 2.4 year supply of housing land, against the Council's position which is that it can only demonstrate a 2.96 year supply of housing land.
- 4.13. Based on either calculation, it is uncontentionous to say housing supply in Bromley is in crisis and it is clear that the Local Plan has been ineffective in catalysing the development of allocated and windfall sites.
- 4.14. Housing delivery is a further metric which can be used to determine the effectiveness of the Local Plan. The 2022 Housing Delivery Test ("HDT") reveals that Bromley has only delivered 52% of its target across the last 3 years but in Table 3, below, I set out the Borough's HDT results from the 2018 measurement (which includes results back to 2016) onwards, highlighting the 2019 column as this is the point at which the Local Plan was adopted.
- 4.15. Below Table 3, I provide Chart 1, which gives a visual representation of the Borough's declining performance on housing delivery and which further highlights the negative effect the Local Plan has had.

| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|----------|------|------|------|------|------|------|------|
| Target | 641 | 641 | 641 | 641 | 587 | 427 | 641 |
| Delivery | 666 | 890 | 565 | 720 | 485 | 272 | 103 |

Table 3: Housing Delivery Test Results from 2016 to date

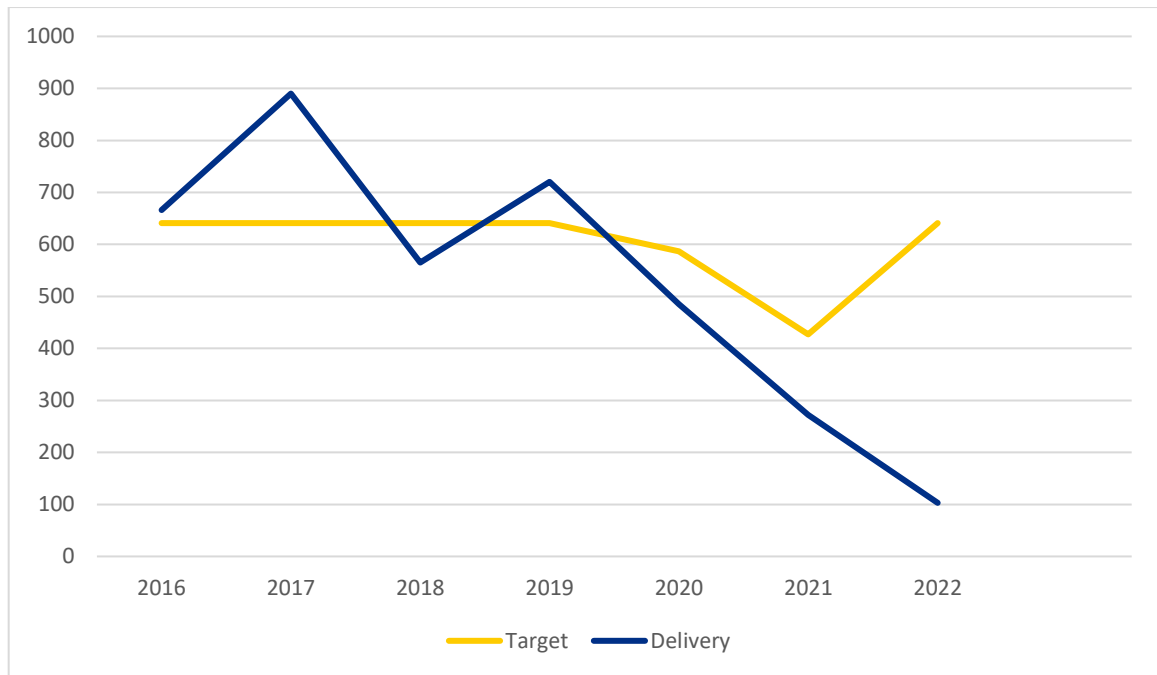


Chart 1: Housing delivery in Bromley from 2016 to 2022

- 4.16. These results demonstrate a concerning trend where housing delivery was generally in line with and above targets until the adoption of the Local Plan in 2019, after which there is a sharp and continuing decline in the delivery of housing in the Borough.
- 4.17. As I explain above, the London Plan sets a target for the delivery of 52,287 additional homes per annum, albeit acknowledging at paragraph 4.1.1 that London needs to deliver 66,000 homes per annum. Across the last 3 reporting years, the London Borough of Bromley has contributed only 860 homes to London's stock.
- 4.18. In the light of the above evidence, any suggestion that the Local Plan is working and that it facilitates housing delivery would simply not be credible. It strikes me that the Local Plan has failed from the point at which it was first adopted and has been a barrier to the delivery of housing in Bromley ever since.

5. Reason for Refusal 2: Unit Mix

5.1. In this section, I examine the Council's objection to the proposed development on the ground of proposed unit mix. In doing so, it is relevant to assess the policy context, to have regard to the housing context in Bromley more generally and to consider the surrounding context.

Policy context

5.2. In refusing planning permission on the ground of unit mix, the Council alleged conflict with Policy H10 of the London Plan and Policies 1 and 2 of the Local Plan.

5.3. London Plan Policy H10 sets out 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.

5.4. In terms of local evidence, the 2014 SHMA highlights that the highest levels of housing 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.*"

5.5. The Bromley Local Plan does not include a policy on housing mix.

5.6. Local Plan Policy 1 relates to housing supply and states, "*The Council will make provisions for a **minimum** average of 641 [noting this target has been superseded by the more up to date target in the London Plan] additional homes per annum over the ten year plan period...*" (my emphasis). The policy then goes on to explain the Council will meet its housing targets⁴, through the development of allocated sites, town centre renewal and mixed use development. The policy goes on to list sites allocated for residential development, including "West of Bromley High Street and land at Bromley South".

5.7. Policy 1 makes reference to Appendix 10.2 of the Local Plan, which provides details of the adopted allocations. Site 10 (pg. 271 of the Local Plan) comprises West of Bromley High Street and land at Bromley South the map showing the allocation is reproduced below at Image 3.

5.8. The allocation covers a swathe of land extending to an area of 4.54ha. The site policy explains that the objectives of the allocation as:

"Redevelopment for mixed use including 1,230 residential units, offices, retail and transport interchange. Proposals will be expected to:

- *Incorporate a sensitive design which respect the adjoining low rise residential development whilst optimising its key town centre location.*
- *Improve Bromley South Station*
- *Provide a high quality public realm and accessibility to and through the site.*

⁴ The housing target defined in the policy has been superseded by that contained in the London Plan.

- *Provide an attractive and active frontage to the High Street,*
- *Be accompanied by a Masterplan to show how the proposed development is consistent with a comprehensive development of the site.”*

5.9. The allocation is expected to contribute to housing development in the Borough from year 6 of the Local Plan onwards.



Image 3: Extract from pg. 271 of the Local Plan showing the extent of Site Allocation 10

- 5.10. Neither Local Plan Policy 1, nor associated Appendix 10.2 make any reference to unit mix and it is unclear, therefore, why the Council has cited this policy in its reason for refusal.
- 5.11. Local Plan Policy 2 relates to the provision of affordable housing. The policy establishes the local affordable housing threshold (now superseded) together with the proportion of affordable housing which the Council will aim to secure through qualifying schemes and the preferred tenure mix. Again, the policy makes no reference to unit mix requirements and as such it seems to have been erroneously included in reason for refusal 2.
- 5.12. Policy BTC3 of the Area Action Plan relates to housing choice and explains, *“The Council will require a mix of housing including private and affordable housing ... New developments should provide a range of housing choices in terms of the mix of housing sizes and types.”*
- 5.13. The supporting text at paragraph 4.3.4 explains that Bromley is a Metropolitan Town Centres and is identified as an area where housing should be intensified as part of mixed use schemes with good access to public transport and community facilities. It goes on to say that the promotion of higher densities is in accordance with planning policy guidance, which encourages a more efficient use of land. It further explains, *“Higher density development in the town centre will help to protect the suburban character of the rest of the Borough...”*

- 5.14. In considering this matter, it is relevant to consider the Council's position in relation to other recent cases in the Borough.
- 5.15. In the case of the development at 66-70 High Street, Bromley, planning permission was granted on appeal for the construction of a 12 storey building including 47 homes above reprovided commercial space (LB Bromley reference: 19/04588/FULL1). That development comprises a mix of studio, 1 bedroom and 2 bedroom flats.
- 5.16. In refusing planning permission for that development the Council did not raise any objection on the ground of housing mix and the Inspector appointed to determine the appeal also raised no objection of unit mix grounds. Indeed, it is noted that at paragraph 6.2.18 of the Committee Report (see **Appendix 7**), officers concluded *"The proposed housing size and mix would range between studio, one and two bed units. However, it should be noted that the proposed accommodation would include a range of housing sizes for up to 4 persons occupancy and an acceptable range of tenures would be provided. The site is located in the town centre with good access to local amenities and higher public transport access and connectivity. As such, it is considered that the proposed housing mix and tenure with a high proportion of one and two bed units is acceptable at this location."*
- 5.17. It is further noted that the Statement of Common Ground agreed in the subsequent appeal confirmed *"...the proposed housing mix and tenure with a high proportion of one and two bedroom units is acceptable in this location."*
- 5.18. Next, under reference 21/04667/FULL1, planning permission was granted at committee on 09 March 2024 for the redevelopment of 62 High Street, Bromley for a development of 30 flats above ground floor commercial space (this decision being subject to the completion of a s.106 agreement). The application was reported to committee with an officer recommendation that permission should be granted for a development comprising 24 one bedroom and 6 two bedroom homes.
- 5.19. At paragraph 6.2.6, the Committee Report (provided at **Appendix 8**) addresses the proposed unit mix and states, *"In accordance with Local Plan Policy 1 and London Plan Policy H10, a greater mix could be achieved if the scheme included some 3 bedroom units. However, given that the site is in a very accessible town centre location, it is acknowledged that smaller units might be more preferable. Therefore, there are no policy objections to the proposed unit mix."*
- 5.20. The Council's stance in relation to proposed unit mix on these nearby developments is notably inconsistent with the second reason for refusal identified in this appeal proposal.
- 5.21. It is my firm opinion that the proposed development includes a unit mix which is appropriate to this metropolitan town centre location and which facilitates the optimisation of the allocated site's potential. In relation to this matter, the proposed development is supported by the objectives of London Plan Policy H10, the robust evidence in the 2014 SHMA and is not in conflict with Local Plan Policies 1 and 2, which in any event appear to have been included erroneously in the second reason for refusal.

