

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

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

**PROOF OF
EVIDENCE –
PLANNING
APPENDICES**

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

LPA REF: DC/21/05585/FULL1

June 2024

GTVA PLANNING

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Appendix 1: Decision Notice



Town Planning

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C/o Mr Mark Batchelor
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59-60 Thames Street
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/30th November 2023
Application No : DC/21/05585/FULL1
Date : 19th December 2023

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the development, referred to in your application received on 29th November 2021.

at : 2 - 4 Ringers Road Bromley BR1 1HT

Proposal: 2-4 Ringers Road and 5 Ethelbert Road: 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).

For the following reasons :-

- 1 The application does not comply with all the criteria listed in London Plan Policy H5C. The application therefore fails to meet the criteria necessary to qualify for the Fast Track Route and in the absence of a Financial Viability Assessment the application fails to demonstrate that the proposal would maximise the delivery of affordable housing, thereby contrary to Policy H4 and H5 of the London Plan and Local Policy 2.
- 2 The proposed development, by reason of not providing any larger family sized units (3 bedroom +), would fail to address the identified need in the Borough, contrary to London Plan Policy H10 and Local Plan Policy 1 and policy 2.
- 3 The proposed development, by reason of its siting, height, scale, massing and appearance would appear as an over-intensive development within a confined site and would prejudice the development potential of the adjoining sites within the allocated Site 10 in the Local Plan. The

proposal would appear as an overly dominant and overbearing addition to the town centre skyline and out of context with its immediate surroundings. The proposed development would therefore cause harm to the character and appearance of the area and fail to preserve or enhance the setting of the setting of the Bromley Town Centre Conservation Area, contrary to London Plan Policies D1, D3, D4, D7, D9 and HC1; Local Plan Policy 37, 42, 47, 48 and Site Allocation 10; Bromley Urban Design SPD and Bromley Town Centre SPD.

- 4 The proposed development, by reason of a high proportion of single aspect units offering poor outlook and daylight conditions, mutual overlooking and inadequate provision of children's play space, is reflective of an over-development of the site resulting in a compromised internal layout, which would not provide a satisfactory standard of residential accommodation. Consequently, the proposal is contrary to the provisions of London Plan Policies D3, D5, D6, D7 and S4; Local Plan Policies 4 and 37; Housing Design LPG; and Play and Informal Recreation SPG.
- 5 The proposed development, by reason of its siting, height, scale, massing and design would appear as overbearing when viewed from nearby residential properties and their external amenity spaces and would lead to an adverse loss of light and privacy, thereby harming the living conditions of the surrounding residential occupiers, contrary to Local Plan Policies 37 and 47, and Site Allocation 10 and Bromley Urban Design SPD.
- 6 Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to London Plan Policies DF1 and M1, and Local Plan Policies 125 and Bromley Planning Obligations SPD (2022) and subsequent addendums.

You are further informed that :

- 1 You are advised that London Fire Brigade raised concerns about evacuation lift arrangements; the number of evacuation and firefighting lifts; connection between residential and commercial areas; undercroft areas; ventilation systems; and electric cycle storage areas. As London Plan compliant Fire Statement was not provided, the application cannot be confirmed to be in accordance with London Plan Policies D12 and D5 in relation to fire safety.

Signed:



Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF – these include information on time limits within which to submit an appeal, which can be as short as 28 days from the decision date.

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website at www.bromley.gov.uk/planning. Through the provision of a pre-application advice service the Local Planning Authority encourages early engagement to resolve problems that can occur in relation to dealing with a planning application by providing clear guidance as to how the aims of the development plan can be achieved in a sustainable and appropriate manner in accordance with paragraphs 188 - 190 of the National Planning Policy Framework 2012.

Approvals with or without conditions, or refusals of applications for planning permission under the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Procedure) Order 2015 (as amended) and applications for Listed Building and Conservation Area Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Southern Gas Network (SGN) has asked the Council to highlight the importance of working safely near gas pipelines. The following links give clear guidance on what to do and who to contact before starting any work and how to locate pipes near to your property.

- <https://www.sgn.co.uk/damage-prevention>
- <https://www.linerearchbeforeudiq.co.uk/>

If you disagree with the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, you may appeal to The Planning Inspectorate (PINS). This is an independent Executive Agency which provides fair and impartial decisions on appeals against LPA decisions on planning consents in accordance with Section 78 of the Town and Country Planning Act 1990 and for Listed Building and Conservation Area consents in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeals must be made within 12 weeks of the Decision Notice date for householder planning applications and within 6 months for any other application. They must be submitted on a form, which is obtainable from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>. If an enforcement notice is or has been served relating to the same or substantially the same development as in your application, then the time limit to appeal will expire 28 days after the enforcement notice is served – except that you will have a minimum of 28 days to appeal after the right of appeal begins and the time limit will expire no later than it would if there were no enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (PlanningAppeals@bromley.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. See <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries> for further details.

The Secretary of State (including PINS) is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the Statutory requirements, to the provisions of the development order, and to any directions given under the order.

If planning permission, listed building or conservation area consent to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State (including PINS) on appeal, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Bromley a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Part VI Chapter 1 of the Town and Country Planning Act 1990 or in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission or consent is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 and in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Applications for Express Consent under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007

If you disagree with the decision of the local planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, you may by notice served within 8 weeks of the receipt of this notice, or such longer period as the Secretary of State may agree, appeal to the Planning Inspectorate in accordance with the provision of Part 3 Section 17 of The Town and Country Planning (Control of Advertisements) Regulations 2007. Forms are available from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>

Town and Country Planning Act 1990 (as amended). A Certificate of Lawfulness for an existing proposed use or development

If you are aggrieved by a refusal to grant, a Certificate of Lawfulness, you may appeal to the Planning Inspectorate under Section 195 and 196 of the Town and Country Planning Act 1990 (as amended).

AN IMPORTANT FOOTNOTE

Permission or approval referred to overleaf is confined to permission under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, the Town and Country Planning General Development Order 2015 as amended, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and does not obviate the necessity of compliance with any other enactment, by law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, Building Regulation, consent, approval or authorisation which may be required.

You are reminded that the Borough Council's permission does not modify or affect any personal or restrictive covenants, easement, etc., applying to or affecting either this or any other land or the rights of any persons (including the London Borough of Bromley Council) entitled to the benefits thereof or holding an interest in the property concerned in this development or in any adjoining property.

If the Council has approved your application, it can be challenged by judicial review within 6 weeks of the approval date.

ACCESS FOR PEOPLE WITH DISABILITIES

Your attention is drawn to British Standard and Government advice concerning means of access for people with a disability. This advice applies to educational, recreational and retail premises as well as office, factories and business premises.

Appendix 2: Committee Report

Committee Date	30 th November 2023	
Address	2-4 Ringers Road and 5 Ethelbert Road Bromley BR1 1HT	
Application number	21/05585/FULL1	Officer Agnieszka Nowak-John
Ward	Bromley Town	
Proposal (Summary)	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).	
Applicant	Agent	
Ringers Road Properties Ltd	Mr Mark Batchelor 4TY Planning Gainsborough House 59-60 Thames Street Windsor SL4 1TX	
Reason for referral to committee	21+ dwellings in housing site allocation	Councillor call in No

RECOMMENDATION	<u>Planning Permission be Refused</u>
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Summary

<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Area of deficiency in access to nature • Archaeological Priority Area • Bromley Town Centre (Metropolitan) • Site 10 Local Plan Allocation
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Land use Details		
	Use Class	Floor space (GIA sqm) / number of residential units
Existing	Class E/ sui generis	1103
	Residential (Class C3)	6 units
Proposed	Class E	413
	Residential (Class C3)	94 units

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	32	29	0	0	61
Affordable (shared ownership)	7	6	0	0	13
Affordable (social rent)	11	9	0	0	20
Total	53	41	0	0	94

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	6 (informal)	0	-6
Disabled car spaces	n/a	2	+2
Cycle	n/a	201	+201

Electric car charging points	0
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Representation summary	Neighbour letters were originally sent on 25.02.2022 to 214 neighbouring addresses. A press advert was published in News Shopper on 09.03.2022.	
	A further round of neighbourhood consultation letters were sent on 10.07.2023. A site notice was also displayed on 12.07.2023 and a press advert was published in News Shopper on 19.07.2023.	
Total number of responses		107
Number in support		1
Number of objections		104
Number of neutral comments		2

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset payment (total)	£77,493	TBC
Children Playspace	£17,292.24	TBC
Affordable housing: 35% (20 SLR and 13 SO)	NA	TBC
Early-stage affordable housing viability review	NA	TBC
Loss of income (P&D parking bays)	£190,240	TBC
Value of the tree to be lost using 'i-tree' or 'CAVAT'	TBC	TBC
Removal of rights for resident's permit	NA	TBC
Legible London	£22,000	TBC
Healthy Streets	TBC	TBC
Obligation monitoring fee	£500 per head of term	TBC
Total	TBC	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle to redevelop this small, brownfield site in a highly accessible, metropolitan town centre location with a residential led, mixed use scheme is supported from a land use perspective. The site falls within a designated opportunity area in the London Plan and forms part of the housing allocation Site 10 in the Bromley Local Plan.
- The Council does not currently have a 5 year housing land supply. This application would deliver 94 (88 net gain) new residential dwellings including 35% provision of affordable housing, and would therefore

represent a significant contribution to the supply of housing within the Borough.

- The application demonstrates that the traffic and parking demand generated by the development would not have a significant impact on local highways infrastructure or road safety. Adequate sustainability measures would be incorporated achieving the required carbon reduction without causing unduly harmful environmental impacts and potential significant biodiversity improvements are acknowledged. Environmental matters such as air quality, contamination and light pollution would be subject to appropriate conditions if the application was deemed acceptable overall.
- The design, layout, massing, and density proposed is considered to be an excessive and over intensive form of development that fails to respond appropriately to the characteristics or constraints of the site and would prejudice the future development potential of the wider site allocation.
- The over-dominant scale and massing of the proposed buildings would visually compete with the modest market town character of the adjacent Bromley Town Centre Conservation Area, resulting in less than substantial harm to its setting under the NPPF definition.
- The proposed residential accommodation would result in a poor standard of living conditions for future residents, particularly with regard to outlook/aspect and daylighting conditions (typically in respect of affordable and wheelchair accessible units), as well as privacy and playspace provision. The proposal would also harm the amenities of the existing neighbouring occupiers in terms of overbearingness, overlooking and loss of light.
- The applicant has failed to provide a financial viability assessment to confirm if the scheme can support more affordable housing than what is offered. Therefore, on the basis of insufficient information, being the lack of a FVA, the application would fail to demonstrate that it would maximise the delivery of affordable housing. Additionally, the proposed housing mix due to lack of larger family size homes, would not address an identified housing need in the Borough.
- The proposed drainage strategy based on the proposed discharge rate of 5l/s in a densely urbanised area with known lack of capacity of main river downstream is considered unacceptable.
- The benefits arising from this development are not considered to outweigh the harm it would cause.

1. LOCATION

- 1.1 The 0.1ha site is located at 2-4 Ringers Road, Bromley and is bordered to the north by Ethelbert Road, to the east by the Salvation Army Church and 64 The High Street, to the south by Ringers Road and to the west by Simpsons Place and residential properties off Ethelbert Road. The site slopes downwards towards both Bromley South station and the Church House gardens.

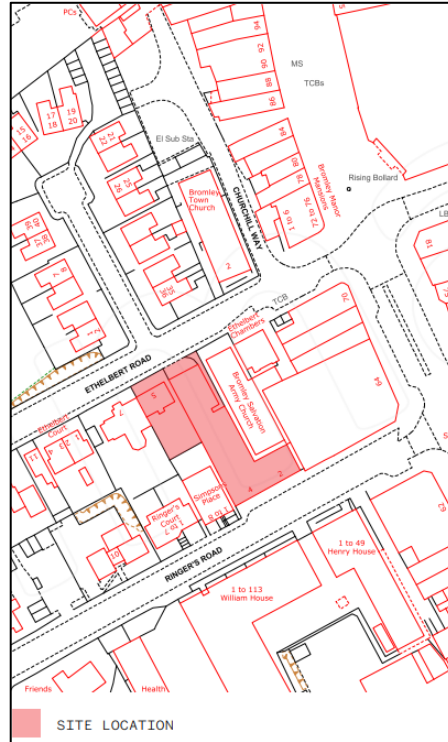


Fig.1 Site Location Plan

- 1.2 The southern section of the site is currently in use as a restaurant / bar (Smoque) which provides 150 covers, while the northern aspect of the site provides 6 studio apartments together with 185sqm of D2 uses which were previously occupied by Double K boxing gym but has more recently been used as a photography studio.
- 1.3 The surrounding area is characterised by both residential development and commercial development including a two-storey detached house adjoining the site at 7 Ethelbert Road and two-storey semi-detached properties to the north of the site in Ethelbert Close.
- 1.4 Adjoining the site to the east is the Salvation Army church and to the south of the site along Ringers Road are a number of purpose-built blocks of flats (4 to 11 storeys high). Further to the east fronting the high street are commercial buildings with some residential uses at upper floors, ranging from 2 to 4 storeys high.
- 1.5 The application site forms part of Site Allocation 10 'West of Bromley High Street and land at Bromley South' (4.54 hectares in total) in the Local Plan for mixed uses including 1,230 homes, offices, retail and transport interchange. The site is also within Bromley (Metropolitan)

town centre, the boundary of which extends into Ethelbert Close and along Ethelbert Road to the west.

- 1.6 There are no statutorily or locally listed buildings within or close to the site and it is not within a conservation area. The boundary of the Bromley Town Centre Conservation Area is located approximately 50 metres to the north-east, at the junction of Ethelbert Road and Churchill Way.



Fig. 2 Site Photographs.

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

1.11 On Ringer's Road, a coach stand lies directly adjacent to the site, with a bus stop and stand immediately to the east of this, close to its junction with the High Street.

2. PROPOSAL

2.1 The proposal is for the demolition of existing buildings, including No.5 Ethelbert Rd, and the construction of two buildings to provide 94 residential units, with ancillary residential and commercial uses on the lower floors.

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

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

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

2.4 The scheme would provide a total of 413sqm of Class E use floorspace in Block B, of which 257sqm was annotated as office use at the lower ground and ground floor, and 156sqm as general commercial located over ground and first floor levels.

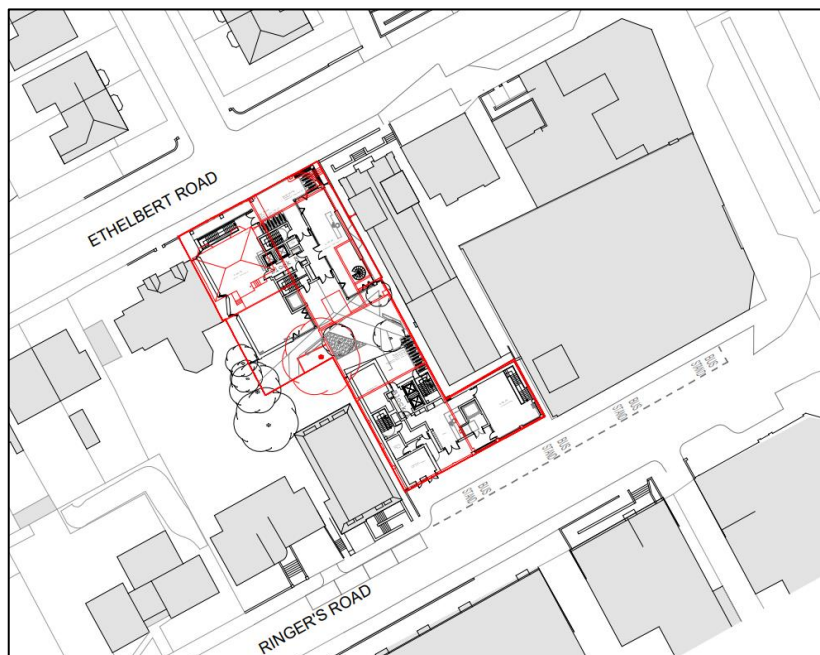


Fig.3 Proposed Ground Floor Plan.

- 2.5 With the exception of the disabled car parking space and accessible car club space which would be provided along the site frontage on Ethelbert Road, the proposals would be car-free as such no vehicle accesses to the site would be provided.
- 2.6 The affordable housing provision would comprise of 33 units (35%), of which 20 would be social rented and 13 shared ownership units.
- 2.7 The affordable housing provision would comprise of 33 units (35%), of which 20 would be social rented and 13 shared ownership units.

Amendments

- 2.8 On 14th February 2023 the Greater London Authority (GLA) announced, with immediate effect, that all planning applications for residential buildings over 30 metres in height must include at least two staircases to be considered by the Mayor of London for approval. Across the course of the application, there have also been changes to BRE daylight and sunlight standards and the GLA's energy guidance. As such the proposal has been revised to accommodate the updated requirements.
- 2.9 The originally submitted scheme has been revised by the submission dated 17th May 2023 and publicly re-consulted. In summary, the following amendments have been made:
- Incorporation of a second stair into Block A and Block B
 - Revisions to the proposed mix of units
 - Internal layout
 - Elevational changes:
 - A double height co-working lounge has been introduced with more glazing facing the street (Block A)
 - Addition of openable windows in the side elevation of Block A
 - Enlargement of the areas of glazing and bay windows in both Blocks
 - Introduction of a solid panel introduced to reduce overheating.
 - Changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road resulting in the removal of three bays on Ethelbert Road to provide a car club, disabled bay and enhanced servicing, and the removal of one bay on Ringers Road to provide an enhanced servicing area.





Fig.4 CGIs of the Proposal.

3. RELEVANT PLANNING HISTORY

2-4 Ringers Road

- 3.1 There is a long history of applications related to the ground floor of 2-4 Ringer's Road which was granted planning permission for the change of use from retail to restaurant/bar under application ref.87/03705.
- 3.2 Permission was granted for the change of use of first and second floors to a manager's three bedroom flat under application ref.93/01999.
- 3.3 Planning permission was granted for a gym at part of the ground floor and part of the first floor (use Class D2) on 30.05.2017 under ref.17/00004.

Neighbouring sites

Churchill Quarter

- 3.4 18/02181/FULL1 –Demolition of 1-40 Ethelbert Close, 2 Ethelbert Road, 102-108 High Street, and buildings to the north of Ethelbert Close, and redevelopment with a mixed use scheme of 407 homes and ground floor non-residential uses in buildings of up to 16 storeys, later amended to 14 storeys. The application was withdrawn (finally disposed).

66-70 High Street

- 3.5 19/04588/FULL1 – Demolition of existing buildings (No.66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area. The application was REFUSED on 26th April 2021 for two

reasons: the first being its scale, bulk, massing, materials and design would appear overly dominant and out of keeping with the immediate surroundings, and would be harmful to Bromley Town Centre Conservation Area and the surrounding area; and the second being that the introduction of an isolated tall building would represent a piecemeal and incongruous development that fails to fully follow a plan-led approach. The application was subsequently appealed and allowed.

- 3.6 21/03231/FULL1 – Demolition of existing buildings (66-70 High Street) and erection of a part 13 and part 16 storey building to provide 559 sqm retail floorspace (Use Class Ea) and 68 residential units with associated disabled car parking spaces, cycle parking and refuse storage area. The application was appealed against non-determination and subsequently dismissed.

Design Review Panel held on 15th April 2021

- 3.7 As part of the pre-application process, the scheme underwent an independent Design Review Panel process organised by Design South East. The scheme presented was similar to the current application. In their report dated 29th April 2021 the panel made the following key recommendations:

1. Reconsider the height and scale whilst providing a narrative for a tall residential building.
2. Study the topography and residential context further so that the sloped site assists with a sensitive transition from commercial high street uses towards residential uses.
3. Consider changing scenarios over time ranging from the Salvation Army building remaining for the foreseeable future to complete renewal of all adjacent buildings – and ensure the proposal works equally well irrespectively.
4. Produce an environmental strategy and ensure sustainability principles are embedded in the design proposals.
5. Create a community or civic offer at ground floor level, potentially in connection to the Salvation Army, informed by meaningful engagement with local stakeholders and the council.
6. Introduce generous communal and play spaces, that will make living in this development enjoyable. Greater consideration should be given to how people will meet their neighbours and form a community.

4. CONSULTATION SUMMARY

a) Statutory

- 4.1 **Greater London Authority (GLA) – Whilst the proposal is supported in principle, the application does not yet comply with the London Plan but the possible remedies, as set out in the GLAs full report,**

could address these deficiencies (a copy of the GLAs full report is attached at Appendix 1).

- **Land use principles:** The principle of intensified residential use, with an element of non-residential space, is supported on this under-utilised, Opportunity Area, town centre site; however, this is subject to addressing agent of change, design, and residential quality concerns. Affordable workspace is strongly supported and should be appropriately secured.
- **Housing and affordable housing:** 35% (habitable room) affordable housing (60% affordable rent and 40% intermediate). Subject to confirmation of the tenures of existing homes on the site and those proposed, which must meet affordability requirements, meeting all other policy requirements and obligations, and confirmation that grant funding has been investigated; the affordable housing proposed may be eligible to follow the fast track viability route. Family-sized housing should be provided. Door-step play provision is required as a minimum.
- **Urban design and historic environment:** The buildings are located in an area identified as potentially suitable for tall buildings in the Local Plan; however, significant concerns are raised with the design, layout, massing, and density of the proposals, as well as the consequent deliverability of adjacent sites through a masterplan approach. The proposals are considered to be over-development of the very restricted site. Further views analysis is required before GLA officers can confirm if any harm would be caused to the nearby Conservation Area. A revised fire statement is required.
- **Transport:** Concerns are raised about adverse impacts on the adjacent coach/bus stands/stop during both construction and operation. Contributions to Healthy Streets improvements and Legible London signage are required.
- **Climate change and environment:** Further information is required on energy, whole life carbon, circular economy, green infrastructure, water related matters, and air quality.

4.2 Transport for London – Additional information required

1. The site of the proposed development is approximately 340m from the A21 Kentish Way, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

2. The site has a Public Transport Access Level (PTAL) of 6b, on a scale ranging from 0 to 6b where 6b represents the greatest level of access to public transport services.
3. TfL understands that the proposal entails the construction of one 14 storey and one 12 storey building comprising of 94 residential units (50 x 1 bed, 44 x 2 bed) and 510sqm of flexible use floorspace (assumed that 156sqm will be a café and 354sqm will be flexible co-working office space for residents).
4. It is supported that a parking permit restriction will now be conditioned within a S106 Agreement to remove the ability of future residents obtaining on-street parking permits in the existing CPZ area.
5. It remains that the two BB spaces should be provided with access to Electric Vehicle Charging (EVC) from the outset. The EVC facilities should not obstruct the footway.
6. Despite the revised residential unit split and flexible floorspace sizes, the cycle parking provision still exceeds minimum London Plan standards, which is supported. It is understood that 181 long-stay and 20 short stay spaces will be provided, which should be located in a secure, sheltered and accessible location, and should meet design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS).
7. It is acknowledged that 5% of the long-stay cycle parking spaces will be provided as enlarged Sheffield stands in line with the LCDS. However, at least 20% of the cycle parking spaces should also be provided as Sheffield stands to comply with the LCDS.
8. It remains that Bromley council should secure a contribution towards Healthy Streets improvements towards some of the deficiencies as identified in the ATZ assessment in the TA, ideally complementing already-planned improvements and/or pooled with other s106 contributions from recently approved developments nearby.
9. It also remains that funding for a Legible London sign/local sign refresh should be secured. £22,000 would allow for one new sign adjacent to the site on each frontage to be provided, and a refresh of other town centre Legible London sign maps.
10. It is supported that all delivery and servicing activity is now proposed to be undertaken from Ethelbert Road, thus negating any impact on the coach and bus stands/stop on Ringer's Road. This will be facilitated through the removal of one parking bay on Ethelbert Road to ensure that a single yellow line in excess of 12m is provided.
11. Notwithstanding the above, it is understood that the existing coach bay has already been converted into parking bays and therefore TfL has no plans to utilise this area. It does however remain that the existing single

yellow line at the bus stands and stop should be converted to double yellow lines to prevent residents and their visitors from parking there. Protection of the bus stand is vital during the works and beyond. Although TfL would prefer coach parking retained over car parking, we acknowledge that it is a borough road and therefore a decision for the council. We would however expect that the bus stand remains accessible for buses. The applicant is proposing to remove and relocate one of these parking bays to provide an extended single yellow line section that could also be used for deliveries and servicing at the site. We question the need for this, as it seems to contradict the assertion mentioned above that delivery and servicing would take place from Ethelbert Road. However, this would again be a decision for the Council and we would once again emphasise that any changes on Ringers Road should not impact on the bus stand, or ability of buses to access the stands.

12. During construction works, it is supported that all deliveries will now use the single yellow line located on Ethelbert Road and proposals for loading/unloading on Ringer's Road have been removed.
13. It remains that the Delivery and Servicing Plan (DSP) and Construction Logistics Plan (CLP) should be secured by condition, for approval by the council, should planning permission be granted. Given the proximity to the bus stand, we request that TfL is consulted on the draft DSP and CLP prior to the discharge of these conditions.
14. Given the adjacency of the development to coach and bus stands/stops, it remains that suitable noise insulation measures for habitable rooms on the Ringer's Road frontage should be provided. In addition, the developer should be required in any permission to advise the incoming residents of the proximity of the coach and bus stands/stop which could operate 24/7, and of their need to comply with the agreed mitigation measures.
15. With regard to the framework residential Travel Plan (TP), TfL has the following comments:
 - a) It is understood that a Travel Plan Coordinator (TPC) will be appointed prior to occupation and they will be responsible for the implementation, administration and monitoring of the TP.
 - b) It is acknowledged that that initial travel surveys will be undertaken within six months of first occupancy and further surveys will take place in Years 1, 3 and 5, following occupation of the units. Revised targets and actions will be proposed if necessary.
 - c) The aims and objectives of the TP are largely acceptable. However it is noted that one of the objectives is to promote the use of alternative modes of travel to single occupancy car travel,

yet the car driving mode share is not proposed to be reduced. This should be explained and addressed.

- d) The estimated baseline modal split suggests that 91.5% of the proposed development trips could be travelling by walking, cycling and public transport from the outset. However, the TP targets suggest that this mode share will remain at 91.5% by Year 5. Given this site is highly accessible by foot, cycle and public transport, the TP should aspire to increase the sustainable and active mode share to over 95%, acknowledging that BB holders may be less likely to travel by active or sustainable modes.
- e) It is understood that there are targets for cycling trips to be increased from 1.9% to 2.6% by Year 3 and 3.2% by Year 5. A cycling mode share target of 3.2% after 5 years is reasonable, given the very low cycle mode share in the borough, but this should be supported with detailed and effective actions to try to exceed this, given that the London Plan identifies the town centre/opportunity area as a location for higher cycle parking standards than the rest of the borough. Promotion of/support for E-bikes could be particularly fruitful, given the hilly nature of the town centre.
- f) Notwithstanding the above, the targets to increase walking trips from 12.6% to 16.9% by Year 3 and 21.3% by Year 5 are supported.
- g) The proposed measures include the provision of a 'Welcome Pack' and notice boards, promotion of local walking groups, establishment of pedometer / walking challenges between residents, promotion of local cycling groups and Dr Bike events, holding of 'Travel Plan days' to promote the plan, holding of sustainable travel weeks and competitions, and introduction of a further targeted Personalised Travel Planning programme, are acknowledged.
- h) It is understood that the applicant will fund the initial implementation of the TP for the initial five-year period. This will include the implementation of TP measures and initiatives, the monitoring of the TP and the funding of the TPC role. It is requested that the applicant confirms how much funding is being allocated to each measure.
- i) The TP should be secured by condition.

16. All vehicles associated with the works must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

TfL requests additional information to address points 5, 6, 8, 9, 10, 12, 14, 15 and 16(c, d, e, h, i) prior to being supportive of the planning application.

4.3 Health and Safety Executive

- 30th March 2022

Advice to LPA: Significant Concern

- 1.1 It is noted that the above application relates to two mixed-use buildings comprising residential and commercial uses, with respective storey heights of 43m and 36.7m. The residential elements of each building will be served by single staircases, which constitute the only escape stairs and only firefighting stairs.

Means of escape

- 1.2 Drawings show that the single staircases in both buildings A and B descend to the basements. The basements in both buildings contain ancillary accommodation and places of special fire hazard such as plant rooms, electrical switch rooms, refuse stores and electric cycle stores.
- 1.3 Where a staircase forms part of the only escape route from a flat it should not continue down to a basement; and should not serve a place of special fire hazard. It is noted that a ground floor drawing appended to the fire statement contains the comment 'A subdividing door should be provided to sperate the basement leg of the stair from the upper floors'. However, this solution (the provision of a subdividing door) is acceptable only in buildings below 11m high.
- 1.4 When this matter is assessed during later regulatory stages, any necessary design changes will require reconfiguration of the plans presented to the LPA in order to ensure that fire safety precautions are sufficient. This will affect land use planning considerations such as layout and appearance of the development.
- 1.5 Drawings show that the lifts in both buildings A and B descend to the basement levels. A lift should not be continued down to serve any basement if it is in a building, or part of a building, served by only one escape stair. Again, when this matter is subject to later regulatory consideration, any necessary design changes will require reconfiguration of the plans presented to the LPA; and may affect land use planning considerations such as layout and appearance of the development
- 1.6 Drawings show the single staircase in building B serving both residential and commercial uses. Any stair serving a dwelling within a mixed-use development should not communicate with any other occupancy. When this matter is subject to later regulatory stages, design changes necessary to provide separate escape routes may affect land use

planning considerations such as the appearance and layout of the development.

- 1.7 The building A ground floor plan drawing shows the single staircase serving places of special fire hazard, including a plant room and an electrical intake room. Where a staircase is part of the only escape route from a flat, it should not also serve a place of special fire hazard. When this matter is subject to later regulatory stages, design changes necessary to provide separated access to these areas may affect land use planning considerations such as the appearance and layout of the development.

External fire spread

- 1.8 The building B first floor plan drawing shows the external window of the commercial use immediately adjacent, and at right angles to, the window of the escape route. This proximity and angle may allow the spread of fire from the commercial use to the residential escape route. When this matter is assessed during later regulatory stages, any necessary design changes may affect land use planning considerations such as the external appearance of this area of the development.
- 1.9 The building B ground floor plan drawing shows the access door to the single staircase immediately adjacent, and at right angles, to a platform lift serving the basement electric cycle store. This proximity and angle may allow fire spread from the basement immediately adjacent to the door to the single escape staircase. This could be exacerbated by the fire risks associated with electric and lithium battery powered cycle fires (including the difficulty in extinguishing such lithium battery fires). When this matter is subject to later regulatory stages, design changes necessary to provide separated access to these areas may affect land use planning considerations such as the external appearance and layout of the development.
- 1.10 The building A ground floor drawing shows space for electric cycle spaces next to the fire exit from the single stair, and immediately in front of a window. Given the fire risks associated with electric/lithium battery cycles, this proximity may allow the spread of fire or smoke to the escape route. Likewise, the building B ground floor drawing shows electric cycles spaces next to the doors to the commercial use. Again, this proximity may allow the spread of fire or smoke into the building. When this matter is subject to later regulatory stages, any necessary design changes may affect land use planning considerations such as landscaping and the external appearance of the development.

Fire service access

- 1.11 Building B drawings show that the only means of fire service access to the first floor of the commercial use (marked C.00.02 on the ground floor drawing) is via a spiral staircase. Manoeuvring a charged fire hose

around a spiral staircase may prove very difficult and could hinder firefighters accessing to the first floor, to extinguish a fire. When this matter is subject to later regulatory stages, any necessary design changes necessary to provide an alternative means of accessing the first floor may affect land use planning considerations such as the external appearance of the development.

- 28th July 2023 (Re-consultation)

Scope of consultation

- 1.1 The above application relates to two mixed-use buildings comprising residential and commercial uses, with respective storey heights of 43m and 36.7m.
- 1.2 The fire statement states that the adopted fire safety design standards are British Standard 9991 and Approved Document B. HSE have assessed the application accordingly. Previous consultation 1.3. HSE issued a substantive response (significant concern) dated 30/03/2022 in relation to a consultation received on 09/03/2022.
- 1.4 A further consultation was received on 23/11/2022 and a substantive response (significant concern) was issued on 12/12/2022.

Current consultation

- 1.5 The current consultation was received on 11/07/2023 providing an updated fire statement form and making revised drawings available on the planning register. For the avoidance of doubt, this substantive response is in relation to the information received with the consultation of 11/07/2023.
 - 1.6 Following a review of the information provided with this consultation, HSE is content with the fire safety design, to the extent that it affects land use planning.
- 2 Supplementary information

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

- 2.1 The design and access statement addendum states "A second stair has been introduced to both blocks for Fire escape provision". This is noted and welcomed and will also be subject to later regulatory assessment.
- 2.2 The previous substantive response contained a concern relating to the proximity of the platform lift to the block B staircase and the potential for fire spread from the basement to the means of escape. Revised drawings appear to show the division of this staircase into stairs

ascending from basement to ground, and stairs ascending from ground to upper floors. The platform lift is shown adjacent to the stairs ascending to upper floors. Whilst this does not remove the risk of fire spread from the basement to the means of escape from upper floors, the resolution of this matter is unlikely to affect land use planning considerations. This will be subject to subsequent regulatory assessment.

- 2.3 The previous substantive response contained a concern relating to the proximity of cycle stores to ground floor windows in buildings A and B, and the potential for fire spread from electric cycles to the building. It is noted that the cycle stores have been removed from this location. It will be for the applicant to demonstrate the suitability of charging locations at subsequent regulatory stages.
- 2.4 The previous substantive response contained a concern relating to fire service access to the building B first floor commercial areas being solely by a spiral staircase. In relation to this issue, the Design and Access Statement Addendum states: "The fire brigade will no longer need to use the spiral staircase. A fire door been provided on the first floor of the commercial space which allows access from the main fire stair."
- 2.5 This is noted. However, the adopted fire safety design standard, BS9991, states: "Any stair serving a dwelling within a mixed-use development should not communicate with any other occupancy". Accordingly, the connection between the commercial and residential staircase is not appropriate. In this instance, however, the resolution of this matter may be possible without affecting land use planning considerations. It will be for the applicant to demonstrate the suitability of fire service access at subsequent regulatory stages.

4.4 London Fire Brigade – Raise concerns

Evacuation Lifts

We note that evacuation lift(s) have been included in the design but are proposed to be accessed via the common corridor without the protection of a dedicated lobby. We question why further consideration has not been given to ensuring that any occupants waiting for the lift are provided a protected space to do so. Evacuation lifts should be protected by a dedicated lift lobby that acts as a refuge for occupants who may choose to evacuate at any time. The lobby should be afforded the same level of protection as the staircase(s), and therefore be designed to prevent the ingress of smoke at any time. That requires both suitable fire protection in the form of walls, doors, and ceilings/floors and an appropriate smoke control system. Residential corridors can be expected to be untenable for a period during the time when persons are escaping and untenable for anyone apart from attending fire crews during firefighting operations. Therefore, typical residential corridors are inappropriate for a refuge area for those using the evacuation lifts.

The safe egress of all potential occupants is required and proposing an evacuation lift without protection measures to enable it to be safely used is not appropriate in our opinion. Design teams and developers should be planning for the new requirements under the Building Safety Act for in scope buildings once occupied, including the need to provide a safety case review. The design as currently proposed will, in our view, have implications on those responsible for demonstrating the ongoing safety in the building. We therefore assume that you as the approving authority will ensure that the above detail is considered and all building users will be provided with provisions to support their safe and dignified evacuation, if they need to, or chose to, leave during a fire.

Number of evacuation and firefighting lifts

The premise of a 'stay put' evacuation strategy is that occupants may need to, or chose to, leave their demise at any stage of a fire and an appropriate method for vertical evacuation for all building users should be available for this duration. It is not acceptable in our view to rely on a facility needed for both the ongoing evacuation of occupants and the functional uses of firefighters simultaneously, as it is likely that the fire brigade will take control of the lift on their arrival, resulting in an inappropriate evacuation provision for the occupants.

A sufficient number of lifts should therefore be available at all times for both firefighters use and occupant evacuation. This number should also include a redundancy to ensure that there is at least one lift still available for use from all areas of the building, in the event of the lift being out of service (e.g., as a result of breakdown or maintenance). A hybrid lift may be suitable to compensate for this eventuality. We assume that you as the approving authority will ensure that an acceptable number of lifts are provided, for both firefighters use and occupant evacuation.

Connection between residential areas and commercial areas

We note in the Design and Access Addendum there is mention of the provision of access to the firefighting stair from the first floor of the commercial space, so that firefighters are not required to use the spiral stair. This staircase travels up and serves the residential floors. As stated in the HSE response, this is not in accordance with Clause 31 of BS 9991:2015. We assume further consideration will be given to this matter, and further information will be provided regarding this matter at the Building Regulations consultation stage.

Undercroft Areas

We note that due to the building structure, there are undercroft areas surrounding the building. We highlight that cars should not be parked close to the final exit, and the external wall system should not propagate fire spread from a car fire below the undercroft.

Ventilation systems

We note the provision of a protected lobby to the electrical intake cupboard provided within the southwestern stair. We expect there to be ventilation provided to this lobby in accordance with BS 9991:2015 Clause 14.1.6.

Electric Cycle storage areas

The proposals include a cycle storage area with areas specifically designated for electric bikes. It is our opinion that consideration is given to the storage (and potential charging) of electric bikes and electric scooters and the potential fire risk posed by these electric powered personal vehicles (EPPV)s which may be located within these areas. There is increasing evidence showing that EPPVs can spontaneously ignite and burn for long periods so there is an increased potential for toxic gases/smoke/fire spread. It is therefore our recommendation that adequate automatic fire suppression and smoke control systems for the area are necessary. As such storage would be deemed an ancillary area, we are also of the view that it should be provided with a ventilated lobby in accordance with the recommendations given in clause 32 of BS 9991:2015.

4.5 Thames Water – No Objections Subject to Conditions

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to

Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Surface water capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development” The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Supplementary Comments

Wastewater: Due to proximity of River Ravensbourne and seepage risk into basements and drainage, any private drainage should be built to a high standard to guard against infiltration. If existing groundwater conditions change the surface water drainage design, please incorporate those during re-consultation. No updated drainage documents, so previous comments still relevant. Management of surface water from the site should follow London Plan Policy SI 13 Sustainable drainage, subsection B (the drainage hierarchy), development should 'aim to achieve greenfield run-off rates' utilising Sustainable Drainage and where this is not possible information explaining why it is not possible should be provided to both the LLFA and Thames Water. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows; Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer. Thames Water will have no objection to the SW discharge location if flows are reduced to lowest practical levels (1-2 l/s) in line with the London Plan, as 5 l/s is no longer the standard minimum achievable flow rates and lower flow rates of 1-2 l/s are possible. For foul water, the body of the report does not detail foul water plans, but the proposal in the pre-planning enquiry for proposed discharge by gravity into MH 2808 for 55 units on Ringer's Road and into MH 2910 for 53 units on Ethelbert Road is still acceptable. Slight reduction in unit numbers to 45 units for Block A and 49 units for Block B are acceptable.

Any changes to this proposal will require re-evaluation.

b) Local groups

- **APCA - Objection**

The development is overwhelmingly out of scale, incongruous and does not have regard to the desirability of preserving or enhancing the character or appearance of the immediately adjacent Conservation Area (CA). It is also harmful to important views from the west in the (CA) i.e. Queens Mead and

Shortlands Village CA. We note the main building is shown as designed with a huge blank wall facing the High Street which could never be acceptable and is obviously anticipating approval at appeal of the adjacent 70 High Street development proposals which would sit in front. Our objections are the same as those for the immediately 70 High Street which was refused and is currently subject to appeals.

We see that the applicant seeks approval based upon the draft, but never adopted, Master Plan for site G/10 and the adjacent Churchill Quarter (CQ) proposal both of which were objected to by Historic England and other important bodies. The CQ development is subject to amendment as yet not submitted as an application.

Apart from the harm to the setting of the Conservation Area, a designated heritage Asset, any consideration of this application for 2-4 Ringers Road is obviously premature until the outcome of the pending appeals on 70 High Street are known. It is also premature in the absence of the awaited Town Centre Supplementary Planning Guidance Consultation and design code which is expected to take full account of the adjacent conservation area considerations. Having been submitted in advance of any of these other considerations it is a stand - alone application and unacceptable for the reason stated above in para 1.

- **Shortlands Residents' Association - Objection**

10th March 2022

1. The two proposed blocks of 14 and 12 storeys in such a confined area will provide an overwhelming massing very close to the town centre. Policies 4, 8 and 37, Bromley Local Plan.
2. In particular the space between the two blocks will be wholly inadequate and the blocks will be out of all proportion to neighbouring buildings, for example the Salvation Army building which will be immediately adjacent. Above policies repeated.
3. Because of the height of these buildings they will be excessively prominent and visible from considerable distances, for example from the Recreation Ground and almost anywhere in Shortlands. To permit this development would be inconsistent with the refusals of proposed development of the Westmoreland Road/Sandford Road former DSS site.
4. There is no indication how this development would link with the proposed Site G plans to provide any kind of consistency and suggestion of an overall concept. What is proposed does not appear to comply with paragraph 2.1.56 of the supporting text to Policy 4, Housing Design, of the Local Plan. 'Good urban design including space around and between buildings and their landscaping must contribute to the quality of the built environment. In major development proposals a design statement... should provide sufficient

illustrations to demonstrate the relationship of the development to its wider surroundings'.

5. There is no indication of what infrastructure will be needed and how such infrastructure will be provided given that the proposals allow for 94 residential units, working space and commercial space. Save for two disabled parking spaces there are no proposals for parking spaces which is unrealistic. It is equally unrealistic that there would be 250 people who will cycle to and from these buildings, as is proposed.

6. Given the location it is unclear how service and delivery buildings will be accommodated. It is likely that there will be unacceptable congestion and blockages on Ringers and Ethelbert Roads.

20th December 2022

These are the further objections of the Shortlands Residents' Association:

1. The redesign of the buildings is an attempt to allow for better sunlight access and to avoid overshadowing. As we understand the drawings and the statements there is an increase in glazing and a reduction in balconies.

2. No doubt this will improve upon the original design in terms of allowing light into the buildings but on the developers own analysis there still remain significant issues with some of the flats.

3. The fundamental problem is the proximity of 2 tall blocks in a very small area. This principle has not changed and the result is that we still have proposals for one 11 storey and one 13 storey building in a very small space with little amenity space and which will run the risk of overwhelming immediately adjacent properties. This will also be viewed from a considerable distance from to the detriment of the skyline.

4. One must also question the quality of the design and ask whether this adds to the appearance of the centre of Bromley and what it contributes to the adjacent conservation area.

5. We faced yet again an application for tall buildings in the absence of an overarching plan for Bromley town centre and an overall plan relating to infrastructure in every aspect in its ability to cope with 143 flats and therefore, say, some 300 people

27th July 2023

Our objection, previously submitted, remains. On considering the addendum to the Design and Access statement we note that there is a suggestion that what is proposed might link with the Churchill Gardens plans and form part of the masterplan. As we know the Churchill Gardens plans have been withdrawn and there is no masterplan, a continuing criticism from us regarding development in the centre of Bromley. Given yet another large-scale proposal for Bromley Town

Centre it seems to us absolutely crucial that a Town Centre Master Plan is devised urgently, to include all infrastructure issues, and not wait for the next Local Plan to be finalised.

- **The RSPB Bromley Local Group - Request Condition**

If Bromley Council intends to grant permission for the above planning application, we recommend you make installation of 12¹ integral swift nest bricks a planning condition, and that the proposal for these be submitted prior to the commencement of above ground works.

c) Adjoining Occupiers

- **One letter (1) of support has been received and the grounds are summarised as below:**

- We desperately need housing in the borough
- It's unfair that applications keep getting blocked with old fashioned views of how Bromley should look as tall buildings have nothing to do with areas 'being' like Croydon
- Clearly there's a group going around to each application trying to blocking tall developments - is this the opinion of the whole borough?
- There is a Town Centre planning document for this reason, highlighting where tall buildings can go. I don't understand why we are even questioning these topics.
- I hope our council doesn't lack the ambition to keep up with other London boroughs, that's equally not right for residence and no, I'm not a developer

- **One hundred and four (104) letters of objection have been received and the grounds are summarised as below:**

Policy

- The Local Plan should be reformulated to ensure any redevelopment in this entire area is proportionate and sensitive to the character of the high street. This is not the place for large numbers of residential dwellings
- Absolutely crucial that a Town Centre Master Plan is devised urgently, to include all infrastructure issues, and not wait for the next Local Plan to be finalised

Land Use

- High Street should be updated first itself by filling the empty shops not increasing the amount of residents that live there
- There is enough retail space in Bromley and empty buildings should be adapted rather than more created to go bust
- New homes will not be bringing significant new business to the town

¹ This is the number of swift bricks advised for this type of development in Murphy, B., Gunnell, K. and Williams, C. (2013) *Designing for Biodiversity: A technical guide for new and existing buildings* RIBA, London.

- The town will decline in appearance and attracting business and residents will leave
- Inadequate affordable housing. The proposal represents a financial gain
- 'Luxury' living in the very centre of Bromley is not needed
- More houses are needed in Bromley, not flats.
- Overpopulation of the site

Design (Height, scale, massing)

- Site is too compact for the scale of this development.
- Excessive and over-dominating height, scale and massing
- Any building on the slope that is Ringers Road should be lower in total -
- Out of scale and character with the rest of the local buildings
- The heights should, at most, be 5 storeys a cap at 7 storeys would provide housing whilst preserving the character of the town centre
- Out of character and scale with the surrounding townscape
- Harm to the skyline
- The density is excessive
- Premature in the absence of a Masterplan for Site 10 of which this project forms part and which requires public consultation
- The proposal does not take into account the development management standard No. 1 which concerns the space around new dwellings and flats
- Isolated applications such as this do not form a cohesive masterplan that will leave a legacy that respects the neighbourhood

Design (Appearance)

- Ugly, featureless, no redeeming aesthetic characteristics, bland without architectural merit
- An eyesore
- Already looking dated
- Characterless and sterile in appearance
- Dated tower blocks are unsafe as in the case of the Grenfell fire

Heritage and conservation

- Harm to the view of the skyline as seen from the Queens Mead Conservation Area
- Harm to the sky line as viewed from the Shortlands Valley
- These high-rises would be on top of the ridge over the Ravensbourne valley
- Overdevelopment of historic Bromley Town Centre Conservation Area
- Irreversible disfiguration of what remains of the charming and attractive historic market town centre and will destroy the soul and heart of Bromley
- Permanent alteration to the character of this historic market town
- Significant impact on the character of the conservation area
- Undermine the historic context of the area
- Loss of light to Library Gardens.
- Overshadowing of the Church House and Library Gardens

Amenity

- A right to light issue

- Loss of daylight, sunlight, privacy and outlook.
- The Daylight report does not include properties 11 and 13 Ethelbert Road
- Loss of privacy and overlooking
- Overshadowing of the surrounding properties
- Loss of light on High Street and overshadowing of local parks
- Impact on microclimate. The proposal would create wind tunnels
- Increase in crime and anti-social behaviour
- Air pollution, traffic pollution, noise pollution,
- Additional noise, pollution and dust during the long construction phase
- Noise disturbance to residents working from home
- Poor internal amenity of the proposed accommodation in terms on - sunlight and privacy and unit sizes
- Distance of at least 22 meters should be available between the windows of the 2 buildings
- The 45 degrees rule should be in place

Highway

- The proposal will take away the already the small number of resident bays
- Inadequate parking spaces. Despite being carless the proposal would increase traffic as there will be an influx of service vehicles (including for deliveries and refuse collection)
- Resulting burden on highway safety
- Inadequate servicing and delivery provisions
- At least another 5-10 parking blue badge parking spaces should be available
- Parking stress survey old and not representative
- Question whether there will be adequate access for emergency services vehicles
- Unrealistic to think that the 300+ new residents won't apply for permits to park in the nearby roads
- Major disruption during the construction

Impact on wildlife

- Adverse effects on the natural environment and wildlife

General

- Additional pressure on local infrastructure which are already oversubscribed: schools (especially primary), doctors surgeries, car parks, leisure, policing, fire brigade and ambulance provisions.
- Undue calls on local services such as drainage, sewerage, water supplies and gas and electricity supplies
- Increased prospect of long queues at bus stops and in shops, banks and supermarkets etc. which will impact on vulnerable people such as the elderly and disabled

Environmental

- Thames Water have said that there are over 40 'mis-plumbings' down the High Street around this building, that are leaking sewage into the river - the problem hardly needs the addition of all these new residents
- The building isn't as environmentally friendly as it should be, Ground source heat pumps should be used and no gas boilers
- Strain on natural resources such as the water table and managing effluent
- Increase in sewage and drainage needs to be addressed
- The over-abstraction of water may adversely affect the water table. 8. Given that there have already been sewage problems in the immediate neighbourhood, this scheme can only add to the problem
- The buildings will greatly increase abnormal airflow creating huge problems for our shoppers and stall holders

Other

- Property prices will drop
- Precedent for more tower blocks
- Will open the door to further terrible overdevelopment (Ringers Road, Maplin's)

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

- 5.1 Section 38(5) states that if to any extent a policy contained in a development plan for an area conflict with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan].
- 5.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations strongly indicate otherwise.

National Policy Framework (NPPF) 2023

- 5.3 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Practice Guidance (NPPG)

- 5.4 Relevant paragraphs are referred to in the main assessment.

The London Plan (2021)

- 5.5 The relevant policies are:

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- SD10 Strategic and local regeneration
 - D1 London's form
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive design
 - D6 Housing quality and standards
 - D7 Accessible housing
 - D8 Public Realm
 - D9 Tall Buildings
 - D11 Safety, securing and resilience to emergency
 - D12 Fire Safety
 - D13 Agent of Change
 - D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- E1 Offices
- E2 Providing suitable business space
- E3 Affordable workspace
- E9 Retail, markets and hot food takeaways
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI-1 Improving air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
 - T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.6 London Plan Supplementary Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Air Quality Neutral LPG (2023)
- Air Quality Positive LPG (2023)
- Be Seen energy monitoring LPG
- Cargo bike action plan (2023)
- Circular Economy Statements LPG
- Homes for Londoners - Affordable Housing and Viability (2017)
- Draft Affordable Housing LPG
- Draft Development Viability LPG
- Draft Digital Connectivity Infrastructure LPG
- Housing Design Standards LPG
- Housing SPG
- Energy Assessment Guidance (2022)
- Draft Fire Safety LPG (2022)
- Optimising Site Capacity: A Design-led Approach LPG
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context (2014)
- Social Infrastructure SPG (2015)
- Sustainable Transport, Walking and Cycling London Plan Guidance (2021)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Urban Greening Factor LPG (Feb 2023)
- Whole life carbon LPG

Bromley Local Plan (2019)

5.7 Relevant policies are:

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 5 Parking of Commercial vehicles
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access to services for all
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent to a Conservation Area
- 46 Ancient Monuments and Archaeology
- 47 Tall and Large Buildings
- 48 Skyline
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands

77	Landscape Quality and Character
78	Green Corridors
79	Biodiversity and Access to Nature
90	Bromley Town Centre Opportunity Area
92	Metropolitan and Major Town Centres
96	Neighbourhood Centres, Local Parades and Individual Shops
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon Reduction, Decentralised Energy Networks and Renewable Energy
125	Delivery and Implementation of the Local Plan

Bromley Supplementary Guidance

5.7 Relevant Guidance are:

- Bromley Town Centre (October 2023)
- Planning Obligations (2022)
- Urban Design Guide (2023)
- Affordable Housing (2008) and subsequent addendums

Bromley Town Centre Area Action Plan

5.8 The AAP is an extant Development Plan Document, but its weight is very limited given its age and the fact that it has been superseded by the adoption of the Local Plan and London Plan. The London Plan sets out a design-led approach and detailed criteria to assess tall buildings; this would supersede any potential tall building locations identified in the AAP. Upon adoption of the Bromley Town Centre SPD, LBB intends to write to the Secretary of State for Levelling Up, Housing and Communities to request that the Bromley Town Centre AAP is revoked.

The Draft Site 10 Masterplan

5.9 Although a draft Masterplan was published for consultation, the document has not been adopted and does not form part of Bromley's Development Plan. It is not considered to be a relevant material consideration for the purposes of assessing this application.

6. Assessment

6.1 Principle of development

Opportunity Area/Local Plan Allocation / Masterplan - Acceptable

6.1.1 London Plan Policy SD1 supports the growth potential of Opportunity Areas and Table 2.1 gives an indicative capacity of 2,500 new homes and 2,000 jobs in the Bromley Opportunity Area.

6.1.2 The application site comprises Bromley Local Plan (2019) Housing Allocation Site 10 – West of Bromley High Street and land at Bromley South. It is one of 14 Housing Site Allocations set out in Policy 1 of the Local Plan which form a large part of the Council's planned housing supply over the life of the Local Plan.

6.1.3 The site policy expects redevelopment of the 4.54 hectares site for mixed use, including 1230 residential units, offices, retail and transport interchange (Fig.5). Proposals for this site will be expected to:

- Incorporate a sensitive design which respects 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.
- 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.

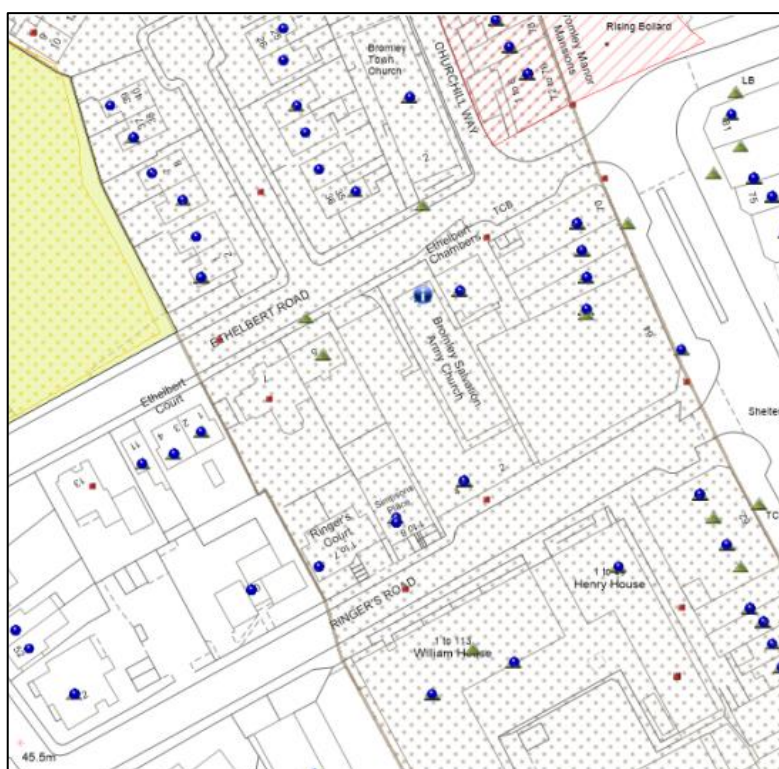


Fig.5 Extract from Proposals Map showing part of Site 10.

- 6.1.4 The proposal to redevelop this small and sustainable, yet underutilised brownfield site in a highly accessible, metropolitan town centre location with a residential led, mixed use scheme would make the best use of Bromley's limited brownfield land. The proposed development is supported, in principle, from a land use perspective.
- 6.1.5 Notwithstanding the above, in line with the allocation, individual sites within the Site 10 boundary need to be considered holistically. It is important to consider cumulatively how development would relate to 66-70 High Street (allowed at appeal), the Bromley Salvation Army Church, 1-6 Simpsons Place and 7 Ethelbert Road. Additionally, the impact of future development (within the wider allocation) upon the residential amenity of residential properties to the south-west of the allocation boundary should also be taken into account.
- 6.1.6 Officers consider that the proposal would benefit from the incorporation of the neighbouring church site into the proposals. It is noted that the applicants have attempted to enter into discussions with the Salvation Army, but this has not been successful. The townscape and amenity implications of the scheme in the form as currently proposed are considered in detail in the relevant sections of this report.

Non-Residential Uses - Acceptable

- 6.1.7 London Plan Policies SD6, SD7, SD8 and SD9 support mixed use development in town centres. These policies seek to enhance the vitality and viability of town centres through a town centres first approach by encouraging strong, resilient, accessible and inclusive hubs, with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses. Policy E2 supports the provision of a range of business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand. Policy E3 supports affordable workspace.
- 6.1.8 Bromley Local Plan Policy 92 Metropolitan and Major Town Centres makes reference to locations within the centres that are not covered by primary or secondary frontages. This is relevant to the application site which is not within a designated frontage. The policy states: *"Elsewhere within the Town Centre boundary development proposals will be encouraged and expected to contribute positively to the vitality and viability of the Town Centre."*
- 6.1.9 The application would result in the loss of commercial floorspace. There is currently approximately 1103sqm commercial floorspace on the site and Block B would deliver 413sqm of commercial Class E floorspace

over a lower ground, ground and first floor levels (annotated as 257sqm of office floorspace and 156sqm general commercial).

6.1.10 The inclusion of a co-working space at ground floor level in Block A is welcomed, however, it is assumed that this space would be for residents only and therefore not available for use to the wider community.

6.1.11 The proposal would result in a reduction in commercial space compared to that currently existing. On balance, however, considering the location of the site in a side-street off the High Street and its position on the boundary of residential and commercial uses, no objections are raised in this regard.

Affordable workspace – Acceptable

6.1.12 London Plan Policy E2.D states development proposals for new B Use Class business floor space greater than 2,500sq.m should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprise.

6.1.13 Despite the GLA's strong support for the provision of the affordable workspace, and whilst technically non-compliant with the above requirement, there has been no evidence that there is a need for affordable workspace in this location. In the absence of supporting evidence, potentially not needed affordable workspace could be provided at the expense of other policy considerations. Therefore, despite the provisions of Policy E2.D, officers consider that on balance the lack of affordable workspace may be acceptable in this instance.

Existing residential accommodation - Acceptable

6.1.14 Policy H8 Loss of existing housing and estate redevelopment of the London Plan specifies: *“A Loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace [...]”*

6.1.15 The replacement of the existing residential floorspace (6 flats) with 94 units would comply with the above criteria.

Housing Supply - Acceptable

6.1.16 The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

- 6.1.17 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.
- 6.1.18 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.1.19 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.1.20 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 6.1.21 This application includes the provision of 88 net additional dwellings and would represent a significant contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable Housing - Unacceptable

6.1.22 The London Plan requires affordable housing on sites of 10 units or more. London Plan Policy H4 Delivering Affordable Housing sets out specific measures to aim to deliver the strategic target of 50% of all homes in London being affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.

6.1.23 London Plan Policy H5 Threshold approach to applications, allows applications which provide affordable housing at or above a relevant threshold level, which in this case is a minimum of 35% by habitable room, and which meet the remaining criteria in part C of the policy, to follow a fast-track route.

6.1.24 Part C of Policy H5 states to follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:

- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy
- 2) be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure)
- 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant
- 4) demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing.

6.1.25 Part F of Policy H5 states that applications which do not meet the above criteria are required to submit detailed supporting viability evidence.

6.1.26 Policy H6 of the London Plan sets out a preferred tenure split of at least 30% low-cost rent (London Affordable Rent or social rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy. It is the expectation, however, that the remaining 40% is weighted towards affordable rented products.

6.1.27 Policy 2 of the Bromley Local Plan states that for proposals providing over 11 residential units, the Council will seek 35% provision with 60% social rented/affordable rented housing and 40% intermediate provision. Low cost rented units must be appropriately secured at London Affordable Rent or social rented levels. The affordability of intermediate units must be in accordance with the Mayor's qualifying income levels, as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report, including a range of income thresholds. Affordability thresholds must be secured in the section 106 agreement attached to any permission, as well as the relevant review mechanisms.

6.1.28 The applicant proposes that 33 of the 94 units would be provided for affordable housing equating to a 35% affordable housing provision by

units and 34.9% by habitable room, with a tenure split of 60% affordable rent to 40% intermediate.

6.1.29 Under Part C (4) the applicant is required to demonstrate that they have sought grant to increase the level of affordable housing above this 35%. The Planning Statement advises that the Mayor's strategic 50% target has been considered in the context of the proposal, but "*given the significant costs involved in carrying out the development, an affordable housing contribution in excess of the 35% target would render the scheme unviable and undeliverable*".

6.1.30 Officers consider that in the absence of any grant funding being sought, it is premature to conclude that an affordable housing contribution in excess of 35% would not be viable. As such, the proposal fails to meet Part C(4) of Policy H5 and does not qualify for the Fast-Track Route.

6.1.31 The applicant has not provided a revised Financial Viability Statement to support the current proposal in accordance with Policy H5 (F). 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.

Housing Mix - Unacceptable

6.1.32 London Plan Policy H10 states that schemes should generally consist of a range of unit sizes and sets out several factors which should be considered when determining the appropriate housing mix of a scheme. These factors include housing need and demand, the nature and location of a site, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods.

6.1.33 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis. Bromley's Housing Register (December 2019) also shows affordable need for social/affordable rented 3 bed units.

6.1.34 As originally submitted, the application proposed 37 one bedroom units (39%) and 57 two bedroom units (61%). Following the reconfiguration of internal layouts, the number of 2 bedroom dwellings has been reduced further, resulting in the final mix comprising of 53 x 1 beds and 41 x 2 beds. The affordable rent units would comprise 11 x 1 bedroom and 9 x 2 bedroom units.

6.1.35 Whilst the location of the site within an Opportunity Area, a metropolitan town centre and an area with very good public transport accessibility

level could justify the delivery of predominantly smaller units as part of a smaller-scale proposal, in light of this identified need, a scheme of a scale such as that proposed should include a proportion of family-sized homes. Paragraph 30 of the GLA's Stage 1 report makes reference to incorporating 3 bedroom affordable rent units.

6.1.36 Officers note that the delivery of larger units would need to be supported with an appropriate provision of amenity and play spaces both in quantitative and qualitative capacity. In this instance the failure to provide a more varied mix of unit sizes and the on-site shortfall in play provision is a further indication that the proposal is an overdevelopment of the site.

6.3 Standard of residential accommodation – Unacceptable

6.3.1 The NPPF paragraph 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

6.3.2 London Plan Policy D6 sets out a number of requirements which housing developments must adhere to in order to ensure a high-quality living environment for future occupants.

6.3.3 Bromley Local Plan (2019) Policy 4 Housing Design requires all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places.

Internal Floorspace - Acceptable

6.3.4 The requirement to introduce a second staircase in accordance with revised fire safety regulations has resulted in changes to the internal layout of the blocks, however the submission confirms that the revised proposal maintains the compliance with the minimum internal space standards, as set in Table 3.1 of the London Plan and Nationally Described Space Standards.

6.3.5 The submitted floor plans contain details of furniture and layouts for each of the proposed residential units and the accompanying accommodation schedule indicates the total GIA for each unit.

Outlook and aspect - Unacceptable

6.3.6 The residential core of each block would not serve more than six units on each floor. The Planning Statement advises that the number of dual aspect units has been maximised as much as possible given the context of the site and that all units to the north would have balconies on the corner and angled windows on the side elevations in order to avoid single aspect north facing units.

6.3.7 Officers do not agree that the additional flank windows introduced in the latest revision should be regarded as providing a genuinely dual aspect because they would offer highly constrained outlook owing to the presence of the flank walls of adjoining buildings and should neighbouring sites come forward for development, the number of units with unacceptably poor outlook would likely to increase. At the lower levels (floors 1-3) of Block A, a number of 'dual aspect' units would feel like single aspect homes, including the north facing units facing the rear of Block B. In terms of Block B, the quality of the living experience for residents of the single aspect/'enhanced single aspect' north facing homes and those facing the rear of Block A would be oppressive, feeling hemmed in and unacceptably restricted (Fig 6).

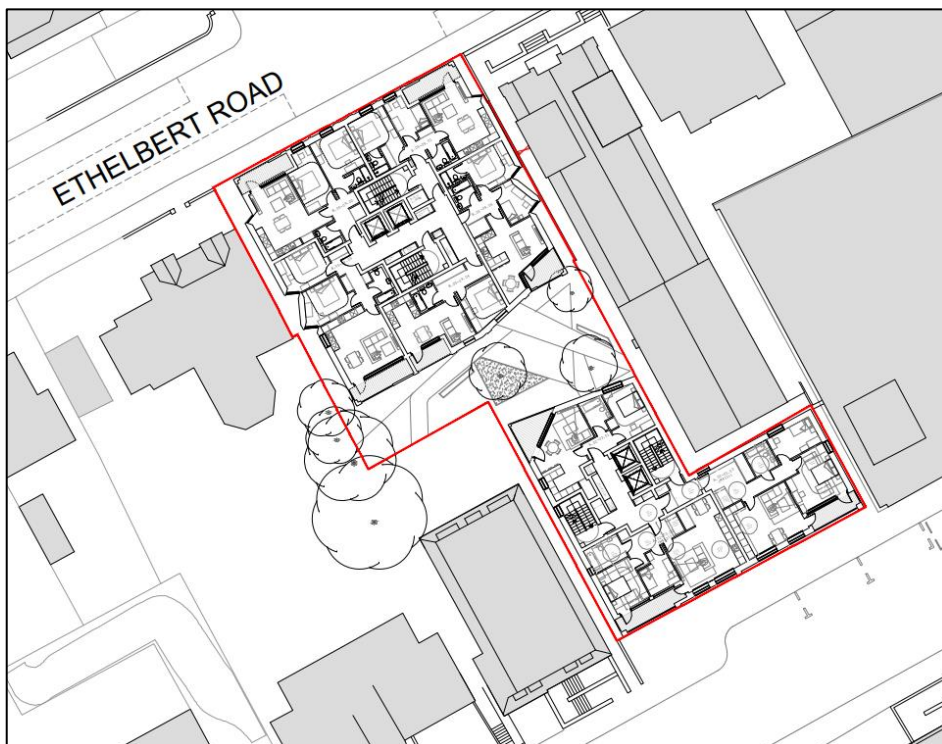


Fig.6 Proposed Typical Site Plan.

6.3.8 In officers view, the extent of the revisions proposed is considered to be minimal and tokenistic, as the enlarged/additional glazing indicated on the revised plans would do little to address the issue of poor-quality outlook. This issue is a consequence of building up to the boundary with minimal separation distances to neighbouring buildings and within the development itself, in order to prioritise quantum over quality; and is symptomatic of an overdevelopment of the site.

Privacy – Unacceptable

6.3.9 The minimum distance between the proposed blocks would measure 8-10m. Whilst the typical floor plan drawing shows the use of angled windows, the balconies would afford the views into habitable rooms. The very restricted separation distances between directly facing habitable

rooms raise fundamental concerns regarding the mutual overlooking and is indicative of an overdevelopment of the site.

Daylight and Sunlight - Unacceptable

6.3.10 The restricted separation distances also raise significant concerns in relation to daylight and sunlight conditions. The Design and Access Addendum states that the internal layout changes with the enlarged and additional glazing achieve improved DLSL compliance under the new BRE regulations.

Daylight

6.3.11 The updated BRE guidelines (2022) refer to the British Standard BS EN 17037 Daylight in Buildings recommendations. This stipulates the calculation of the amount of daylight in a space using one of two methods: prediction of illuminance levels using hourly data, or the use of the daylight factor.

6.3.12 The Daylight, sunlight and overshadowing report by XCO2 confirms that for the assessment of this proposal the method predicting illuminance levels using hourly data was used. The calculation is carried out taking into consideration the relative illuminance values, the amount of daylight hours, and the area of the room.

6.3.13 For daylight levels in dwellings, BS EN 17037 refers to the UK National Annex which outlines the illuminance level needed in a room according to its occupancy. These are as follows:

- 100 lux for bedrooms
- 150 lux for living rooms and
- 200 lux for kitchens, or rooms with kitchens.

6.3.14 For a room to be compliant with the BRE guidance it must reach the required illuminance levels for at least 50% of the daylight hours across 50% of the room area. This is measured by the Spatial Daylight Autonomy (sDA) metric. sDA is defined as the percentage area of the analysed space that is above a certain lux level for a certain percentage of time.

6.3.15 Report by XCO2 assessed a sample of rooms considered to be the worst-case units in terms of daylight access across the scheme have been included in the assessment (dwellings located on the floors 1-3 of both Blocks), but also includes for the top floors units of both Blocks. These included 27 units, consisting of 70 habitable rooms that encompass 27 KLDs and 43 bedrooms.

6.3.16 The results shows that 42 out of 70 rooms satisfy the recommendations set out by the BRE (a target of 50% sDA). Of the remaining 28 rooms, 11 are kitchen/living/dining rooms (KLDs) and 17 are bedrooms. In terms of the KLDs 3 of the 10 rooms achieve sDA of at least 40%, which, as

the report states, falls within approximately 80% or above of the BRE recommendations) and 3 achieve sDA of at least 30% (within approximately 60% or above of the BRE recommendations). The report explains that the 5 remaining KLDs that fall below the sDA of 30% have greater obstructions and the design has been adjusted as far as feasible to allow maximum daylight access.

6.3.17 Out of 17 bedrooms, 5 achieve at least 40% sDA (approximately 80% or above the recommended target of 50%) and 6 achieve at least 30% (approximately 60% or above of the BRE recommendations). The report advises that the remaining 6 bedrooms that fall below the sDA of 30% due to site obstructions as well as the prioritisation of the main living spaces for available daylight in the design process where occupants are expected to spend the majority of time.

6.3.18 Officers acknowledge the applicants' justification that the rooms with the illuminance below the sDA of 30% have greater obstructions. In officers view, however, these obstructions are largely self-imposed constraints (i.e. choosing to build up to the boundary with minimal separation distances to neighbouring buildings) and a direct consequence of the density/quantum of development proposed on site. Officers are also mindful that the daylighting conditions would deteriorate at upper floor level should neighbouring sites be developed on a similar scale (as is being envisaged by the applicant).

6.3.19 The presentation of the results in respect of the rooms falling below the required minimum threshold of 50% is questioned. The BRE guidance simply offers a recommended target of 50% and advises that the target sDA levels are set as a value that should be exceeded which means that any illuminance falling below this target indicate reduced levels.

6.3.20 Contrary to the assertion of "isolated shortfalls across the lower levels" - as concluded in the Planning Statement - Tables 1 and 2 below demonstrate that the highest degree of non-compliance is present within the first and second floors of Block A, where all of the KLDs and majority of bedrooms fail to achieve the required target and where the shortfalls are as large as 58% (LKDs) and 100% (bedrooms). In terms of Block B, the most significant shortfalls are localised within the south-eastern façade of the building facing Block A. Worth noting are the sDA values of 9% for LKDs and 30% for bedroom respectively.

6.3.21 Although the apportionment of significance to the shortfalls against the target sDA is a question of professional judgement, in this instance, the above levels of illuminance are undeniably low, even when applying appropriate flexibility for a dense urban context and a town centre location such as this.

6.3.22 A further point is that according to the accommodation schedule the units with the poorest performing rooms have been identified as social rented tenure and M4(3) – wheelchair accessible units. In effect, the future

occupants would not be able to choose whether the amenity provision meets their requirements and may not be able to actively improve the internal quality of their homes due to restricted mobility. Overall, the proposals give rise to significant residential quality concerns and are symptomatic of overdevelopment.

Table 1 Average sDA (living/kitchen/dining)

Block	Floor	Total Number of LKD	LKD not meeting Target	%Area in Receipt of 200lx for 50% Annual Daylight Hours (Low – High)	Average sDA
A	1	3	3	21 – 37	28.7%
	2	3	3	21 – 46	34%
	3	3	1	36 – 79	55.3%
B	1	3	1	47 – 86	61.3%
	2	5	2	9 – 93	61.6%
	3	5	1	22 – 99	70.8%

Table 2 Average sDA (bedrooms)

Block	Floor	Total Number of Bedrooms	Bedrooms not meeting Target	%Area in Receipt of 100lx for 50% Annual Daylight Hours (Low – High)	Average sDA
A	1	5	4	0 – 53	18%
	2	5	4	0 – 53	26%
	3	5	3	38 – 73	51%
B	1	5	2	30 – 99	62.6%
	2	8	2	34 – 99	74.8%
	3	8	0	56 – 99	82.8%

Sunlight

6.3.23 Sunlight is valued within a space, and according to the BRE guidance access to sunlight can be quantified. BS EN 17037 recommends that a space should receive a minimum of 1.5 hours of direct sunlight on the 21st of March – the equinox. The guidance rates the amount of access to daylight as below:

- 1.5 hours as the minimum
- 3 hours as a medium level
- 4 hours as a high level

6.3.24 The BRE guidance states that *“in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but*

especially in the afternoon. Sunlight is also required in conservatories. It is viewed as less important in bedrooms and in kitchens, where people prefer it in the morning rather than the afternoon.” The guidance states at least one habitable room is required to meet the criteria per dwelling.

6.3.25 A total of 27 living spaces were included in the assessment which were considered to be the worst-case units in terms of sunlight access across the scheme, but also included the top floors units of both blocks A and B.

6.3.26 The analysis has shown that 24 rooms satisfy the BRE criteria for sunlight exposure. The remaining 3 living rooms fall short of the BRE criteria however are located on the north/north-west façades which allows for a reduced amount of sunlight exposure. The number of dwellings with living rooms facing solely north or northwest has been minimised as far as feasible in this scheme. Overall, it can be concluded that the proposed design offers adequate accessibility to sunlight in living spaces considering the context and limitations of the site.

Overshadowing

6.3.27 Open spaces should retain a reasonable amount of sunlight throughout the year. The BRE states that for an amenity space to “*appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March*”.

6.3.28 The results show that 70% (122.93 sqm) of the ground floor courtyard area providing communal amenity space for the proposed development would receive more than 2 hours of sunlight on 21 March, thereby satisfying the BRE criteria.

Amenity Space and Children Playspace - Unacceptable

6.3.29 Local Plan Policy 4 c requires ‘sufficient external, private amenity space that is accessible and practical. Para 2.1.60 refers to the London Plan minimum standards and requires that ground floor flats have access to private gardens and upper floors should have access to private amenity space. Para 2.1.60 also indicates that developments should relate to the character of existing amenity space.

6.3.30 London Plan Policy D6. F.9 requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings (and an extra 1sqm for each additional occupant) – para 3.6.9 advises that this private space can be in the form of a garden, terrace, roof garden, courtyard garden or balcony. Additional private or shared outdoor space (roof areas, podiums and courtyards) is encouraged.

6.3.31 Paragraph 7.71 of the Planning Statement confirms that private amenity space standards are complied with in a form of appropriately sized balconies.

6.3.32 Standard B9.1 of the Housing Design Standards LPG advises that apartment buildings should generally offer at least one secure, communal outside green space, as a ground-level courtyard, a raised podium or a roof terrace. High density developments require high-quality amenity space for future residents to enjoy. The current proposal lacks sufficient amenity space both in terms of quantity and quality for this scale of development. The landscaped 'courtyard' space would essentially be leftover/infill space between residential blocks which proportionally occupy around 80% of the site. Although the proposed space can pass the BRE overshadowing criteria, in practical terms its useability would be affected by the heights and separation distances of Block A and B. The 'courtyard' would be overshadowed by 2 tall buildings, hemmed in on either side with limited sunlight, resulting in an enclosing, unappealing and heavily overlooked space.

6.3.33 The plans suggests that the courtyard space could be extended as part of any future masterplan proposals with temporary fencing which could be removed in order to expand the space. However, the space needs to work independently on its own merits providing social and ecological value and cannot be dependent upon future development scenarios in order to be considered acceptable.

6.3.34 Considering the substantial number of new homes being proposed little consideration has been given to the *living experience* for future residents, i.e. the provision of generous high-quality communal amenity space that supports the needs of residents and helps to foster a sense of community.

6.3.35 London Plan Policy S4 Play and Informal Recreation sets out the policy requirements, including in clause B2 for at least 10sqm of good quality accessible play space should be provided per child that:

- a) provides a stimulating environment
- b) can be accessed safely from the street by children and young people independently
- c) forms an integral part of the surrounding neighbourhood
- d) incorporates trees and/or other forms of greenery
- e) is overlooked to enable passive surveillance
- f) is not segregated by tenure

6.3.36 The applicants Updated Open Space and Play Space Impact Assessment references Policy 59 Public Open Space Deficiency in respect of contributions to secure improvements to open space in areas of deficiency. It also quotes from the Shaping Neighbourhoods: Play and Informal Recreation SPD 2012 with regard to the methodology for determining when contributions are required. However, it fails to acknowledge that the more recent policy position as set out in the London Plan 2021. Moreover, the site is not in an area deemed to be insufficient in access to local open space.

- 6.3.37 London Plan 2021 Policy S4 Play and Informal Recreation sets out in Clause B(2) that residential developments should incorporate good-quality, accessible play provision for all ages and 10 square metres of play space should be provided per child. Supporting text at para 5.4.5 states that formal play provision should normally be made on-site.
- 6.3.38 The policy does not set this requirement aside where there is existing provision within the acceptable distances, rather paragraph 5.4.6. advises that off-site provision, including the creation of new facilities or improvements to existing provision, secured by an appropriate financial contribution, may be acceptable where it can be demonstrated that it addresses the needs of the development whilst continuing to meet the needs of existing residents.
- 6.3.39 Based on the proposed housing mix and tenure, and the site's PTAL level, the estimated child yield of this proposal would be around 27 children. This gives rise to a total child play space requirement of approximately 270sqm, of which at least 146sqm should be allocated to an onsite doorstep play to cater for under 5s.
- 6.3.40 The applicant advises in para 6.4 of the Updated Open Space and Play Space Impact Assessment that: *"for children under 5, a play space requirement of 150m² is generated. The development is going to deliver 190m² of shared amenity space on site which addresses fully the play space requirement, and this provision is further bolstered by all residential units having private amenity space."*
- 6.3.41 The proposed development would include a ground level courtyard providing shared amenity area; however, the drawings provide no detail regarding the specific space requirement. The area of the amenity space as indicated in the overshadowing assessment is quoted as 176.75sqm as opposed to 190sqm mentioned above. Further to this, neither the Design and Access Statement nor the landscape information demonstrate how this requirement would be satisfied and how genuinely playable the proposed space would be, providing an age appropriate and stimulating environment for the under 5s group. The bespoke timber leaf seats referenced in the submission would not constitute as engaging play provision for under 5s and should not be regarded as a play equipment.
- 6.3.42 Officers also remain unconvinced that there would be sufficient space within the proposed courtyard to accommodate the required 146smq of dedicated playspace for under 5s, alongside the proposed provision of pedestrian paths, seating, water features, tree planting in raised beds and more importantly other landscaped and planted areas which would contribute to the achievement of the policy compliant Urban Greening Factor score of 0.4. This is symptomatic of the proposal being an overdevelopment of the site.