The housing context in Bromley

- 5.22. In his Proof of Evidence, Mr Pycroft makes clear that there is an acute shortage of housing in Bromley with the Borough only able to demonstrate a 2.4 year supply of housing land, this being less than 50% of the required 5 year target.

- 5.23. I further note that the Council, in agreeing the Statement of Common Ground, does not seek to dispute that there is a significant shortfall below the 5 year land supply target, although there is a difference between the parties in terms of the scale of the shortfall.
- 5.24. In addition to critical issues surrounding housing land supply in the Borough, there is also a significant local issue surrounding housing delivery with the 2022 Housing Delivery Test showing that across the last 3 years, only 52% of the Borough's housing targets were actually delivered, including only 103 homes in 2022.
- 5.25. So significant is the shortfall in housing land supply and so poor is delivery in Bromley that it seems abundantly clear to me that the Council is short on the delivery of homes of all sizes and as such, there is added importance to deliver the optimal number homes on development sites.

The surrounding context

- 5.26. I include at Image 4, below, an aerial photograph with the appeal site highlighted for ease of reference. I have split the image into 4 plates and provide expanded images at Images 5 to 8.

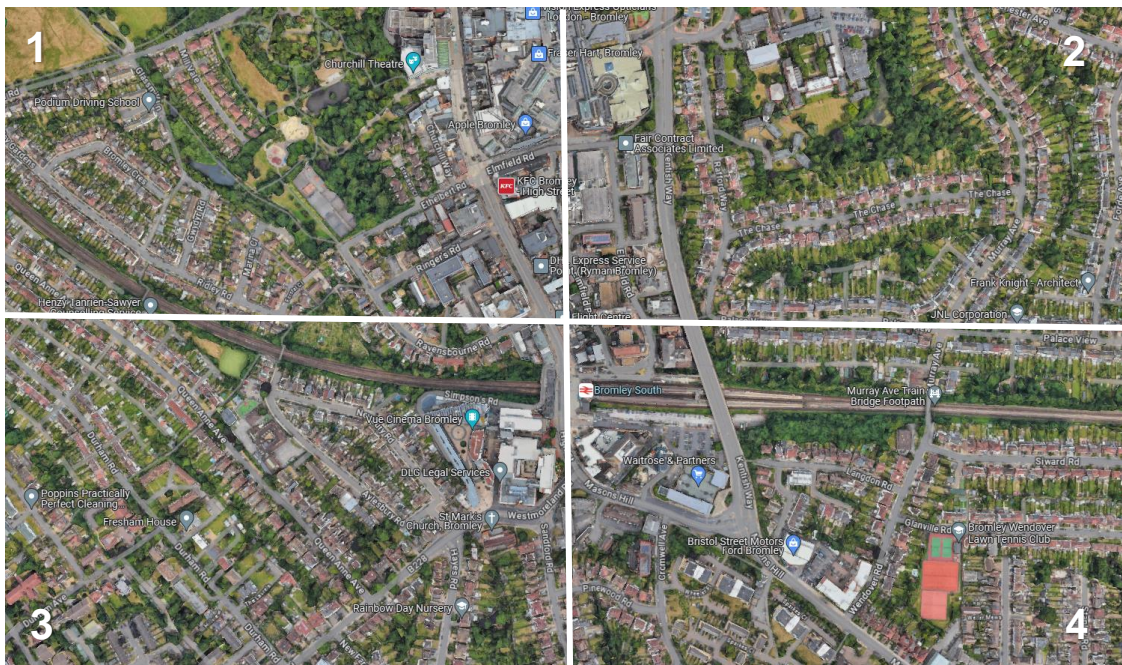


Image 4: Showing an aerial view of the areas to the east, west and south of Bromley town centre, split into 4 plates

- 5.27. We have time set aside during the Inquiry to undertake a site visit, which will include a visit to the wider area. During that visit the Inspector will note that the area immediately surrounding the town centre is characterised by low to medium density family housing with comparatively few examples of higher density blocks of 1 and 2 bedroom flats.
- 5.28. The 4 plates provide a helpful introduction to this surrounding context.



Image 5: Showing an enlargement of Plate 1

- 5.29. Plate 1 includes Mill Vale (to the top of the photo), Queen's Mead Road (which fronts onto the Queensmead Recreation Ground), Bromley Gardens (running north and in parallel with the railway) and the roads leading off Bromley Gardens.
- 5.30. These roads are characterised by terraced and semi-detached family houses of varying ages and styles. There are very few, if any, flats in this area.



Image 6: Showing an enlargement of plate 2

- 5.31. Plate 2 shows the area to the east of the town centre and south of Bromley Civic Centre, including Rafford Way (to the west of the image), The Chase (running to the south side of the Civic Centre), Palace View (to the south of The Chase), Murray Avenue (winding from north to south of the image), Forde Avenue and Bishops Avenue (the roads running north to south to the east of the image).
- 5.32. These roads comprise a mix of mainly semi-detached and terrace family houses with very few, if any examples of blocks of flats.



Image 7: Showing an enlargement of plate 3

- 5.33. Plate 3 includes the area to the south west of the town centre, including Aylesbury Road and Newbury Road (to the north west of the image), Queen Anne Avenue (which runs from south east to north west of the image), Durham Road (which runs parallel with Queen Anne Avenue) and the northern section of Hayes Lane (shown to the south east corner of the photograph).
- 5.34. These roads are characterised by a mix of terrace houses and larger semi-detached homes. There are some flatted blocks towards the south eastern end of Durham Road.



Image 8: Showing an enlargement of plate 4

- 5.35. Plate 4 comprises the area to the south east of the town centre, including Sandford Road (to the west side of the image), Cromwell Avenue, which connects to Sandford Road via Pinewood Road and a number of broadly residential roads to the north of Masons Hill (the main arterial road leading away from the town centre to the south east).
- 5.36. Principally, homes in this area are detached, semi-detached and terrace houses, albeit there are a tall flatted blocks at Perigon Heights and St Mark's Square to the north west of the image, adjacent to Bromley South station. There are flatted blocks, offices (and other commercial properties) and care and nursing homes along Masons Hill.
- 5.37. It is evident from the above that whereas across London the fringe areas of town centres are regularly characterised by medium density flatted developments, Bromley is an exception with the fringe areas primarily being characterised by lower density suburban housing with comparatively little in the way of flatted developments.
- 5.38. The above aerial photographs unmistakably show that the areas to the immediate east, west and south of the town centre are characterised by family housing with a mix of terrace, semi-detached and detached houses. What is striking from this is the comparative lack of flatted blocks which will deliver the 1 and 2 bedroom homes in greatest local need and which the 2014 SHMA specifically highlights as being in greatest local need.

Summary and Professional Opinion

- 5.39. There is no specific policy requirement in the development plan to provide 3 bedroom homes as part of a housing mix on any site and recent permissions in the area demonstrate that the Council and other appeal Inspectors are content that developments consisting of mainly 1 and 2 bedroom homes are appropriate in this location. Such an approach is supported by London Plan Policy H10, which recognises that smaller 1 and 2 bedroom homes are most appropriate in town centre locations.
- 5.40. The Council accepts that housing land supply and delivery in the Borough is in a critical state. The net result of this is a shortage of homes of all sizes.

- 5.41. The wider area surrounding the appeal site to the east, west and south of the town centre is principally characterised by medium to low density family housing, comprising a mix of detached, semi-detached and terrace homes. I therefore conclude that there is a good local supply of family housing and what is in short supply locally are smaller 1 and 2 bedroom homes, which the 2014 SHMA identifies as being the properties in greatest demand in the Borough.
- 5.42. My very firm opinion, therefore, is that the development proposes an acceptable unit mix, consistent with the aims of the development plan.

6. Reason for Refusal 4: Amount of Development and Standard of Accommodation

- 6.1. In this section, I consider the relevant points emerging from the Council's fourth reason for refusal. This reason alleges that the proposed development represents an overdevelopment of the site, demonstrated through a high proportion of single aspect flats, mutual overlooking and inadequate children's playspace.
- 6.2. I take each of these items in turn, setting out the relevant policy position, describing the relevant aspects of the development, providing examples of comparable developments approved in Bromley and finally detail my professional opinion.
- 6.3. The reason for refusal also identifies an objection in respect of daylight conditions within the proposed flats. The appellant's evidence on this is contained within the Proof of Evidence of Mr T Keating.