6.3.43 For older age groups, whilst on-site provision is preferable, off-site provision to mitigate for the failure to meet policy requirements may be acceptable and an off-site contribution to address the outstanding play requirement for 5-17 years and produce a policy compliant scheme in terms of play would need to be sought.

6.3.44 A contribution of £17,292.24 would be appropriate to mitigate the 45.79% of children (those over 5 years) for whom the applicant indicates no provision is to be made on site. This contribution can be used to enhance existing provision at Church House Gardens or Queens Gardens (both of which lie within 400m from the site). At the time of writing the applicant has not agreed to this sum.

Noise/Agent of Change - Acceptable

6.3.45 London Plan Policy D13 places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It states that development should ensure good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area; explore mitigation measures early in the design stage, with necessary and appropriate provisions, including ongoing and future management of mitigation measures secured through planning obligations; and separation of new noise-sensitive development where possible from existing noise generating businesses and uses through distance, screening, internal layout, sound proofing, insulation and other acoustic design measures.

6.3.46 London Plan Policy D14 seeks to mitigate and minimise the existing and potential adverse impacts of noise within new development. Policy 119 of Bromley's Local Plan seeks to ensure that the design and layout of new development ensures that noise sensitive areas and rooms are located away from parts of the site most exposed to noise wherever practicable. The policy also requires external amenity areas to incorporate acoustic mitigation measures such as barriers and sound absorption where necessary.

6.3.47 A Noise Assessment prepared by Lustre Consulting in support of the application advises that the assessment undertaken demonstrates complaint internal ambient noise levels can be achieved using readily available façade and glazing build ups for the majority of the proposed development. Higher performance glazing has been recommended for the upper floors along the most exposed facades to environmental noise. The report concludes that these measures would ensure that future residents benefit from suitable noise levels.

6.3.48 The noise assessment recognises the sources of potential noise at the site to be dominated by noise from Bromley High Street, Ringers and Ethelbert Road. Additionally, due to the height of the proposed development above that of existing nearby buildings, further

consideration has been given to impact from the A21, which is situated to the north east of the site.

6.3.49 However, the report does not consider the noise impact from the adjoining Salvation Army building (Bromley Temple). Officers note that the church provides live music and that there are some services offered on some Sunday evenings. Additionally, a consideration of the potential transmission of noise between the commercial elements of the scheme and residential bedrooms within the proposed development itself has not been provided. When considering the sound insulation required for the shared floor/ceiling and walls, an assessment of a predicted noise levels should be made for the worst-case scenario, given a flexible Class E use is being applied for.

6.3.50 The applicant was advised that the above matters need to be addressed and that should there be any subsequent changes in the design or layout of the proposal, these changes would need to be reflected in a revised noise impact assessment.

6.3.51 The revised proposal introduced openable windows within the flank elevations of buildings facing the church. This would affect the noise incident on these façades and a concern is raised over the resultant noise conditions with windows being opened for ventilation, particularly during summer months.

6.3.52 The revised Noise Impact Assessment confirms that the additional baseline noise survey showed that parts of the site could be exposed to elevated levels of noise due to the church, albeit for relatively short periods, when the church's windows facing the proposed development are open.

6.3.53 The assessment stipulates that internal noise levels in line with Local and British guidance limits can be achieved. Noise levels within the proposed private amenity spaces would also be in compliance with the relevant guidance. The following elements would need to be considered/implemented in the design and construction of the building:

- Acoustic glazing
- Acoustic vents (MVHR)
- Rooftop acoustic screen
- Block B acoustic separation between commercial and residential unit(s)
- Plant noise limits for commercial element.

6.3.54 The Environmental Health Officers confirm that the updated report is generally satisfactory subject to the above matters being secured in the event of planning permission being granted.

Overheating - Acceptable

6.3.55 As discussed in the Energy and Sustainability section of this report, the overheating strategy proposes a hybrid of passive and active measures in order to comply with Part O of the Building Regulations and to ensure there is no reliance on openable windows as the sole option for mitigating overheating risk to bedrooms overnight.

6.3.56 Whilst future residents would not be able to use some of the windows for cross ventilation, particularly during summer months, it is accepted that opening of windows is at the discretion of the occupant. Officers consider that due to the potential exceedance of acoustic levels the provision of mechanical ventilation (MVHR) to address overheating is acceptable in this instance.

Accessibility and Inclusive Living Environment - Unacceptable

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

- i* Ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings; and
- j* Ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

6.3.58 Policy D5 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design, not just the minimum. Policy D7 of the London Plan requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

6.3.59 Paragraph 3.7.3 clarifies that to ensure that all potential residents have choice within a development, the requirement for M4(3) wheelchair user dwellings applies to all tenures. Wheelchair user dwellings should be distributed throughout a development to provide a range of aspects, floor level locations, views and unit sizes.

6.3.60 The updated accommodation schedule confirms that 9 units (10%) would be M4(3) wheelchair accessible and the remainder meeting the requirements of Building Regulation requirement M4(2).

6.3.61 Out of the 9 wheelchair accessible homes 8 would be Social Rented (SR) with the remaining single unit allocated for market housing. Officers note that any affordable wheelchair provision should be delivered to M4(3)(2)(b) and this requirement would need to be secured in any consent.

6.3.62 Six of the M4(3) dwellings would be located on floors 1-3 in Block A and the remaining three on floors 2, 3 and 4 in Block B. As discussed in the preceding paragraphs of this report, the Daylight and Sunlight report demonstrates that all of these units would have restricted daylight-provision. Further concerns are raised with the limited choice of aspect of these units.

6.3.63 The allocation of these poorly performing units to occupants who may have less options to decide whether the internal amenity meets their requirements and those who may not be able to actively improve the quality of their homes due to restricted mobility or visual impairment would not ensure inclusive development as required by Policy D5, D6 and D7 of the London Plan.

Secured by Design

6.3.64 London Plan Policy D3 states measure to design out crime should be integral to development proposals. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design).

6.3.65 The design out crime officer was consulted, and no objection was raised, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

Fire Safety

6.3.66 London Plan Policy D12 states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The policy states in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required.

6.3.67 For the purpose of assessing fire safety the proposed blocks are classified as 'relevant buildings' i.e. those that contain two or more dwellings and meet the height condition (18m or more in height, or 7 or more storeys whichever is reached first). From 1st August 2021, Health and Safety Executive (HSE) is a statutory planning consultee for applications concerning relevant buildings.

6.3.68 On 14th February 2023 the Greater London Authority (GLA) announced, with immediate effect, that all planning applications for residential buildings over 30 metres in height must include at least two staircases to be considered by the Mayor of London for approval. As such, the originally submitted proposal has been revised to accommodate this updated requirement and updated Fire Statement reflecting the revisions

made has been referred to both HSE and the London Fire Brigade (LFB) for comments.

6.3.69 The HSE's substantial response confirms that HSE is content with the fire safety design, to the extent that it affects land use planning (full response in paragraph 4.3 of this report).

6.3.70 The response received from the LFB highlights outstanding aspects of fire safety required such as protection of the evacuation lifts, number of evacuation and firefighting lifts, Connection between residential areas and commercial areas, ventilation system, undercroft areas, electric cycle storage areas. Should planning permission be granted, these aspects would be subject to subsequent regulatory assessment under the Building Regulations, which in this case would be dealt with by the Building Safety Regulator given the height of the buildings.

6.4 Design - Unacceptable

Optimising development capacity - unacceptable

6.4.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

6.4.2 London Plan Policy D3 encourages the optimisation of sites, having regard to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, including transport. It also states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered, including Opportunity Areas. Policy D3 also states that the higher the density of a development, the greater the level of design scrutiny that is required.

6.4.3 Policy D4 (D) also states that proposals that include residential component that exceeds 350 units per hectare, or a building defined as a tall building by the borough, or that is more than 30m in height where there is no local definition of a tall building, should be subject to a greater level of design scrutiny.

6.4.4 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality the quality of Local Places, and Policy 37 of the

Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.

- 6.4.5 The site measures 0.102ha and the 94 unit scheme, as proposed, would have a density of 921.6 units per hectare. Although officers recognise that the location of the site within an Opportunity Area, a metropolitan town centre, an allocation site, an area with very good public transport accessibility level and the emerging context of the high density development (including tall buildings) could make this site acceptable, in principle, for higher density development, , given the need for the development to remain contextually appropriate, respectful of neighbouring occupiers and offering good levels of internal amenity, the proposed quantum of development on site is considered excessive and unacceptable. Design and resulting amenity impacts are assessed in the subsequent sections of this report.

Layout - Unacceptable

Relationship with the street

- 6.4.6 Block B would project beyond the established building line on Ethelbert Road. The building would feature a modest colonnade and part recessed element at ground and first floor level, however the pedestrian experience would be largely constrained by a narrow footpath and a lack of public realm generosity of space – as indicated by the illustrative views shown in Figs 3 and 7 and Proposed Ground Floor Site Plan. Following the established building line of 66-70 High Street would be a more appropriate response to the site as indicated by the Design Review Panel (DRP).



Fig.7 Illustrative view Block B.

- 6.4.7 The siting of a building of this scale close to the pavement edge is evidence of an overdevelopment of the plot, the footway along this part of Ethelbert Road is narrow and of a scale akin to a residential street (representative of the character of Ethelbert Road). A more considered relationship with the street and a more generous public realm offer is required in order to accommodate the increased footfall that a building of this scale would generate.
- 6.4.8 The Ringers Road streetscape differs to that of Ethelbert Road, Ringers Road is characterised by larger flatted blocks but shares similarly narrow pedestrian footpaths. Whilst Block A would follow the building line established by No.64 Ringers Road (TKMaxx), the building would benefit from a setback/colonnade at ground floor level in order to extend the public realm, proportionate to the scale of development being proposed.

Relationship with Adjacent Plots

- 6.4.9 The site layout appears squeezed and 'forced'. Both Blocks would be built tight to the boundary edges with very little 'breathing space' and minimal separation distances between adjacent buildings. The siting of Block A replicates the existing condition; however, the existing building is of a much smaller scale (single storey) to that which is being proposed, replicating this relationship is not considered to be appropriate for a 14 storey building – given that the impact on the closest neighbouring buildings No.6 Ringers Road (Simpsons Place) and the rear of the Salvation Army building would be significantly greater.
- 6.4.10 The siting of Block B extends closer to, and up to (in part) the eastern site boundary shared with the Salvation Army building. In the case of both Block A and Block B little consideration has been given to *siting in relation to scale* of which there is a significant increase from the existing condition, or on the subsequent impact on the amenities of neighbouring occupiers.
- 6.4.11 Building tight against the respective site boundaries would also prejudice, to varying degrees, the redevelopment potential of the adjoining plots, particularly No.64 Ringers Road and the site currently occupied by the Salvation Army on Ethelbert Road.

Relationship between Block A and Block B

- 6.4.12 Although no longer a material consideration, the draft Site G/10 indicative masterplan (2018) proposed a central green space with blocks on either side fronting onto Ethelbert Road and Ringers Road with a permeable pedestrian route through the site. However, as highlighted by GLA Design Officers, the proposed buildings are of greater depth than those indicated in the draft masterplan (and Block B is of greater height) resulting in a very restricted separation distance between habitable rooms. The minimum separation distance between the blocks would

measure 8-10 metres, which raises fundamental concerns regarding the quality of homes already mentioned in this report.

Movement

6.4.13 The site lacks permeability, the opportunity to provide a pedestrian connection between Ethelbert Road and Ringers Road which would be a notable public benefit (required to help justify the scale of development being proposed) has been missed. The proposals suggest that the neighbouring site could provide a new pedestrian footpath from Ringers Road accessing Ethelbert Road via the lobby of Block B – the legibility and the practical use of such an arrangement is questionable.

6.4.14 It appears that safeguarding the scale and footprint (quantum) of Blocks A and B has been prioritised over the provision of a permeable link, reflected by the suggestion that this could/should be facilitated by the adjacent site.

Height, Scale and Massing - Unacceptable

Planning Policy Context

6.4.15 The Design and Access Statement makes several references to the Bromley Town Centre Area Action Plan (2010) which is considered to be imperative by the applicant, however, this document has been largely superseded by the Bromley Local Plan (2019) and the London Plan (2021). Furthermore, the Bromley Town Centre SPD has now been adopted (October 2023) and is a material consideration in assessing proposals in the Town Centre. Upon adoption of the Bromley Town Centre SPD, LBB intends to write to the Secretary of State for Levelling Up, Housing and Communities to request that the Bromley Town Centre AAP is revoked.

6.4.16 The draft Site G/10 indicative masterplan (2018) is also heavily referenced as a key document underpinning the design strategy in relation to height, scale and massing. However, the draft masterplan was only a consultation document and was never adopted. It is at best, an indication of how the redevelopment of this part of Site Allocation 10 could appear, providing an option for uses, layout and heights for the site – as part of a wider phased redevelopment of the (larger) allocation area.

6.4.17 The applicant has also given considerable weight to development proposals for neighbouring sites (which are discussed in more detail, below) in order to inform and justify proposed building heights.

Rationale for building heights

6.4.18 In accordance with London Plan and Local Plan policy requirements, tall buildings should be part of a plan-led approach. They require a strong townscape justification which usually includes visual emphasis, marking

thresholds or land use. The site has not been identified as an appropriate site for a tall building in the Local Plan and does not mark a key gateway in terms of location, threshold or land use.

- 6.4.19 Whilst the principle of a masterplan approach is supported given that the site forms part of a larger urban block/site allocation, it is important to recognise that there is no guarantee that neighbouring sites would be developed and delivered in the way that is being envisaged, or in a way that supports a particular development proposal.
- 6.4.20 The recent appeal decision in relation to 66-70 High Street (21 November 2022) where planning permission was granted for a 12 storey building and permission refused for a taller part 13/part 16 storey building is evidence of this. It is noted that the visual impact on the streetscene and the harm caused to the character and appearance of the area were among the reasons for refusal. The outcome of this appeal directly impacts on, and weakens, the design strategy proposed in relation to stepped heights, scale and massing and the rationale which underpins it. The maximum height deemed acceptable for the neighbouring 66-70 High Street site undermines the townscape rationale behind both the initial design iteration (19 storey/12 storey blocks) and the revised iteration (14 storey/12 storey blocks) – where heights were revised following comments made by the DRP which emphasised the need to consider scale and height in relation to townscape, topography and residential context.

Townscape/streetscape impact

- 6.4.21 Development proposals are assessed on their relationship with *both* the existing and emerging context and the impact on both the immediate and the wider setting. The development proposal needs to stand up on its own merits in terms of townscape contribution and quality of place – it cannot be solely dependent upon hypothetical scenarios which may not materialise in order to be deemed acceptable. As stated by the DRP, the scheme should be able to stand alone in its current context as well as working in the medium to long-term.
- 6.4.22 At part 10/part 12 storeys Block B represents a significant step change in scale within the context of Ethelbert Road creating an uncomfortable relationship with neighbouring buildings, including the adjacent Salvation Army building and No.7 Ethelbert Road – this impact would be exacerbated by the siting of the building projecting beyond the established building line and minimal separation distances on either side (as highlighted above).
- 6.4.23 The step change in scale would also be exacerbated by the topography of the area whereby the site levels fall steeply from east to west along Ethelbert Road, the site sits on higher ground than the low-rise properties to the west which would further increase its visual prominence. The rationale for the siting of a tall landmark building mid-

way down a sloping residential street is unclear, building heights should typically reduce in response to topography/low-rise residential backdrop with the tallest elements marking key nodal points (occupied by 66-70 High Street) where scale is commensurate with the commercial High Street setting.

6.4.24 The scale and height of Block B is considered to be excessive and at odds with the character of Ethelbert Road. The unapologetic scale would have a significant visual overbearing impact on what is effectively a residential side street and on the low-rise residential properties within, including the existing context of Ethelbert Close to the north. A more coherent and sympathetic transition in scale is required in order to address and respect the neighbouring residential context more sensitively, the transition in height should be more considered and proportionate.

6.4.25 It is accepted that the southern part of the site would be more suitable for a taller building than the northern part. The scale and height of Block A would have a less jarring impact on the streetscene within the context of Ringers Road which is characterised by larger flatted blocks with building heights ranging from 3-10 storeys. However, at 14 storeys Block A would be the tallest building outside of Bromley South which forms the backdrop to Ringers Road, exceeding the height of Henry House and the recently consented 66-70 High Street scheme. It should be noted that Bromley South has a very different character to the High Street and town centre (reflected by an emerging cluster of taller standalone buildings), given the location of the application site officers share the view of the DRP that it would be more appropriate to benchmark the Churchill Theatre (the tallest landmark building within the town centre) as a point of reference on which to establish an appropriate height.

Townscape views

6.4.26 The Townscape and Visual Impact Assessment (TVIA) submitted contains only 6 views (3 long-range, 2 mid-range, and 1 immediate view), this is very limited analysis considering the height and scale of development being proposed – as highlighted by GLA Design Officers.

6.4.27 The views include redevelopment proposals for the neighbouring Churchill Quarter site, along with height and massing indicated within the now obsolete draft Site G/10 masterplan ('development zone 2 and 3'). Members are advised that the application for the Churchill Quarter scheme has now been withdrawn, therefore its scale and massing is no longer a material planning consideration. Consequently, the views provided illustrate a hypothetical context which differs considerably to the existing town centre skyline, suggesting that the proposed development would sit more comfortably within the wider context (and appear less prominent) than it actually would i.e. indicating that the buildings would only be partially visible behind the Churchill Quarter scheme (View A – Fig.8) and visually subservient in Views B, D and E.

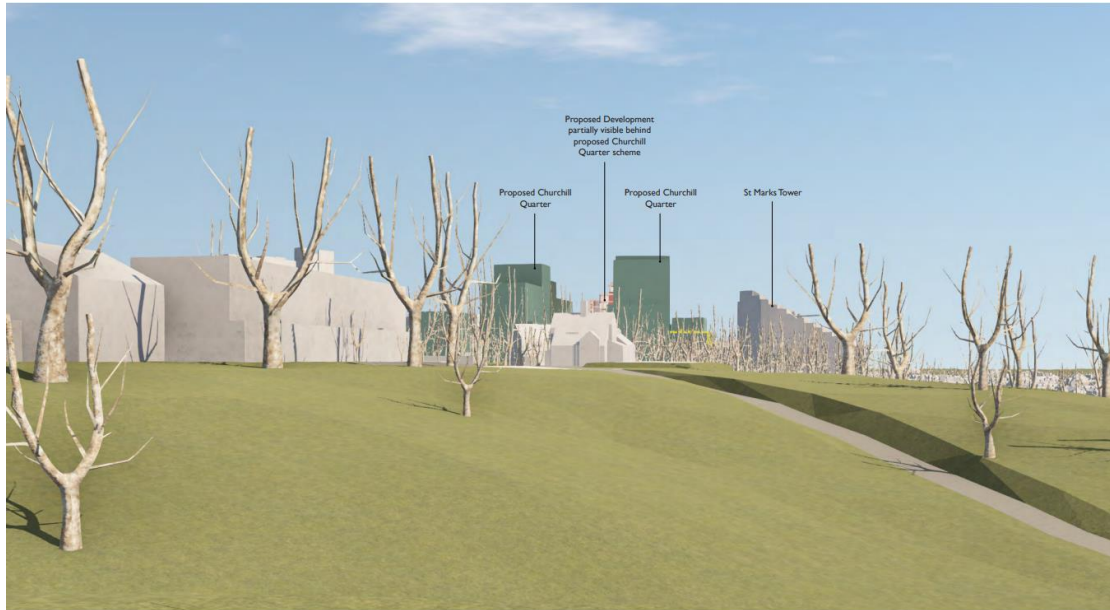


Fig.8 View A.

6.4.28 The topography/elevated position of the site would further increase the visual prominence of the buildings and the perception of height, particularly in views from the west. The buildings would also coalesce in many views reading as a single mass due to their minimal separation distance. In long-range views the buildings would equal the visual prominence of St Mark's Square (currently the tallest building in Bromley Town Centre) as indicated in View A. The mid-range views shown below on Figs 9 and 10 (Views B and C), demonstrate a significant visual impact on the lower-rise residential context when assessed against the existing condition and their acceptability is dependent upon neighbouring sites being developed at a scale and height similar to that which is being proposed in order to mitigate/offset the visual impact.



Fig.9 View B.



Fig.10 View C.

6.4.29 Short-range immediate views are particularly important as they represent how the majority of people would experience the buildings, these are limited to illustrative CGIs included within the Design and Access Statement (Figs 4 and 5). The CGIs illustrate the extent of the abrupt change in scale, in the case of both Block A and Block B the stepped height at levels 10 and 12 respectively would not be ‘read’ at street level. On Block A the massing steps up from east to west at odds with the topography of the street and the surrounding low-rise residential context.

6.4.30 In summary, proposals for tall buildings require a robust townscape and visual impact assessment, the views provided within the TVIA are limited in number and appear to have been carefully selected using future townscape scenarios to mask the true visual impact and present the scheme in a more favourable way.

Appearance – Unacceptable

6.4.31 In accordance with Local Plan and London Plan requirements applications for tall buildings will be subject to a higher level of design scrutiny due to their scale and visual prominence and need to be of exemplary design quality.

6.4.32 Tall buildings need a narrative and should be grounded in their context, the quality of materials and detailing and the extent to which they derive from, and reference, local character and identity is key to creating a sense of place. The contextual analysis undertaken appears to be limited to a materials study of the immediate context, no commentary has been provided on how this study has informed the design.

6.4.33 The initial design strategy of a concrete frame (base) at street level, brick 'plinth' (middle) relating to the surrounding brick architecture, with lighter materials to upper floor levels (top) responding to the wider context (Bromley South skyline) is broadly supported. The use of red brick, with brick detailing including inset brick panels, feature banding and textured brickwork is also supported. However, the initial design strategy conceived during the design development stage was primarily developed in response to the form and massing of previous design iterations which differs considerably to that of the final scheme proposal particularly in the case of Block A.

6.4.34 The distinction and legibility of the (top) upper floor levels has diminished significantly, the 'lighter top' is now limited to a stepped 2 storey part glazed section. The legibility of the 'lighter' tops on both blocks is minimal and limited to principal elevations only. The crowns of tall buildings in this location would be visible townscape markers and would therefore require a stronger identity.

6.4.35 Both Blocks A and B are large deep plan blocks which do not appear slender or elegant in key views, the design-led 'expression of verticality' (a key driver throughout the design development stage) has undoubtedly been compromised by the quantum-led massing. The wide proportions and bulky massing of Block B in particular coupled with prominent blank elevations and limited fenestration would appear as a stark addition to the town centre setting in the short to medium-term at least. The latest amendments made to the glazing / insertion of solid panels as indicated on Elevation AA (for the respective blocks) are acknowledged. These changes are considered as minimal and do not address the concerns raised in relation to the external appearance of both blocks.

Elevation AA

6.4.36 The interface between the building and the street is particularly important, the height and proportions of the exposed concrete frame 'base' to Block A appears out of scale and visually at odds with the topography of the street. The 4 storey frame creates a 'civic' city-scale feel, the opportunity to introduce a human-scale element to the base of the building has been missed. The fenestration on the Ringers Road elevation (AA) also appears slightly chaotic with regard to size, alignment, and positioning of openings and would benefit from a more rational simplified approach.

Landscape - Unacceptable

6.4.37 The landscaped 'courtyard' space is essentially leftover/infill space between residential blocks which proportionally occupy around 80% of the site. The 'courtyard' would be overshadowed by 2 tall buildings, hemmed in on either side with limited sunlight, resulting in a dark, unappealing and heavily overlooked space.

6.4.38 Considering the substantial number of new homes being proposed little consideration has been given to the *living experience* for future residents, i.e. the provision of generous high-quality communal amenity space that supports the needs of residents (including children's play space) and helps to foster a sense of community. This has been further commented on in the proceeding section of this report.

6.4.39 The plans suggests that the courtyard space could be extended as part of any future masterplan proposals with temporary fencing which could be removed in order to expand the space. However, the space needs to work independently on its own merits providing social and ecological value and cannot be dependent upon future development scenarios in order to be considered acceptable.

6.5 Heritage Assets - Unacceptable

6.5.1 The application is located within a Tier II Archaeological Priority Area and northeast of the site of a former Medieval moated manor house called Simpson's Place.

6.5.2 The existing buildings on site are not listed and their heritage value is limited. There are no statutorily or locally listed buildings within or close to the site, however, the boundary of the Bromley Town Centre Conservation Area (BTCCA) lies approximately 50 metres to the north-east. BTCCA was first designated in 1985 to manage and protect the special architectural and historic interests of Bromley Town Centre.

Archaeology – Acceptable

6.5.3 Section 16 of the NPPF and London Plan Policy HC1.D requires that a development proposal should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation.

6.5.4 A desk-based archaeological assessment report by RPS concludes that the scope of past interventions mapped against the scoped limited archaeological potential indicate that there remains no discernible on-going archaeological interest.

6.5.5 The material submitted was reviewed by Historic England (Archaeology) Team who confirmed that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and that no further assessment or conditions are necessary.

Impact on the Adjoining Conservation Area - Unacceptable

6.5.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. Whilst no statutory protection is afforded to the setting of conservation areas,

paragraphs 189 and 190 of the NPPF require an assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting. The NPPF defines setting as the surroundings in which the asset is experienced, recognising that elements of setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate that significance, or may be neutral.

- 6.5.7 Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. Under the definition provided by the NPPF which recognises three categories of harm: substantial harm, less than substantial harm and no harm. The NPPG notes that in general terms, substantial harm is a high test and may not arise in many cases.
- 6.5.8 NPPF Paragraph 193 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.5.9 NPPF Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.5.10 NPPF para 206 states "*Local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*".
- 6.5.11 London Plan Policy HC1.C states development proposals affecting heritage assets, and their settings, should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. Policy D9 on tall buildings states that proposals should avoid harm to the significance of heritage assets and their settings.

6.5.12 BLP Policy 42 states proposals adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.

6.5.13 The Council's Conservation Officer considers that the over-dominant scale and massing of the proposed buildings would visually overwhelm the modest market town character of the Bromley Town Centre Conservation Area. The officer also considers that the proposal, alongside the existing and other emerging tall buildings in this location, including the allowed appeal scheme for the re-development at 66-70 High Street, would cause negative cumulative impact which would be against Historic England's guidance on the setting of heritage assets.

6.5.14 The NPPG refers to the harm that cumulative change can have on the setting of designated heritage assets and explains in paragraph 013 as follows:

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

6.5.15 It is the conservation officer's view that the resulting cluster of the high-rise buildings would cause less than substantial harm to the setting of the designated heritage asset (BTCCA) as defined in the [Glossary of the National Planning Policy Framework](#).

6.5.16 The TVIA includes two unverified views of the proposals from within the Conservation Area – viewpoints F and G shown below (Figs 11 and 12) and also views C, L, and M just outside. The TVIA concludes that assessment demonstrates that the proposed development would not adversely affect the key views and vistas from the High Street and the Conservation Area.



Fig.11 Viewpoint F.

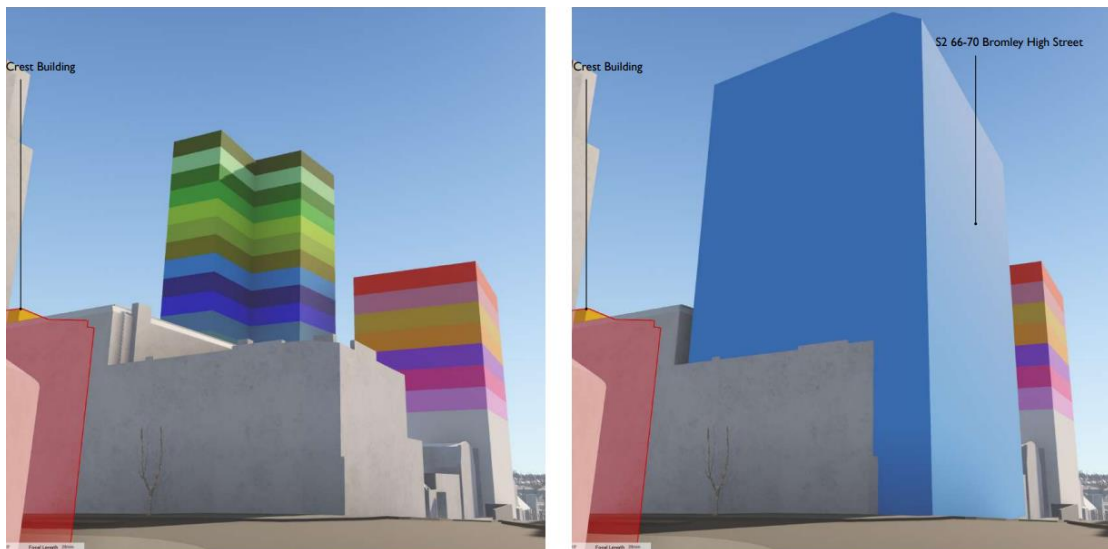


Fig.12 Viewpoint G (Excluding and including allowed appeal at 66-70 High Street).

6.5.17 Although officers acknowledge that the topography of the location which falls away from the High Street (and the boundary of the conservation area) towards the site would help to reduce the impact of the proposed buildings, both blocks would be visible, extending above buildings along the High Street. Officers consider that the proposed height, scale and massing of the proposal would negatively impact on the setting of the Bromley Town Centre Conservation Area causing visual harm by dominating views within. The views mentioned above demonstrate this impact, with views from the High Street being particularly harmful.

6.5.18 As already mentioned in the design section of this report, the justification for the acceptability of the visual impact of the proposal on the BTCCA appears to rely heavily on the hypothetical future baseline buildings, which are to reduce the visibility of the proposed development. It needs to be reiterated that the reference to the Churchill Quarter proposals and their indicative massing included within the TVIA document is irrelevant,

given that no planning permission was granted for such scheme and there is currently no live application for the redevelopment of this site.

6.5.19 For this reason, officers conclude that the development would result in less than substantial harm to the setting of the conservation area under the NPPF definition. The harm identified will be weighed against the public benefits of the proposal in the conclusions section of this report.

6.6 Impact on Residential Amenities - Unacceptable

6.6.1 BLP Policy 37 requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

6.6.2 The closest residential units are predominantly to the west and south of the site, comprising a four-storey flatted development at 6 Ringers Road, 6-10 storey apartments buildings to the south (William House and Henry House), as well as further residential development to the west along Ringers Road and Ethelbert Road.

6.6.3 There are also residential properties to the north on Ethelbert Close which at the time of the submission of this proposal were subject to a planning application for a mixed-use development (Churchill Quarter) which has been subsequently withdrawn/disposed of.

6.6.4 In general terms, the amenity impacts do increase significantly as a result of the scale and mass of tall buildings. As proposed here, the height of Block A would be more than 3 times greater than that of existing buildings on the northern side of Ringers Road, whilst the height of Block B would be 6 times greater than that of existing residential dwellings in Ethelbert Road (see Fig.13 below).

Outlook/Privacy – Unacceptable

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

6.6.6 It is further considered that the additional mass of the proposed development in such close proximity to No.6 Ringers Road, together with the loss of the sycamore tree to the rear of the site which currently provides occupiers with a degree of visual screening between the two sites, would result in a poor and uncomfortable spacial relationship, that

would be oppressively intrusive and overbearing for its existing occupants. This is particularly objectionable given that the building in question comprises some single aspect residential units that rely solely on its northern aspect for daylight, sunlight and outlook.

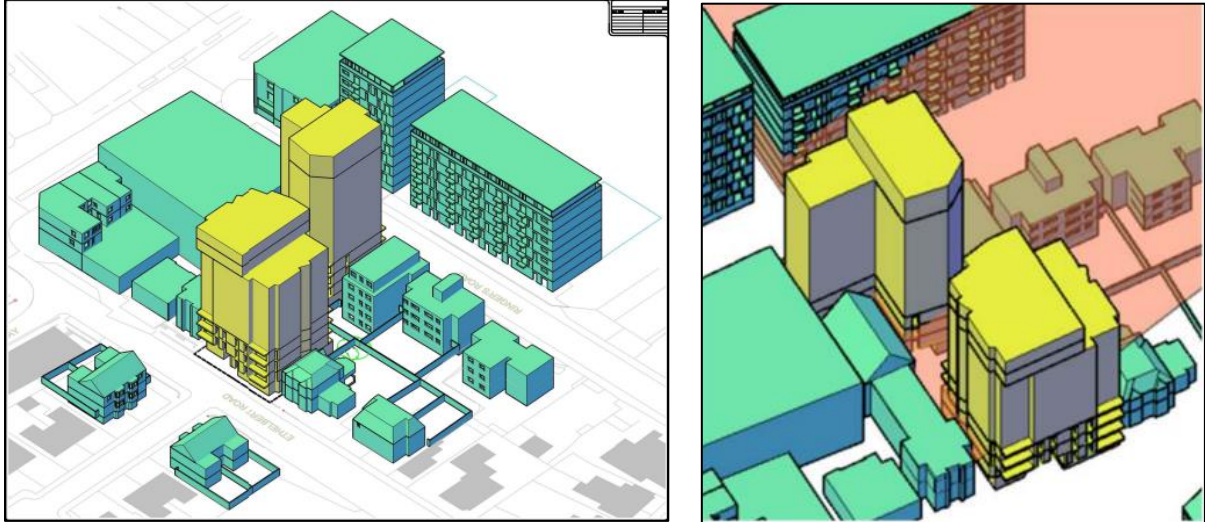


Fig.13 Model of the Proposal.

- 6.6.7 Due to the height, scale and siting of the proposed development in close proximity to the site boundary, concerns are also raised with regard to the resulting relationship with No. 7 Ethelbert Road which would be overbearing for its existing occupants.
- 6.6.8 The proposed development would loom over the Salvation Army building (Bromley Temple) with the courtyard area offering little relief from the height, scale and mass of the blocks (Fig.13 above). Reference is made in the submission to the Salvation Army building being part of the allocation with 'obvious development potential' and officers note that the eastern elevation of Block B features angled windows to limit direct overlooking over the church site. It is unclear, however, what consideration was given to the impact the proposal would have on the existing context, except for the conclusion that currently the building is in non-residential use.

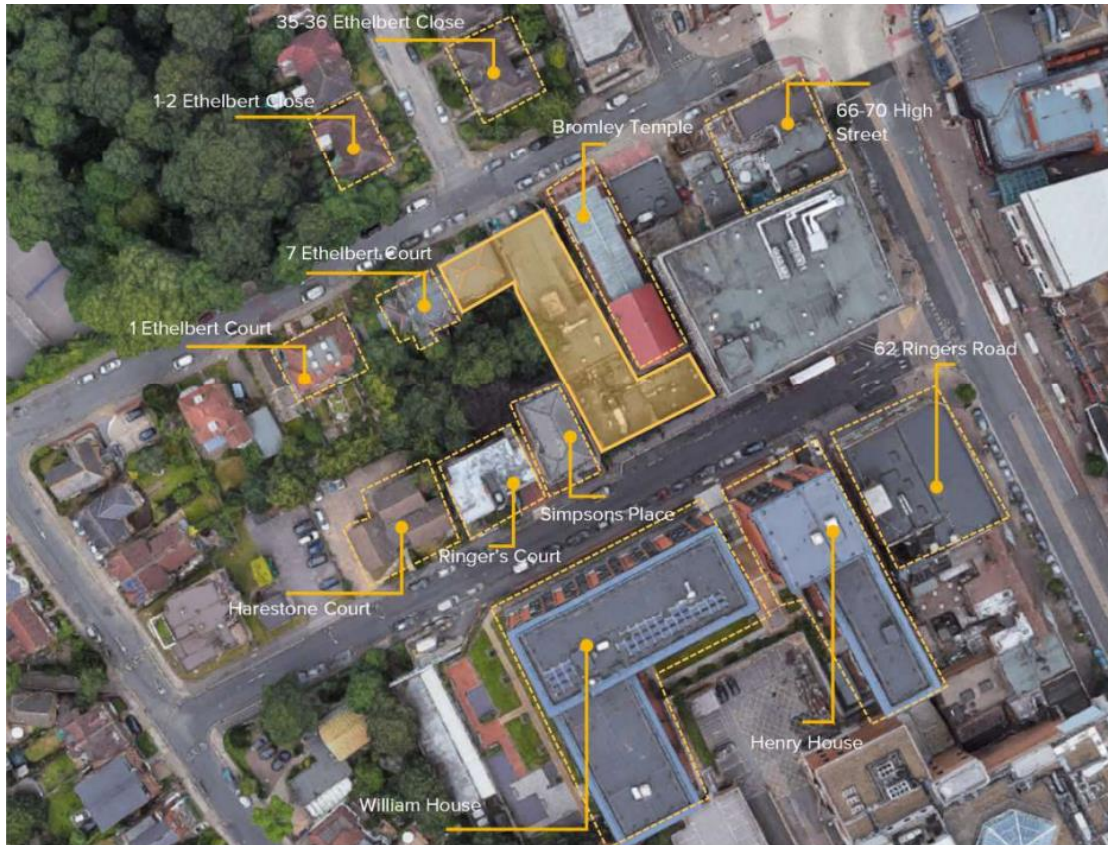


Fig.14 Site location and neighbouring buildings assessed.

Daylight, Sunlight and Overshadowing - Unacceptable

6.6.9 A Daylight, Sunlight and Overshadowing report by XCO2 provided in support of the proposal concludes that overall, the impacts would be in line with the daylight and sunlight levels to be expected in urban environments within associated masterplan schemes. The report also finds that there would be no significant impacts on sunlight access to amenity spaces surrounding the site.

6.6.10 The following neighbouring buildings were tested (see Fig.14 above):

- 66-70 High Street
- 62 High Street
- Henry House
- William House
- Bromley Temple (Salvation Army)
- 6 Ringers Road (Simpsons Place)
- Ringers Court
- Harestone Court
- 35-36 Ethelbert Close
- 1-2 Ethelbert Close
- 7 Ethelbert Court
- 1 Ethelbert Court

6.6.11 In summary:

- 18no. out of 341no. windows passed the 25- degree line test;
- 127no. of the remaining 323no. windows achieved VSCs greater than 27%;
- 27no. windows achieved relative VSCs over 0.8 of their former values and the reduction in daylight is unlikely to be noticeable based on the BRE guidelines;
- 31no. windows are just marginally below the relative VSC target of 0.8;
- 64no. windows attain a VSC of over 20% which is generally deemed satisfactory level of daylight for urban environments, indicating these windows would retain good levels of daylight;
- 48no. surrounding windows are seen to retain levels of daylight more typical for dense urban and possibly city environments (VSCs 10-20%);
- 11no. windows out of the remaining 26 windows were found to meet the no skyline test criteria;
- 15no. windows are associated with commercial spaces, 1no. of them belongs to the retail space at 66—70 High Road and 14no. belong to the Bromley Temple and its offices.

6.6.12 While the results of the report are acknowledged and although it is accepted that the site is located in an urban location and within an allocated site prescribing the intensification of the area and significant delivery of housing for the borough, notable reductions in daylighting conditions would result from the proposal, particularly in respect of William House, Henry House, Simpsons Place and Bromley Temple (noting comments in para 6.6.7 above).

6.6.13 Officers consider that for completeness, the daylight, sunlight and overshadowing report should also include the assessment of properties Nos 11 and 13 Ethelbert Road, 2 Ethelbert Road (Bromley Town Church), 72-76 High Street as well as the allowed appeal scheme at 66-70 High Street and the emerging proposals for No. 62 High Street.

6.6.14 The proposed development would sit on the boundary of the allocation site and would be extruded upwards with little respect towards its neighbours. Further to that, the proposed blocks would be built right up to the site's boundaries with minimal separation distances to neighbouring buildings. As a result, the proposal represents unneighbourly development that raises residential amenity concerns and would effectively preclude future development of the adjacent sites.

6.7 Transport and Highways - Acceptable

6.7.1 Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.7.2 Policy T1 of the London Plan advises that development proposals in outer London should facilitate the delivery of the Mayor's strategic target of 75 per cent of all trips to be made by foot, cycle or public transport by 2041.

Healthy Streets and Access - Acceptable

6.7.3 London Plan Policy T2 relates to Health Streets and states that development proposals should demonstrate how they will deliver improvements that would support the TfL Healthy Streets Indicators, as well as being permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

6.7.4 The supporting Transport Assessment includes an Active Travel Zone Assessment which TfL has advised is deemed acceptable, subject to contributions towards Healthy Streets improvements towards some of the deficiencies as identified in the ATZ assessment in the TA, ideally complementing already-planned improvements and/or pooled with other s106 contributions from recently approved developments nearby.

6.7.5 No formal vehicular access to the site has been provided. Access to the accessible car parking bays would be provided via the existing dropped kerb arrangement along the site frontage.

Proposed Changes to Highway - Acceptable

6.7.6 The Council's Traffic Team are currently proposing to convert the coach bay back to four pay and display parking bays. The applicant is proposing to remove one space from Ringer Road and relocate the permit holder bay outside 6 Ringers Road to provide three bays where the coach bay was together with an extended single yellow line section that could be used for deliveries and servicing at the site as well as other neighbouring uses.

6.7.7 Overall, the proposed changes on Ethelbert Road and Ringers Road would result in the removal of three bays on Ethelbert Road to provide a car club, disabled bay and enhanced servicing and the removal of one bay on Ringers Road to provide an enhanced servicing area.

6.7.8 The three bays on Ethelbert Road are currently pay at machine bays in operation Monday to Saturday 08:00-20:00 whilst the bay on Ringers Road is a permit holder only bay. The cost of loss of four bays would need to be reimbursed to the Council and the total cost inclusive of the initial estimate (95,120) would be £190,240. This cost would be secured in the section 106 agreement should planning consent be granted. Any changes to the existing Traffic Order (TRO) would also need to be met by the applicant. The additional highway works on Ringers Road would be implemented either through a Section 278 agreement or under a Highway Licence. This would be determined at the detailed design stage should permission be granted.

Car Parking - Acceptable

- 6.7.9 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision with Policy T6.1 of the London Plan setting maximum car parking standards. The policy states that 'car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport'.
- 6.7.10 Considering the location in the heart of the metropolitan town centre and Opportunity Area, coupled with the excellent PTAL rating of 6b, the site represents a prime opportunity to promote car-free development. As such, with the exception of the disabled car parking space and the accessible car club bay, which would be provided along the site frontage on Ethelbert Road through the conversion of two on-street bays, the proposals would be car-free. This is strongly supported. In order to ensure that the proposed development does not impact on local streets, future residents will be prohibited from applying for parking permits for the local Controlled Parking Zones (CPZ).

Disabled Car Parking

- 6.7.11 Policy T6.1 of the London Plan states that for three percent of dwellings at least one designated disabled persons parking bay per dwelling is available from the outset with the potential for an additional seven percent to be provided in the future. For a scheme of 94 units this equates to three spaces from Day 1 and the potential for an additional seven spaces in the future, a total of 10 disabled spaces.
- 6.7.12 The level of proposed Blue Badge (BB) parking is lower than the London Plan standard and both spaces would be on-street. On balance, however, considering the provision of dropped kerbs, tactile paving, flush crossings and wide footways together with a wide variety of step-free buses and step-free access to Bromley North and Bromley South Railway Stations, a wide range of services very close by, and a taxi rank 50 metres away in the High Street (all London taxis being accessible); TfL and the GLA have considered that this may be acceptable in this instance. Furthermore, for the reasons stated, it is not considered that the objectives of the Public Sector Equality Duty would be prejudiced by these proposals.
- 6.7.13 Also, the Transport Statement (TS) highlights that there are five additional disabled bays within a 50m walk of the site, alongside 152 additional disabled parking spaces provided within public car parks within close proximity of the site. Allocation of BB parking should be managed through a Parking Management Plan which would be secured through a planning condition in the event of granting approval.

6.7.14 London Plan Policy T6.1.C relates to electric charging point which requires 20 percent of the spaces be installed with active charging facilities and the remaining be installed with passive. No EVCP spaces are proposed, however, should permission be granted a condition could be imposed to require that the two BB spaces should be provided with access to Electric Vehicle Charging (EVC) from the outset.

Cycle Parking - Acceptable

6.7.15 The quantum of cycle parking should be in line with Policy T5 of the London Plan, and the quality should follow the London Cycle Design Standards (LCDS), as also required by Policy T5.

6.7.16 The proposed development quantum would require a minimum of 169 long stay cycle parking spaces and 13 short-stay cycle parking spaces. In accordance with the London Cycle Design Standards 5% (10 spaces) should be suitable for accommodating adapted cycles.

6.7.17 The proposed redevelopment would provide a number of separate cycle stores at basement and ground floor level which together would provide a total of 201 cycle parking spaces. This represents an overprovision of both short-stay and long-stay cycle parking compared to the minimum standards outlined in the London Plan:

- Block A Residential – Basement level cycle store for residents providing 70 long stay spaces (two tier stackers) and four enlarged Sheffield stands for adapted bikes and e-bikes;
- Block A Commercial – Three Sheffield stands at basement level providing six long stay spaces;
- Block A Short Stay – 12 Sheffield stands at ground floor level for short stay use by residents and the commercial uses;
- Block B Residential – Basement level cycle store for residents providing 91 long stay spaces (two tier stackers) and five enlarged Sheffield stands for adapted bikes and e-bikes;
- Block B Commercial – Three Sheffield stands at ground floor level providing five long stay spaces;
- Block B Short Stay – 8 Sheffield stands at ground floor level for short stay use by residents and the commercial uses.

Trip Generation - Acceptable

6.7.18 The total proposed development is anticipated to generate approximately 83 two-way person trips during the AM peak hour period, approximately 71 two-way person trips during the PM peak hour period and approximately 821 two-way person trips across the daily period.

6.7.19 Of the 83 two-way total person trips during the AM peak, approximately 26 are anticipated to travel by train, 23 by bus, 14 on foot and 9 by car. During the PM peak, of the 71 two-way person trips, 15 are anticipated to be undertaken on foot, 20 by bus, 16 by train and 13 by car.

6.7.20 When compared to the existing trip generation the proposed development is anticipated to result in an additional 49 two-way person trips during the AM peak period, a reduction of nine two-way person trips during the PM peak period and a reduction of 12 two-way person trips over the 12-hour period.

Vehicle Impact

6.7.21 The proposed development is anticipated to result in a marginal net increase of seven two-way car driver trips during the AM peak period when compared to the existing uses at the site. These would be vehicle trips associated with the site are likely to be limited to essential vehicle trips by eligible users of these bays in addition to a small number of residents using season ticket car parks within the vicinity of the site. This level of change is considered to be negligible and would be imperceptible to the flow of vehicles along Ethelbert Road / Ringer Road, being likely to fall well within the day-to-day variation of traffic on the surrounding highway network.

6.7.22 During the PM peak hour, the proposed redevelopment would generate a net reduction of six two-way car trips and a reduction of 12 two-way car trips over the daily period.

Bus Impact

6.7.23 The proposed development is anticipated to generate approximately 16 additional two-way bus trips in the AM peak hour (08:00-09:00) and a three two-way bus trips in the PM peak hour (17:00-18:00). The TA advises that there are circa 67 buses an hour serving the stops in the vicinity of the site. Due to the frequent nature of bus services, these additional bus trips are considered to have an imperceptible impact on the capacity of the services.

Train Impact

6.7.24 The proposed redevelopment will generate an additional 22 rail passengers in the AM peak hour (08:00-09:00), equating to an extra 0.28 passengers per service across the two stations. During the PM peak hour (17:00-18:00), the redevelopment is anticipated to generate an additional 12 rail passengers, equating to an extra 0.15 passengers per service. The marginal increase of less than one person per service during each of the peak hours is not considered to represent a significant increase in the demand for services and is likely to fall within the current fluctuations of passenger numbers per service.

Walking and Cycling Impact

6.7.25 The number of cycle trips and the number of trips undertaken on foot can be accommodated within the existing network.

Delivery and Servicing - Acceptable

- 6.7.26 The applicant is proposing to remove the need to maintain vehicle access to the site at all times and will ensure that the single yellow line section on Ethelbert Road can be used by other neighbouring sites on Ethelbert Road. This is welcomed; however, the vehicular crossover should be reinstated to the footway level at the applicants cost.
- 6.7.27 It is anticipated that the residential element of the proposed development is likely to generate 6-13 delivery and servicing trips per day, equating to less than one trip per hour across core delivery hours. It is likely that the majority of delivery and servicing trips will take place outside of the network peak hours. For the café and co-working space, it is anticipated that these uses would generate up to three delivery and servicing trips per day combined, through the delivery of food/goods, cleaning products and other essential produces and refuse collection. Based on this, the total development is anticipated to generate between 9-16 delivery and servicing trips per day.

Waste management

- 6.7.28 Basement level bin stores would be provided in each Block with a lift to transport the bins to street level. Given the distance from the bin stores to the kerb side, a storage area for an electric bin tug machine has been provided to assist with the movement of the bins. Although it appears that residential bin stores would have sufficient capacity to accommodate the required quantum, it is not clear what the waste strategy would be for the commercial element of the scheme. Therefore, in the event of planning consent being granted, further details of the proposed waste management would need to be conditioned.

6.8 Green infrastructure and Natural Environment - Acceptable

- 6.8.1 Policy G5 of the London plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 6.8.2 Within the London Plan, Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

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

Landscaping, Trees and Urban Greening - Acceptable

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

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

6.8.6 One of the Sycamore trees (T1) would need to be removed to facilitate the proposed development. As discussed, this tree does provide some visual screening between the site and No.6 Ringers Rd; however, its long-term viability is considered poor and it is not significantly visible from the wider area/street scene.

6.8.7 The proposal would also require an incursion into the Root Protection Area of the Yew (T4) along with an insignificant incursion for one of the Sycamore trees. Providing that adequate tree protection from soil compaction and impact damage is implemented, the amenity value of these trees would be adequately preserved.

6.8.8 The indicative landscape plans some tree planting and the Council's tree officer considers that this should adequately mitigate the loss of the above tree. However, the GLA have requested an assessment of the value of the tree to be lost using 'i-tree' or 'CAVAT', or another appropriate valuation system in order to demonstrate compliance with Policy G7 of the London Plan. The applicant has not prepared such an assessment; therefore, this information would be required should planning permission be granted. A diverse range of tree species, including large-canopied trees to target urban heat island effects should be provided.

6.8.9 The landscaping scheme achieves a policy compliant urban greening factor score of at least 0.4, in accordance with Policy G5 of the London Plan.

Nature Conservation and Protected Species - Acceptable

6.8.10 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an

adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

- 6.8.11 London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that “*Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.*”
- 6.8.12 The application is accompanied by a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment. The PEA confirms that there are no European or National statutory designated nature conservation sites near to the site boundary and that there are no Sites of Special Scientific Interest (SSSIs) or Local Nature Reserves (LNRs) within 2km of the site boundary. There are two SINC's within 1km of the site, Martins Hill and Church House Gardens and Bromley Civic Centre Grounds, which would not be subject to any direct or indirect effects.
- 6.8.12 Martins Hill and Church House Gardens is located 30m from the site boundary, however potential impacts from construction pollution would be controlled through a Construction and Environmental Management Plan.
- 6.8.13 As the site is predominantly existing buildings, hardstanding and amenity grassland, the majority of the habitats to be lost as a result of the proposed development are of negligible ecological importance. The loss of Sycamore tree (T1) is considered to be mitigated through suitable habitat creation and replacement planting.
- 6.8.14 The Preliminary Bat Roost Assessment found that Building B2 (2-4 Ringers Road) had negligible suitability for roosting bats and therefore required no further survey. Building B1 (5 Ethelbert Road) was found to possess a low potential to support roosting bats and therefore an emergence/re-entry survey was undertaken on the site to confirm the presence/likely absence of roosting bats. This survey found no evidence of bat roosts being present in building B1. As no emergences were observed during the emergence survey, building B1 is not subject to legal protection with respect to bats and as such no specific mitigation is required. It is therefore considered that the demolition of the building will not have an impact on local bat populations.
- 6.8.15 Tree T1 and the onsite buildings have the potential to support nesting birds, whose nests and eggs are protected under the Wildlife and Countryside Act (WCA) 1981, as amended. Surveys for breeding and wintering birds are not considered necessary as given the limited extent and quality of the habitats present, the site is not deemed likely to be of importance for breeding or wintering bird assemblages. Should trees or

buildings at the site be removed during the 'core' nesting bird season (March – August inclusive), prior to the commencement of any works a check by an Ecological Clerk of Works (ECoW) would need to be undertaken to determine if nesting birds are present. Should nesting birds be present in these areas, an appropriate buffer will need to be put in place and retained until an ECoW confirms that the young have fledged, or the nest is no longer active.

6.8.16 No other protected species are considered to be onsite or likely to be affected by the development.

Biodiversity enhancements - Acceptable

6.8.17 The development offers the opportunity to enhance the site, through the establishment of native green wall planting and the inclusion of enhancements for specific species groups could be provided, including bird boxes to increase the number of nesting sites and native planting to increase foraging opportunities for bats, birds and mammals that may use the site. A sensitive lighting strategy has been recommended to ensure that the value of the site is maximised for foraging and commuting bats in the long term. Soft landscaping design could also allow for the integration of woodpiles or standing deadwood habitat could benefit hedgehogs and invertebrates such as stag beetles, which have been recorded in the local area. Native planting could be used to provide suitable habitat for common and widespread amphibians.

6.8.18 The accompanied Biodiversity Net Gain calculation and considers the change in ecological value of the site in light of the proposed development. The Biodiversity Net Gain (BNG) Assessment Report states that there will be a net gain of 424.9%, which is welcomed and in accordance with the policy requirement.

6.9 Energy and Sustainability - Acceptable

Minimising Greenhouse Gas Emissions - Acceptable

6.9.1 The London Plan Policy S12 'Minimising greenhouse gas emissions' states that Major development should be net zero-carbon, reducing greenhouse gas emissions in accordance with the energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

6.9.2 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

- 6.9.3 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required – Of the 35%, residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.
- 6.9.4 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
 - 2) off-site provided that an alternative proposal is identified and delivery is certain.
- 6.9.5 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.9.6 The updated Energy Statement by XCO2 (2023) demonstrates that the estimated regulated CO2 savings on site would be 75% for the domestic part and 44% for the non-domestic part of the development, against a Part L 2021 compliant 'baseline' scheme.
- 6.9.7 A fully electric communal ASHP system is proposed to serve the whole development. The system would provide heating and hot water to the residential element; and heating, hot water and cooling to the commercial component of the scheme. Photovoltaics would also provide electricity to the non-domestic parts of the development.
- 6.9.8 Notwithstanding the policy compliant carbon saving, to achieve the required net zero carbon a financial payment is required. Based on the use of the SAP 10.2 emission factors a financial contribution of £64,398 for a residential element and £13,095 for a non-domestic element would be required, equating to a total payment of £77,493 to be secured through S106 legal agreement.

Whole Life Carbon and Circular Economy - Acceptable

- 6.9.9 London Plan Policy SI-2 requires that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life Cycle Carbon Assessment and demonstrate actions taken to reduce life cycle carbon emissions. London Plan Policy SI7 requires such applications to submit a Circular Economy Statement, whilst London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process.
- 6.9.10 The applicant has submitted a Whole life Carbon Assessment and Circular Economy Statement. Should planning permission be recommended and in line with the GLA recommendation, a post-construction assessment to report on the development's actual WLC emission and a post-completion report setting out the predicted and

actual performance against all numerical targets in the relevant Circular Economy Statement would be secured by planning conditions.

Overheating - Acceptable

6.9.11 London Plan Policy SI 4 states major development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

6.9.12 An overheating analysis assessed against standard CIBSE TM59 - overheating test for residential and standard CIBSE TM52 for commercial is provided. The results indicate active cooling is not required for the domestic areas. Should planning permission be recommended, details of mechanical ventilation in line with the overheating assessment should be secured by condition.

Water consumption - Acceptable

6.9.13 London Plan Policy SI5 states that development proposals should minimise the use of mains water; incorporate measures to help achieve lower water consumption; ensure that adequate wastewater infrastructure capacity is provided; and minimise the potential for misconnections between foul and surface water networks.

6.9.14 The sustainability Statement submitted confirms that the proposed development aims to reduce water consumption to less than 105 litres per person per day for the dwellings, in line with the recommended target. Nonetheless, paragraph 69 of the GLA Stage 1 report states that *“the applicant should also consider water harvesting and reuse to reduce consumption of water across the site, which can be integrated with the surface water drainage system to provide a dual benefit”*. No additional information has been received.

6.11 Environmental Matters – Acceptable

Air Quality - Acceptable

6.11.1 The area falls within Bromley’s Air Quality Management Area. Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet “air quality neutral” benchmarks in the GLA’s Air Quality Neutral report.

6.11.2 The Air Quality Assessment (AQA) by Lustre Consulting, dated September 2021 confirms that the site meets the Air Quality Neutral for the building and transport emissions. The impact of dust soiling and PM10 can be reduced to negligible through appropriate mitigation

measures. Implementation of these measures would help reduce the impact of the construction activities to an acceptable level.

6.11.3 The proposal is in general compliance with the with London Plan air quality policies, however the GLA officers requested a confirmation that no emergency diesel-fired generators would be installed; that no gas-fired plant are proposed; and the future air quality conditions would be compared to the GLA target value for PM2.5 (10 µg/m³). The Council's Environmental Health raised no objections subject to an appropriate condition regulating the demolition and construction processes.

Contaminated Land - Acceptable

6.11.4 A Phase 1 desk study, was submitted by Lustre Consulting Limited (July 2021) as part of this application, and it found there is a potential for contaminants such as asbestos, heavy metals, TPH, and PAH species. The report recommended that a site investigation is carried out and consequently a standard land contamination condition should be attached to any approval to prevent harm to human health and pollution of the environment. Given the site's location in a groundwater source protection zone and, based on Thames Water's comments, conditions requiring a piling risk assessment and a piling method statement would also be imposed on any grant of planning permission.

Lighting - Acceptable

6.11.5 The lighting should be designed to meet the guidance from the Institute of Lighting Professionals, 'The reduction of obtrusive light' Guidance Note 01/21, with respect to the sites lighting environment and will not exceed 2 lux at any habitable window, meeting the illuminated limits on surrounding premises for E3 Medium Brightness zone respectively.

6.11.6 Whilst a Lighting Strategy has not been submitted in support of the proposal, given the characteristics of the scheme, its layout and location, officers accept that the development should comfortably fall within the recommended guidance levels at any habitable window within the development itself and on surrounding premises. Further details would be required through a planning condition should permission be granted.

Noise and Vibration - Acceptable

6.11.6 Given the proposed use of the site, no undue noise and disturbance issues would likely to arise. Should planning permission be granted, appropriate conditions would be attached regulating the hours of operation of the commercial units within the proposal.

6.11.2 Demolition and construction activities are likely to cause some additional noise and disturbance, traffic generation and dust. Should permission be granted, a number of conditions would be imposed to minimise these impacts.

6.12 Drainage and flooding – Unacceptable

- 6.12.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI12 requires development proposals to ensure that flood risk is minimised and mitigated, and that residual risk is addressed. London Plan Policy SI13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible, in line with the drainage hierarchy.
- 6.12.2 Policy 116 (Sustainable Urban Drainage System) of the LBB Local Plan states that all developments should seek to incorporate Sustainable Urban Drainage Systems or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 6.12.3 No flood risk assessment is required for this site. The Outline Sustainable Drainage Assessment by Water Environment (April 2023) advises that the site is located in Source Protection Zone 1 (SPZ1) which requires that any SuDS which discharge to ground (other than clean roof water) to undertake a hydrogeology risk assessment to ensure the SuDS systems does not become an enabler of contaminates to the groundwater supply and this would be secured through a condition in any approval.
- 6.12.4 In terms of the SuDS, the proposed discharge rate of 5l/s is subject to LLFA's approval of the sequential approach to the disposal of surface water. Whilst Thames Water does not wish to object to the proposal subject to the imposition of various conditions, however, the Council's drainage officer considers that with the acceleration of the impact of Climate Change the proposed discharge of 5l/s would be high for such urbanised area and not acceptable knowing the lack capacity of main river downstream.
- 6.12.5 The applicant was requested to increase its storage volume to restrict the rate to maximum of 2l/s for all events including the 1 in 100 year plus 40% climate change. As no additional information has been received from the applicant, the proposed drainage strategy is considered contrary to London Plan Policies SI12 and SI13 and BLP Policy 116, and a reason for refusal is recommended on this ground.

7. Other Issues

Equalities Impact

- 7.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 7.2 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.
- 7.3 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.
- 7.4 It is also necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it.
- 7.5 The protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 7.6 Although the supporting information states that all units have been designed to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of the dwellings (2) would meet Building Regulation requirement M4(3) 'wheelchair user dwellings', officers note that all of the M4(3) units, being located at the lowest floors of the proposed blocks would have limited choice of aspect, restricted daylight provision and inadequate noise and ventilation conditions. The allocation of these poorly performing units to occupants who may have less options to decide whether the internal amenity meets their requirements and those who may not be able to actively improve the quality of their homes due to restricted mobility or visual impairment would not ensure a genuinely inclusive development thus not helping to facilitate equality of opportunity between disabled people and non-disabled people.

- 7.7 The units with the poorest performing rooms have also been identified as social rented tenure which means that the future occupants would not be able to decide whether the amenity offered by those dwellings meets their requirements. This would have a negative impact on people currently on Bromley's housing register which are those with lower household income ranges and therefore those in the categories of age, pregnancy and maternity, race, and sex (women) who are less economically active.
- 7.8 Negative impacts may also arise from the proposed housing mix, which does not comprise any family sized units, including for disabled occupiers; and affected people would be in the categories of age, disability, pregnancy and maternity, race, religion and children.
- 7.9 The proposal would feature a ground floor communal courtyard space, however no dedicated playspace would be provided for the estimated 27 children that are likely to reside in the development. Genuinely playable space should be integrated in the scheme to encourage accessibility for all children (but in particular for under 5s), creating an age appropriate, stimulating and sensory environment. The lack of required on-site playspace provision is expected to have varying degrees of negative impacts on children, age, disability, pregnancy and maternity.
- 7.10 The development proposal offers new opportunities to access affordable housing, however, as the affordability of the units has not been confirmed, the affordable housing units could be inaccessible to some of the highest need customers on Bromley's housing register and therefore might have a negative impact for people in the categories of age, disability, pregnancy and maternity, race, and sex (women) who are less economically active and who may find the price or the type of affordable units prohibitive.
- 7.11 There are also negative impacts expected in relation to construction, such as increased vehicular movements, noise and air quality which would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the impacts.
- 7.12 In terms of the economic objective, as stated in the Economic Benefits Report prepared by Boyer, the proposals would generate various benefits for the local economy. This report outlines that during the 'Construction Phase' the proposal would directly contribute to the creation of 89 (FTE) jobs, further generating a total GVA impact of £58,220,000. During the 'Operational Phase' a further 31 (FTE) jobs will be created through the proposed Class E uses, including the proposed affordable workspace, and maintenance associated with the building and the C3 Residential Uses.

7.13 In conclusion, it is considered that LB Bromley has had due regard to section 149 of the Equality Act 2010 in its consideration of this application and resulting recommendations to the Plan Sub Committee.

Community Infrastructure Levy

7.14 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable for the Mayoral CIL (subject to applicable affordable housing relief).

7.15 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. Proposals involving social, or affordable, housing (conditions apply) can apply for relief from CIL for the social housing part of the development. This is set out in Regulation 49 of the CIL Regulations 2010 (as amended).

S106 Legal Agreement

7.16 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.17 Policy 125 of the Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

7.18 Officers have identified a number of planning obligations which are required to mitigate the impacts of this development, the reasons for which have been set out in this report.

7.19 Without prejudice, should planning permission be granted, the development, as proposed, would necessitate the following obligations:

- Affordable Housing 35% (20 SLR and 13 SO)

- Early stage affordable housing review mechanism
 - Carbon off-set payment-in-lieu £77,493
 - Playspace £17,292.24
 - Loss of income (P&D parking bays) £190,240
 - Value of the tree to be lost (assessed using 'i-tree' or 'CAVAT' system) TBC
 - Signage and wayfinding (Legible London) £22,000
 - Healthy Streets TBC
 - Reimbursement of the Council's legal costs
 - Monitoring fees £500 per head of term
- 7.20 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 7.16 At the time of writing, the applicant has not confirmed the above planning obligations nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is recommended.

8. Planning Balance and Conclusion

- 8.1 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing, including Policy 1 Housing Supply of the Bromley Local Plan, as being 'out of date'. In terms of decision-making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.
- 8.2 The principle to redevelop this brownfield site in a highly accessible, metropolitan town centre location with a residential led, mixed use scheme is supported from a land use perspective. The site falls within a designated opportunity area in the London Plan and forms part of the housing allocation Site 10 in the Bromley Local Plan.
- 8.3 The proposed delivery of housing, resulting in a net gain of 88 homes, including 33 affordable units (at least 20 of which would be socially rented), would make a substantial contribution to the housing supply in the Borough, at a time when there is a significant under supply, including affordable housing, and rising demand as evidenced by the latest Housing Trajectory report. This benefit of the scheme attracts a very substantial weight.
- 8.4 The application demonstrates that the traffic and parking demand generated by the development would not have a significant impact on local highways infrastructure or road safety. Adequate sustainability

measures would be incorporated achieving the required carbon reduction without causing unduly harmful environmental impacts and potential significant biodiversity improvements are acknowledged. Environmental matters such as air quality, contamination and light pollution would be subject to appropriate conditions if the application was deemed acceptable overall.

- 8.5 Nonetheless, at 921.6 units per hectare the proposed density would be extremely high; while recognising that these standards are to be flexibly applied, the scheme does not provide sufficient justification to show why such density should be acceptable in this case. Despite the site's location within an Opportunity Area, a metropolitan town centre, an allocation site and an area with very good public transport accessibility level; and although the emerging context of a high-density development including tall buildings is acknowledged, higher densities should not be at the expense of the quality of the accommodation proposed. In this instance the proposed quantum of development is considered unacceptably excessive and results in various townscape/heritage and amenity impacts.
- 8.6 The design, layout, massing, and density proposed is considered to be an excessive and over intensive form of development that fails to respond appropriately to the characteristics or constraints of the site and would prejudice the future development potential of the wider site allocation.
- 8.7 The over-dominant scale and massing of the proposed buildings would visually compete with the modest market town character of the adjacent Bromley Town Centre Conservation Area. The development would result in less than substantial harm to its setting under the NPPF definition.
- 8.8 The proposed residential accommodation would comply with the minimum internal standards in terms of size. However, technical compliance with national minimum space standards does not equate to quality, as highlighted within Policy D6 of the London Plan. A number of units proposed would have defects in layout that would result in a poor standard of living conditions for future residents, particularly with regard to outlook/aspect, daylighting (typically in respect of affordable and wheelchair accessible units), as well as privacy and playspace provision. All of these factors validate the officers' view that the proposal would represent an over-development of the site. Officers agree with the GLA that should neighbouring sites come forward for redevelopment, even at lesser height, residential quality of the proposed development would be likely to deteriorate even further. The proposal would also harm the amenities of the existing neighbouring occupiers in terms of overbearingness, overlooking and loss of light.
- 8.9 The applicant has failed to provide a financial viability assessment to confirm if the scheme can support more affordable housing than what is offered. Therefore, on the basis of insufficient information, being the lack

of a FVA, the application would fail to demonstrate that it would maximise the delivery of affordable housing. Additionally, the proposed housing mix due to lack of larger family size homes, would not address an identified housing need in the Borough.

- 8.10 The applicant was requested to increase its surface water storage volume to restrict the rate to maximum of 2l/s for all events including the 1 in 100 year plus 40% climate change. As no additional information has been received from the applicant, the proposed drainage strategy based on the proposed discharge rate of 5l/s in a densely urbanised area with known lack of capacity of main river downstream is considered unacceptable.
- 8.11 Substantial wider public benefits would be required to justify the scale and impacts of development being proposed. In this instance, the scheme would offer little to the wider community and consequently the harm identified would significantly and demonstrably outweigh the benefits arising when assessed against the policies in the Framework taken as a whole.
- 8.12 Bearing all of the above in mind, there are no material considerations, including the Framework, that would strongly indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, planning permission should be refused.
- 8.13 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty and, as discussed in the preceding section, officers consider that these proposals would conflict with the Duty.
- 8.14 The applicant has not confirmed the required planning obligations, as stated within paragraph 7.19 nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is also recommended.
- 8.15 The application is therefore recommended for refusal, subject to any direction by the Mayor of London.

9. RECOMMENDATION: REFUSE SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON on the following grounds:

- 1 The application does not demonstrate that the strategic 50 per cent target for affordable housing in London Plan Policy H4 has been taken into account, and no grant funding has been sought to increase the level of affordable housing proposed as required by Policy H5C. The application therefore fails to meet the criteria necessary to qualify for the Fast Track Route and in the absence of a Financial Viability Assessment the application fails to demonstrate that the**

proposal would maximise the delivery of affordable housing, thereby contrary to Policy H4 and H5 of the London Plan and Local Policy 2.

- 2 The proposed development, by reason of not providing any larger family sized units (3 bedroom +), would fail to address the identified need in the Borough, contrary to London Plan Policy H10 and Local Plan Policy 1 and policy 2.
- 3 The proposed development, by reason of its siting, height, scale, massing and appearance would appear as an over-intensive development within a confined site and would prejudice the development potential of the adjoining sites within the allocated Site 10 in the Local Plan. The proposal would appear as an overly dominant and overbearing addition to the town centre skyline and out of context with its immediate surroundings. The proposed development would therefore cause harm to the character and appearance of the area and fail to preserve or enhance the setting of the setting of the Bromley Town Centre Conservation Area, contrary to London Plan Policies D1, D3, D4, D7, D9 and HC1; Local Plan Policy 37, 42, 47, 48 and Site Allocation 10; Bromley Urban Design SPD and Bromley Town Centre SPD.
- 4 The proposed development, by reason of a high proportion of single aspect units offering poor outlook and daylight conditions, mutual overlooking and inadequate provision of children's play space, is reflective of an over-development of the site resulting in a compromised internal layout, which would not provide a satisfactory standard of residential accommodation. Consequently, the proposal is contrary to the provisions of London Plan Policies D3, D5, D6, D7 and S4; Local Plan Policies 4 and 37; Housing Design LPG; and Play and Informal Recreation SPG.
- 5 The proposed development, by reason of its siting, height, scale, massing and design would appear as overbearing when viewed from nearby residential properties and their external amenity spaces and would lead to an adverse loss of light and privacy, thereby harming the living conditions of the surrounding residential occupiers, contrary to Local Plan Policies 37 and 47, and Site Allocation 10 and Bromley Urban Design SPD.
- 6 The proposed drainage strategy based on the proposed discharge rate of 5l/s in a densely urbanised area with known lack of capacity of main river downstream is considered unacceptable and contrary to London Plan Policies SI12 and SI13 and Local Plan Policy 116.

- 7 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.**

Appendix 3: Rt Hon Robert Jenrick MP's letter to the Mayor of London (March 2020)



Ministry of Housing,
Communities &
Local Government

Sadiq Khan
Mayor of London
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Rt Hon Robert Jenrick
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13 March 2020

Dear Sadiq,

Thank you for sending me your Intention to Publish version of the London Plan (the Plan).

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.

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. Over the same period, other Mayors such as in the West Midlands have gripped their local need for housing and recognised the opportunities this brings, leading significant increases in the delivery of homes.

Since you became Mayor, the price of an average new build home in London has increased by around £45,000, reaching £515,000 in 2018, 14 times average earnings. Clearly, the housing delivery shortfall you have overseen has led to worsening affordability for Londoners; and things are not improving, with housing starts falling a further 28 per cent last year compared to the previous.

Critical strategic sites have stalled, epitomised by your Development Corporation in Old Oak and Park Royal being forced to turn away £250 million of Government funding because of your inability to work successfully with the main landowner. You also turned away £1 billion of investment we offered to deliver Affordable Homes, because of the support and oversight that would accompany this. You have put a series of onerous conditions on estate regeneration schemes for them to be eligible for grant-funding, such as the requirement for residents' ballots. In attaching such conditions, you are jeopardising housing delivery and this approach will make it significantly more difficult to deliver the Plan's targets and homes needed.

Following the Planning Inspectorate's investigation of your Plan, they only deem your Plan credible to deliver 52,000 homes a year. This is significantly below your own identified need of around 66,000 homes and well below what most commentators think is the real need of London. As I have set out, the shortfall between housing need in London and the homes your Plan delivers has significant consequences for Londoners.

Leaving tens of thousands of homes a year needed but unplanned for will exacerbate the affordability challenges within and around the capital; making renting more expensive and setting back the

aspirations of Londoners to get on the housing ladder, make tackling homelessness and rough sleeping more challenging and harm the economic success of London.

Everyone should have the chance to save for and buy their own home so they can have a stake in society. In the short run this requires a proactive stance in building homes for ownership, including Shared Ownership and First Homes, and in parallel delivering a consistently high level of housing supply of all tenures. You should also be looking to deliver homes which people of different ages, backgrounds and situations in life can live in. Your Plan tilts away from this, towards one-bed flats at the expense of all else, driving people out of our capital when they want to have a family.

Your Plan added layers of complexity that will make development more difficult unnecessarily; with policies on things as small as bed linen. Prescription to this degree makes the planning process more cumbersome and difficult to navigate; in turn meaning less developments come forward and those that do progress slowly. One may have sympathy with some of individual policies in your Plan, but in aggregate this approach is inconsistent with the pro-development stance we should be taking and ultimately only serves to make Londoners worse off.

This challenging environment is exacerbated by your empty threats of rent controls, which by law you cannot introduce without Government consent. As we all know, evidence from around the world shows that rent controls lead to landlords leaving the market, poorer quality housing and soaring rents for anyone not covered by the controls.

I had expected you to set the framework for a step change in housing delivery, paving the way for further increases given the next London Plan will need to assess housing need by using the Local Housing Need methodology. This has not materialised, as you have not taken the tough choices necessary to bring enough land into the system to build the homes needed.

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 throughout the Plan you have directly contradicted national policy. As you know, by law you must have regard to the need for your strategies to be consistent with national policies.

For these reasons I am left with no choice but to exercise my powers to direct changes.

Your Plan must be brought to the minimum level I would expect to deliver the homes to start serving Londoners in the way they deserve. However, this must be the baseline and given this, I ask that you start considering the next London Plan immediately and how this will meet the higher level and broader housing needs of London.

Directions

Due to the number of the inconsistencies with national policy and missed opportunities to increase housing delivery, I am exercising my powers under section 337 of the Greater London Authority Act 1999 to direct that you cannot publish the London Plan until you have incorporated the Directions I have set out at **Annex 1**. Should you consider alternative changes to policy to address my concerns, I am also content to consider these.

In addition to the attached Directions, I am taking this opportunity to highlight some of the specific areas where I think your Plan has fallen short of best serving Londoners.

Ambition: It is important that both Government and you as Mayor are seen to be leaders in supporting ambitious approaches to planning and development; and I am concerned that your Plan actively discourages ambitious boroughs. I am therefore Directing you to work constructively with ambitious London Boroughs and my Department to encourage and support the delivery of boroughs which strive to deliver more housing.

Small sites policy: The lack of credibility the Panel of Inspectors were able to attribute to your small sites policies resulted in a drop in the Plan's housing requirement of 12,713 homes per year. This was due to a combination of unattractive policies, such as 'garden grabbing' by opening up residential gardens for development, and unrealistic assumptions about the contribution of policies to the small sites target. I hope that where your small sites policies are appropriate, you are doing all you can to ensure sites are brought forward.

Industrial land: Planning clearly requires a judgement to be made about how to use land most efficiently, enabling sufficient provision for housing, employment and amenity. The Inspectors considered your industrial land policies to be unrealistic; taking an over-restrictive stance to hinder Boroughs' abilities to choose more optimal uses for industrial sites where housing is in high demand. I am directing you to take a more proportionate stance - removing the 'no net loss' requirement on existing industrial land sites whilst ensuring Boroughs bring new industrial land into the supply.

The mix of housing: Such a significant reduction in the overall housing requirement makes the need for the provision of an appropriate dwelling mix across London more acute. I am concerned that your Plan will be to the detriment of family sized dwellings which are and will continue to be needed across London. This is not just in relation to their provision but also their loss, particularly where family sized dwellings are subdivided into flats or redeveloped entirely. I am therefore Directing you to ensure this is a consideration of London Boroughs when preparing policies and taking decisions in relation to dwelling mix.

Optimising density: It is important that development is brought forward to maximise site capacity, in the spirit of and to compliment the surrounding area, not to its detriment. Sites cannot be looked at in isolation and Londoners need to be given the confidence that high density developments will be directed to the most appropriate sites; maximising density within this framework. Examples of this are gentle density around high streets and town centres, and higher density in clusters which have already taken this approach. I am therefore Directing you to ensure that such developments are consented in areas that are able to accommodate them.

Aviation: As you are aware, the Court of Appeal recently handed down judgment in the judicial review claims relating to the Airports National Policy Statement. The government is carefully considering the complex judgment and so does not consider it appropriate to make any direction in relation to Policy T8 Aviation at the present time. This is without prejudice to my power to make a direction under section 337 at any time before publication of the spatial development strategy, including in relation to Policy T8 Aviation.

Next steps: I look forward to receiving a revised version of your Intention to Publish Plan, containing the modifications necessary to conform with these Directions, for approval in accordance with section 337(8) of the Greater London Authority Act 1999.

Future Housing Delivery in London

I would like you to commit to maximising delivery in London, including through taking proactive steps to surpass the housing requirement in your Plan. This must include:

- Supporting ambitious boroughs to go beyond your Plan targets to bring them closer to delivering housing demand;
- A programme of work, with my Department, to kick-start stalled strategic sites; including bringing forward later-stage strategic land from your Strategic Housing Land Availability Assessment. If you are unable to persuade me that you can deliver the most significant sites, such as Old Oak Common, I will consider all options for ensuring delivery;
- Collaborating with public agencies to identify new sources of housing supply, including developing a more active role for Homes England;
- Actively encouraging appropriate density, including optimising new capacity above and around stations; and,

- Producing and delivering a new strategy with authorities in the wider South East to offset unmet housing need in a joined-up way.

The priority must be delivering the housing that Londoners need. I think the above steps will move us closer towards this and hope that you will build on these. However, I must be clear that without reassurances that you will raise your housing ambitions for the capital, I am prepared to consider all options, including new legislation if necessary.

Finally, I want to see you set a new standard for transparency and accountability for delivery at the local level. To achieve this I want you to commit to work with my Department and to provide: the fullest account of how the housing market and planning system is performing in London, where there are blockages and what is needed to unblock these, and what tools or actions can be undertaken to further increase housing delivery.

To meet this I expect:

- Regular meetings between you and I, and my ministers, to be supplemented by regular meetings between our respective officials.
- Quarterly, systematic reporting of progress on housing delivery across all tenures, devolved programmes and your planning pipeline across London. This should reflect what we have in place to track Homes England's approach to reporting.

The position I have taken and requirements I have outlined, are focused on ensuring the homes that Londoners need are planned for and delivered. Housing in our capital is simply too important for the underachievement and drift displayed under your Mayoralty, and now in your Plan, to continue.

I look forward to your reply detailing these commitments and to receiving your modified London Plan.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive style and is positioned above a short horizontal line.

THE RT HON ROBERT JENRICK MP

Appendix 4: Rt Hon Michael Gove MP's letter to the Mayor of London (December 2023)



Department for Levelling Up, Housing & Communities

Rt Hon Michael Gove MP
*Secretary of State for Levelling up Housing &
Communities*
Minister for Intergovernmental Relations
2 Marsham Street
London
SW1P 4DF

Sadiq Khan
Mayor of London
City Hall
London
E16 1ZE

18 December 2023

Dear Sadiq,

HOUSEBUILDING IN LONDON

Thank you for your letter of 5 November enclosing the recommendations of the London Housing Delivery Taskforce, which you reconvened shortly after I outlined the Government's long-term plan for housing.

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. This is not a national issue. 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% of their appropriate housing requirement for the test over the three-year monitoring period. Areas like the West Midlands are overdelivering, while London continues to fall short.

This has a significant effect on the availability of homes for those wanting to live and work in the capital, as well as for the standard of housing available. London's average house prices remain the most expensive in the UK – an average of £537,000 in September 2023. The average price was over 12.5 times average earnings last year. London has the lowest level of home ownership in England. Our capital also has, as you know, the highest proportion of renters. There are 60,040 homeless households in temporary accommodation, including over 80,000 children.

Under your leadership the GLA is failing to provide affordable homes for those that need them most.

While I welcome the commitments you made in your letter, as well as the ideas you have provided for Government to consider, they are not enough to change this woeful picture. In July, I asked my officials to review housing delivery in London to gain a greater understanding of the reasons for this significant under-delivery. We met stakeholders, including planning authorities, developers, and boroughs to identify the challenges they encounter in delivering housing. In the course of those discussions, a number of issues were raised which stakeholders believe are adversely affecting housing delivery in London.

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.

With this in mind, I have asked Christopher Katkowski KC to lead a panel of expert advisers comprising Cllr James Jamieson, Paul Monaghan, and Dr Wei Yang, to consider the aspects of your London Plan which could be preventing thousands of homes being brought forward, with a particular focus on brownfield sites in the heart of our capital. I have asked them to produce their report by January and will make sure that it is shared with you.

If you cannot do what is needed to deliver the homes that London needs, I will.

I understand that there is also a critical role for the Government in the short-term. The Government's housing plans are ambitious and our £11.5 billion Affordable Homes Programme for 2021-26 will provide tens of thousands of homes. London will receive £4 billion to deliver new affordable homes to help with the acute housing challenge in London. This is in addition to the significant funding that we have already made available to support other schemes in the capital, such as the £257 million for new trains and sidings on the DLR to unlock around 12,000 new homes in the Royal Docks and Isle of Dogs, the £195 million in infrastructure grant funding to unlock over 6,700 homes at Meridian Water, and the £150 million loan to support the Earl's Court Village project for up to 6,775 homes.

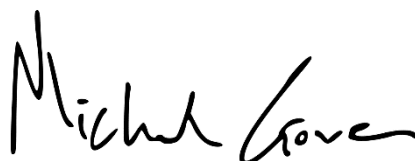
The first two rounds of the Local Authority Housing Fund will obtain around 1,200 homes in London by March 2024 for immediate resettlement and homelessness needs and will create a lasting legacy for local communities by building a sustainable stock of affordable housing. We are now also launching a £450 million third round of the fund and look forward to working with local authorities in London on its delivery in the capital.

However, grant funding will only go so far. In a city with such high land values, it is not right or fair to taxpayers and other parts of England for you to rely on more public subsidy to catalyse development in London when it is regulatory complexity that so often makes new building too difficult.

I want to go further and will set out further work on my long-term plan for housing in due course. In this spirit, I have enclosed responses to the recommendations made by your London Housing Delivery Taskforce.

I look forward to receiving Christopher's report and sharing it with you in January – and I hope that you will work with me to deliver the homes our capital so desperately needs.

With every best wish,

A handwritten signature in black ink that reads "Michael Gove". The signature is written in a cursive, flowing style.

Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing & Communities
Minister for Intergovernmental Relations

Annex A – Response to London Housing Delivery Taskforce

Overcoming viability challenges

LHDT proposed interventions	Government Response
<p>Immediately inject additional Affordable Homes Programme (AHP) grant into London. Investment should include £2.2bn in the short-term to bring AHP 2021-26 targets back up to 35,000 affordable homes. Over the long-term, research undertaken by Savills in 2022 shows that £4.9bn in capital grant is needed each year to enable local authorities and housing associations to achieve the strategic target for affordable housing set out in the London Plan. The social and economic case for meeting affordable housing needs is overwhelming – it would enable counter-cyclical investment so that delivery is less susceptible to market trends; substantially boost educational attainment and economic growth; and generate significant savings in housing benefit, temporary accommodation and NHS costs in the medium to long-term.</p>	<p>Our £11.5 billion Affordable Homes Programme for 2021-26 will provide tens of thousands homes across the country. These include homes for rent, for low-cost home ownership, and specialist and supported housing.</p> <p>London will receive £4 billion to deliver new affordable homes to help with the acute housing challenge in London.</p> <p>This year the Government has worked with the GLA (and with Homes England) to confirm the 2021 - 26 Programme’s capacity to deliver as part of a review of programme commitments in light of economic challenges for social housing developers.</p> <p>Since 2010, we have delivered over 684,800 new affordable homes, including over 475,500 affordable homes for rent, of which over 171,100 homes for social rent.</p> <p>Over one fifth of overall delivery between April 2010 and March 2022 was in London (nearly 131,800), with over 89,700 for rent.</p>
<p>Building on success of early-2023 negotiations, government should work with the GLA to introduce additional flexibilities in to the AHP 21-26 settlement. Key additional flexibilities should include:</p> <ul style="list-style-type: none"> • Pushing back completion milestones, which are particularly rigid and constrictive for larger developments and estate regeneration schemes. • Allow for more flexibility with intermediate tenures, particularly by allowing delivery of London Living Rent homes in perpetuity. • Ensure that grant and associated funding conditions on additionality work effectively to maximise affordable housing delivery, without creating unnecessary barriers to delivery. 	<p>We welcome continuing dialogue with the Greater London Authority on ways to deliver the greatest value possible through the Affordable Homes Programme. We have been able to agree a number of flexibilities with the GLA in recent months to support their delivery and we are willing to work with the GLA to consider new proposals that support the market to deliver more new homes as early as possible.</p>
<p>Clarify its intent to provide affordable housing grant post-2026. The lack of clarity on long-term funding means that affordable housing providers are unable to effectively forward plan, especially in</p>	<p>We agree it is important to provide the sector with long-term certainty, which is why the Affordable Homes Programme offers a five-year window for providers to start new homes</p>

<p>respect of complex schemes (including estate regeneration).</p>	<p>and up to three more years after 2026 for providers to complete those homes.</p> <p>Ministers will take advice on how a new affordable homes programme could continue to deliver social housing before the next spending review.</p>
<p>Introduce additional, permanent flexibilities to the local authority Right to Buy (RtB) receipt spending framework. As a priority, the government should allow councils to combine RtB receipts with AHP grant in order to bridge viability gaps and make better use of other recently introduced flexibilities. Temporary reforms to the RtB receipt spending framework introduced in early-2023 – including the ability for boroughs to keep the full receipt sum – should be made permanent.</p>	<p>Councils have a key role to play in increasing social housing supply and we want to support them to do so.</p> <p>Greater flexibilities over the use of Right to Buy receipts were extended to Local Authorities at Budget in March 2023, allowing all councils to retain 100% of their RtB receipts for the years 2022/23 and 2023/24.</p> <p>This amounts to £366 million in retained funds to support the delivery of council housing. In the same package in March of this year, we also froze the cap on acquisitions, to recognise the current pressures and challenges councils are under. At Autumn Statement last month, we announced an extension of the preferential borrowing rate for council housebuilding through to June 2025. We continue to monitor the uptake and impact of these measures before considering if, how and when we may be able to go further.</p> <p>We also want to see the overall quantum of social housing increase which is why RtB receipts cannot be combined with other forms of grant funding. Councils agreed to this under the 2012 self-financing settlement.</p>
<p>Launch a new grant funding programme to properly fund refurbishment of existing stock, to align with announcement of a new Decent Homes Standard. Government has made such funding programmes available in the past, and there is a clear need for such funding against a backdrop of increasing requirements placed on providers to improve safety, quality and sustainability of existing homes, including higher standards expected as part of an updated Decent Homes Standard. Providers are unclear about the scale of refurbishments that will be needed through the expected forthcoming standards, contributing to an environment of policy uncertainty that is challenging for long-term business planning.</p>	<p>The Government has been clear that landlords should be able to meet the current Decent Homes Standard based on the rent settlement, and must prioritise repairs when making funding decisions, as no social housing resident should be living in uninhabitable homes.</p> <p>We are currently reviewing the Decent Homes Standard and will consult on the detail of a new DHS. As part of our consultation, we will seek the views of landlords on the affordability of proposals.</p> <p>There is also already funding for improving the energy efficiency and decarbonising social homes through the DESNZ-led social housing</p>

	<p>decarbonisation fund. Wave 2.2 launched in October. Over £1 billion has already been allocated and the 2019 manifesto committed a total of £3.8 billion to 2030.</p>
<p>Re-open the Housing Revenue Account (HRA) debt settlement to give local authorities more freedom to borrow cheaply for housing delivery. The HRA debt settlement was agreed in 2012. Since then, the obligations placed on borough HRAs have significantly increased with government policy on rents having constrained income. It is therefore timely for government to revisit these assumptions with a view to expand HRA borrowing capacity.</p>	<p>The self-financing settlement for local authorities was designed to function over 30 years from 2012—the length of the typical Housing Revenue Account business plan. There are no plans for review of the settlement currently as we are only 10 years into the settlement.</p>
<p>Reform Public Works Loan Board borrowing rules to allow local authorities to borrow at – an ideally reduced – fixed-rate. This approach would bring the PWLB in line with private sector lending practices and give boroughs much needed certainty for longer-term planning. Outside of the Public Works Loan Board lending facility, the government should also make similar low interest and long maturity borrowing available to housing associations.</p>	<p>The PWLB will offer a 40-basis point (0.4 percentage points) reduction for all borrowing for the purposes of council housing expenditure through the Housing Revenue Account for one year from June 2023. This will be subject to review at the end of that period.</p>
<p>Provide adequate funding for specialist and supported housing delivery. Inadequate funding, in particular revenue funding, impacts on London’s ability to deliver specialist and supported housing for different groups of Londoners. The GLA is undertaking work to develop a set of detailed asks in this area in due course which, when published, will complement this joint position statement.</p>	<p>Our £11.5 billion Affordable Homes Programme for 2021-26 includes delivery of supported housing. We are willing to work with the GLA to consider new proposals that support the market to deliver more supported housing.</p> <p>Funding for housing related local support services is through the Local Government Settlement. Most of the funding provided through the settlement is un-ringfenced in recognition of local authorities being best placed to make decisions on what services they provide and commission, based on local priorities and circumstances.</p>
<p>Enable housing associations to better access to building safety remediation funds. It is currently challenging for social housing landlord to access building safety remediation funds, meaning that funding that could otherwise be used to build new homes is being diverted to fund stock remediation.</p>	<p>Social Sector Providers are already able to access remediation funds.</p> <p>Social Sector providers are able to access full funding for the removal of unsafe ACM cladding.</p> <p>For other non-ACM cladding remedial work the following applies;</p> <p>(1) Social Sector providers are able to access full funding for remedial work (via the Building Safety Fund and the Cladding Safety Scheme) where the applicant can demonstrate that the</p>

	<p>costs of remediation in respect of their own stock are unaffordable or a threat to financial stability. For local authorities, this will require a declaration from a section 151 officer. Registered Providers (Housing Associations) will be required to provide a business case to the Department setting out their financial position and options. The Regulator of Social Housing will be notified by DLUHC the intention to apply via this route.</p> <p>(2) Social Sector providers can apply for the equivalent to the proportion of the Full Works and Costs (FWC) figure relating to any planned works that in the absence of the protections afforded by the Building Safety Act would otherwise be capable of allocation to residential leaseholders.</p> <p>There are no plans to change the eligibility threshold and criteria in relation to social sector eligibility for remedial funding.</p> <p>Social Sector Providers may also access government funding for the installation of alarms to replace costly Waking Watch measures under the Government's Waking Watch Replacement Fund (re-opened May 23) for the duration that the fund remains open.</p>
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Providing greater policy certainty and flexibility

LHDT proposed interventions	Government Response
<p>Having now confirmed timing for transition, must announce, as a matter of urgency, the technical specification for second staircase requirements. Developers – including local authorities and housing associations – need full detail of the requirements in order to assess the impacts on viability and design for existing and future schemes.</p>	<p>We recognise that developers, local authorities and housing associations will need the detail of second staircase requirements to understand fully the implications on viability and design. The BSR will be engaging with stakeholders to test proposals within the next few weeks and will seek to publish final details as soon as is practicable thereafter.</p>
<p>Should provide certainty on the long-term social rent settlement. The government has not yet published a promised consultation on the rent settlement. This lack of clarity on the future rent settlement, coupled with recent changes to the rent cap in 2022, is undermining business planning assumptions and putting long-term investment strategies at risk. Importantly, rent certainty impacts on third party investment appetite to</p>	<p>We recognise the importance of providing tenants, social landlords and the sector with certainty around future rent policy. And we support the principle that social housing rents should be index-linked over the long-term.</p> <p>We will consult on future social housing rent policy in due course and call for evidence on whether social landlords should be permitted,</p>

<p>partner with the sector. In the long-term, government should reimburse social landlords for the losses they have incurred through changes to rent policy in recent years, recognising the sector needs sustainable financing to deliver all of the important things that government wants the sector to lead on in respect of housing supply and quality.</p>	<p>gradually over time, to bring rents back up to the level they would have been had the 7% cap not been applied.</p>
<p>Should scrap the Infrastructure Levy and focus on improving the current system instead. The proposed Infrastructure Levy will create a highly complex system and secure less affordable housing and infrastructure than at present. It will cause additional uncertainty, disruption, and put development at risk. Retaining and improving the current system would result in significantly better outcomes for councils, developers and communities.</p>	<p>We have committed to further consultation on the key principles of the Levy design in the first half of 2024. We will set out more detail on this in due course and there will be an opportunity for further engagement.</p>
<p>Provide greater long-term funding certainty in future AHP settlements. Government should allow the next programme to run for 10 years and potentially align to London Plan timelines. A longer-term AHP would be particularly helpful to aid the delivery of larger developments and more complex estate regeneration schemes in London.</p>	<p>Our £11.5 billion Affordable Homes Programme for 2021-26 will provide tens of thousands homes across the country. These include homes for rent, for low-cost home ownership, and specialist and supported housing. We are willing to work with the GLA to consider new proposals that support the market to deliver more new homes as early as possible.</p>
<p>In the spirit of existing devolution arrangements, adopt a more flexible approach when administering funding to both the GLA and local authorities to enable bodies to deploy funding more strategically. For the GLA, this applies to rules around AHP and other major capital funding settlements. For local authorities, this applies particularly to rigidity of rules governing retention and expenditure of RtB receipts.</p>	<p>Regarding Right to Buy (RtB), we have announced greater flexibilities on the retention of RtB receipts for the years 2022/23 and 23/24 and continue to keep the balance of retention and expenditure of RtB receipts under review.</p> <p>We have allowed flexibility within the AHP to enable regeneration to schemes to be funded.</p>

Addressing delays in the planning system

LHDT proposed interventions	Government Response
<p>Make funding available for additional resourcing for a pool of specialist planners for Local Planning Authorities in London. This could be through or based on the existing Public Practice model, which could include targeting resourcing for boroughs dealing with significant strategic sites and where there are particular resourcing constraints. This specialist resource could support local planning authorities when invited to do so and offer specialist advice to all boroughs on particularly technical</p>	<p>We have put in place the Planning Skills Delivery Fund, which is a national scheme to provide additional resources to planning departments. Applications are currently being assessed. Planning fees were increased on 7 December 2023 to provide additional resourcing to local planning authorities.</p>

areas of planning policy where the required capacity does not amount to retention of in-house expertise.	
Underwrite local authority planning budgets by providing core funding through the annual local government finance settlement so local authority planning teams are less vulnerable to market downturns. This would support a continued planning pipeline and enable to authorities to proactively bring forward local plans and allocate sites to support delivery and investment.	As with previous years, we will bring forward proposals for the Local Government Finance Settlement 2024-25 in the usual way towards the end of the calendar year. This will set out our proposals for the 2024-25 financial year and invite views via formal consultation. We published a policy statement in December 2022 to give councils forward notice of measures in the 2024-25 finance settlement. This is supporting councils' budget setting processes by giving them additional, multi-year certainty over their funding.
Resolve issues in the Community Infrastructure Levy (CIL) regulations to enable 'Payment in Kind' provisions to be implemented by councils at their discretion. This would encourage authorities to allow the value of onsite infrastructure to be credited against local CIL charges, supporting the delivery of onsite infrastructure and brownfield regeneration. Resolving these issues would avoid duplication of contributions and support affordable housing delivery.	We are willing to discuss these issues further with London, to assess whether changes are required.

Unlocking land supply

LHDT proposed interventions	Government Response
Make funding available to City Hall for a successor Land Fund or other long-term recoverable investment programme, following the GLA's success in deploying the initial programme. With a wider and more flexible funding envelope, the GLA would be well positioned to intervene more strategically in the land market including to help partner organisations undertake strategic land acquisitions.	The £486 million London Land Fund which began in 2018 is set up on a recycling basis. The final payment was made in March 2023 but the programme continues to deliver outputs towards an 8,000 homes target through to 2029-30. The Government has also brought forward new compulsory purchase powers to allow land for affordable housing to be acquired without hope value.
Properly fund infrastructure and utilities in London, which are critical to unlocking new homes. Most notably, delays to transmission network upgrades in West London are causing major delays to grid connections for housing developments, which is holding up new development in the area and which needs to be addressed. Government should review the London Infrastructure Framework, which lists 67 key infrastructure projects that would benefit from investment in the capital.	DLUHC is providing over £200 million of Brownfield, Infrastructure and Land (BIL) Funding to support infrastructure delivery and land remediation across London. This will unlock thousands of new homes across the city. DLUHC has already supported the Old Oak and Park Royal Development Corporation in West London with £53 million for land acquisition and infrastructure this year.

<p>Confirm a long-term funding settlement for TfL, allowing it to properly plan day to day management of the infrastructure as well as new infrastructure investments. A long-term funding settlement is critical to enable the unlocking new homes (for example, on the Old Kent Road and at Beckton Riverside and Thamesmead Waterfront).</p>	<p>It is for the Mayor to ensure TfL can deliver transport services in the capital. To support this, Government has provided well over £6bn since 2020, on top of TfL also receiving around a billion pounds every year in retained business rates which was agreed at the last spending review and covers the full three-year spending review period.</p>
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Appendix 5: London Plan Review: Report of Expert Examiners (January 2024)

London Plan Review Report of Expert Advisers

**Commissioned by the Secretary of State for Levelling
Up, Housing and Communities**

15 January 2024

Christopher Katkowski KC

Cllr James Jamieson

Dr Paul Monaghan

Dr Wei Yang

Supported by



Executive Summary

- 1 This report considers whether there are specific changes that could be made to policies in the London Plan to facilitate the increased delivery of new homes on brownfield sites in the capital. It has been prepared by Christopher Katkowski KC, Cllr. James Jamieson, Dr. Paul Monaghan and Dr. Wei Yang, following our appointment by the Secretary of State for Levelling Up, Housing and Communities as a group of expert advisers to report to him our independent and impartial views on this subject. Our Terms of Reference for this review are contained in Appendix 1.
- 2 **No one disputes that London is experiencing a significant housing crisis.** Over the long term, the supply of new homes has not kept pace with increases in jobs, population and housing demand. The current London Plan sets a capacity-based ten-year target of 52,300 homes each year from 2019/20 to 2028/29, within a context of its assessment of need of around 66,000 homes per annum.
- 3 **Four years into that ten-year period, when measured against the cumulative target, there has been an undersupply of more than 60,000 homes, more than a year of equivalent supply. To make good this backlog, the rate of delivery forthwith would need to increase to more than 62,300 homes a year.**
- 4 Housing Delivery Test results show that only six Local Planning Authorities (“LPAs”) met their target up to 2021/22 and more recent Greater London Authority (“GLA”) data to 2022/23 suggests only four are now in credit. **Although there has been some increase in affordable housing starts, this has been accompanied by a downward trend in housebuilding which, if it continues, would result in a shortfall of more than 150,000 homes – equivalent to 29% of the total target – by 2028/29.**
- 5 Few expect the situation to improve. There has been a reduction in the number of residential units being approved, with GLA data showing a reduction from over 89,000 in 2018/19 to 68,000 in 2021/22 and now down to 40,200 in 2022/23. **A shrinking flow of planning permissions will reduce the overall pipeline that can be built-out in future years.**
- 6 The consequences of housing under-delivery have significant economic, societal and personal impacts, not least on those who face no alternative option but homelessness (living in temporary accommodation), or who are forced into poor-quality rental accommodation.
- 7 Public and private sector stakeholders are clear in their view that the London Plan is not the sole source of the problem: wider macro-economic conditions; fire safety; infrastructure constraints; statutory consultees; viability difficulties; and planning resourcing pressures have all contributed.
- 8 **However, 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.** We heard that policy goals in the Plan are being incorrectly applied mechanistically as absolute requirements: as ‘musts’ rather than ‘shoulds’. **There is so much to navigate and negotiate that wending one’s way through the application process is expensive and time-consuming, particularly for SMEs who deliver the majority of London’s homes.**
- 9 This position is exacerbated by the change in context since the London Plan was formulated. The London Plan’s ‘Good Growth’ policies were advanced on the basis of public and private sector investment assumptions that were described in 2019 as being “*ambitious but realistic*” by the London Plan Inspectors. But planning and housing delivery indicators suggest this strategy has not been sufficiently resilient to the subsequent change in circumstances. Housing schemes (and decision makers on applications) have struggled to reconcile the multiple policy exhortations, which create uncertainty and delay in the preparation, submission and determination of planning applications.

- 10 What is missing from the London Plan is a policy mechanism to assist applicants and decision-makers in navigating a path that aligns with the intended goal of boosting housing supply to the level outlined in the London Plan strategy.
- 11 Time is of the essence to address the backlog, which grows every year that housing under-delivery continues. **To move the dial on housing delivery within the ten-year target period, new viable permissions are needed urgently and by no later than 2026/27.** In undertaking this review, and in this context, the authors considered three main options:
- a Leave things as they are and await the next review of the London Plan. This would enable a comprehensive approach to be taken, but the disbenefit is the length of time this would take to complete, and the likelihood that meanwhile London will continue to fall short in housing delivery.
 - b Suggest specific alterations to the individual policy requirements which are most often cited by commentators as inhibiting the timely delivery of new homes on brownfield sites. The authors of this report do not consider it would be wise to do this, not least because of the complex and inter-linking and over-lapping nature of many of the issues.
 - c **The recommended option** is to introduce an overarching policy which would bring together all the relevant issues in any given case of an application for residential development on a brownfield site and provide a lens through which to focus on how to resolve what will often be a myriad of competing considerations pulling in all sorts of different directions. This would apply in LPA areas where there has been a cumulative under-supply against the Plan's ten-year targets.
- 12 The authors of this report consider that the addition to the London Plan of a strong presumption in favour of residential development on brownfield sites (using the wording below) would be an effective and worthwhile way of making it much more likely that the Plan will facilitate the delivery of the number of new homes which London has the capacity to provide. An alternative (or meanwhile) course would be issuing a written ministerial statement and/or an addition to the Planning Practice Guidance which sets out a presumption along similar lines.

The Presumption

For qualifying local planning authorities, there is a strong presumption in favour of granting planning permission for proposals which comprise or include residential development on Brownfield (Previously developed) land.

Qualifying local planning authorities are those where the net housing completions since 2019/20 have fallen below the cumulative annualised total of their Table 4.1 ten-year target.

The presumption does not apply to sites which are in the Green Belt or Metropolitan Open Land or a Strategic Industrial Location.

In the case of proposals which would cause harm to the significance of a designated heritage asset, the presumption only applies where any such harm is clearly outweighed by the public benefits of the proposals.

Where it applies, the presumption means granting planning permission as quickly as possible unless the benefits of doing so would be significantly and demonstrably outweighed by any adverse impacts which would arise from not according with policies in this plan.

In applying the presumption substantial weight is to be given to the benefits of delivering homes.

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1.0 Introduction

1.1 This report considers whether there are specific changes that could be made to policies in the London Plan (the “Plan”) to facilitate the increased delivery of new homes on brownfield sites in London in an appropriate manner. It is the work of Christopher Katkowski KC, Cllr. James Jamieson, Dr. Paul Monaghan and Dr. Wei Yang (the “authors”), who were appointed as a group of expert advisers by the Secretary of State for Levelling Up, Housing and Communities (the “Secretary of State”) to report to him with our independent and impartial views on the subject and make recommendations accordingly.

1.2 Our appointment was announced by the Secretary of State on 19th December 2023, the Greater London Authority having been advised of it on 18th December. Our **Terms of Reference** are attached at Appendix 1.

1.3 We have been supported in our work by officials within the Secretary of State’s department (DLUHC) and by Lichfields, a planning consultancy.

Background

1.4 The Secretary of State explains in the Terms of Reference that in July 2023, as part of a long-term plan for housing, the Prime Minister and the Secretary of State committed to a new era of regeneration, inner-city densification and housing delivery across England, with work on transformational plans to initially begin in Cambridge, London and Leeds. As part of the work in London, the Secretary of State and his officials have considered the London Plan and potential barriers to urban brownfield regeneration; this internal review involved engagement with stakeholders including the Greater London Authority (“GLA”), London boroughs, and developers to seek to understand the key barriers to unlocking housing delivery in London, which has fallen considerably short of the targets set out in the London Plan.

1.5 We understand that in the course of these discussions, a number of issues were raised which were perceived to be adversely affecting housing delivery in London, including concerns about the combined effect of policies in the London Plan.

1.6 In view of these concerns, the Secretary of State decided to appoint us to advise him in a short report specifically in relation to how the London Plan could better facilitate the delivery of new homes on brownfield sites.

1.7 Our Terms of Reference explain that the Secretary of State will share the conclusions of our review with the Mayor of London in advance of publication of our report.

Statutory Context

1.8 In relation to a London Plan that has already been adopted there are two main statutory powers.

1.9 Under Section 340(2) of the Greater London Authority Act 1999 the Secretary of State has the power to direct the Mayor of London to review the London Plan or such part of it as may be specified in the direction.

- 1.10 Under Section 341(2) of the 1999 Act the Secretary of State has the power to direct the Mayor to prepare and publish such alterations to the London Plan as the Secretary of State directs, or a new London Plan.
- 1.11 In more colloquial terms, the Secretary of State's powers might be seen as ranging from the ability to direct very specific alterations, to wholesale replacement.
- 1.12 As will be seen, the outcome of our work is that we conclude that there is a very specific alteration which could be made to the London Plan which would facilitate the increased delivery of new homes on brownfield sites in London in an appropriate manner. It is for the Secretary of State to consider whether and, if so, how to give effect to our recommendations.

Methodology

- 1.13 We have met on several occasions (in person and virtually) to discuss our emerging and evolving thoughts on our work.
- 1.14 We have been able to draw on a body of material assembled by DLUHC officials in their work between July and November 2023, which is summarised in section 3.0. This includes evidence supplied to DLUHC by the Mayor's London Housing Delivery Task Force.
- 1.15 Members of our group, together with officials, have engaged with a cross-section of representative bodies, namely the GLA, and stakeholders from London Boroughs, the development industry and housing sector.
- 1.16 We have considered Lichfields' analysis of a range of planning and housing evidence and datasets, the key aspects of which are highlighted in sections 2.0 and 3.0.

Structure of Report

- 1.17 Our report is structured as follows:
- 2.0 London's Housing Challenge: this section explains the context for the Review, outlining the scale of housing under-delivery in London and its consequences;
 - 3.0 The London Plan's Impact on Housing Supply: this section looks at the evidence on factors in the London Plan that may be contributing to housing under-supply;
 - 4.0 Conclusions and Recommendations: drawing on a summary of its findings, and in view of the time imperative to achieve a step change in housing delivery, we recommend that the London Plan should include a presumption in favour of residential development on previously developed (brownfield) land. We explain the basis for our recommendation.

2.0 London’s Housing Challenge

2.1 In this section of our report we provide a summary review of the evidence on London’s housing need, how the housing targets in the London Plan were set, and what progress is being made to deliver them.

Housing Need

2.2 It is widely recognised that London is experiencing a significant housing crisis. Over the long term, the supply of housing has not kept pace with increases in jobs, population and housing demand¹. This has had adverse consequences across economic, social and personal dimensions, that we explore later in this section.

2.3 At the time of preparation of the London Plan, the Mayor relied upon the Strategic Housing Market Assessment (“SHMA”) prepared in 2017². It found that:

“For many decades housebuilding in London has failed to either keep up with rising demand or provide enough affordable homes for households in need. A lack of new supply has also left London with a dwelling stock that often fails to meet modern standards of accessibility or energy efficiency.”

2.4 The Mayor’s SHMA assessment – based on a demographic projection assuming growth of around 55,500 households a year plus adjustments for backlog need – was that the net housing need in London was around 66,000³ homes a year. Alternative scenarios in the SHMA produced estimates of between around 60,000 and 69,500 additional homes per annum. The figure of 66,000 assumes that the backlog of 209,000 households in need of additional homes is met over 25 years, so even delivering 66,000 per annum in the ten-year target period of the London Plan would not meet full need.

2.5 The Mayor’s estimate of housing need in London has been increasing, with previous London SHMAs showing lower figures: in 2013, the annual housing need was estimated at just under 49,000 homes, and in 2009 it was 32,500, both figures that determined the housing targets of the two preceding iterations of the London Plans⁴.

2.6 In 2018, the Government revised the NPPF and Planning Practice Guidance (“PPG”) and introduced the Standard Method for Local Housing Need (“LHN”) to determine the minimum number of homes needed. It uses a methodology whereby the need is based on a figure derived from the 2014-based household projections for each local planning authority area (“LPA”) with an uplift applied based on an affordability ratio in each area⁵. In December 2020, the Government updated this methodology to introduce the urban centres uplift, in which – for London – the combined total figure from the Standard Method for each London

¹ GLA, Review of GLA Group housing delivery, prepared by Lord Kerslake, February 2022:

https://www.london.gov.uk/sites/default/files/kerslake_review_of_gla_group_housing_delivery.pdf

² GLA, The 2017 London Strategic Housing Market Assessment: Part of the London Plan evidence base:

https://www.london.gov.uk/sites/default/files/london_shma_2017.pdf

³ The London Plan (2021) refers to 66,000 new homes each year; the SHMA 2017 calculates a net annualised requirement of 65,878 homes.

⁴ The 2011 London Plan and the 2015 Further Alterations to the London Plan (FALP).

⁵ The PPG on LHN is available at <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

borough was inflated by 35%. Based on this methodology, the LHN for London is currently around 98,822 homes per annum, of which 73,202 is before application of the 35% uplift⁶.

The London Plan Housing Targets

- 2.7 Policy H1 of the current London Plan sets ten-year housing targets for individual boroughs for the period 2019/20 to 2028/29, in total amounting to 522,870 (around 52,300 annually). These targets are less than the 66,000 homes needed annually in that period (based on the SHMA), but were set based on constrained capacity drawing on evidence in the 2017 London Strategic Housing Land Availability Assessment⁷ ('SHLAA') prepared by the GLA. The SHLAA had originally identified capacity of 649,350 for the ten-year period, only slightly less than the SHMA's housing need. Of this, around 400,500 was on 'large sites' (more than 0.25 hectares) with 245,750 on 'small sites' via changes of use, conversions and new build developments.
- 2.8 The SHLAA advised that increasing housing delivery was reliant on, *inter alia*, more proactive planning by LPAs in identifying and allocating a range of suitable large and small sites for housing. This points to the role of Local Plans as a vehicle for implementing the London Plan.
- 2.9 The London Plan was examined by a Panel of Inspectors ("the Inspectors") at the Examination in Public in 2019. The Mayor's evidence to the Examination⁸ endorsed the SHLAA as a "*comprehensive and robust*" assessment of development capacity, but did identify (para 19.45) that it did not include all potential housing capacity:
- "A further potential source of additional housing capacity not captured in the SHLAA includes industrial and other commercial land that could become available for residential development through a plan-led approach. This could include intensification of some industrial land to free-up other industrial land for residential development. Some of this capacity could be unlocked within the 10-year housing delivery target period through a proactive approach to planning where there is strong growth pressure".*
- 2.10 The Inspectors concluded the SHLAA's conclusions were broadly accepted in terms of "*the extent of deliverable large site capacity*"⁹. However, the SHLAA's small sites estimate was challenged and the Inspectors concluded (PR170) that "*it does not provide a reliable input to the overall targets*" and it was reduced to 119,250 over ten years. This reduced the overall housing target to what is now in the London Plan. The Inspectors concluded (PR178) that:
- "It is therefore right to say that boroughs should use all the tools at their disposal to ensure homes are actually built. But we consider that as recommended, and with the support of the Mayor, it should be deliverable and that both the overall target and those for the individual boroughs and corporations are justified."*

⁶ Uncapped LHN (which is actual housing need according to the PPG, based on how it refers to the cap) is 89,563 (excluding the cities and urban centres uplift).

⁷ The London SHLAA can be accessed at [london.gov.uk/sites/default/files/2017_london_strategic_housing_land_availability_assessment.pdf](https://www.london.gov.uk/sites/default/files/2017_london_strategic_housing_land_availability_assessment.pdf)

⁸ Mayor of London Matters Statement M19 Housing supply and target available at https://www.london.gov.uk/sites/default/files/mayor_of_london_-_m19_housing_supply_and_targets.pdf

⁹ The London Plan Panel Report 2019 is available at https://www.london.gov.uk/sites/default/files/inspectors_report_and_recommendations_2019_final.pdf.

- 2.11 However, the Inspectors did recognise that the Plan’s housing targets – in combination with its ‘Good Growth’ vision and objectives – were based on “*aspirational but realistic assumptions about funding*”, to address a funding gap that was estimated to be around £3.1 billion and would necessitate greater contributions from both public and private sectors compared to the past, both to deliver infrastructure and to match the Plan’s ‘Good Growth’ design quality policy requirements (PR72-73).
- 2.12 The Plan has a monitoring policy (M1) that states the Plan’s implementation will be kept under review using Key Performance Indicators (“KPIs”) in Annual Monitoring Reports (“AMRs”). The first KPI (Table 12.1 of the Plan) is “*Supply of new homes*” measured by “*Increase in the supply of new homes over the period (monitored against housing completions and the net pipeline of approved homes), towards meeting the 66,000 net additional homes needed each year up to March 2029.*” The Mayor’s most recent AMR (AMR17) was produced in November 2022 but covers the period to 2019/20. Its KPI for new homes (KPI4) relates to the target in the previous London Plan (FALP). We discuss issues related to the lack of up-to-date monitoring data later in our report.
- 2.13 The London Plan was formally adopted (“published”) on 29th January 2021 following directions by the SoS¹⁰ to make changes to the Plan. Ahead of formal adoption it was not part of the statutory development plan, but was a material consideration in planning decisions. The significance given to the draft Plan in these cases is a matter for the decision maker, but a draft Plan gains more weight as it moves through the process to adoption. Ahead of adoption, it is reasonable to conclude that policies contained in the Intend to Publish (“ItP”) London Plan issued in December 2019 that were not subject to a direction by the Secretary of State would have been influencing decisions about planning applications (including decisions of applicants on whether or not to advance development proposals) well before the plan was formally adopted in 2021.

Housing Delivery

- 2.14 We turn now to considering what has happened in terms of housing delivery in the capital, with a particular focus on the London Plan period beginning 2019/20.

¹⁰ Directions were issued in correspondence dated 13th March and 10th December 2020 available at <https://www.london.gov.uk/programmes-strategies/planning/london-plan/new-london-plan/london-plan-2021>

Note: for the purpose of monitoring net additional dwellings in London there are multiple and, in some cases, contradicting data sources. These include: the GLA AMR report^A, the Planning London Datahub Completions dashboard^B, the London Plan AMR tables (which include two sets of figures)^C, 2022 Housing Delivery Test (HDT) results^D, and DLUHC Live Table 122 (net additional dwellings)^E.

We have reviewed all of these in attempting to assemble a picture of housing delivery, and at Appendix 2 we summarise the housing completions figures arising from the GLA Datahub, the DLUHC Live Table 122 and those produced for the HDT, noting some inconsistencies within and between datasets. Where benchmarking London with other locations in the country we use the DLUHC Live Table 122 which are official statistics and have been adjusted to reflect the 2021 Census. For looking at performance of individual London Local Planning Authorities (“LPAs”) against the London Plan Housing Targets we use the GLA Datahub figures, as accessed on 12 January 2024, although this dataset appears to have been updated during the course of our work and its figures are described by the GLA as “provisional”. The DLUHC Live Table 122 figures do not separate out for the two Development Corporation LPAs so cannot be used to assess delivery against the LPA ten-year targets in London Plan Table 4.1.

Albeit that the evidence of housing under-delivery in London as a whole is overwhelmingly clear, based on any of the relevant datasets, the absence of a definitive up-to-date London AMR – prepared under the terms of Policy M1 and with data on housing delivery that is not provisional – is currently a barrier to securing a shared and consistent measure of performance of the London Plan, particularly at the LPA level.

- A. <https://www.london.gov.uk/media/98696/download?attachment>
- B. <https://data.london.gov.uk/dataset/residential-completions-dashboard>
- C. <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/monitoring-london-plan/london-plan-amr-tables?ac-62378=62355>
- D. <https://www.gov.uk/government/publications/housing-delivery-test-2022-measurement>
- E. <https://www.gov.uk/government/statistical-data-sets/live-tables-on-net-supply-of-housing>

House building

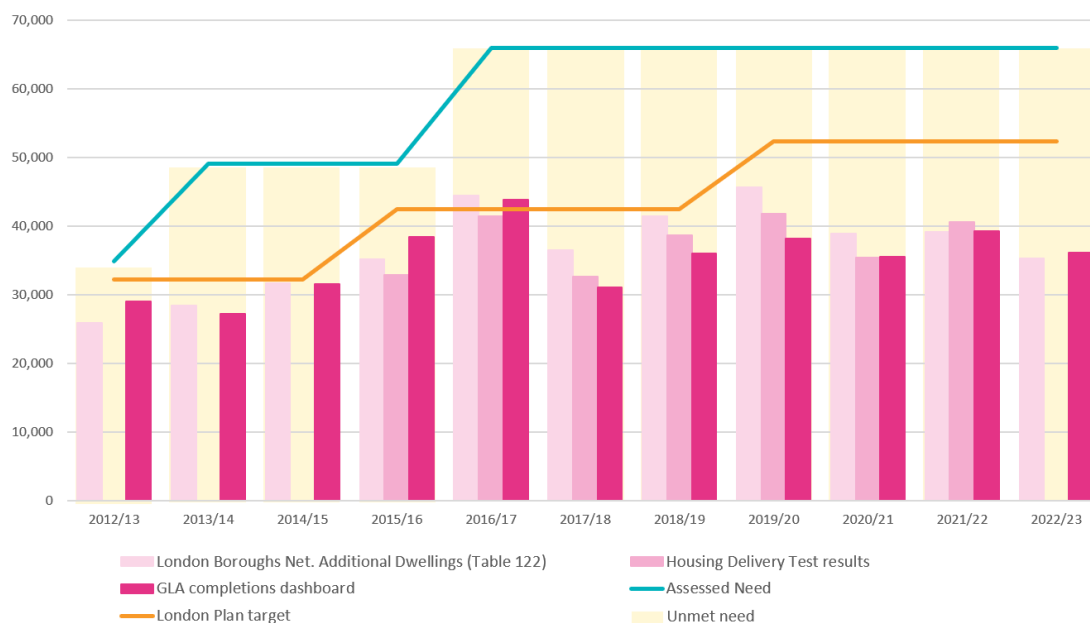
2.15

Housing delivery in London¹¹ has not met the London Plan target (from either the FALP or the 2021 London Plan, let alone the SHMA’s assessed housing need (see Figure 2.1)). Between 2019 and 2023, when measured against the cumulative target using the GLA’s completion figures, there has been an undersupply of more than 60,000 homes¹², against a cumulative target of 209,150 homes. Only four years into the plan period, this already equates 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.

¹¹ Based on any of our three key measures, but including the GLA residential completions dashboard, available at <https://data.london.gov.uk/dataset/residential-completions-dashboard>, which is based on provisional information.

¹² Measured using the GLA completions dashboard (excluding adjustment for vacancies), accessed on 12 January 2024.

Figure 2.1 Comparison of different measures of London housing delivery against the SHMA assessed need and successive London Plan targets.



Source: GLA completions dashboard (accessed 12 January 24), HDT, and DLUHC Table 122. Lichfields analysis. The GLA dashboard figures include the GLA’s adjustment for vacancy up to 2018/19 but we have excluded this for the two years 2019/20-2020/21 to be consistent with the figures for 2021/22 and 2022/23 and thus across the current London Plan period.

2.16 To address both the undersupply since 2019 and the future need to 2029, from 2023 through to 2029 a total of more than 62,300¹³ homes per annum will need to be delivered to meet the London Plan ten-year targets¹⁴.

2.17 If the average net housing delivery of the period from 2019/20 to 2022/23 (37,200 per annum¹⁵) is projected forward to 2028/29 and combined with the shortfall in the elapsed period, there would be a shortfall of more than 150,000 homes – the equivalent of 29% of the total target. 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.

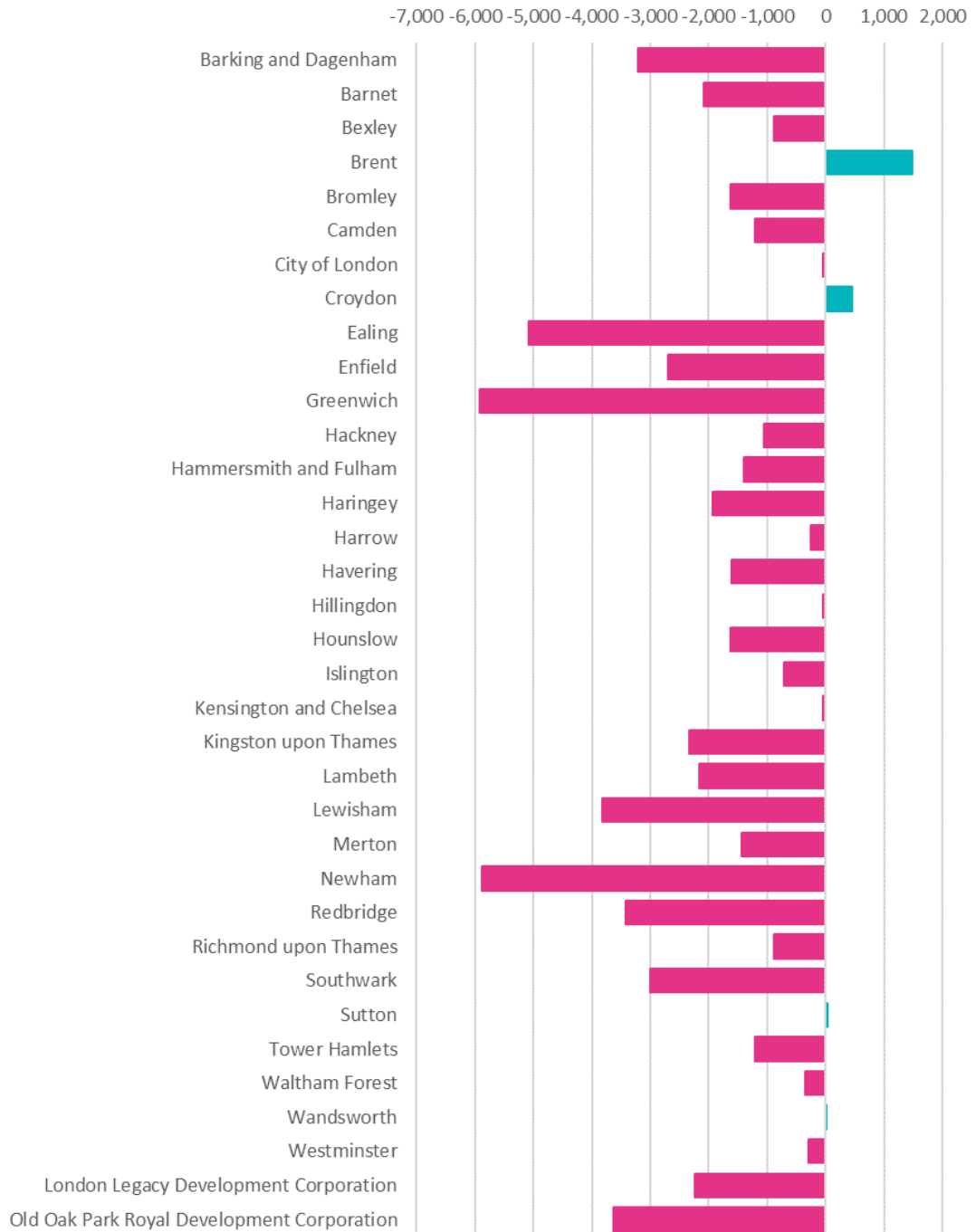
2.18 Figure 2.2 overleaf uses the GLA’s Planning London Datahub figures to explore the scale of undersupply for the first four years of the ten-year target period for each LPA (including the two development corporations), based on the cumulative number of net completions. Only four LPAs have met or exceeded their London Plan target (with three marginally under). As we mention above, the GLA’s figures are provisional but are the most up-to-date in terms of completions at the geographical unit consistent with the London Plan’s Housing Targets (i.e. to include the two Development Corporations).

¹³ Between 2019/20 to 2022/23, there is an undersupply of 60,000 homes. From 2023/24 to 2028/29, there is a requirement of 313k homes, totalling 373,800 homes, which will need to be delivered within the next six years.

¹⁴ If this analysis is undertaken against London’s unmet need of 66,000 homes per annum, 84,900 homes per annum would need to be delivered to meet London’s assessed unmet need and shortfall since 2019.

¹⁵ Source is the GLA residential completions dashboard, available at <https://data.london.gov.uk/dataset/residential-completions-dashboard>, which is based on provisional information.

Figure 2.2 Under/over supply of housing completions in comparison to the cumulative housing target by London Planning Authority for 2019/20 to 2022/23.

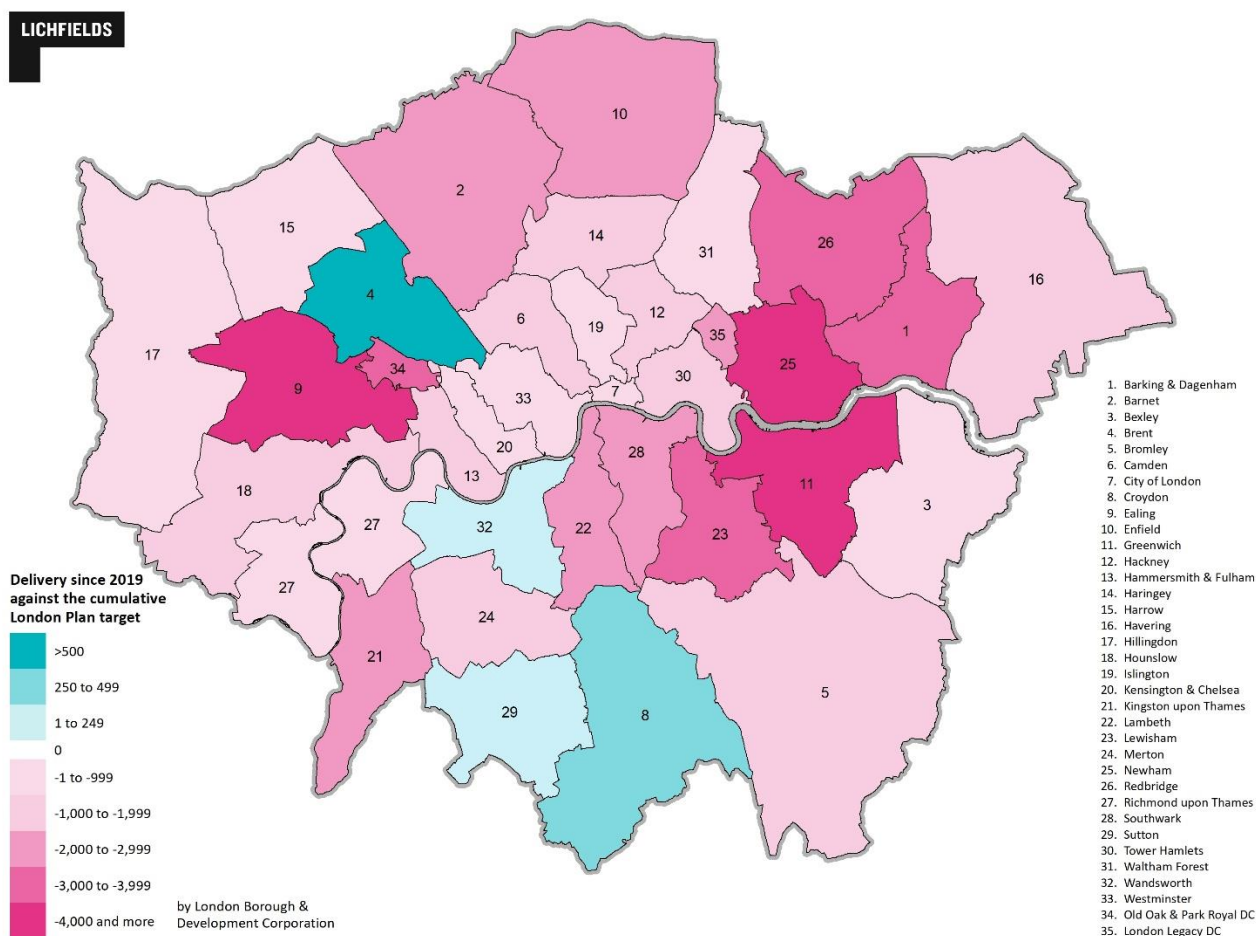


Source: GLA Residential completions dashboard (accessed 12 January 2024). Lichfields analysis.

2.19

In Figure 2.3 we map the GLA Residential Completions Dashboard record of housing delivery against the cumulative ten-year targets. These show there an element of east-west split but, in broad terms, undersupply against targets sits within both inner and outer London boroughs.

Figure 2.3 Housing Delivery against London Plan Housing Targets.



Source: GLA. Lichfields analysis.

2.20 The GLA Group Housing Delivery report observed an increase in homes completed in 2019/20 but a dip in supply in early 2020, citing the GLA’s Housing in London report¹⁶ which attributed this to, *inter alia*, planning and construction delays, labour shortage and unprecedented increases in material costs. The 2023 Housing in London report also cited the recent energy price crunch; this is presumably because it has impacted on viability.

Affordable housing starts and completions

2.21 Within this downward trend, London has seen a welcome increase in affordable housing completions; but this is not at a level sufficient to meet affordable housing need¹⁷.

2.22 Data published by the GLA demonstrates that there has been an increase in the number of affordable housing starts and completions since 2016, with starts in particular increasing to

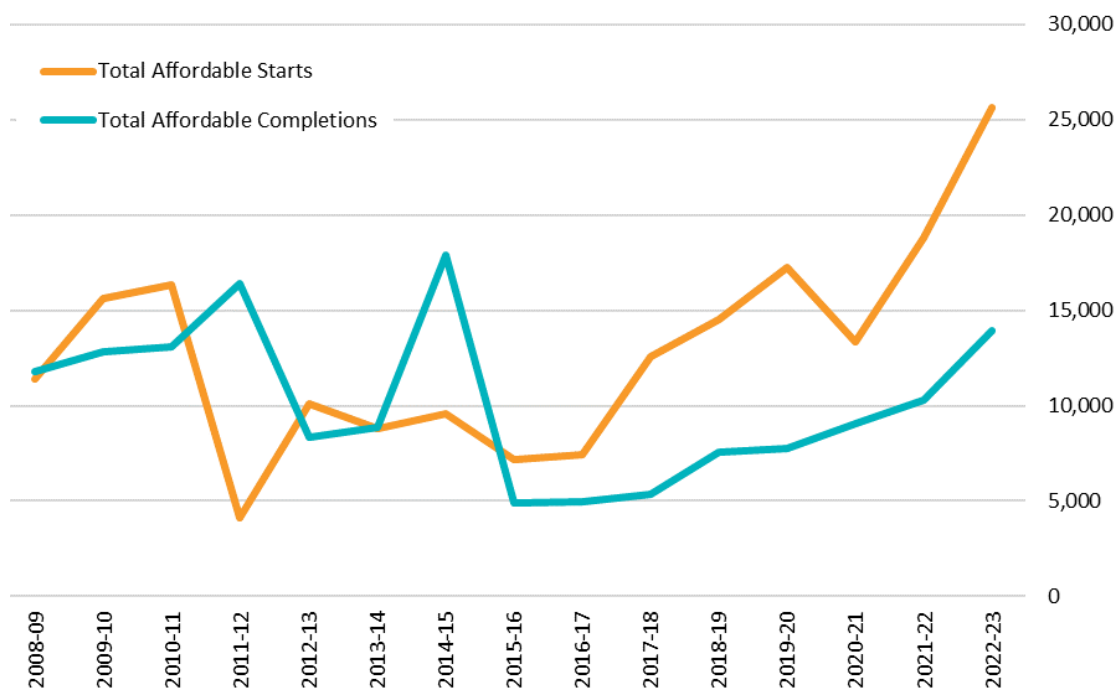
¹⁶ Housing in London 2023, GLA, available at [london.gov.uk/sites/default/files/2023-10/Housing in London 2023.pdf](https://london.gov.uk/sites/default/files/2023-10/Housing%20in%20London%202023.pdf)

¹⁷ Paragraph 4.4.1 of the London Plan references the need for c.43,500 affordable homes per year, as established in the 2017 Strategic Housing Market Assessment. The KPIs in the London Plan and the AMR framework to be used going forward, only require a “positive trend in percentage of planning approvals for housing that are affordable housing (based on a rolling average)”. However, the latest AMR17 states that KPI5 was not met, with affordable housing completions remaining below 17,000 per year – this remains the case based on subsequent completions figures.

25,000 in 2022/23. This is identified in Figure 2.4 below. However, while starts are necessarily a relevant component of achieving delivery targets, as a single metric they are not a robust indicator of delivery within the ten-year period.

2.23 As Figure 2.4 below demonstrates, the number of affordable completions in London does not mirror the same increase that has been experienced in starts. A lag between starts and completions is an inevitable factor of construction timescales, however there is a stronger correlation between these two milestones in the period of 2008 to 2017, before the two diverge and the trending rate of completions reduces. This indicates either a stalling or longer delivery period for the identified housing starts over multi-phase regeneration projects, and demonstrates that affordable housing starts alone are not a reliable indicator of London’s ability to meet its ten-year housing targets. We explore the affordable housing pipeline further later in this section.

Figure 2.4 : Affordable housing starts and completions in London.



Source: GLA Affordable Housing Starts and Completions (<https://www.london.gov.uk/programmes-strategies/housing-and-land/increasing-housing-supply/affordable-housing-statistics>). Note: GLA data does not specify if these figures account for demolitions and other losses of affordable homes as part of regeneration projects; equivalent statistical releases at a national level do not take account of losses through demolitions or sales.

The Forward Pipeline

2.24 The GLA’s Housing in London 2023 report¹⁸ looks at planning pipeline data published by the HBF, drawing on Glenigan data¹⁹. We look at this data in our analysis in the next section considering the relationship of the London Plan to housing delivery, but note that the GLA reported that although permission was granted for 58,300 new homes in London in the year

¹⁸ ibid

¹⁹ Glenigan is a trusted provider of construction project data and market analysis in the UK and is used by the government bodies including DLUHC and the Office for National Statistics.

to June 2023²⁰, the number of separate projects has been falling (with around 2,000+ projects between 2013-2020 and then falling to 1,480 in 2022/23). This shows a high (and increasing) proportion of newly approved homes are on large schemes, and the number of smaller projects is falling away. The report finds:

“The average project size has more than doubled from 17 homes per project in 2013 to 39 in the most recent 12 months. Evidence suggests that when proposed new homes are concentrated in a smaller number of larger projects the rate at which they are built is likely to fall.”²¹

- 2.25 Research by Lichfields in 2020²² looked at the Annual Monitoring Reports and five-year housing land supply position statements published by London boroughs. It found that although Boroughs identified a prospective pipeline of sites they anticipated would deliver, sufficient to meet the (then new) London Plan target, the monitoring data was not comprehensive, and not all Boroughs tracked their five-year housing land supply or published “clear evidence” on site deliverability as has been required by the NPPF since 2018. There was also evidence of optimism bias in comparing delivery of homes against Boroughs’ past estimates. This points to the general challenge that not all identified capacity necessarily translates to implementable permissions.
- 2.26 The GLA residential pipeline dashboard²³ identifies the number of residential units that are live at the end of the financial year, meaning that they have been granted permission and have not been completed or lapsed. This data has not been subject of a quality review by the GLA, but currently identifies a net pipeline of 276,000 homes. When compared against the annual need in London of 66,000 homes per year, this would equate to c.4.2 years of supply, and while it would meet c.5.3 years of supply against the annual London Plan target, this is an insufficient pipeline to meet the London Plan targets through to 2029 given the accumulated backlog / undersupply in the period to date.
- 2.27 Accounting for the undersupply from 2019-2023 and the target through to 2029, 373,800 homes need to be delivered (62,300 per annum) and this will require a significant additional buffer of planning permissions to accommodate undelivered or delayed schemes²⁴. While there are a number of permissions that do lapse and are not re-planned, it is more likely this is because of problems with the site, for example: land ownership, viability problems (perhaps due to previously unknown site constraints), a developer not being able to secure finance or meet the terms of an option, supply chain or labour problems, or there not being sufficient demand for a specific housing product²⁵. Self-evidently, many of these issues are

²⁰ Housing in London 2023, GLA, available at <https://www.london.gov.uk/sites/default/files/2023-10/Housing%20in%20London%202023.pdf>. Note: this figure as reported may include amendments to consented schemes or schemes involving the loss of existing homes, and therefore may not represent an accurate net additional position.

²¹ This point reflects the findings of the Letwin Review which drew upon Molior analysis and found that median annual build out rates for sites of 500+ and 1000+ unit size was 5.4 and 3.2% respectively. The Letwin Review draft analysis is at: https://assets.publishing.service.gov.uk/media/5b2d1ab2ed915d58821b3dbc/Build_Out_Review_Draft_Analysis.pdf.

²² Mind the Gap 2020, Lichfields, available at: https://lichfields.uk/media/6231/mind-the-gap-is-land-supply-on-track-to-meet-london-s-new-housing-targets_lichfields-insight.pdf.

²³ <https://data.london.gov.uk/dataset/residential-pipeline-dashboard> accessed on 12 January 2024.

²⁴ Research by Quod and Molior from 2019 (available at <https://barneystringer.files.wordpress.com/2019/12/pipeline.png>) reviewed the status of planning permissions for around 175,000 homes. It found some 10% were being re-planned to improve design (and in many cases to increase the number of homes). Around 12% were schemes that had not started, but where there was an existing active use on the land (with business and jobs). Less than 7% were on schemes not started and where progress was unknown.

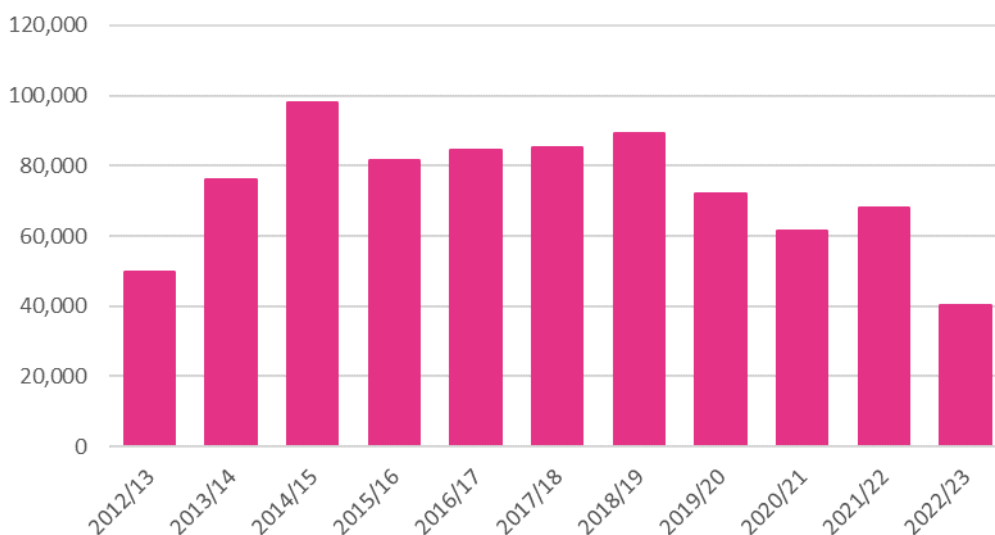
²⁵ Use it or lose it: the taxing problem of undelivered homes. Lichfields, May 2021 <https://lichfields.uk/blog/2021/may/26/use-it-or-lose-it-the-taxing-problem-of-undelivered-homes>

more likely to occur on more complex, brownfield sites, and capital-intensive projects (such as tall buildings) where sales revenue/income is only achieved after the full cost of a development project has been incurred, thereby being particularly vulnerable to cost/market risks²⁶. These factors are an inevitable feature of residential development.

2.28 We recognise that future planning permissions will be granted to augment those already in the GLA residential pipeline, but equally the delivery trajectory of some major planning applications in the GLA’s dashboard appears to assume rapid build-out assumptions which are not shared by boroughs. For example, Barking Riverside, a major scheme for c.12,800 homes, is included in the GLA pipeline as delivering almost 9,900 homes by 2024/25²⁷, however the housing trajectory published by Barking and Dagenham (Be First)²⁸, only anticipates c.3,700 homes will be delivered by this stage, with the balance being delivered through to 2036/37 (beyond the London Plan monitoring target period).

2.29 Significantly, the GLA Planning residential approvals dashboard²⁹ illustrates that there has been a reduction in the number of self-contained and non-self-contained homes being approved, reducing from over 89,000 in 2018/19 to 68,000 in 2021/22 and now down to 40,200 in 2022/23 (see Figure 2.5). We were told the precipitous drop in 2022/23 can be attributed to issues related to awaited guidance on second staircases, but even bearing this in mind there has been a fall in the years since 2018/19. This level of reduction will hinder the capacity to meet London’s need, as it will reduce the overall pipeline that can be built-out in future years, recognising the reality that not all permissions are implemented and/or that they are built out on a phased basis.

Figure 2.5 : Self-contained (C3/C4) and non-self-contained homes by year of approval.



Source: GLA residential approvals dashboard. <https://data.london.gov.uk/dataset/residential-approvals-dashboard>

²⁶ As opposed to a conventional housing development where homes are built and sold at a pace and capital is recycled over the course of the development.

²⁷ <https://data.london.gov.uk/dataset/residential-pipeline-dashboard> ref. 16/00131/OUT

²⁸ EX32 – Housing Trajectory (dated 25/04/2024) (available at: <https://yourcall.befirst.london/examination-library>)

²⁹ Residential approvals dashboard – London Datastore: <https://data.london.gov.uk/dataset/residential-approvals-dashboard>

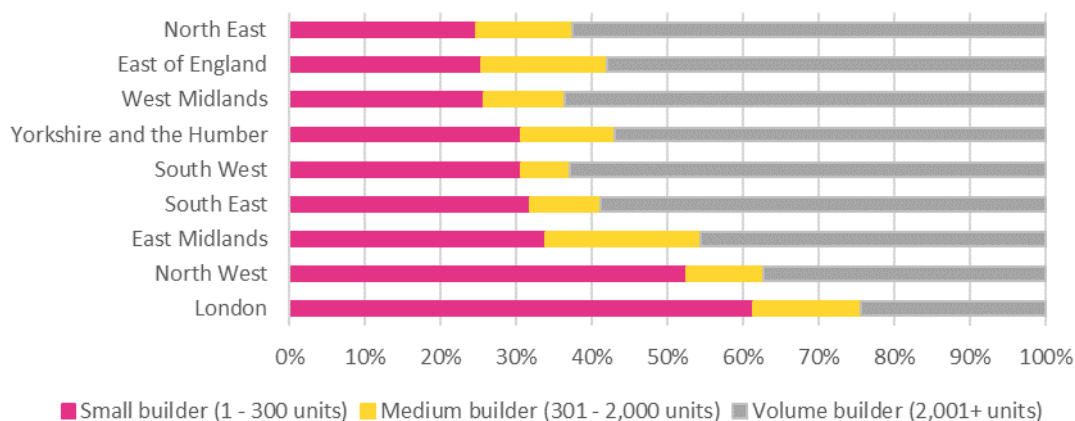
2.30 Meeting the ten-year London Plan target requires sufficient implementable³⁰ planning permissions to be in place in advance of this target deadline, so that time is allowed for the homes to be constructed and delivered. While the lead time for the delivery of a residential scheme will vary by the size of the scheme, its site characteristics and the type of permission granted, it is reasonable to assume a circa three-year lead in time before new home completions arise, accounting for the discharge of planning conditions, procurement processes, site preparation and construction³¹. On the basis of this assumption, the necessary planning permissions will need to be granted by 2026/27 to move the dial on achieving London Plan targets and, given rates of build out on larger multi-building schemes, not all homes with permission can realistically expect to be built out within the ten-year target period. For every year that the current 52,300 per annum target is not met, the backlog grows and the residual annual target increases in order for the total ten-year target to be met.

2.31 A further factor to consider on the pipeline of planning permissions is the extent to which homes approved are net additional homes as opposed to replacement of dwellings that are to be demolished over the course of an often-multi-year programme of regeneration. Research by Lichfields in 2021 found 200 major estate regeneration projects in the pipeline set to deliver over 90,000 new homes, but 36,000 are replacements of existing properties³².

Who builds houses in London?

2.32 Figure 2.6 provides a regional analysis for the scale of house builders across England between 2017/18 and 2019/20. This analysis, prepared by DLUHC, uses Glenigan data and the categorisation of housebuilders based on the number of completions recorded in Housing Market Intelligence Reports.

Figure 2.6 : Proportion of units on sites of 10 or more units started by builder size and region (2017/18 to 2019/20).



Source: DLUHC analysis of Glenigan data and Housing Market Intelligence Reports

2.33 **It is clear from this analysis that London relies on a significant proportion of homes delivered through small housebuilders – accounting for more than 60% of new homes, in comparison**

³⁰ In order for the homes to be delivered, they need to be implementable, i.e. viable, deliverable, benefit from detailed planning approval (including reserved matter and relevant discharge of condition approval) and free from other impediments such as achieving vacant possession or land assembly matters.

³¹ Tracking Progress Report (September 2021) Lichfields available at: <https://www.lpdf.co.uk/wx-uploads/files/newsletters/Tracking%20Progress%20-%20Insight%20-%20Sept%202021.pdf>

³² Great Estates: Planning for Estate Regeneration in London, (September 2021), Lichfields available at: https://lichfields.uk/media/6574/great-estates_planning-for-estate-regeneration-in-london.pdf

to a typical range of 25-35% for other regions. Small and medium sized enterprise (SME) housebuilders account for more than 75% of homes in London over this period.

2.34 This high proportion of small housebuilders reflects the typical nature of development sites in London; being usually brownfield and complex redevelopment sites that are less suited to volume housebuilders. However, this also indicates that the ability to achieve the London Plan targets is more heavily impacted by factors that affect the SME housebuilding sector.

2.35 Analysis of the SME housebuilding sector³³ notes that there has been a reduction in their delivery of new homes across England, from 39% in 1988 to just 10% in 2020, and that they face continued challenges in recruiting skilled labour. It is estimated through Savills' research³⁴, that the number of SME housebuilders has approximately halved since 2007, with impacts including the limited availability of development finance that has restricted their capacity to scale up.

2.36 Previous Lichfields research³⁵ found that the planning system can be disproportionately complex 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.

Affordable housing pipeline

2.37 The GLA does not publish a detailed breakdown of the schemes which contributed to its identified affordable housing starts (to which we referred above and charted in Figure 2.4); however its residential pipeline dashboard³⁶ does provide details of scheme commencements which can be used as a proxy. We have looked at a number of individual schemes and this information further demonstrates the difficulty in relying simply on 'starts' as an indicator of the prospects for housing delivery to hit ten-year targets in the London Plan, given the long lead time for the delivery of such projects in their entirety, with a number of schemes being broken into phases and building out over multi-year programmes extending well beyond the London Plan's ten-year target period.

The implications of housing under-delivery

2.38 It is evident that housing delivery in London is considerably short of the London Plan target and overall rates of planning permissions and housebuilding are seemingly on a downward trend. The under-delivery of housing has significant effects on the availability of homes for those wanting to live and work in London and these have been well-rehearsed elsewhere.

2.39 A lack of supply within the housing market makes access to the housing ladder more challenging, with average house prices in London remaining the most expensive in the UK³⁷

³³ Future of small and medium-sized housebuilders – House of Commons Library, available at: <https://researchbriefings.files.parliament.uk/documents/CDP-2023-0100/CDP-2023-0100.pdf>

³⁴ Size of the SME Market – Residential Research Report for LDS, Savills, available at <https://ldsyoursite.com/news/savills-sme-housebuilders-report-demonstrates-huge-potential/>

³⁵ Small Sites, Unlocking Housing Delivery, Lichfields (September 2020), available at: https://lichfields.uk/media/6180/small-sites-unlocking-housing-delivery_sep-2020.pdf.

³⁶ Residential pipeline dashboard - London Datastore: <https://data.london.gov.uk/dataset/residential-pipeline-dashboard>

³⁷ An average of £537,000 in September 2023.

and being over 12.5 times average earnings last year. A result of this is that London has the lowest level of overall home ownership of any English region, and the highest proportions of households renting in both the private and social sector³⁸. These market forces mean that those renting struggle in the face of rising rents³⁹, increasing the number who face homelessness or poor-quality accommodation because of a lack of alternative options.

- 2.40 This crisis in housing supply has obvious economic consequences for the capital. If those on low to moderate (and in many cases high) incomes move outside the capital, organisations in the public and private sector find it hard to recruit impacting on public service delivery and undermining the agglomeration economics that have supported London’s global success, across a whole range of sectors, including its cultural offer and ultimately its desirability as a place to live.
- 2.41 A lack of supply of housing, in particular affordable housing, also has significant social consequences. Almost one in 50 Londoners is now homeless (living in Temporary Accommodation), including one in 23 children. London’s homeless population is equivalent to a city the size of Oxford⁴⁰. This rising homelessness is placing additional strain on London borough finances, who are estimated to spend £60 million per month on temporary accommodation⁴¹.
- 2.42 The latest snapshot for rough sleeping in England⁴² found London to have the largest increase in the number of people estimated to be sleeping rough on a single night, rising from 640 in 2021 to 858 in 2022 – an increase of 218 people or 34%. Data from the Government’s End Rough Sleeping Framework⁴³ found London to have 854 new people sleeping rough over the month in September – up 36% on the same period last year. More than 2,000 people were estimated to be sleeping rough over the month of September 2023 – up 27% since the same period last year.

³⁸ This analysis is set out in the Secretary of State’s letter to the Mayor of London (18 December 2023), available at https://assets.publishing.service.gov.uk/media/65816753fc07f300128d4429/18122023_SoS_DLUHC_to_Mayor_of_London_-_housebuilding_in_London.pdf

³⁹ GLA Housing in London 2023 report. In the year to Q2 2023, private rents in London grew by 13.7%, compared to 9.3% across Britain as a whole.

⁴⁰ London Councils – One in 50 Londoners are now homeless and living in temporary accommodation, August 2023, Amy Leppänen, available <https://www.londoncouncils.gov.uk/node/40768#:~:text=accommodation%2C%20August%202023-,One%20in%2050%20Londoners%20are%20now%20homeless,in%20temporary%20accommodation%2C%20August%202023&text=Our%20latest%20research%20shows%20that,and%20living%20in%20temporary%20accommodation>. It is estimated there are almost 170,000 homeless Londoners, including over 83,000 children.

⁴¹ Ibid.

⁴² DLUHC – Rough sleeping snapshot in England: Autumn 2022, published 28 February 2023, available <https://www.gov.uk/government/statistics/rough-sleeping-snapshot-in-england-autumn-2022/rough-sleeping-snapshot-in-england-autumn-2022>

⁴³ DLUHC – End Rough Sleeping Data Framework, September 2023, available at <https://www.gov.uk/government/publications/ending-rough-sleeping-data-framework-september-2023>

Summary

- The London Plan's ten-year housing targets for 2019/20 - 2028/29 are around 52,300 annually. These targets are less than the 66,000 homes that were assessed as being needed by the London SHMA, which in turn is less than the Standard Method figure for London which is 98,822 homes per annum.
- The targets of the London Plan were based on a capacity-constrained figure derived from the Mayor's 2017 SHLAA which identified a mix of large and small site capacity.
- The London Plan strategy combined these capacity targets with a 'Good Growth' vision and objectives that were, at the time of the Plan's examination, described as aspirational and realistic, but dependent on a significant increase in public and private sector funding. It follows that if those aspirational assumptions did not arise, this might impact on implementation of the London Plan's strategy.
- Four years into the plan period, net housing additions in London are averaging consistently less than 38,000 and has cumulatively fallen short by around 60,000 homes, with only four Boroughs seeing supply at or in excess of their ten-year target. There has been an increase in affordable housing delivery to date, but the overall rate of housebuilding is on a downward trend.
- Housing delivery in London has been much more dependent on SME housebuilders than other regions of England, given many London development projects are brownfield and more complex redevelopment sites that are less suited to volume housebuilders. SME builders face specific challenges – for example around finance and recruiting labour, and less ability to mitigate risks across a portfolio of sites – and are thus disproportionately impacted by delays or uncertainties in planning.
- The number of housing projects receiving planning permission each year is falling, and those projects with permission are getting larger. Larger projects build out over a longer period of time, so more homes with permission will be needed to translate into an annual flow of homes necessary to meet annual targets.
- The GLA's dashboard of planning approvals shows a fall in the number of homes receiving planning permission since 2018/19, and there is not a sufficient pipeline of permissioned new homes to realistically meet annual targets to 2028/29 and address the 60,000 backlog. Right now, there is currently a residual target of more than 62,300 net additional homes per annum to 2028/29, and this number will increase for every year that housing under-delivery continues, as currently seems likely.
- Time is of the essence to address this growing backlog. Lead-in times mean that new homes would realistically need permission no later than 2026/27 to make a meaningful contribution to meeting London's ten-year targets and the number required must take into account realistic rates of build out.
- The consequences of housing under-delivery have significant economic, societal and personal impacts on those who face no alternative option but homelessness (living in temporary accommodation), or who are forced into poor-quality rental accommodation.

3.0 **The London Plan's Impact on Housing Supply**

3.1 This section considers the relationship of the London Plan to housing supply within the capital, including:

- The findings of the review work undertaken by DLUHC;
- Whether London planning authorities have Local Plans in place which enable the implementation of the strategy adopted in the London Plan;
- The extent to which Brownfield Land Registers are used as an intervention by London boroughs to identify appropriate brownfield sites;
- The manner in which the London Plan housing delivery targets are monitored; and
- Other key planning indicators to consider the performance of London following the adoption of the London Plan.

3.2 From our review of the work undertaken by DLUHC and the feedback it has received from a range of key stakeholders, it is axiomatic that the factors influencing the delivery of housing within London are complex, inter-related and overlapping in nature. It would be wrong to say that it is only the London Plan that drives the rate of housebuilding in London; however, our Terms of Reference and the scope of this review are specific to improvements which could be made to London Plan to facilitate the delivery of new homes on brownfield sites and that is the focus of our attention.

The DLUHC Review of London's Housing Delivery

3.3 DLUHC officials conducted a series of thematic roundtable discussions with stakeholders as well as a number of bilateral engagements focusing on areas including: overall housing delivery, the use of industrial land, small sites and Opportunity Areas, design and density, and estate regeneration. The Secretary of State also undertook engagement with a number of stakeholders himself as part of the information gathering process, and his usual engagement. Over the course of DLUHC's stakeholder engagement, a wide range of issues were discussed including many relating to the London Plan.

3.4 In this regard, whilst some stakeholders supported the London Plan, many housing developers expressed concerns about confusion arising from the inconsistent application of guidance and the potentially contradictory nature of regulations and guidance issued from different organisations. Building Regulations and policies in the London Plan, as well as guidance contained in the London Plan Guidance on Housing Design Standards, including those relating to dual aspect, building density and height restrictions were cited as such examples. This issue may be amplified by the different levels of planning policy in London, from national policy, the London Plan, local plans and neighbourhood plans, as these can often be misaligned.