Single aspect design

- 6.4. London Plan Policy D6 relates to housing quality and standards with the overall objective of the policy being to ensure that new housing should be of a high quality and sustainable design. Part C of the policy explains, "*Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part D in Policy D3... and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy and avoid overheating.*"
- 6.5. Paragraph 3.6.5 of the London Plan provides further clarification, explaining that single aspect homes which are north facing, contain 3 or more bedrooms or are exposed to harmful noise levels should be avoided.
- 6.6. The overall thrust of the London Plan is, therefore, to avoid the development of single aspect north facing units and to encourage the delivery of homes with dual aspect or better, balanced against the need to optimise the potential of a site to deliver homes.
- 6.7. The London Plan is not prescriptive and does not object to single aspect design.
- 6.8. The Bromley Local Plan does not make any specific reference to the aspect of dwellings in new development. Policy 4 relates to housing design and seeks to ensure that development are designed to a high quality "*...recognising as well as complementing the qualities of the surrounding areas*".
- 6.9. Similarly, the Bromley Town Centre Area Action Plan does not make any reference of the aspect of dwellings in new development.
- 6.10. Appendix 3 of the Housing Design Standards LPG provides a definition of dual aspect design. It explains, "*A dual aspect dwelling is one with opening windows on two external walls, which may be on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building.*" It goes on to explain, "*Dwellings that have opening windows on two adjacent sides can only be defined as dual aspect if the windows opening/s are situated at least halfway down the depth of the dwelling.*"

- 6.11. What is clear from the definition is that there is no requirement for windows to face in different directions. Rather, to qualify as a dual aspect dwelling, where windows are on adjacent sides, the window opening on the side elevation should be positioned at least halfway down the depth of the dwelling.
- 6.12. In the Committee Report, officers deal with Outlook and Aspect at paragraphs 6.3.6 to 6.3.8. The officers conclude that the development is unacceptable in this regard, but fail to undertake any analysis of the policy context, or the guidance set out in the Housing Design Standards LPG. Moreover, in reaching this conclusion officers failed to give any consideration to the site's constraints and context and did not undertake any analysis of the proportion of single, dual and triple aspect homes included within the development. Accordingly, it is my opinion that the conclusion set out in the Committee Report was incomplete and fundamentally flawed.
- 6.13. Turning to the proposed development, at **Appendix 9** I include a schedule of accommodation, which identifies those homes which I consider to be of a single, dual, or triple aspect design. In Table 4, below, I provide the headline conclusions of my assessment, which show that there are no single aspect north facing units in the development and that 79% of the homes proposed are either of a dual, or triple aspect design.
- 6.14. In the table, I have also identified the shared ownership, social rent and M4(3) units proposed within the development. In respect of affordable housing, this shows that 80% will be of a dual aspect design and in respect of M4(3) units, 66% will be of dual or triple aspect design.

| Unit Type | Single Aspect North | Single Aspect | Dual Aspect | Triple Aspect |
|---------------------|---------------------|---------------|-------------|---------------|
| Social Rent | - | 1 | 5 | - |
| Shared Ownership | - | 1 | 3 | - |
| M4(3) | - | 3 | 3 | 3 |
| Total (all tenures) | 0 | 20 | 52 | 22 |
| Proportion | 0% | 21% | 55% | 24% |

Table 4: Showing aspect provision across the proposed development

- 6.15. As noted above, the London Plan does not object to single aspect design. Indeed, the delivery of a proportion of single aspect homes is often required to allow a site's development to be optimised. There are a number of relevant examples to be considered here, including 66-70 High Street, Bromley; and Prospects House, 19 Elmfield Road, Bromley; and Blenheim Shopping Centre, High Street, Penge and I address each in turn.

66-70 High Street, Bromley (19/04588/FULL1)

- 6.16. Planning permission was granted on appeal (dated 21 November 2022) for the demolition of the existing buildings and the construction of a 12 storey building to provide retail floorspace and 47 flats above.
- 6.17. The approved development provided for flatted accommodation from second to eleventh floor levels. At second floor level the development included 5 flats (3 single aspect); at third floor level there were 5 flats (3 single aspect); at fourth floor level there were 4 flats (1 single aspect and 1 dual aspect flat albeit with constrained outlook across a narrow lightwell towards the TK Maxx site); at fifth to tenth floors there were 4 flats per floor (all dual aspect, albeit 2 flats per floor relied on outlook across the TK Maxx site) and at eleventh floor there were 4 flats (all dual aspect albeit 2 relied upon outlook across the TK Maxx site).

6.18. The approved plans are shown at Images 9 to 13, below.



Image 9: Extract from approved floor plan (level 2)

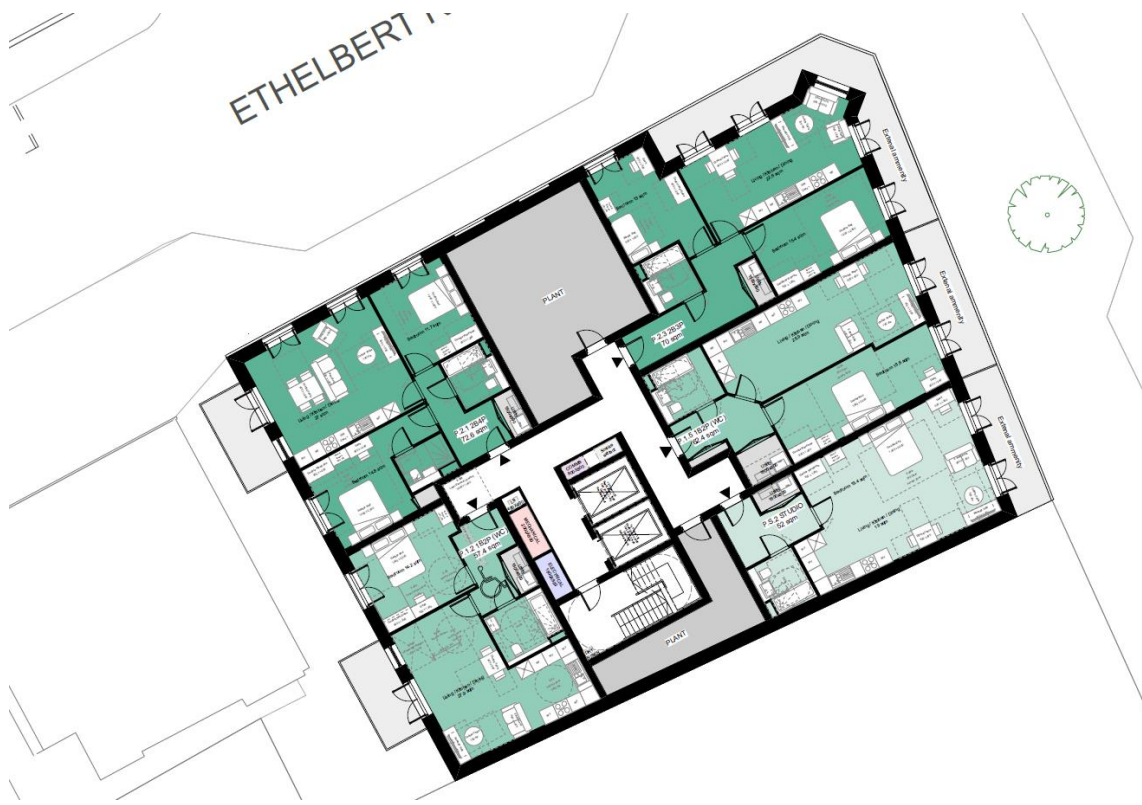


Image 10: Extract from approved floor plan (level 3)



Image 11: Extract from approved floor plan (level 4)



Image 12: Extract from approved floor plan (levels 5 to 10)



Image 13: Extract from approved floor plan (level 11)

6.19. In total, therefore, of the 47 flats which were approved, there were 7 single aspect flats, comprising a 15% proportion of the development.

Prospects House, 19 Elmfield Road, Bromley (20/04296/FULL1)

- 6.20. Planning permission was granted (dated 14 June 2021) for the demolition of the former buildings on the site and the construction of a 10 storey building to provide office accommodation with 61 flats above, comprising 9 studio flats, 38 one bedroom flats and 14 two bedroom flats.
- 6.21. The approved development (now under construction) provided the delivery of 61 homes above new office accommodation. The housing was shown to be delivered between second and tenth floors. At second floor there were 7 flats (including 3 single aspect); across floors 3 to 8 there were 8 flats per floor (with 5 single aspect flats per floor); and at floor 9 the approved development includes 6 flats (2 single aspect). The approved plans are shown at Images 14 to 16, below.

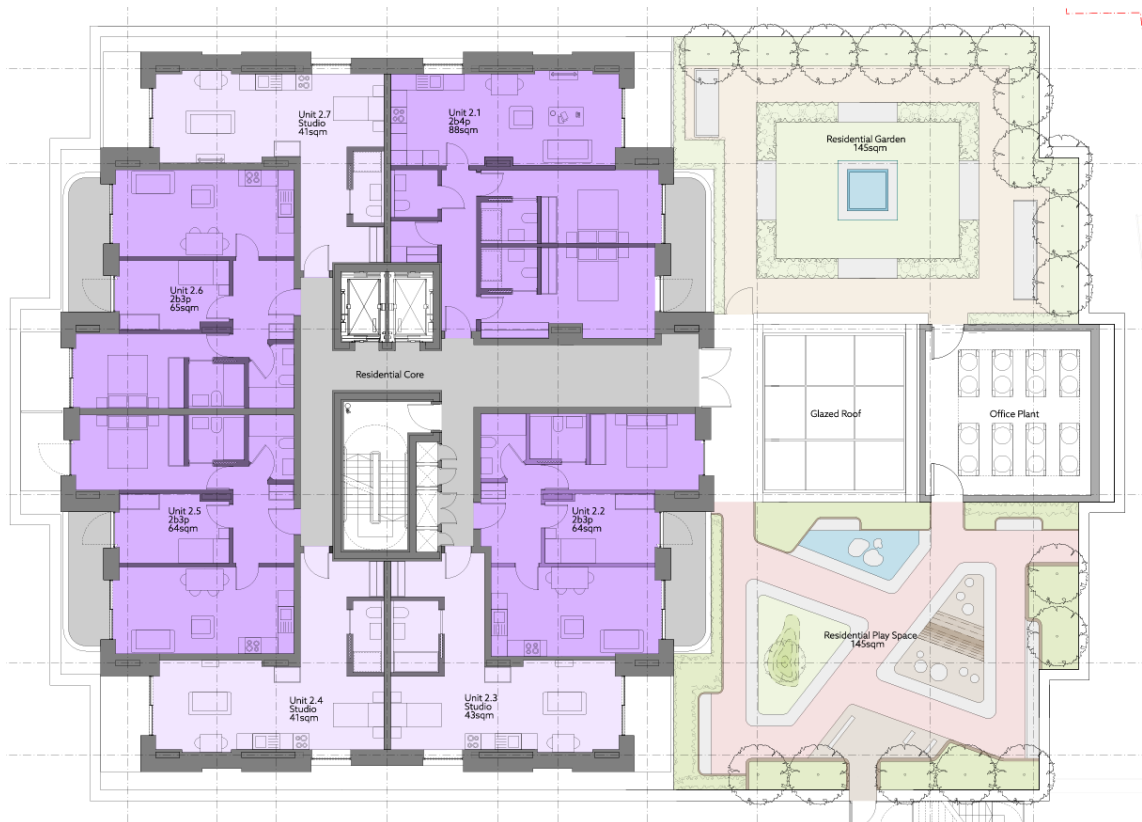


Image 14: Extract from approved floor plan (level 2)

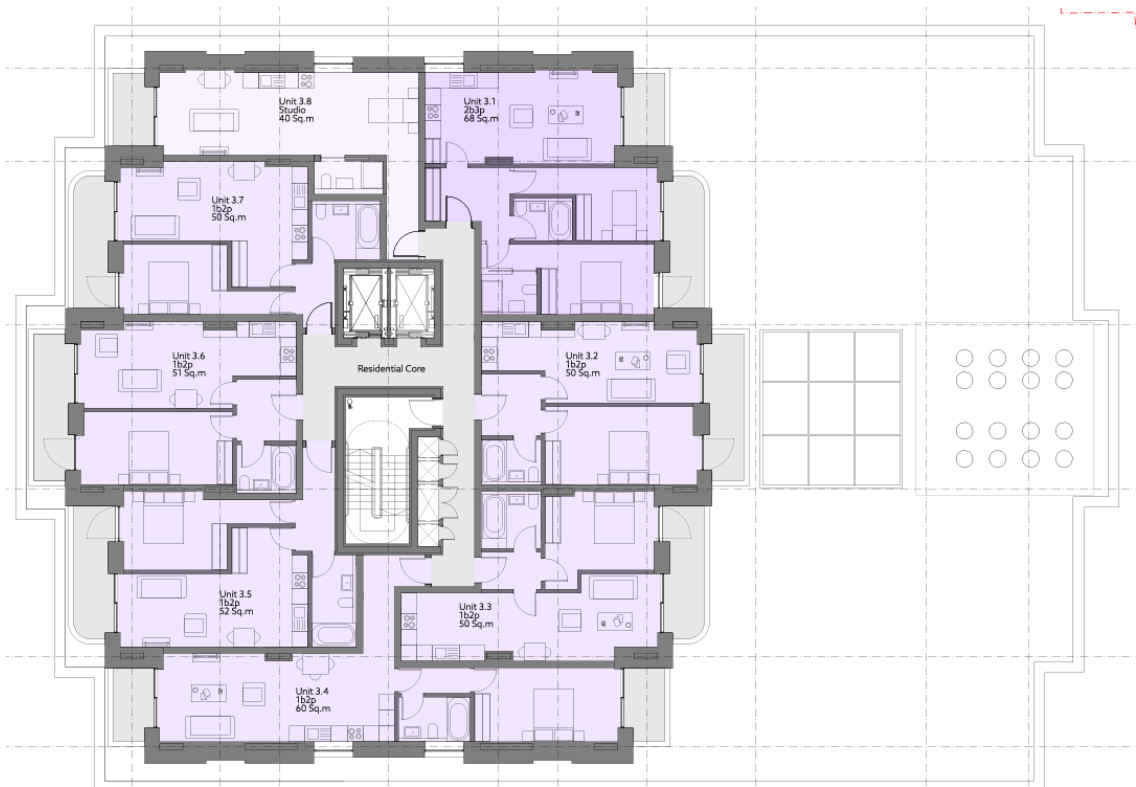


Image 15: Extract from approved floor plan (levels 3 to 8)

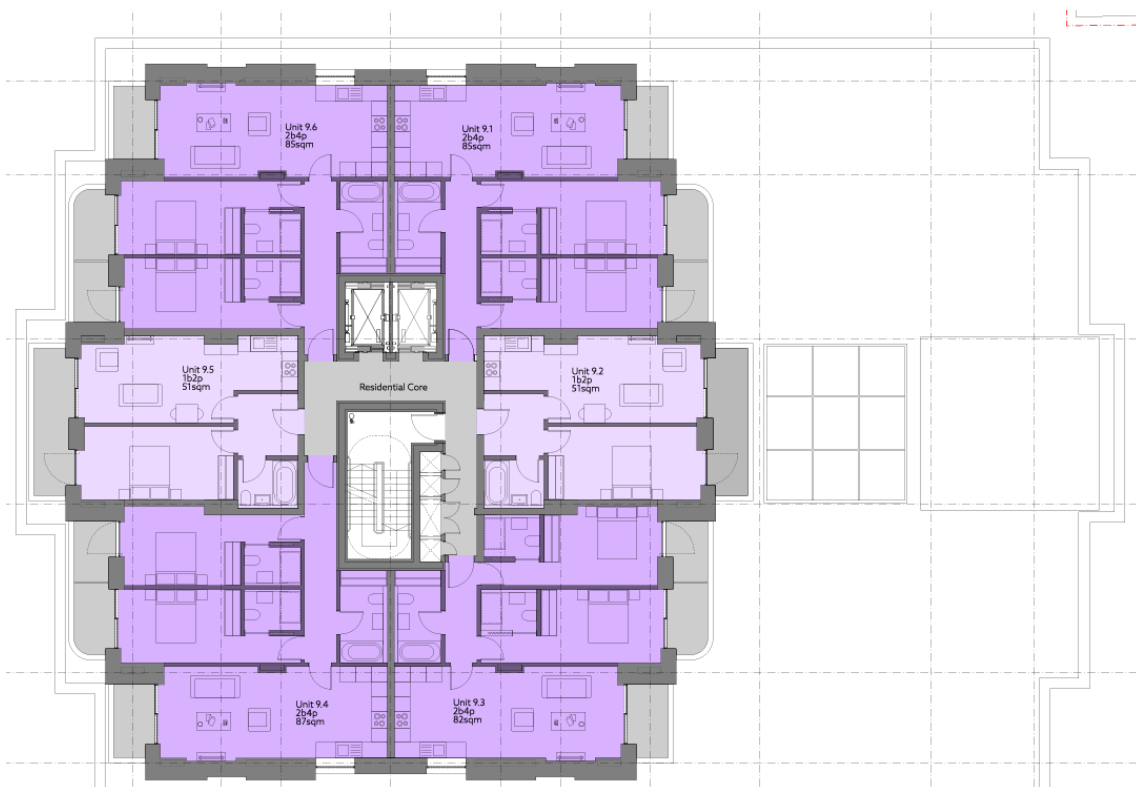


Image 16: Extract from approved floor plan (level 9)

6.22. Overall, therefore, the approved development included 35 single aspect homes, equating to a 57% proportion of the entire development.

Blenheim Shopping Centre, Penge (23/00178/FULL1)

- 6.23. On 5 March 2024, the application proposing the redevelopment of the Blenheim Centre was reported to Bromley Council's Development Control Committee with an officer recommendation that permission should be granted subject to conditions and the completion of a s.106 agreement. I note that the case officer for that application was the same as the case officer for the appeal application.
- 6.24. The development proposed the redevelopment of the shopping centre to provide 230 homes and new commercial and retail floor space in buildings standing between 3 and 16 storeys in height.
- 6.25. The Committee resolved to grant permission and I understand the process of finalising the legal agreement is now underway.
- 6.26. This decision is highly relevant to the consideration of the Council's objection on the ground of the proportion of single aspect units proposed in this appeal and I enclose the Committee Report at **Appendix 10**.
- 6.27. Paragraphs 6.2.5 to 6.2.8 of the Committee Report address outlook and aspect with the subheading stating that the development is "acceptable" in relation to these considerations. Paragraph 6.2.6 of the Report explains, "*Across the 230 units within the updated scheme, 149 (65%) would achieve a dual aspect outlook*", meaning 81 (35%) of the 230 homes will be of a single aspect design.
- 6.28. The Report details that Block A (which has 25 units) would only provide 60% dual aspect design with Block B/C (which contains 152 units) providing only 58% dual aspect design.
- 6.29. Paragraphs 6.2.7 and 6.2.8 of the Report justify this provision with officers noting that efforts have been made to minimise the proportion of single aspect units and that the development would not include single aspect north facing units. The report goes on to say that habitable room windows would "*generally not be enclosed by adjacent parts of the development*" and that bedrooms facing into Blenheim Square within Blocks B/C and D/E as well as some in Block A would "*not be optimal given the modest spatial separation between the blocks*".
- 6.30. I cannot help but notice the inconsistency in the officer's and Committee's approach to the consideration of single aspect design in relation to 2 development proposals reported to the same Committee within 3 months of each other. The proportion of single aspect units within the Blenheim Centre development is considerably below that which is achieved in the appeal scheme.