3.5 Many London boroughs and developers also pointed to issues arising from the pressure to meet the London Plan's ambitious affordable housing target of 35%, and even more so on Public Land, where the target is 50%, leaving them with unviable projects, particularly on smaller sites.

- 3.6 Overall, the stakeholders consulted were often of the view that the London Plan was, in some ways, acting as a hindrance to London’s housing delivery due to the excessive complexity and policy overload, which in turn undermines the viability of development projects.
- 3.7 As a result of this feedback, the Secretary of State appointed the expert advisers to look in detail at the London Plan and whether there were specific changes that could facilitate urban brownfield regeneration in London.

The Role of Local Plans

- 3.8 The London Plan is the upper-tier part of a two-tier development plan system that operates in London. Therefore, implementation of the London Plan’s housing strategy to a significant degree relies on London LPAs (mainly Boroughs) preparing local plans that set local policies and identify specific site allocations consistent with the London Plan. Unfortunately, as we approach halfway through the London Plan’s ten-year housing targets, the pace of Local Plan preparation has not been sufficient to put in place a comprehensive set of local strategies to implement them (see Table 3.1). Just under a third of Boroughs have adopted Local Plans that implement the London Plan strategy. Of the 52,300 per annum housing targets, there are currently adopted Local Plans based on the current London Plan in place for just 16,540 of that total. This lack of timely local policy must have a consequence for implementation of the London Plan’s spatial strategy and achievement of its targets.

Table 3.1 : Analysis of local plan status for London boroughs.

Local Plan pre-dates London Plan and does not reflect its strategy	Emerging Local Plan is at an advanced stage (Reg.19) and reflects London Plan strategy	Adopted Local Plan implements London Plan strategy
Bromley Camden Ealing Enfield Greenwich Hammersmith & Fulham Haringey Harrow Hillingdon Hounslow Kingston Newham Redbridge Sutton Tower Hamlets (although the previous housing number exceeds the London Plan target)	Barking and Dagenham Barnet City of London Croydon Kensington and Chelsea Lewisham Merton Richmond Waltham Forest	Bexley Brent Hackney Havering Islington Lambeth LLDC OPDC Southwark Wandsworth Westminster

Source: GLA Local Plan Progress <https://data.london.gov.uk/dataset/local-plan-progress-map> and LPA websites.

- 3.9 The result is a mismatch between the London Plan housing targets, and the policies that London boroughs operate to deliver the homes needed through site allocations and appropriate spatial strategies.

- 3.10 The Inspectors' Panel Report (PR47 – 52) considered the relationship between the London Plan and the Local and Neighbourhood Plans and, in noting the Mayor's approach, with benefits of allowing lower tier plans to focus on local priorities, nevertheless said that: *"there is the danger that the approach taken removes the discretion for boroughs and neighbourhood forums to develop policies to suit their own preferences and local circumstances.... We would encourage the Mayor to consider setting out a more concise spatial development strategy, focussed on strategic outcomes rather than detailed means of implementation, when the Plan is next replaced."*

Brownfield Land Registers

- 3.11 All local authorities are required to publish a Brownfield Land Register⁴⁴. In London, this requirement is particularly pertinent due to the strategy taken in preparing the London Plan to not review Metropolitan Open Land/Green Belt suitable for release, and a recognition in the SHLAA that achieving the necessary step-change in housing delivery would require more proactive planning by local authorities to identify and allocate sites for housing using proactive planning tools, including through the use of brownfield registers⁴⁵.
- 3.12 The Brownfield Land Register published on the GLA Datastore⁴⁶ presents an incomplete picture of brownfield land within London. The last updates to the Register were made in 2020 by the London Borough of Havering and all other entries pre-date 2020.
- 3.13 Within this GLA dataset, only 11 authorities provide an indication of the lower and upper ranges for potential net dwellings. From these 11 authorities, the range is a total of 72,600 to 85,000 new homes. The remaining authorities identify sites without providing an estimate of the number of new homes that could be provided. These range from just 1 site in the City of London to 346 in Southwark (the highest).
- 3.14 While Policy H1 'Increasing housing supply' requires Boroughs to proactively use brownfield registers and permission in principle to increase planning certainty for those wishing to build new homes, it is evidently being implemented unevenly across London.

Monitoring

- 3.15 Section 346 of the Greater London Authority (GLA) Act 1999 places a duty on the Mayor to monitor implementation of his London Plan and collect data about issues relevant to its preparation, review, alteration, replacement or implementation, as well as monitoring the local development documents of each London borough. These are important requirements to ensure the London Plan operates as a robust spatial development strategy and that its policies are both proactive and effective.
- 3.16 The GLA Annual Monitoring Report (AMR) is identified in the London Plan (Policy M1 Monitoring) as the statutory document in the monitoring process against a set of Key Performance Indicators (KPIs) for keeping the London Plan under review and as evidence for plan preparation.

⁴⁴ Town and Country Planning (Brownfield Land Register) Regulations 2017.

⁴⁵ London Strategic Housing Land Availability Assessment 2017, paragraphs 9.4 and 9.23, available at https://www.london.gov.uk/sites/default/files/2017_london_strategic_housing_land_availability_assessment.pdf and addressed in Policy H1.C of the London Plan.

⁴⁶ https://data.london.gov.uk/dataset/brownfield_register

- 3.17 The London Plan states that “*Performance against the KPIs will be reported in the statutory Annual Monitoring Report (AMR) to be published by the Mayor each Spring*” (Para. 12.1.2). However, as we indicated in section 2.0, this requirement does not appear to be being fulfilled. The latest London Plan Annual Monitoring Report (AMR 17) was published in November 2022, focusing on the year 2019/20 and utilising the six strategic objectives and the suite of 24 Key KPIs introduced in the London Plan published in July 2011⁴⁷. AMR 19 will be the first to monitor the current London Plan, while AMR 18 has not yet been published. The significant delay in publishing these reports compromises the effectiveness of monitoring the implementation of the London Plan and misses opportunities to take proactive actions to adjust it.
- 3.18 While it is recognised that the GLA publishes data on the Planning London Datahub (PLD)⁴⁸, and the digitalisation of this is positive, the data contained in these dashboards is supplied by applicants and LPAs and is not quality assured by the GLA upon publication. As such, the GLA recognise that this may need to be amended as data quality reviews are completed and as specific analysis highlights deficiencies. This means that they are not wholly reliable indicators of housing supply, and as noted in section 2.0 of this report, there are inconsistencies between and within this data⁴⁹ and the national datasets published by DLUHC. Nevertheless, for reasons given, these GLA figures are currently the latest available estimates of housing delivery against London Plan ten-year targets for each London LPA.
- 3.19 By way of example, the completion figures on the dashboards in 2019/20 and 2020/21 include change in long term vacant properties within its totals (as per the FALP) and only excluded them from 2021/22, whereas for the purpose of considering the implementation of a London Plan period from 2019/20 onwards, these should be monitored in a consistent manner from the beginning of the plan period, not when the London Plan was formally published. Additionally, it is noted that completion figures for OPDC are only published from 2020/21.
- 3.20 It is imperative that the implementation and effectiveness of the London Plan policies is monitored in advance of the next Review, and that there is consistency and accurate data reporting for the remainder of the plan period through the use of data input guidance.

Other Indicators

- 3.21 The evidence we have seen points to a range of causes for the under-delivery of housing within London, including factors unrelated to the London Plan, such as resources. However, in line with the scope of this review, we have considered whether stakeholder feedback that the London Plan is a contributory factor to this is borne out by analysis of some key planning indicators.
- 3.22 To provide context for macro-environmental factors (such as the COVID pandemic, cost inflation, and global crises), these indicators have been benchmarked against other areas, including the average across England, and – where the data is available - as a combination of the four next largest cities (Birmingham, Bristol, Liverpool and Manchester⁵⁰) to account for

⁴⁷ Annual Monitoring Report 17 - 2019/20 (GLA, Nov 2022), <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/monitoring-london-plan>

⁴⁸ <https://www.london.gov.uk/programmes-strategies/planning/digital-planning/planning-london-datahub>

⁴⁹ We highlight some of the internal inconsistencies in GLA data in Section 2.0 and Appendix 2.

⁵⁰ The four largest cities are identified using an approach identified in this blog: <https://lichfields.uk/blog/2021/january/11/your-official-top-20-the-new-standard-method-and-the-citiesurban-centres-uplift/>

factors that might be particularly related to development in larger urban contexts. They have been indexed for the purposes of comparing trends across these geographies.

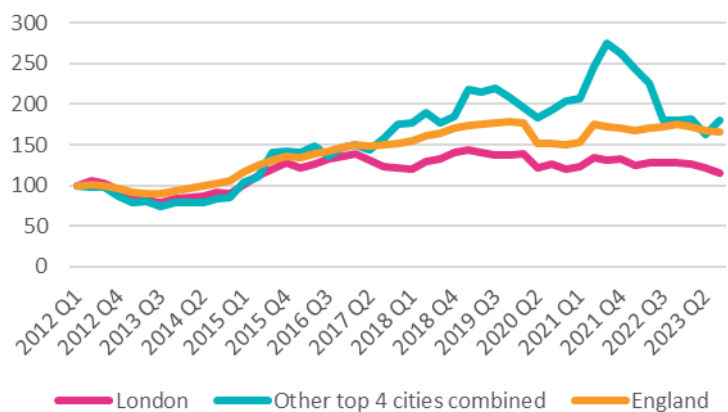
3.23 Figure 3.1 overleaf shows benchmarked trends for net housing completions, EPC lodgements, and major dwelling applications for London and benchmark areas.

Figure 3.1 London’s performance compared to England and four major cities.



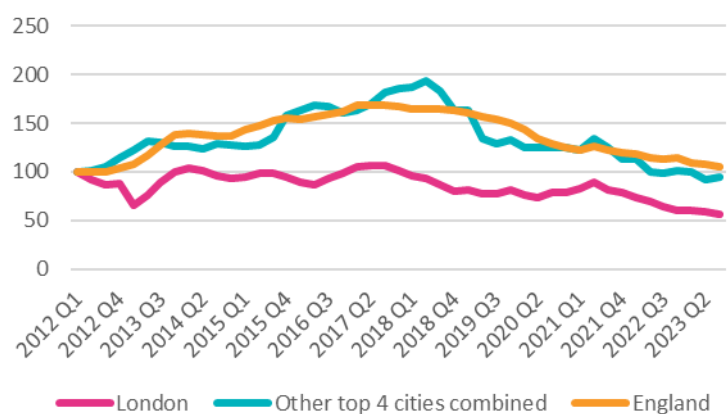
A. Comparison of the number of net additional dwellings delivered proportionate to the estimated housing stock (2-year rolling average rebased to 2012/13) (DLUHC tables 122 and 125).

Despite the introduction of the London Plan and increased housing targets during this period, this chart demonstrates a trend that the increase in net additional dwellings relative to existing stock has been more modest in London than England and significantly less than the growth experienced in the other four largest cities.



B. Comparison of the number of EPC lodgements, as an annual rolling average rebased to 2012. (Table NB1 – New Domestic Properties by Local Authority by Energy Efficiency Rating).

Energy Performance Certificates (EPCs) are an indicator of dwelling completions and show the relative change in the number of new homes completed. On a comparable basis from 2012, London has seen a smaller growth in completions than the rest of England and the other four cities. Given the increase in housing need and targets over this period, it is reflective of a worsening position for housing delivery in the capital.



C. Comparison of the number of major dwelling applications, as an annual rolling average rebased to 2012. (DLUHC PS2 table).

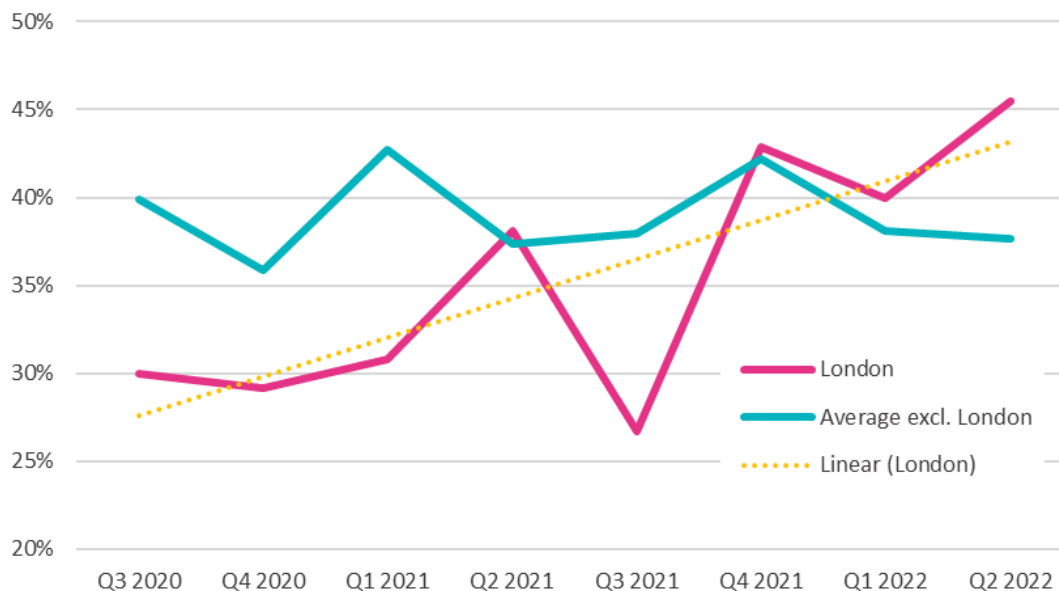
The number of major dwelling applications in London has experienced a downward trend since 2012. While there was a modest increase in the number of applications during 2021, this was reflected in a similar increase in the four major cities at the same time and has subsequently reduced more quickly than their average and the average in the rest of England.

Source: As identified. Lichfields analysis.

3.24 The quality of decisions made by a planning authority is a performance metric used by the Secretary of State. Figure 3.2 below illustrates the quality of decision making by the number of major decisions that are overturned at appeal. This dataset includes all developments, not

just residential. Whilst the average across England (excluding London) has remained relatively consistent, the proportion of overturned appeals within London has increased significantly, rising from 30 to 45% in two years (+50%).

Figure 3.2 : Average of major decisions overturned at appeal.



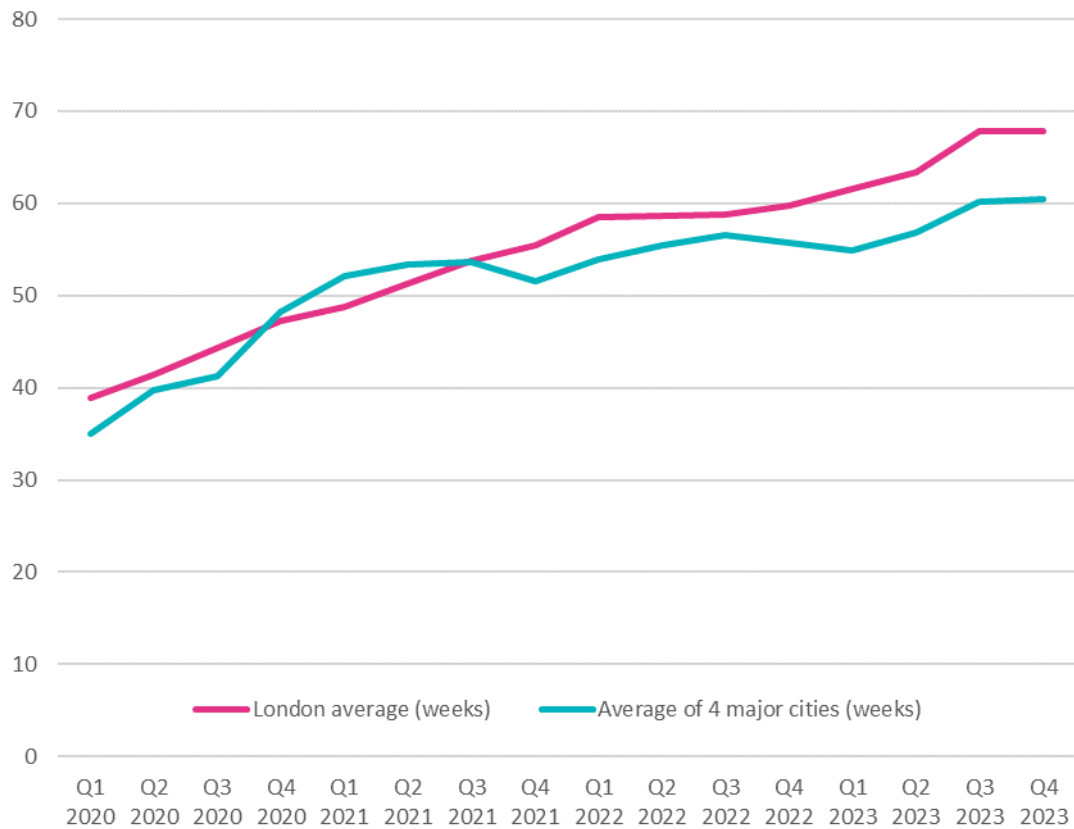
Source: DLUHC Table P152 – Quality of Major Decisions. Lichfields analysis. Note: Table P152 includes all major decisions, including those with non-residential uses.

3.25 Therefore, 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 slower planning process in London, as the process of appealing a planning application and then its consideration by the Planning Inspectorate adds significant delays to the process of securing consent.

3.26 This trend is reflected in data collected from Glenigan relating to the average duration for the determination of residential applications in London⁵¹, in comparison to the average duration for the next four major cities. Figure 3.3 demonstrates a continual increase in the average length of determination, and that this increase is exceeding the average that has been experienced across the four major cities.

⁵¹ This includes private and social housing, as defined by Glenigan, for sites over 10 units or exceeding £1m value.

Figure 3.3 : a rolling average of the length of time to determine planning applications with residential uses in London compared with an average of Birmingham, Bristol, Liverpool and Manchester.



Source: Glenigan Ltd, Lichfields analysis.

Planning Appeals

- 3.27 As part of Lichfields’ research, 21 residential development related appeal decisions made after 2 March 2021, when the latest version of the London Plan came into effect, have been reviewed. This review was based on allowed appeals where 50 or more residential units formed part of the proposals. The majority (16) relate to appeals against refusals by the relevant London borough as LPA, in some cases against officer recommendation, with five appeals as a result of non-determination. In a small number of cases the original LPA decision pre-dated the current London Plan, although the ItP version had been issued and was a material consideration in these cases.
- 3.28 Based on the ‘main issues’ identified by the relevant inspectors, the matters arising in these cases can be summarised, and the relevant London Plan policies identified, as follows:

Table 3.2 : Summary of planning appeal decision analysis.

Main Issue	Number of References	Relevant London Plan Policy References
Character and appearance of area	12	GG1, GG2, D1, D3, D4
Heritage / Conservation	3	HC1
Transport / Highways / Parking	3	T1, T3, T5, T6, T6.1
Residential Amenity / Living Conditions	9	D13
Design	2	D1, D3, D4, D6, D8, D9
Affordable Housing	4	SD1, H4, H5, H6
Housing Mix	5	H4, H10
Planning Obligations	2	
Other	3	

Source: Planning Inspectorate Appeal Decisions, Lichfields analysis.

3.29 This high-level review indicated that London Plan policy is often referenced in the reasons for refusal, generally alongside related local or national planning policy. It is noteworthy that there is no clear correlation between the location of the appealed schemes and the local plan status of the relevant borough (as identified in Table 3.1 above). The common occurrence of relatively subjective and site-specific issues against which applications are being determined in applying London Plan policy is also noteworthy.

Engagement with Other Stakeholders

3.30 Through the period of preparing this report, its authors held stakeholder roundtable sessions with bodies, including the GLA, London Councils (with representation from London boroughs), residential developers, and those in the housing sector, including the National Housing Federation.

3.31 The views expressed have been valuable to the authors of this report and reflect the themes and findings of the stakeholder engagement which was undertaken by DLUHC officials⁵² and have informed our deliberations.

Drawing the Strands Together: A Discussion

3.32 Our analysis in section 2.0 established that there have been significant levels of housing under-delivery in London, equivalent to 60,000 less than the Plan’s ten-year targets. To address the backlog and hit targets for the rest of the ten-year target period, it would be necessary to see delivery of more than 62,300 per annum. **But all the forward indicators (not least the GLA’s own planning pipeline) say that this will not happen, and the trend is downward.**

3.33 The evidence from the London SHLAA says that sufficient land exists - at least in theory - to hit these targets, but not all of it is deliverable and projects are not coming forward at a rate

⁵² See paragraph 3.3.

or scale to meet them. Some large development proposals have emerged and are underway, but realistically they will build out over a period of time extending beyond the ten-year target period. These schemes must be complemented by other projects, including on small sites, that will build out in the short term.

- 3.34 Our review of evidence shows that London has not seen the scale of increase in overall housing delivery experienced in England and its other big cities. For example, from 2018/19 to 2021/22 (before some more recent housing market changes), the rate of net additional homes in the City of Manchester proportionate to stock outstripped that of London, rising from 0.96% to 1.61%, whereas in the capital it fell from 1.15% to 1.05%.
- 3.35 Some of these trends go back a decade, but whereas one might have expected the rate of housebuilding (and leading indicators of forward supply) in London to increase off the back of the London Plan's strategy (with its greater ambition on housing delivery), the trend has been heading in the other direction.
- 3.36 We have read and heard evidence that there a multiplicity of factors causing housing undersupply in the capital. These include the slow progress of Local Plans implementing the London Plan and the challenge of resources and levels of investment to bring forward developments in light of global economic challenges, which have naturally impacted on scheme viability. 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.
- 3.37 The presence of these problems is not the fault of the London Plan. But it seems apparent that its combination of higher housing targets with multiple policies designed to achieve 'Good Growth' have not been sufficiently resilient to the changes in circumstances since it was formulated. Indeed, we described in section 2.0 that the London Plan was explicitly advanced on the basis of a set of public and private sector investment assumptions that were described as being "*ambitious but realistic*", and even this was an assessment based on viability assumptions that predated recent economic changes.
- 3.38 Faced with these headwinds, too few development projects can comply with the combined requirements of the multiplicity of policies in the London Plan. We also heard from the GLA that in their view there has been an excessively mechanistic approach to applying the policies of the Plan as imperatives rather than ambitions; to put it another way, many policies of the Plan are expressed as 'shoulds' but are being 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. Applicants and local planning authorities are struggling to reconcile the multiple policy exhortations, and this is creating uncertainty and delay in the preparation, submission and determination of planning applications for residential development.
- 3.39 Missing from the London Plan is a policy mechanism to assist applicants and decision takers to chart a way through in a way that is aligned to boosting housing supply to the level the London Plan strategy intended.

Summary

- Following the adoption of the London Plan in 2021 (and from the end of 2019, when the Intend to Publish version was issued⁵³), it should be expected that a positive increase in delivery of housing would occur in the capital, driven by the London Plan's strategy and increased housing targets. However, this is not reflected in the range of indicators that this report has considered.
- Just under a third of Boroughs have adopted Local Plans that implement the London Plan strategy (equivalent to 16,540 homes of the total target).
- Brownfield land registers, as a proactive planning tool for the identification of housing sites, are being implemented unevenly across London both through the quality of their data, the regularity with which they are updated, and the coverage of sites across the London boroughs.
- The effectiveness of monitoring of the London Plan is compromised by the significant delay in publishing annual monitoring reports. While the use of digital dashboards is positive, because of inconsistencies in the data noted in section 2.0 of this report and a lack of quality assurance, they are not reliable indicators of housing supply.
- Through benchmarking across a series of planning indicators, it is evident that London is performing below its potential, with the delivery of net additional homes lagging proportionately behind England and the next four largest cities, and an increasing trend of overturned appeal decisions, which has increased from 30 to 45% in two years.
- Analysis of timescale data for the determination of planning applications also indicates that the planning process is slower in London, with the length of time to determine applications on average seven weeks longer than the next four largest cities.
- While these factors point to housing delivery constraints which are, at least in part, influenced by the planning framework within London, the review clearly identifies that this is an issue which is influenced by a range of complex, inter-related matters. The challenges for housebuilding in London are particularly impactful on supply because of the nature of the development projects and because the market is dominated by SME housebuilders.
- The basket of planning policy imperatives in the Plan– much of it expressed as 'shoulds' rather than 'musts' – is too often being applied mechanistically by LPAs, and making it difficult for schemes to show all policy goals are being achieved. What is missing from the London Plan is a policy mechanism to assist applicants and decision-makers in navigating a path that aligns with the intended goal of boosting housing supply to the level outlined in the London Plan strategy.

⁵³ It is also recognised that some policies in the London Plan would have carried some weight in 2018, following the submission of the Plan for Examination.

4.0 Conclusions and Recommendations

- 4.1 It should be a fundamentally important task of the London Plan to facilitate the timely delivery of fit for purpose new homes on appropriate brownfield sites.
- 4.2 The London Plan runs from 2019 to 2041, however annual housing targets are set only for the first 10 years of the Plan⁵⁴. The 10-year targets for net housing completions (2019/20 – 2028/29) for London’s 35 LPAs⁵⁵ are referred to in Policy H1 and are set out in Table 4.1 of the London Plan. They amount to a London-wide total of 522,870. The individual and cumulative targets are not based on an assessment of the number of new homes which are needed in London, which is almost certainly greater and most likely considerably greater than the targets. The London Plan itself refers to a need for 66,000 new homes each year for at least 20 years⁵⁶. Instead, the London Plan targets are founded on an assessment of the capacity of sites to deliver new homes over the period in question at the rate of some 52,300 per annum⁵⁷. In effect, this is an assessment of the capacity of brownfield sites, as the underpinning analysis set out in the 2017 SHLAA explains that in London 98% of housing is delivered on brownfield sites⁵⁸.
- 4.3 In broad terms, it is reasonable to expect that by now (2023/24), the fifth of the 10 years referred to in the London Plan, very real progress should have been made in terms of actual delivery as against the targets in the Plan. Unfortunately, net housing completions are far from on track to meet these targets and unless there is a marked change for the better, by the end of the 10-year period London will fall well short of achieving the number of new homes it has the capacity to deliver on brownfield sites. If performance to date continues⁵⁹, then come 2028/29 London would have seen the delivery of some 71% of its assessed capacity – equivalent to 2.9 years of under-supply – and only 57% of its unmet need⁶⁰.
- 4.4 It is easy to diagnose that the problem is the result of a number of causes, not simply the policies in the London Plan.
- 4.5 However, this truism must not be allowed to distract attention from the task in hand which is to consider whether, to the extent that the policies in the London Plan are having the undesirable effect of inhibiting the timely delivery of new homes on appropriate brownfield sites, there is something which could be done by way of altering the Plan so that it better facilitates such delivery.
- 4.6 The London Plan weighs in at over 500 pages and contains 113 policies, all of which include several elements. The Plan contains literally hundreds of requirements, exhortations and aspirations and, depending on the circumstances of an individual application, a great many of these bear upon deciding whether to permit residential development on brownfield sites.

⁵⁴ London Plan 0.0.13

⁵⁵ 32 boroughs plus the City of London Corporation and 2 Mayoral Development Corporations.

⁵⁶ London Plan 1.4.3, 4.1.1

⁵⁷ London Plan 4.1.7, 4.1.8

⁵⁸ 2017 SHLAA 2.3

⁵⁹ Projecting forward the average delivery rate of 37,263 net additional homes between 2019-23 for the remainder of the ten-year plan period.

⁶⁰ Calculations combine delivery to date (based on GLA completions dashboard) and a forward projection of the average housing delivery to date (37,200) to calculate the actual shortfall against the London Plan ten-year targets and the projected shortfall. This is presented against the overall target for the ten-year period. The same exercise has been undertaken using the unmet need figure of 66,000 homes per annum.

A proposal to build new homes on what might be thought to be a relatively straightforward case of a brownfield site which is not in or affected by any form of special protection (e.g. heritage) will have to navigate and negotiate its way through elements of at least 45 policies.

4.7 It may well be said that even the most seemingly straightforward application for residential development on a brownfield site can give rise to a multiplicity of considerations, all of which warrant analysis and resolution. Also, the London Plan has been through the independent examination process which is required by statute and the reasoning which underpins its policies is set out extensively in the supporting text in the Plan.

4.8 However, there is persuasive evidence that 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. There is just so much to navigate and negotiate that it should come as no surprise that wending ones way through the application process is expensive and time-consuming.

4.9 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.

4.10 The task of this short report is in essence to consider whether something can sensibly be done to improve matters, so as to move the dial in favour of facilitating the timely delivery of new homes on appropriate brownfield sites.

4.11 There appear, to the authors of this report, to be three main options.

- 1 **The first** of these is to leave things as they are and simply await the next review of the London Plan. While this would have the benefit of being able to take a comprehensive approach, the obvious disbenefit is that in the years it will take⁶¹ to undertake and complete the process the likelihood is that London will continue to fall short of delivering the number of new homes it has the capacity to provide on brownfield sites. We have already identified that every year of under-provision increases the scale of residual target necessary to provide the total ten-year targets in the years remaining up to 2028/29. Given lead-in times for housing delivery, permissions will likely need to be in place by 2026 to have an impact on housing delivery in the short term.
- 2 **The second** option is to suggest alterations to the policy requirements which are most often cited by commentators as inhibiting the timely delivery of new homes on brownfield sites. The authors of this report do not consider it would be wise to do this, not least because of the complex and inter-linking and over-lapping nature of many of the issues, which warrant a good deal more analysis than a short report like this can do justice to. Also, whilst accepting the macro evidence on the combined impact of the London Plan on housing delivery, the authors are acutely aware of the need to distinguish between what is anecdotal and what is evidenced when it comes to re-framing existing policies in such a way as to unblock housing delivery.
- 3 **The third** option is to suggest the introduction of an overarching policy which would bring together all the relevant issues in any given case of an application for residential development on a brownfield site, and provide a lens through which to focus on how to

⁶¹ The current London Plan was issued in draft in December 2017 and published (colloquially “adopted”) in March 2021.

resolve what will often be a myriad of competing considerations pulling in all sorts of different directions.

- 4.12 The planning system is used to the concept of presumptions to perform exactly this sort of role of cutting to the chase. By way of example, since 2012 national planning policy has contained a presumption in favour of sustainable development which, in certain defined circumstances, applies what has become known as the “*tilted balance*”, which tilts the scales in favour of permitting residential development⁶². Another policy presumption, but in this case one that has been in place for several decades, is the presumption against inappropriate development in the Green Belt.
- 4.13 In similar vein, the interpretation of statutory provisions in case law has defined presumptions, most obviously the presumption in favour of the development plan, and the presumption against allowing harm to be caused to heritage, both of which also find expression in national planning policy.
- 4.14 The effectiveness of presumptions of this nature cannot be gainsaid. Put simply, they draw together the key issues and depending on the way the presumption is tilted indicate either that planning permission should be granted, or that it should be refused, unless there is a very good reason otherwise.
- 4.15 The authors of this report consider that the addition to the London Plan of a strong presumption in favour of residential development on brownfield sites would be an effective and worthwhile way of making it much more likely that the Plan will facilitate the delivery of the number of new homes which London has the capacity to provide on brownfield sites. The authors consider an appropriately worded presumption would facilitate the grant of planning permissions which are more likely to be viable and therefore to be built-out.

What might be the impact of a new policy presumption?

- 4.16 It is not possible to accurately estimate the effect of a new policy presumption with any certainty because of the recognised wider market and other factors which also impact housing delivery. Therefore, the following considerations have been used as a proxy to assess the potential impact of the policy:

The Framework presumption

- 4.17 The proposed new policy presumption reflects an approach which is a well-established mechanism within the planning system. Most notably, a presumption is contained within the NPPF. This presumption in favour of sustainable development (an element of which is also known as the ‘tilted balance’) was introduced in March 2012.
- 4.18 Figure 4.1 illustrates the number of major residential planning applications that were determined and those granted since 2000. If the periods of significant financial uncertainty are excluded, an increase in the proportion of major residential planning applications being approved was experienced across England. From 2001 to the end of 2006, an average of 71% of applications were approved; from 2012 to 2020, this increased to an average of 81%. While the total number of applications has not exceeded the pre-2007 levels, there has been greater

⁶² Which itself echoes the “double presumption” in favour of development, and residential development where there was not a five year housing land supply, introduced by the then Secretary of State for the Environment, Nicholas Ridley, in the late 1980s.

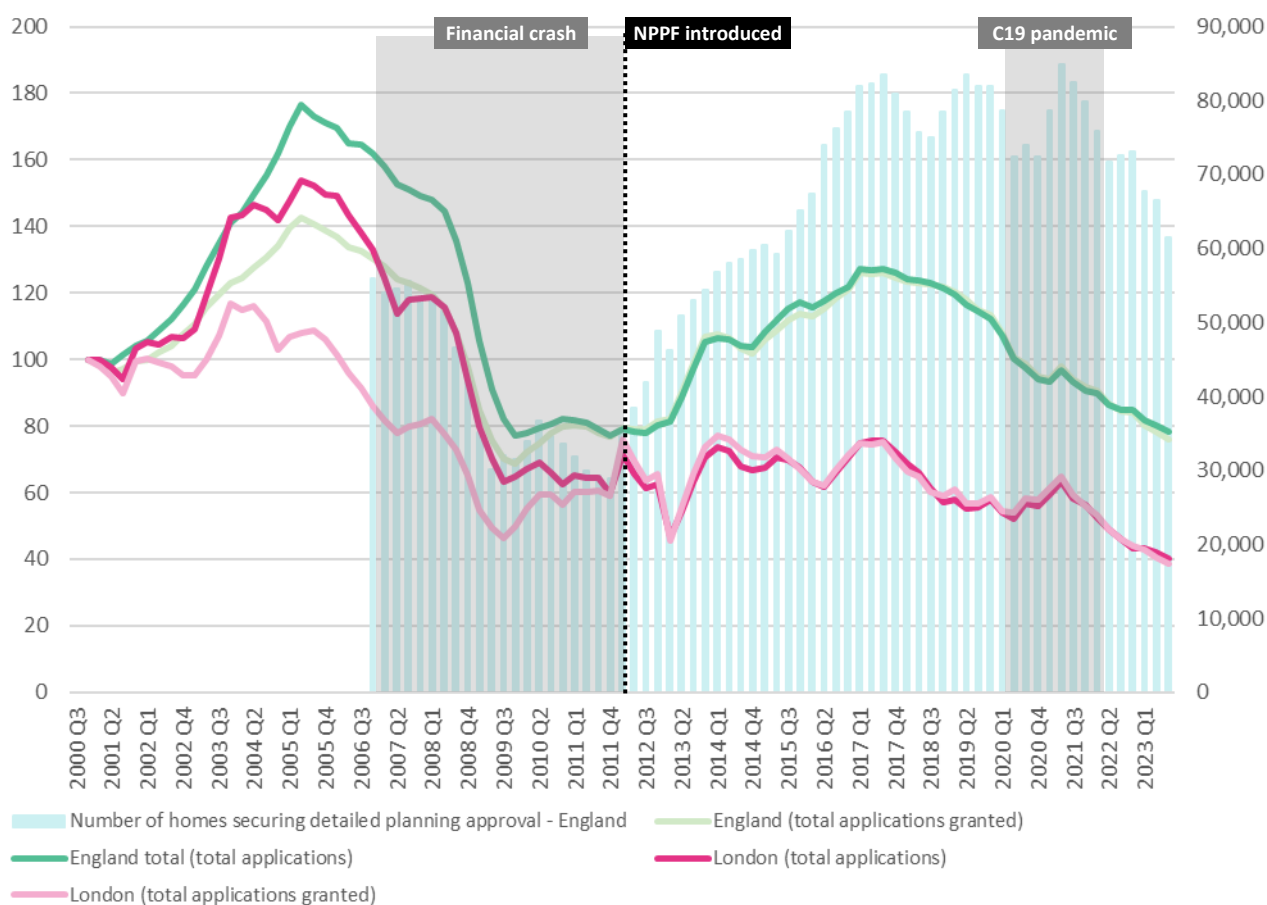
consistency in positive decision making, which may in part be attributed to changes in national planning policy and the introduction of the presumption.

- 4.19 Figure 4.1 also shows analysis of the number of homes securing planning approval (flowing from the number of applications being approved, referred to above). It relies on Glenigan data which is not available for the comparable period prior to 2007, but it shows a marked increase in the number of homes being granted planning approval following the 2012 presumption.
- 4.20 This is also reflected in data for the number of net additional dwellings completed for periods excluding times of economic crisis (notably excluding the Great Financial Crisis). From the period of 2002 to 2007, an average net additional 186,800 homes were delivered. In the period following the introduction of the NPPF and allowing for its policy basis to be implemented and bed-in, from 2014 to 2019 an average of 214,000 net additional homes were delivered – an increase of 13 per cent⁶³.
- 4.21 If a similar 13% increase in housing delivery was experienced in London, on the basis of average delivery from 2019, this would equate to an additional c.4,750 homes per annum⁶⁴. This overall number would still remain below the London Plan target but would represent a material improvement on current performance.

⁶³ DLUHC Live Table 122, Lichfields analysis.

⁶⁴ Calculated using data drawn from GLA completions dashboard (accessed 12 January 2024).

Figure 4.1 : Annual rolling average of the total number of planning applications and decisions made for major dwelling applications, and the number of homes securing detailed planning approval in England.



Source: DLUHC table PS2, Lichfields analysis. Number of housing units securing detailed planning approval – HBF Housing Pipeline Reports (using Glenigan data) (2010 Q3, 2014 Q3, 2020 Q3 and 2023 Q3).

4.22 As Figure 2.5 (page 12) demonstrates, since 2019 there has been a downward trend in the number of homes approved in London compared to the preceding five years. While it is acknowledged that numerous factors have impacted planning and development activity, this trend has become more significant in 2022/23 and will have long-term implications on housing delivery if this is not reversed. Between 2014 and 2019, an average of 87,700 homes per year were approved in London; between 2019 and 2023, this fell to an average of 60,500⁶⁵.

4.23 A return to pre-London Plan levels of approvals will be required to increase housing delivery and a return to rates of net additional homes previously achieved. Using an indicative ratio of the cumulative number of homes approved between 2014 and 2019 and those completed between 2015 and 2020⁶⁶, an average of 2.3 approved homes were granted for each net completion⁶⁷. If the number of homes approved returned to this rate, and a similar assumption for the ratio of approvals to net completions was made, this could result in an additional c.11,500 homes per annum being delivered.

⁶⁵ GLA residential approvals dashboard for self-contained and non-self-contained supply (accessed 12 January 2024).

⁶⁶ A notional 'lag' of a year between the approval of the planning application and the net added completion, together with a calculation over a five-year period, has been used as the available datasets do not link approval and completions data.

⁶⁷ GLA residential approvals dashboard for self-contained supply, measured against net additional dwellings (DLUHC table 122).

4.24 Figure 3.3 of this report used Glenigan data to illustrate the average length of time taken to determine major residential applications. Averaged over 2023, these decisions took seven weeks longer than those in the next four largest cities. If the proposed presumption enabled the acceleration of such decisions to a rate commensurate with the next four largest cities, it could increase capacity for the delivery of homes by almost 11%⁶⁸, equivalent to around 4,000 net additional homes each year.

4.25 Conceptually, speedier determination of residential planning applications, with a potentially greater prospect of approval, would have a compound benefit in the delivery of net additional homes in London. Whilst it is not appropriate to derive an arithmetic estimate from these figures simply on a cumulative basis, it should still be taken into account when considering the potential impact of a presumption.

Other benefits

4.26 In addition, there are other benefits which could be accrued from the introduction of a presumption. The approach, by providing guidance to decision-makers in the balancing exercise to be undertaken, could potentially reduce the number of appeals lodged, and in particular the number of local decisions which are overturned, bringing the increasing prevalence of this occurrence in London down to a rate closer to the rest of England (see Figure 3.2). The requirement of the presumption to grant planning permission as quickly as possible, combined with fewer delays resulting from planning appeals should accelerate decision-making.

4.27 Where it applies, a presumption should give developers greater certainty about development proposals and therefore increase their confidence to deliver appropriate sites, through a recognition that substantial weight would be given to the benefits of delivering housing on brownfield sites. This increased confidence, reduced risk of planning appeals, and potentially accelerated decision-making, could also result in a reduction in transaction costs and professional (e.g. consultant) costs which would otherwise be associated with a longer planning process.

4.28 While estimating the effect of a proposed policy intervention is necessarily speculative, the above analysis indicates that such an approach should have a material and worthwhile effect on housing delivery.

Presumption in favour of residential development on brownfield land

4.29 After a great deal of deliberation on exactly how to formulate such a presumption, the authors have settled upon the wording which is set out below and which we recommend should be taken forward. We set out our recommendation in five parts:

- 1 The proposed presumption is set out in full;
- 2 The proposed presumption is broken down into its constituent elements, with an explanation of each element in turn;

⁶⁸ This is representative of a reducing the average time taken to determine a major residential application in London in 2023 (65 weeks) to a level of the four major cities (58 weeks), a difference of 10.8%.

- 3 We look at the question of whether the presumption should be specific to local planning authorities based on local housing delivery or applied across all of London;
- 4 We set out our approach to exclusions in terms of land to which the presumption would not apply and whether Strategic Industrial Locations should be excluded; and
- 5 Finally, suggestions are made as to which of the existing policies in the London Plan could host the proposed presumption.

The Presumption

For qualifying local planning authorities, there is a strong presumption in favour of granting planning permission for proposals which comprise or include residential development on Brownfield (Previously developed) land.

Qualifying local planning authorities are those where the net housing completions since 2019/20 have fallen below the cumulative annualised total of their Table 4.1 ten-year target.

The presumption does not apply to sites which are in the Green Belt or Metropolitan Open Land or a Strategic Industrial Location.

In the case of proposals which would cause harm to the significance of a designated heritage asset, the presumption only applies where any such harm is clearly outweighed by the public benefits of the proposals.

Where it applies, the presumption means granting planning permission as quickly as possible unless the benefits of doing so would be significantly and demonstrably outweighed by any adverse impacts which would arise from not according with policies in this plan.

In applying the presumption substantial weight is to be given to the benefits of delivering homes.

Elements of the presumption

4.30 We explain each element of the proposed presumption in turn in Table 4.1.

Table 4.1 : Explanation of proposed presumption

Presumption wording	Explanatory text
<p>[1] For qualifying local planning authorities, there is a strong presumption in favour of granting planning permission for proposals which comprise or include residential development on Brownfield (Previously developed) land.</p>	<ul style="list-style-type: none"> • “qualifying local planning authorities” are defined below. • “a strong presumption in favour” is the key principle of the presumption. • “comprise or include residential development” captures entirely residential schemes as well as mixed use proposals which include an element of residential. • “Brownfield (Previously developed) land” are capitalised as both are defined in the Glossary in the London Plan. The Glossary defines “Brownfield land” by cross-referring to its definition of “Previously developed land”. It is important to note that the London Plan’s definition of PDL (just as the definition in the NPPF) excludes “parks, recreation grounds and allotments”.

Presumption wording	Explanatory text
<p>[2] Qualifying local planning authorities are those where the net housing completions since 2019/20 have fallen below the cumulative annualised total of their Table 4.1 ten-year target.</p>	<ul style="list-style-type: none"> • This defines the authorities to which the presumption applies, namely those where net completions over the number of years since 2019/20 (the first year of the ten years referred to in Table 4.1 of the London Plan) are below the cumulative annualised total of the authority’s ten-year target in the Table. • To take a worked example, the first authority in Table 4.1 is Barking & Dagenham, its 10 year housing target is 19,440 which divided by 10 = 1,944 per annum. There have been four whole years of the ten so far (19/20, 20/21, 21/22, 22/23) so to date the cumulative annualised total is 1,944 x 4 = 7,776 net completions. If this number has been achieved or exceeded, the presumption would not apply; if it hasn’t been, then the presumption would apply. • This approach is considered to incentivise authorities to meet their individual targets. As the London Plan itself sets targets for only the first 10 years, the presumption would have effect from the time of its incorporation into the London Plan until the last year it could be applied, which would be 2029/30 as the 10th year is 2028/29. The review of the London Plan would be the appropriate place to consider the future role of any such presumption. • The policy does not specify the source of the data. If the authority in question has an up-to-date AMR or the GLA does then these would be suitable, failing which up to date HDT results should be used. If none of these are available, then it would be open to the applicant to put forward their own assessment for consideration. However, it would be hugely beneficial were the AMR required by Policy M1 of the London Plan to be published in a timely manner each year. • The policy uses the targets in the London Plan itself i.e. the presumption does not rely upon 5 year housing land assessments applying the Government’s standard methodology. This means that the presumption is not affected by recent changes to the NPPF nor by the 35% uplift for certain cities and urban centres (including London) in the Government’s standard methodology.
<p>[3] The presumption does not apply to sites which are in the Green Belt, or Metropolitan Open Land or a Strategic Industrial Location.</p>	<ul style="list-style-type: none"> • This is self-explanatory. See the discussion later on in this report about whether SILs should or should not be excluded from the operation of the presumption.
<p>[4] In the case of proposals which would cause harm to the significance of a designated heritage asset, the presumption only applies where any such harm is clearly outweighed by the public benefits of the proposals.</p>	<ul style="list-style-type: none"> • This is a synthesis of statutory, case law and national policy requirements in cases involving heritage harm.

Presumption wording	Explanatory text
<p>[5] Where it applies, the presumption means granting planning permission as quickly as possible unless the benefits of doing so would be significantly and demonstrably outweighed by any adverse impacts which would arise from not according with policies in this plan.</p>	<ul style="list-style-type: none"> • <i>“the presumption means”</i>: i.e. this is where one finds the tilt in favour of residential development on brownfield sites. • <i>“as quickly as possible”</i>: the presumption seeks to facilitate speedier, favourable decision-making. It does this by providing a way to cut through the multitude of competing considerations which are likely to arise in any given case. The terminology is taken from paragraph 47 of the NPPF. • <i>“unless the benefits [...] would be significantly and demonstrably outweighed”</i>: this is the tilt itself, the terminology is taken from paragraph 11 d) ii. of the NPPF. • <i>“by any adverse impacts which would arise from not complying with policies in this plan”</i>: this is where the harmful consequences – if any, and whatever they might be – of any non-compliance with policies in the London Plan are placed in the weighing scales. There are two points to note here, namely (i) that this provides a way of drawing together any such non-compliances (it does not remove or change any of the other policies in the London Plan), and (ii) the presumption very deliberately requires the decision-maker to consider what, if any, actual harm would arise from any such non-compliance.
<p>[6] In applying the presumption substantial weight is to be given to the benefits of delivering homes.</p>	<ul style="list-style-type: none"> • This reinforces the presumption.

Qualifying Local Planning Authorities

4.31 The presumption as defined above applies to ‘qualifying LPAs’ based on housing delivery being below the cumulative annualised total of the authority’s ten-year target. An alternative approach would be to apply the presumption to all London LPAs. This, in the authors’ view, would not provide the incentive referred to in Table 4.1. However, it would have the clear advantage of removing any uncertainty for applicants and LPAs as to the robustness of available datasets. In the event the Secretary of State concludes that the presumption should apply across the whole of London, the first two paragraphs of the presumption would have to be adjusted as follows:

~~For qualifying local planning authorities, There is a strong presumption in favour of granting planning permission for proposals which comprise or include residential development on Brownfield (Previously developed) land.~~

~~Qualifying local planning authorities are those where the net housing completions since 2019/20 have fallen below the cumulative annualised total of their Table 4.1 ten-year target.~~

Exclusions

4.32 The wording of the presumption suggested above explains that it does not apply to sites which are in the Green Belt, or Metropolitan Open Land or fall within Strategic Industrial Locations.

4.33 The authors of this report have been unable to agree unanimously on whether sites within **Strategic Industrial Locations** (SILs) should be excluded from the operation of the presumption. Policy E5 of the London Plan protects SILs. Further detail is found in Policy

E7. There are 55 SILs listed in Table 6.2 of the Plan. The Plan explains (6.5.1) that “**SILs are given strategic protection** because they are critical to the effective functioning of London’s economy” (the emphasis is in the original text) and that: “They can accommodate activities which ... can raise tensions with other land uses particularly residential development.”

4.34 The competing opinions on the issue can be summarised in this way:

- 1 Given the critical economic importance of SILs⁶⁹ a clear case can be made for their exclusion from the presumption, the case being reinforced by the potential amenity and agent of change considerations of introducing residential development into SILs; the contrary opinion being:
- 2 It would be wrong to exclude SILs from the presumption because any harm which would arise from proposed residential development within a SIL (e.g.in terms of the loss of a site which would or could otherwise contribute to what is described in the London Plan (6.5.1) as London’s “main reservoir of land for industrial, logistics and related uses” and / or any amenity/agent of change issues) would be considered through the application of the presumption. If any such harm significantly and demonstrably outweighed the benefits of providing new homes, then that would indicate permission should be refused.

4.35 In the event the Secretary of State considers that the presumption should apply to sites within SILs it would be straightforward to adjust the wording of the relevant element of the policy so as to read:

The presumption does not apply to sites which are in the Green Belt or Metropolitan Open Land. ~~or a Strategic Industrial Location.~~

Introducing the new presumption

4.36 The presumption could either be stated as a new policy in its own right or could be added to one of the following existing policies in the London Plan: GG2 Making the best use of land; GG4 Delivering the homes Londoners need; or Policy H1 Increasing housing supply. Of these, Policy H1 would appear to be the most appropriate location for the presumption.

4.37 In overall conclusion, the authors of this report consider a presumption in favour of residential development on brownfield land would be an effective addition to **the London Plan** to facilitate the timely delivery of fit for purpose new homes on appropriate brownfield sites.

4.38 Given the Terms of Reference, this report considers the addition of the presumption to the London Plan as a specific alteration to it, and cross-refers to the Secretary of State’s powers of direction in this regard. However, an alternative (or meanwhile⁷⁰) course the Secretary of

⁶⁹ There is a significant body of evidence in the GLA’s work on Industrial Land Supply issued in March 2023 - , <https://data.london.gov.uk/dataset/london-industrial-land-supply-study-2020> - which has two specific studies on SILs at Appendix B and C relating to economic function, character, role and intensification. The evidence shows releases of industrial land at a level greater than what was planned for the period and that industrial land is under pressure. There has been a significant reduction in industrial vacancy to 3.25%, below the 8% target that would be expected in order to provide supply and options for new tenants.

⁷⁰ “Meanwhile” in the sense that the WMS / PPG could hold the position until the process of altering the London Plan to include the presumption has been completed.

State might wish to consider issuing a **written ministerial statement** (“WMS”) and/or **an addition to the Planning Practice Guidance** (“PPG”) which sets out a presumption along similar lines to those recommended in this report, and indicates that London planning authorities and the Planning Inspectorate should take the presumption into account in determining planning applications/appeals. The advantage of this approach would be that it would be introduced in a considerably shorter timescale. The key disadvantage of this route would be that a WMS and/or addition to the PPG would not have the statutory weight of the development plan, and would simply be a material consideration.

Appendix 1 Terms of Reference

London Plan review – expert advisers Published 22 December 2023⁷¹

Project overview

In July 2023, as part of a long-term plan for housing, the Prime Minister and Secretary of State for Levelling Up, Housing and Communities committed to a new era of regeneration, inner-city densification and housing delivery across England, with transformational plans to supply beautiful, safe, decent homes in places with high-growth potential in partnership with local communities. They confirmed that this work would initially begin in Cambridge, London and Leeds.

As part of the work in London, we looked in detail at the London Plan and what the barriers were to urban brownfield regeneration. We engaged with the GLA, London boroughs, developers and consultants to further our understanding of the key barriers to unlocking housing delivery in London.

Housing delivery continues to underperform in London, with an average 37,000 net additional dwellings over the past 3 years which falls considerably short of the Mayor's London Plan target.

Further to the internal review, the Secretary of State has appointed expert advisers to offer views on whether there are specific changes to London Plan policies that could facilitate urban brownfield regeneration in London for housing delivery in an appropriate manner.

The expert advisers will be supported in this task by the external consultants Lichfields, and DLUHC officials.

Scope

The advisers, and supporting Lichfields consultants, have been appointed for their expertise in order to provide an independent and impartial view of the changes needed to the London Plan.

The expert advisers will assess whether there are specific changes to London Plan policies that could facilitate urban brownfield regeneration in London for housing delivery in an appropriate manner and, if necessary, recommend changes to the London Plan accordingly.

The output of the review will be a short report, delivered by 15 January 2024, to the Secretary of State.

⁷¹ <https://www.gov.uk/government/publications/housebuilding-in-london-terms-of-reference-london-plan-review/terms-of-reference-london-plan-review-expert-advisers>

Objectives

To consider and, if appropriate, make recommendations for specific changes to the London Plan. The Secretary of State will share the recommendations with the Mayor to consider their implementation.

To work with Lichfields consultants to ensure that there is an evidence base which supports the recommendations of the expert advisers.

To complete a report on how, specifically, the London Plan could be improved to facilitate the delivery of new homes on brownfield sites.

Project Outcome

The report will be submitted to the Secretary of State and the conclusions of the review will be shared with the Mayor of London in advance of publication.

Appendix 2 Housing Delivery Data

Table 1 : Comparison of housing delivery datasets.

Year	DLUHC Table 122	DLUHC Housing Delivery Test	GLA Datastore Residential completions dashboard		
	Net additions (including Census adjustments)	Number of homes delivered	Net conventional*	Non-self-contained*	Net conventional and non-self-contained combined*
2004-05	26,873		25,750	4,294	30,044
2005-06	28,852		26,569	-369	26,200
2006-07	30,927		27,553	1,913	29,466
2007-08	31,557		26,217	1,632	27,849
2008-09	32,290		29,481	2,718	32,199
2009-10	28,330		23,673	2,466	26,139
2010-11	21,820		18,748	1,513	20,261
2011-12	29,672		22,744	1,453	24,197
2012-13	25,845		24,103	2,838	26,941
2013-14	28,383		21,757	4,348	26,105
2014-15	31,649		27,691	3,992	31,683
2015-16	35,196	32,919	31,526	5,842	37,368
2016-17	44,366	41,414	39,835	4,395	44,230
2017-18	36,529	32,665	30,428	2,826	33,254
2018-19	41,424	38,651	35,486	2,756	38,242
2019-20	45,676	41,772	37,256	870	38,126
2020-21	38,829	35,380	31,122	4,367	35,489
2021-22	39,173	40,506	38,320	963	39,283
2022-23	35,305		33,214	2,938	36,152

Source: DLUHC Table 122; Housing Delivery Test results and *GLA statistics sourced from completions dashboard (<https://data.london.gov.uk/dataset/residential-completions-dashboard>) (accessed 12 January 2024).

Note: The GLA publish a second dashboard which presents residential completions vs the London Plan 2021 target (<https://data.london.gov.uk/dataset/residential-completions-v-london-plan-2021-target>) – this dashboard does not provide a breakdown by London planning authority and therefore the completions dashboard has been used for consistency across the datasets. While there are discrepancies between these two dashboards in years 2019/20 and 2020/21, the figures used in this report are the higher of the two.



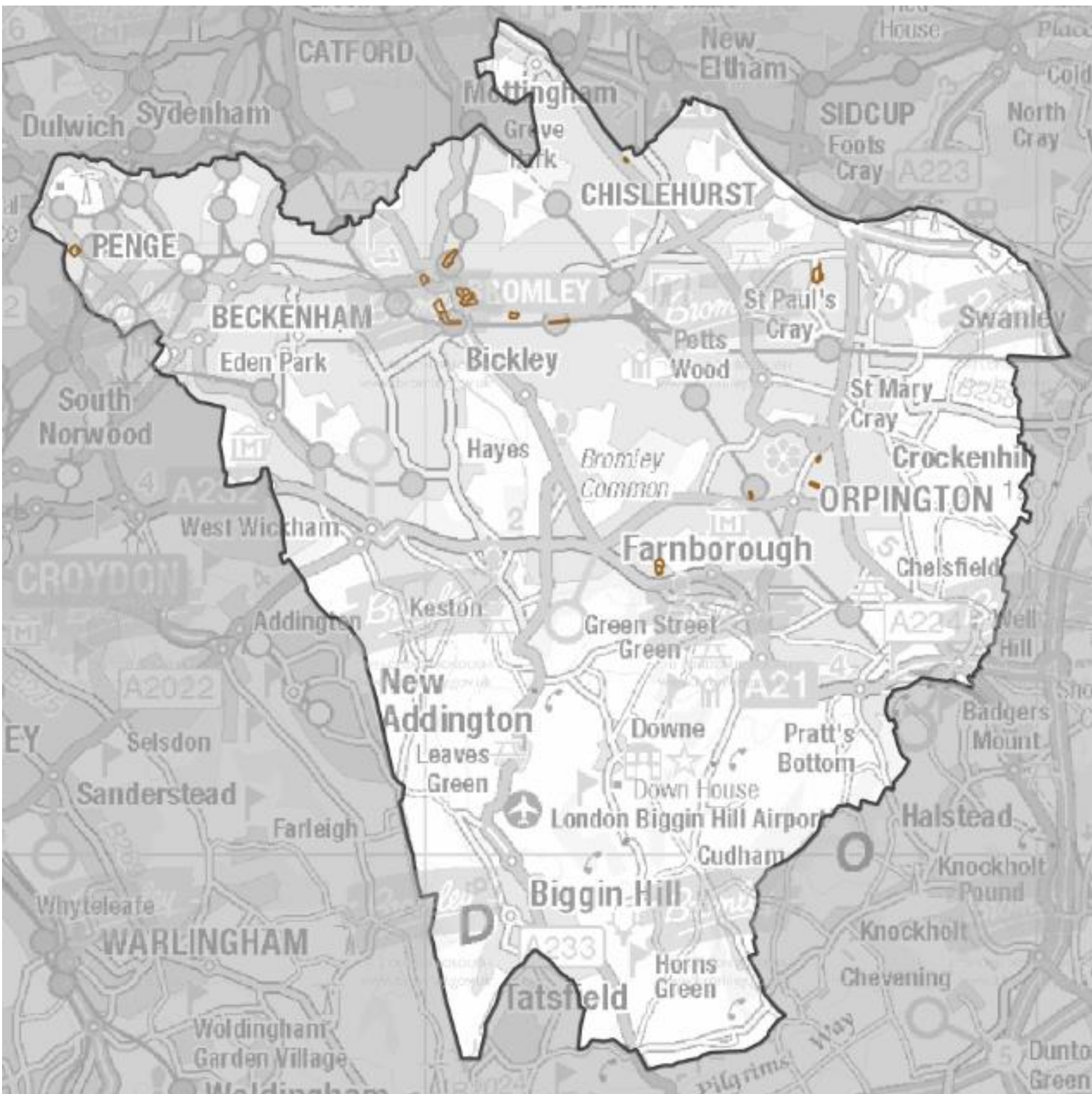
Lichfields
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Appendix 6: Local Plan Policies Map Extract

Bromley Local Plan Policies Map Extract: Adopted Site Allocations



Appendix 7: Committee Report: 66-70 High Street, Bromley

Committee Date	25/03/2021	
Address	70 High Street Bromley BR1 1EG	
Application number	19/04588/FULL1	Officer: Jessica Lai
Ward	Bromley Town	
Proposal	Demolition of existing buildings (No. 66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area.	
Applicant	Agent	
Matterhorn Capital	Mr Tom Vernon Quod Ltd 13-17 Broadwick Street London W1F 0FE	
Reason for referral to committee	Major application outside delegated authority; Call-in	Councillor call in Yes

RECOMMENDATION	PERMISSION SUBJECT TO S106 LEGAL AGREEMENT AND ANY DIRECTION FROM THE MAYOR OF LONDON
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<p>KEY DESIGNATIONS</p> <p>Bromley Town Centre Archaeological Priority Areas Opportunity Areas Site G Bromley Town Centre Area Action Plan Site 10 Bromley Local Plan Biggin Hill Safeguarding Area London City Airport Safeguarding Areas of Deficiency in Access to Nature PTAL 6a and 6b</p>
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Vehicle parking	Existing number of spaces	Total proposed spaces	Difference in spaces (+ or -)
Wheelchair accessible car spaces	N/A	3	+3
Cycle	N/A	116	+116 (Residential 108; Commercial 8)

Electric vehicle charging points	3 active charging points
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Use	Existing	Proposed	Difference (+ or -)
Retail	493.7sqm	256.4sq.m	- 237.3sq.m
Dwellings	6	47	+41

Representation summary	<p>Neighbouring consultation letters were sent on the 22nd November 2019. A 14 days re-consultation letters were sent on the 17th December 2020 and 06th January 2021.</p> <p>A site notice was displayed on the 14th November 2019. The application was also advertised in the press on the 27th November 2019.</p>
Total number of responses	324
Number in support	11
Number of objection	313

Section 106 Heads of Term	Amount	Agreed in Principle
Education	£ 69,208.54	Yes
Health	£ 47,591	Yes
Energy	£ 57,000	Yes
Affordable Housing	10 intermediate units (2 x studio, 6 x 1 bed and 2 x 2 bed);	Yes

	Early and late stage review mechanism.	
Child play and park maintenance	£17,600	Yes
Highway	£ 20,000 Quietway cycle link pedestrian works improvement; Two years free car club membership per dwelling; Twenty free driving hours per dwelling; Removal of rights to apply for residents parking permit.	Yes
Total	£ 191, 300.54	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle to redevelop the site including the introduction of a taller building and car free development is supported at this town centre location. The site is designated as an opportunity area in the London Plan and forms part of the allocated sites (Site G in the Bromley Town Centre Area Action Plan and Site 10 in the Bromley Local Plan) in the development plan to deliver housing and support the growth of Bromley Town Centre.
- This application includes the provision of 47 residential dwellings including 10 intermediate dwellings and would represent a significant contribution to the supply of housing within the Borough. The proposal would be unviable to provide in excess of 5 intermediate units and this is supported by a financial viability report which has been reviewed by an independent viability assessor. Following discussions between the applicant and the GLA and without prejudice, the applicant is prepared to provide 5 additional intermediate units (a total of 10 intermediate units). This provision would enhance the attractiveness for ownerships and management by a Registered Provider and in the delivery of affordable housing.
- The proposed internal layout demonstrates adequate and accessible internal and external living spaces including a good range of housing sizes between one to four persons would be provided.
- The proposal would provide adequate replacement retail floorspace on the ground floor and this would maintain the active frontages and shopping function of this site. The residential density would be intensified which reflects the role of this allocated site.
- The revised proposal has been subject to a design review process and has responded to the consultation comments received. The existing buildings façade would be retained, and the proposed building would be

set in from the High Street. The building height is reduced and more comparable to the building on Ringer's Road.

- The Council's Conservation Officer has raised objection to the revised proposal and considered that the over-dominant scale and massing of the proposed building would visually compete with the modest market town character of the Bromley Town Centre Conservation Area. Non-statutory comments from Historic England also consider that the proposal would have an impact on the significance of the Bromley Town Centre Conservation Area and the harm would be towards the lower end of less than substantial.
- The development is considered acceptable from a sustainability, air quality and environmental perspective.
- Having considered the benefits and harm arising from the proposal and in the absence of a 5-year housing land supply, it is considered that the planning permission should be granted as the presumption in favour of sustainable development is applied unless there are material considerations to suggest otherwise.
- Subject to the planning conditions, a s106 legal agreement and any direction from the Mayor of London it is considered that the benefits of the proposal would outweigh the impact arising from this proposal and planning permission should be granted.

1. LOCATION

- 1.1 The site (No. 66 to No.70 High Street) is located in Bromley Town Centre and measures approximately 627sq.m in area. The site is located on the western side of the High Street at its junction with Ethelbert Road.
- 1.2 The site comprises of three retail units on the ground floor with a combined retail floor space of approximately 493.7sq.m in total. There are six private residential flats located on the first and second floor. The access to these private residential units is via Ethelbert Road.
- 1.3 The site is located on a slope. The ground level of the site drops from east to west and also drops down from north to south. No. 64 High Street is a 4 storey commercial building adjoining to the south of the site and is occupied by a retail store (TKMAXX). The Salvation Army and the ancillary café building "The Light" are located to the rear of the site.
- 1.4 The application properties are not listed. Bromley Town Centre Conservation Area is located to the north of the site, opposite Ethelbert Road.
- 1.5 The site forms part of the allocated Site 10 – West of Bromley High Street and land at Bromley South in the Bromley Local Plan for mixed used redevelopment.

- 1.6 The site also forms part of the Site G in the Bromley Town Centre Area Action Plan. Within this plan, it is noted that there is an annotation to indicate that the adjacent TK Maxx site (No. 64 High Street) may be a possible location for a tall building.
- 1.7 The public transport accessibility of the site is rated at 6a and 6b on a scale between 0 to 6b where 0 is worst and 6b is excellent. Bromley South Railway Station is approximately 250 metres south from the site and Bromley North Railway Station is approximately 400 metres north from the site.
- 1.8 The site is located within Flood Zone 1 and is not subject to surface water flooding, Ethelbert Road and the High Street are subject to low risk surface water flooding. Ethelbert Road is a one-way road and there are two on-street disabled parking spaces near to the site.

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of the existing three storey buildings and redevelopment of the site to provide 256sq.m (Gross Internal floor area) replacement retail floor space on the ground floor facing High Street and 47 residential flats on the upper floors. It should be noted that the existing buildings façade would be retained. In response to the planning consultation responses received, the design, layout, building height and quantum of the proposal has been amended.
- 2.2 The proposed building would be up to 4 storeys in height facing the High Street and 12 storeys in height to the rear. The facade of the existing three storey buildings will be retained and refurbished. The top floor of the proposed building facing the High Street would be set in from the High Street by 1.5 metres. The rear element of the proposed building would be 12 storeys in height and would be set in from the High Street by 9.5 metres.
- 2.3 A communal residential entrance would be facing Ethelbert Road. Two internal lifts including a dedicated bicycle lift would be provided for the proposed residential use. Residential and commercial communal cycle and waste storage facilities would be provided. Three residential disabled parking spaces would be provided to the rear of the building. A total of 116 cycle storage spaces, of which 108 spaces would be provided for residential and 8 spaces would be provided for commercial.
- 2.4 The proposal would provide 47 new residential units which comprises of 3 studio, 24 x 1 bed and 20 x 2 bed. This includes a total of 10 intermediate units and these would be provided on the first and second floor comprising of 2 x studio units, 6 x 1 bed and 2 x 2 bed.
- 2.5 The proposed affordable housing provision would equate to 21 percent by unit (10 out of 47 units) or 18 percent by habitable room (20 out of 111 habitable rooms). A minimum of 5 wheelchair units is required and

a total of 6 wheelchair units would be provided. Two internal lifts would be provided and accessible to all floors. The details of housing mix, size and tenure as follows:

	Studio	1 bed	2 bed	Total (by Unit)	Total (by Habitable room)
Market	1	18	18	37	91
Intermediate	2	6	2	10	20
Total	3	24	20	47	111

Table.1 Proposed housing mix, size and tenure.

- 2.6 The internal floor spaces of the proposed units including the private balconies are well designed and would meet the required internal and outdoor space requirements, except six of the residential units facing the High Street to be located on the first and second floor which would not be provided with a private balcony. This is mainly due to the retention of the existing buildings façade. These units would be provided with additional internal floor space in excessive of the policy requirements.
- 2.7 The proposal has been revised in response to the planning consultation comments received, including those received from an agreed urban design consultant. The key changes are as follows:
- Reduction in building height from 16 (approximately 55 metres) to 12 storeys (approximately 36 metres);
 - Reduction of residential units to 68 to 47 units;
 - Retention of the existing buildings' façade;
 - Third floor sets in from the High Street by approximately 1.5 metres;
 - Fourth to eleventh floors set in from the High Street by 9.5 metres;
 - Reduction of commercial floor spaces from 493.7sq.m to 256 square metres;
 - Provision of 3 off-street disabled parking spaces; and,
 - Ten intermediate dwellings.
- 2.8 Matching red/brown bricks and stone detailing would be used near the proposed residential entrance and waste storage area. Grey and light grey colour reconstituted stone, glass reinforced concrete panels and flute pre-cast concrete panels would be used. The balconies, windows and door frames would be black powder coated.

3. RELEVANT PLANNING HISTORY

- 3.1 There are no recent planning applications at this site.
- 3.2 Other major planning application in the vicinity pending consideration:

1 Ethelbert Close – ref: 18/02181/FULL1

Demolition of 1-40 Ethelbert Close, 2 Ethelbert Road, 102-108 High Street and miscellaneous buildings to the north of Ethelbert Close (including former public conveniences and building at rear of 100 High Street), and the redevelopment of the site (max height 16 levels) to provide a mixed use scheme comprising 407 residential units with a mix of Use Class A1, A2, A3, B1, D1, D2 uses at ground floor (part). New vehicular access from Ethelbert Road. Associated basement car and cycle parking. Car parking, access and servicing arrangements at Churchill Way. Public realm works including Library Gardens and ancillary development.

4. CONSULTATION SUMMARY

a) Statutory:

4.1 Highways – Objection on parking provisions

Vehicular access

The access will be via an existing service corridor from Ethelbert Road leading to 3 off-street disabled parking spaces.

Parking

The reduction of proposed residential units is welcome. Bromley Local Plan sets a minimum standard of 0.7 space per 1 – 2 bed dwellings. Given the locality and proposed housing size, 20 spaces should be provided. The number of parking spaces should be increased to 20. Whilst three disabled parking spaces is proposed and the site has a high public transport accessibility, the household car ownership is 1 space per dwelling in Bromley Town Ward (census in 2011). There is a high level of on-street residential bays occupancy during the day in the area.

Servicing

Servicing and delivery will take place from the existing loading bay on High Street. However, the loading bay on the High Street has a time restriction of between 3am and 10am. This means that these times the bay is used for Taxi rank and car club bay. A new loading bay is indicated in front of “The light” cafe on Ethelbert Road which would prevent the use of their parking spaces its use. The suggested loading bay location is not considered appropriate.

Cycle parking

The provision of cycle storages including lift access for the residential and commercial uses is acceptable and would comply with the London Plan policy.

Waste storage

Separate bin stores will be provided for the proposed uses. The Council's Waste Management Team should be consulted.

Should planning permission is forthcoming, the following will need to be secured by a planning conditions/ s106 agreement.

- *Details of viability splay*
- *Refuse storage provision*
- *Cycle parking provision*
- *Construction management plan*
- *Removal of residents parking permit rights*
- *2 years car club members and 20 hours free driving hours per dwelling.*

4.2 Drainage (lead local flood authority) – No objection

The Sustainability Urban Drainage and Foul Water Drainage Strategy Report carried out by RPS Group dated 20th November 2020 shall be fully carried out in accordance with the report.

The proposal will not result in change of impermeable area. In line with the London Plan policy requirement, A minimum of 50 percent reduction in runoff rate and a range of SuDs technique have been considered for incorporation into the scheme. Drainage calculations have established the attenuation requirement in order to retain runoff generated by the 1 in 100 year plus climate change on site, whilst reducing runoff rates by 88 percent.

The proposal to incorporate geocellular storage and a flow control chamber before being discharge into the surface water sewer under Ethelbert Road is considered acceptable.

4.3 Thames Water – No objection

The site is located within 15m of a strategic water main and details of a piling method statement including the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to present and minimise the potential for damage to subsurface water infrastructure and the programme for the works should be submitted and approved by the Local Planning Authority, in consultation with Thames Water.

No objection with regard to the waste water network. sewage treatment work and water network infrastructure capacity. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9litre/minute at the point where it leaves Thames Waters pipes. The development should take account of this minimum

pressure in the design of the proposed development. The site is located within 15m of Thames Water underground asset and the development could cause the assets to fail if appropriate measures are not taken. Developer should read our guide “Working near out assets” to ensure works are in line with the necessary processes.

Thames water expect the developer to demonstrate measures to minimise groundwater discharges into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provision of the Water Industry Act 1991.

The developer is advised to follow the sequential approach to the disposal of surface water. A prior approval from Thames Water Developer Services will be required for the discharge to public sewer.

4.4 Historic England (Archaeology) – No objection

Historic England considers that no further assessment or conditions are necessary for this site.

4.5 Greater London Authority

The application submitted in November 2019 does not yet comply with the London Plan. The reasons and possible remedies are summarised as below.

Principle of development: Noting the town centre location, the principle of a high quality high density residential-led mixed-use redevelopment of this site would be strongly supported in strategic planning terms subject to the scheme provide the maximum viable level of affordable housing.

Affordable housing: The affordable housing offer is considered to be wholly unacceptable and should be significantly increased. There is no clear justification for the single tenure offer and all opportunity for the scheme to deliver affordable rent must be explored. GLA officers are currently in the process of robustly interrogating the submitted viability assessment to ensure that the scheme delivers the maximum level of affordable housing.

Design: The optimisation of the site, residential layouts and including of active frontage is supported. Further information is required to demonstrate that this development would not prejudice any neighbouring development.

Transport: The applicant must clarify the details of cycle parking and disabled parking provision. Healthy street and vision zero proposal are required and the developer and serving arrangement needs revision.

Officers comment:

A revised affordable housing provision including updated energy statement addressing the issues above have been provided since the publication of the Stage 1 GLA report. The revised and additional information submitted to date is considered acceptable, subject to the suggested conditions, completion of a106 legal agreement and any direction from the GLA.

4.6 Transport for London – No objection

Comments on transport matters were included in the GLA Stage 1 report of 16th December 2019. The application is subject to a Stage 2 consultation with the GLA. Based on the revised scheme, TfL officers have provided the following comments:

- Cycle Parking

Residential cycle parking numbers do accord with the 'Publication London Plan' (PLP) standards. Long stay retail cycle parking would be provided within the building, which is supported

- Disabled car parking

The provision of three off-street disabled spaces is acceptable and car-free development is supported, given the location of the site in the heart of the town centre and having excellent access to public transport, shops and services. All three disabled car parking spaces should be provided with electric vehicle charging points, given the small number of spaces and the move away from fossil fuelled powered vehicles.

- Healthy Streets

Although no specific off-site measures are proposed, the footways adjacent to site could be improved/widened/decluttered via a s278 agreement with the council. TfL would support a contribution towards any wider town centre pedestrian/cycle improvements the council may have planned.

- Servicing and Delivery

Deliveries and servicing and construction logistics matters are primarily matter for the council. As highway authority for the roads adjacent to the site, although we would have an interest in keeping buses moving on the High Street. Subject to a delivery and servicing plan and construction logistics plan being secured, agreed by the council, in consultation with TfL in respect of bus movements if necessary, I have no further comments on this, as there does appear to be space on Ethelbert Road

that can be utilised for both construction and deliveries/servicing, coupled with existing loading bays on the High Street.

- Travel plan

This should be secured by way of condition or s106 planning obligation.

b) Local groups:

4.7 Ravensbourne Valley Residents Association– Objection

Objection is raised and the grounds of objection are summarised as follows:

- The proposed building at 12 storeys high is over-sized and out of character with this part of the High Street which consists of buildings between 2 to 4 storeys in height. The proposal would be detrimental to the visual amenities of the area and contrary to BLP policies 4 and 37.
- The proposal would result in overlooking to the neighbouring residential properties in the High Street, Ethelbert and Ravensbourne Road and contrary to BLP Policy 37.
- The proposal would not be in keeping with the character or scale of the adjacent Conservation Area and is contrary to BLP Policy 42.
- The proposed development is sited on the top of the ridge and at 12 storeys high will be visually intrusive and become a dominant feature on the landscape contrary to BLP Policy 47 and 48.

4.8 Bromley Friends of Earth - Objection

The revised scheme seeks to retain the heritage frontage with a reduction in building height to 12 storeys and set back from the High Street, However, the height of the proposal remains excessive and oppressive. The proposal appears to be dictated by its financial gain and cost. The design of the proposal is unimaginative, aesthetically unpleasing and is an extremely ugly design, detrimental to the heritage and environment of Bromley and the future generations should not suffer as a result of this harmful proposal. Design improvements could have been made following the original scheme submitted. This proposal would represent a piecemeal development and lack of a co-ordinated planning strategy.

4.9 Alexandra Resident's Association and Alexandra Cottages Conservation Area, Penge – Objection

The proposal would completely undermine the development plan for Site G/Site 10 and emerging masterplan and Area Action Plan and set a dangerous and unwarranted precedent for skyscraper buildings on the High Street. The site is an attractive corner development of 1930's shop

premises with residential accommodation above, and three-storeys in height, forming part of the linear High Street, and acknowledged as having townscape value. The site sits adjacent a consistent and human scale High Street, of similar interest and heights, with the Bromley Town Centre Conservation Area immediately to the North, the Glades shopping centre southern entrance diagonally opposite, low rise residential properties to the west, and the slightly taller TK Maxx building (subject to covenant on height) to the south and heading down the hill towards Bromley South. There are no high rise properties within the vicinity of the site, and along the High Street, with any taller buildings are set back (Regents Place on Ringer's Street) to protect the context of the linear development of Bromley and to safeguard strategic views, vistas, gaps and skyline.

Pre-applications submitted for the site were for 26 storeys and then a reduced 20 storeys building. The GLA support the development on providing housing but one issue does not outweigh all other planning considerations. The GLA are incorrect in their assessment against their own policies in the draft London Plan and Housing SPG. The local consultation carried out by the applicant is inadequate with two briefly held exhibitions and lack of wider community engagement.

The height of the proposal is extreme and is at an inappropriate location. The proposal does not align with the recently completed buildings such as St Mark's Square and Churchill Gardens, as well as the Churchill Theatre. The proposal fails to comply with the following site-specific policy:

- *Incorporate a sensitive design which respects the adjoining low-rise residential development whilst optimising its key town centre location*
- *Provide a high –quality public realm and accessibility to and through the site*
- *Provide an attractive and active frontage to the High Street*

The proposed redevelopment would blight the Bromley townscape, strategic views and harm the adjacent conservation area in perpetuity and is therefore not deemed sustainable development under Paragraph 7 of the NPPF. The proposal would also fail to comply with paragraph 11 of the NPPF and the draft London Plan which promote high density housing in suitable locations. The site is not included as high-rise development in the Development Plan and specifically excluded from the AAP and draft Site G/Site 10 Master plan as unsuitable due to the adverse impact on strategic views, heritage and context and townscape value.