Summary and Professional Opinion

- 6.31. The development plan seeks only to avoid the delivery of single aspect north facing units. The plan promotes dual aspect units as being preferable but it accepts that single aspect design can be acceptable where this facilitates the optimisation of a site's development potential.
- 6.32. I have cited recent examples in Bromley which shows how the Council has approached the consideration of single aspect design with the most relevant examples being those at 66-70 High Street, Bromley and the Blenheim Centre, Penge, where 15% and 35% single aspect design was respectively accepted.

- 6.33. This appeal proposal does not include any single aspect north facing units and includes only 21% single aspect units overall. The remaining 79% of units are either of a dual or triple aspect design. The proportion of single aspect units is modest and is comparable to the levels of single aspect homes approved on town centre sites in Bromley in the recent past.
- 6.34. Where single aspect homes are provided, they are spread across the tenures in the proposed development without any disproportionate provision as affordable or M4(3) homes.
- 6.35. It is, therefore, my very firm professional opinion that the proposed development is consistent with the overall aim of the development plan and assists the optimisation of the site's potential to deliver the new homes for which there is acute local need.

Mutual overlooking

- 6.36. London Plan Policy D3 relates to the optimisation of site capacity through a design led approach. Part D lists 14 criteria which developments should seek to meet in respect of form and layout, experience and quality and character. In addressing "experience", the policy requires that new developments deliver appropriate outlook, privacy and amenity.
- 6.37. Local Plan Policy 37 concerns the general design of development and explains that all proposals will be expected to be of a high standards of design and layout. Part e explains that development should respect the amenity of future occupiers, ensuring adequate privacy is provided.
- 6.38. Part C of the Housing Design Standards LPG relates to homes and private outside space. Paragraph 4.1.2 explains, "*Visual privacy is more difficult to achieve in dense environments, particularly on lower floors. Offsetting or angling windows can mitigate problems...*" Otherwise, the LPG does not provide guidance on how privacy can be ensured within new development and neither does it provide any minimum window separation distances which must be achieved.
- 6.39. The Committee Report dedicates only one paragraph (ref: 6.3.9) to the assessment of privacy within the proposed development. The paragraph includes notably vague, generalised and inaccurate assertions rather than any detailed, rigorous or factual analysis of the proposed layout of the development and the interrelationship between the proposed flats. For example the Report states that the proposed blocks would be separated by between 8m-10m, but it is entirely unclear how officers calculated this dimension. In the absence of accurate reporting, it understandable that Councillors were unable to form a robust and credible conclusion on the question of proposed levels of privacy within the development.
- 6.40. Turning to the proposed development, the front elevation of Block A faces towards the 8 to 10 storey development at William House (8 storeys) and Henry House (10 storeys), separated from these by in excess of 20m. This amount of separation is in excess of that provided between William House and Simpsons Court, 6 Ringers Road where a separation of between 18.5m and 19m is provided.
- 6.41. Block B faces towards the side elevation of the houses on Ethelbert Close, separated from these by a dense and well established tree belt. A minimum separation of approximately 18.5m is provided to the side elevation of these houses.

- 6.42. During the appeal, the appellant has worked with the Council to produce an annotated drawing **(CD8.13)** which details the separation between the rear elevations of Blocks A and B, including dimensions showing window to window separations and including dimensions from the mid-point of balconies in order to understand fully the proposed separation
- 6.43. This drawing shows a narrowest window to window separation of 11.2m between bedroom windows, but I would point out that these windows are offset and as such do not actually face directly towards each other. The window in Block A faces broadly north while the window to the rear of Block B faces south east. As a result of this offset design and orientation, there would not be any significant views from one flat into another.
- 6.44. Elsewhere, separations are typically more generous and extend to approximately 12.5m to 15m.
- 6.45. In my experience, this amount of separation is typical of any regenerated town centre and there are numerous examples of modern developments across London and further afield where similar levels of separation have been approved.
- 6.46. There are, however, recent examples of developments approved in Bromley where similar levels of separation have been approved.

Pikes Close Estate, Sundridge (21/03622/FULL1)

- 6.47. Planning permission was granted (dated 26 September 2022) for the demolition of existing buildings and the development of 170 homes in buildings standing between 3 and 13 storeys in height.
- 6.48. In this case, the development included a series of 3 blocks generally running from north to south of the site, separated by only approximately 12m to 12.5m with living room and bedroom windows facing directly towards each other, as shown at Images 17 and 18, below. These drawing extracts are not sufficiently clear and as such, I include a copy of the approved third floor general arrangement plan (number CPL-BRO_HTA-A_DR_0134 rev.B) and the Committee Report at **Appendix 11**.
- 6.49. To assist the Inspector's understanding of the approved plan extracts shown below, the homes shaded light and dark yellow are the affordable housing units while those shaded light and dark blue are the market housing units.

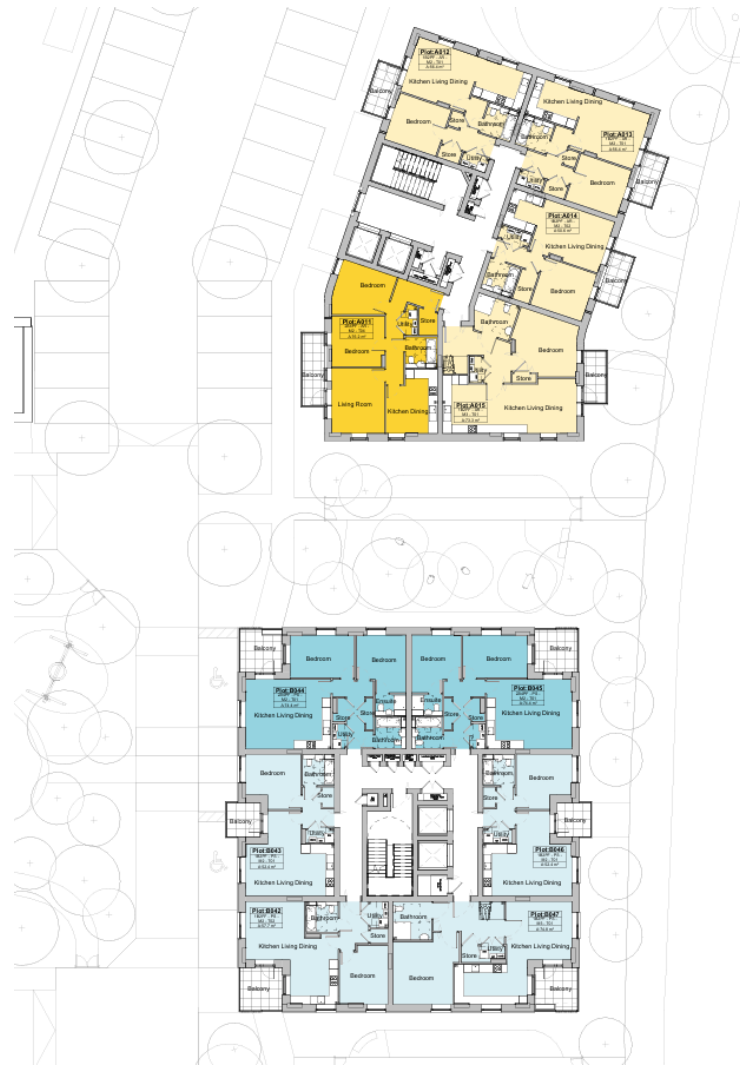


Image 17: Extract from approved third floor plan showing separation between blocks.

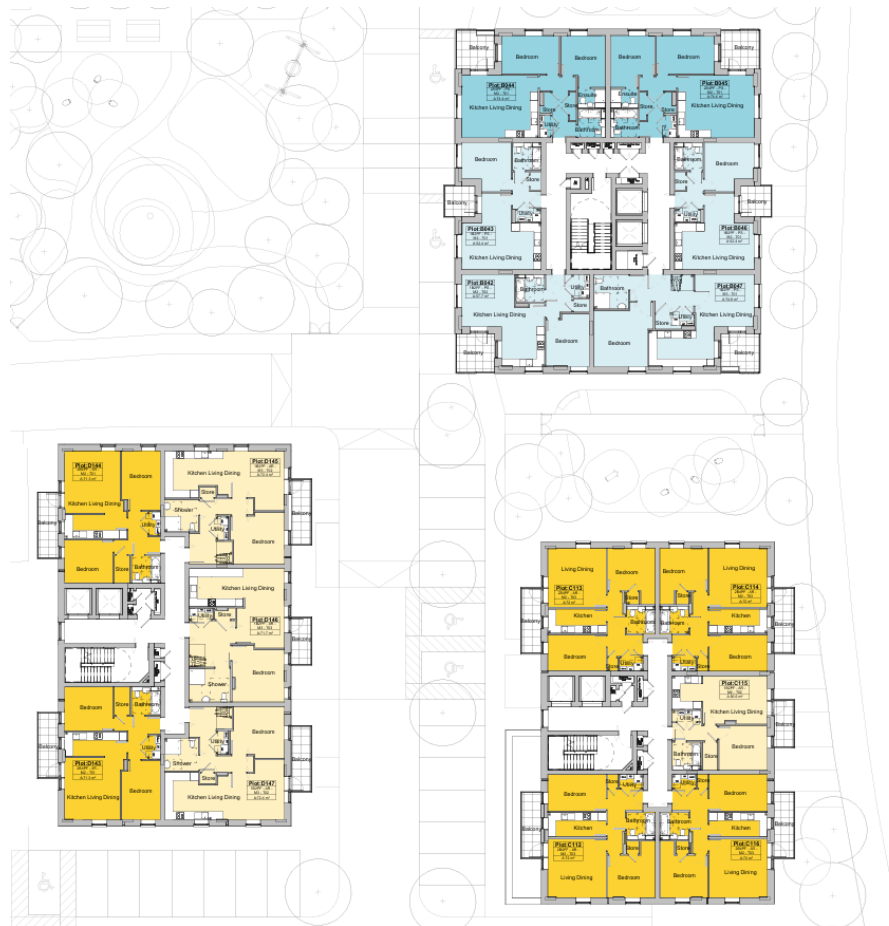


Image 18: Extract from approved third floor plan plan showing separation between blocks.

- 6.50. The application was reported to the Council's Development Control Committee on 9 March 2022 and in relation to the question of mutual overlooking, paragraph 6.4.7 explains, "...the proposed separation distances between Blocks A and B and B and C (approx. 12.5m) would help to ensure that no significant overlooking would not [sic] occur."
- 6.51. Sundridge forms part of suburban Bromley, located some 2km to the north of Bromley town centre and with a PTAL score of between 1b and 2, where lower density development and higher spatial standards are generally expected.
- 6.52. In approving the development at that site, the Council supported dwelling proximities more in keeping with a town centre environment than a lower density suburban context.

Blenheim Shopping Centre, Penge (23/00178/FULL1)

- 6.53. I shall not rehearse the detail of the proposed development as I have addressed this above at paragraphs 6.23 – 6.25.
- 6.54. In relation privacy, paragraphs 6.2.9 - 6.2.11 of the Committee Report (provided at **Appendix 10** together with drawing number 2049-FCB-ZZ-02-D-A-1004 rev. R03 – Proposed Site Plan Level 02) are relevant. At paragraph 6.2.10, the Report explains "Officers acknowledge that at approximately 12m the separation distances between Blocks A and B/C and Blocks B/C and D/E would be below a usual window-to-window distances of at least 18m (as recommended by the BRE Guidance). However, such distances are considered as typical to many housing developments in the Borough and as such would not be dissimilar to other urban and town centre locations."

- 6.55. Here, the Committee Report sets out a perfectly rational and logical approach to the assessment of separation distances between the proposed buildings, making clear that a separation of approximately 12m is not uncommon in towns across the Borough and is also not uncommon in the context of a regeneration scheme.
- 6.56. The very same justification for the proposed separation exists (and has previously been made) for the appeal proposal. It is unclear, however, why officers and the Council are willing to support 12m separations on a windfall backland site in Penge, but are not able to make the same justification for a comparable development on an allocated site in the heart of the Bromley Opportunity Area and in the middle of the Metropolitan Town Centre with a PTAL of 6b.
- 6.57. Again, I would observe the inconsistent approach between the officer's and Council's assessment of the case at the Blenheim Centre and that proposed in this appeal.

Summary and Professional Opinion

- 6.58. The interrelationship between Blocks A and B has been very carefully considered through the design of the proposed development.
- 6.59. At its shortest point, a separation of 11.2m is provided between bedroom windows, but these are offset from each other and are orientated to prevent and direct overlooking or loss of privacy. Elsewhere, the amount of separation proposed increases to between 12.5m and 15m. The amount of separation proposed between the flats within the development is appropriate to the site and its metropolitan centre location and is typical of the amount of separation commonly found in regenerated town centres across London and further afield.
- 6.60. Moreover, as observed by officers in the context of the Blenheim Centre development, separations of approximately 12m are typically found in towns across the Borough and accordingly, I have difficulty reconciling the Council's objection to the appeal proposal on this ground.
- 6.61. My firmly held opinion on this matter is that the design of the development is successful in ensuring that future occupants will be provided with adequate levels of privacy within their homes, compatible with the site's location in the heart of the town centre and consistent with reasonable expectations for developments in such areas.

Playspace provision

- 6.62. The fourth reason for refusal alleges that the development would amount to overdevelopment *inter alia* on the basis of "*inadequate provision of children's playspace*". There is no objection in the reason for refusal concerning the location, quality, size or configuration of the communal amenity space provided between Blocks A and B. Rather the reason identifies a very narrow, specific objection to playspace provision.
- 6.63. Policy S4 of the London Plan concerns play and informal recreation. It advises that development which is likely to be used by children and young people should incorporate good quality, accessible play provision for children of all ages with 10 sqm of play space provided per child.

- 6.64. Paragraph 5.4.5 of the justification to the policy sets out that play provision “should normally be made on site”. Paragraph 5.4.6 then explains that off site provision (including the creation of new or improved facilities) can be supported where it can be demonstrated that it will address the needs of the development and where the provision would be within 400m of the development. The text makes clear that such provision is to be secured by way of a s.106 contribution.
- 6.65. To assist in calculating a development’s playspace requirement, the GLA has published a Population Yield Calculator (v3.2)⁵ which calculates the likely child yield based on unit size mix, housing tenure mix and the site’s Public Transport Accessibility Level.
- 6.66. Based on the tenure mix now proposed, I have completed the Population Yield Calculator (see **Appendix 12**), which advises that the development will generate only 17.3 children, equating to a total playspace requirement of 172.5sqm.
- 6.67. The proposed development includes a 180sqm communal amenity space, shown located between Blocks A and B. During the course of the appeal, we have discussed with the Council how this space is to be arranged with the typologies in Table 5 having been agreed.

| Typology | Area |
|---|---------------|
| Amenity Planting including Rain Gardens and water features (which provide sensory play opportunities) and sculptural multifunctional seating which provides play opportunity. | 79sqm |
| Circulation pathways | 57sqm |
| Bike storage | 2sqm |
| Amenity lawn incorporating sculptural multifunctional seating which provides play opportunity. | 42sqm |
| TOTAL | 180sqm |

Table 5: Amenity space typology breakdown

- 6.68. As is commonly the case, full details of the proposed landscaping scheme and playspace strategy have not been submitted with the application, rather it is expected that such details will be agreed with the Council pursuant to a condition (or conditions) which would be imposed on any planning permission.
- 6.69. However, the Council and appellant have agreed that in the event that the appeal is allowed, a financial contribution of £16,711.32 will be paid to the Council to facilitate the delivery of offsite playspace, which will meet the development’s needs.
- 6.70. The appeal site is immediately adjacent to a large public open space at Church House Gardens, which includes a children’s playground – Church House Gardens Playground – which would be enhanced through this contribution. The closest entrance to the park is approximately 45m from the front of the appeal site with the playground being only approximately 170m from the front of the appeal site. The enhancement of this space would, therefore, be consistent with the relevant test in the London Plan.

⁵ <https://data.london.gov.uk/dataset/population-yield-calculator>

Summary and Professional Opinion

- 6.71. There is no allegation in the Council's fourth reason for refusal that the communal amenity space is in any way deficient, rather the reason for refusal identifies a very narrow focus on playspace provision within the development.
- 6.72. The policy position in the London Plan is clear in setting out a preference that playspace is provided on site, but clearly in recognition that this will not always be possible to achieve (particularly in the context of urban regeneration sites in town centre locations), the policy also accepts that offsite provision can also be made through a financial contribution.
- 6.73. I have calculated the child yield arising from the proposed development and from this the Council and the appellant have agreed a financial contribution to be paid towards offsite playspace provision in the event that the appeal is allowed.
- 6.74. In the light of the foregoing, it is my very firm opinion that the proposed development is acceptable in respect of playspace provision and I would expect this to be a matter which the Council and I can agree.

7. Reason for Refusal 5: Visual Impact and Loss of Privacy

- 7.1. The Council's objection on this ground alleges that the development would be overbearing when viewed from nearby residential properties and associated gardens and that the development would lead to an adverse loss of light and privacy.
- 7.2. My evidence relates to the development's visual impact and its effect on neighbouring residents' privacy. The matter of the development's impact on neighbouring residents' light amenities is addressed in the Proof of Evidence of Mr T Keating.
- 7.3. My first observation on the fifth reason for refusal is that it is notably vague and makes a generalised assertion that the development would cause harm but without pinpointing any specific neighbour (or neighbours) whose privacy and amenities would be harmed as a result of the development.
- 7.4. The Committee Report dedicates only 3 paragraphs to the consideration of the development's visual impact and its impact on the privacy of neighbouring residents. In those paragraphs, the Report identifies generalised concerns only in connection with the proposed relationship with the block of flats at Simpsons Place, 6 Ringers Road and 7 Ethelbert Road. There is a tacit acceptance within the Report, therefore, that the development would not give rise to any harm to the privacy and visual amenity of any other neighbouring resident.
- 7.5. In this section I outline the policy position and then assess the Council's objections in turn, citing comparable approved developments, where helpful to do so.

The policy position

- 7.6. The Council's fifth reason for refusal alleges conflict with Local Plan Policies 37 and 47, Site Allocation 10 and the Bromley Urban Design SPD. Also relevant to the consideration of this reason for refusal are London Plan Policies D3, D6 (addressed in the Proof of Evidence of Mr T Keating) and H2. These additional policies are not identified in the fifth reason for refusal and as such it tacitly accepts there is no conflict with their objectives.
- 7.7. London Plan Policy D3 relates to the optimisation of site capacity through the design led approach and Part A sets out that *"all developments **must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations**"* (my emphasis). It goes on to explain that the design led approach requires consideration of design options to determine the *"most appropriate form of development that responds to a site's context and capacity for growth"*.
- 7.8. Part B of the policy sets out that higher density development should be promoted in locations which are well connected to jobs, services, infrastructure, public transport, walking and cycling. It goes on to explain, *"Where these locations have existing areas of high density buildings, expansion of the areas should be **positively considered** by Boroughs where appropriate"* (my emphasis).
- 7.9. Part D explains that new developments should, *inter alia*, enhance local context by delivering buildings which positively respond to an area's scale, appearance and shape *"with due regard to existing and **emerging street hierarchy, building types, forms and proportions**"* (my emphasis).