The design of the proposal fails to comply with London Plan Policy 3.5 as development should be of the highest quality internally, external and in relation to their context and the wider environment. Bromley Local Plan Policy 4 required high standard of design and layout whilst enhancing the quality of local places.

The proposed residential led development fails to comply with BLP policy 92 which requires any proposal to have regard to the objectives set out in the AAP.

The proposal for a tall building also fails to comply with draft London Plan Policy D8 in terms of its *visual, functional or environmental impact*. *BLP 47 requires tall buildings to make positive contributions to the townscape ensuring that their massing, scale and layout enhance the character of the area. Tall and large buildings are required to be of highest design quality and appropriate to their location and historic context including strategic views.* The proposed redevelopment fails to meet any of these crucial requirements and would have a severe adverse impact, with the harm far outweighing any perceived benefit. The proposal would impact on the skyline and is contrary to BLP policy 48

English Heritage/Commission for Architecture and the Built Environment's Guidance on Tall Buildings (2007) requires *development to take account of key views and vistas and impact on the character of the town centre and Conservation Area and residential amenity.* The proposed redevelopment fails to address any of these issues, being completely out of character with the town centre, having a significant adverse impact on the Conservation Area and residential amenity, with keys views and vistas blighted from every angle demonstrated.

The proposed residential density would be in excess of the plans envisaged for the whole of the site G/Site 10. Additional development to the rear of the site should be limited to 6 storeys. 66-70 High Street is a building of townscape value and of human scale. It should be restored and re-used, to complement, preserve and enhance the Conservation Area and the general character and appearance of the linear High Street and townscape, whilst respecting views and the skyline, and preventing overshadowing and adverse environmental conditions.

The applicant's opinion that *'the proposed development is considered to result in a beneficial effect due to the enhancement of the site'*, is completely unfounded. Similarly, their assumption that *'the massing is considered to be contextual to the variation of heights locally and the interspersed urban elements that contrast with the areas of natural landscape which is experienced from the wider area, deemed characteristic of the Bromley townscape'*, is utter nonsense.

The applicant's opinion that *'the impact of the proposals on the significance of the assets identified is either beneficial or no effect'* is totally unsubstantiated and it is abundantly clear from the Design and Assess Statement illustrations and viewpoints that proposed high rise development is harmful in every respect. The proposed development seriously fails to comply with planning policy and guidance and is considered wholly unacceptable with regards to heritage.

The busy junction and public realm would be blighted by reduced daylight and sunlight, due to the excessive and disproportionate height of the 16 storey development, especially due to its proximity to the High Street and western location. Residential properties would be deprived of both sunlight and daylight in the morning and so would the High Street in the evening, with long shadows falling into the Conservation Area opposite, together with poor amenity to the flats themselves.

The excessively tall and thin nature of the proposed 16 storey tower block will unbalance the natural microclimate of the low scale buildings and High Street, creating windy and unpleasant conditions. The proposed development appears to have scant provision for any meaningful mitigation, and will turn the cross roads on the High Street into a hostile rather than welcoming environment.

4.10 RSPB Bromley Local Group

Should planning permission be recommended, RPSB would recommend 10 swift nest bricks be installed and secured by a planning condition in order to enhance the biodiversity and in accordance with paragraph 175(d) of the NPPF and Bromley Local Plan paragraph 5.3.4 and 5.3.7. The swift bricks should be mounted near to roofline, in clusters of three or more and provision of approximately 1 metre between the entrance holes.

4.11 A Local Ward Councillor - Objection

This application would cause great damage to the Bromley Town conservation area and would not be in keeping with its surrounding area. While the town centre has an increasing number of tall buildings, the buildings are back from the High Street. In the event the application is recommended for approve, this should be determined in a planning committee.

4.12 Bromley Civic Society – Objection

The existing buildings should be regarded as a non-designated heritage asset to be retained as was identified in the un-adopted Masterplan for Site G/10. The existing buildings are one of the best surviving Art deco frontages in Bromley Town and its retention is welcome. The proposed set-back mansard storey, height and scale of the proposed building would nevertheless appear out of scale and character in this locality and would be an incongruous addition to the existing building which fails to meet the criteria set in the Local plan and APP Policies.

- BLP Policy 42- Development adjacent to a conservation area
- BLP Policy 37 – General Design of development
- BTC Policy 17 Design Quality
- BTC Policy 19 Building Height

The proposal is adjacent to a conservation area and would be visible from a number of viewpoints into and out of the CA. The proposal would be detrimental to views into and out of the Conservation Area from the High Street and Queens Mead and contrary to the general design principles with low rise residential area of Ethelbert and Ravensbourne Roads and would fail to meet the Queens Mead local Green Space Criteria Policy 56.

The proposal relies on the proposal at Churchill Quarter to justify its height and character. This application has not been determined and Historic England has also advised that the development would be harmful to the setting of the High Street Conservation Area. As such, the proposal would distract the character and appearance of the conservation area and fail to preserve or enhance its setting, failing to comply with Policy 37 and 42.

The proposal would also have an adverse impact on the Queens Mead Conservation Area and Ravensbourne Valley landscape providing a dominant and alien intrusion into the setting of the open landscaped sky line. Queens Mead is designated as Local Green space, the proposal will cause harm to the special quality of this local green space which is of particular significance to the local community. It would be detrimental to the view into and out of the green space.

The proposal does not complement the scale, proportion, form, layout and material of adjacent building and area, positively contribute to the existing street scene and/or respect important view, heritage assets, skylines, landmarks and landscape features.

The proposal would fail to comply with Policy 47 (tall building) as the scale and character of this proposal will cause harm to the heritage assets and the wider historic environment and is not considered to be appropriate at this location.

The adopted AAP (2010) was prepared by the Council's Property services which overlooked the planning constraints and conservation area policies. A tall building was proposed in Site A and this was refused in 2018 due to its impact on heritage assets. A 10 storey building in Site L Westmorland road was dismissed due to its impact on Keston Ridge. The proposal would be detrimental to the conservation area and the protected open space and the application should be refused.

4.13 APCA

The development is overwhelmingly out of scale, incongruous and does not have regard to the desirability of preserving or enhancing the character or appearance of the immediately adjacent conservation area. It is also harmful to key views from the west as identified in the Conservation Area Statement. The proposal appears to rely upon the draft adopted Master Plan and the undetermined adjacent Churchill

Quarter proposal which has been objected to by Historic England and other important bodies. The proposal would be more harmful being on the High Street rather than set back. Please see Local Plan policies 37 and 41.

c) Adjoining Occupiers:

4.14 Eleven (11) letters of support have been received and the grounds are summarised as below:

- The proposal would provide much needed housing for the younger generation. The town Centre is the best location for higher density and higher rise buildings and complies with the Council's plan.
- Great to see new buildings in Bromley.
- Opportunity to provide a roof top bar should be included.
- The proposed density is appropriate density development in Town Centre.
- The proposal would have minimum impact on the wider surroundings.

4.15 Three hundred and thirteen (313) letters of objection have been received and the grounds are summarised as below

Excessive height (Addressed in section 6.1 and 6.3)

- The height of the proposed tower block is excessive and is close to Bromley Town Centre Conservation Area. The proposal would completely ruin the historic market town of Bromley. The height of the building should be limited to 4 storeys at this location. The proposal will cast a large shadow over the High Street for most of the day.
- The revised scheme represents an alien development at this location. The height of the building should be reduced to an 8 or 9 storey building which would be more reasonable.
- A tower block in the middle of the High Street is not what residents would imagine to see or experience in Bromley.
- Whilst the height of the proposed building is reduced and this is minimising its impact, the visual impact of the proposal still remains excessive in height and should be reduced, by 5 storeys.
- The reduction in building height is irrelevant and often a tactic used by the developer in proposing unacceptable development. It appears a concession has been made. However, the height of the building is out of keeping with its surroundings and would appear overbearing
- The proposed building height is far taller than the surrounding buildings and houses in the area. The proposal would have an adverse impact on skyline and would be visual outside the town centre. The height should be reduced to 6 storeys.
- The proposal would tower over the road and its surrounding area and is overshadowing the High Street.

Overdevelopment (Addressed in section 6.1 and 6.3)

- Site is too compact for the scale of this development. There is no positive element that can be derived from this proposal. Bromley Town Centre needs more green spaces instead of more towers.
- The proposal represents a significant increase in numbers of dwellings within a small site and would be out of character with Bromley Town Centre and its surrounding area.

Design (Addressed in section 6.1 and 6.3)

- The emerging context of the site indicated in the submitted statement is irrelevant as planning permission has not been granted. The neo-gothic building is one of the few buildings worth saving on the High Street.
- The 1939s “Neo Georgian” Style of the High Street will be lost.
- Revised plan remains grossly overbearing and represents a monstrous carbuncle development in Bromley.
- Design of the proposal is completely out of keeping with the current High Street architecture and style. This proposal would set a bad precedent for poor quality design high-rise buildings along the High Street.
- The proposal would represent poor and insensitive design and does not relate to its surroundings or enhance the skyline. The proposed building is an eyesore.
- Design is odds, uninspiring, cheap looking architecture, unimaginative, brutal and no real attempt to fit in with the existing character of the Town Centre. The proposal represents an eyesore similar to Croydon.
- Incongruous design, overpowering and detracts from some of the charming two storey buildings in the area.
- Design is extremely unattractive, stands out like a sore thumb and completely ruins the street scene and would not enhance Bromley Town Centre.
- Design of the proposed building poor and out of scale, partly looks like a cowshed.
- The proposal would have an impact on this section of the Art Deco Parade.
- The design of the proposed building shows no skill or empathy with the area and the reputation of Bromley architecture has reached a low level
- Piecemeal development
- The need for additional housing does not mean poor design should be accepted at this location. The design of the proposal has no architecture merits and is very unsightly.

- Proposal would change the dynamic of the parks surrounding the area. The site is surrounded by low residential buildings which is more of a compliment to the surroundings.

View (Addressed in section 6.3 and 6.5)

- The site is a focal point and would have an adverse impact on the protected view.
- The proposal would obstruct the view from Queensmead Playground.
- The proposal would clutter the skyline.

Housing (Addressed in section 6.2)

- Bromley needs family housing and inadequate affordable housing is proposed.
- 5 out of 47 (just over 10% by unit) would be affordable. The proposal represents maximising profit without considering the longer-term impacts of this development in Bromley and its future.
- The need to put housing in the Town centre is questionable due to the pandemic. Many apartments in St Mark's Square remaining empty.
- The new build developments in the Town Centre remain empty and this suggests there is no demand for the proposed development at present.
- The existing tenant of the building will be evicted.

Impact on heritage (Addressed in section 6.4)

- The local architecture is arts and crafts, the proposal does not reflect this.
- The Heritage value of Bromley should be protected.
- The existing building should be provided.
- The proposal would have an adverse impact upon Bromley Town Centre Conservation Area. Bromley town centre is unique and should be protected from becoming another Croydon.

Retail (Addressed in section 6.1)

- More retail development should be resisted due to the current demand. It is unlikely to have a demand for the amount of the proposed retail floorspace.
- The ground floor could be converted to provide residential units instead of the new residential block.

Residential amenities (Addressed in section 6.5)

- Loss of privacy and outlook.
- Loss of light.
- Cumulative impact on microclimate.

Inadequate parking, servicing and delivery (Addressed in section 6.6)

- The proposal would provide no off-street parking, except 3 disabled spaces and this would increase the parking demand in the neighbouring roads.
- The proposal would increase traffic and parking problems in the area.
- Absence of electric charging points, waste, cycle storage and carbon reduction measures.
- Parking spaces in the area are very limited particularly on Sunday as the site is near to the Salvation Army Church on Ethelbert Road and in the centre of Bromley Town Centre.
- An underground car park should be provided.
- Inadequate servicing and delivery for commercial and residential.

Climate change and biodiversity (Addressed in section 6.7 - 6.8)

- Significant efforts to reduce carbon emissions does not appear to have been made.
- The proposal would destroy the immediate environment for bats.

Inadequate infrastructure (Addressed in Section 7)

- Inadequate doctor surgeries and education provisions in the area to support this development.
- Transportation improvement should be provided.
- Additional burden on train capacity.

Others (Addressed in representation summary)

- Timing of consultation was carried out during the holiday period and inadequate time for residents to comment on the revised scheme.
- It is very sad to see the proposal remains under consideration. It is clear there is no local support for this type of development within the High Street area.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

5.2 NPPG

5.3 The London Plan - March 2021

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy

- GG6 Increasing efficiency and resilience
- SD1 Opportunity Areas
- SD6 Town Centres and high streets
- SD7 Town Centres; Development principles and development plan documents
- SD10 Strategic and local regeneration
- D1 London's form
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D9 Tall Buildings
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- G9 Geodiversity
- S4 Plan and informal recreation
- HC1 Heritage conservation and growth
- HC3 Strategic and Local Views
- HC6 Supporting the night-time economy
- G5 Urban Greening
- G6 Biodiversity and access to nature
- SI-1 Improving Air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure
- SI-4 Managing heat risk
- SI- 5Water infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI -13 Sustainable drainage
- T2 Healthy Streets
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.3 Retail Parking
- T6.5 Non-residential disabled persons parking

- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.4 Mayor Supplementary Guidance

- Housing (March 2016);
- Affordable Housing and Viability Supplementary Planning Guidance (2017);
- Energy Assessment Guidance (2020);
- Accessible London: Achieving an Inclusive Environment (2014);
- The control of dust and emissions during construction and demolition (2014);
- Plan and Informal Recreation Supplementary Planning Guidance (2012);
- Character and Context Supplementary Planning Guidance (2014).

5.5 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 31 Relieving congestion
- 32 Road Safety
- 33 Access for all
- 34 Highway Infrastructure provision
- 37 General Design of Development
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent to a Conservation Area
- 46 Ancient Monuments and Archaeology
- 47 Tall land Large Buildings
- 48 Skyline
- 59 Public open space deficiency
- 72 Protected Species
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 91 Proposal for Main Town Centre Uses
- 92 Metropolitan and Major Town Centres
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution

- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

5.6 Bromley Supplementary Guidance

- Planning Obligations (2010) and subsequent addendums
- Bromley Town Centre Area Action Plan (2010)

5.7 Other Guidance

- Tall buildings: Historic England Advice Note 4

6. ASSESSMENT

The main issues to be considered in respect of this application are:

- Principle of Development
- Housing
- Design and layout
- Heritage
- Impact on Neighbouring Amenities
- Transport and Highways
- Biodiversity
- Energy and Sustainability
- Environmental Issues
- Flooding and Drainage
- Planning Obligations and CIL

6.1 Principle of development - Acceptable

6.1.1 In 2018, the Council published a Site G/Site 10 Draft Masterplan for public consultation. This draft document was limited in scope and has become obsolete following the public consultation in the summer of 2018. In 2020, the Council undertook a new public consultation in preparation for the draft Bromley Town Centre and Orpington Town Centre masterplan to guide future development in town centres. Officers note that a number of received consultation comments have referred to the redundant 2018 draft master plan and the 2020 public consultation works associated to the Town Centres. It is important to note that there are no draft documents prepared and/or published at the time of writing this report. The adopted development plan including the Bromley Town Centre Area Action Plan (BTCAAP) remains as part of the relevant plan in assessing and determining this application.

6.1.2 The Bromley Town Centre Area Action Plan adopted in 2010 (BTCAAP) sets out the Council's vision for Bromley Town Centre together with

objectives, policies, and proposals to guide development within the Area Action Plan boundary. The AAP covers Bromley Town Centre including Bromley Town Centre Conservation Area which was first designated in 1985.

- 6.1.3 The BTCAAP identifies a total of 12 opportunity sites (Site A to Site J) of varying scale, nature and use to support the growth of Bromley Town Centre and this document provides a framework for managing development and changes over a 15 years period.
- 6.1.4 The application site (No.66 to No.70 High Street) forms part of the Opportunity Site - Site G West of the High Street, and part of the Bromley Central Character Area in the Bromley Town Centre Area Action Plan (AAP) adopted in 2010. The site also forms part of the Primary Retail frontage in Bromley Town Centre.
- 6.1.5 Site G occupies the most significant part of the opportunity area along Bromley High Street with a linear frontage which measures approximately 363 metres in linear length on the western side of the High Street between No. 24 and No 108 High Street.
- 6.1.6 Table 4.2 of the BTCAAP sets out the focus of development for each opportunity site. Site G is anticipated to provide around 1,180 residential units, 20,000sq.m additional retail floor space, 5,000sq.m additional catering services floor space and 2000sq.m additional community floor space.



Fig.1 Bromley Town Centre Area Action Plan – Site G

6.1.7 The site also forms part of the allocated Site 10 (West of Bromley High Street and land at Bromley South) in the Bromley Local Plan (BLP) adopted in 2019. Site 10 covers a larger area than Site G which includes a parade of shops between No.2 High Street and No.22 High Street, Bromley South Railway Station and part of its railway line (Site J in the BTCAAP). Site 10 measures approximately 4.54 hectares in area.



Fig 2 – Bromley Local Plan – Site 10

6.1.8 Site 10 is anticipated to provide 1,230 residential units, office, and retail and a transport interchange. BLP Site 10 Policy requires proposals in Site 10 to:

- Incorporate a sensitive design which respects 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.
- Provide an attractive frontage to the High Street.
- Be accompanied by a master plan to show how the proposed development is consistent with a comprehensive development of the site.

6.1.9 BLP Policy 92 requires development within Bromley Town Centre to contribute positively to the town's status as an Opportunity Area and its role as a Metropolitan Centre in the London Plan. Proposals within Bromley Town Centre will be expected to have regard to the objectives set out in the Area Action Plan adopted in 2010.

6.1.10 The application site measures approximately 627sq.m in area and is located on the western side of the High Street at its junction with

Ethelbert Road. The application site comprises of a terrace of 3 storey buildings and is occupied by 3 individual ground floor retail units with a combined floor space measuring approximately 493.7sq.m and 6 self-contained private residential flats on the first and second floor.

6.1.11 This revised residential-led mixed use scheme would provide a 256.4sq.m replacement retail floor space on the ground floor and 47 residential units above, providing an uplift of 41 residential units. Given that the proposal would be identical to the existing uses including replacement retail floor space on the ground floor, it is considered that the proposal would be acceptable in principle in terms of land use set out in the BTCAAP and BLP.

6.1.12 It is noted that the proposed replacement retail floor space would be reduced from 493sq.m to 256.4sq.m. The introduction of additional residential units would require a dedicated entrance and associated facilities such as communal waste storage, internal lifts and parking spaces. The proposed layout is designed to improve and maintain an attractive shopping frontage along the High Street. The reduction of retail floor space is considered to be essential to accommodate the proposed residential accommodation on the upper floors. The proposal would provide an opportunity to improve the shop frontages at the street level and complement the existing shopping function of the Town Centre. Given that an active retail shopping frontage would be maintained, and the layout of the proposal is designed to minimise the loss of retail floor space, it is considered the proposal would not have an adverse impact on the retail character and shopping functions of this shopping frontage.

6.1.13 The site is located adjacent to Bromley Town Centre Conservation Area and new development would have an impact upon the townscape in Bromley Town Centre and heritage assets in the surrounding area. The existing buildings are not listed. However, the buildings do possess a good degree of attractive architectural value and contribute to the significance and setting of the surrounding area. The revised proposal indicates that the façade of the existing buildings would be retained. The design and height of the proposal has been amended aiming to address the consultation responses received. The principle to redevelop the site providing more efficient use of the site is supported, subject to the planning considerations and requirements in the Development Plan. The overall planning balance of the proposal having regard to the presumption in favour of sustainable development is set out in the following sections of this report.

6.2 Housing - Acceptable

Housing Supply

6.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the

period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

- 6.2.2 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.2.3 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.2.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 6.2.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 6.2.6 This application includes the provision of 47 residential dwellings and would represent a significant contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable housing

- 6.2.7 London Plan Policy H4 sets a strategic target of genuinely affordable homes at 50 percent across London and requires that these should be provided on site. London Plan Policy H5 set the threshold approach to applications with an initial and minimum level of 35 percent by habitable room. The Mayor of London's Affordable Housing and Viability SPG (2017) states that applications not meeting the 35 percent affordable housing and tenure threshold are considered under the Viability Test Route and will be subject to an early and late stage review. This should be secured by way of a legal agreement should planning permission be recommended and granted.
- 6.2.8 BLP Policy 2 seeks 35 percent of affordable housing to provide by habitable room with a split of 60 percent affordable rent and 40 percent intermediate unit. London Plan Policy H6 sets the following affordable housing tenure threshold:
- 1) A minimum of 30 percent low cost rented home, as either London affordable rent or social rent, allocated according to the need and for Londoners on low incomes.
 - 2) A minimum of 30 percent intermediate projects which meet the definition of genuinely affordable housing, including London Living rent and London Shared ownership
 - 3) The remaining 40 percent to be determined by the borough as low cost rented homes or intermediate product based on identified need.
- 6.2.9 The current council's agreed local intermediate housing income thresholds were reviewed in March 2018 and the following upper limit household income thresholds will apply in any s106 legal agreement associated to the intermediate units:
- 1 bed units £55,000
 - 2 bed units £68,800
- 6.2.10 Since the application was originally submitted in November 2019, the quantum of the proposed residential element has been revised to reflect the amended building height and design. The proposed residential units are reduced from 68 units to 47 units including an increase of 5 intermediate units (a total of 10 units) to be located on the first and second floor.
- 6.3.11 A housing delivery and viability statement (Nov 2019) and an addendum (Nov 2020) to reflect the amended scheme providing five intermediate units has been submitted to the Council. The documents have been independently reviewed and assessed by an independent viability consultant appointed by the Council. The review indicates that the proposed scheme would be unviable to provide affordable housing on site and the proposal cannot support in excess of five intermediate units

as proposed by the applicant. A sensitivity analysis was assessed by the Council's independent consultant and it is confirmed that the proposal would remain unviable, should the marketing values be increased by up to 20 percent. Following discussions between the applicant and the GLA and without prejudice, the applicant is prepared to provide five additional intermediate units (Ten intermediate units in total) and these additional units would be located on the second floor. The applicant considered that the improved affordable housing offer would ensure the proposed affordable housing is sufficiently attractive for ownerships and management by a Registered Provider and in the delivery of affordable housing.

6.3.12 Officers considered that this enhanced affordable housing offer is a positive movement and such provision would also positively contribute to the Council's affordable housing stock in the Borough. The proposal would provide a total of 47 units (111 by habitable room) including 10 intermediate units (21 percent by unit or 18 percent by habitable room). The proposal would comprise of a mixture of studio, 1 bed and 2 bed units. The updated housing and affordable housing tenure details are tabled as follows.

	Studio	1 bed	2 bed	Total (by Unit)	Total (by Habitable room)
Market	1	18	18	37	91
Intermediate	2	6	2	10	20
Total	3	24	20	47	111

Table 2. Proposed housing mix, size and tenure

6.3.13 The MHCLG National Design Guide (October 2019) places an emphasis on social inclusivity in reference to the delivery of a mix of housing tenures. The guidance states that where different tenures are provided, that these should be well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.

6.3.14 The guidance goes on to define "Tenure Neutral" as "Housing where no group of residents is disadvantaged as a result of the tenure of their homes. There is no segregation or significant difference in quality between tenures by siting, accessibility, environmental conditions, external facade or materials. Homes of all tenures are represented in equally attractive and beneficial locations, and there is no differentiation in the positions of entrances. The communal storage facilities including access to internal lifts and disabled persons parking spaces would be equally accessible and managed across all tenures.

6.2.15 As such, it is considered that the proposal including the enhanced affordable housing position providing a total of ten intermediate units would contribute to the affordable housing provision and would carry

weight in favour of the proposal. The proposal is designed with social inclusivity in mind. Given the viability position of this proposal, the level of affordable housing is therefore supported in this instance. Should planning permission be approved and in line with the GLA's SPG guidance, a clause to manage and monitor the progress on implementation of the development including an early and late stage viability review would be secured in the S106 agreement.

Housing mix

6.2.16 Pursuant to London Plan Policy H10, schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applications and decision makers should have regard to:

- 1) robust local evidence of need where available or, where there is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment.
- 2) the requirement to deliver mixed and inclusive neighbourhoods
- 3) the need to deliver a range of unit types sat different price points across London
- 4) the mix of uses in the scheme
- 5) the range of tenures in the scheme
- 6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in location which are close to a town centre or station or with higher public transport access and connectivity.
- 7) the aim to optimise housing potential on sites
- 8) the ability of new development to reduce process on conversion, subdivision and amalgamation of existing stock.
- 9) the need for additional family housing and the role of one and two beds units in freeing up existing family housing.

6.2.17 Table 13 of the 2017 London Strategic Housing Market Assessment sets out the requirement for new homes across the housing tenure and housing size in London. There is a higher requirement for low cost rent units in terms of housing tenure. There is also a higher requirement for one or two bed units in terms of housing size.

6.2.18 In line with the finding of the viability assessment, there are no low-cost rent/ affordable rent units or no family units (3 bedrooms or more) would be provided. 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.

Density

6.2.19 London Plan Policy D3 requires development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. 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, and existing and planned supporting infrastructure capacity as set out in Policy D2 and that which best delivers the requirements set out in Part D. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. BLP Policy 4 requires housing schemes to respect local character, spatial standards, physical context and density.

6.2.20 The proposal would provide 47 residential units, a net increase of 41 residential units. The proposed proportionate residential density would be 1,893 HRH (111 habitable rooms; Residential GIA 3,703.7sq.m; Retail GIA 256.4sq.m, site area 627sq.m) and would represent a high density development in the town centre. The London Plan seeks to optimise housing capacity and place a greater emphasis on a design-led approach. The revised proposal is designed to address the policy requirements and consultation comments received. The policy requirements associated to design and heritage assets will be assessed in the following sections of this report.

Standard of accommodation - Internal floor area

6.2.21 The NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

6.2.22 In March 2015, the Government published '*Technical housing standards - nationally described space standard.*' This document sets out requirements for the gross internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. This is supported by the Mayor's 'Housing' SPG 2016 reflect the national guidance and BLP Policies 4 and Policy 37.

6.2.23 All of the proposed units would meet or exceed the National Housing Standards minimum internal space standards and adequate internal living space would be provided. The ranges of the proposed internal floor areas would be as follows.

	Policy requirements	Proposed internal floor area
Studio	39sq.m	52sq.m to 60sq.m

1 bed/2 person	50sq.m	51.1sq.m to 71. 3sq.m
2 bed/3 person	61sq.m	70sq.m
2 bed 4 person	70sq.m	72.6sq.m to 92. 3sq.m

Table 3. Proposed internal living space and requirement

Wheelchair unit and inclusive living environment

6.2.24 Many households in London require accessible or adapted housing to lead dignified and independent lives. London Plan Policy D7 requires at least 10 percent of proposed new dwellings to meet Building Regulation requirement M4(3) Wheelchair users dwelling standard. The remaining dwellings should meet Building Regulation M4(2) accessible and adaptable dwellings.

6.2.25 Paragraph 2.3.10 under Standard 11 of the London Housing SPD states that LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access.

6.2.26 In line with the policy requirement, a minimum of five wheelchair units would be required. The proposal indicates that 6 wheelchair user units (12.8 percent) comprising of 3 x 1 bed and 2 x 2 bed can be accommodated within the proposal. Two internal lifts would be provided and would be accessible to all floors. As such, it is considered that the proposal would achieve an inclusive living environment and would comply with the policies above.

Private outdoor space

6.2.27 Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm.

6.2.28 Paragraph 2.3.31 of the Housing SPD states "Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have *been* established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants".

6.2.29 Forty-one residential units would be provided with a private balcony or terrace. The proposed balcony is designed to comply with the minimum balcony/terrace requirements. The sizes would be as follows.

	Policy requirements	Proposed balcony / terrace
Studio	5sq.m	8.9sq.m
1 bed/2 person	5sq.m	7.5sq.m to 20. 9sq.m
2 bed/3 person	6sq.m	22.7sq.m
2 bed 4 person	7sq.m	7.5sq.m to 18sq.m

Table 4. Proposed balcony size and requirement.

6.2.30 London Housing SPD paragraph 2.3.32 states *“in exception circumstances, where site constraints make it impossible to provide private open spaces for all dwellings, a proportion of dwelling may instead be provided with additional internal living space equivalent to the area of the private open space requirement.”*

6.2.31 The proposed floor plans indicates there are six residential units located on the first and second floor which would not be provided with a private balcony and this is not considered ideal. However, it should be noted that the locations of these units are facing the High Street where the existing facades of the building are to be retained. These units are also located at a lower level which is more prone to ambient noise from the traffic and town centre. Given the limitation to retain the existing building facades and the proposed layout which indicates that the required additional floor space would be provided to these units, it is considered adequate additional internal living space equivalent to the area of the private open space requirement would be provided, in line with the London Housing SPD. The absence of private outdoor space for these limited units is therefore considered acceptable in this instance. The internal living floor area of these units on the first and second floors are as follows:

	Policy requirements plus outdoor space	Proposed internal floor area
Studio	39sq.m plus 5sq.m	60sq.m
1 bed/2 person	50sq.m plus 6sq.m	71. 3sq.m
2 bed 4 person	70sq.m plus 7sq.m	92. 3sq.m

Table 5. Proposed internal living space – unit without balcony.

Child play

6.2.32 The London Mayor’s Shaping Neighbourhoods: Play and Informal Recreation SPG (2012) suggests that there should be a clear requirement for all new residential developments generating more than

10 children to provide suitable play space as part of a new development. Developments with an estimated child occupancy of less than 10 children should be required to make an appropriate financial contribution to off-site play provision in line with the Play and Inform recreation SPG.

- 6.2.33 Based on the proposed housing mix and tenure, the child yield of this proposal would be 6.7 child and there is no requirement to provide on-site play space. As such, a planning obligation (£17,600) towards maintenance of the child play and open parks in Bromley Town ward would be secured by a s106 agreement.

Daylight and Sunlight – for the proposed new dwelling

- 6.2.34 Development Plan policies seek ensure amenity of the future residents and occupants by ensuring adequate level of daylight and sunlight can be provided. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 6.2.35 Further guidance is provided with regard to sunlight, with the BRE guidance stating that in general, a dwelling which has a particular requirement for sunlight will appear reasonably sunlit if at least one main window faces within 90 degrees due south and the centre of one window to a main living room can receive 25% annual probably sunlight hours (APSH), including at least 5% annual probably sunlight hours in the winter months (WPSH) between 21 Sept and 21 March.

- 6.2.36 A daylight, sunlight and internal daylight addendum report is submitted which indicates that 106 out of 111 habitable room (95%) would comply with the BRE guidance and is of a very high rate of compliance for development located within an urban area. Two studio units and 3 kitchen, living and dining room would be marginally below the suggested threshold and are located first and second floor. Overall, it is considered the proposed layout has been designed to maximise the availability of natural light for the future occupiers.

Secured by Design

- 6.2.37 London Plan Policy D3 states measure to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by BLP Policy 37 (General Design).

6.2.38 The proposed layout is designed to achieve a good degree of natural surveillance. The design out crime officer was consulted, and no objection was raised in respect to the proposed layout, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation. As such, it is considered that the siting and layout of the proposal would be acceptable and would comply with the policy.

Fire Safety

6.2.39 London Plan Policy D12 states in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required.

6.2.40 The London Fire Brigade was consulted and has raised no objection to the proposal. The applicant is advised that the details in relation to the access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and adequate water supplies for firefighting purposes should be provided and these details will be secured by a planning condition, in consultation with the Fire Brigade.

6.3 Design – acceptable

Principle for a taller building

6.3.1 Bromley Town Centre is a Metropolitan Town Centre and is designated as one of the opportunity areas in the London Plan. Opportunity areas are identified as significant locations with development capacity to accommodate new housing, commercial and infrastructure, linked to existing or potential improvements in public transport connectivity and capacity. Table 2.1 under London Plan Policy SD1 sets an indicative capacity for 2,500 new homes and 2,000 jobs in Bromley.

6.3.2 The site is located within part of an identified area (Site 10 and Site G in the development plan) which have the potential for significant change and development to provide new or intensified town centre uses. The site policies requirements in BLP and BTCAPP promote mixed-use development. The principle to intensify the use of the land is therefore supported.

6.3.3 A significant number of objections have been received stating the site is not identified and/or appropriate for a tall building. They state that the submitted design and access statement which refers to other large scale proposals in the Town Centre to justify the current proposal is unrealistic.

6.3.4 Diagram 4.3 of the Bromley Town Centre Area Action Plan indicates the possible locations for tall buildings in the Town Centre. BTCAAP indicates that No. 64 High Street (TK Maxx building) is one of the possible locations identified for tall buildings in the BTCAAP. It should

be noted that this existing commercial building is taller than the adjoining buildings, including the application site. There are no prescribed or quantitative building heights specified in the development plan.

6.3.5 Given that the site forms part of an allocated site in BLP and BTCAAP and is adjoining to a possible location for tall buildings in the AAP, it is considered that the principle to introduce a taller building is supported at this location.

6.3.6 BLP Policy 47 states proposals for tall and large buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout enhance the character of the surrounding area. Tall and large buildings will need to be of the highest architectural design quality and material and be appropriate to their local location and historic context, including strategic views. Proposals for tall buildings will be required to follow the current Historic England Guidance. The impact of the proposal is discussed in the following sections of this report.

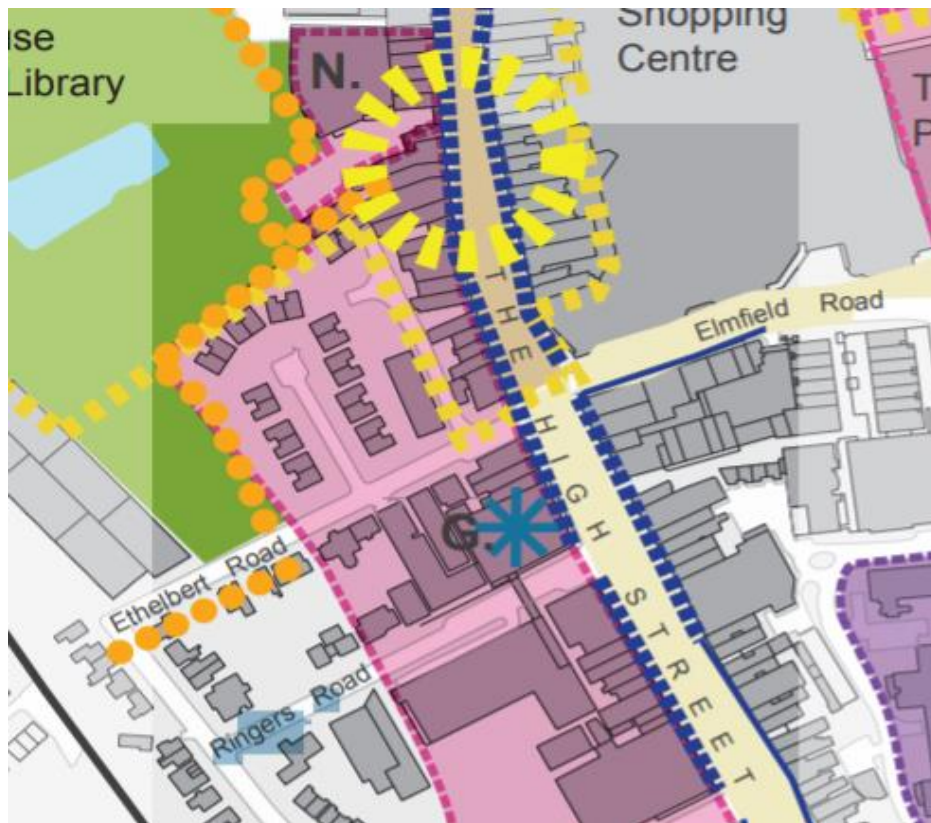


Fig 3. Potential location for tall building.

6.3.7 The GLA Stage 1 consultation response states that “*it is understood that the neighbouring TK Maxx site is also owned by the applicant but is intended to be developed separately from the application site.....the applicant must demonstrate that the proposal would not preclude development at the neighbouring TK Maxx*”.

6.3.8 The original proposal indicates that a large number of south facing primary and angled habitable room windows would be facing No.64 High

Street. An indicative massing plan indicates the upper floor of the proposed building would be positioned approximately 18 metres from a potential building at No.64 High Street. Officers consider that the original layout and positioning of primary habitable rooms towards No.64 High Street is not acceptable. The reliance on neighbouring land for natural sunlight, daylight, privacy and outlook is not considered sustainable and could prevent future sustainable development coming forward.

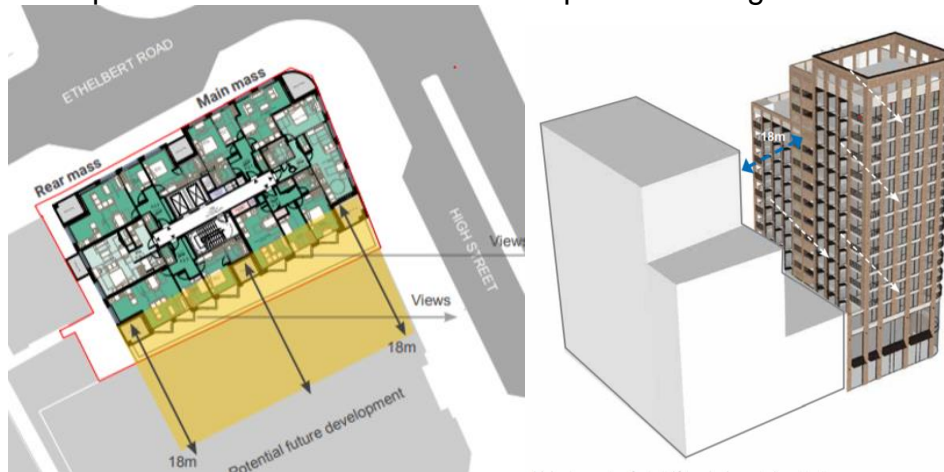


Fig.4 Floor plan and elevation plan of the original scheme.

6.3.9 The revised layout demonstrates that that the flank windows facing No. 64 High Street would be secondary windows and no primary habitable room windows would be facing the neighbouring land (No. 64 High Street). The proposed building would be positioned up to 2.4 metres away from the neighbouring site from the fourth-floor level. As such, it is considered that the revised proposal would not preclude any future development at No.64 High Street.



Fig 5. Revised proposed floor plan.

Scale and massing

6.3.10 London Plan Policy D3.D.1 states development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types forms and proportions. BLP Policy 37 states all development proposals will be expected to be of a high standard of design and layout. Criteria (a) to (b) states that developments will be expected to be imaginative and attractive to look at, of good architecture quality and should complement the scale, proportion, form layout and materials of adjacent buildings and the area; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.

6.3.11 The buildings along the southern part of Bromley High Street are varied in scale, design and style. The predominant building heights are mainly between two and four storeys in height along the High Street. There is a cluster of taller buildings located to the south of the Bromley South Railway station. St Mark's Square is a new mixed-use development with buildings up to 19 storeys. The former Labour club /HG Wells site is replaced by a part 15/part 17 mixed use building. The ground levels of these existing tall buildings are lower than the application site and northern section of the Bromley Town Centre. These existing features and characteristics form part of the urban morphology along the High Street and new development would be expected to reflect the topography of the land and predominant building height along the High Street.

6.3.12 Hanover Place is a contemporary office building with retail shops on the ground floor. Henry's House on Ringer's Road is a 10 storey residential building and the building is visible from the High Street and measures approximately 53 metres west from the site and approximately 33 metres from the High Street.

6.3.13 The application buildings are three storeys in height and are constructed in the 1930s. The existing buildings reflect a time of growth and expansion during the 1920s to 1930s in Bromley Town Centre, with suburban housing in the town centre being replaced by non-residential development. It is noted that the existing shopfronts have been updated in the past few decades and various additions have been introduced to the rear of the existing buildings. Nonetheless, the existing buildings are occupied and have been well-maintained with no sign of serious decay or subsidence in the public view. The brickwork details and stone-capped pediment and windows of the existing building does provide an attractive approach at this prominent corner of the High Street. Whilst the existing buildings are not listed and the site is located outside Bromley Town Centre conservation area, the existing buildings contribute to the quality of townscape in the town centre and demolition of these buildings should be resisted and would not be supported in line with BLP Policy 40.

6.3.14 A part 12/ part 16 storey mixed use building with the tallest element abutting the High Street was originally proposed. The existing buildings were to be removed without due consideration of the building typology along the High Street and characteristics in the area. The original scheme would create a stark contrast with its surrounding area, including the existing 10 storey residential block on Ringer’s Road.

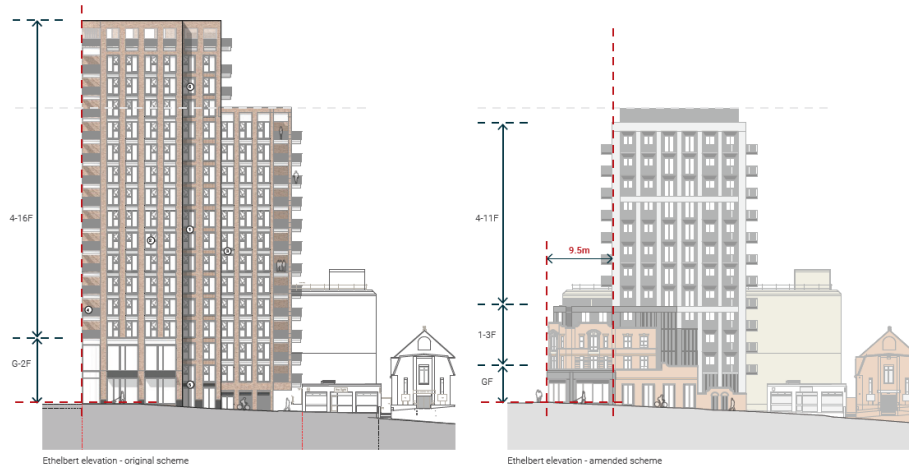


Fig 6. Original and revised elevation on Ethelbert Road

6.3.15 Objections were received regarding to the proposed scale, massing, design, and its relationship with its surrounding buildings including the domestic houses on Ravensbourne Road. The revised proposal has been subjected to a design review process and also responded to the consultation comments received. The key changes of the proposal are as follows:

- Retention of the existing buildings’ façade;
- Reduction of the proposed building height from 16 to 12 storeys;
- The proposed tower element is set 9.5 metres from the High Street;
- The proposed third floor is set 1.5 metres from the High Street.

6.3.16 The retention of the existing buildings façade and the reduction in building height would enable the attractive features of the existing buildings to be retained and signify the prevailing building heights along the High Street. A transitional floor setting back from the High Street on the third floor is proposed and this would provide a visual link with the taller element behind. It should be noted that the proposed transitional floor would be positioned 1.5 metres away from the High Street and this element would be lower than the adjoining building at No.64 High Street. It is considered that a degree of visual transitional relief would be

provided when viewed from the High Street. The scale and massing of this element is considered acceptable.

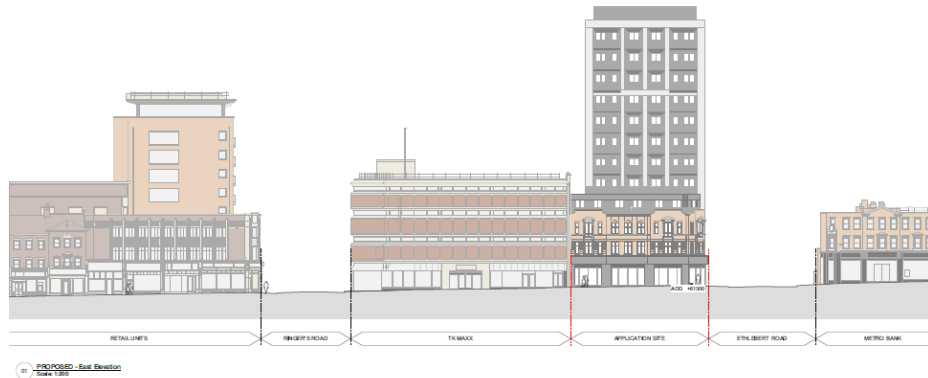


Fig.7 Revised elevation on High Street

6.3.17 The proposed building would be up to 12 storeys in height, of a scale and massing visually larger than the existing buildings and its immediate buildings in the area, including the residential block, Henry’s House on Ringer’s Road. The revised scale and massing would be more comparable to Henry’s House on Ringers Road. The taller element would be set back from the High Street by 9.5 metres. This would provide a degree of transition from the tall element to the lower building and ensure the scale of the building from the street level is at a human scale.



Fig 8. Original and revised view from the High Street

6.3.18 It is noted that the application site is not identified as a possible location for a tall building in the BTCAPP. The scale and massing of the proposal would be visually distinctive in the existing context. The site is located within a designated opportunity area and forms part of the allocated site in the BLP and BTCAAP. The site is of a considerable importance in delivering housing and sustaining growth in the Town Centre during the development plan period. The site is adjacent to No.64 High Street with potential for a tall building as indicated in the BTCAAP. The proposal is designed to reflect this without precluding any future development of the neighbouring site. The scale of proposed development is considered to be proportionate to the area’s role and function and is not considered unacceptable.

Material palette

6.3.19 The proposed external materials are influenced by the existing buildings in the town centre. Grey and light grey colour reconstituted stone, glass reinforced concrete panels and flute pre-cast concrete panels would be used. The balconies, windows and door frames would be black powder coated. The façade of the existing buildings would be retained. Matching red/brown bricks and stone detailing would be used near the proposed residential entrance and waste storage area. Subject to the full specification and performance details of the proposed external material finishes, it is considered that the proposed material palette would be acceptable.

Skyline and impact

6.3.20 London Plan Policy D9 states development should address the visual, functional, environmental impact and cumulative impacts. BLP Policy 37(b) and Policy 48 requires development which may impact on the skyline to demonstrate how they will protect or enhance the quality of the views, visual, gaps and skyline. London Plan Policy HC3 states boroughs should clearly identify local views in their Local Plans and strategies. There is no strategic view identified in the London Plan. The relevant local views, landmarks and major skyline ridges are identified in the BLP as follow:

- View: View of Keston Ridge from southern section of Bromley High Street.
- Landmark: Churchill Theatre and Library (View 16).
- Major Skyline ridges: Keston Ridge.

6.3.21 Diagram 4.3 of the BTCAAP also identified the following relevant key views

- Church House Gardens and Library Gardens (View 5 & 6)
- View beyond the south of the railway line (View 8).



Fig 9 Key views in BTCAAP

6.3.22 A revised heritage, townscape and visual impact assessment including a total of 19 long-range, mid-range and immediate viewpoints is submitted. The assessment indicates that the Keston Ridge would not be affected due to the siting of the building and shape of the High Street.

6.3.23 View 16 Outside Churchill Theatre is a mid-range view. This view would experience a medium level of change and effect. However, the proposal would not dominate the primacy of the Churchill Theatre due to its location.

VIEW 16: OUTSIDE CHURCHILL THEATRE



Fig 10. View point 16

6.3.24 View 17: Junction of Elmfield Road and High Street and View 18: Ethelbert Road would experience a high level of change and effect. The proposal would have a marked contrast with adjacent and surrounding buildings. However, the proposal is designed to maintain a pedestrian scale and shopping function along the High Street. The proposed taller element would be set away from the High Street with a transitional floor providing a visual link to the taller element to the rear. The position of the

proposed building and internal layout of the proposal has taken into account its surrounding context to protect amenity and privacy as required by Policy D3 of the London Plan.

VIEW 17: JUNCTION OF ELMFIELD ROAD AND HIGH STREET



Fig 11. View point 17

VIEW 18: ETHELBERG ROAD



Fig 12. View point 19

6.3.25 View 13: Junction of Ravensbourne Road and High Street, View 14 Junction of Ringers Road and High Street and View 19: Junction of Ringers Road and Ravensbourne Road are both mid-range views. The proposal would experience a medium to high level of impact and change along the High Street. Policy D3 requires mid-range views from its surrounding neighbourhood, attention should be paid to the form and proportion of the building, legibility, proportions, and materiality. The scale and massing and scale of the proposed building has been revised and is more comparable to Henry's House with a building height at 10 storeys. The existing building façade facing the High Street is retained. The external materials of the proposed building are influenced by the existing buildings in the vicinity.

VIEW 13: JUNCTION OF RAVENSBOURNE ROAD AND HIGH STREET



Fig 13 View point 13

VIEW 14: JUNCTION OF RINGER'S ROAD AND HIGH STREET



Fig 14. View point 14

VIEW 19: JUNCTION OF RINGERS ROAD AND RAVENSBOURNE ROAD



Fig 15. View point 19

6.3.26 The following long-range view would experience a low to medium level of change and effect. The perceived level of change is considered to be low, owing to its distance or incremental increase in built form within the background which already exists in a distance.

- View 7: West of Queensmead Recreation Ground
- View 8: Western pedestrian bridge
- View 9: Kingswood Road
- View 15: South of Market Square.

6.3.27 The proposal would not be visible or readily visible from the following viewpoints. As such, the visual impact of the proposal would not have a visual impact or a low impact:

Long range:

- View 1: Junction of Westmoreland Road and High Street.
- View 2: Junction of Kentish Way and Masons Hill
- View 3: Looking west along Elmfield Road from Kentish Way
- View 4: The Pavilion, Kentish Way
- View 10: South-west along Westmoreland Road
- View 11: Hayes Road
- View 12: Bromley South Station

Mid-range:

- View 5: South terrace of Churchill Garden
- View 6: Bromley park amphitheatre

6.3.28 The visual assessment indicates that the proposal would not have a high level of impact in terms of the local view and landmark building identified in the BLP and BTCAAP. The proposal would have a high level of visual effects and impact upon the skyline in the Town Centre. However, this is managed by the design, layout and positioning of the proposed building. In view of the site allocations and housing delivery requirements in the development plan any harm arising from the proposal should be weighed against the planning benefits of this proposal.

6.4 Impact on Heritage Assets

Archaeology – Acceptable

6.4.1 Section 16 of the NPPF and London Plan Policy HC1.D requires that a development proposal should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation

6.4.2 The site is located within an Archaeological Priority Area. A desk-based archaeological assessment report is submitted and has been reviewed by Historic England (Archaeology). The assessment indicates that there is no discernible on-going archaeological interest with this site. Historic England has advised that no further assessment or conditions would be necessary, and no objection is raised.

Conservation area – Unacceptable

6.4.3 It is noted that the site is not located within a Conservation Area and the site area is below 1,000sq.m. There is no statutory requirement to consult Historic England (Conservation and building). As such, the planning consultation comment including the updated comment received is considered on a non-statutory basis, along with all planning consultation responses.

6.4.4 BLP Policy 42 states proposals adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area. BLP Policy 41 states conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Proposals for new development will need to preserve and enhance its characteristics and appearance by:

- Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
- Respecting and incorporating in the design existing landscaping or other features that contribute to the character, appearance or historic value of the area; and ;
- Using high quality materials

- 6.4.5 London Plan Policy HC1.C states development proposals affecting heritage assets, and their settings, should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 6.4.6 Section 66 (1) of the Planning (Listed buildings and Conservation Area) Act 1990 requires that special regard be paid to the desirability of preserving among other things, the setting of a listed building.
- 6.4.7 Whilst no statutory protection is afforded to the setting of conservation areas, paragraphs 189 and 190 of the NPPF require an assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting. The NPPF defines setting as the surroundings in which the asset is experienced, recognising that elements of setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate that significance, or may be neutral.
- 6.4.8 NPPF Paragraph 192 states in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
 - c) the desirability of new development making a positive contribution to local character and distinctiveness
- 6.4.9 NPPF Paragraph 193 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.4.10 NPPF Paragraph 194 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification
- 6.4.11 NPPF Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.4.12 NPPF Paragraph 197 states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Significance of Conservation Area

- 6.4.13 Bromley Town Centre Conservation Area was first designated as a conservation area in 1985 and is an identified heritage asset in Bromley. At that time the designation was focused around the historic core of Market Square and the northern part of the High Street. Subsequent extensions have enlarged the Conservation Area. Bromley was located on the coaching route to Hastings, where a number of coaching inns were developed.

- 6.4.14 Bromley Town Centre Conservation Area encompasses the historic heart of Bromley which is comprises of 7 character areas which reflects the various functions of a major centre which has evolved from a modest rural settlement. There are 21 statutory listed buildings and 40 locally listed buildings (individually or in groups) within the Bromley Town Centre Conservation area.

- 6.4.15 Some buildings in the southern part of the Conservation Area within the Central (Pedestrianised) High Street Character area survive from the early 19th Century and these buildings tend to be modest two storey structures with traditional detailing. The remaining buildings are a mixture of late 19th Century to early and mid-20th century buildings. The former tends to be two and three storeys in height with narrow frontages following the traditional building plot with well detailed commercial facades. The western side of the High Street contains large plots with uncompromising modern buildings built following the war including the locally listed library, which was completed in 1977 before the area was designated as a conservation area.

- 6.4.16 Historic England's comment on significance states "The site is located on the south west corner of the junction of the High Street and Ethelbert Road, immediately to the south of the Bromley Town Centre Conservation Area. The existing brick buildings on the site date from the 1930s and are a good quality example of a contextual High Street commercial terrace. Visual interest is created through the overall composition of the terrace, with no 68 slightly recessed and through the use of detailing and ornament, such as the Classical-style stone dressings to the windows of the No. 66 and 70. These buildings are identified withing the Council's Site 10 Master plan as being of "heritage and townscape value. These buildings constitute a non-designated

heritage asset and positively contribute towards the setting of the Bromley Town Centre Conservation Area. The Bromley Town Centre Conservation Area forms the historical heart of Bromley, containing a wider range of historic buildings dating from the 17th century to the present day. It was first designated in 1985, originally focussed around the historic core of Market Square and the north part of the High Street, with subsequent extension enlarging the boundary. Although much of the wider town centre has been subject to large-scale redevelopment, the conservation area is relatively well-preserved and retains a strong historic fine grain layout and market town character with predominant buildings heights of 2-5 storeys. The High Street forms part of the central spine of the Conservation Area along the historic route from London to Sevenoaks. The Churchill Theatre and library was constructed in 1977 and is a landmark building within the conservation area reflecting its civic function”.

Impact

- 6.4.17 The Council’s Conservation Officer has raised objection to the revised proposal and considered that the over-dominant scale and massing of the proposed building would visually compete with the modest market town character of the Bromley Town Centre Conservation Area. The revised proposal is not considered to be a plan-led approach for tall buildings within the Bromley Town Centre. Historic England have raised concerns in the previous draft masterplan consultation regarding to the potential for tall buildings in the conservation area. Whilst the degree of harm is towards the lower end of less than substantial, the proposal is considered to have an adverse impact on the setting of the Bromley Town Centre Conservation Area.
- 6.4.18 Historic England as a non-statutory planning consultee has also advised that the proposed building would impact on the setting of the Bromley Town Centre Conservation Area as a result of its height, scale and massing, which would contrast with the established character and predominant scale of buildings within the conservation area. View 16 Outside the Churchill Theatre demonstrates that the proposed building would dominate in views along the High Street, creating a contrast to the predominantly lower-rise buildings within the Conservation Area boundary. It is noted that the Regent’s Place (Henry’s Housing and St Mark’s Square developments both located some distance to the south of the application site already present a moderate visual impact in this view. The proposed 12 storey tower would increase this impact due to its closer proximity.
- 6.4.19 Historic England considers that the proposed development would cause harm to the significance of the Bromley Town Centre Conservation Area through development within its setting. Whilst the harm caused to the significance of Bromley Town Centres Conservation Area would be towards the lower end of less than substantial, in line with the NPPF para

193, 194 and 196 the harm will need to be clearly and convincingly justified and appropriately balanced.

6.4.20 The revised Heritage, Townscape and Visual impact assessment acknowledged that the town centre's allocation as a Conservation Area is, in a large part, to preserve the built heritage and townscape which reflects the evolution of the town. Whilst the design and scale of the proposed has been updated to reflect its prominent town centre location and proximity to the Conservation Area, the proposed building would have a greater impact when viewed from the High Street (View 16) and along Ethelbert Road. It is considered that the scale and proximity of the proposed development will lead to less than substantial harm upon the setting of the Conservation Area and the proposal would detract from views into or out of the Conservation Area. The harm arising from this part of the proposal will be justified in the overall planning balance.

6.5 Impact on neighbouring amenities – Acceptable

- Sunlight and daylight

6.5.1 Development must also not result in an unacceptable material deterioration of the daylight and sunlight conditions of surrounding development. Nor should the development result in an unacceptable level of overshadowing to its surrounding. The levels of artificial light, odour, noise, fume or dust pollution during the construction and life of the development must also be assess

6.5.2 The windows associated to the following neighbouring residential properties are tested:

- William House, Ringers Road
- 1-49 Henry House, Ringers Road
- No. 33 to 36 Ethelbert Close

6.5.3 A total of 93 neighbouring residential windows associated to above properties are assessed of which, 92 out of 93 windows would comply with the BRE criteria for daylight (Vertical Sky Component) and all assessed windows will comply with the other requirements with no window will receive direct skylight less than 0.8 times of its former value (No-sky line). A secondary kitchen window associated to 34 Ethelbert Close would marginally below the recommended target at 22.6 percent (VSC).

6.5.4 Overall, it is considered that the proposal would not have an adverse impact on the neighbouring properties in terms of the loss of sunlight and daylight.

- Outlook and privacy

6.5.5 The site is located approximately 48 metres to the flank wall of Henry's House and 54 metres to William House on Ringer's Road. The site is located approximately 27 metres from the rear wall of No. 35 and 36 Ethelbert Close. Given that the site is located within a town centre and due to these distances, it is considered that the proposal would not have an adverse impact in terms of loss of outlook and privacy.

- Overshadowing

6.5.6 The BRE guidelines state that for an amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on 21 March. There are no public amenity spaces, which are relevant for detailed sun on ground overshadowing assessment to the north of the proposed development.

- Wind assessment

6.5.7 The Wind Microclimate Assessment considers the likely effects of the proposed development on the local wind microclimate within and around the application site. In particular, it considers the potential effects of wind upon pedestrian comfort and summarise the findings of a wind tunnels testing existing.

6.5.8 The result indicates that the immediate streets surrounding the site would remain being suitable and acceptable for the pedestrian and no mitigation measures would be required.

6.6 Transport and Highways - Acceptable

Access

6.6.1 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.

6.6.2 Ethelbert Road is a one-way road and includes on-street disabled parking spaces and other parking spaces. The vehicular access to the proposed residential disabled parking spaces to the rear of the proposed building will be via an existing service corridor from Ethelbert Road. A transport assessment including swept analysis which confirmed vehicles can leave the site in a forward gear was provided.



Fig 16. Sweep path analysis

6.6.3 The Council's Highway division considered that this part of the proposal is acceptable, and no objection is raised in respect of this element.

Parking provision

6.6.4 Table 1 in the BLP Policy 30 (Parking) sets a minimum and maximum parking standard for new residential development, subject to the particular characteristics of the development and the public transport accessibility. BLP Policy 30 indicates a minimum of 33 residential parking spaces and up to a maximum of 47 parking spaces should be provided (Based on the 0.7 to 1 space per 1 or 2 bed unit). For retail development less than 4,000sq.m with a PTAL of 6, there is no requirement for commercial parking spaces.

6.6.5 The Council's highway division has indicated that the number of parking spaces should be increased to 20 spaces and consideration should be given to the 2011 population census record which indicates that the car ownership in Bromley Town ward is 1 space per dwelling. The proposed parking provision is not considered adequate at local level.

6.6.6 The London Plan seeks to encourage more sustainable travel, enabling car-free lifestyles that allow an efficient use of land and improve well-being by encourage cycling and walking. London Plan Policy T6.1 and table 10.3 set the maximum parking standard for new residential development. New development in Metropolitan and Major Town Centres with a PTAL rating of 6 is set as car free.

6.6.7 The proposal would intensify the use of the site with a net increase of 41 residential units. It is noted that there is no evidence to suggest there is no such demand for residential parking spaces in the Town Centre. The site is located within the Town Centre with a high PTAL rating. As such, car free development should be pursued, in line with the new London Plan Policy requirements.

6.6.8 As part of the proposal and to mitigate the demand for parking, the applicant has confirmed the following would be provided for each of the proposed residential units:

- Two years free car club membership per dwelling;
- Twenty free car club driving hours per dwelling;
- Rights to apply for residents parking permits be removed;
- Car parking management plan;

6.6.9 Officers consider that car-free development should be the starting point for development located in the town centre and that is well-connected by public transport. In view of the new London Plan Policy requirements and the proposed mitigation measures, it is considered car-free development should be supported.

6.6.10 In addition, the Council is currently working with Transport for London proposing to make a number of improvements to the cycle and walking routes (Quietway) between Lower Sydenham and Bromley Town centre. A planning obligation of £20,000 towards cycle and pedestrian route improvements, along with the mitigation outlined above would also be secured by a s106 legal agreement and/or planning conditions.

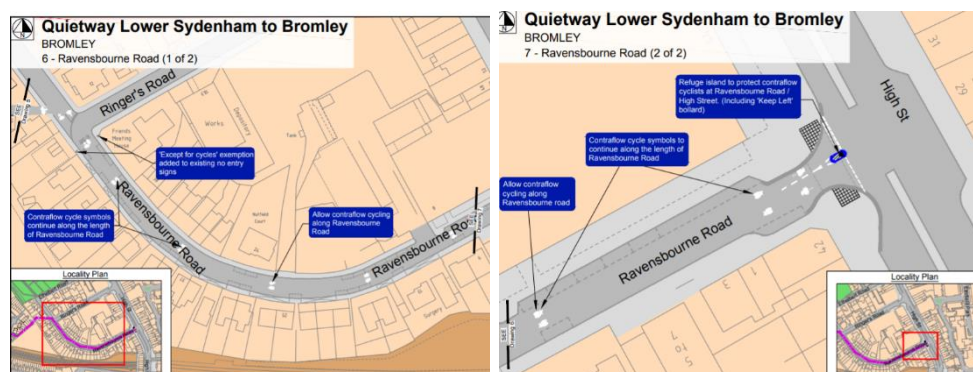


Fig 17. Cycle and walking routes (Quietway) improvement works between Lower Sydenham and Bromley Town centre.

6.6.11 London Plan Policy T6.1 states all residential car parking spaces must provide infrastructure for electric or ultra-low emission vehicles. At least 20 percent of spaces should have active charging facilities with passive provision for all remaining spaces. The applicant has confirmed active electric charging points would be provided for all the disabled parking spaces. A condition would be attached to ensure the delivery of these provisions.

6.6.12 London Plan Policy T6.1 requires disabled person parking should be provided for new residential development. Residential development proposals delivering ten or more units must as a minimum:

- 1) Ensure that three per cent of dwellings, with at least one designed disabled person parking bay per dwelling is available from the outset.

- 2) Demonstrate as part of the parking design and management plan, how an additional seven percent of dwellings could be provided with one designed disabled persons parking spaces per dwelling in future upon request as soon as existing provision is insufficient and should be secured at the planning stage.

6.6.13 London Plan Policy T6.1 also requires all disabled persons parking bays associated with residential development must: 1) be for residents' use only; 2) not be allocated to specific dwellings, unless provided within the curtilage of the dwelling.

6.6.14 This revised proposal indicates that a total of three off-street disabled person parking spaces would be provided from the outset exceeding the minimum requirement. A further 1.7 disabled parking spaces may be required should there be a demand arising. A car park management plan detailing the management, allocation and uses of the disabled parking spaces for the residential units would be required to ensure the use of the parking spaces can be optimised.

6.6.15 In summary, the site has excellent accessibility to public transport and the principle to provide a car-free development is supported. Whilst the proposal would intensify the use of the site and increase the demand for parking spaces and traffic in general in the area, it is considered that the car-free development should be promoted at this town centre location. Subject to the mitigation measures and the required planning conditions and obligations to be secured by a legal agreement, it is considered the level parking provision would be acceptable at this location.

Cycle Parking

6.6.16 London plan Policy T5 states proposal should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Appropriate levels of cycle parking should be secured and designed in line with the London Cycling design standards. Table 10.2 of the London Plan sets the minimum long stay and short stay cycle storage requirement for new development.

	Long Stay	Short Stay	Minimum requirement in total	Proposed spaces in total
Non-food retail above 100sq.m	First 1,000sqm: 1 space per 250sq.m	First 1,000sqm: 1 space per 125sq.m. Thereafter: 1 space per 1,000sq.m (GEA)	4	4

Residential	1 space per studio or 1 person 1 bed dwelling. 1.5 spaces per 2 persons 1 bed dwelling. 2 spaces per all other dwellings	5 to 40 dwellings: 2 spaces. Thereafter: 1 space per 40	79	116
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Table 7. Cycle storage requirements

6.6.17 Table 10.2 of the London Plan requires a minimum of 79 long stay cycle storage and 2 short stay cycle storage spaces for the residential element (1 long stay space be provided for each studio unit, 1.5 spaces for each 1 bed unit and 2 spaces for 2 bed) and a minimum of 1 long stay and 7 short stay cycle storage spaces be provided.

6.6.18 A total of 106 residential and 8 commercial cycle storage spaces would be provided within the site. The residential cycle storage would be located on the first and second floor with a dedicated bicycle lift. As such, it is considered that adequate cycle storage would be provided.

Servicing and delivery

6.6.19 The transport assessment indicates that the servicing and delivery for the retail and residential uses would be from an existing loading bay on the High Street. A proposed loading bay is also indicated in the transport assessment on Ethelbert Road.

6.6.20 The Council's Highway division has commented such arrangement is not considered ideal due to its permitted loading hours which would be limited between 03:00 and 10:00 with a one-hour limit, no return within one hour and no stopping is permitted at any other time except for taxis between 10:00 and 15:00 hours. The proposed loading bay could interfere with the existing off-street parking spaces associated to the café, noting there is no existing drop-kerb leading to the spaces. However, this would not warrant as a reason to refuse the application.

6.6.21 It should be noted that the proposed retail replacement floor space would be reduced when compared with the existing. There is a further on-street loading bay located on Elmfield Road which is located approximately 30 metres from the site. The restriction of this loading bay is 30 minutes and

no return within one hour. As such, it is considered that the absence of off-street servicing and delivery bays is justified in this instance.

Waste storage

6.6.22 BLP Policy 113 states major development proposal will be required to implement site waste management plans to reduce waste on site and manage remaining waste sustainability. New development will be required to include adequate space to support recycling and efficient waste collection.

6.6.23 Commercial waste storage areas would be separate from the communal residential storage area. A communal residential waste storage area would be provided and would face Ethelbert Road. A waste strategy covering the details of recycling waste storage provision for both residential and commercial elements and confirming the timing, frequency and management of the waste storage and collection should be secured by a planning condition. The Council's Waste Services were consulted and considered that the proposal would be acceptable, subject to the planning condition.

6.7 Biodiversity - Acceptable

6.7.1 BLP Policy 72 states planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigation measures can be secured to facilitate survival, reduce disturbance, or provide alternative habitats. London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secured net biodiversity gain.

6.7.2 This town centre site is occupied by built development and there is no soft landscaping or features that exist within the site. The existing buildings including the residential flats area occupied. The site is also surrounded by buildings. The Library Garden is located approximately 64 metres west from the site.

6.7.3 A preliminary bat roost assessment including details of building inspections has been submitted. There was no evidence of any past or current bat occupancy found during the detailed external inspection of the buildings, excluding the top floor. This assessment indicates the external conditions of the building including the ground and first floor have a low potential to support a bat roost. Further potential may exist around the un-accessed chimney base.

6.7.4 Pipistrelle bats are found in urban environments and are one of the common bat species in Bromley which adapted better in urban habitats than other protected species. In line with the Bat Conservation Trust Bat Survey Guidelines, buildings deemed to have low potential would require one dusk emergence together with a pre-dawn re-entry or automated survey at the optimal time of year (between May and August) to provide

confidence in a negative result. The submitted preliminary bat roost assessment also recommended a dusk emergence survey is completed during the bats' active season. As such, it is recommended that a planning condition requiring a dusk emergence survey including relevant and appropriate mitigation measures be carried out prior to any work commencing at the site.

6.7.4 The proposal would not result in the loss of any protected trees, planting or green coverage. In line with the recommendation from the RPSB, a planning condition requiring 10 swift nest bricks to be installed near the roof level of the building would be secured. Given the location of this site and its limitation, it is considered that the proposal would not have an adverse impact on protected species and the inclusion of swift nest bricks would assist to increase the biodiversity value and potential of the site when compared to the existing situation.

6.8 Energy and Sustainability - Acceptable

6.8.1 Paragraph 153 of the NPPF states that in determining planning applications, LPAs should expect new developments to comply with policies and requirements for decentralised energy supply unless this is demonstrated to not be feasible or viable.

6.8.2 BLP Policy 124 and London Plan Policy SI 2 requires major development should be net zero- carbon, reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

A minimum of 35 percent carbon reduction beyond Part L 2013. for residential development is required for major development. Residential development should achieve 10 per cent and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on site, any short fall should be provided in agreement with the borough, either:

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

Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-

Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions

- 6.8.2 An updated Energy Assessment following the GLA's energy hierarchy has been received and this has been reviewed by the Council's Energy officer. Under the "**Be Lean**" category, a range of passive design features would be employed to reduce the heat loss and demand for energy. The measures include building fabric insulation, glazing design and specification, wall insulation, pipework insulation, mechanical and natural ventilation through openable windows are proposed to reduce the carbon emission of the proposed development. These measures would meet the minimum 10 percent requirement for domestic development and 15 percent for the non-domestic requirement as outlined in the GLA energy guidance and this is considered acceptable.
- 6.8.3 As there is no district network in the area, it is not possible to achieve any carbon reduction under the "**Be Clean**" category at the present time and no carbon reduction can be awarded under this category.
- 6.8.4 Under "**Be Green**" category, a range of on-site renewable energy technologies including biomass boilers, solar thermal, solar PV panel, ground source heat pumps and wind turbines were considered. It is considered that the use of air source heat pumps would be the most feasible option for this site as the development comprises of commercial space which requires active cooling.

Non-domestic element

- 6.8.5 The updated energy assessment indicates that the total regulated on-site carbon saving for the non-domestic element would achieve 37.9 percent (3.6 tonnes) carbon saving against Part L 2013 of the Building Regulations Compliant Development. There is a shortfall of 62.1 percent (2.2 tonnes) and a planning contribution of £ 6,270 would be secured by a legal agreement. The breakdown is as follows:

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 5.8 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 3.6 tCO₂ per annum
- On site shortfall = 2.2 tCO₂ per annum
- Payment-in-lieu amount calculated as 2.2 (tCO₂) x £95 (per tCO₂) x 30 (years) = £6,270

Residential element

- 6.8.6 The element would achieve 58.7 percent on-site carbon saving (25.3 tonnes) against Part L 2013 of the Building Regulations Compliant Development. There is a shortfall of 41.3 percent (17.8 tonnes) and a planning contribution of £ 50,730 would be secured by a legal agreement. The breakdown is as follows

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 43.1 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 25.3 tCO₂ per annum
- On site shortfall = 17.8 tCO₂ per annum
- Payment-in-lieu amount calculated as 17.8 (tCO₂) x £95 (per tCO₂) x 30 (years) = £50,730.

6.8.7 The Council's Energy officer has been consulted and no objection is raised to the proposal and recommended the total carbon offsetting payment of £57,000 will be secured by a legal agreement. A condition is recommended to secure the carbon saving measures as set out in the energy statement can be delivered. In line with the GLA updated comment, officer consider that the condition should include the following:

- 1 The details of SAP10 and SAP12 emission factors
- 2 Any further improvement of "Be lean" and minimising overheating risk measures for the residential can be provided;
- 3 Evidence there are no planning district heating networks within vicinity of the site may offer a potential for connection.
4. Drawing confirming spaces provision for heat exchanges in the plantroom, safe-guarded pipe route to the site building.
5. Confirmation that the development could not support any potential solar PV.
- 6 Energy efficiency details of the local heat pumps and its modelling.

6.8.8 London Plan Policy SI 4 states major development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

Overheating

6.8.9 An overheating analysis assessed against standard CIBSE TM59 - overheating test for residential and standard CIBSE TM52 for commercial is provided. The results indicate active cooling measures utilising air source heat pumps would be required to achieve the required seasonal cooling efficiency of at least 5.82. A condition requiring the specification of the air source heat pumps, implementation, and maintenance of the system during the lifetime of the development is therefore recommended.

Water infrastructure

6.8.10 London Plan Policy SI-5 states development proposal should:

- 1) through the use of planning conditions minimise the use of mains water in line with the optional requirement of the building regulations

(residential development), achieving mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption).

- 2) Achieve at least the BREEAM excellent standard for the “Wat 01 water category or equivalent for commercial development.
- 3) Incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future proofing.

6.8.11 Thames Water has been consulted and no objection is raised in relation to the impact upon the water network infrastructure capacity, waste water network and sewage treatment work. In line with the policy requirement, planning conditions requiring confirmation of the internal water consumption of the residential development will not exceed 105 L/person/day for the new dwellings and BREEAM excellent rating certificate for the commercial would be attached.

6.9 Environmental Issues - Acceptable

Air Quality

6.9.1 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality.

6.9.2 BLP Policy 120 states developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet “air quality neutral” benchmarks in the GLA’s Air Quality Neutral report. London Plan Policy SI-1 also echo this requirement.

6.9.3 The site is within Bromley Air Quality Management Area. An updated air quality assessment is submitted which assess the likely effects of the proposals on the site and the surrounding area is provided. The assessment indicates the proposal would not have an adverse impact on air quality, except during the construction period. A range of mitigation measures to minimise or reduce dust would be required and implemented. The emission from construction vehicles is not considered to be significant at this location.

6.9.4 The assessment has been reviewed by the Council’s Environment Health and no objection has been raised, subject to implementation of mitigation measures in line with the submitted construction and management and logistic plan (Nov 2020) and in line with the Council’s

Control of Pollution and noise from demolition and construction site code of practice 2017.

- 6.9.3 In accordance with the London Plan, all Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or any subsequent guidance. All NRMM shall meet Stage IIIA of EU Directive 97/68/EC (as amended). All construction plant would need to adhere to the emissions standards for NO₂ and PM₁₀ (particles with a diameter up to 10µm) and PM_{2.5} (particles with a diameter up to 2.5µm) set out for non-road mobile machinery (NRMM). Subject to the planning conditions, it is therefore considered the likely effect of construction plant on local air quality would not be significant. Overall, the development is considered acceptable from an air quality perspective.

Noise

- 6.9.4 London Plan Policy D13 agent of change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.
- 6.9.5 The site is located within an urban area and is not subjected to land contamination. The proposal to intensify the residential use of this site would make more efficient use of the land in the Town Centre and would not be incompatible to its surrounding area.
- 6.9.6 A noise impact assessment is submitted which indicates the glazing and ventilation system would be required and employed to provide appropriate internal residential amenity. The predicated noise levels for the external amenity spaces would be predominantly below 55dB when taken into account the balconies screening and are therefore suitable for residential use and would comply with the national policy and guidance. A plant room would be located on the ground floor within the envelope of the building. Any external plants associated to the building services and the development would be designed to satisfy the BS4142 guidance.
- 6.9.7 The Council Environmental Health were consulted and considered the proposed measures would be acceptable, subject to a glazing and ventilation strategy as set out in the noise assessment report and this will need to be fully taken into account. An updated noise assessment including service and delivery for the proposed uses, A scheme to protect the proposed balconies where noise levels from traffic noise

exceed or likely to exceed 50dB will need to be submitted and approved by the council. The details and specification of balcony screen, external plant including mechanical ventilation should be secured by planning conditions.

6.10 Flooding and Drainage - Acceptable

Surface water drainage

- 6.10.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI-13 and BLP Policy 116 states development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 6.10.2 The application site is not located in an area at risk of river, sea or surface water flooding as defined by the Environment Agency. The surrounding highway network is subject to low risk of surface water flooding. The surface water runoff rate is proposed to be restricted to 1 litre/second and a minimum of 30 cubic metres of attenuation will be required including the 1 in 100 year plus 40 percent climate change event.
- 6.10.3 The drainage strategy indicates that geo-cellular crates (blue roof) would be the best option to reduce flood risk. Geo-cellular crates are proposed across the ground and 4th floor level, connected using rainwater downpipes to convey the runoff downward to ground level with an orifice plate with a 29mm diameter to restrict the runoff rate to 1 litre per second.
- 6.10.4 A total of 114 square metre of geo-cellular crates is proposed. This provision will provide a minimum attenuation volume of 32.49 cubic metres. This proposed drainage strategy would provide an 88 percent reduction in surface water runoff or improvement when compared to the existing situation.
- 6.10.5 The Council's drainage officer and Thames Water have raised no objection to the proposal, except conditions to secure the details of the works be implemented and a pilling method statement be provided in consultation with Thames Water, Subject to the conditions and informatives, it is considered that the proposal would be acceptable with regards to the surface water run-off and drainage.

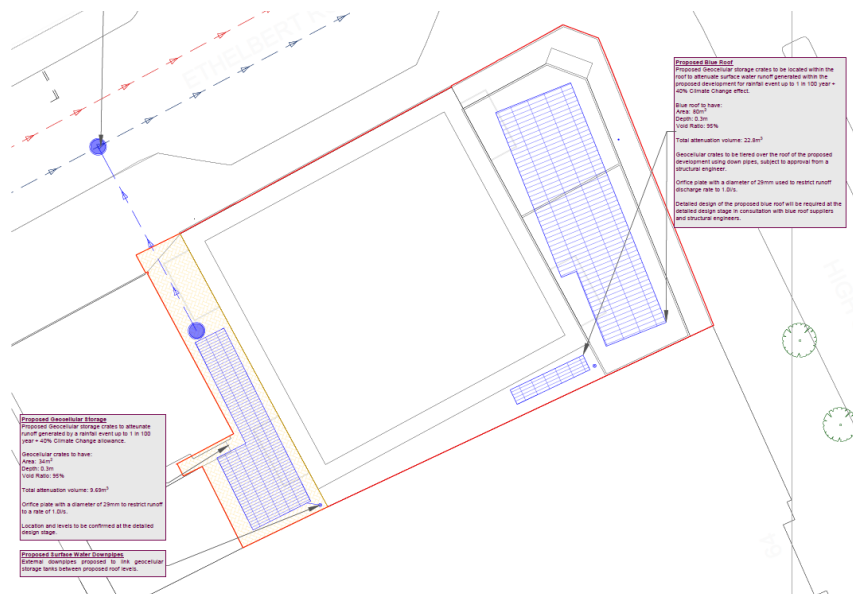


Fig 18. Location of the proposed Geo-cellular/ blue roof

7. Planning Obligations and CIL

CIL:

- 7.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 7.2 The Council's has published a draft charging schedule. Following the examiner's report on the draft charging schedule, the Bromley CIL charging schedule can be adopted pending approval by Full Council. At this stage, it is envisaged that a report recommending adoption will be taken to the Full Council meeting in the coming weeks. The actual date of adoption (when we will start charging CIL) is still to be confirmed but is expected to be around 8 weeks after Full Council approval is received.

Heads of Terms – Infrastructure impact and mitigations:

- 7.3 The following planning obligations will need to be secured as part of an S106 legal agreement, which the applicant has agreed to in principle, should permission be granted:
 - Education £ 69,208.54;
 - Health: £ 47,591;
 - Energy £ 57,000;
 - Highway £20,000;
 - Child play and park maintenance £17,600;
 - 10 intermediate units;
 - Early and late stage affordable housing viability review;
 - 2 Year car club members and a minimum of 20 hours of free dwelling time per dwelling;
 - Removal of rights for resident's permit; and,

- Obligation monitoring fee: £500 per head of terms.
- 7.4 These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

8.0 Planning balance and conclusion

- 8.1 The revised scheme has been subject to a design review process resulting in a reduction of building massing, scale and layout. The design quality of the proposal reflects the role of this allocated site and building typology along the southern part of the High Street. The proposed amendment is considered to be acceptable by officers. It is considered to be sustainable in overall terms and compliant with the development plan as a whole. This application includes the provision of 47 residential dwellings including 10 intermediate dwellings and this would represent a significant contribution to the supply of housing within the Borough.
- 8.2 The internal layout demonstrates adequate and accessible internal and external living spaces including a good range of housing size between one to four persons.
- 8.3 The proposal would provide adequate replacement retail floorspace on the ground floor and this would maintain the active frontages and shopping function of this site. The residential density would be intensified which reflects the role of this allocated site.
- 8.4 Where the proposal does not accord fully with policies in terms of impact on the Conservation Area, this is considered to be outweighed by other policies of the development plan and material considerations, which are described in the planning assessment above.
- 8.5 As the Council cannot at present demonstrate a 5 year land supply of deliverable housing sites, the housing policies of the development plan are out-of-date and the presumption of sustainable development set out in Para. 11 of the NPPF applies to the application. This means a presumption in favour of granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There are no other adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the NPPF as a whole. The balance test is therefore tilted towards granting planning permission.
- 8.6 Subject to compliance with the recommendations in the technical reports and implementation of the recommended works undertaken where necessary, it is considered that the application is recommended for

permission, subject to the planning conditions, completion of a S106 legal agreement and GLA stage 2 referral.

RECOMMENDATION

PERMISSION SUBJECT TO S106 LEGAL AGREEMENT, PLANNING CONDITIONS AND ANY DIRECTION FROM THE MAYOR OF LONDON

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Conditions:

1. Time limit of 3 years
2. Drawing numbers

Pre-Commencement Conditions:

3. Construction and Environmental Management Plan
4. Bat surveys
5. Detailed method statement for dismantling, storage, retention and reconstruction of the existing façade.

Above Ground Construction Conditions:

6. External materials
7. Mechanical ventilation details
8. Fire statement including Part B5 of Building Regulations Approved Document B
9. Specification of the air source heat pumps, implementation, and maintenance
10. Water infrastructure
11. Energy Statement including Be Seen measure and BREEAM excellent rating for commercial element
12. Noise assessment including specification of balcony screen and all internal and external plant.
13. Piling method statement

Prior to occupation conditions:

14. Car park management plan
15. Servicing and delivery plan
16. Parking spaces
17. Cycle storage
18. Refuse storage provision and management strategy
19. Wheelchair units
20. Electric charging points (active)
21. Secure by Design
22. Travel plan

23. Swift nest bricks

Compliance conditions:

24. Surface Water Drainage

25. Affordable housing

26. Hardstanding for wash-down facilities for construction vehicles

27. All Non-Road Mobile machinery to comply with relevant emissions standards

28. Parking spaces

29. Removal of PD right for upward extensions and change of use on the ground floor.

Informatives

- Mayoral CIL
- Secured by Design
- Dust Monitoring
- Vehicle crossover application
- Thames Water (various)

Appendix 8: Committee Report: 62 High Street, Bromley

Committee Date	09/03/22		
Address	62 High Street Bromley BR1 1EG		
Application Number	21/04667/FULL1	Officer - Catherine Lockton	
Ward	Bromley Town		
Proposal	Proposed conversion of existing building and 3-storey roof extension to accommodate Class E commercial space on the ground floor and 30 residential flats on the upper floors. Cycle and refuse storage to be provided at ground floor level.		
Applicant Red London	Agent Ms Kate Matthews Firstplan		
Firstplan Broadwall House 21 Broadwall London SE1 9PL	Firstplan Broadwall House 21 Broadwall London SE1 9PL		
Reason for referral to committee	Major application outside delegated authority	Councillor call in No	

RECOMMENDATION	PERMISSION BE GRANTED SUBJECT TO A LEGAL AGREEMENT
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KEY DESIGNATIONS Allocated Site Area of Archaeological Significance Biggin Hill Safeguarding Area Bromley Town Centre Area London City Airport Safeguarding Area Primary Shopping Frontage Smoke Control SCA 5
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Class E	1550sq.m.

Proposed	Class E Residential	540sq.m. 2150sq.m.

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	24	6		0	30
Affordable (shared ownership)	0	0	0	0	0
Affordable (social rent)	0	0	0	0	0
Total	24	6	0	0	30

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	0	0
Disabled car spaces	0	0	0
Cycle	0	66	66

Electric car charging points	0
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Representation summary	<i>Adjoining neighbours were consulted by letter on 01.12.21. A Site Notice was displayed at the site on 03.12.21. A Press Advert was published on 22.09.21 in the News Shopper.</i>	
Total number of responses	6	
Number in support	1	
Number of objections	2	
Number of neutral representations	3	

Financial Contribution Heads of Term	Amount	Agreed in Principle
Carbon off-setting	£45,327	Y
Child playspace	£11,200	Y
Highways Streetworks improvements	£12,766	Y
Total	£69,293	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle to redevelop the site including the introduction of residential units and car free development is supported at this town centre location. The site is designated as an opportunity area in the London Plan and forms part of the allocated sites (Site 10 in the Bromley Local Plan) in the development plan to deliver housing and support the growth of Bromley Town Centre.
- This application includes the provision of 30 residential dwellings which would represent a significant contribution to the supply of housing within the Borough. The proposal would be unviable to provide any affordable housing and this is supported by a financial viability report which has been reviewed by an independent viability assessor.
- The proposed internal layout demonstrates adequate and accessible internal and external living spaces including a good range of housing sizes between one to three persons would be provided.
- The proposal would provide adequate replacement retail floorspace on the ground floor and this would maintain the active frontages and shopping function of this site. The mixed-use nature of the development with the introduction of residential accommodation on the upper floors would also reflect the role of this allocated site.
- The existing building would be retained and refurbished as part of the proposal, with the proposed extension to increase the height to a 6 storey building acceptable given the emerging town centre context and the existing taller flatted block immediately to the rear (Henry House).
- Whilst there would be some impact to the non-designated heritage asset (the application building) and designated heritage asset (the adjacent Conservation Area), the existing building would be retained and refurbished as part of the development and the design of the proposed extension would appear sympathetic and responsive to its Art Deco characteristics and features. Therefore, on balance, the impact on these heritage assets is considered to be acceptable.
- The development is considered acceptable from a sustainability, air quality and environmental perspective.
- The proposal would be a car free development in a town centre location which is acceptable. However, it would be unable to provide any disabled persons' car parking on or off site which would be contrary policy. The constraints of the site are acknowledged, as is its highly accessible town centre location.

- Having considered the benefits and harm arising from the proposal and in the absence of a 5-year housing land supply, it is considered that the planning permission should be granted as the presumption in favour of sustainable development is applied unless there are material considerations to suggest otherwise.
- Subject to the planning conditions and a s106 legal agreement it is considered that the benefits of the proposal would outweigh the impact arising from this proposal and planning permission should be granted.

1 LOCATION

- 1.1 The application site is situated on the western side of High Street, Bromley. It comprises a three storey former Wolfe and Hollander department store 'Art Deco' style building with 4 no. retail units at ground floor and two storeys of 'back of house' storage for the retail units above.

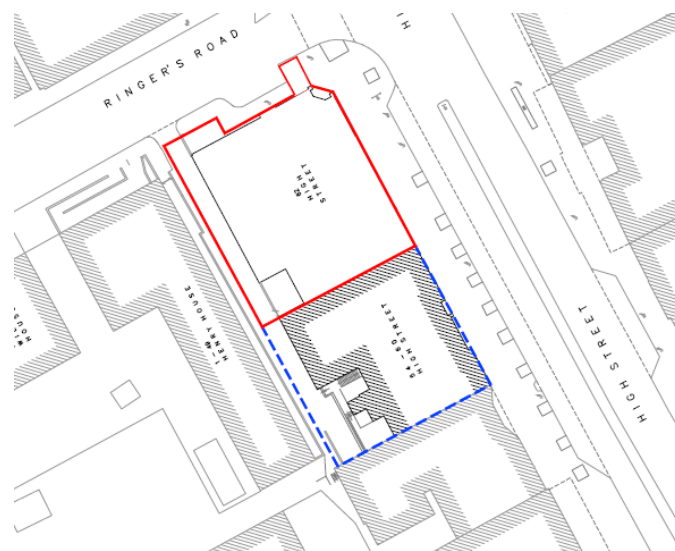


Fig.1 – Site location plan

- 1.2 The principal retailer within the ground floor was Laura Ashley, which occupied the corner turning frontage from High Street to Ringer's Road. However, this unit has been vacant since 2020 when the chain entered administration. The remaining retail units front onto High Street and are occupied by independent Class E retail uses.



Fig.2 – Site photographs

- 1.3 Reflecting the town centre designation, the surrounding area is characterised by a mix of retail/high street uses including TK Maxx to the north on the opposite corner of High Street and Ringer's Road.
- 1.4 The site is designated as a primary retail frontage within the Bromley Metropolitan Town Centre which is also an Outer London Opportunity Area and falls within an allocated Site 10 West of Bromley High Street and land at Bromley South in the Bromley Local Plan for mixed used redevelopment.
- 1.5 The site is not occupied by any statutory or locally listed buildings and is not located within a conservation area. However, the building is identified as a Building of Townscape Merit and The Bromley Town Centre Conservation Area lies approximately 100m from the application site at the top of the hill.
- 1.6 The Environment Agency Flood map also shows that the site is located within Flood Zone 1 with a low probability of flooding.
- 1.7 The site has a PTAL rating of PTAL rate of 6a/6b (on a scale where 0 is worst and 6b is excellent) and falls within Bromley Town Centre's Controlled Parking Zone (Central Area A). Bromley South Railway Station is approximately 200m south from the site.

2 PROPOSAL

- 2.1 Full planning permission is sought for the proposed conversion of existing building and 3-storey roof extension to accommodate Class E commercial space on the ground floor and 30 residential flats on the upper floors. Cycle and refuse storage to be provided at ground floor level.
- 2.2 The proposed 3-storey roof extension would result in a 6 storey building on the site to a height of 20m. The existing three storey building would be retained and refurbished. The proposed extension would be set in from the High Street and Ringers Road at each additional level.



Fig.3 – Proposed Visualisation

- 2.3 The four existing retail units at ground floor would be retained; all with active frontages to High Street. The active frontage to Ringers Road would be retained at the junction with High Street, with the remainder of this ground floor elevation providing a new communal residential entrance from Ringers Road.
- 2.4 One internal lift and one internal staircase would be provided for the residential flats on the upper floors with a dedicated residential bicycle store and refuse storage also provided within the ground floor rear part of the existing building. These stores would be accessible both from the main Ringers Road entrance and from separate doorways within the rear elevation of the building via the existing service road to the rear. A total of 66 cycle parking spaces would be provided; 60 long stay spaces within the residential bicycle store at ground floor and 6 short stay spaces which would be provided by way of Sheffield stands on the pavement on Ringers Road.

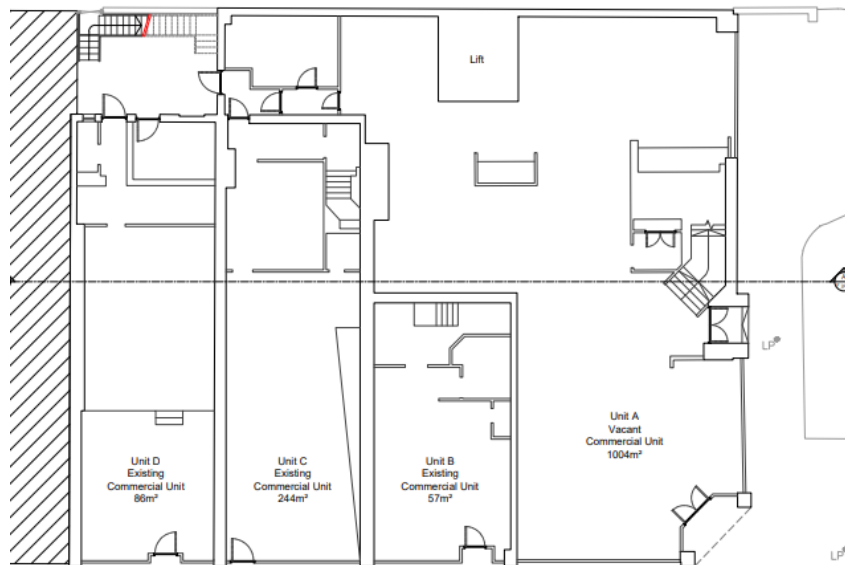


Fig.4 – Existing Ground Floor Plan

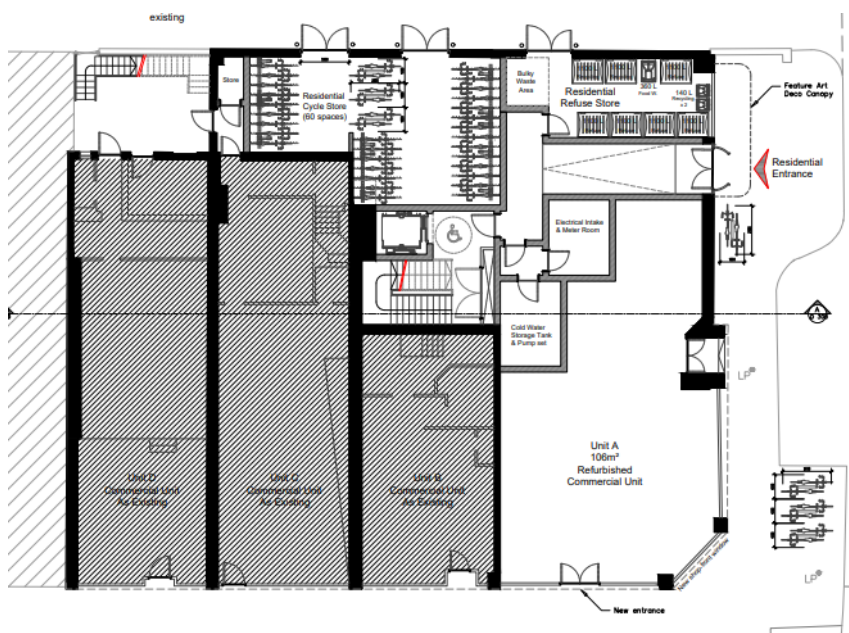


Fig.5 – Proposed Ground Floor Plan

- 2.5 The proposal would provide 30 new residential units which comprises of 2 x studio, 22 x 1-bed/2-person, and 6 x 2bed/3person flats. Two of the 1-bed/2-person units would be wheelchair units. All the residential units would be for market sale. No affordable housing is proposed as this is considered to be unviable as supported by a financial viability report.
- 2.6 The third floor (first storey of the proposed extension) would be finished with brickwork to match the existing building with the fourth and fifth floors finished with lighter contrasting brickwork punctuated with cladding and vertical aluminium fins. The window frames would be white aluminium.

3 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site.
- 3.2 Relevant planning history relating to other sites within Allocated Site 10 of the Bromley Local Plan can be summarised as follows;

1 Ethelbert Close, Bromley

Application ref: 18/02181/FULL1 - Pending determination

Demolition of 1-40 Ethelbert Close, 2 Ethelbert Road, 102-108 High Street and miscellaneous buildings to the north of Ethelbert Close (including former public conveniences and building at rear of 100 High Street), and the redevelopment of the site (max height 16 levels) to provide a mixed use scheme comprising 407 residential units with a mix of Use Class A1, A2, A3, B1, D1, D2 uses at ground floor (part). New vehicular access from Ethelbert Road. Associated basement car and cycle parking. Car parking, access and servicing arrangements at Churchill Way. Public realm works including Library Gardens and ancillary development.

70 High Street, Bromley

Application ref: 19/04588/FULL1 - REFUSED 26.04.2021 – Appeal Lodged.

Demolition of existing buildings (No.66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area.

70 High Street, Bromley

Application ref: 21/03231/FULL1 – Appeal against Non-determination lodged

Demolition of existing buildings (66-70 High Street) and erection of a part 13 and part 16 storey building to provide 559 sqm retail floorspace (Use Class Ea) and 68 residential units with associated disabled car parking spaces, cycle parking and refuse storage area.

4 CONSULTATION SUMMARY

A) Statutory

4.1 Highways -

- Access
 - The three retained commercial units will be accessed from the High Street as the existing arrangements and the fourth unit, which is being reduced in size and refurbished, will also have its main access on High Street with a secondary access on Ringer's Road. A separate residential access is also provided on Ringer's Road.

- The passageway between the existing building and Henry House to the west will be retained providing external access to the residential refuse and cycle storage facilities; as well as to the commercial back of house and refuse storage. This access is too narrow for refuse vehicles to use.
- Cycle parking
 - Total of 60 residential cycle parking spaces with 6 (around 10%) of the total) being Sheffield stands for use by non-standard cycles. Two visitor cycle parking spaces are required.
 - The cycle parking for the new retail/commercial unit indicates 1 long stay and 4 short stay spaces provided within the footprint of the unit or accommodated within the residential cycle store which is acceptable.
 - The location of the six short stay cycle parking spaces proposed along the site's frontage on Ringer's Road will need to be agreed and a plan required to ascertain the feasibility of the proposal.
- Car parking
 - No car parking would be provided which is regrettable.
 - No disabled parking bays would be provided which is unacceptable and not in line with the London Plan requirements.
- Delivery and servicing
 - Delivery and waste collection arrangements for the commercial units will remain as per the existing situation with deliveries undertaken from the passageway to the rear of the site (to the west) and off the public highway. This passageway is too narrow to be used by servicing vehicles.
 - Delivery and servicing by larger vehicles as well as waste collection will be undertaken from single yellow lines along the site's frontage on Ringer's Road.
 - Residential deliveries and servicing can also take place off the passageway as well as the single yellow lines along the site's frontage on Ringer's Road. The bin store for the residential element is located circa 10m from the single yellow lines.
 - A Delivery and Servicing Plan (DSP) is required incorporating the above as part of the planning condition.
- Trip generation
 - Overall, the development proposals will result in an increase of 13 total person trips in the AM and PM peak hours. Of these trips, the highest impact will be on train services with an additional 8 and 7 trips expected in the AM and PM peaks respectively. This amounts to circa 1 trip every 7-8minutes. Given the frequent train services available from nearby stations, this impact will be minimal.
 - The proposals will also lead to on average 3 additional servicing trips per day associated with the residential element.
- A Construction Management Plan Framework should be submitted prior to planning consent.

4.2 Transport for London (TfL) -

- The site is on High Street, which is borough highway. The nearest part of the Transport for London Road Network (TLRN) is approximately 210m

east of the site on Kentish Way. There are three bus stops which serve 16 routes within 35m of the site. TfL is concerned with any potential impact on these stops and services. We also have a wider strategic transport remit to support delivery of the Mayor's London Plan and Transport Strategy policies.

- Car parking
 - The site will have no standard car parking spaces, in line with Policy T6 of the London Plan and commensurate with the site's location in the town centre and Opportunity Area. This should be subject to a permit-free agreement, secured through condition.
 - No disabled persons' parking has been proposed, which does not meet the requirement of London Plan Policy T6.1 for at least one disabled persons' parking to be provided from the outset (which can be on-street). However, the Council may wish to accept no disabled parking provision given the town centre location and lack of opportunity for on-street Blue Badge parking.
 - The London Plan also requires that, as part of the Parking Design and Management Plan, it should be identified how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future should existing provision be insufficient. However, in this instance, as above, given the town centre location with a wide range of services nearby, the Council may consider it unnecessary to require this.
- Cycle parking
 - 60 cycle parking spaces have been proposed, which is in line with Policy T5.
 - Cycle parking should accord with London Cycle Design Standards (LCDS), also a requirement of Policy T5.
 - Short-stay cycle parking is proposed on the footway of Ringer's Road. It should be ensured that the available pavement width for pedestrians is not reduced below the 2m preferred minimum in TfL's Streetscape guidance.
- Construction
 - Any damage to any bus stops or shelters must be reported to TfL to ensure safety and agree repairs. Construction from this development must not have any impact on bus services along Ringers Road or High Street or the Ringers Road bus stand.
- Delivery and Servicing
 - Little information on delivery and servicing has been provided. There is concern that bus cages will be used to service this development, which is prohibited. Further details of the delivery and servicing proposals are required prior to the determination of this application.
- Healthy Streets
 - Although no specific off-site measures are proposed, the footways adjacent to site could be improved/widened/decluttered via a s278 agreement with the council, and we would support a contribution towards any wider town centre pedestrian/cycle improvements the council may have planned.

4.3 **Drainage (lead local flood authority) – No objection**

- Condition required regarding the submission of the detailed design measures in the submitted "Flood Risk Assessment & Surface Water Management Strategy" Report carried out by ROBERT 4 PLANNING dated September 2021.

B) Local Groups

4.10 **Bromley Friends of the Earth (see Sections 6.4 and 6.5)**

- The extra 3 storeys is far too high and will double the size of the present building.
- The design is unimaginative, aesthetically unpleasing and detrimental to the unique heritage of central Bromley.
- The extra height will impact on the surrounding conservation areas.
- The principle of upward extension is a subtle way of gradually creating a multi-storey block.
- The proposal is unsuitable for a small market town.
- Example of another piecemeal development rather than a cohesive plan.

4.11 **Bromley Civic Society (see Sections 6.4 and 6.5)**

- The building is not locally listed but the applicant's consultant regard it as a non-designated Heritage Asset and along with 70 High Street building positively contributes to the architectural and historic character and appearance of the town centre and the adjacent conservation area.
- The building should be regarded in the same way as locally listed buildings.
- The addition of three storeys will double the size of the historic host building.
- The extension will be out of scale and over dominant.
- The additions would not look like part of the original design.
- The additions are architecturally awkward.
- The fourth floor design is poorly related and out of kilter with the strong verticals and regular window placement below.
- The fifth and sixth floor additions are incongruous.
- The development would ruin a well preserved original Art Deco building.
- Principle of an upward extension is unacceptable however it is designed.
- The application documents do not mention the historical importance of the clock and it is hoped that the clock can be put back in working order as part of re-sure of the building.
- There is, as yet no Masterplan for Site G as stated in the application submission.
- Bromley Civic Society (BCS) is preparing a case study for an extension of the Conservation Area which would include this building and an application for local listing and BCS believe these proposals need to be taken into account now as a material consideration in determining the application.

4.12 **RSPB Bromley Local Group (see paragraph 6.8.8)**

- It is recommended that if permission is granted, the installation of ten integral swift nest bricks should be a planning condition prior to the commencement of above ground works.

4.13 **Shortlands Residents' Association (see Sections 6.1 and 6.2)**

- Shortlands Residents' Association are taking a neutral position on the application but wishes to raise some points.
- The Bromley Civic Society raises concerns about the absence of a 'Masterplan' or Supplemental Planning Document and the Shortlands Residents' Association believe this to be critical in respect of any development in the centre of Bromley. Random applications are considered on their own individual merit without there being an overall plan and the result is a lack of cohesiveness and strategy for all aspects of town centre development.
- Any proposed development of any significant size must include and fit in with proposals for dealing with infrastructure issues. No attention is given to the increased demand for doctors, schools, hospitals, fire service and any aspect of physical issues such as sewers and water supply.
- This proposal seems ideal for requiring provision for affordable housing; there is no provision for car parking and there are excellent travel facilities 'on the doorstep'. Affordable housing should be a requirement within this or any similar development.

C) Local Residents

4.14 **Support**

- The development is one of the better schemes in Bromley Town Centre, retaining the character of the original building whilst accommodating non-car driving residents.
- No objection to design or use and is considered acceptable in planning terms and mostly compliant with the Council's policies.

4.15 **Neutral**

- Handling for foul sewage is unknown.
- Attaching conditions relating to household water usage per person is not enforceable.
- The proposal is CIL liable and interested in the total amount payable before works start should planning permission be given.

4.16 **Objection (see paragraph 6.4.14)**

- Fire Assessment Document is dated September 2020 on the title page. Attention to detail is required in such a document. I see that there is only a single space for a disabled person on the staircase. The document does not identify how this person would make themselves known to emergency services or how to escape the building.
- Hopefully the retail unit will be a destination retail outlet and not another burger bar or food discounter.

If any late representations are received they will be reported verbally at the committee meeting.

5 POLICIES AND GUIDANCE

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The London Plan 2021 is the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, *“if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.*

5.4 The application falls to be determined in accordance with the following policies:-

National Policy Framework (2021)

5.5 National SPG - Technical housing standards – Nationally Described Space Standard (March 2015)

5.6 The London Plan (2021)

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD1 Opportunity Areas
- SD6 Town centres and high streets
- SD7 Town centres: development principles & Development Plan Documents
- SD10 Strategic and local regeneration
- D1 London’s form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design

- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D9 Tall buildings
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- E9 Retail, markets and hot food takeaway
- HC1 Heritage conservation and growth
- HC3 Strategic and local views
- S4 Play and informal recreation
- G1 Green Infrastructure
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI 1 Improving Air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.3 Retail parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

The relevant London Plan SPGs are:

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)

- Control of Dust and Emissions During Construction and Demolition (2014)
- Housing (2016)
- Energy Assessment Guidance (2020)

5.7 Bromley Local Plan (2019)

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access to services for all
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent To a Conservation Area
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 80 Strategic Economic Growth
- 90 Bromley Town Centre Opportunity Area
- 91 Proposals for Main Town Centre Uses
- 92 Metropolitan and Major Town Centres
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon Reduction, Decentralised Energy Networks & Renewable Energy
- 125 Delivery and Implementation of the Local Plan
- Site 10 West of Bromley High Street and land at Bromley South

The relevant Bromley SPGs are:

- Planning Obligations (2010) and subsequent addendums
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

6 ASSESSMENT

The main issues to be considered in respect of this application are:

- Principle of Development
- Housing
- Residential Standards
- Design, Scale and Layout
- Impact on Heritage Assets
- Impact on Neighbouring Amenities
- Transport and Highways
- The Natural Environment
- Energy and Sustainability
- Drainage
- Technical Matters
- Planning Obligations and CIL

6.1 Principle of Development - Acceptable

6.1.1 The application site forms part of the allocated Site 10 (West of Bromley High Street and land at Bromley South) in the Bromley Local Plan adopted in 2019. Site 10 includes a No. 2 High Street to No. 106 High Street (even only) on the western side of the High Street, as well as some properties within Elthelbert Road, Ringer's Road and Ravensbourne Road. Bromley South Railway Station and part of its railway line are also included within Site 10. Site 10 measures approximately 4.54 hectares in area.



Fig.6 – Site 10 Bromley Local Plan in red with application site identified with blue star

6.1.1 Site 10 is anticipated to provide 1,230 residential units, offices, and retail and a transport interchange. Bromley Local Plan Site 10 Policy requires proposals in Site 10 to:

- Incorporate a sensitive design which represents 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.
- 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.

6.1.2 Bromley is designated as an Opportunity Area within Policy SD1 of the London Plan. Paragraph 2.1.1 states that “*Opportunity Areas are identified as significant location with development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity*”.

6.1.3 Policy 90 states that the Council will prepare an Opportunity Area Planning Framework for Bromley Town Centre to deliver a minimum of 2,500 homes and an indicative 2,000 jobs and maximise its contribution to the vision and objectives of the Local Plan. The Council is currently preparing a Supplementary Planning Document (SPD) for Bromley Town Centre. The emerging SPD does not currently have any weight.

6.1.4 Policy 92 of the Bromley Local Plan requires development within Bromley Town Centre to contribute positively to the town’s status as an Opportunity Area and its role as a Metropolitan Centre in the London Plan. The Policy states that within the Town Centre boundary development proposals will be encouraged and expected to contribute positively to the vitality and viability of the Town Centre.

6.1.5 Policy 97 of the Bromley Local Plan supports the conversion of upper floors of shops or commercial premises to residential provided that;

*“a - any physical alteration does not adversely affect the character or appearance of the property
b - residential or office use is compatible with adjacent/adjoining uses,
c - there is no adverse effect on nearby environmental or residential amenity,
d - a satisfactory living environment and standard of accommodation is provided, and
e - adequate access and car parking can be provided (see transport policies).”*

6.1.6 The application site measures approximately 700sq.m in area and is located on the western side of the High Street at its junction with Ringer’s Road. The application site comprises a three storey end of terrace building which is occupied by four individual retail units at ground floor. The corner retail unit (Unit A), previously occupied by Laura Ashley, also occupies part of the first floor and all of the second floor. Unit C occupies the other part of the first floor. The combined retail floorspace at the site is approximately 1550sq.m (GIA).

- 6.1.7 The principle of a mixed-use development on this site comprising commercial and residential is supported by both London Plan and Bromley Local Plan policies. The residential-led mixed use scheme would retain the existing ground floor retail space for Units B, C and D and the existing first floor retail space for Unit C, as well as a refurbished ground floor retail space of 106sq.m for Unit A, and 30 new residential units above. As such, a total of 493sqm. of retail floor space would be retained across the Units A-D.
- 6.1.8 The proposed retail floor space would result in a reduction of 898sq.m. (NIA) in retail space. However, this would predominantly be as a result of the conversion of the first and second floor of Unit A with the remainder being by way of the new dedicated residential entrance and associated facilities such as communal waste storage, internal lift and stairway and cycle storage to the rear at ground floor. Furthermore, the proposed layout has been designed to provide an upgraded space for commercial use for Unit A which would still have a floor space of over 100sqm. The active shopping frontage both along the High Street and part of Ringers Road would also be maintained and the retail entrance would be relocated from the corner to the High Street frontage.
- 6.1.9 The applicant has stated that the vacant former Laura Ashley Unit has been on the market since the end of last year with Linays Commercial, a local agent, and that there has been limited interest. The size and layout of the current retail unit is considered by the applicant to be problematic and they also consider that the proposed capital investment into the upper levels which will improve the appearance of the site, will add further to the appeal for commercial tenants. They therefore propose that a smaller unit has a greater chance of attracting a future occupant to let, and that the proposal as a whole would have a key benefit in securing the long-term viable future use of this currently vacant site.
- 6.1.10 The reduction of retail floor space is considered to be essential to accommodate the proposed residential accommodation on the upper floors which along with the proposed extension would provide a total of 30 residential units on site. This would contribute to the 1,230 total dwellings to be provided within allocated Site 10.
- 6.1.11 The proposal would maintain appropriate commercial space at ground floor with an active frontage to both the High Street and part of Ringer's Road. Therefore, it is considered that the proposal would not have an adverse impact on the retail character and shopping functions of this town centre site. In order to ensure the retail function of the ground floor and active frontage for Unit A is maintained, it is considered reasonable to restrict the Use Class to Class E(a) (Display or retail sale of goods, other than hot food) and Class E(c)(i) (Provision of Financial services). This will also help to protect the amenity of the prospective residents above.
- 6.1.12 Paragraph 5.60-5.63 of the accompanying Planning Statement refers to the wider development of allocated Site 10. The submitted Design and Access Statement also indicates the site in the emerging context of this southern part of the town centre.



Fig.7 – Application site in surrounding emerging context (pg 12 of Design and Access Statement)

6.1.13 To the rear of the site lies Henry House, which is a 10 storey building taller than that of the proposed scheme. To the north lies No. 64 High Street, currently occupied by TK Maxx. No. 64 lies on the opposite side of Ringer's Road and the separation provided by the highway would ensure that the development potential of this building is not unduly impacted by the proposed application.

6.1.14 No. 52-60 adjoins the south of the application site. The development has been designed so that there are no windows directly on the boundary with No. 60 so as to not prohibit any future redevelopment of this site. The applicant has also submitted an image to show how the proposal would relate to surrounding properties within allocated Site 10 should they also be redeveloped.

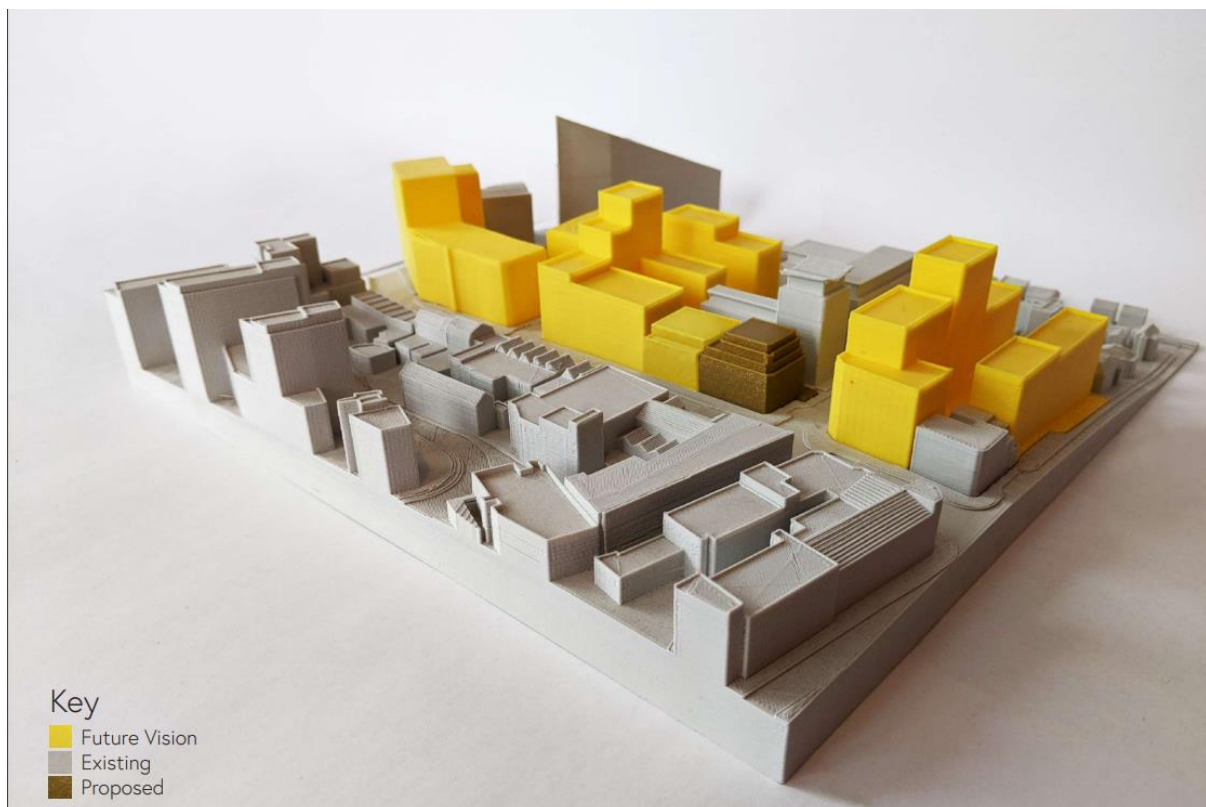


Fig.8 – potential future redevelopment of surrounding properties within Site 10

6.1.15 Whilst the principle to redevelop the site to provide a mixed-use development is supported, this is subject to the planning considerations and requirements in the Development Plan. The overall planning balance of the proposal, having regard to the presumption in favour of sustainable development, is set out in the following sections of this report.

6.2 **Housing - Acceptable**

Housing Supply

6.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (period of 2021/22 – 2025/26) was agreed at Development Control Committee on Tuesday 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply (paragraph 11(d) of the NPPF 2021).

6.2.2 In light of a lack of 5YHLS, the proposal would provide 30 residential units which would represent a significant contribution to the Council's housing supply, in accordance with Policy 1 of the Local Plan.

Housing mix

6.2.3 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need.

6.2.4 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one-bedroom units (53%) followed by 2-bedroom (21%) and 3-bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis.

6.2.5 The application proposes a mix of unit sizes including;

Studio (1-bed/1-person)	2
1-bed/2-person	22
2-bed/3-person	6

6.2.6 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.

Affordable housing

- 6.2.7 The proposed development is entirely for private market housing, with no affordable housing provision. In accordance with the requirement of Policy 2, a Financial Viability Assessment Report has been prepared by Savills (dated November 2021) which declares that the proposed scheme is rendered unviable as the costs associated with developing the site exceed the revenue generated.
- 6.2.8 The report has been assessed by an independent consultant appointed by the Council who confirmed that the scheme is in deficit. As such, it is concluded that the scheme is unable to viably provide an affordable housing contribution.
- 6.2.9 In line with the London Plan Policy H5 schemes that do not provide the threshold level of affordable housing must follow the Viability Tested Route and are subject to viability scrutiny and review mechanisms. Given the viability position of this proposal, should planning permission be granted, a clause to manage and monitor the progress on implementation of the development including an early and late stage viability reviews would be secured in the S106 agreement, in line with the Mayor of London's Affordable Housing and Viability SPG (2017).

6.3 Residential standards - Acceptable

- 6.3.1 The NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

Internal Amenity: Size, Privacy, Outlook and Daylighting

- 6.3.2 The space standards for residential development are set out in Table 3.1 of the London Plan and the Government published '*Technical housing standards - nationally described space standard*'. This is supported by Policy D6 of the London Plan, the Mayor's 'Housing' SPG 2016 and Bromley Local Plan Policies 4 and Policy 37.
- 6.3.3 The submitted floor plans contain details of furniture and layouts for each of the proposed residential units. The difficulties of converting an existing building from commercial use to residential use are acknowledged, and whilst some of the layouts to the first and second floors are a little awkward, they are still shown to adequately accommodate the necessary furniture for that room.

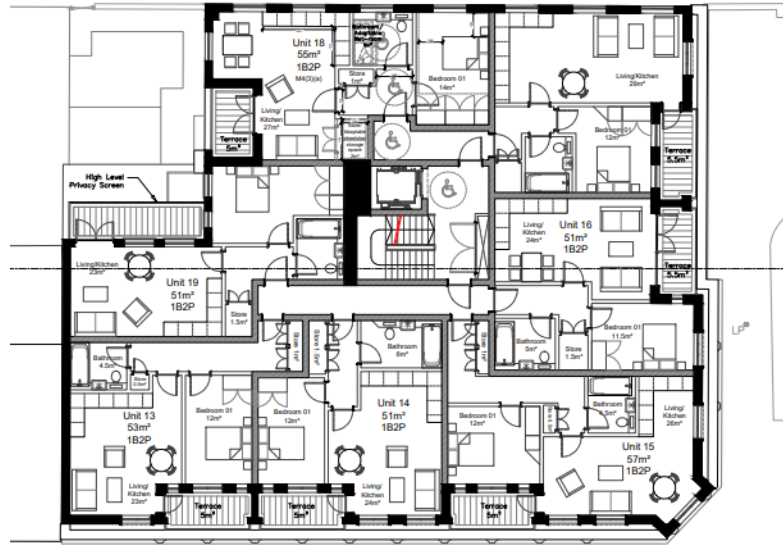


Fig.9 – Proposed Third Floor Plan

6.3.4 The plans also indicate the number of occupants that would be accommodated, and the application is accompanied by a schedule of accommodation which demonstrates that all the proposed units would meet or exceed the required GIA for their size and occupation. In addition, the units located within the first and second floors of the existing building (to be converted) would be larger than the standards in recognition that all but one (Unit 06) are unable to provide private amenity space due to the constraints of the existing building.

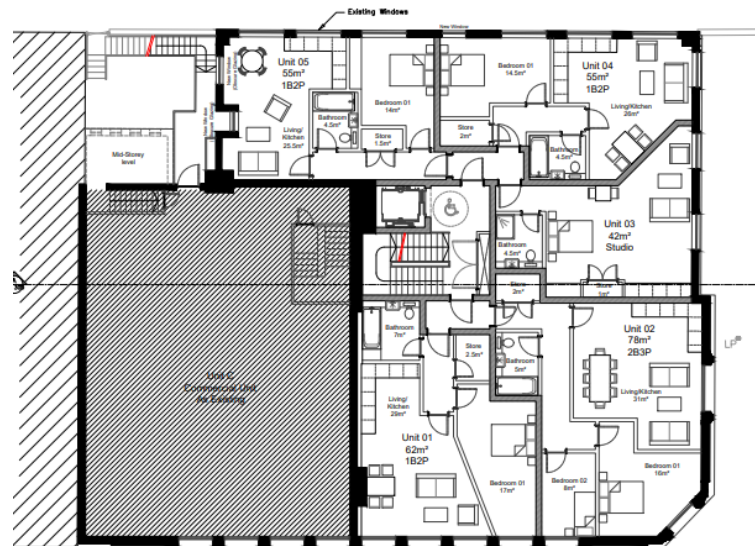


Fig.10 – Proposed First Floor Plan

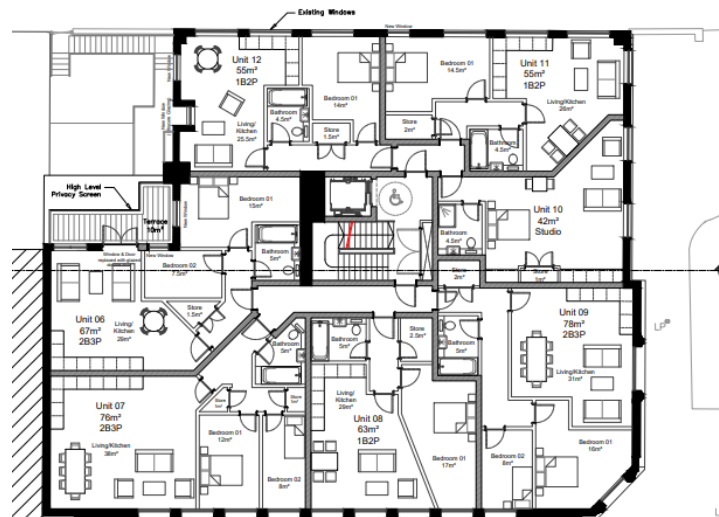


Fig.11 – Proposed Second Floor Plan

- 6.3.5 The section drawings also indicate that the residential units will also meet the minimum requirements for floor to ceiling heights.
- 6.3.6 Some of the rear (south-west) facing windows would face towards existing windows within Henry House and would be in very close proximity to these windows given the siting of the buildings. Therefore, in order to protect the privacy of future occupants of these proposed flats, a condition should be placed on any approval to require privacy screening.
- 6.3.7 19 of the dwellings would be dual aspect with the other 11 being only single aspect. Whilst these single aspect dwellings are not ideal, it is acknowledged that this is mainly due to the constraints of converting and extending an existing site rather than a completely new build development.
- 6.3.8 The supporting Daylight & Sunlight Report (prepared by Schroedersbegg dated August 2021) confirms that all the proposed new-build habitable rooms would satisfy the target criteria in terms of provision of suitable daylight (Average Daylight Factor) so that the proposals meet the BRE Guide target criteria (ADF within BS8206) for daylight.

Wheelchair unit and inclusive living environment

- 6.3.9 In accordance with Policy D7 of the London Plan and Local Plan Policy 4, 90% of new housing should meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings' and 10% of the new housing should meet Requirement M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 6.3.10 The application proposes two accessible wheelchair units within the new build development on the third and fifth floors, in line with the Policy D7. Lift access is provided to these floors from the ground floor entrance.

Private outdoor space

- 6.3.11 Policy D6 of the London Plan and Standards 26 and 27 of the Mayor's London Housing SPG requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
- 6.3.12 As stated within paragraph 7.3.4 above, due to the constraints of the existing building, eleven of the proposed residential units located on the first and second floors of the existing building, do not provide any private amenity space, due to the constraints of the existing building.
- 6.3.13 Paragraph 2.3.32 of the Mayor's Housing SPG does state that *"where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirements. This area must be added to the minimum GIA"*. In this instance, the 11 units on the first and second floors that are unable to provide the required private amenity space would provide the equivalent space internally. The remaining 19 units within the development would all provide private amenity space by way of balconies/terraces that meet or exceed the space standards outlined within Policy D6.
- 6.3.14 It is also noted that the site is situated within a short walking distance from Bromley Park/Church House Gardens and playground to the north.
- 6.3.15 In accordance with the supporting text relating to Policy D6 of the London Plan, the balconies/terraces are also considered to be practical in terms of shape and utility and are accessible directly from the living spaces of each individual unit.
- 6.3.16 The relationship between the upper floor terraces and the adjacent Henry House development would require privacy screens and/or suitable balustrade design mitigation measures to address potential overlooking issues. This can be dealt with by way of a condition on any approval.

Child play space

- 6.3.17 Policy S4 B of the London Plan refers to development proposals for schemes that are likely to be used by children and young people and states that for residential developments at least 10 sqm of playspace should be provided per child, with criteria setting the nature of the playspace.
- 6.3.18 Based on the proposed housing mix and tenure (excluding the 2 studio units), the child yield of this proposal would be 3.3 children (using the GLA population yield calculator) requiring 33sqm of playspace provision.
- 6.3.19 This application does not provide children's playspace as required by policy for any age group. Whilst provision should normally be made on-site Bromley Planning Obligations SPD (2010) indicates that enhancements to existing off

site facilities and financial contributions may be secured by legal agreement, provided that the provision fully satisfies the needs of the development.

6.3.20 In this instance, it is accepted that the constraints of the site limit opportunities for on-site playspace provision and given the unit sizes proposed, the number of children expected to live on site is limited. Furthermore, there is access to nearby public playspace at Church House Gardens and as such an off-site contribution may be considered acceptable.

6.3.21 Where on-site provision cannot be made the sum of £400 per unit has been accepted as enabling provision across all ages to be satisfied off-site. Applying this figure to the current application (excluding studio units) indicates a contribution of £11,200 (28 x£400) which could potentially be spent in the nearby Church House Gardens.

6.4 Design, Scale and Layout - Acceptable

6.4.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.4.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

6.4.3 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

6.4.4 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.

6.4.5 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality the quality of Local Places, and Policy 37 of the Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.

Context

- 6.4.6 The opportunity to retain, redevelop and preserve the existing Wolfe and Hollander Art Deco style building which is currently vacant and in a tired condition is welcomed. The building is considered to be a non-designated heritage asset which has both historical and architectural merit. It is therefore important that any new extensions and alterations make a positive contribution to the original building and have an appropriate relationship with neighbouring properties and the High Street setting.

Layout

- 6.4.7 The proposal would retain the existing individual commercial units at ground floor level and their active frontages to both the High Street and part of Ringer's Road. The siting of the new residential entrance would increase pedestrian activity along this stretch of Ringer's Road (adjacent to a large expanse of dead frontage on the opposite side of the junction) which is welcomed.

Height, Scale & Massing

- 6.4.8 The proposed increase in height to create a 6 storey building is considered to be acceptable in principle given the emerging town centre context and will help to mitigate the step change in scale between the existing building and the taller flatted block to the rear (Henry House).



Fig.12 – Proposed North Elevation (view from Ringer's Road)

- 6.4.9 The upper floor extensions have been set back to reduce their impact on the principal elevation(s) which is important so that the upper floor extension appears subservient (rather than visually dominant or 'heavy') in order to ensure that the existing building retains its visual prominence and heritage value. It is considered that the proposal achieves this requirement.



Fig.13 – Proposed East Elevation (view from High Street)

Appearance

6.4.10 The architectural approach to create a contemporary design but one which is sympathetic and responsive to the Art Deco characteristics and features of the original building is supported. It is important that the proposed extension reads as new addition clearly distinguishable in terms of its design and appearance (rather than adopting a pastiche approach). Materiality and detailing are key to creating an appropriate relationship between the ‘old’ and the ‘new’ and will be fundamental to the success of the scheme.

6.4.11 The introduction of matching brickwork (set back) at third floor level as a bridge between the ‘old’ and the ‘new’ is accepted, as is the extension of the existing distinctive corner element (up one level) as a unifying feature. The design intent to introduce lighter contrasting brickwork punctuated with cladding and vertical aluminium fins for the top 2 storeys to create a contemporary Art Deco style aesthetic is also supported. The stepped back chamfered corners, stone window surrounds and stone coping to match existing are all key elements which will enhance the overall look and feel of the scheme. However, the quality of all external materials and finishes are integral and as such should be secured by condition.

6.4.12 As indicated within paragraph 5.34 of the accompanying Planning Statement, as part of the proposed development the existing building is to be cleaned and upgraded. The enhancement of the distinctive heritage features and existing building facades is welcomed and an appropriate condition to formalise this can be secured on any approval.

Fire safety

6.4.13 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before

building control application stage, taking into account the diversity of and likely behaviour of the population as a whole (London Plan Policy D12).

- 6.4.14 The supporting Planning Fire Safety Strategy document (prepared by Solas Realta dated February 2022) meets the requirements of Policy D12. Compliance to the fire statement will be conditioned however, compliance with the Building Regulations will still be required at the appropriate stage of the development.

Secured by Design

- 6.4.15 Supporting paragraph 3.3.14 of Policy D3 of the London Plan states development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by Policy D11 of the London Plan (Safety, security and resilience to emergency) and Bromley Local Plan Policy 37 (General Design of Development).
- 6.4.16 Bromley's Designing Out Crime Officer has advised that only a small mention of Secured by Design principles is mentioned on page 30 of the Design and Access Statement (Part 5). A development such as this, with access into the interior, for the benefit and safety of future residents, visitors, staff, and their property, should fully incorporate the aims and principles of Secured by Design to reduce opportunities for criminal activity. Therefore, whilst they consider that the development can achieve Secured by Design, an appropriate two-part condition should be included on any approval requiring the principles and physical security requirements to be dealt with pre-commencement and the Secured by design accreditation achieved prior to occupation.

6.5 Impact of Heritage Assets – Acceptable

- 6.5.1 The application site is not listed and does not lie within a conservation area; although the Bromley Town Centre lies around 85m to the north. The application building is considered to be a non-designated heritage asset.
- 6.5.2 The Council's Conservation Officer has advised that they have concerns with regards to the relationship between the extension and the original building in relation to balance and proportion in that the proposal will be too top heavy and dominate the existing building by almost doubling the size. Therefore, the proposed development would be visually too dominant in the street scene and in conjunction with the non-designated heritage asset (62 High St) and the adjacent designated heritage asset (the Conservation Area). It is noted that similar objections have been raised by local groups Bromley Friends of the Earth and Bromley Civic Society.
- 6.5.3 Given the above concerns, the Council's Conservation Officer considers that the proposed development would lead to less than substantial harm on the non-

designated heritage asset (the application building) and the adjacent Bromley Town Conservation Area.

- 6.5.4 Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.5.5 Paragraph 203 of the NPPF refers to the impact on a non-designated heritage asset and states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is supported by Policy 40 of the Bromley Local Plan (Other Non-Designated Heritage Assets).
- 6.5.6 The siting of the application site around 85m to the south of the Bromley Town Centre CA, the set back of the extension from the front elevation, the topography of High Street Bromley (with the higher ground to the North), and the context of the application site in relation to the taller building at No. 64 High Street (TK MAXX) which lies to the north, the level of harm to the Conservation Area is considered to be at the lower end of less than substantial harm. In addition, whilst the proposed extension would result in some harm to the non-designated heritage asset, a balanced judgement of the scale of harm and significance of the asset needs to be given in accordance with paragraph 203 of the NPPF.
- 6.5.7 The application is supported by a Heritage Statement prepared by Martin O'Rourke (dated August 2021) which acknowledges the architectural and historical significance of the building at No. 54-62 High Street, of which the application site forms part of, and states that this 1930s *building 'is an important part of Bromley's heritage memory and deserves retention and appropriate use'*.
- 6.5.8 The supporting Heritage Statement states that the increase in height and therefore street presence of the original building is sympathetic to the original architecture and that the stepping back of the fourth and fifth floors would reduce their impact on the main elevation. In addition, particular reference is made to the relationship of the application building and the much taller red-brick residential block immediately to the rear along Ringer's Road, which at present results in an uncomfortable leap in scale to the rear, and how the upward extension will assist in visually allowing this 1930s building to hold its own in a context of increasingly bigger scale new development.
- 6.5.9 As such, the Heritage Statement concludes that the retention of the *'retail use on the ground floor will maintain a lively and public elevation'* and that the proposed extension and residential use *'will bring more life to the town centre and assist in a sustainable future for this important local heritage building'*.
- 6.5.10 The proposal would not result in the loss of the non-designated heritage asset as the existing building would be retained and would be cleaned and

refurbished as part of the overall development. The proposed extension, whilst doubling the height of the existing building, would be set back from its principal elevations on both the High Street and Ringer's Road and has also been carefully designed so as to retain its existing architectural features. It is also acknowledged that the development would secure a longer term use of this non-designated heritage asset.

6.5.11 Having regard to all the above, it is considered that, on balance, the proposed development would be acceptable in relation to its heritage impact.

6.6 Impact on Neighbouring Amenity – Acceptable

6.6.1 Policy 37 (e) of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Privacy/Outlook

6.6.2 The front and side windows and balconies/terraces within the new development are not considered to give rise to any undue loss of privacy or outlook to neighbouring residential properties, given their location and proximity to these neighbouring windows.

6.6.3 As stated above, there may be some opportunities for mutual overlooking between the proposed residential units at the application site and the existing side facing windows within Henry House. However, this could be limited by appropriate privacy screening, the nature of which could be agreed by way of a condition on any approval.

Daylight, Sunlight and Overshadowing

6.6.4 The Vertical Sky Component (VSC) assessment results for the surrounding windows, as indicated within the accompanying Daylight & Sunlight Report (prepared by Schroedersbegg dated August 2021), show that all applicable reductions to neighbouring windows at No. 52 High Street and opposite the proposal at Nos. 47, 61 & 63 High Street, readily meet BRE default target criteria).

6.6.5 Henry House, which lies immediately to the rear on Ringer's Road, includes a number of windows within its side elevation which face the application site. The approved floor plans on the planning application for the grant of this neighbouring development (ref: 07/03632/FULL1) indicate that the majority of these windows should serve a corridor. However, the Daylight & Sunlight Report notes that these windows appear to serve the flats within the development. Following an Officer site visit, it is confirmed that a number of these windows do appear to relate to rooms within the flats rather than the approved layout. Nevertheless, the Daylight & Sunlight Report concludes that for reductions in VSC to Henry House, Ringer's Road, the majority of windows

either have reductions meeting BRE Guide default target criteria or close to target.

- 6.6.6 The Daylight & Sunlight Report does advise that there are a small number of windows with greater reductions than the BRE Guide default target criteria. However, it states that these reductions are not considered to be to living rooms and therefore should be considered reasonable. The Report also adds that these reductions may also potentially not all be to 'habitable rooms' as the details on actual room layouts within Henry House are unknown.
- 6.6.7 Sunlight analysis to applicable neighbouring window / rooms, confirms that for where reductions are applicable, these would all meet BRE Guide default target criteria. In terms of sunlight analysis to amenity/sun on the ground, there are no neighbouring main amenity areas/rear gardens applicable for review.

General Noise and Disturbance

- 6.6.8 The retail/commercial use of the ground floor would be maintained as existing.
- 6.6.9 The application, if approved, would introduce 30 new residential units to the site which would result in an increase in comings and goings as well as noise within the site. However, whilst the proposed residential use on site would introduce a greater level of activity compared to the current situation, residential development is not considered a "noisy" land use. The development would also be car free limiting additional vehicular noise.
- 6.6.10 A Noise Impact Assessment has been submitted with the application which is detailed in the technical section below.
- 6.6.11 Overall, the proposals are considered to satisfactorily respond to the constraints of the site without resulting in any material harm to the residential amenities currently enjoyed by the existing neighbouring occupiers.

6.7 Transport and Highways

- 6.7.1 Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 6.7.2 Policy T1 of the London Plan advises that development proposals should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

Trip Generation – acceptable

- 6.7.3 The proposals would provide 30 new residential units. The application is supported by a Transport Assessment (prepared by Transport Planning Practice dated October 2021). To calculate the number of trips that will be generated by the proposed residential development, the TRICS database has been reviewed to obtain trip rates from the morning and evening peak hours.

Overall, the development proposals would result in an increase of 13 total person trips in the AM and PM peak hours. Of these trips, the highest impact will be on train services with an additional 8 and 7 trips expected in the AM and PM peaks respectively. This amounts to circa 1 trip every 7-8 minutes. Given the frequent train services available from nearby stations, it is considered that this impact will be minimal.

Car Parking (excluding disabled) -acceptable

- 6.7.4 Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.
- 6.7.5 Residential parking standards set out in Table 10.3 of the London Plan require residential developments within Metropolitan town centres to be car free (with the exception of disabled parking).
- 6.7.6 The site is located within Bromley Town Centre which is designated as a Metropolitan Centre and is in an area with a high PTAL rate of 6a (on a scale of 0-6b, where 6b is the most accessible). No car parking is proposed at the site as part of the application. This would accord with the car-free objectives set out within the London Plan; however, does not account for the requirement for disabled spaces.

Disabled car parking - unacceptable

- 6.7.7 London Plan Policy T6E states that appropriate disabled persons parking for Blue Badge holders should be provided and Policy T6.1 D states that disabled persons parking should be provided for new residential developments. No disabled car parking is proposed, contrary to these London Plan policies.
- 6.7.8 It is acknowledged that the application site is confined by the footprint of the existing building, which is to be retained. Without the complete redevelopment of the site to involve all or partial demolition of the existing building or the removal of part of the ground floor retail function, both of which would also not be acceptable in policy terms, then no car parking on site can be provided. The applicant has explored options for off-site/on-street disabled parking; however, the Council's Traffic team have advised that there is nowhere suitable in the vicinity of the development for such a space/spaces.
- 6.7.9 The Council's Highways team have advised that there are no current schemes near the site for improved pedestrian accessibility and as such a financial contribution in this respect to mitigate the lack of disabled parking is not considered reasonable in this instance.
- 6.7.10 The site is located within the Bromley Town Centre and the nearby public transport links as well as town centre amenities mean that it is in a highly accessible location. The accompanying Transport Assessment also highlights that disabled residents' with blue badges would be able to make use of the pay-and display parking provisions on both Ringer's Road and High Street.

6.7.11 The lack of disabled parking for the proposed development will therefore need to be weighed up in the overall planning balance.

6.7.12 Table 10.5 of the London Plan sets out the parking standards in relation retail parking and states that within areas of PTAL 5-6 retail developments should also be car-free (with the exception of disabled parking). It is noted that the proposal does not include any additional retail development and in fact proposes a reduction in retail space at the site. There is no existing on-site car parking provision for these retail uses given its location within the town centre in close proximity to pay and display bays and multi storey car parks within the wider centre.

Cycle Parking – acceptable

6.7.13 Cycle parking should be in line with Policy T5 of the London Plan, and the quality should follow the London Cycle Design Standards (LCDS).

6.7.14 A total of 60 long stay residential cycle parking spaces are proposed which exceeds the requirements of Policy T5. 6 of the spaces (10%) will be Sheffield stands for use by non-standard cycles which accords with the minimum of 5% required by the LCDS. These would be located on the ground floor of the existing building to the rear with two double doors providing access externally from the existing service road from Ringer's Road.

6.7.15 Two short stay parking spaces for the residential part of the development are proposed by way of one Sheffield stand located on the pavement of Ringer's Road next to the residential entrance. The location of these is not considered ideal given the narrowing of the pavement. However, six short stay cycle parking spaces are also proposed on the pavement of Ringer's Road close to the junction with High Street, which will replace an existing stand in this location. Therefore, the overall short stay cycle parking provision at the site is considered to be acceptable.

6.7.16 Given the location of the short stay cycle parking spaces on the public highway, a condition is recommended on any approval to ensure the introduction of these spaces is done with the permission of the Highway Authority.

6.7.17 The long stay cycle parking for the new retail/commercial unit is proposed to be located within the footprint of the unit, which the Council's Highways Officer has confirmed to be acceptable.

Access, Delivery and Servicing - acceptable

6.7.18 The three retained commercial units will be accessed from the High Street as the existing arrangements, and the fourth unit which is being reduced in size and refurbished will again have its main access on High Street with a secondary access on Ringer's Road. A separate residential entrance will also be provided on Ringer's Road.

- 6.7.19 The passageway between the existing building and Henry House to the west will be retained. This will provide external access to the residential refuse and cycle storage facilities; as well as to the commercial back of house and refuse storage. This access is too narrow for refuse vehicles to use. However, the Council's waste officer has advised that the location of the bin store is an agreeable distance from the highway. i.e. under 18 metres, which is in line with the suitability of the highway on Ringers Road for the RCV to station safely as operations are carried out.
- 6.7.20 The accompanying Transport Assessment indicates that commercial delivery and servicing will remain as per the existing situation with deliveries undertaken from the passageway to the rear of the site and off the public highway, with deliveries from larger vehicles undertaken from the single yellow lines along the site's frontage on Ringers Road. There is also a reduction of commercial floorspace following redevelopment of the site and therefore it is expected that this will result in a small reduction of delivery and servicing trips for the commercial element of the scheme.
- 6.7.21 Residential deliveries and servicing can also take place off the passageway as well as the single yellow lines along the site's frontage on Ringer's Road. According to the accompanying Transport Assessment, the residential units are expected to generate around 3 delivery and servicing vehicles a day.
- 6.7.22 The Council's Highways Officer has advised that deliveries to residential developments are increasing rapidly with the rapid growth of on-line shopping that has been accelerated by the pandemic. Given that the majority of deliveries e.g., home deliveries will be uncontrollable, the applicant should review delivery and servicing movement in order to provide more suitable facilities. This can be dealt with by way of a planning condition on any approval requiring a detailed Delivery and Servicing Plan (DSP).

Healthy Streets – acceptable

- 6.7.23 London Plan Policy T2 relates to Health Streets and states that development proposals should demonstrate how they will deliver improvements that would support the TfL Healthy Streets Indicators, as well as being permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.
- 6.7.24 A financial contribution is sought from the applicants in relation to nearby on-carriageway cycle route along Ringers Road and Ravensbourne Road in line with Policy T2.

Refuse/Recycling - acceptable

- 6.7.25 Policy 113 of the Bromley Local Plan states that major development proposals will be required to implement site waste management plans to reduce waste on site and manage remaining waste sustainability. New development will also be required to include adequate space to support recycling and efficient waste collection.

6.7.26 Commercial refuse storage is shown to remain as existing. A separate residential refuse store is proposed within the ground floor of the existing building with access both internally (from the entrance lobby) and externally from doors within the rear elevation (accessed by the existing service road to the rear).

6.7.27 As indicated above, the access arrangements are considered acceptable. The number and size of the bins for refuse and recycling (paper, mixed recycling, food waste) would also comply with Bromley's requirements (as indicated within Bromley's Notes for Developers and Architects October 2011).

6.8 The Natural Environment - Acceptable

6.8.1 Paragraph 174 of the NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is reflected in the Valued Environments Policies of the Local Plan.

Urban Greening

6.8.2 Policy G5 (Urban greening) of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening by including urban greening as a fundamental element of site and building design.

6.8.3 Revised drawings were received 02.02.22 (drawing no. 100 REV 01, 105 REV 05, and 106 Rev 03) to demonstrate that the proposal would achieve an Urban Greening Factor of 0.4 through the use of green roofs. This satisfies the minimum recommendations outlined within Policy G5 for a predominantly residential development.

Biodiversity and Protected Species

6.8.4 London Plan Policy G6 (Biodiversity and access to nature) states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that "*Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.*"

6.8.5 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on

protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

- 6.8.6 The application is accompanied by a Phase 1 Preliminary Ecological Appraisal (PEA) prepared by Arbtech Consulting Ltd that concludes a very low ecological value for the site due to the site being completely occupied by built development with no ecological features. No bat roosting value or evidence was found, and no old bird nests were observed. There was no suitable habitat or habitat value on site for other animals.
- 6.8.7 The site walkover was undertaken in November 2021 and due to the nature of the site it is not considered that further survey work during summer months is necessary. The appraisal did not identify any potential for the site to support protected species. The submitted Biodiversity Report and Metric 3.0 data describes a 100% biodiversity net gain at the site as the existing site conditions account for a zero habitat score, which will be achieved through the introduction of green roofs.
- 6.8.8 In line with the recommendation from the RPSB, a planning condition requiring 10 swift nest bricks to be installed can also be secured.
- 6.8.9 The proposal would not result in the loss of any protected trees, planting or green coverage. Given the location of this site and its limitation, it is considered that the proposal would not have an adverse impact on protected species and the inclusion of the green roof and swift nest bricks would assist in increasing the biodiversity value and potential of the site when compared to the existing situation.

6.9 Energy and Sustainability - Acceptable

- 6.9.1 Policy SI 2 of the London Plan - Minimising greenhouse gas emissions states that Major development should be net zero-carbon, meaning reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
 - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
 - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
 - 4) be seen: monitor, verify and report on energy performance.
- 6.9.2 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.
- 6.9.3 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

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

6.9.4 In 2019, the London Borough of Bromley also approved a ten-year plan to ensure that the Council will have net zero emissions by 2029. The commitment is one of the most ambitious targets of any London borough. Work to move towards the net zero emission target will include tree planting, an energy efficiency programme, expanding renewable energy and LED street lighting, and other initiatives.

6.9.5 The application is supported by an Energy Statement and a Sustainability Statement (prepared by AJ Energy Consultants dated September 2021). The proposed energy efficiency measures to be incorporated would include air source heat pumps for the residential units and photovoltaic panels at roof level to generate electricity for the site.

Domestic Carbon Savings	Total residual regulated CO2 emissions	Regulated CO2 emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline	33.409	-	-
Be Lean	27.882	5.527	16.5
Be Green	15.904	11.977	35.9
Total	-	17.504	52.4

Table 1 – Summary of domestic carbon dioxide emissions for each carbon reduction stage

Fig.14 – Summary of the reduction in emissions (Table 1 within accompanying Energy Statement)

6.1.1 The Council's Energy Officer has been consulted and no objection is raised to the proposal. A condition is recommended to secure the carbon saving measures as set out in the energy statement.

6.1.2 A total carbon offsetting payment-in-lieu of £45,327 has been recommended to be secured through by a legal agreement.

6.10 Drainage – Acceptable

6.10.1 Policy 116 of the Bromley Local Plan states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

6.10.2 The site lies within Flood Zone 1. The application has been accompanied by a Flood Risk Assessment and Surface Water Management Strategy (prepared by Brown Fisher Environmental LLP dated September 2021).

6.10.3 The Council's Drainage Officer and Thames Water have raised no objections to the proposed development subject to informatives and a condition requiring the submission of the detailed design measures as stated within the submitted

Flood Risk Assessment and Surface Water Management Strategy to be imposed on any approval.

6.11 Technical Matters – Acceptable

Air Quality

- 6.11.1 Policies SI 1 of the London Plan and 120 of the Bromley Local Plan detail the need to tackle poor air quality.
- 6.11.2 The site lies within an Air Quality Management Area (AQMA) declared for NO_x. The application is accompanied by an Air Quality Assessment (prepared by Air Quality Assessments Ltd dated 27 September 2021) which concludes that the proposed development can be considered air quality neutral with regard to building and transport emissions. It also states that “*based on the distance of the application site from any significant road traffic emissions sources, and the results of monitoring undertaken by Bromley Council, air quality at the proposed development will be acceptable*”.
- 6.11.3 The Council’s Environmental Health Officer has advised that any approval should include a condition requiring any gas boilers to meet a dry NO_x emission rate of <40mg/kWh to minimise the effect of the development on local air quality within an Air Quality Management Area, as well as a condition requiring all Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development to comply with the emission standards set out in chapter 7 of the GLA’s supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or any subsequent guidance, should also be imposed on any approval.
- 6.11.4 The construction phase will have the potential to create dust and dust mitigation and management measures should be included with a Construction and Environmental Management Plan.

Contaminated Land

- 6.11.5 The application has not been supported by a contaminated land assessment but involves the conversion of the first and second floors of the existing building to residential and then an extension above, rather than any new groundworks. However, the Council’s Environmental Health Officer has advised that an informative should be placed on any approval advising that if during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately and that the contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Noise

- 6.11.6 London Plan Policy D13 Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance- generating activities

or uses on the proposed new noise sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

6.11.7 The proposal would introduce 30 new residential units to this existing commercial site, whilst retaining the commercial use at ground floor. Consideration of the impact of existing noise on the prospective occupants of the development therefore needs to be considered, particularly given its town centre location.

6.11.8 The application has been accompanied by a Noise Assessment Report (prepared by auricl) which was revised on 1 February 2022. The Council's Environmental Officer has advised that on the basis of the revised Noise Assessment they raise no objections, subject to an appropriate condition requiring details of a scheme of further noise mitigation measures to be submitted (as outlined within the accompanying Noise Assessment Report).

6.12 Planning Obligations and CIL

Legal Agreement Heads of Terms

6.12.1 The NPPF states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

6.12.2 Policy 125 of the Bromley Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

6.12.3 The development, as proposed, would necessitate the following obligations, which have been agreed:

- Carbon off-setting Contribution;
- Playspace Contribution;
- Highways streetworks improvements Contribution;
- Early stage affordable housing viability review;
- Late stage affordable housing viability review;
- Legal Costs; and
- Monitoring Fee.

6.12.4 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. The applicant has agreed, in principle, to enter into a S106 legal agreement to secure the above Heads of Term, should planning permission be granted.

CIL

6.12.5 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. The Mayor of London's CIL is also a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

7 PLANNING BALANCE AND CONCLUSION

- 7.1 As the Council cannot at present demonstrate a 5 year land supply of deliverable housing sites, the housing policies of the development plan are out-of-date and the presumption of sustainable development set out in Para. 11 of the NPPF applies to the application. This means a presumption in favour of granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There are no other adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the NPPF as a whole. The balance test is therefore tilted towards granting planning permission.
- 7.2 The principle to redevelop the site including the introduction of residential units and car free development is supported at this town centre location. The site is designated as an opportunity area in the London Plan and forms part of the allocated sites (Site 10 in the Bromley Local Plan) in the development plan to deliver housing and support the growth of Bromley Town Centre.
- 7.3 This application includes the provision of 30 residential dwellings which would represent a significant contribution to the supply of housing within the Borough, at a time when there is a significant under supply. This benefit of the scheme attracts significant weight. No affordable housing has been provided; however, this has been supported by an independently reviewed Financial Viability Assessment which will be subject to early and late stage reviews.
- 7.4 The proposed internal layout demonstrates adequate and accessible internal and external living spaces including a good range of housing sizes between one to three persons would be provided.
- 7.5 The proposal would provide adequate replacement retail floorspace on the ground floor and this would maintain the active frontages and shopping function of this site. The mixed-use nature of the development with the introduction of

residential accommodation on the upper floors would also reflect the role of this allocated site.

- 7.6 The existing building would be retained and refurbished as part of the proposal, with the proposed extension to increase the height to a 6 storey building acceptable given the emerging town centre context and the existing taller flatted block immediately to the rear (Henry House).
- 7.7 Whilst there would be some impact to the non-designated heritage asset (the application building) and designated heritage asset (the adjacent Conservation Area), the existing building would be retained and refurbished as part of the development and the design of the proposed extension would appear sympathetic and responsive to its Art Deco characteristics and features. Therefore, on balance, the impact on these heritage assets is considered to be acceptable.
- 7.8 The proposal would provide sufficient and appropriately laid out bicycle and refuse/recycling storage.
- 7.9 The proposal would have an acceptable impact on the neighbouring residential amenities in terms of daylight/sunlight conditions, privacy and outlook.
- 7.10 The proposal has demonstrated a reasonable attempt to reduce carbon dioxide emissions on the site/within the development and that the remaining carbon reduction could be managed through a payment in lieu to offset the outstanding reduction. The development would not have adverse drainage and flooding effects.
- 7.11 The proposal would achieve an Urban Greening Factor of 0.4 and a 100% biodiversity net gain at the site.
- 7.12 Where the proposal does not accord fully with policies in terms of child playspace, contributions to off-site playspace provision would be secured by way of a S106 legal agreement to mitigate this matter.
- 7.13 No disabled parking is proposed which is contrary to policy; however, the benefits this scheme brings is considered to be outweighed by other policies of the development plan and material considerations, which are described in the planning assessment above.
- 7.14 Subject to compliance with the recommendations in the technical reports and implementation of the recommended works undertaken where necessary, it is considered that the application should be approved, subject to planning conditions and completion of a S106 legal agreement.
- 7.15 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO A LEGAL AGREEMENT AND CONDITIONS.

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Conditions:

1. Time limit of 3 years
2. Drawing numbers

Pre-Commencement Conditions:

3. Construction and Environmental Management Plan
4. Details of design measures in Flood Risk Assessment & Surface Water Management Strategy

Above Ground Construction Conditions:

5. External materials
6. Cleaning and upgrading of existing building facades
7. Secure By Design
8. Details of noise mitigation measures
9. Urban Greening Factor details
10. Details of biodiversity enhancements
11. Swift nest bricks

Prior to Occupation Conditions:

12. Delivery and Servicing Plan
13. Waste management plan
14. Privacy screening
15. Limit of car parking permits to disabled persons' only
16. Implementation of refuse/recycling storage
17. Implementation of cycle parking
18. Introduction of Cycle stand on Highways must be with permission of the Highway Authority
19. Provision of adequate water supplies for firefighting purposes
20. Access for fire appliances

Compliance Conditions:

21. Compliance with M4(2) and M4(3) dwellings
22. Compliance with Planning Fire Safety Strategy
23. Compliance with Energy Strategy and Sustainability Statement
24. Compliance with Air Quality Assessment
25. Restrict Use Class to E(a) and E(c)(i)
26. All Non-Road Mobile machinery to comply with relevant emissions standards
27. Low NOx boilers

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives

- CIL
- Contamination
- Thames Water (various)
- Dust monitoring
- Street name and numbering

Any other informative(s) considered necessary by the Assistant Director of Planning

Appendix 9: Proposed Aspect Calculations

BLOCK A					BLOCK B						
Unit Number	Single north	Single	Dual	Triple	Notes	Unit Number	Single north	Single	Dual	Triple	Notes
A.01.01				x		B.01.01			x		Complies with "H" - doesn't face a wall so isn't "F"
A.01.02		x			Not dual aspect as the side facing bathroom window is closer to the wall at Simpsons Place than the front corner of the building	B.01.02			x		Complies with "E"
A.01.03				x		B.01.03		x			Greater than 135 degrees
A.02.01				x		B.02.01			x		Complies with "H"
A.02.02		x			Not dual aspect as the side facing bathroom window is closer to the wall at Simpsons Place than the front corner of the building	B.02.02			x		Complies with "H"
A.02.03				x		B.02.03			x		Complies with "E"
A.03.01				x		B.02.04		x			Greater than 135 degrees
A.03.02		x			Not dual aspect as the side facing bathroom window is closer to the wall at Simpsons Place than the front corner of the building	B.02.05			x		Complies with "E"
A.03.03				x		B.03.01			x		Complies with "H"
Above Simpsons Place at this level						B.03.02			x		Complies with "H"
A.04.01			x			B.03.03			x		Complies with "E"
A.04.02			x			B.03.04		x			Greater than 135 degrees
A.04.03		x				B.03.05			x		Complies with "E"
A.04.04			x			B.04.01			x		Complies with "H"
A.05.01			x			B.04.02			x		Complies with "H"
A.05.02			x			B.04.03			x		Complies with "E"
A.05.03		x				B.04.04		x			Greater than 135 degrees
A.05.04			x			B.04.05			x		Complies with "E"
Above TK Maxx at this level						B.05.01			x		Complies with "H"
A.06.01			x			B.05.02			x		Complies with "H"
A.06.02			x			B.05.03			x		Complies with "E"
A.06.03		x				B.05.04		x			Greater than 135 degrees
A.06.04				x		B.05.05			x		Complies with "E"
A.07.01			x			B.06.01			x		Complies with "H"
A.07.02			x			B.06.02			x		Complies with "H"
A.07.03		x				B.06.03			x		Complies with "E"
A.07.04				x		B.06.04		x			Greater than 135 degrees
A.08.01			x			B.06.05			x		Complies with "E"
A.08.02			x			B.07.01			x		Complies with "H"
A.08.03		x				B.07.02			x		Complies with "H"
A.08.04				x		B.07.03			x		Complies with "E"
A.09.01			x			B.07.04		x			Greater than 135 degrees
A.09.02			x			B.07.05			x		Complies with "E"
A.09.03		x				B.08.01			x		Complies with "H"
A.09.04				x		B.08.02			x		Complies with "H"
A.10.01				x		B.08.03			x		Complies with "E"
A.10.02			x			B.08.04		x			Greater than 135 degrees
A.10.03		x				B.08.05			x		Complies with "E"
A.10.04				x		B.09.01			x		Complies with "H"
A.11.01				x		B.09.02			x		Complies with "H"
A.11.02			x			B.09.03			x		Complies with "E"
A.11.03		x				B.09.04		x			Greater than 135 degrees
A.11.04				x		B.09.05			x		Complies with "E"
A.12.01				x		B.10.01				x	
A.12.02				x		B.10.02				x	Complies with "E" to achieve dual plus NE facing window to achieve triple aspect
A.13.01				x		B.10.03			x		
A.13.02				x		B.11.01				x	
TOTAL	0	11	16	18		B.11.02				x	Complies with "E" to achieve dual plus NE facing window to achieve triple aspect
PROPORTION	0%	24%	36%	40%		B.11.03			x		
						TOTAL	0	9	36	4	
						PROPORTION	0%	18%	74%	8%	
TOTAL	0	20	52	22							
PROPORTION	0%	21%	55%	24%							

Appendix 10: Committee Report: Blenheim Shopping Centre, Penge

Committee Date	5 th March 2024	
Address	Blenheim Shopping Centre High Street Penge London SE20 8RW	
Application number	23/00178/FULL1	Officer Agnieszka Nowak-John
Ward	Penge and Cator	
Proposal (Summary)	Phased development including demolition of existing buildings and erection of four blocks to facilitate a mixed-use development providing up to 230 dwellings, up to 2,714sqm of commercial/town centre floorspace and associated communal amenity space and play space, cycle parking, refuse storage and plant space in four buildings ranging between 3 and 16 storeys. Provision of public realm and new pocket park at ground floor with associated landscaping improvements. Provision of 24 commercial car parking spaces and 8 blue badge spaces for the residential accommodation.	
Applicant	Agent	
Hadley Penge LLP	Rolfe Judd Planning Ltd	
Reason for referral to committee	Major Development 20+ new dwellings	Councillor call in No

RECOMMENDATION	PERMISSION SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON
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Summary

<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Conservation Area • Biggin Hill Safeguarding Birds • Biggin Hill Safeguarding Area • London City Airport Safeguarding • Renewal Area • Smoke Control • Town Centre Boundaries • Primary Shopping Frontage • Views of Local Importance
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Representation summary	<p>The application has been consulted previously in January and February 2023.</p> <p>The re-consultation of the amended application included neighbour consultation letters sent on 12/01/24, 5 site notices displayed around the site on 17th January and a press advert published on 24th January 2024.</p>
Total number of responses	TBC
Number in support	TBC
Number of objections	TBC
A petition raising objection signed by 2314 people was received on 15 th February 2023.	
A petition expressing support including details of 72 people was received on 8 th February 2024.	