- 7.10. Policy D3 not cited by the Council in its fifth reason for refusal and is central to the consideration of this matter. It makes abundantly clear that developments must make best use of land, responding positively to an emerging context. Put another way, the policy establishes that in the early phases of a cycle of regeneration and townscape evolution, development potential should not be stifled by the pre-existing character of an area, but instead should seek to take full advantage of opportunities to optimise outputs.
- 7.11. London Plan Policy H2 is also relevant to the consideration of the fifth reason for refusal. It sets out at Part B Subsection 1) that Boroughs should recognise that *“local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites”* (my emphasis). It goes on to explain at Subsection 2) that Boroughs should prepare site-specific briefs and masterplans for small sites.
- 7.12. Taken together, Policies D3 and H2 set out a clear vision for the evolution of London’s townscapes, away from low density housing towards higher density development in those locations best suited to such development, which most logically and clearly includes allocated sites in metropolitan town centres, Opportunity Areas and with excellent access to public transport.
- 7.13. Local Plan 37 is a criteria setting policy, against which most applications for development in the Borough are considered. Parts d and e of the policy require that new developments should have regard to the relationship with surrounding buildings, considering potential light impacts and the need to protect neighbour privacy.
- 7.14. Local Plan Policy 47 relates to tall and large buildings and their role in the townscape. The policy has no relevance to the assessment of a development’s impact on neighbour amenity and as such it is unclear to me why the Council has made reference to it in the fifth reason for refusal.

The proposed visual impact

- 7.15. Although the reason for refusal makes reference to the development’s visual impact from surrounding homes and their external amenity spaces, the Committee Report does not make any comment on the development’s impact on surrounding gardens. I would understand, therefore, that the reference to amenity spaces in the reason for refusal is included in error. This is not least the case because to the rear of Simpsons Place is the residents’ car park and not a communal garden and the rear of 7 Ethelbert Road comprises a large, wide garden which is enclosed by a well established tree screen.
- 7.16. The Committee Report first identifies an objection to the development’s impact on the occupants of the flats at Simpsons Place (no.6 Ringers Road). However, it fails to identify any specific flat (or flats), or room (or rooms) which would be affected by the proposed development. The Report simply asserts that the development would give rise to a “poor and uncomfortable” relationship.
- 7.17. Although the proposed development would clearly be taller than the existing buildings on the appeal site and although the outlook from the flats in Simpsons Place would change, this change does not equate to harm.

- 7.18. Site Allocation 10 in the Local Plan is clear in its ambition to catalyse significant change to the west side of Bromley High Street. The allocation was based on a masterplan by Stitch Architects, which was used to determine the area's capacity to accommodate new housing. It is unclear why the Council then withdrew the masterplan, but nonetheless it outlines a vision for how this part of the town centre can be regenerated.
- 7.19. Page 10 of the Design and Access Statement is of assistance here, showing that the appeal site forms part of "Zone 2" where developments of between 5 and 14 storeys could be accommodated.
- 7.20. Given the complex land ownership situation which was acknowledged by the Local Plan Inspector, it is inevitably the case that not all sites within the allocation will come forward for development at the same time, but instead a piecemeal approach is needed (supported by the NPPF at paragraph 70 and by the Inspector at 66-70 High Street) which allows the area's potential to be realised over time. However, in accordance with the objectives of London Plan Policies D3 and H2, it is important that a site's potential is optimised, making the best use of land in the most sustainable and accessible parts of London.
- 7.21. As noted above, Policy D3 makes clear that in the early phases of a cycle of regeneration and townscape evolution, development potential should not be stifled by the pre-existing character of an area, but instead should seek to take full advantage of a site's potential, designed in such a way as to facilitate the development of adjoining sites.
- 7.22. In the light of this context, the appeal proposal does exactly what Allocation 10 expects and the design led approach, including careful consideration being given to the relationship with Simpsons Place ensures that although there would be a change to the outlook from those flats, that change would not be a harmful one.
- 7.23. It is my opinion that a minimum separation of 14.3m between Block B and Simpsons Place is perfectly adequate in the context of a town centre location. This amount of separation is evenly shared on both sides of the common boundary and the proposed building at Block B will not harmfully foreshorten the outlook from the flats to the rear of Simpsons Place, all of which will continue to benefit from wide views towards and across Church House Gardens.
- 7.24. Block A is specifically designed and laid out with a chamfered corner, which preserves an appropriate field of view from the rear windows in Simpsons Place. Again, this careful and considered design approach avoids any unacceptable harm to the neighbours' visual amenity.
- 7.25. Turning to the relationship with no. 7 Ethelbert Road, the rear elevation of Block B closely aligns with the extension to the rear of that property. Again, while the proposed buildings will be seen from vantage points in rooms to the rear of that house, the neighbouring building at Block B will not have any significant impact on outlook from the house, which I note has at least a triple aspect, including outlook to the front and south western side as well as to the rear.
- 7.26. The building at Block A would be set in excess of 20m away from no.7 Ethelbert Road at its closest point. This amount of separation is generous in the context of a town centre location and will ensure that there is no unacceptable visual impact.
- 7.27. Having considered the proposed relationships in detail, it is my firm opinion that there will not be any unacceptable visual impact arising from the proposed development and all existing neighbours will continue to enjoy an acceptable level of outlook from their properties. Indeed, I consider the proposed relationships to be typical of the type of relationship commonly found in any evolving and regenerating town centre environment.

Impact on neighbour privacy

- 7.28. Paragraph 4.1.2 of the Housing Design Standards LPG explains that it is often difficult to achieve privacy in dense environments, particularly on lower floors. For this reason, it advocates for the offsetting, or angling of windows, but notably avoids setting any arbitrary separation standard to which new development should adhere.
- 7.29. In addressing the development's impact on neighbour privacy, the Committee Report explains at paragraph 6.6.5 that the relationship between Block B and Simpsons Place is such that there would be "an actual and perceived overlooking of neighbouring flats". However, this conclusion was founded on a flawed understanding of the separation between Block B and Simpsons Place.
- 7.30. As I explain above, a separation of 14.3m between habitable room windows is not unusual in a densely developed urban environment. Indeed, the proposed separation between Block B and Simpsons Place is shared equally on both sides of the common boundary and thus the proposed development simply replicates the way in which the Council historically allowed Simpsons Place to be developed. It would strike me as unreasonable and illogical for the Council to now try to impose a requirement for higher standards of separation given the strength of policy support for the redevelopment of the appeal site and the requirement for new development to make best use of land, respecting the character of its surroundings.
- 7.31. The Committee Report also explains at paragraph 6.6.5 that "Views would also be available from the corner balconies of Block A" but it is not explained what these views would be towards and whose privacy would be affected.
- 7.32. I would have some difficulty with any suggestion that the balconies would facilitate views into Simpsons Place because their shape and orientation specifically directs views to the north west, towards and across Church House Gardens. Save for a small corner of the car park to the rear of Simpsons Place, predominantly the outlook from the balconies in Block A would be provided within the appeal site and then across the top of 7 Ethelbert Road (albeit at a distance of more than 20m). As such, there would not be any adverse impact on neighbouring residents' privacy.
- 7.33. In the event that the Inspector considered it necessary, the appellant would have no objection to a specific condition being included on any planning permission, requiring the submission of details of balcony privacy screening for written approval. The current detail (explained at drawing no. 500.00) is for glazed balustrades to be used but there is potential to agree specific details of obscure glass and balustrade height with the Council following a grant of planning permission for the site's redevelopment.
- 7.34. It is my opinion that the Council's assessment of the development's impact on neighbour privacy is fundamentally flawed and has failed to interrogate properly the proposed relationships. It is my firm opinion that the carefully considered design and layout of the development avoids any unacceptable privacy impacts and as such the proposed development is acceptable in this regard.

8. Planning Balance

- 8.1. In this section I detail the relevant considerations in this case, identifying any harms arising from the proposed redevelopment of the site and the benefits which will be delivered, affording weight to each.
- 8.2. It has been established above, in the other Proofs of Evidence and through the Statement of Common Ground that the NPPF's tilted balance is engaged given the lack of a 5 year supply of housing land in the Borough. In accordance, therefore, with paragraph 11d) of the NPPF, planning permission for the proposed development should be granted unless the adverse effects of doing so would "*significantly and demonstrably outweigh the benefits*".

Housing supply and delivery

- 8.3. Mr Pycroft's evidence (**CD9.9**) identifies that there has been a persistent undersupply of homes in Bromley, now resulting in the Borough only being able to demonstrate a 2.4 year supply of housing land.
- 8.4. The proposed development will, therefore, make a very important contribution to the Council's overall housing target as confirmed at Policy H1 of the London Plan and its minimum small sites target as confirmed at Policy H2 of the London Plan.
- 8.5. As I detail above at Table 3 and Chart 1, housing delivery in Bromley is in sharp decline with only 103 homes delivered in 2022. The number of homes proposed in this appeal proposal would almost equal the number delivered across the whole of the last reporting year.
- 8.6. The beneficial delivery of additional homes in the Borough attracts no less than **very significant weight**.

Affordable Housing

- 8.7. The evidence provided by Ms A Gingell (**CD9.8**) is compelling. It establishes the following:
- 8.7.1. In March 2023, there were 1,539 households housed in temporary accommodation by the London Borough of Bromley with 72% of these housed in nightly paid, privately managed accommodation (para. 7.31);
- 8.7.2. Of the households in temporary accommodation, 24% had been in such accommodation for 5 years or more (para. 7.32), and from 1 April 2022 to 31 March 2023, the Council spent £23,120,000 on temporary accommodation (para. 7.35);
- 8.7.3. There is a cumulative shortfall of -16,571 affordable homes in the Borough (para. 8.12) meaning there is an urgent requirement for substantial additional affordable housing delivery (para. 8.15);
- 8.7.4. Those on lower incomes in Bromley need to find almost 14 times their annual income to afford a median priced property (para. 9.17);
- 8.8. Ms Gingell's evidence paints a stark and concerning picture in relation to affordable housing provision in Bromley and this is not disputed by the Council, which accepted in the appeal at 66-70 High Street that affordable housing in the Borough is in crisis.