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable Housing (37 Social Rented and 36 Shared Ownership)	n/a	YES
Early-stage affordable housing review mechanism	n/a	YES
Carbon offset	£176,047	YES
Healthy Streets	TBC	TBC
Legible London	£22,000	TBC
Considered construction (monitoring and compliance)	£25,000	YES
Contributions towards consultation on extending nearby CPZs and future implementation of CPZs	£25,000	YES
2 years free car club membership per dwelling	n/a	YES
Twenty free car club driving hours per dwelling in the first year	n/a	YES
Retention of original architects	n/a	TBC
Monitoring fees	£500 per head of term	TBC
Total	TBC	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would deliver 230 dwellings on a highly accessible, under-utilised previously developed land located at the heart of an Area of Renewal and Regeneration. The proposal would make a substantial contribution to the housing supply in the Borough and would help to address the Council's acute housing delivery shortages.
- The proposal would substantially improve the retail environment of Penge as a District Centre and would address the current lack of activation between the Blenheim Centre and the High Street with enhanced commercial frontages.

- The provision of new public realm within the site and improvements to the surroundings, including landscaping and biodiversity net gain would create a more secure, sociable environment for residents and the wider community.
- Adequate sustainability measures would be incorporated achieving a reduction in combined domestic and non-domestic carbon emissions (CO₂) by a minimum 73% and meeting BREEAM Excellent for non-residential floorspace. Environmental matters such as air quality, contamination, noise, light pollution and drainage, would be subject to appropriate conditions in any approval.
- The proposed development would provide a sustainable car free scheme and sustainable transport options and, with a suit of mitigation measures secured to address the potential increase in car parking stress, is not considered to result in an unacceptable impact on the surrounding highway network.
- Although the removal of the current shopping centre building which detracts from the conservation area is supported, the proposed development would result in 'less than substantial harm' to a range of designated heritage assets under the NPPF definition.
- Officers have also highlighted a number of areas where the proposed development would transgress from planning policy requirements, including the visual impact of the proposal on the wider townscape and the immediate low-rise suburban context, as well as the impact on the amenities of occupiers of some of the adjacent residential sites.
- However, given the Councils' inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, on balance, the considerations advanced in support of the proposal can be seen as sufficient to clearly outweigh the adverse impacts, when assessed against the policies in the Framework taken as a whole. Accordingly, the application is recommended for permission, subject to planning conditions, the prior completion of a S106 legal agreement and any direction from the Mayor of London.

1. LOCATION

- 1.1 The application site, measuring approximately 1.02ha, is rectangular in shape and is located southwest of Penge High Street, behind numbers 126-154. The site accommodates a part three, part four storey shopping centre building with a multi storey car parking facilities. The shopping centre comprises retail units (use Class E) with a combined Gross Internal Area (GIA) of approximately 4,416sqm.



Fig. 1.1 Existing Site Plan.

- 1.2 There is a pedestrian access to the shopping centre from Empire Square via the High Street and from the Clarion Estate via Evelina Road to the rear/southwest. There is vehicle access to the multi storey car park from Evelina Road and Burham Close, as well as vehicle access to the parking and service yards.
- 1.3 To the north the site adjoins the Royal Mail Sorting Office car park. At the southern and northern peripheries of the site there are areas of hardstanding used for parking and servicing in connection with the shopping centre and other shops along the High Street. There are 88 existing car parking spaces on site as the upper 2 floors of the multi-storey car park are no longer in use due to a lack of demand for spaces.
- 1.4 The surrounding area is characterised by a mix of commercial and residential buildings that range between 3 and 4 storeys. To the southwest of the site is the Blenheim Estate, which is characterised by red brick apartment buildings ranging between 2 and 4 storeys. To the northeast of the site there are a collection of buildings fronting the high street, which are three storeys with commercial uses at ground floor and apartments above, although the uses are variable.



Fig.1.2 Aerial Image of the Existing Site.

- 1.5 The site falls within Primary Shopping Frontage of Penge District Centre; Crystal Palace, Penge, and Anerley Renewal Area, as well as London Plan Strategic Area of Regeneration (ref. 82 London Plan?).
- 1.6 The application site is located within a Tier IV Archaeological Priority Area. A very small part of the site (Arpley Square) is located within the Penge High Street Conservation Area. The wider area contains a scattering of small conservation areas including the Alexandra Cottages Conservation Area located some 260m to the east, Crystal Palace Park Conservation Area some 630m to the north, as well as the Barnmead Road Conservation Area and the Aldersmead Road Conservation Area, both located in Beckenham. There are also a number of statutory and locally listed buildings in the vicinity of the site, including the Church of St John the Evangelist and listed almshouse complexes of the Royal Naval Asylum to the north-west of St John's Church, and the Royal Watermen's and Lightermen's which face the High Street.
- 1.7 The site lies within a designated view London Panorama 4A.2 (Primrose Hill summit to the Palace of Westminster) and a View of Local Importance – from Crystal Palace Park towards Beckenham, Bromley, West Wickham.
- 1.8 The site is located within an area that has a minimal risk of flooding (Flood Zone 1), although the Environment Agency flood map for planning indicates the potential for surface water flooding.
- 1.9 The application site has a Public Transport Accessibility Level (PTAL) of 4/5, on a scale where 1 indicates poor access to public transport and 6 is excellent. The site is located within a walking distance from Kent House, Penge West and Penge East Railway Stations and High Street forms part of the Strategic Road Network. There are some Controlled Parking Zone (CPZ) areas surrounding the site. They are: Maple Road north of Heath Grove (Monday – Saturday 8.30am – 6.30pm), Southey Street (Monday – Friday 8.30am – 6.30pm), Raleigh Road (Monday – Friday – 10am – 12 Noon) and A234 High Street (Monday – Saturday – 8.30am – 6.30pm).

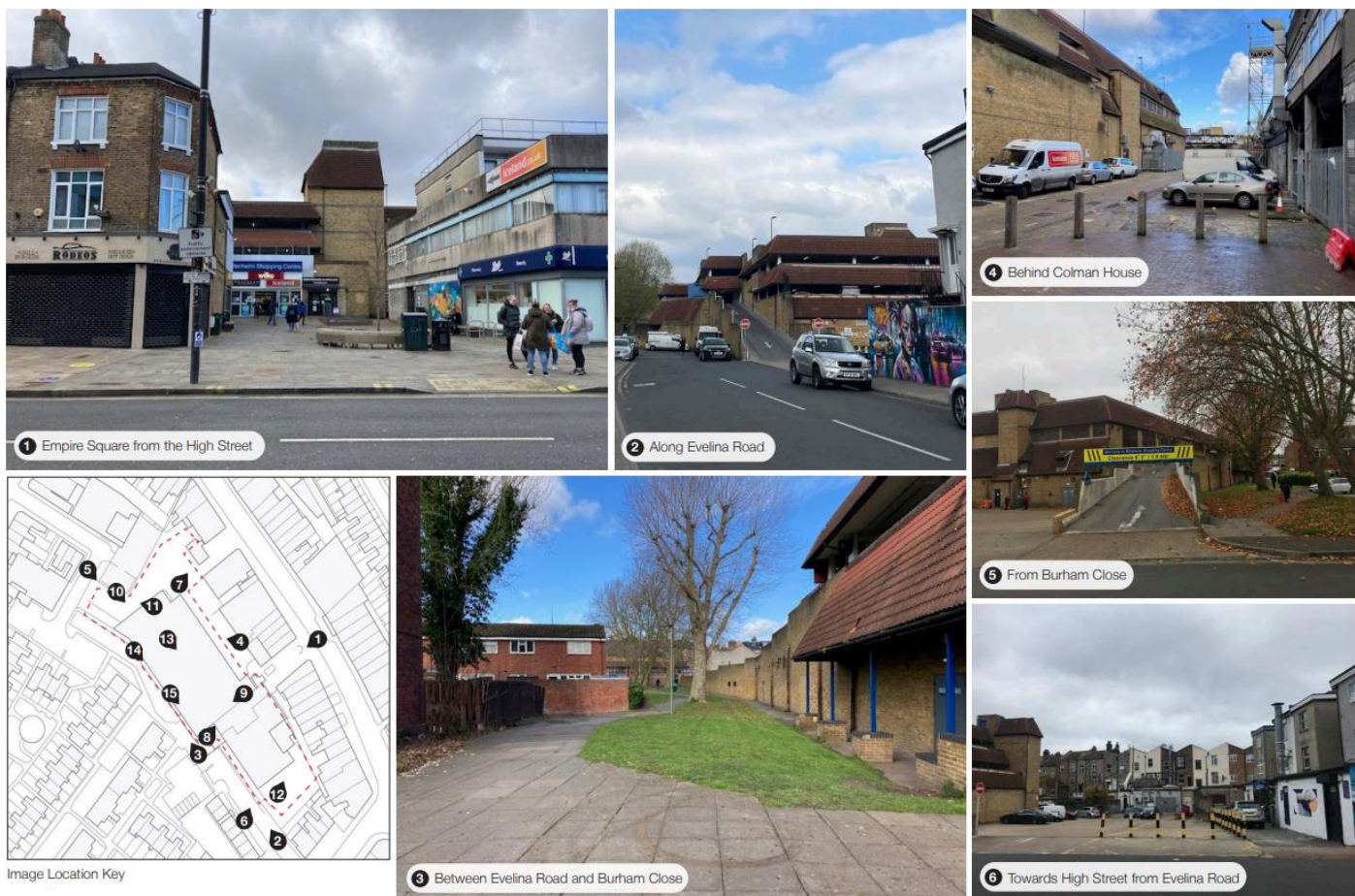


Fig.1.3 Application Site and its Context.

Land Ownership

1.10 In 2021 LB Bromley sold the freehold of a large proportion of the site to New River who was at the time a long leaseholder. A 35% affordable housing covenant was included within the purchase contract. New River has subsequently sold the freehold and leasehold to Hadley Penge LLP (The Applicant). A plan showing the planning boundary and ownership boundary has been included as part of the application. It is assumed that there are small areas of the site where the freehold is owned by LB Bromley and therefore these areas could be classed as public sector land. The submitted application form includes information relating to ownership of the site and only lists LB Bromley as another owner of land within the planning boundary.

2. PROPOSAL

2.1 The proposed development would comprise of demolition of existing buildings to facilitate a mixed-use development providing up to 230 dwellings, up to 2,714sqm of commercial/town centre floorspace and associated communal amenity space, play space, car parking, cycle parking, refuse storage and plant space in four buildings ranging between 3 and 16 storeys; alongside the provision of public realm and new pocket park with associated landscaping improvements.

2.2 The proposed blocks comprise the following:

- Block A would be 6 storeys with 136sqm of commercial space located on the ground floor (Sustainable Transport Hub) and 25 residential dwellings on upper storeys (2 to 5) accessed from Arpley Mews (extension of Arpley Square providing residential street with access for vehicle parking and servicing);

- Block B/C would be part 9 storeys (with 1 storey setback) and 16 storeys and would accommodate 759sqm of commercial floorspace, including commercial car park, on the ground and first floors and 152 residential dwellings on upper levels as well as maisonettes accessed independently at ground floor level. There would be a shared communal podium roof terrace located at 3rd storey to the south and accessed via both Block B and C stair cores. The main residential entrances would be off Arpley Mews and Blenheim Square (extension of Empire Square providing new full pedestrianised public realm and landscaping);
- Block D/E would be 8 storeys (Block D) and part 4/5-storeys (Block E) with 1,759sqm of commercial floorspace on the ground and first floor levels and 50 residential dwellings located above accessed from Evelina Road. There would be a shared communal podium roof terrace located at 3rd storey to the north and accessed via both Block D and E stair cores; and
- Block F would be formed from 3 x 3 storey residential townhouses located along Arpley Mews.

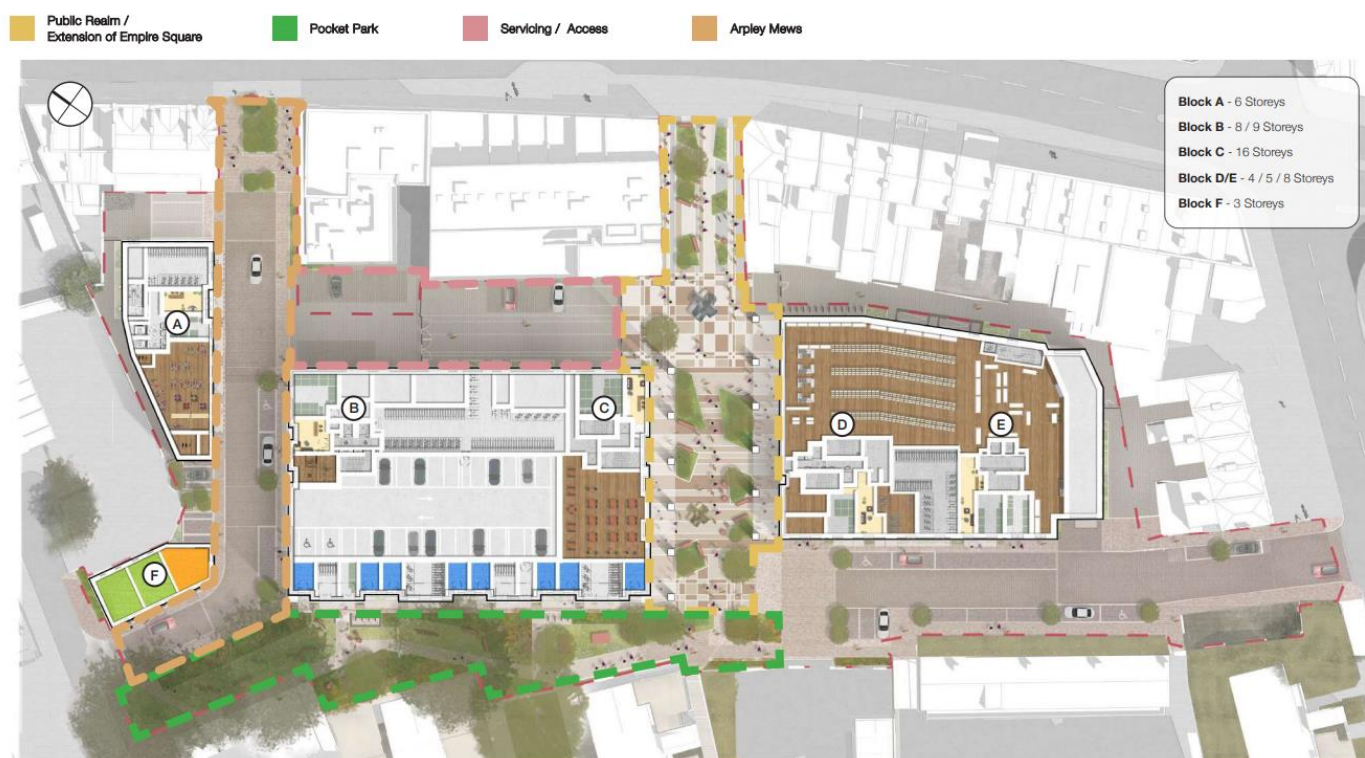


Fig. 2.1 Proposed elements of the revised scheme.

- 2.3 The proposal would also incorporate a Pocket Park – the existing green link between Evelina Road and Burham Close which is proposed to provide enhanced useable green space with play opportunities.
- 2.4 The existing space to the back of Colman House would remain as a dedicated space for servicing and/or vehicle circulation but would be improved with new surface treatment and greening along the proposed facade. The existing car parking and access to high street commercial units would be retained with the pedestrian route through the yard clearly demarcated through flush kerbs and in ground lighting. The road layout to existing Evelina Road would also be revised with improved hard landscape, street trees and planting.
- 2.5 Residential cycle parking would be provided for 414 residential long stay spaces within the buildings and 14 short stay spaces within the landscape strategy. 104 Commercial spaces would be provided, 22 of which would be located within a designated cycle store in Block D/E, and the other 82 spaces located within the public realm. Of the residential spaces required, 75% are provided as a double tier stacking system (Easylift Stand System or

similar), 20% are provided as Sheffield Stands and 5% are provided as Adapted/Accessible Spaces.

2.6 The scheme proposes 24 commercial parking spaces (inclusive of 2 accessible spaces and 2 car club spaces with accessible dimensions) and 8 residential accessible car parking spaces located along the Burham Close as well as on the Evelina Road access routes. 20% of spaces would have active charging facilities with the remaining 80% passive. 2 car club spaces would be provided on site within the podium car park to be used by both residential and commercial users.

Amendments

2.7 On 14th February 2023 the Greater London Authority (GLA) announced, with immediate effect, that all planning applications for residential buildings over 30 metres in height must include at least two staircases to be considered by the Mayor of London for approval. As such the proposal has been revised to accommodate a second staircase in Blocks C and D.

2.8 Following the February submission, on 24 July 2023, the Prime Minister and Secretary of State for Levelling Up, Housing and Communities issued a long-term plan for housing, which required the provision of two stairs in buildings over 18m in height (measured to the finished floor level of the uppermost habitable floor). The scheme has been further revised by the submission dated 19th December 2023 and publicly re-consulted in January 2024. In summary, the following amendments have been made:

- The height of buildings reduced as shown in Table 2.1 below;
- The overall number of residential units has reduced from 250 to 230;
- Several of the 2 bed 4 person apartments have been changed to 2 bed 3person apartments;
- The tenure of the town houses (Block F) has changed from Private Sale to Social Rent and Shared Ownership;
- The cores of Buildings B/C, D/E have been adjusted to meet fire regulations;
- The internal layout of the units has been reconfigured, there are minor changes to the ground floor (bike and bin numbers), with adjustment to some window locations, bin and bike stores at ground floor level;
- Elevational alterations include adjustments to window locations and additional street art installation along Evelina Road;
- Changes to the proposed material palette, with the tallest building (Block C) featuring a lighter, stock brick; and Blocks A, B, D and E retaining a red brick finish, but with a darker tone;
- For Blocks D and E, a new south-facing roof garden and well-being space has been provided on the third floor;
- A landscape strategy has been further developed;
- Provision of new informal workspace at ground and first floors of Block D/E with activation to the corner of Evelina Road and Blenheim Square;
- Updates to servicing strategy and Evelina Road to accommodate Iceland supermarket.

	Submitted		Proposed	
	Storeys	Maximum height	Storeys	Maximum height
Block A	6	24m	6	22.5m

Block B / C	9 / 18	65m	9 / 16	59.0m
Block D / E	4 / 6 / 9	34m	4 / 5 / 8	31.2m
Block F	3	12.1m	3	12.1m

Table 2.1 The overall height reductions across the scheme.



Fig. 2.2 Image of Arpley Mews looking from the High Street towards the Pocket Park (left) and the view of Blenheim Square looking from Empire Square (right) (Planning Addendum Report).



Fig. 2.3 View of Blenheim Square looking from Evelina Road (Planning Addendum Report).



Fig. 2.4 View of Pocket Park looking from the townhouses (Block F) towards Evelina Road (Planning Addendum Report).



Fig. 2.5 View of the proposal looking from the junction of Croydon Road with Evelina Road (Planning Addendum Report).

3. RELEVANT PLANNING HISTORY

- 3.1 The planning records for the application site include several applications that date back to the early 1980's, prior to construction of the shopping centre and multi-storey car park as it exists today.

- 3.2 In December 1988, the Council granted outline planning permission for demolition of the existing supermarket building and multi storey car park building to be replaced by a detached building comprising 8,500sqft retail store and 18,000sqft part one, part two storey supermarket with service yard areas and 115 car parking spaces (ref. DC/88/04781/OUT).
- 3.3 Various applications have been submitted following construction of the Blenheim Centre in the early 1990's, including alterations to shopfronts, the erection of plant and air conditioning enclosures and the installation of security shutters.
- 3.4 In June 2020, permission was granted for the change of use and two storey extension to create a part one/three storey building comprising retail unit at ground floor level and 2 x 1 bedroom flats on the first and second floors (Use Class C3) (ref. DC/19/04276/FULL1). This permission has not been implemented and is now lapsed.
- 3.5 In November 2020, planning permission was refused for the change of use and a two-storey extension of the public conveniences located in Arpley Square to create part two/part three storey building comprising retail unit at ground floor level and 1 x 1 bedroom and 1 x 2 bedroom flats on the first and second floors (ref. DC/20/03249/FULL1). The reasons for refusal were as follows:
- 1 The proposed extension, due to its height and proximity to the rear of the neighbouring flats at No. 126-128 High Street Penge, would result in an increased sense of enclosure and significant loss of light, outlook and prospect to these neighbouring residents; thereby contrary to the objectives of the National Planning Policy Framework (2019) and Policy 37 of the Bromley Local Plan (2019).
 - 2 The proposed development would provide an unsatisfactory standard of residential accommodation for the prospective occupants of the first floor two bedroom flat, taking into account the paucity of internal space and lack of private amenity space, thereby contrary to Policy 3.5 of the London Plan (2016), Policy 4 of the Bromley Local Plan (2019), the Mayors Housing SPG (2016) and The National Technical Housing Standards (2015).
- 3.6 In August 2022, permission was granted for the temporary stationing (up to 5 years) of an eight station Brompton bike locker within Empire Square, associated with a bike hire scheme (ref. DC/22/02246/FUL).

Environmental Impact Assessment

- 3.7 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) identify certain development projects – Schedule 1 developments, for which an EIA is mandatory, and Schedule 2 developments, for which EIA may be required. The proposed development is not Schedule 1 development but is considered to be Schedule 2 development (under paragraph 10(b)), being an “urban development project”, including more than 150 dwellings. However, the site is not within a sensitive area as defined by the Regulations.
- 3.7 In August 2022 the applicant submitted a Screening Opinion Request under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (“EIA Regulations”), in respect of the application proposal. Taking account of the location and context of the site and the scale and likely significance of any environmental effects resulting from the proposed development it was determined that the proposals did not constitute EIA development. The Council issued a screening opinion to that effect on 12th October 2022 (22/03428/EIA).

Design Review Panel

DRP 1 (1st of April 2022)

- 3.8 The review proposal comprised mixed-use development of the site delivering 286 homes (35% by affordable housing) circa 3,000sqm of town centre uses and new and enhanced areas of public realm with associated landscaping, parking and amenity spaces. The proposal consisted of four main building elements ranging from 3 to 21 storeys. The key points:
- The Panel supported the principles of the site layout, however it recommended a reduction in the quantum of development to achieve a scale and massing appropriate to Penge's centre. The Panel did not support the proposal for 3 linked tall buildings of up to 20 storeys, in a context which is currently two to four storeys.
 - The Panel questioned whether it would be possible to achieve sufficient amenity and play space, without a reduction in the number of flats.
 - The Panel supported the proposed central space but thought this would have the character of a route, rather than a square, because of its proportions.
 - Podium gardens could be valuable for residents, but the panel suggested these would benefit from better sun and views facing south-west.
 - Wind and sun path analysis was considered to be essential to test the quality of spaces, and their suitability for proposed uses, such as a market.
 - The proportion of single aspect homes should be minimised.
 - The Panel also asked for more exploration of the scheme's relationship with the Royal Mail site, both in terms of residential quality for Block A, and this neighbouring site's future development potential.
 - The Panel encouraged further thought about how the architecture can respond more specifically to the character of Penge.
 - The drawings suggested a 'New London Vernacular' type of architecture that didn't yet seem to be at all rooted in its location, and which the panel thought needed further development to avoid being generic.
 - The approach to environmental sustainability and low carbon design appeared convincing, and The Panel encouraged the applicant to go beyond policy compliance as the scheme evolves.

DRP2 (5th of September 2023)

- 3.9 The proposed development comprised 250 dwellings, 2,775sqm of town centre floorspace, new areas of public realm and associated works. The Panel was pleased to see that microclimate and overshading studies had been conducted, along with calculations for play space provision. The introduction of townhouses fronting onto the pocket park was considered as a positive move, as was the simpler, calmer architecture and materiality. The reduction in height and the redistribution of massing, to respond better to the site's context, was also welcome. The panel felt that the tallest element might be acceptable (although it was still pushing the limit of what can be accommodated within the townscape) but it would like to see more long views to understand its visual impact, especially from Crystal Palace. The Panel urged the design team to be realistic about the form of the tower, which could no longer be accurately described as slender. The key points:
- The treatment of the service yard, separated from the public realm, was more successful, although some issues remain, including the management of delivery mopeds using the space. The need for residents to use the service yard to access the bin and bike stores for block BC was considered particularly unfortunate and, more generally, the experience of arriving at and moving around the development should feel safe at all times of day and night.
 - The ambitious landscape design was welcome, particularly for the central square, but the panel noted that the management and maintenance of these spaces would be critical to their success.

- The Panel was also supportive of the ambitions to integrate artwork into the scheme, although it needed to be resolved in detail how this was to be achieved and managed over the long term.
- The Panel noted that it had not had the opportunity to review the internal arrangement of the floor plans, so could not comment on the residential quality likely to be achieved. However, it did support the improvement to the quality of the amenity provided by the relocation of the podium garden of block BC, which allowed for a more positive aspect and greater access to sunlight. The podium garden of block DE in contrast remained less satisfactory, however, and the panel urged the design team to explore options for improving this.
- The Panel requested additional information to aid future assessment of the proposed development and suggested further revisions and amendments to the scheme, as summarised below:
 - Consideration should be given to the management of delivery mopeds using the service yard to the rear of Colman House;
 - Consideration needed to be given to the need for residents to use the service yard to access the bin and bike stores from Block BC;
 - The podium garden of Block D/E would be of a lesser quality when compared to BC due to its orientation and options should be explored to improve this so the affordable and private homes have equally good levels of amenity;
 - Consideration of increased planting on Evelina Road to provide more of a visual link between Block DE and the pocket park;
 - Although the reduction in overall height was welcome, the heights were still challenging within the context of Penge, and much of the reduction had been achieved at the expense of the slenderness and elegance of the tower (Block C);
 - Block A would benefit from being reduced by another storey;
 - Revisions to materiality were broadly supported, but the introduction of subtle differentiation in texture and tone could help reduce the risk that the consistent materiality becomes monolithic.

4. CONSULTATION SUMMARY

a) Statutory

4.1 Greater London Authority (GLA) – Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below: (a copy of the GLAs full report is attached at Appendix 3).

- **Land use principles:** The proposed mixed-use development of the site is accepted in principle, in line with Policies SD6, SD7, SD10 and H1 of the London Plan.
- **Housing:** The proposed development includes 35% affordable housing by habitable room including 59% social rent and 41% London Shared Ownership and therefore could be eligible to follow the Fast Track Route. An early-stage review and affordability levels should be secured.
- **Urban design and heritage:** Concern is raised with the proposed height and its response to the local context. Refinements to the height, scale, layout, architecture and materials, and public realm should be considered. GLA officers consider harm to be caused to the nearby conservation area which will need to be addressed prior to Stage 2.
- **Transport:** Further information is required on the proposed relocation of the Moped Bay and the bus stop, potential improvements to cycle parking facilities, and justification for the retention of commercial car parking. Contributions should be sought towards Legible London signage, bus stop and Healthy Streets improvements. The residential element will be car-free which is supported.

- **Sustainable development and environment:** Further information is required on energy, circular economy, whole-life cycle carbon, green infrastructure, air quality, sustainable drainage, and water efficiency.

4.2 Transport for London – Additional information required.

Site Description and Context

The site fronts Burham Close to the north and Evelina Road to the south-west, beyond which there is housing. Both are borough highway The A234 High Street is located to the east and is the main part of Penge town centre supporting multiple shops and other businesses. The A234 forms part of the Strategic Road Network (SRN) for which the Council is highway authority, but TfL is the joint traffic authority and has a shared network management duty under the Traffic Management Act 2004 to ensure expeditious movement of traffic on the SRN. The nearest section of the Transport for London Road Network (TLRN) is the A205 London Road which is approximately 3.25km away from the site and would not be impacted by the development.

Vehicular access is proposed from Evelina Road as now and an extension of Burham Close known as Arpley Mews. Pedestrian and cycle access would be via these roads and additional active travel links into the site from High Street via Arpley Square, Empire Square and the new proposed Blenheim Square. Evelina Road is off Croydon Road, also part of the SRN whilst Burham Close is accessed via predominantly residential streets from the High Street. Croydon Road and High Street support multiple bus stops which are served by routes 75, 176, 197, 227, 354, 356, 358 and N3 which link with Beckenham, Crystal Palace and other areas in the borough and also with inner and central London and with major destinations such as Croydon in outer London. Penge West, Kent House and Penge East National Rail stations and Beckenham Road tram stop are also within walking distance, but all are only just within reasonable distance for a station (960m). Consequently, the site currently records a public transport accessibility level (PTAL) of 4 to 5; on a scale of 0 to 6b. For the purposes of application of London Plan policy, the highest PTAL is taken. Furthermore, improvements in the permeability of the site consequent upon the development proposals would shorten the distance to public transport and thus raise the PTAL to a consistent level. For those requiring step free access to public transport whilst all buses are step free, only Beckenham Road tram stop has such provision. Penge West and East stations have limited provision and Kent House none. Cycleway 18/ National Cycleway Network 21 Waterlink Way, part of the Strategic Cycle Network (SCN), is about 600 m from the site accessible from Kent House Station. Development works on Cycleway 18 are ongoing though the route linking to the National Cycleway is currently used. The proposed development consists of the demolition of all existing buildings and the construction of four blocks ranging in height with retail and other commercial uses on the main ground floor frontages and residential elsewhere and above. There is associated car and cycle parking, access, and landscaping. 250 dwellings are proposed, and it would appear from the latest case documents that the commercial floorspace will be 3,397m² GEA compared with 2,828 m² assessed in the Stage 1 report. The application site takes in public highway and other land not within the control of the applicant and proposals are put forward for these areas.

Healthy Streets

All developments proposed should support the Mayor's Healthy Streets approach in line with Policy T2 of the London Plan, with respect to the 10 Healthy Streets indicators. The proposed redevelopment will see an increase in the number of pedestrian and cycle trips to/ from the site and in the local area and a reduction in the number of vehicle trips. The Active Travel Zone assessment (ATZ) has identified several potential improvements on and around the

site, notably the existing pedestrian facilities at the site, which link eastwards with the High Street and into the residential area to the west, and the north-south connection between Evelina Road and Burham Close, which lead on to St Johns Primary School and Robin Hood Surgery. Within the site, enhanced public space is to be proposed at Empire Square and Arpley Square, with trees and other planting, cycle parking and better natural surveillance encouraging active travel, albeit as these are outside the applicant's control, they will need to be delivered by s278 agreements and other mechanisms if they are to become a reality. These improvements are, though, crucial to creating a permeable, safe, and attractive development where pedestrians and cyclists have priority. Therefore, certainty of delivery will be required. Furthermore, the current design keeps existing parking for High Street and Colman House retail, related and offices uses, on or accessed via Arpley Mews, and is proposing additional loading bays/ accessible parking on Evelina Road and a new vehicle access off Evelina Road. This will result in these roads being vehicle dominant, which is contrary to the Healthy Streets Approach. As it is likely that primary residential access will be along Burham Close via Arpley Mews and Evelina Road, due to the location of cycle stores and block entrances, it is important that these provide a Healthy Streets environment. Appropriate footway widths, landscaping, and natural surveillance should be included and then implemented along these routes. As currently proposed, these access routes are dominated by vehicle parking and loading areas and do not provide a visually attractive, comfortable, and safe public realm that encourages safe walking and cycling, contrary to London Plan policy, Vision Zero and Healthy Streets objectives. The proposed Arpley Mews is primarily a vehicular route for the podium car park and parking at the rear of units along A234 High Street. Further justification is required as to the necessity of these car parking spaces, and of the loading bay and parking bay to the north of building A. These will impact directly on the key north south and east west active travel routes, and public realm improvements to the frontages of the development would effectively be neutralised through vehicle dominance. This is also the case for Evelina Road, where a new access road for units along A234 High Street is proposed where there is not currently, and no adequate justification for the necessity of this is provided. Where it is shown to be necessary for there to be vehicle access, suitable shared surface management measures and mitigation proposals should be provided and secured in any permission. Further review of the proposals for this part of the site is required to make it pedestrian and cyclist friendly in accordance with London Plan T2 Policy. Furthermore, as mentioned above, there are concerns that some of the proposed landscaping and permeability works to Empire Square and Arpley Square, which connect to A234 High Street, are outside of the site's red line boundary, and even if part of the application site they are not within the applicant's control. Therefore, it may not be feasible to deliver these improvements. We would therefore strongly suggest that Grampian conditions and obligations are imposed in any permission to ensure that these crucial elements of the development and its mitigation are actually delivered. This is particularly important for the north-south link via between Evelina Road and Burham Close. As also mentioned above, Evelina Road is largely car dominant, which will be exacerbated by the application proposals, and if the retained vehicle parking and loading and access can be justified, this must be backed up by robust management and mitigation measures. That said, the improvements to Empire Square extending to the new Blenheim square will provide a new pedestrian forecourt, increasing permeability with good natural surveillance provided it can be delivered and managed and maintained accordingly. Any improvements should be secured through the scheme design and section 106 agreement, including 24/7 public access, rights over land in other parties' ownership and control, and the s278 agreement in respect of the public highway. Funding towards and/or inclusion in the s278 agreement of other Healthy Streets improvements to the routes to/from public transport and other services and facilities in Penge should also be secured. This is to address deficiencies identified through the ATZ assessment and through other assessments and supporting the car-free residential development and low car parking provision of the other elements. This requirement is in line with Policy T2 part D (1). Suggested areas for improvements include the footway on the walk to Penge East station and pedestrian crossings between the site

and the opposite sides of the High Street and Croydon Road. Particular consideration should be given to the needs of those requiring step-free access given the limited amount of disabled persons' car parking which is proposed. Works should also consider measures to prevent mopeds serving takeaways on the High Street from accessing the site's new public realm. This development would benefit from new Legible London signs on the High Street and within the site. It is therefore requested that a contribution of £22,000 towards new signs and nearby existing Legible London signage map refreshes, is secured through the s106 agreement. This request is in line with Policy T3, by supporting "walk and cycle wayfinding improvements" in Table 10.1 and Policy T2 "Healthy Streets".

Trip Generation

The submitted trip generation predicts 1,909 two-way daily trips as a result of the proposed mixed-use residential and commercial development, with 826 two-way daily trips by train and 387 two-way daily trips by bus. The proposed commercial floorspace unit is now understood to be 3,397sqm GEA though previous mentions of floorspace were a 2,828sqm development. The impact on trip generation should be clarified. By virtue of the size of the shopping centre being reduced and because the development would be close to being car free, vehicle trips will be less than currently. However, public transport use and active travel will increase. Further work on the trip generation assessment is needed to establish the extent of the increase and the need for mitigation, particularly as the quantum and type of the proposed commercial floorspace is unclear. Furthermore, the updated transport assessment lists only office space as the TRCS data used in the assessment for the proposed commercial floorspace. As this commercial floorspace is currently proposed for any use in class E, a further review of the TRICS data is required to determine how accurate the assessment is, and a worst-case scenario should be assumed. The assessment for the existing shopping centre uses TRICS data from outside of London and food stores which whilst in London are in central London, or for larger stores, or those focussing on a different customer base than the existing Iceland store. In particular, Table 6-6, 6-7, 6-10, 6-11, 6-14, 6-15, 6-16, 6-17 includes an Underground category yet there are no nearby Underground stations, the nearest being Brixton many kilometres away. The Transport Assessment should therefore be revised accordingly to include only the stations within PTAL calculation distance, which have London Overground/National Rail services and trams. Information relating to which National Rail stations are considered for trip distribution should also be provided. The trip distribution per station should be presented, and thus the impact on services should also be considered (National Rail and London Overground Stations). TfL will undertake a similar assessment of the impact on bus services once there is an agreed bus trip generation figure. Once these have been provided, a view as to whether further mitigation on the existing public transport network can be provided, along with any need for bus mitigation on High Street and/or Croydon Road. Cycling Residential long stay cycle parking would seem to meet the minimum quantity standards in London Plan Policy T5 and would comprise 5% Sheffield Stands at wider spacing, 20% as Sheffield stands at normal spacing with the remainder being as double stackers. However, some amendments to the design, location, and space available for cycle parking are needed to meet other quality standards set in the London Cycling Design Standards (LCDS) as referred to in policy T5. These could reduce the overall quantity and/or proportion of Sheffield Stands if left to a later stage, and thus should be addressed now. Particular, but not the only, focus should be on ensuring appropriate provision for disabled people, aisle widths for areas with double stacked cycle parking and providing safe and convenient access to the stores. Access to all ground floor cycle stores is from the public realm, including less overlooked areas, which raises concerns over the personal security of users who could easily be followed into these stores or, given that there is only one door, pushed back in when they try to exit. The LCDS recommends that access to residential cyclists' facilities should utilise the communal entrances to the flats to improve safety. These provide a space, with a high probability of passing foot traffic, for a cyclist to wait before entering the cycle store, affording cyclists the same level of personal security as

residents without cycles, or allows them to escape from the store if tailgated in. If this is proved not to be possible, at least two access points to each cycle store should be created to provide a cyclist with an escape route and a choice of access points into the store. This is relevant to crime and disorder as well as planning considerations. Issues also arise where it appears on plans that cycle store doors along with bin store doors open outward onto the public realm reducing the footway space and causing a hazard to pedestrians and cyclists alike. Other than emergency access all doors should open inwards on public routes. This should be rectified prior to determination. Long stay cycle parking for the commercial uses has similar issues but also should be increased as necessary to at least meet minimum London Plan quantity standards applicable to the increased commercial floorspace now proposed. Facilities such as lockers and showers for staff who cycle should be provided and secured in any permission in line with Policy T5 of the London Plan. Short-stay cycle parking for commercial and residential uses are to be located around the site's public realm in the form of Sheffield stands. In total, 114 shortstay spaces are to be provided, comprising 16 short-stay residential spaces, 86 short-stay commercial spaces. An additional 12 spaces are to be provided as part of public realm improvements to Arpley Square/ Empire Square off High Street Penge. This provision would meet London Plan quantum standards, but this needs to be confirmed given the increase in commercial floorspace now proposed. Furthermore, some provision appears to be outside the site ownership boundary, such as the clusters around Empire Square and Arpley Square. Means of delivery of these stands should be clarified and secured in any permission. All short-term cycle parking should also be demonstrated to meet the LCDS, as set out in policy T5.

Car Parking

The residential element will be car-free, except for eight disabled blue badge (BB) bays located around the site, equating to 3% of the residential dwellings, which is broadly in line with the outset provision required by London Plan Policy T6. The London Plan does require identification of space to provide BB parking for the equivalent of a further 7% of dwellings in the future, should demand arise. However, given the town centre location, the need to prioritise active travel and other Healthy Streets objectives, the wide range of accessible bus services and some step free access at Penge East and Penge West stations, the requirement can be waived here, subject to complementary accessibility improvements. This should include routes to/from bus stops and the waiting environment at these, routes to/from rail stations, and exemplary provision for disabled people's cycle parking and pedestrian routes suitable for all within the development itself. As there are only eight BB spaces it is encouraged that all have electric vehicle charging provision (EVCP) from the outset instead of the 20% proposed as such with the remainder having passive provision. Page 8 of 11 Four of the BB parking spaces will be accessed via Arpley Mews, with two located outside the entrance to block B and two located between building A and building F. The other four BB parking spaces will be provided on Evelina Road, two outside Blocks D and E on the east side of the road and two on the west side adjacent to the existing residential properties on Evelina Road. Some discrepancies in the BB parking on Evelina Road exist, as it is unclear if the BB parking on the west side of Evelina Road is within the site's ownership boundary and instead appears to be Bromley highway. If this is the case, then a change in traffic regulation order and signage would need to be funded in the s106 agreement. This should be clarified and a view as to whether it is attainable, especially given that existing residents' parking would be lost, should be taken, with a possible need for re-provision. Furthermore, the parking for disabled people living in or visiting block C would be on Evelina Road or Arpley Mews located nearly 80 metres away. An alternative location for BB parking close to the entrance to this block should therefore be identified. New residents, unless a disabled person, should not be eligible for on-street residential parking permits, and this should be secured in the section 106 agreement. The existing 216 space Blenheim Shopping Centre car park is proposed to be demolished; however, 24 non-residential car parking spaces are proposed to be retained within a podium car park. Seven of these spaces would be to replace

informal parking on Evelina Road. This parking is not in officially marked out spaces and instead would appear to arise due to a lack of control or enforcement. We can find no evidence presented justifying this provision, which is contrary to London Plan policy for this site. The other 17 non-residential car parking spaces have been justified as replacements for existing parking in the multi storey car park that is rented out on a contract basis. It is not clear who these spaces are used by, given that the adjacent existing and to-be-retained properties like Colman House seem to have and will retain their own parking. Details of the justification for the re-provision of these spaces is therefore needed for TfL to be able to consider whether this aspect of the development aligns with London Plan policy. Should the council accept any, or all, of this non-residential car parking provision within the podium, a car parking management plan should be required, with monitoring regime and targets for reducing use and for repurposing of the space as soon as possible, given that it is not London Plan Policy compliant. The proposed two BB parking bays within the podium car park would be acceptable. However, to improve access for all and by higher vehicles and to aid management and enforcement, these would be better located on-street or elsewhere, not in an expensive structure but preferably secured on-street outside of the site's public realm. The Council may wish to consider implementing a controlled parking zone and extending the hours of the existing controls for streets adjacent to or near the development for which new residents would not be allowed permits. In the absence of these measures, there is potential for residents of this development to park on existing streets, so it will not be car free and thus contrary to London Plan policy. A similar point applies in respect of town centre parking, albeit it is understood that this currently is the case with drivers preferring on-street parking to that in the multi storey car park. On street parking controls would provide priority for existing car-owning residents and can be funded by the development via the s106 agreement. The swept-path analysis for Evelina Road shows vehicles turning in the private car park of the Clarion Housing Estate to the west of the development. Alternative provision should be made given Clarion would be within their rights to control access and use of their property. In this event turning would be difficult especially if a larger vehicle and potentially unsafe on what is proposed as the key north south pedestrian and cycle route. Furthermore, private parking at the rear of properties on High Street is proposed to be retained. Seven parking spaces would be at the rear of and for the McDonalds and a further six at the back of, and for occupiers of Colman House. Some of these spaces are within the red line application boundary the rest accessed via the site. This will result in the proposed public realm improvements being nullified by car parking and associated vehicle movements. If these spaces and their accesses are required for a property or other pre-existing contractual reason, then evidence and explanation for this should be provided, and the design and layout of the development amended to minimise and manage the car parking and associated movement of vehicles. One possibility in this case could be for the spaces to be relocated to the proposed podium car park. If there is no property right or contract then we would suggest they are removed, in line with London Plan Policy. It is understood that mopeds currently use Arpley Square as a turning and waiting area when taking deliveries from McDonalds and other takeaways on the High Street. Two proposals have been put forward to provide a marked moped parking area for delivery riders to reduce the risk of them using the new and improved public realm, and to manage the demand for such parking. As Evelina Road is on the opposite side of the development to McDonalds and the other takeaways, it is unlikely it will be used by mopeds, so a High Street option would seem better. However, the specific location proposed would impact bus operations and the general movement of traffic given the bus stop opposite. We would suggest instead an existing parking bay adjacent to Arpley Mews, or just to the north, is converted for moped parking. This would still place the moped parking close to McDonalds and indeed nearer to other takeaways on the High Street, whilst having less impact on bus operations and the movement of general traffic. Further discussion and agreement is therefore required, including with TfL, given the potential impact on bus services and the SRN prior to determination on this proposal.

It is understood that the existing rear servicing for the properties on High Street will be retained. Thus Burham Close and Arpley Mews will provide access for servicing McDonalds, Colman House and other units adjacent to the north end of the site, as well as delivery and servicing access for the new development in blocks A, B, C and F. Evelina Road will provide service access for the new blocks D and E and a new two-way vehicle route for those properties adjacent to the southern end of the site. It appears that some of the loading bays on Burham Close/ Arpley Mews do not have room for vehicles to enter and egress in forward gear on site. In particular, the 8-metre loading bay marked for Pizza Hut requires vans to drive in and reverse out. This is not supported and having loading vehicles reversing out of site in a busy public realm poses what would seem to us to be an unacceptable safety risk, especially when alternatives would seem to exist, for example provision of loading bay/s on the High Street. Whilst in principle off-street servicing away from the SRN is supported by policy, the current proposals would appear to require revision and it is not clear why the marked on-street bays on High Street are not suitable for this purpose in this instance instead of car parking. Rapid EV charging should be provided for at least one of the proposed service bays. All vehicles should be able to enter and egress from site in forward gear and swept-path analysis should be provided to show this alongside proposals to manage pedestrian/cycle conflict with service and other vehicles on the access roads given the plans to improve active travel links along these. A full Delivery and Servicing Plan (DSP) is required by Policy T7. This should be secured through condition and developed in line with TfL guidance. The DSP should contain targets to minimise large service vehicle movements and encourage smaller and sustainable means especially at peak times and when the area is busy with shoppers and those walking and cycling. Consolidation/sharing of deliveries should be included.

Construction Logistics and Management

A full Construction Logistics Plan (CLP) should also be secured through condition and given the town centre location, should pay particular attention to managing and mitigating impacts on pedestrians, cyclists and buses on the High Street and Croydon Road and support Vision Zero. This should show vehicle access via Evelina Road and Burham Close, not via A234 High Street. Swept-path analysis, estimated vehicle numbers and mitigation should all be provided in line with TfL's current guidance. To minimise impacts on traffic flow, pedestrian amenity and bus operations, no construction vehicles/equipment, skips, or construction materials should be parked/stored on the SRN at any time. All construction vehicles exiting the site must undergo wheel-washing prior to entering the public highway and do so in forward gear. Demolition and construction workers should travel by active or sustainable means and not the private car. All haulage operators associated with construction should meet a minimum Freight Operation Recognition Scheme (FORS) rating of silver. All HGVs must comply with the Direct Vision Standard and HGV Safety Permit scheme. This should be secured by condition and s106 as appropriate.

Travel Plan

A full travel plan for both elements of the scheme should be secured. This should contain proposal for a monitoring regime and targets for higher mode shares for active and sustainable travel in line with London Plan policy T1 and the Mayor's Transport Strategy (MTS). These targets should be supported by clearly identified measures.

4.3 Historic England – Objection

- 21 February 2023

Summary

Historic England objects to these proposals because of the harmful impact the 18-storey building would have on the predominantly suburban character of the historic environment in this part of the borough. We would urge your Council to refuse this application and seek more modest forms of development for this site.

Significance of the historic environment

Penge is a suburban area of South East London characterised by largely Victorian residential buildings and tree-lined streets. The development of the area was spurred on by the arrival of the railways, with rapid expansion following the relocation of the Crystal Palace to the area in 1854.

The development site contains a 1980s shopping centre and car park which does not relate well to the surrounding townscape in our opinion due to its very large footprint and low-quality architecture. However, the site is located to the south of Penge High Street which contains a number of architecturally interesting retail, commercial, and residential buildings.

A portion of the high street (to the north west of the development site) forms the Penge High Street Conservation Area. The conservation area captures the low-rise suburban character of the Penge area, and incorporates a number of Grade II listed buildings within its boundary. These include the Church of St John the Evangelist which dates from 1847 and is of particular architectural interest for its striking stone broach spire which is also an important historic landmark in the conservation area.

The conservation area also includes two listed almshouse complexes dating from the very late Georgian period. These are the Royal Naval Asylum to the north-west of St John's Church, and the Royal Watermen's and Lightermen's Almshouses which faces the High Street. The latter is a surprisingly extensive complex for its suburban location, containing 46 houses. As a result, it has a large forecourt area which provides the listed complex with an attractive green setting, and sense of enclosure from the bustle of the High Street.

The wider area contains a scattering of small conservation areas which represent various different types of suburban housing. These include:

The Alexandra Cottages Conservation Area, located to the north of the development site. The conservation area is a rare suburban example of 'improved' housing established by various philanthropic housing associations (in this instance the Metropolitan Association) in Victorian London to provide affordable accommodation for the working classes. The conservation area is defined by its orderly plan comprising semi-detached, pitched roof houses arranged in several rows on a north-south axis.

The Barnmead Road Conservation Area, which comprises detached and semi-detached Victorian villas built around Kent House Station in nearby Beckenham for the emerging middle classes to the area. The Conservation Area Supplementary Planning Guidance (updated 2001) states that the character and appearance of the conservation area is derived from its "cohesive character, and from the "limited range plan forms and materials used in the development" (Para 3.1). It goes on to say that "the area's layout and spatial characteristics are a very important part of its character" (Para 4.25).

The Aldersmead Road Conservation Area, also in Beckenham, which contains Victorian and Edwardian detached and semi-detached houses built for the emerging middle classes. The conservation area includes Cator Park to the east from which these large suburban houses can be appreciated.

In all three of these conservation areas, there are many views from which the suburban character,

and cohesive forms of development can be appreciated with very little visual distraction. This is partly due to the consistent low-rise scale of development in this part of the borough. With the exception of Essex House - a post-war tower block in neighbouring Anerley, there is no tall building development in a considerable distance from the development site.

The proposals and their impact

These proposals involve the demolition of the existing shopping centre and the erection of a residential and commercial development comprising of 4 building between 3 and 18 storeys in height.

Due to the scale of the development, particularly the 18-storey building, the proposals would be visible across a wide area. The visual impact of the scheme on the historic environment is set out in the submitted *Heritage, Townscape and Visual Impact Assessment* (The Townscape Consultancy, December 2022).

The assessment demonstrates that the tall building would be highly visible in many views from the Penge High Street Conservation Area. It would rise considerably above the currently unbroken historic roofline in views along the high street (View 2). We consider that this impact would create a visual distraction in views of the characterful and low-rise historic high street, causing some harm to the conservation area.

The tall building would also be visible from Watermen's Square (View 3a and 3b). Whilst partially screened by the tree canopy when in leaf, the proposed winter view demonstrates that the tower would loom above the striking roofline of the Royal Watermen's and Lightermen's Almshouses, diminishing the ability to appreciate their architecture. The proposed tall building would also diminish the sense of enclosure and intimacy provided by the forecourt area. We therefore consider that these impacts would cause harm to the significance of the Grade II listed almshouse complex through development within its setting, as well as the conservation area.

We note that the document contains very little assessment of the proposals' impact on the Grade II listed St John's Church, despite it being an important listed building and local historic landmark in the immediate vicinity of the development site. Therefore, we have tested views of the proposed scheme from St John's Road using 3D computer modelling software to understand the potential extent of visibility in views towards the church. Our assessment suggests that the proposed tall building would appear above the north transept and nave roof when viewed from the far-side pavement along St John's Road.

Whilst the tree canopy would likely limit visibility when in leaf, the appreciation of the church's Victorian architecture and the prominence of its broach spire could be diminished, particularly during winter months. The tall building could also visually compete with the landmark qualities of the broach spire. Whilst a verified visual assessment would provide clarity on this matter, we consider it likely that some harm would be cause to the significance of the church as a Grade II listed building, and an important landmark in the conservation area.

The scheme would also be visible in views from the Alexandra Cottages Conservation Area (View 4). In the assessed view, the proposed tall building would terminate the south-facing vista along Albert Road where the planned layout and cohesive architecture of the conservation area can be well appreciated without visual distraction. The conspicuous presence of the tall building in this important view would undermine these important aspects of the conservation area's character, causing harm to its significance.

Similarly, the proposed tall building would terminate the west-facing vista along Barnmead Road (View 7). The current view allows the viewer to appreciate the cohesive architectural character of these large suburban houses and their leafy suburban surroundings. By terminating this vista and

rising significantly above the tree canopy, the eye would be drawn towards the tall building and away from characteristics that define this small but well-preserved conservation area. We therefore consider that some harm to the significance of the Barnmead Road Conservation Area would result from these proposals.

Finally, our own assessment using 3D modelling reveals that the proposed tall building would rise considerably above the distinctive and cohesive hipped roofline of the semi-detached houses lining Aldersmead Road. Whilst some distance away, the proposed tall building would create a visual distraction in picturesque views of these large Victorian and Edwardian houses from the park. Whilst visual testing would be helpful, it is likely that some harm would be caused to the significance of the Aldersmead Road Conservation Area as a result of these impacts.

Relevant Legislation, Policy and Guidance

In considering these proposals, we would draw your Council's attention to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which impose a statutory duty on planning authorities to consider the impact of proposals upon listed buildings and their settings. Section 72 of the Act requires local authorities to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

Government policy on how to carry out these duties is found in the National Planning Policy Framework (NPPF, July 2021). Section 16 of the Framework sets out how the historic environment should be conserved and enhanced, and makes clear at Paragraph 199 that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification (Paragraph 200). If the harm is deemed to be less than substantial, Paragraph 202 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

Historic England's recently revised Tall Buildings advice note supports an evidence-based and planned approach for the development of tall buildings. It encourages development plans to include "specific tall building policies to support area/sites identified as appropriate tall buildings" (p11). This is echoed in the London Plan, which has a specific policy relating to tall building development (D9)/ The Policy requires Boroughs to identify appropriate locations and heights for tall buildings and provides that "Tall buildings should only be developed in locations that are identified as suitable in Development Plans".

Bromley Council's Local Plan (2019) does not specifically identify the development site as potentially suitable for a tall building. The Local Plan does, however, contain a policy for the development of Tall & Large Buildings (Policy 47). The policy states that "Proposals for tall and large buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout *enhances the character of the surrounding area* [my emphasis]" (p127). The policy goes on to state that "Much of the Borough is not considered appropriate for tall buildings due to the *established suburban character of the Borough* [my emphasis]" (p128). It considers that some town centre locations may be potentially considered "where *no harm would be caused to heritage assets, the wider historic environment or important views* [my emphasis]" (p128).

Historic England's Position

The low-rise and leafy suburban townscape is a defining characteristic of this part of South East London, providing an important insight into the rapid expansion of housing for a range of social classes in 19th century London. Although the wider city has changed dramatically since this period, the suburban Victorian character remains largely intact and clearly legible around the development site, and this is reflected in the scattering of conservation areas and listed buildings in this area.

Your Council clearly understands the specialness of this suburban townscape in the designation of these conservation areas and the absence of policies supporting tall building development in this area. It is unfortunate that the applicant did not draw Historic England into pre-application discussions regarding these plans given the various heritage constraints.

Despite its conclusion, we consider that the submitted *Heritage, Townscape and Visual Impact Assessment* reveals that harm to a range of designated heritage assets would result from these proposals principally due to the incongruous scale of proposed 18-storey tall building within the low-rise suburban surroundings. The harm to the Alexandra Cottages Conservation Area would be particularly regrettable due to the rarity of this type of planned 'improved' housing within a suburban London context. However, this harm also relates to nationally significant sites, the most affected being the Grade II listed Royal Watermen's and Lightermen's Almshouses.

Whilst we have no issue with the principle of redevelopment in this location, and we welcome the potential improvements to the public realm, we do not consider the development site to be an appropriate location for tall building development due to the harm that would be caused to the historic environment, and the lack of strategic policy support for such development. Unfortunately, these proposals do not appear to reflect our recently updated tall buildings advice, which recommends an evidence-based and plan-led approach for such development.

The harm would be less than substantial in the terms of the Framework, but it would be contrary to the intent of the Framework's policies for the conservation of the significance of designated heritage assets, something to which great weight should be accorded (NPPF Paras 197, 199).

Such harm requires clear and convincing justification and should only be accepted if you conclude that there is such justification, and that the harm would be outweighed by the public benefits the proposals would secure (NPPF Paras 200, 202). Whilst this is ultimately a decision for your Authority, we would urge you to refuse this application and seek alternative forms of development that would avoid harming the historic environment.

- 16 February 2024

Historic England Advice

Historic England objected to the original plans for the site in February last year because of the harm we considered the 18-storey development would have on the predominantly suburban character of Penge and the surrounding area.

The revisions include a reduction in height of the tall building (Block C) from 65m to 59m, and the replacement of the red brick cladding with a buff colour, reflecting the prevailing stock brick materiality of the area.

The submitted *Heritage, Townscape and Visual Assessment Addendum* (The Townscape Consultancy, November 2023) assesses the impact of the revised plans on the historic environment which are helpfully presented alongside visuals of the original scheme. The assessment reveals that the visual impact of the revised tall building in the views we previously identified would be slightly less than the original scheme due to its lower height. The rendered views also suggest that the buff brickwork tones would slightly soften the impact when compared with the original scheme.

We therefore consider that the harm to the heritage assets we previously identified has been slightly reduced based on the updated visual assessment.

We previously identified some likely harm to the setting of the Grade II St John's Church from St John's Road, and the Aldersmead Road Conservation Area from Cator Park based on our own assessment using 3D modelling software. We note that no assessment of these views has been

provided in the amended submission. However, it is likely that the harm to these heritage assets has also been slightly reduced through the lower height of the proposed tall building.

Historic England's Position

Historic England considers that the harm previously identified has been slightly reduced through the lowering of the proposed tall building by approximately two storeys and the more complementary brickwork tones of its elevations. However, this remains a tall building development which, due to its overall scale and massing, would have harmful impact on a wide range of designated heritage assets in the area as previously set out.

Due to the harm identified, and the lack of local policy support for the development of a tall building in this location as previously set out, we remain unable to support this application. We would urge your Council to refuse this application and seek alternative forms of development that would avoid harming the historic environment.

Recommendation

Historic England continues to object to the application on heritage grounds.

4.4 Health and Safety Executive (HSE)

- 9th May 2023

Scope of consultation

- 1.1 The above planning application relates to a development containing five buildings, blocks A, B, C, D, E and F.
- 1.2 The proposed blocks comprise the following;
 - Block A has 6-storeys with ancillary accommodation (comms rooms, cycle and refuse store) and commercial space located on ground and mezzanine levels and residential dwellings on all upper floor levels (1st to 5th) and has an upper most floor height of 18.8m. The roof level comprises green roof and plant area.
 - Block B/C has adjoining towers of 9-storeys (block B – upper most floor height of 28.7m) and 18-storeys (block C – upper most floor height of 57.6m) with residential and commercial ancillary accommodation including commercial covered car park and residential/commercial plant rooms, refuse and cycle stores at ground and 1st floor levels. Commercial space is located on ground and 1st floor levels and residential dwellings on every floor level (ground to 8th (block B) and ground to 17th (block C)). There is a shared communal podium roof terrace located at 2nd floor level accessed via both block B and C stair cores. Block B/C roof levels comprise green roofs and plant areas. Eight residential duplex dwellings are accessed independently at ground floor level and there is a covered 'controlled vehicular access' to the High Street units.
 - Block D/E has adjoining towers of 9-storeys (block D – upper most floor height of 28.7m) and 6-storeys (block E – upper most floor height of 18m) with residential and commercial ancillary accommodation (including a caretaker's room and refuse and cycle stores) at ground level. Commercial space is located on ground and 1st floor levels and residential dwellings located on every floor level (1st to 8th (block D) and 1st to 5th (block E)). There is a shared communal podium roof terrace located at 2nd floor level accessed via both block D and E stair cores. Block E has a bio-solar and green roof at 4th floor level and both blocks D and E have roof top level green, bio-solar and plant areas.
 - It is noted that the 3-storey residential townhouses are located within the curtilage of the relevant buildings and are therefore within the scope of this consultation.

- 1.3 Blocks A, B, D and E are proposed to be served by a single staircase. The single staircases constitute the only escape staircase and the only firefighting staircase serving dwellings on upper floors.
- 1.4 Block C contains two staircases, one of which is a firefighting staircase serving dwellings on every upper floor level.
- 1.5 Section 6 of the fire statement confirms that the proposed non-residential space has been designed using British Standard 9999 ('BS9999'), and the residential accommodation has been designed using British Standard 9991 'BS9991'. HSE has assessed the application accordingly.
- 1.6 Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

2. Supplementary information

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

Means of escape

- 2.1 Section 7 of the fire statement and the relevant floor plans identify that a plant room in block B/C is located on the residential corridor at 1st floor, accessed via block B or C staircase and an Estate Management/BOH room accessed via core B residential entrance lobby. Additionally, there is a Caretaker's room located at ground floor level in block E.
- 2.2 Both blocks B and E are served by a single staircase. The fire safety standard cited in the fire statement states where a common stair forms part of the only escape route from a flat it should not also serve ancillary accommodation.
- 2.3 Additionally, if a common stair forms part of the only escape route from a dwelling it should not be connected to ancillary accommodation on the same storey as that dwelling.
- 2.4 It should be noted that reliance on past practice and precedents as the basis for new developments should not be relied upon in the context of an emerging, more stringent building safety regime. Building designs providing a single escape staircase can require compromises in relation to the convenience of occupant access to ancillary accommodation within buildings.
- 2.5 Design changes necessary to provide suitable separation of ancillary accommodation from the single staircases may not affect land use planning considerations in this instance, for example, where internal reconfiguration can remove the connections where external access is already provided, or where there is space available to provide alternative access (i.e., reduce the size of core B lobby to create a corridor providing access to the management/BOH room direct from outside). This will also be subject to later regulatory consideration.

External fire spread

- 2.6 The 2nd floor level plan of blocks B/C and D/E show communal roof terraces. Additionally, the roof level plans of blocks B and E, and the 4th floor plan of block E show proposed green/bio-solar roofs which are perpendicular to the adjoining residential accommodation walls. The external envelope of a building should not provide a medium for undue fire spread. The green roofs and terraces' construction will need to provide sufficient fire resistance to prevent fire spread to the adjoining residential accommodation wall.
- 2.7 It will be for the applicant to demonstrate that the proposed green/bio-solar roofs and terraces are viable in relation to fire safety. This will be subject to further consideration at a later regulatory stage.

Open-plan apartments

- 2.8 Section 7 of the fire statement states that "Where kitchens are to be unenclosed these shall be justified using radiation analysis, with the hob remote from the exit. Where the hob is

located such that, it is not remote from the escape route, a hob cut-off device may be required”.

- 2.9 Fire safety standards state that “the kitchen should be enclosed in open-plan flats having an area exceeding 8m × 4m. Cooking appliances in open-plan flats having an area smaller than 8m × 4m should not be adjacent to the entrance of the flat.” Cooking facilities should be located at the most remote part of the flat to protect the means of escape.
- 2.10 Design changes in this instance are unlikely to affect land use planning and will be subject to later regulatory consideration.

Hydrants

- 2.11 It is noted in section 13 of the fire statement that the usability of the existing public hydrants are “to be confirmed by the MEP engineer at a later design stage”. It should be noted that any requirement for additional hydrants may require design changes that may affect land use planning considerations relating to the landscaping of the development. This will be subject to later regulatory consideration. PV panels
- 2.12 Where the roof top installation of photovoltaic panels (PV panels) is proposed, it should be noted that fire safety standards require suitable support of cabling to avoid obstruction of escape routes and firefighting access due to the failure of fixings and consideration should be given to ensure that all power supplies, electrical wiring and control equipment is provided with appropriate levels of protection against fire.

• 6th February 2024

Scope of consultation

- 1.1. The above planning application relates to a development containing five buildings, blocks A, B, C, D, E and F.
- 1.2. The proposed blocks comprise the following;
- Block A has 6-storeys with ancillary accommodation (comms rooms, cycle and refuse store) and commercial space located on storey 1 and mezzanine levels and residential dwellings on all upper storeys (2 to 5) and has an upper most floor height of 17.7m. The roof level comprises green roof and plant area.
 - Block B/C has adjoining towers of 9-storeys (block B – upper most floor height of 29.775m) and 16-storeys (block C – upper most floor height of 51.825m) with residential and commercial ancillary accommodation including commercial covered car park and residential/commercial plant rooms, refuse and cycle stores at storeys 1 and 2. Commercial space is located on storeys 1 and 2 and residential dwellings on every storey (1 to 9 (block B)) and 1 to 16 (block C)). There is a shared communal podium roof terrace located at storey 3 accessed via both block B and C stair cores. Block B/C roof levels comprise green roofs and plant areas. Eight residential duplex dwellings are accessed independently at ground floor level and there is a covered ‘controlled vehicular access’ to the High Street units.
 - Block D/E has adjoining towers of 8-storeys (block D – upper most floor height of 26.4m) and 5-storeys (block E – upper most floor height of 16.5m) with residential and commercial ancillary accommodation (including a caretaker’s room and refuse and cycle stores) at storey 1. Commercial space is located on storeys 1 and 2 and residential dwellings located on every storey (1 to 8 (block D) and 1 to 5 (block E)). There is a shared communal podium roof terrace located at storey 3 accessed via both block D and E stair cores. Block E has a bio-solar and green roof at storey 5 and both blocks D and E have roof top level green, bio-solar and plant areas.
- 1.3. It is noted that the 6-storey residential block (block A), the 5-storey residential block (block E) and the 3-storey residential townhouses (block F) are located within the curtilage of the relevant buildings and are therefore within the scope of this consultation.
- 1.4. Blocks A and E are proposed to be served by a single staircase. The single staircases constitute the only escape staircase and the only firefighting staircase serving dwellings on upper storeys.

- 1.5. Block B, C and D contains two staircases, one of which is a firefighting staircase serving dwellings on every upper storey.
- 1.6. Section 6 of the fire statement confirms that the proposed non-residential space has been designed using British Standard 9999 ('BS9999'), and the residential accommodation has been designed using British Standard 9991 'BS9991'. HSE has assessed the application accordingly. Health and Safety Executive Previous consultation
- 1.7. HSE issued a substantive response (Content) dated 09/05/2023, under the reference pgo-3117 in relation to a consultation received on 13/04/2023.

Current consultation

- 1.8. Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified some matters that the applicant should try to address, in advance of later regulatory stages.

2. Supplementary information

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

Means of escape

- 2.1. Section 10 of the fire statement refers to open balcony deck approach to three flats at storey 2 to 6 of block A. Floor plan drawings illustrate the open balcony deck, adjoined the building wall where flat entrances are present, to be over 2m in width. Escape from each flat is by way of single direction of travel.
- 2.2. Consideration should be given to the risk of smoke logged balconies due to a fire incident in an adjoining flat and the probability of smoke spread laterally to the balcony ceiling and vertically to upper balcony levels. The adopted fire safety standard BS9991 states: "The soffit above a balcony or deck having a width of more than 2 m should be designed with down-stands placed at 90° to the face of the building (on the line of separation between individual flats or maisonettes). Down-stands should project 0.3 m to 0.6 m below any other beam or down-stand parallel to the face of the building, or should be determined by calculation. Where the balcony or deck is adjoined to the building wall only at the place where there is an entrance to a flat or maisonette, unless it is a minimum of 1.8 m away from the face of the building, it should, in the case of single direction escape routes, be proven by calculation that the escape route is not subjected to hazardous exposure levels or smoke-logging."
- 2.3. Design changes may affect land use planning considerations relating to the appearance of the building where, for example, provision of soffits are necessary and it will be for the applicant to demonstrate compliance at later regulatory stages. Health and Safety Executive Fire service access and facilities
- 2.4. Section 10 of the fire statement states that blocks A, D and E have provision of dry fire mains and blocks B and C having provision of wet fire mains. HSE notes that the location of staircases is remote from the external wall, therefore the riser inlets on the external elevations of each block will require the use of a horizontal pipe run to connect with the vertical run of the main.
- 2.5. Fire safety standard BS 9990:2015 states: "Any proposed use of horizontal fire mains should be discussed and agreed with the local fire and rescue service."
- 2.6. It is also noted that the design proposal for blocks B, C and D includes one fire-fighting shaft and one protected stair. It is unclear if the dry/wet riser inlet provided serves both risers or if there is access to two separate riser inlets serving individual risers.
- 2.7. BS 9990:2015, clause 4.2.3 states; "for large buildings or sites comprising multiple buildings, multiple horizontal or vertical fire main pipework runs should not be served from the same inlet connection."

- 2.8. This matter may be resolved by way of internal alterations, which would be unlikely to affect land use planning considerations and will be for the applicant to demonstrate compliance at later regulatory stages.

4.5 London Fire Brigade

- 13th October 2023

Fundamental concerns relating to single stair for Block A 1.

We note that the design is for a tall residential building relying upon a single staircase. While it may not be appropriate for detailed design following a framework such as that set out in BS 7974 (including a qualitative design review – QDR) to be undertaken at the planning stage, the lack of multiple staircases for a building of this height is not an aspect of the design which, in our view, should be left until the Building Regulations consultation process to resolve. Therefore, further justification should be provided at this stage which demonstrates that the principles of the London Plan 2021 will be met.

In our opinion the information provided by the applicant at this stage should recognise that the further design analysis is required later, and that if the BS 7974 analysis including a QDR determines that additional facilities are required such as an additional stair, then the project may need to return to planning for review of those changes.

The National Fire Chiefs Council have issued a policy position statement indicating that in their view residential buildings of 18 metres or of at least 7 storeys, must become the threshold at which more than one staircase should be required in new residential buildings. We further draw your attention to the recent announcement from government stating their expectation that multiple staircases will be required in residential buildings above 18m. While the transitional arrangements are not yet available, and may not apply to this particular development, the intent of government is clear that the 18m threshold will be introduced and that the timeframe for introduction should be short.

Design teams and developers should be planning for the new requirements under the Building Safety Act for in scope buildings once occupied, including the need to provide a safety case review. The design as currently proposed may have implications on those responsible for demonstrating the ongoing safety in the building.

Fundamental concerns relating to single stair for Blocks B, D & E 2.

We note that the design includes the following features not supported by fire safety guidance and which, in our opinion, are not compatible with a single stair design:

- Amenity spaces at height, their connection with residential means of escape or potential conflict with the proposed ‘stay put’ design strategy for the residential accommodation.

This is relating to the shared amenity spaces for Blocks B/C and D/E. In our opinion, the planning authority should not consider these aspects appropriate given the reliance on a single staircase for occupant’s means of escape, and we question how the principles of the London Plan 2021 have been met by this design.

The National Fire Chiefs Council have issued a position statement indicating that in their view residential buildings of 18 metres or of at least 7 storeys must become the threshold at which more than one staircase should be required in new residential buildings. We further draw your attention to the recent announcement from government stating their expectation that multiple staircases will be required in residential buildings above 18m. While the transitional arrangements are not yet available, and may not apply to this particular development, the intent of government is clear that the 18m threshold will be introduced and that the timeframe for introduction should be short. Design

teams and developers should be planning for the new requirements under the Building Safety Act for in scope buildings once occupied, including the need to provide a safety case review. The design as currently proposed may have implications on those responsible for demonstrating the ongoing safety in the building.

Ensuring suitable means of escape for all occupants in open plan apartments

We note that the proposal is to include open plan internal flat arrangements where the kitchen and in particular the cooking appliance is positioned in close proximity to the internal escape route and the flat entrance door. Guidance (ADB V1 paragraph 3.18 and BS 9991:2015, clause 9.1) recommends that cooking facilities are remote from the main entrance door and located in such a way that they do not prevent escape if they are involved in a fire. In this case, we note that the location of the cooking appliance is close to the door and that an assessment has been carried out in the form of a radiated heat analysis, in order to demonstrate its suitability. While we acknowledge that this is primarily a matter for the approving authority, it is our view that other factors should have been considered in the assessment, some of which are detailed in a – e below:

- a. the human behaviour e.g., willingness to pass a fire;
- b. the (accumulated) radiated heat, toxicity, and time period for which they will be exposed;
- c. the potential fire spread;
- d. the visibility conditions;
- e. the requirement for an early warning of a fire which meets the recommendations of BS 5839 part 6 with regards to the inner room protection e.g., a smoke detection should be positioned in all access rooms and along the means of escape.

It is therefore our opinion that any analysis carried out should include the above factors and suitably demonstrate to the approving authority that the facilities are remote from the main entrance door and do not impede the escape route from anywhere in the flat.

Evacuation lifts for Blocks A, B, C, D & E

We note the proposal to include an evacuation lift, however, there should be sufficient numbers of evacuation lifts provided so that if an evacuation lift is out of service (e.g., as a result of breakdown or maintenance), there is at least one that is still available for use from all areas of the building. Therefore, we question how London Plan 2021 Policies D5 and D12 have been met in this regard. Design teams and developers should also be planning for the new requirements under the Building Safety Act for in scope buildings once occupied including the need to provide a safety case review. The design as currently proposed will, in our view, have implications on those responsible for demonstrating the ongoing safety in the building.

Access and facilities for the fire and rescue service for Blocks A, B, C, D & E

We note the proposal to include a firefighter's lift, however, there should be sufficient numbers of firefighters' lifts provided so that if a firefighter's lift is out of service (e.g. as a result of breakdown or maintenance), there is at least one that is still available for use from all areas of the building. Therefore, the level of provision should be reviewed for this design.

4.6 Environmental Agency – No Objection

- 3rd February 2023

We have reviewed the submitted information and have no objection to the proposed development. We note that the proposal is located atop a secondary (undifferentiated) aquifer, and the previous use of the site represents a medium risk of contamination. As such, please consider the following advice when determining this application. Advice to Local Planning Authority and Applicant Land Contamination The Guiding Principles for dealing with Land Contamination is available on

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. We recommend as best practice that all site desk study, site investigation, remediation strategies and verification reports submitted for planning purposes are undertaken by a suitably qualified person, preferably registered as a SILC/SQP. We recommend that for brownfield site developments – especially on sites with higher risk previous uses – desk study reports, site investigations, remedial strategies and verification reports are signed off under the National Land Quality Mark Scheme (NQMS). The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information. Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations. If developments are supported by NQMS reporting we can assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us. We can recommend that you take account of the conclusions and recommendations within an NQMS report. If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 174 of the National Planning Policy Framework and the Water Framework Directive, which places such duties on all public bodies. We also recommend that you consider the merits of advising the developer to handle any further land contamination management work that may be required under the NQMS. Any unexpected contamination encountered during development of a site should be reported to the Environmental Health Officer (EHO) in accordance with Building Regulations Approved Doc C. Foundation Design and Contamination Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment should be undertaken to confirm the proposed design does not pose risks to the groundwater, this should be in accordance with EA guidance document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73”. Drainage Design and Contamination Any SuDs design for clean roof drainage should be through sealed trap gullies and only sited in areas of clean naturally occurring materials in accordance with building regulations Approved Doc H (link below) and good practice design guidance (CIRIA R156). All infiltration drainage from roads and service areas that bypasses the upper soil layers via soakaway chambers or boreholes may require a permit to discharge to ground, unless additional pollution prevention measures are installed that prevent contaminated water reaching the aquifer body. Drainage may be restricted in a source protection zone or over an aquifer where groundwater is at shallow depths.

Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges. Submissions to the LPA should include all relevant information on foul drainage proposals using the following form: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Treated discharges to ground or surface waters may require an Environmental permit. Engineering works Any excavation and re-profiling works on closed landfill sites are likely to require an Environmental permit. Any new engineering works on permitted landfills will require appropriate variations to the permit as well as planning permission. Soils and Stones The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides developers/operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works can be sustainably re-used under an industry agreed Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution in accordance with an approved remediation strategy.
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA for a set number of development sites.
- some naturally occurring clean material can be transferred directly between sites for agreed re-use. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to:
 - the Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK Wastes Removed from development sites.Contaminated materials that are (or must be) disposed of are waste. Therefore, the handling, transport, treatment and disposal are subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2016
 - The Waste (England and Wales) Regulations 2011Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Refer to the hazardous waste pages on gov.uk for more information.

- 5th February 2024

The proposed changes do not change our advice, and therefore, we refer you back to our previous comments for our formal response to this application.

4.7 London Borough of Croydon – No Objection

Comments: In order to fully assess whether LB Croydon's roads would be affected as part of the construction process, the Council requests to be consulted as part of the Construction Logistics Plan, pursuant to any planning permission granted.

4.8 London Borough of Lambeth – No Objection

1 The applicant is advised of the necessity to consult the Highways team, with regard to any alterations affecting the public footway/ carriageway. You are required to liaise with the Highways team should any of the following be required;

Notification of neighbours with regard to specific works;

Advance notification of road/ footway closures; and

Any other impacts of construction upon the amenity of the area and the function and safety of the highway network (including parking on the footway, or extended loading on the carriageway). The developer is to contact Lambeth Council's Highways team on 020 7926 9000 / drw@lambeth.gov.uk, prior to the commencement of construction, to arrange for any such work to be done.