- 8.9. The delivery of 10 affordable homes, comprising 6 social rent and 4 shared ownership units (including 2 M4(3) homes), within the development is an important planning benefit which attracts **substantial weight** in the planning balance.

Housing Size Mix

- 8.10. There is a shortage of homes of all sizes in Bromley. However, the 2014 SHLAA shows that the greatest need exists for 1 and 2 bedroom homes, of which 94 are proposed to be delivered on the appeal site.
- 8.11. My evidence shows that there is a strong supply of 3 bedroom family housing in the area immediately surrounding the town centre and as such, it is appropriate for a development comprising 1 and 2 bedroom homes to be delivered on this site.
- 8.12. The delivery of 94 homes for which there is greatest local need is a benefit attracting **substantial weight** in the planning balance.

Development Location

- 8.13. The site is in a highly sustainable and accessible location (PTAL 6B), within Bromley town centre (a Metropolitan Centre and London Plan Opportunity Area), 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.
- 8.14. In accordance with paragraph 124c) of the NPPF, **substantial weight** should be given to the redevelopment of suitable brownfield land within settlements to meet local housing need.

Townscape

- 8.15. In refusing planning permission, the Council identified an objection on townscape grounds. This matter is addressed by Mr Hammond in his Proof (**CD.9.6**) and he explains that from views of the town centre skyline, the visibility of the proposed development would vary from being invisible to the intervening buildings, partly visible, or visible in most of its entirety. He concludes that from vantage points where the development will be visible, it would be seen either as part of a cluster of existing buildings (including the building approved at 66-70 High Street), or as part of the varied skyline of tall buildings extending from St Marks Tower to 66-70 High Street.
- 8.16. Mr Hammond concludes that through its stepped design, the development would provide additional visual interest to the skyline and he notes that the buildings would stand below the height of the approved development at 66-70 High Street. He concludes that the development would neither be overly dominant, nor an overbearing addition to the skyline; rather, it would fit in with the surrounding context and would not cause harm to the character and appearance of the area.
- 8.17. In his conclusion, Mr Hammond explains that the development would provide more visual interest to the skyline, which is a benefit which I consider attracts **limited weight** in the planning balance.

Heritage impact

- 8.18. In refusing permission for the proposed development, the Council alleges that the development would cause harm to the Bromley Town Centre Conservation Area ("BTCCA").

- 8.19. In his Proof (**CD9.5**), Mr Froneman addresses the impact the proposed development would have on the BTCCA and concludes that whilst the building would be visible from vantage points within the conservation area, it would appear “much lower” than the 12 storey building approved at 66-70 High Street in views from the High Street and would not interfere with, or affect the key views in the conservation area.
- 8.20. He goes on to explain that where visible, the proposed development would add and fit within the existing and emerging large-scale modern developments to the south of the conservation area. Accordingly, he concludes that the development would cause no harm to the conservation area.
- 8.21. As a result, I conclude that heritage impacts do not weigh against the proposed development in this case.

High Quality Design

- 8.22. 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 proposed design, both in respect of the development’s appearance and the quality of accommodation provided for future residents meets this objective and as such, this benefit attracts **significant weight**.

Small Sites

- 8.23. At paragraph 70, the NPPF supports the development of small sites to meet an area’s housing requirement given the relatively quick build-out speed. At part c), the paragraph requires LPAs to support the development of such sites, affording **great weight** to the use of suitable sites within existing residential areas.

Economic Benefits

- 8.24. The proposed development will deliver a range of meaningful economic benefits through the construction and operational phases, including construction job creation, future employment on the site, increased local spend, enhanced Council Tax receipts as well as CIL payments. These benefits are all the more important in the context of current macro economic conditions.
- 8.25. The proposed development will also deliver affordable workspace in Bromley town centre, a benefit recognised by the GLA in its Stage 1 Report.
- 8.26. Together the economic benefits are considered to attract **significant weight**.

Biodiversity Net Gain

- 8.27. 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**.

Urban Greening

- 8.28. The development will achieve an Urban Greening Factor score of 0.48 against a policy target of 0.4. The beneficial greening arising through the proposed development attracts **moderate weight**.

Car Club Space

- 8.29. 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**.

Residential amenity impacts

- 8.30. The Council has alleged that the proposed development would cause harm to the living conditions of neighbours with concerns specifically in relation to the development's impact on light amenity, outlook and privacy.
- 8.31. My evidence at Section 7 deals with the development's visual impact and its effect on neighbour privacy.
- 8.32. My conclusion is that there will not be any unacceptable visual impact arising from the proposed development. All existing neighbours will continue to enjoy an acceptable level of outlook from their properties with the proposed relationships being typical of any evolving and regenerated town centre environment.
- 8.33. In relation to privacy impacts, it is my conclusion that the development has been carefully designed and laid out and will not have any unacceptable impact. The amount of separation proposed between the development and neighbouring buildings is typical of a town centre environment and is in no way unusual in the context of the character of other town centres across the Borough generally.
- 8.34. The evidence of Mr Keating (**CD9.7**) is that there will be some impact on the light amenity of neighbouring residents, but it is clear that the scale of impact is not unusual in the context of a town centre environment and his evidence is supported by numerous case study examples where similar levels of impact have been supported.
- 8.35. As Mr Keating points out in his Proof, the NPPF makes clear at paragraph 129 that in the context of housing development proposals, authorities should take a flexible approach to the application of daylight and sunlight policies and guidance where such would otherwise inhibit making efficient use of a site.
- 8.36. In totality, therefore, my opinion is that the development is acceptable in terms of neighbour amenity impacts and as such no negative weight should be afforded to this consideration. If any negative weight is to be given to amenity impacts, it is my opinion that this would carry only **very limited weight** against the proposed development.

9. Conclusion

- 9.1. My evidence addresses policy matters, the proposed unit mix, the development's impact on neighbour amenity in respect of outlook and privacy, the quality of accommodation for future residents (including playspace provision) and the planning balance.
- 9.2. It is clear from my evidence and that provided by Mr Pycroft and Ms Gingell that there is an acute housing crisis in Bromley. The Local Plan and London Plan act as barriers to development and there has been a notable decline in housing delivery since their adoption in 2019 and 2021 respectively. As a result, there is a shortage of all housing types and sizes in Bromley and the proposal to provide a development of 1 and 2 bedroom homes on this previously developed, metropolitan town centre and opportunity area site is entirely justified.
- 9.3. The 2014 SHMA makes clear that there is greatest need for 1 and 2 bedroom homes in the Borough and the London Plan also sets out that the delivery of 1 and 2 bedroom homes in town centres should be supported. The most recent major developments approved in Bromley town centre (66-70 High Street and 60 High Street) comprise only 1 and 2 bedroom homes and in neither case was unit mix identified as being unacceptable at the point when permission was granted.
- 9.4. It is my very firm opinion that the same conclusion should apply in this case. The development is a viable and deliverable one and the provision of a mix of 1 and 2 bedroom homes allows the site's potential to be optimised.
- 9.5. The proposed flats are of a high quality design and layout with a very high proportion of dual and triple aspect units (79%). There are no single aspect north facing units within the development. The architect has taken a careful, design-led approach, including the use of angled and offset windows which ensures that future occupants' privacy and amenity will not unreasonably be impacted by surrounding neighbours.
- 9.6. In addition to private amenity spaces, the development includes a 180sqm communal garden area, which provides space for outdoor relaxation and play. Although not all of the development's playspace needs can be met on site, London Plan Policy S4 makes provision for off site delivery of playspace within 400m of a site and a contribution of £16,711.32 has been agreed with the Council and is included in the s.106 agreement. The development is, therefore, policy compliant in relation to playspace provision.
- 9.7. Again, I note that although the Council has objected to the development in relation to playspace provision, permission has been granted for the developments at 62 High street and 66-70 High Street without any playspace provision with appropriate financial contributions agreed to fund off site delivery.
- 9.8. The proposed separation between the blocks is typical of any regenerated town centre location and I note that the Council has justified similar (and reduced) levels of separation on other sites in Sundridge Park and Penge, explaining that the relationship between houses in those schemes is comparable to the relationship typically found elsewhere in the Borough. It is entirely unclear to me why that same conclusion could not be reached in this case on a site which is in the Borough's main town centre and on an allocated site.

- 9.9. Similarly, I have concluded that the proposed relationship with neighbours is acceptable. There are adequate window separations which ensure neighbours will continue to enjoy acceptable levels of privacy; the development's careful design and layout ensures there will not be any unacceptable visual impact and the evidence provided by Mr Keating is that although there are some impacts on neighbour light amenity, these impacts are not dissimilar to those which have been approved elsewhere.
- 9.10. It is my firmly held opinion that the Council's decision to refuse planning permission in this case is unsustainable. My opinion is that the development meets the objectives of the development plan taken as a whole and that planning permission should be granted under paragraph 11c) of the NPPF.
- 9.11. In the event that any harm is identified, the absence of a 5 year supply of housing land means the development plan is out of date and limited weight should be afforded to the policies most important to the consideration of this appeal. The NPPF's tilted balance is engaged.
- 9.12. Based on my own assessment and the evidence provided by other expert witnesses, the only potential harm which might occur in this case would be to the light amenity of neighbouring residents. Should the Inspector afford this harm weight in the planning balance, my opinion is that it only attracts very limited weight against the proposal.
- 9.13. Accordingly, in the event that harm is identified, I also conclude that planning permission should be granted under paragraph 11d) of the NPPF because the adverse impacts of the development do not significantly and demonstrably outweigh the benefits.