4.9 London Borough of Lewisham – No Objection

Impacts on Lewisham’s Conservation Areas

- No view points from within LB Lewisham have been included in the THVIA study, and it is not clear whether any such views have been tested and scoped out.
- Most views of the development from within LB Lewisham are likely to be obscured by intervening built form and topography.
- The development may be visible however from a number of points within the Sydenham Hill & Kirkdale Conservation Area (CA). This CA stretches across the high ground of the Sydenham Ridge, and has spectacular open views to the south. There is no CA Appraisal for this CA but its position on the ridge is a key characteristic and the views to the south are an important element of its wider setting.
- It is advised that LB Bromley should ask the applicant to provide an assessment of likely visibility from the following locations:
 - The junction of Sydenham Hill and Kirkdale
 - The junction of Kirkdale and Mount Ash Road
 - Through the gap at the south eastern corner of the green open space within Lammas Green (a 1950s estate comprising listed buildings around a green, with a gap between buildings at the south east corner allowing expansive views to the south. (See listing refs: 1246822, 1246819, 1246890, 1246821, 1246889, 1246820).

Transport impacts

- It is noted the proposed construction routes will travel via strategic routes in Lewisham notably the A212 Sydenham Road and A2216 Kirkdale. The wider route plan does not show any other Lewisham Borough roads that are impacted.
- The wider map (Figure 8.3 ‘Logistics Routing’) submitted is limited (for Lewisham’s review and the impact on the borough). Lewisham highways would request that a wider plan is provided to show all Lewisham Borough roads including any strategic TLRN roads that will be impacted by construction delivery routes. Lewisham highways also requests the estimated number of vehicles expected. It is understood that this an early stage prior to contractors being on board however estimates can be provided at this stage.
- Additionally, the outline CLP states *“Where possible vehicles will be restricted to avoid school drop-off and pick-up times. LBB will be notified if any exceptional circumstances arise”*
- Lewisham highways requests that if any routes pass schools within the Borough that all deliveries should take place outside of school pick and drop off times.

4.10 National Grid – No Objection

There are no National Grid Electricity Transmission assets affected in this area.

4.11 Natural England – No Comments

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory

designated nature conservation sites. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

4.13 Thames Water – No Objection

Waste Comments

With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission:

No development shall be occupied until confirmation has been provided that either:

1. Foul water capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development.

Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission:

No development shall be occupied until confirmation has been provided that either:

1. Surface water capacity exists off site to serve the development or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development.

Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water

Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission.

No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide [working near our assets to ensure your workings will be in line with the necessary processes you need to follow if you are considering working above or near our pipes or other structures.](https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes)

<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We will need to check that your development does not limit repair or maintenance activities, or inhibit the services we provide in any other way.

The applicant is advised to read our guide [working near or diverting our pipes.](https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes) <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: [A Groundwater Risk Management Permit](#) from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Water Comments

Thames Water are currently working with the developer of application 23/00178/FULL1 to identify and deliver the off-site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 100 dwellings but beyond that upgrades to the water network will be required. Works are on-going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development does not outpace the delivery of essential infrastructure.

There shall be no occupation beyond the 100th dwelling until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide on working near our assets to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we will need to check that your development does not reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Supplementary Comments Waste

We have been engaging with the developer and have produced and agreed a drainage strategy for this development, however this information is not on the council website. Once this information has been uploaded to the planning portal, we will be in a position to formally change our response.

b) Non-statutory

• The Victorian Society - Objection

16th February 2023

The Victorian Society's attention has been drawn to this application. Having reviewed the documentation, we object to the proposals.

This site is situated close to the centre of Penge and the Penge High Street Conservation Area and other designated and non-designated heritage assets. Penge has a long history but saw significant development from the early 19th century onwards with the arrival of the Croydon Canal and railway which transformed it into a suburban hub. Despite serious bomb damage in the second world war, the area retains many 19th century buildings and is strongly characterised by its low-rise urban fabric.

The architectural and historical value of the area surrounding the site is recognised in the designation of two Conservation Areas. Penge High Street, which borders the site, and Alexandra Cottages, a short distance to the north. There are also listed buildings nearby such as 1840s The

Royal Watermen's and Lightermen's Asylum, and non-designated heritage assets: the former Penge Police Station and St John's Cottages, both dating from the 19th century.

This proposal would see the demolition of a late 20th century carpark and its replacement with a new development of commercial and residential units in a series of buildings between 3 and 18 storeys. The Victorian Society in principle accepts the suitability of the site for development and recognises that a high-quality scheme could deliver benefits for the local area. However, the proposal's height and quantum of development raise serious concern.

Penge has a strong urban character interspersed with buildings of high significance, generally constructed on a low scale. The introduction of buildings up to 18 storeys would seriously harm the character of the area and the setting of the Penge High Street Conservation Area and nearby listed buildings. Buildings of such a height would be completely out of character with their surroundings and overshadow nearby significant buildings. They would also introduce a dangerous precedent for future development in the area. It is also unclear how the proposal may affect important views of Penge from Addison Hills.

The NPPF states that: 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance' (para 206).

This proposal would not enhance the setting of the Penge High Street Conservation Area, nor the setting of other heritage assets. We recognise that the Bromley Local Plan highlights the area for renewal, but this does not equate that tall buildings are justified. The Bromley Local Plan states: 'Much of the Borough is not considered appropriate for tall buildings due to the established suburban character of the Borough. However, potential may exist for such development to be considered in town centre locations which benefit from good public transport, exhibit an existing local built character that would allow for taller buildings, and where no harm would be caused to heritage assets, the wider historic environment or important views.'

The Local Plan and Bromley Town Centre Area Action Plan go on to state that town centre locations, specifically 4 sites in Bromley Town Centre itself, may be suitable for tall buildings, albeit with the caveat 'the Council is committed to ensuring that the height and density of new development is, wherever possible, kept to a minimum.' It is evident that locations in Penge town centre are not considered suitable for tall buildings. This proposal would be harmful to the historic character of Penge and the setting of nearby designated and non-designated heritage assets. We urge your authority to refuse this application unless very substantial amendments are made which would see a development on a scale appropriate to its sensitive surroundings.

23rd February 2024

We submitted an objection previously on 16th February 2023, which we maintain.

The applicant has amended the proposal with small reduction in the heights of the proposed new buildings. However, these amendments do not alter the fundamental character of the proposals, and therefore our concerns remain. We reiterate below the comments we made in our original objection:

This site is situated close to the centre of Penge and the Penge High Street Conservation Area and other designated and non-designated heritage assets. Penge has a long history but saw significant development from the early 19th century onwards with the arrival of the Croydon Canal and railway which transformed it into a suburban hub. Despite serious bomb damage in the second world war, the area retains many 19th century buildings and is strongly characterised by its low-rise urban fabric.

The architectural and historical value of the area surrounding the site is recognised in the designation of two Conservation Areas. Penge High Street, which borders the site, and Alexandra Cottages, a short distance to the north. There are also listed buildings nearby such as 1840s The Royal Watermen's and Lightermen's Asylum, and non-designated heritage assets: the former Penge Police Station and St John's Cottages, both dating from the 19th century.

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This proposal would be harmful to the historic character of Penge and the setting of nearby designated and non-designated heritage assets. We urge your authority to refuse this application unless very substantial amendments are made which would see a development on a scale appropriate to its sensitive surroundings.

- **Advisory Panel for Conservation Areas - Objection**

7th March 2023

While the existing centre is very poor in its design and concept these replacement scheme, in particular the taller element, is seriously alien to the predominantly low-rise Victorian character of

the immediate area and to the setting of the adjacent Conservation Area and other nearby CAs due to the dominant scale and sprawl of the proposals. The design of the taller element is a generic tower block with repetitious detail with no apparent reference to local character or distinctive. It is visible in both nearby and distant views and seriously detracting from the intrinsic character of the adjacent CA and wider areas. There is clear overshadowing in many parts and detriment to the skyline particularly in views from the listed Watermans Alms Houses as clearly illustrated in the applicant's own documents and likely in the long distant protected view from Crystal Palace Park Conservation Area towards Penge, Beckenham, Bromley and many other Conservation Areas. The proposals do not reflect the Development Plan and given the impact on surroundings clearly needs a masterplan not just in relation to aesthetics but also relation to the housing and commercial implication for the wider area car parking considerations in terms of losses and increase pressure on local streets as well as impact on infrastructure.

Draft Supplementary Design Guide: It is noted that the draft guide stresses the need for new development to respond positively to context and existing character which the proposed scale, bulk and design of the development fails to do both in relation to the Section 5 Tall Buildings Guidance (particularly as Penge is neither a Metropolitan nor Major Town Centre as classified in the Local Plan) or in the terms summarised in draft policy DG1.

We do not believe whatever perceived public benefits from the scheme outweigh the obvious harm to the immediate setting of the adjacent Town Centre Conservation Area, setting of other adjacent Conservation areas or setting of Locally and Statutorily Listed buildings within or adjacent to the site. Policies 37, 38, 39, 41, 42, Draft Urban Design Guide SPD.

Note: the applicant's visuals are based on wide angle photos which create a false impression of diminishing scale in relation to background and foreground i.e. the impact of the scale of the development will be much greater in reality than that shown.

- **CPRE London - Objection**

16th February 2023

"CPRE London is a membership based charity with 2500 members across London, concerned with the preservation and enhancement of London's green spaces. As part of this, we recognise the need for new development to go on brownfield and previously poorly developed sites.

We appreciate that there is a housing crisis and that people need affordable homes - but we believe this should be achieved through gentle increases in density not the building of soaring tower blocks.

In its current form, this proposal for an eighteen-storey tower is not an example of best practice in gently increasing population density but rather of town cramming. The scale of this development should be dramatically cut to more in the region of 5 to 8 storeys at the absolute maximum.

We are therefore writing to object to the above application in its current form on the following basis:

- Visual impact of the development. This eighteen-storey high-rise development will be overbearing, completely out of character with the surrounding Victorian streets and will have a visually adverse impact on the nearby Penge Conservation Area. It is contrary to Policy 42 of the Bromley Local Plan which states that 'A development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area'.

- Loss of light / overshadowing: A significant number of nearby properties and streets will be adversely affected by a severe reduction in daylight due to shadows cast from the new tower blocks. This could be mitigated by placing taller blocks at the north end of the development, though we would not support blocks higher than 8 storeys.

The area is grey, run down, and suffers from high levels of air pollution, is deficient in green space and impacted by a main road. So planning consent should be conditional upon provision being made

and funded for new grassy public open spaces and outdoor sports facilities for residents, for example:

- A publicly accessible garden on the roof of the block has the potential to be a wonderful new green space for Penge which would soften the visual impact of the new building, while also giving local residents an opportunity to enjoy the wonderful views which can currently only be enjoyed from the top of the car park.

- Grey space, under-used roads, and even whole streets or sections of streets, surrounding the development could be converted to new rain gardens, pocket parks or streetparks (as has already been done successfully at Alfred Place in Camden).

- Nearby sites could be improved and/or enlarged to ensure there is enough good quality green space for all residents.

There are of course environmental benefits of encouraging car free living in cities. This site is well served by public transport being in easy reach of Penge East, Penge West and numerous bus services. However, clear plans will need to be in place to strengthen services further to keep up with increased public transport demand and it would be desirable to consider whether there is scope for improved pedestrian routes in the area. Wider use of controlled parking will also be needed.”

c) Local groups

- Alexandra Residents' Association – Objection

15th March 2023

1. Summary of Objections

Planning Officers and members of the council will doubtless be aware that the proposed redevelopment of the Blenheim Centre has generated massive opposition across the local community and this is reflected in the views of residents of the Alexandra Cottages. Many residents have commented as individuals but the Alexandra Residents' Association wishes to add a collective objection to the current proposals. The Association represents residents of the area off Parish Lane covering Albert Road, Edward Road, Hardings Lane, Princes Lane and Victor Road. There are just under 200 properties making up the Alexandra Cottages Conservation Area and they are a much-loved locale typifying the low rise suburban fabric of Penge threatened by the proposed development. While there are legitimate discussions that could take place about the provision of housing units in Penge (especially for affordable/social rent tenancies) and for making better use of the space covered by the proposals we wish to categorically state that this development is not an adequate answer to either issue. The association therefore adds its voice to the many hundreds of others demanding that this proposal be rejected and that plans for the site be reconsidered using the borough's Local Plan as the basis for any future proposal. While we are clear that the plan proposed would be unacceptable over development we would also urge the council to reject suggestions to implement the plans in part. The reasons why we consider them fundamentally flawed even in a reduced form are described below.

2. Context

We contend that development in local communities should be guided by the borough's Local Plan on which wide consultation takes place and competing priorities are weighed leading to measured and evidence-based conclusion and the identification of locations for major projects. Although Penge is identified as a 'renewal area', the current Local Plan (agreed in 2019) does not suggest any consideration of a development of this scale in the Penge area and hence we fear that the impact of this number of new residential units in the area on health, education and transport services has not received the formal consideration that the council must surely require.

3. Comments on Claims Made in the Planning Statement

Section 9.2 of Full Planning Statement sets out what the developers suggest is a 'Planning Balance' that they argue supports the development going ahead in spite of what they admit (but don't wish to describe) are negative 'impacts on the surrounding area in terms of height, amenities, and transport'. We wish to contend the majority of points set out in this list and hence that the balance lies significantly against the proposed development. Specifically those set out below where the numbers refer to direct quotes from Section 9.2:

3.1 'The optimisation of an accessible and under-utilised brownfield site located at the heart of an Area of Renewal and Regeneration'

We argue that the idea that the proposal optimises the site does not stand up to even basic scrutiny. The balance of excessive residential to diminished retail uses will lead to significant detriment to a thriving high street characterised by small scale units working in synergy with the three large anchor tenants of the Blenheim Centre. With only one of these likely to remain the impact on the rest of the retail ecosystem is likely to be significant and has been almost completely ignored by the developers. Additionally, while we are not planning experts, the common understanding of a 'brownfield site' is a previously developed site not currently in use; while the amount of car parking exceeds current need we would absolutely disagree that the current site in its totality does not represent an asset valued by the community, something borne out by the huge volume of objections that have been lodged.

3.2 The provision of 250 new homes

Both for heritage reasons (set out below) and because the strain on local services and infrastructure would be intense we contend that the site cannot possibly bear anything like 250 new residential units. This could only be achieved at very significant detriment to immediate neighbours and by permanently changing the skyline and character of one of an increasingly small number of cohesive suburban neighbourhoods in London. The comments and objections by Historic England go to the heart of this matter and we fully support those and set out our similar views from the perspective of a conservation area below. Furthermore we contend that the proportion of homes available for those in housing need is inadequate – social rent properties make up only a small proportion of the unit proposed given that shared ownership contributes a significant part of the developer's 35%. In passing we also note the poor reputation nationally and locally of Clarion Housing Association, something we have had cause to see first hand with disputes where the Alexandra Cottages has a border with properties they manage. The preoccupation of the Greater London Authority to provide housing of any description, whilst frequently ignoring/overriding their own balancing policies on design, heritage, economics, environment and sustainability, has led to a skewed consultation process. The fundamental objections from the GLA to this overdevelopment have therefore not been met by the developer or their design team, and the balance of harm far exceeds any purported public benefit. The GLA is at risk of creating a circular economy of overdevelopment on inappropriate opportunity sites, due to its unfair demands for so called 'affordable housing' which has to be subsidised by excessive private housing/flats (typically up to 65%), which in turn result in large Community Infrastructure Levy (CIL) and affect the viability. More private units are then required, which ups the affordable element and CIL, and the cycle perpetuates itself. London needs affordable housing, not overpriced private housing/flats, which lead to gross overdevelopment and serious detriment to local communities. The conclusion is that up to 250 homes is too many for this site, location and demographic, and provision should be encouraged elsewhere where it is sustainable. If the redevelopment had been a re-provision and enhancement of the commercial element, together with new provision of the affordable housing element only (at approximately 87 units based on 35% of the original inflated total), with realistic number of car parking spaces to serve the high street, tenants and additional households, and major greening and opening up of the public realm, then the height, scale and massing of the proposals would be appropriate and sustainable.

3.3 The provision of high quality homes meeting high design standards:

We fundamentally disagree that the proposal represents high design standards. The sheer volume makes this very unlikely and the rushed revisions to plans to address inadequate routes for exit in the event of fire call into question the fitness for purpose of the proposal and lead to the inevitable

conclusion that developers are seeking to maximise revenue by squeezing a constrained site beyond what it can possibly sustain. The proposed predominance of single aspect flats with meagre amenity space and low grade outlook immediately onto service yards/road and backs of commercial properties with ugly and smelly extraction ducts/flues, renders most of the development unsuitable for residential use. The allocation of flats for the affordable housing sector will be the lowest grade accommodation and this is felt to be discriminatory and unsustainable. Please refer to Appendix 2 to see photographs of typical views for those in flats immediately facing Croydon Road, Penge High Street and Burham Close/Post Office Sorting Office Yard, where no spatial, visual and/or environmental mitigation is planned as part of the overdevelopment of the small 7 hectare site. The 'design' is considered shoe box architecture with stick on cladding and balconies, to meet the unrealistic quantity of residential units and the natural confines of the site and local context. The design review, by Frame, had to work from the perspective of 'damage limitation' due to the unrealistic demands of the proposed enormous overdevelopment, and the overriding issue of excessive scale, massing and adverse impact on context was never addressed in any minor design reiterations. The combination of poor design, space, outlook, day/sunlight, amenity, tenure, services, connectivity, render this overdevelopment unacceptable in their own right but when combined with the serious harm to the townscape of Penge, its neighbours and communities the case for refusal of this planning application is overwhelming.

3.4 A range of innovative uses to support the local community:

These seek to offset the obvious harm of the over-massive proposal for residential units yet in practice the non-residential spaces are less suited to the needs of the Penge Community than those that exist currently in particular the reduction in retail space. In the view of residents of the association the loss of value outweighs any gain from the proposed gym and the high street already has sufficient food and beverage outlets. There is nothing innovative about this scheme or the uses. The purposed new public square is a paltry 15m x 13m (less than 200sqm) with limited day/sunlight, and scarcely bigger than Appleton Square or the Penge Triangle which are rarely, if ever, used for events due to their small size and through routes.

3.5 The creation of a new civic public square and improved permeability in all directions;

The use of the site is too cramped to achieve any significant benefits in this regard. Any public areas will have limited light due to the massive buildings surrounding them and subject to air turbulence from tall buildings. Similar areas in other parts of London are not in practice widely used in our view and add limited value compared to traditional parks. Our specific questions on the Landscape Plan which seem unresolved include:

- Promotional video shows this area, Blenheim Square, as sunny and being enjoyed by public. How much sun will this area get especially outside of summer months. We think very little.
- With the height of these building has an assessment been made of the 'wind tunnel effect' on this area and the project in general.
- Permeable paving shown on some areas only, why not universally within project e.g Evalina Rd. Flooding is an increasing issue.
- Planting schemes are unclear on planting depths for trees and shrubs for both public domain and roof planting. Trees need at least 1000mm of soil and shrubs between 300-450mm. Can this be clarified.
- What provision will be made for access for maintenance of roof planting.
- Will it have automatic irrigation?
- Who will be maintaining the public domain planting?
- What is the establishment period? *[period after which regular watering can stop and any stakes etc can be removed]?
- What requirements will be in place for replacement planting during the establishment period?

3.6 Providing a Sustainable Car Free Scheme

Our view that this is nowhere near demonstrated by the proposals and merely removing provision for car parking will not lead to a scheme being 'car-free'. In practice residents of the new units will continue to use cars for some years to come just as other residents of Penge will. The parking

demands this will lead to will mostly impact streets closest to the development but will undoubtedly ripple out including to the streets that make up our conservation area. There is no commitment or indication that public transport enhancements will follow the arrival of many hundreds of new residents; off peak and weekend train services from Penge East show no sign of returning to pre pandemic levels while overground and local buses are already often overcrowded. In conclusion we consider this statement to be wishful thinking with very little basis in the reality of the proposals.

4. Detrimental Impacts

The 'Planning Balance' statement acknowledges that there will be negative impacts though conveniently declines to list them. While we have observed that the positive aspects claimed do not stand up to scrutiny the list of negative impacts is substantial.

4.1 Heritage and Planning Detriment:

The seven part Design and Access Statement, prepared by architects FCBS, is inadequate as it provides insufficient explanation of the 'Design' or 'Access' and is largely a rehash of the main architectural and landscaping plans and elevations of the existing and proposed, with vague outlining of the existing townscape topography. No specific context is given to the proposed massive development and its overwhelming impact on that townscape or any of the historic and architecturally important buildings, complexes, views and conservation areas. The strategy on natural ventilation, lighting and solar shading is also missing or buried in other documents. The three part Heritage, Townscape and Visual Impact Assessment, prepared by The Townscape Consultancy is wholly inadequate and misguided in all of the required responses. The selection of viewpoints is unrepresentative for all of the detrimental impacts of the massive intervention within historic Penge and the medium to long ranging views from its surrounding routes and neighbourhoods. The proposed development is so huge that the 18 storey tower and flanking 7 storey wings do not even fit onto the CGI view from the High Street, through the narrow existing Empire Square, providing a telling example of gross overdevelopment and over shadowing of a modest, consistent and historic townscape. The image of this narrow roadway, formed into a pedestrianised street to the 1970's shopping centre and carpark, and renamed Empire Square (which is in fact a slim rectangular route rather than a usable public square), with the proposed redevelopment behind, has been used extensively in the limited consultation process and throughout the current planning application. It gives a false impression of width and scale, and omits to show the full impact on the historic environment and public realm. The assertion that the design and materials compliment the character and appearance of low rise (typically 2 to 3 storey Victorian and some Georgian, with limited post war infill of similar scale) Penge is without any substance or justification. The proposed use of yellow and red brick up to 18 storeys in the air and regimented facades is completely out of keeping with the historic landscape and buildings of Penge. The Heritage, Townscape and Visual Impact Assessment concludes that Views 10, 17, 18, 20 & 23 improve on the existing street scene, which we would contest in most instances. The statement therefore implies that all of the remaining views are not improved, and we would strongly concur with this fact. We are particularly concerned about the detrimental impact on the following views and the appreciation of these heritage and community assets, without undue distraction:-

- Waterman Square – View 3a,b & c
- Alexandra Cottages – View 4
- Barnmead Road – View 7
- High Road/Congregational Church/Kenwood – View 8
- Penge High Street – View 9a & b
- Croydon Road with Evelina Road – View 10
- High Street – View 18
- Crystal Palace Park – View 19 where more representative views should be included
- Southey Street – View 21
- Green Lane – View 22 and missing views:-
- St Johns Church/St Johns Road
- Aldersmead Road/Cator Park
- Penge War Memorial

- Former Police Station (front elevation)
- St Johns Cottages

We fundamentally disagree that the 18 storey residential tower and its flanking blocks are a pointer to the centre of Penge and new public square, as the core of Penge is already defined by its coherent and historic high street and iconic landmarks such as the Listed Lighterman's and Waterman's Almshouses with accompanying Waterman Square, and board stone spire of St Johns Church. The argument to celebrate an incongruous modern residential tower, of no particular architectural merit or positioning and over domination of the historic and cohesive townscape is untenable, especially as the public space alluded to would be dark and windy small pocket of near unusable space and amenity. The assessment of Tall Buildings in this location is completely flawed and does not follow the latest guidance from Historic England, with all of the required criteria unmet by the wishful and naive responses. We fully endorse the Historic England Advice, regarding this planning application, in respect of Significant of the Historic Environment, The Proposals and their Impact, Relevant Legislation, Policy and Guidance, Historic England's Position and Recommendation. Copy of letter dated 21st February 2023 by Alasdair Young (Inspector of Historic Building and Areas) is attached as Appendix 1 to this ARA objection for convenience and reference. The concerns particularly affecting our conservation area are highlighted in yellow, but we have major concern for all conservation areas/historic assets, and identity of our town of Penge. We are shocked and disappointed that the developer or their design/planning team did not engage or consult with Historic England on this clearly important and contentious application affecting the historic environment. We feel significant weight should be afforded to their admirable submission and firm objection.

4.2 Impact on Immediate Residents:

Many of those living closest to the site are likely to have objected themselves but we wish to add weight to the views of those whose day to day lives will be significantly impacted and to remind decision makers that they should not be ignored or considered an inconvenience as seems to permeate the proposal. In particular we find the document that identifies impact in terms of access to natural light deeply concerning in the way it suggests:

- A self-defined reduction in the required level of light that properties should be entitled to (a vague allusion to how reducing the published limits to just 15% could be acceptable);
- A recognition that a significant number of adjacent properties would not even meet this arbitrarily reduced level.

More broadly anyone living on or close to Penge High Street, including residents in the area bordered by Maple Road, Franklin Road and Croydon Road will find their immediate outlook dominated by a building completely out of keeping with the skyline of the area and as observed above this impact will be felt by those living considerably further away. The sheer scale of the proposed overdevelopment has far reaching consequences, beyond the impact on immediate residents, and would change the character, skyline and appreciation of Penge as a place and community. It is almost unprecedented that one massive potential development would blight six local conservation areas (Penge High Street, Alexandra Cottages, Barnmead Road, Aldersmead Road, Cator Road and Crystal Palace Park) together with Listed buildings and churches (including The Royal Waterman's and Lighterman's Almshouses, The Royal Naval Asylum – King William IV cottages, St John's Church, Congregational Church, White House, Penge War Memorial, Penge East Station) and Locally Listed buildings (such as the Alexandra Cottages, 101a Parish Lane, St Johns Cottages, Former Police Station and Harris Academy – Kenwood) .

4.3 Social, Economic, Community and Health Impact: This section covers less than a page of the Planning Statement with a supplementary annex but is a major area in which we have concerns about the proposals. Access to GP and other primary health services is already an issue in the area and we contend that this proposal is likely to exacerbate this and to create issues for local primary schools in terms of meeting the needs of new residents. We presume that a proposal of this sort would normally include a 'Community Infrastructure Levy' and while that would not be hypothecated to be solely spent in the area in which the development takes place we see little evidence that any

funding is being committed by the London Borough of Bromley or other authorities to ensure that public services are able to meet the enlarged population of the area.

5. Conclusions

The Alexandra Residents' Association has undertaken a simple evaluation of the overarching Planning Statement and the supporting documentation, giving a weighting of 50% to the planning statement as this covers almost all aspects of the proposed development, and 2% for each supporting submission (such as the Design & Access Statement, Heritage and Townscape and Visual Impact Assessment, Energy Statement, Planning Drawings etc.). We conclude that compliance with policy and quality of the submissions would be in the region of 44% against an ideal minimum target of 75%. The overall balance in our view is therefore strongly against the granting of planning permission, where the substantial harm far exceeds any public benefit. Please see Appendix 3 for the evaluation scoring for each element against quality and policy. We note that the Levelling Up agenda has been ignored and is not covered under this planning application. Recent policy has confirmed that provision of housing should not impact so significantly as to change or harm the character of communities. Similarly, there has been no Masterplan carried out by the planning authority, London Borough of Bromley, or through the Greater London Authority, or the developer of this site, into the Penge Regeneration Area and any provision of housings/commercial mix. The redevelopment of the Blenheim Centre is an opportunity to improve the commercial offer and support the High Street and linkages through to Maple Road and other existing residential areas, with an appropriate mix of commercial, leisure and community uses, included an element of housing (predominately affordable) and enhanced public realm and greening of the environment/setting. The redevelopment of the Blenheim Centre is welcomed but it must be proportionate to what the site and community can bear, which means in practice a proposal at a quarter of the current size and with a proper masterplan for the whole town centre. We conclude that the proposed overdevelopment of the Blenheim Centre by Hadley Property Group and their partner Clarion Housing Association fails to comply with the majority of policy requirements under NPPF, Bromley Local Plan, GLA London Plan with the harm far exceeding any claimed public benefit. We would ask that the planning application be refused.

14th February 2024

Introduction to the Revised Submission by the Alexandra Residents' Association

This document provides an overview to the resubmission of a document previously submitted by The Alexandra Residents' Association in 2023 to the previous version of the proposals made by Hadley Group which have been withdrawn and revised. For the avoidance of doubt, we are clear that the revised proposals in no way address the substantial concerns raised not just by us but across the whole community of Penge and our opposition to them remains as strong as previously. The impact on local residents from the scale of over-development, the failure to adequately address housing need through tenancies at social rent and the likely impact on the delicate ecosystem of the Penge High Street retail footprint remain substantial concerns. Our previous objections have been reviewed and although we can see changes have been made we contend that the alterations proposed (with the possible exception of fire safety) are simply window dressing and that the objections lodged previously should be considered 'live' in relation to the new proposals.

Although some grounds for objection made previously have been slightly ameliorated in the revised proposals, we contend that the substance of our objections in each area of the attached remain valid and we wish them to be considered in the forthcoming deliberations. In particular the very small reduction in scale (from 18 to 16 storeys and from 250 units to 230) and the alterations to building materials to do not adequately address the concerns detailed by the Association and many others last year.

Summary of Objections

Planning Officers and members of the council will doubtless be aware that the proposed redevelopment of the Blenheim Centre has generated massive opposition across the local community and this is reflected in the views of residents of the Alexandra Cottages. Many residents have commented as individuals but the Alexandra Residents' Association wishes to add a collective objection to the current proposals. The Association represents residents of the area off Parish Lane covering Albert Road, Edward Road, Hardings Lane, Princes Lane and Victor Road. There are just under 200 properties making up the Alexandra Cottages Conservation Area and they are a much-loved locale typifying the low rise suburban fabric of Penge threatened by the proposed development. While there are legitimate discussions that could take place about the provision of housing units in Penge (especially for affordable/social rent tenancies) and for making better use of the space covered by the proposals we wish to categorically state that this development is not an adequate answer to either issue. The association therefore adds its voice to the many hundreds of others demanding that this proposal be rejected and that plans for the site be reconsidered using the borough's Local Plan as the basis for any future proposal. While we are clear that the plan proposed would be unacceptable over development we would also urge the council to reject suggestions to implement the plans in part. The reasons why we consider them fundamentally flawed even in a reduced form are described below.

Key

Comments on Claims Made in the Planning Statement

'The optimisation of an accessible and under-utilised brownfield site located at the heart of an Area of Renewal and Regeneration'

The provision of 250 new homes

The provision of high quality .. homes meeting high design standards

A range of innovative uses to support .. the local community

The creation of a new civic public square and improved permeability in all directions;

Providing a Sustainable Car Free Scheme

Detrimental Impacts:

Heritage and Planning Detriment

Impact on Immediate Residents

Social, Economic, Community and Health Impact

Conclusions

The Alexandra Residents' Association has undertaken a simple evaluation of the overarching Planning Statement and the supporting documentation, giving a weighting of 50% to the planning statement as this covers almost all aspects of the proposed development, and 2% for each supporting submission (such as the Design & Access Statement, Heritage and Townscape and Visual Impact Assessment, Energy Statement, Planning Drawings etc.). We conclude that compliance with policy and quality of the submissions would be in the region of 44% against an ideal minimum target of 75%. The overall balance in our view is therefore strongly against the granting of planning permission, where the substantial harm far exceeds any public benefit. Please see Appendix 3 for the evaluation scoring for each element against quality and policy. We note that the Levelling Up agenda has been ignored and is not covered under this planning application. Recent policy has confirmed that provision of housing should not impact so significantly as to change or harm the character of communities. Similarly, there has been no Masterplan carried out by the planning authority, London Borough of Bromley, or through the Greater London Authority, or the developer of this site, into the Penge Regeneration Area and any provision of housings/commercial mix. The redevelopment of the Blenheim Centre is an opportunity to improve the commercial offer and support the High Street and linkages through to Maple Road and other existing residential areas, with an appropriate mix of commercial, leisure and community uses, included an element of housing (predominately affordable) and enhanced public realm and greening of the environment/setting. The redevelopment of the Blenheim Centre is welcomed but it must be proportionate to what the site

and community can bear, which means in practice a proposal at a quarter of the current size and with a proper masterplan for the whole town centre.

We conclude that the proposed overdevelopment of the Blenheim Centre by Hadley Property Group and their partner Clarion Housing Association fails to comply with the majority of policy requirements under NPPF, Bromley Local Plan, GLA London Plan with the harm far exceeding any claimed public benefit.

- West Beckenham Residents' Association – Objection (22nd February 2023)

WBRA urges LB Bromley to refuse this application for high rise development. We urge the council to continue its policy of resisting high rise development in the Borough. Eighteen storeys is far too high for this part of Bromley. Beckenham is also under pressure from applications for high rise buildings which we do not wish to see, so we support our colleagues and close neighbours in Penge in objecting to the application.

Penge Forum, Community Association for Penge and Anerley– Original objection (15/03/23), updated comments outlined regarding revised proposal.

- The Blenheim - Arpley Estate Residents' Association – Objection (5th February 2024)

“The Blenheim - Arpley Estate Residents Association objects to Hadley Property Group and Clarion Housing Association proposed redevelopment of the Blenheim Centre. We are fully aware that more homes are required in Bromley, and this area would benefit from some regeneration. However, this area already has many new housing schemes which are in keeping with the neighbourhood. This application will change the skyline and alter the character of the area.

Our objections are:

1. The adverse effect on the residential amenity of neighbours, by reason of noise disturbance, overlooking, loss of privacy. This redevelopment will have an adverse effect on the residential amenity of neighbours. We live on the Blenheim – Arpley Estate which will be overshadowed by the proposed tower blocks as we are located directly behind the Blenheim Centre. Tower blocks will completely change the character of the area and massively increase overcrowding. Not to mention loss of privacy with the height of the development and loss of natural light. A 2-storey reduction from 18 storeys to 16 storeys will not address the concerns we residents have, which are planning objections. Currently this area is peaceful, and we are concerned this development will lead to overcrowding, increase in noise as well as pollution, waste and rubbish. We all believe our health and wellbeing will be directly affected due to the change in the quality of our lives should the development proceed. Currently the area has a positive quality of character, it is peaceful, well but not overpopulated. The plans are not in keeping with the area or respects the character of the neighbourhood in anyway.

2. Unacceptably high density / over-development of the site.

The proposed development damages the open aspect of the neighbourhood - the developers will be removing our resident's ability to see the sky. The look and feel of Penge High Street will be irrevocable changed. The homes will be super dense, with people being forced into tower blocks while the rest of the neighbourhood is generally low density. Again, we are concerned how dense the area will become without due regards to the local people currently living and how this increase density will impact on health and wellbeing. The development will bring an already stretched social and physical infrastructure e.g. GPs, Schools, Waste Management, green areas, public transport, traffic and parking. The developers have made no mention of the how they will support this and how the change in infrastructure will support the local community. Our traders do require parking to keep their shops running in the high street.

3. Effect of the development on the character of the neighbourhood

By granting planning permission to the developers, this may set a precedent and the low-rise Victorian character of the area will be irrevocably changed, if not destroyed. The Bromley local plan states that a range of decent homes of different types and sizes are available and housing supply is tailored to local needs. Any new housing complement and respects the character of the neighbourhood in which it is located, paying particular attention to the density of development... (1.3.6). We do not believe this has been considered in the developers plans.

4. The proposed development is over-bearing, out-of-scale or out of character.

The current proposals in terms of appearance when compared to neighbouring properties is out of character. The CGI images where the tower blocks destroy the skyline also show how out-of-scale and out of character the tower blocks are. The development is overbearing and not appropriate for the neighbourhood. There are no high-rise tower blocks in the area.

5. Too Tall

Similarly, our objection (over-bearing, out-of-scale or out of character) this development is simply too tall. As outlined throughout my objections, the proposal for the tower blocks is too tall, out of scale and really concerns me for reasons already mentioned above relating to health and safety as well as not being in keeping with the local nature of the neighbourhood. It destroys the skyline. The building, at 16 storeys, contravenes both the Bromley Tall Buildings Policy and the London Plan Policy D9. The GLA have already themselves stated that high rise buildings should not be used as a means of addressing the housing shortage, so why should the developers be allowed to breach Bromley's Tall Buildings Policy just so they can make a profit at the expense of people's lives. Additional points from Policy D9 Tall buildings that should be considered by the council, which have not been by the developers:

- Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations. This is not a suitable location, and the development did not adequately engage with locals in a meaningful way.

- Tall buildings should only be developed in locations that are identified as suitable in Development Plans. This is not a suitable location for this development due to the height of the development - it's simply too tall and not in keeping with the Victorian low-rise nature of existing properties.

6. Loss of light / overshadowing

We are very concerned that the development will negatively impact our right to natural light, and we will be cast into perpetual darkness. We do not want a dark overshadowed high street. If the developers truly are looking to support the neighbourhood, they should reconsider their plans to create properties that meet the needs of the local community and in keeping with the look and feel of the area. Not changing the skyline forever or destroying my quality of life. People over profits always. I do not believe the plans as they currently stand would create a positive impact to the community. Instead, this development is going to create more problems which did not need to be created to begin with”

- Avington Grove Residents' Association – Objection (5th February 2024)

“The Avington Grove Residents Association would like to object to the revised planning application for the development of the Blenheim Centre on Penge High Street on the grounds that the changes made to the original proposal (to which many of our members objected) are inadequate. The reduced height will still be too imposing, causing a loss of light and introducing a tall building to the area which is out of keeping with the low rise surrounding development. Although members of the association agree that the London wide housing shortage must be addressed, they do not feel that the proposed development - right in the centre of the busy shopping area - is the the right place. The affordable options both for renting and sale have been reduced. Local schools - especially at secondary level are already oversubscribed. GP appointments are already in short supply. We also

fail to see where residents of the building would keep cars (however much you imagine people will cycle and use public transport, most people who can afford London property keep a vehicle). These are all points made in objection to the previous scheme but we would like to draw attention to the fact this new proposal has not addressed these concerns. As residents of Penge we feel lucky to live in an area which has its own character – the almshouses, Victorian terraces and other unusual buildings make it a unique neighbourhood of London. The design and appearance of this development will take away from this and leave us all the poorer.”

- Friends of Penge Recreation Ground – Objection (7th February 2024)

“1. One of the three Aims and Objectives in the constitution of Friends of Penge Recreation Ground is to 'promote the wellbeing and health of the local population through exposure to high quality green space and nature in a restorative and healing environment.' The park is an oasis of green and a welcome escape for children many of whom do not have gardens. It is not overlooked by anything high other than the spire of St Johns Church. A huge development would spoil the view from the park and lose the secluded feel to the detriment of the above aim. The low-rise skyline around the park contributes to the restorative and healing environment.

2. Wildlife. We are concerned that kestrels or sparrow hawks that sometimes visit the park from the spire of St Johns might not come anymore because of disruption and noise from building works. We also have frequent sightings of bats.

3. Housing around the development would suffer from loss of light.

4. The building works and lack of car parking spaces would have a detrimental effect on the High Street shops.

5. It would cause significant harm to the Penge's heritage assets and conservation areas, is visually jarring, and is thoroughly out of keeping with the predominantly low rise Victorian sky line.

6. Little thought has been given to local amenities eg the difficulty of getting GP appointments and school places.”

- Penge SE20 BID – Objection (9th February 2024)

The Penge SE20 BID is a not-for-profit organisation run by a volunteer Board in SE20. We represent our 260 business members, who pay a mandatory levy on their business rates which enables us to supply services over and above those supplied by Bromley council. We also lobby on behalf of our members.

The proposals by Hadley for the Blenheim Centre are a once in a generational opportunity to reinvigorate the town centre but must be sensitively handled and it is a polarising proposal. These plans are welcomed by some of our members, but also fiercely opposed by others. Some see an influx of new customers, some the decimation of the town centre by loss of parking and congestion. Our comments refer to the commercial element of the development and parking.

The existing development provides the Town centre's only shoppers' car park, for many customers of the existing centre's retail units, but also using it as parking to visit successful destination retailers in and around the High Street. Many of the surrounding streets are in controlled parking zones (CPZ's), so there is limited on street parking capacity. The current plans show 24 parking spaces for retail customers. There is no allowance for residential parking.

The BID believes that this has been arrived at because the developers have applied Public Transport Accessibility Level (PTAL) 5. Having studied local PTAL levels, only a fraction of the site is PTAL 5, with the majority being level 4, which requires higher parking levels for residential development, but more importantly, from a business perspective allows for higher levels of parking spaces per square meter of commercial space.

Whilst we recognise that 10.6.4 of the London Plan states "When calculating general parking provision within the relevant standards, the starting point for discussions should be the highest

existing or planned PTAL at the site" we would urge that consideration should be given to local circumstances (as that same paragraph also states) given the high street need that we believe our members require to ensure Penge remains a thriving economic hive.

Further the BID believes that the PTAL calculations are outdated as many train services from the Penge Stations have been cut since the pandemic.

The BID believes that the loss of parking will damage the vitality and viability of the Town centre overall and harm the interests of our members.

Penge will be competitively disadvantaged compared to competing local town centres that will still have off street car parking facilities, ie Beckenham, and Sydenham.

We gather that the developer will require that the residential owners/tenants must agree to not own vehicles, but how is this to be policed? It is inconceivable that some residents will own vehicles and will utilise the few available on street parking spaces. This also does not consider residents whose employment provides a company or trade vehicle, and these will also have to park somewhere. Brownfield development has removed parking facilities for many businesses and it has led to changes in Business practice, with British Gas, Thames Water and indeed Clarion to have their vehicles parked at their operators homes overnight.

Lambeth Planning Methodology states that all developments cause displacement. The current car park has 47 remaining spaces, so would it not be equitable and reasonable for this level to be returned so that the impact of the development is minimised?

The loss of parking will also impact our members who have staff that travel to work by car.

This application lacks the balance to enhance Penge High Street. London Plan policy SD6 section 2.6.4 states "Boroughs and others should ensure their strategies, policies and decisions encourage a broad mix of uses while protecting core retail uses to meet demand." This protection of core retail is not in evidence on this proposal.

Penge SE20 Business Improvement District (BID) recognises positive economic regeneration and the benefits that it can bring to our BID members.

The BID acknowledges that the existing centre has few merits and that elements of the redevelopment will provide community and green spaces, but this must not come at the cost of the existing business community.

- Penge Forum, Community Association for Penge and Anerley – Objection (14th February 2024)

Penge Forum objects to the proposed planning application for the Blenheim Centre, SE20. Penge Forum is the Residents' Association for those who live in or care about Penge and Anerley. The Forum is not affiliated to any political party. We currently have 174 people registered on our mailing list.

On Wednesday 8th February 2023, Penge Forum, held an open meeting at the Melvin Hall, Penge, attended by well over 100 people to discuss the plans for redeveloping the Blenheim Centre. The general tone of the meeting was overwhelmingly against the proposals. Although most people attending accepted that a redeveloped Blenheim Centre could have advantages for Penge and the High Street, the vast majority thought the proposals were inappropriate and would be harmful to the area.

On Wednesday 7 February 2024, Penge Forum's AGM noted the limited changes in the new proposal and voted that previous concerns had not been addressed and were still valid objections.

In addition, a new concern was raised in relation to the loss of retail space. Comments from Penge Forum's membership highlighted:

- The sheer, height size and massing of the proposed units is out of scale with the existing mainly Victorian High Street. The proposed development is incongruous to the existing built environment in Penge and so does not offer architectural value. Overall, the meeting was against tower blocks in Penge.
- The size and massing of the blocks will be harmful to the living conditions of those in the existing houses and flats. The development would cast a shadow over both the existing residential and commercial properties.
- Although mixed development is welcome, the large number of flats proposed will overwhelm the current community. No new services are being proposed for the new residents. No social venue has been incorporated into the proposal which would likely have been welcomed.
- Not enough affordable housing.
- The parking provision in the development is inadequate for the number of flats. The applicants have attempted to mislead the council and residents over the legal requirements in this issue. The current proposals will lead to further, unsustainable pressure on parking in adjacent residential streets.
- The loss of the multi-story car park and the retail units in the current Blenheim Centre will be harmful to the High Street and lead to a reduction in trading as shoppers move to other nearby locations with better accessibility.

- Bromley Friends of the Earth – Objection (15th February 2024)

Bromley Friends of the Earth wish to object to the above application on the grounds of overdevelopment and residential amenity issues.

1. The developers have stated that they can lower carbon emissions from their proposals by reducing the number of floors to be built, see their Whole Life Carbon report; and therefore they should do more; and reduce the number of floors further, and the council should welcome such contributions to reducing carbon emissions. The Whole Life Carbon report also discusses how recycling the existing concrete frame will help reduce carbon emissions. We therefore request that the fullest possible exploration of both of these opportunities are taken before planning permission is granted.

2. The council has an excellent Biodiversity Partnership and plan however because, and understandably, much of the work so far in Bromley on biodiversity has been about protecting more greener and rural spaces from loss, less time and effort has so far gone into how new developments can enhance more urban and degraded (in biodiversity terms) sites, such as the Blenheim Centre site. The claim that the new development will increase biodiversity value by 61% is very welcome, however it's very unclear how this will happen. No planning permission should be granted until such important details are the subject of a report provided by an urban ecologist with experience of such sites.

3. The sustainable transport hub, and the aim of supporting more walking and cycling, are welcome ambitions; however it is not at all clear if the potential of these ambitions will be realised (see para 4.69 of the Transport Assessment supporting document) and therefore no planning permission should be granted until full and firm details of the sustainable transport hub are provided.

Summary

The design of the complex is of a dominating over-powering nature and the main high rise is aesthetically unpleasing both in shape and use of materials. The effect on the infrastructure in an area where there are already high demands, would be unsustainable.

- The Gardens Trust – No Comments (15th February 2024)

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Crystal Palace Park an historic designed landscape of national importance

which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II*.

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

d) Adjoining Occupiers

Objections

Land use (loss of existing retail)

- object to demolishing Blenheim Shopping Centre
- reduction in ground floor shops
- disturbance of the town centre
- loss of valuable amenities such as affordable shops such as Iceland and Wilko
- current shops are popular to local residents
- goes against what Penge needs
- more commercial/ shops needed in the High Street
- loss of jobs in the local area
- local shops and businesses will be negatively impacted
- will not help with regeneration
- Penge needs a central hub with more leisure and quality retail units
- will reduce footfall to existing traders
- loss of existing parking will impact existing businesses
- application does not address lack of direct presence on the High Street
- existing businesses may not return

Design (Height, scale, massing, density)

- huge overdevelopment of the site
- out of scale
- out of character
- harm to character and appearance of area
- the development is too tall / height is not in-keeping with High Street or local area
- negative impact on surrounding areas including strategic views
- detrimental visual impact / amenity
- impact on skyline
- will be seen for miles around
- not appropriate for suburban character
- has no local context in its extreme height
- unreasonably large for a high street / area
- will dominate the local landscape
- overbearing/ overly prominent
- Penge is low rise - total opposite of visual identity
- too dense
- unacceptable to cram in this many homes into such a small space
- pandemic taught us the importance of community green spaces and neighbourhood
- not in proportion to the area and local estate
- bulky in comparison to wider street scene
- layout and density of building is not fitting for the area

- will set a precedence for further towers to be built in the area
- do not want a skyline like Lewisham/Croydon/Greenwich Peninsula
- does not comply with London Plan policy regarding tall buildings
- reconsider overall massing – development should be lower scale
- higher than anything else in the Bromley
- vertical sprawl
- 12 storey buildings (Surrey and Kent Towers) were demolished in The Groves 22 years ago – believed to be an eyesore and unsuitable for residential living
- against policy 47, 48 of BLP, D6, D9 of LP
- Travelodge (8-10 storeys) already stands out
- tower block previously refused in Parish Lane
- would not be acceptable in other parts of the borough (e.g. Beckenham High Street)

Design (appearance)

- development will have a detrimental visual impact on the local area
- out of character for the local area
- design not in keeping with street scene of High Street
- incongruous and does not contribute positively
- lacks architectural merit or visual interest
- it looks horrible / badly designed
- designs are unremarkable and unattractive
- completely soulless
- will really affect the look and feel of the high street not for the better
- will be an eyesore in an already tired looking part of the area
- would radically impact ambience of Penge
- object to colour and style
- does not use best possible materials
- bricks should match those in other buildings
- would act as a marker for Penge
- CGI imagery used
- light will be blocked from the high street

Heritage and conservation

- no respect for history heritage of Penge
- no positive contribution to local character
- will not preserve or enhance Conservation Area
- low-rise Victorian - many residential homes surrounding site are Victorian 2-3 bedroom terraces
- would tower over listed and historic buildings nearby
- historic buildings would be overshadowed
- Grade II listed building near the site (Watermen's Almshouses) – historic and of wider significance
- close to St John's Cottages and Alexandra Cottages, St John's Church, Penge War memorial etc..
- will impact views to and from Crystal Palace Park - proximity to historical site
- Penge has an incredible history with amazing architecture
- this development will rip the heart and character out of Penge
- disfigure the landscape of historical Victorian high street
- would dominate the skyline and change character
- does not align with heritage of the area
- contrary to Policy 42

- Penge is Victorian jewel
- no attempt to reflect architectural styles building will face
- block historic landmarks
- subsidence and harm to listed buildings
- objections from Victorian Society and English Heritage

Neighbouring Amenity

- loss of light (sunlight, daylight, skylight)
- right to light under law
- overlooking/loss of privacy
- loss of sense of privacy
- visual amenity
- loss of existing views
- overshadow the surrounding areas
- light pollution - additional light from building
- will restrict the sunlight on a vast area of Penge
- appears to be little assessment on the lack of natural light on neighbouring properties
- wind effects of the towers on shoppers in the high street
- significant blocking of light for Burham close, in particular houses 1-4 and 29-32
- noise and disturbance from balconies
- environmental and noise pollution (long after construction)
- impact quality of life
- daylight report shows properties would be impacted beyond the guidelines
- existing balconies would be unusable
- overshadow small playground in Burham Close
- will affect mental health of existing residents (overshadowed etc..)
- noise, disturbance and pollution during construction work

Environmental Impacts

- no details about how development will address sustainability and on-site generation
- increased pollution
- influx will affect local traffic – air quality
- plans could do much more to incorporate green space and encourage biodiversity in the area
- loss of trees (including London Plane trees)
- detrimental to wildlife
- environmental impact of destroying the existing shopping centre
- lack of real green space (LP GG3)
- green space not large enough to benefit residents and proposed buildings
- increase in concrete/man-made materials
- does not make use of low environmental impact materials
- greening will die without ownership or maintenance
- create wind tunnels
- create unnatural heat
- tall buildings affect micro-climate of local surroundings
- developer needs to provide more clarity that payments will equate to genuine carbon extraction for this project
- possibility of ground source heating?
- is the development carbon neutral?
- no mention of green/renewable initiatives

- no information in Fire Strategy about where Spent Fire Water would be directed (should be agreed by EA)
- one of few seasonal breeding areas for large number of swifts
- Biodiversity Net Gain
- existing car park could serve as home to bats and rare species (have been seen there)
- only means to be certain about the use of a building by birds and bats is by a visual inspection of the interior for evidence of bat guano
- failure to undertake an interior inspection of the warehouse to ascertain the presence or not of bat roosts is in contravention of UK legislation
- bats in the area surrounding the site
- mitigation measures being used to avoid delays and complications
- artificial habitats are inferior to established habitat
- concerned proper bat and wildlife survey has not been carried out
- stag beetles found in neighbouring site
- owls can be heard at night
- right to access clean air
- carbon and fossil fuels needed demolish
- towers not eco-friendly
- impact on Blenheim-Arpley Community Gardens
- high risk flood area
- rivers and springs directly under Blenheim centre
- increase risk of flooding
- no provision of renewable energy generation (could include solar or wind)
- dust emission magnitude large – need mitigating measures (no submission to date)
- concerns about bat boxes – environmental health issue?
- more wind generated than in low rise areas
- drainage issues

Highways and Transport

- inadequate car parking
- loss of existing parking - less parking available
- problems with parking for the high street and for residents
- straddles 2 PTAL ratings – PTAL 4 and 5
- no town centre parking would remain
- issues regarding adequacy of parking/loading/turning
- highway safety
- when the parking has been closed at the Blenheim centre it has caused real problems on the high street
- residents parking restrictions and Blenheim car park have help alleviate
- if people can't park they won't shop in Penge and businesses will close
- increase traffic
- impact on traffic in neighbouring street
- will cause significant congestion on local roads
- to believe that owners will not have cars is naïve
- difficult to enforce that people moving in won't have cars
- residents will bring cars – impact on surrounding roads
- unreasonable to think future occupiers will not need cars for their jobs
- takes no account of the existing local infrastructure
- insufficient infrastructure
- not enough parking spaces to support the influx of people

- rely on parking to access high street shops
- tower blocks of this type are not allowed in Bromley town centre even though Bromley TC has well over 20 trains per hour - Penge has much fewer
- traffic spillover into the neighbouring roads
- the lack of parking is worrying for disabled people
- loss of parking will impact on the shops- development removes only off-street parking for the High Street
- will impact role as a shopping and dining destination
- road access impact – loss of two well used roads
- trains to/from Victoria and Penge East are already full
- buses full at peak times
- existing local residents will create driveways
- no dedicated cycle lanes into central London
- delivery area to the rear already busy
- could cause discrimination – accessibility issues for shopping
- local roads may require permits – at cost to residents
- delivery drivers will start parking on the high street
- should be allowances for disabled cyclists
- transport assessment does not include vehicle tracking
- CEMP – lack of information
- does not address waste servicing plan for rear of High Street
- access for emergency vehicles
- impact on access to rear of business
- EV charging facilities only abide by minimum requirements
- safety concerns during construction works including safety of construction access
- loss of Lidl in the High Street due to lack of parking
- errors in statements regarding existing transport links
- access to waste storage / recycling seems poorly planned – no appropriate turning space for refuse vehicles
- no increased train service to London – train service from Penge West to London Bridge cancelled
- site not within an existing CPZ – number of surrounding streets are not subject to parking controls
- disabled parking provided on the road
- 2021 census showed 0.41 vehicles per household – would equate to 103 cars for 250 units
- no assessment made of impacts of additional parking demand
- car free should not be in lower PTAL areas
- access – conflicts between users
- sustainable transport hub - no details
- concern for security of cycle storage
- little to no cycle lanes within Penge or surrounding area
- E-scooters not allowed in Bromley
- at odds with ULEZ aims
- if minded to grant, following should be secured via S106:
 - Permit-free designation to prevent residents from applying for parking permits for any future CPZ
 - Contributions towards parking surveys / future monitoring of parking stress
 - Contributions towards consultation on extending nearby CPZs
 - Contributions towards implementation of CPZs
 - Car Club membership for all residents for a minimum of three years

- Contributions to secure meaningful improvements to walking and cycling within the vicinity of the site, particularly linking to existing cycle routes, public transport nodes, schools etc (as per the Active Travel Zone routes identified within the TA)
- Provision of 12 months free public transport vouchers for all new occupants (as per the Outline Residential Travel Plan Action Plan)

Affordable Housing

- low percentage of affordable housing
- will end up being 'gated communities'
- the affordable homes will not be truly affordable
- small percentage affordable for everyday person seems to be no proposed provision of homes for rent at 'social' rent levels
- local people want local affordable houses, not flats, family homes that are truly affordable (as "affordable housing" is often not that affordable)
- concerns over the management of affordable units
- split of private and affordable not adequate
- must provide for existing residents
- not clear from the plan how many of the homes will be social housing
- need for social housing in Bromley
- affordability of the new residences will mean it is highly unlikely to benefit the existing local community

Quality of residential accommodation

- low quality housing
- most of units will not be suitable for families
- high rise flats are not suitable for families, and families forced to live in such housing are disadvantaged as a result
- will affect mental health of new occupiers
- need access to outdoor garden space
- quality of resulting accommodation – sizes, single aspect, ventilation etc.
- quality of the proposed accommodation
- no laundry facilities in the flats could result in mould
- some layouts would fail to provide a high standard of design or safety of the occupants
- the proposed flats/ maisonettes at the lower levels have very deep plans with just one façade with clear glazing proposed
- inadequate levels of daylight for the rooms proposed
- some maisonettes don't provide a habitable room or enough space at the entrance level for adaptability to a bedroom
- poor space layouts
- bedrooms too small, bedrooms with awkward configurations and too many windows
- some flats fail to provide a protect escape route out of the flat as to escape from the bedrooms the occupant will have to go through the open living / kitchen area
- fails to comply with requirement of 2 staircases for all new buildings above 30m
- density of home – not good quality for people who will live there
- concerned about the welfare of future tower block residents especially families
- easy access to outside space is vital for well-being and mental health
- soundproofing of flats for new residents
- no private outdoor space
- intimidating and unattractive places with significant social, economic and housing problems
- residents would not have their own outside area to grow vegetables plants
- no outside area for children to play in

- disabled access

Fire Safety

- concerns about fire safety (fire escapes)
- difficulties that the fire service would have in controlling situations
- unable to locate a sprinkler tank on any of the relevant drawings
- requirement for a wet rising fire main in block C
- complexity of tenures within the proposed development the appropriate level of (fire) maintenance may be difficult to achieve across the site
- inaccuracies undermine validity of Fire Report
- two internal first escape routes needed in high rise buildings over 30m
- changes to fire escapes are an after thought

Infrastructure and Services

- extra pressure on doctors, dentists, local schools, childcare for under 5s, local hospitals
- lack of community facilities
- people are already being pushed out to secondary schools in other boroughs
primaries are oversubscribed
- crime already high – will be made worse without extra funding for police, youth centres and education
- refuse from 250 dwellings add more strain to local services
- rubbish collection in Penge is already awful with rats in many areas
- development will massively exacerbate the problem
- pressure on local resources
- impact on services such as water supply and waste water
- how will CIL and the S106 capital be spent?
- lack of utilities assessment
- CIL – no guarantee that money will be spent on Penge infrastructure

General

- lack of consultation / community engagement by developer
- lack of consultation is a real concern / notification from Bromley Council
- information about proposed height not made clear by developer during consultation (website or leaflets)
- site notices hard to see
- Penge already has highest population density in borough
- voices of local residents should be heard
- tall buildings are not the answer for London's housing need
- Penge has local community feel
- powerful community spirit including the Art trail, Penge festival and Penge Heritage trail
- at odds with Bromley Local Plan
- Greater London Assemble found that "(the) Committee does not believe that tall buildings are the answer to London's housing needs"
-
- increase crime in an already deprived area
- attract anti-social behaviour
- no mention of increased security or policing the developed areas
- seems to be purely a profit exercise for the developers - are unlikely to be living in the area

- developers will have little long-term interest in the development's success after the sale of its units
- will not benefit the area
- will detract people moving to Penge
- Penge is a close community with a fantastic balance of culture and backgrounds
- this development would destabilise that balance
- detrimental to a sense of local community to have so many people suddenly in one place
- should start with updating the existing housing stock
- Blenheim Centre should be refurbished and improved
- impact on emergency services
- all the data shows high rises are problematic for their residents, causing associated mental, physical and societal problems
- any plans should consider Empire Square as a whole, including Colman House, as part of a holistic approach
- 'micro park' is clever marketing but inappropriate - too small and dangerous next to busy road
- pocket parks and outdoor areas will attract anti-social behaviour
- High street will become overcrowded
- Penge has village feel in London
- maintenance of buildings
- minimal community space
- disabled person's access
- will harm local businesses
- social impact
- tower blocks linked with social deprivation
- will set precedent for future developments
- concerns about subsidence for local properties
- would not meet the aims of the Penge Town Centre Renewal Plan
- Penge is already underfunded
- overcrowding known to trigger higher death rates and suicide rates
- damage from pile driving foundations and construction vehicles on older properties
- would remove Rooftop Gallery
- should investigate how proposed housing could be met in another way/place
- other brownfield sites could be used
- look at Rokewood Apartments in Beckenham as a sensible development
- informal surveys undertaken on the High Street (by residents)
- no Equalities Impact Assessment has been submitted
- will there be provision of public toilets for visitors to the area?

Miscellaneous

- devalue local properties
- concerns about the housing association, Clarion, as a landlord and in terms of long-term maintenance and update
- council should also look at the empty shops we currently have on Penge High Street, work with the Traders and Penge BID team to improve High Street
- inconsistencies within the planning statement
- sinkhole is Penge High Street in 2013 – Thames Water could not explain
- problems with subsidence
- damage to nearby buildings due to works and foundations
- no evidence of proper plans for piling foundations

- lack of technical information about this area – no groundwater monitoring and contaminated land assessment, piling methodology and risk assessment or ground conditions assessment
- Settlement Surveys will be required
- tenures and leaseholds – questions about how the site was acquired
- very bad past experiences living in a tall tower block
- speaking at committee limited to 1 person for 3 mins – inadequate
- only given 3 weeks to respond
- online portal – some documents did not open
- problems with using the Portal to comment
- will the block interfere with Crystal Palace tower signal?
- how will block impede flight paths?
- impact on TV and radio reception
- no information displayed within the shopping centre
- residents expected to review 100s of documents to make comments
- many of the support letters are the same (cut and paste), developer has gone door to door for support

Summary of Petition (Hosted by Penge Preservation Society, 2314 signatures)

- detrimental effect on the character area
- visual impact
- insufficient infrastructure for increase population (e.g. doctors, schools, greenspaces, parking,)
- out of keeping with area
- would destroy village atmosphere
- impact on residential amenity of neighbours
- noise, disturbance, overlooking, loss of privacy, loss of light, overshadowing
- overdevelopment
- high density
- over-bearing and out of scale
- loss of views
- will not provide genuinely affordable housing (need housing people can afford)
- deprives local people of local resources
- too high
- will not be able to shop locally
- disruption during construction
- not learn from previous high-rise buildings
- will not improve Penge
- loss of shops
- increase crime
- area already has heavy traffic
- make area congested and ugly
- overcrowding
- should start with community's needs (not profit)

Support

- love the look of the development
- style is modern and fresh
- beautiful development
- provides much need investment in the area
- provides much needed housing
- new jobs

- new residents will boost high street (increase footfall)
- pleased to see 'no car' development
- consultation process has been clear – community has been involved
- Penge is well connected
- should not be encouraging people to drive short distances
- existing residents should consider the benefits to the whole community in terms of reduced local traffic and air pollution
- whole area is lacking in new housing
- shopping centre is an eyesore (and immediate surroundings)
- proposed commercial units next to pedestrian spaces look good
- massing seems OK
- new pedestrian routes through the site are positive
- Penge needs change – cannot survive as it is
- Blenheim centre is old and tired – eyesore, no architectural merit
- existing car park is normally empty
- massively needed opportunity for regeneration
- will attract new businesses and residents to the area
- NPPF states that planning decisions should "allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene"
- fantastic plans, responsible and progressive
- will be an asset to the area
- will replace a dated building which is hardly used and create much needed energy efficient housing
- generally approve of the plans with one exception - an 18 floor building is too high to keep the character of the area
- would like to see opportunity for a cinema rather than gym
- more likely to visit, live, work in Penge
- will lead to further gentrification
- will put Penge on the map
- area suffers from lack of affordable housing
- good provision of cycle storage
- green public spaces
- good transport links
- Penge has a community feel that is not reflected in the high street
- will bring more young people to the area
- improve health and wellbeing of Penge
- will link Maple Road with the High Street
- hope to see higher quality / variety of eating and drinking establishments
- in-line with NPPF, LP and BLP policies
- sustainability benefits
- S106 to secure infrastructure improvements
- adding density to suitable location
- will support viability of local area
- Blenheim centre is currently not safe at night
- get rid of chain stores that provide little to the economy
- overflow towards surgeries and dentists will be worked out
- car park is dangerous and rarely full
- listed buildings not threatened or adjacent to development
- private garden overlooked part of urban living
- will create 2,600 sqm new commercial floorspace including new Iceland

- new public route connects High Street and Burnham Road, creating new civic square
- creation of pocket park – quiet green space
- 250 new homes – 35% affordable will help release pressure on housing in surrounding area
- 100 trees planted on site
- Helping to achieve biodiversity net gain of 65% in excess of GLA target (10%)

Further consultation letters were sent to residents on 12th January 2024 seeking views on the revised proposal. The points raised in the responses received are summarised as follows:

Objections

- insufficient notification – confusion about consultation period
- lack of site notices
- consultation period too short
- concerns that previous objections will not be taken into account
- revisions to not make a material difference – objections remain
- do not address issues with original application
- previous objections repeated
- inadequate response to local criticism
- lack of consultation by Hadley and Clarion Housing
- barely adjusted the scheme – plans have not changed much
- reduction in height minimal
- 18 storeys was too high and 16 is no better
- change to brick colour not enough
- excessive bulk
- overall design, scale, appearance and material still not acceptable
- Penge not central London
- out of character – not in-keeping with local area
- out of context with Penge's architecture/ heritage / conservation area / listed buildings
- too high
- out of character with surrounding area
- proximity to heritage sites/conservation area
- overdevelopment
- overbearing
- overcrowding
- loss of light (neighbouring buildings)
- Impact on sunlight/ daylight to surrounding area/properties
- loss of privacy and overlooking
- overshadowing
- poor architectural design
- too dense
- lack of parking
- loss of parking
- travel plan out of date
- additional traffic on local roads
- environmental damage/ disruption during construction
- no renewable energy provision onsite
- Penge already overcrowded
- basic infrastructure not in place for increase in dwellings
- GPs / school, oversubscribed
- insufficient landscaping to offset carbon generation

- loss of visual amenities – visual impact
- loss of existing views / skyline
- impact on businesses
- existing shops displaced and may not return
- loss of affordable shops
- loss of jobs
- change to access arrangements for existing retailers
- will not regenerate High Street
- impact on community
- reduction in train/ transport services
- noise and disturbance from new residents
- waste management
- set precedent for high rise development
- drainage issues
- remains contrary BLP policies
- retail floorspace inadequate – reduction in available retail space
- pocket park inadequate – lack of open space
- inadequate affordable housing / units will be unaffordable
- could cause subsidence and damage to surrounding buildings
- road safety concerns
- may result in increased crime
- outdated transport assessment
- not opposed to the redevelopment on Blenheim but objections to this proposal
- low quality housing
- no increase in dual aspect provision
- no reduction in internal kitchens
- no significant change to access routes to bike stores
- flats too small to make lasting homes
- concerns about wind
- cash payment to offset environmental concerns contradicts BLP
- inappropriate location for development
- harmful to residents
- harmful to wildlife
- loss of trees
- confirmed presence of bats
- Empire and Arpley Square should remain public space
- loss of artwork
- insufficient attention to hydrological conditions – survey of ground water condition should be carried out before permission granted
- fire safety including access for fire and rescue service vehicles
- shouldn't approve this plan on the need to meet housing targets
- should prioritise transparency and accountability
- concerns regarding access points

Support

- current building is an eyesore
- much needed development into the area
- huge boost for local businesses
- investment into the area
- economic benefits

- increase property values
- similar buildings in vicinity (Sydenham and towards Anerley)
- well connected to public transport
- appropriate density
- old building replaced with safe modern home
- not many cars use the existing car park
- in need of refurbishment
- much needed housing
- tall buildings bring necessary density
- will not affect Penge's cultural heritage
- important that the development is sustainable and run environmentally/ ethical way
- affordable housing provided
- social/ affordable housing should be fairly distributed through development
- Almshouses are sufficient distance away
- housing that is argued will be overshadowed is to the south
- face east-west so will not have sunlight/views obstructed
- good to see car free development – close to railway stations
- Victorian history and modernity can coexist and flourish
- New homes for Penge (35% affordable)
- New play space and landscaping
- sustainable development - improved bio-diversity, solar panels and sustainable transport hub
- improved public realm, community and commercial uses

Neutral

- need more homes
- not opposed to new modern building
- developers should be held accountable and build to high standards

Full copies of all the representations are available to view on the electronic file (ref.23/00178/FULL1).

e) Officers' response to objections raised on the grounds of planning process, such as insufficient notification, confusion about consultation period, lack of site notices and consultation period being too short:

- Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in [article 15 of the Development Management Procedure Order](#) (as amended), which requires a statutory consultation period to last for at least 21 days.
- Local planning authorities have discretion about how they inform communities and other interested parties about planning applications, however [Article 15 of the Development Management Procedure Order](#) sets out minimum statutory requirements for applications for planning permission.
- Where an application has been amended, although there is no legal requirement to do so, the Council endeavours to re-notify if the amendments would materially affect the considered views of interested parties. It is up to the Council to decide whether further publicity and consultation is necessary in the interests of fairness.
- Generally, a shorter period of 14 days is allowed for re-consultation on amended applications (in line with Paragraph 4.4.9 of the Council's Statement of Community Involvement (SCI), prepared under [section 18 of the Planning and Compulsory Purchase Act 2004](#)).
- The amended planning application was re-publicised through all the original consultation methods, including site notices (5 No.), neighbour notification letters, newspaper advert and

publication on Planning Public Access on the Council's website; each allowing a period of full 21 days from the commencement of each individual consultation procedures.

- Different ways of consulting local residents often result in different expiry dates of the said 21-day period, most frequently due to the press advert cut off dates.
- As no resolution on the planning application can be legally made before the formal consultation period is completed, the latest consultation expiry date is taken as the overall expiry of the consultation exercise. This in practice often results in a slightly extended consultation period lasting longer than 21 days.
- Whilst it is appreciated that various dates stated on the website may appear confusing, each form of publicity does clearly specify a deadline for responses, therefore no responses made within the timescales given, regardless of which form of notification they respond to, should be affected by these differing dates or result in local residents missing the deadline given.
- All comments received until the end of overall consultation period are guaranteed to be taken into consideration in the assessment of the proposal and addressed in officer's report. However, the Council will take into account any representations received up to the date on which the decision is made.
- All representations made need to be taken forward and taken into consideration in the final assessment of the proposal and are summarised above.

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

- 5.1 Section 38(5) states that if to any extent a policy contained in a development plan for an area conflict with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan].
- 5.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations strongly indicate otherwise.

National Policy Framework (NPPF) 2023

- 5.3 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Practice Guidance (NPPG)

- 5.4 Relevant paragraphs are referred to in the main assessment.

The London Plan (March 2021)

- 5.5 The relevant policies are:

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- SD6 Town Centres and high streets
- SD7 Town centres: development principles and Development Plan Documents
- SD10 Strategic and local regeneration
- D1 London's form, character and capacity for growth
- D2 Delivering good design
- D3 Optimising site capacity through the design-led approach

D4 Delivering good design
 D5 Inclusive design
 D6 Housing quality and standards
 D7 Accessible housing
 D8 Public realm
 D9 Tall buildings
 D11 Safety, securing and resilience to emergency
 D12 Fire safety
 D13 Agent of Change
 D14 Noise
 H1 Increasing housing supply
 H4 Delivery affordable housing
 H5 Threshold approach to applications
 H6 Affordable housing tenure
 H7 Monitoring of affordable housing
 H10 Housing size mix
 S4 Play and informal recreation
 E9 Retail, markets and hot food takeaway
 HC1 Heritage conservation and growth
 HC3 Strategic and Local Views
 G5 Urban greening
 G6 Biodiversity and access to nature
 G7 Trees and woodlands
 SI1 Improving Air quality
 SI 2 Minimising greenhouse gas emissions
 SI 3 Energy infrastructure
 SI 8 Waste capacity and net waste self-sufficiency
 SI 13 Sustainable drainage
 T2 Healthy Streets
 T3 Transport capacity, connectivity and safeguarding
 T4 Accessing and mitigating transport impacts
 T5 Cycling
 T6 Car parking
 T6.1 Residential parking
 T6.3 Retail parking
 T6.5 Non-residential disabled persons parking
 T7 Deliveries, servicing and construction
 DF1 Delivery of the plan and planning obligations
 M1 Monitoring

Mayor Supplementary Guidance

5.6 London Plan Supplementary Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Air Quality Neutral LPG (2023)
- Air Quality Positive LPG (2023)
- Be Seen energy monitoring LPG (2021)
- Cargo bike action plan (2023)
- Circular Economy Statements LPG (2022)
- Green Infrastructure and Open Environments: The All London Green Grid SPG (2021)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Housing Design Standards LPG (2023)
- Housing SPG (2016)
- Energy Assessment Guidance (2022)

- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context (2014)
- Social Infrastructure SPG (2015)
- Sustainable Transport, Walking and Cycling London Plan Guidance (2021)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Threshold approach to affordable housing on public land (2018)
- Urban Greening Factor LPG (2023)
- Whole Life Carbon LPG (2022)
- Draft Affordable Housing LPG (2023)
- Draft Development Viability LPG (2023)
- Draft Digital Connectivity Infrastructure LPG (2023)
- Draft Fire Safety LPG (2022)

Bromley Local Plan (January 2019)

5.7 Relevant policies are:

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 13 Renewal Areas
- 15 Crystal Palace, Penge and Anerley Renewal Area
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 38 Statutory Listed Buildings
- 39 Locally Listed Buildings
- 42 Development Adjacent to a Conservation Area
- 47 Tall and Large Buildings
- 48 Skyline
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 80 Strategic Economic Growth
- 94 District Centres
- 113 Waste Management in New Development
- 116 Sustainable Urban Drainage Systems
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

Bromley Supplementary Guidance

5.8 Relevant Guidance are:

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2022)
- Urban Design Guide (2023)

6. Assessment

6.1 Principle of development/Land Use Considerations

Town Centre Regeneration/Renewal Area

- 6.1.1 The site is located within Penge District Town Centre and is identified as a Strategic Area for Regeneration in the London Plan and within the Crystal Palace, Penge and Anerley Renewal Area in the Bromley Local Plan.
- 6.1.2 London Plan Policies SD6 and SD7 of the London Plan support the vitality and viability of London's town centres and encourage mixed-use developments and intensification. Policy SD8 Town centre network sets out in clause E that district centres should focus on the consolidation of a viable range of functions, particularly convenience retailing, leisure, social infrastructure, local employment and workspace, whilst addressing the challenges of new forms of retailing and securing opportunities to realise their potential for higher density mixed-use residential development and improvements to their environment.
- 6.1.3 Policy SD10 of the London Plan 'Strategic and local regeneration' supports boroughs in identifying strategic areas for regeneration in Local Plans and develop policies that are based on a thorough understanding of the demographics of communities and their needs and consider local circumstances.
- 6.1.4 London Plan Policy SD10 also specifies that development proposals should contribute to regeneration by tackling inequalities and the environmental, economic and social barriers that affect the lives of people in the area, especially in Strategic and Local Areas for Regeneration.
- 6.1.5 Local Plan Policy 13 states that the Council will seek to maximise opportunities for enhancement and improvement within the Renewal Areas. Proposals should provide demonstrable economic, social and environmental benefits and address identified issues and opportunities. Local Plan Policy 15 of the Local Plan states that proposals within the Crystal Palace, Penge and Anerley Renewal Area will be expected to take advantage of opportunities:
- a - to maximise contributions to, and benefits from the thriving cultural and leisure economy, which has evolved in the Crystal Palace District Centre and, in the Crystal Palace Strategic Outer London Development Centre;
 - b - which create benefit to the wider area by contributing to the conservation and enhancement of Crystal Palace Park through development that respects its character area and ensures a positive relationship with natural and heritage assets;
 - c - to support renewal in Penge Town Centre.
- 6.1.6 The redevelopment of an accessible, brownfield site within the Penge and Anerley Renewal Area / London Plan Strategic Area of Regeneration is supported. The proposal would, in principle, contribute to mixed-use regeneration of this part of Penge District Town Centre. The activation of the public realm at ground floor represents opportunities to create an open space with potential civic uses to benefit both future residents and a wider community. Consideration of detailed impacts of the proposal would provide an overall view on the benefits (or not) for Penge.

Non-residential uses

Retail

- 6.1.7 The Blenheim Shopping Centre is located within Penge District Town Centre. The Blenheim Centre itself is designated as primary shopping frontage in the Local Plan. As such, Policies SD6 and SD7 of the London Plan and Local Plan Policy 94 are relevant.
- 6.1.8 Policies SD6 and SD7 of the London Plan support the vitality and viability of London's town centres and encourage mixed-use residential development and intensification.
- 6.1.9 Policy 94 states that within the primary frontages of District Centres the Council will consider a change of use away from Class A1 where the proposal would:
- a - not harm the predominant retail character of the shopping frontage,
 - b - generate significant pedestrian visits during shopping hours,
 - c - complement the existing shopping function of the centre,
 - d - not create an inappropriate over concentration of similar uses which would be harmful to the function or viability of the centre, and
 - e - not result in adverse effects caused by crime, disorder or anti-social behaviour and have no adverse impact on residential amenity.
- 6.1.10 Use Class E of the Town and Country Planning [Use Classes Order 1987](#) (as amended) was introduced on 1st September 2020 and covers the former use classes of [A1](#) (shops), [A2](#) (financial and professional), [A3](#) (restaurants and cafes) as well as parts of [D1](#) (non-residential institutions) and [D2](#) (assembly and leisure) and puts them all into one new use class¹.
- 6.1.11 The proposed development would re-provide 2,714sqm of flexible commercial floor space (Class E), therefore resulting in a loss of 1,702sqm of commercial floor space in a district town centre. It needs to be stressed however, that as only 843sqm of food retail floor space (Iceland supermarket) is to be delivered as part of the proposal (see Table 1 below), the scheme would lead to a significant reduction in actual retail floor area (-1,871sqm).

¹ Use Class E – Commercial, Business and Service –

Use, or part use, for all or any of the following purposes—

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Building	Commercial Use	Floorspace [sqm]
A	Sustainable Transport Hub	136
B/C	Workspace (FF – Arpley Mews) Food and Beverage (GF and FF – Blenheim Square)	208 551 Total = 759
D/E	Food Retail (GF) Gym/Leisure (FF)	843 916 Bike store/Refuse store – 60
F	None	n/a
Total		2,714 (including bins/bikes)

Table 1 Proposed Non-residential Floorspace.

6.1.12 Alongside the re-provision of Iceland supermarket in Block D/E, the proposed commercial strategy for the site includes the provision of the following (Table 1):

- Approximately 136m² of commercial floorspace in Block A identified as the Sustainable Transport Hub offering internal cycle storage for residents and visitors, as well as bike repair workshops and bike repair facilities, e-cargo bike rentals, bike sharing, hire and leasing, bike parking stands;
- Approximately 760m² of commercial floorspace across levels 00 and 01 in Block BC, envisaged as Food and Beverage (F&B) use, with a potential allocation of level 01 to a separate workshop or flexible working area;
- Approximately 916m² of commercial floorspace at level 01 of Block D/E immediately above the proposed location for Iceland. The large floorplate provides a level of flexibility that means a series of uses could successfully operate from this space, such as adult learning or a leisure use (such as a gym).

6.1.13 The applicant has stated that whilst there is a reduction in overall floor space, this is due to the existing shopping centre containing a significant amount of non-publicly accessible storage and back of house functions. Table 2 outlines the existing commercial uses and confirms that out of 4,416sqm, only 2,678sqm is currently useable retail floorspace.

Unit	Use Class	Retail Floorspace [sqm]	Back of House [sqm]	Total [sqm]
Iceland	Class E	559	493	1,052
<u>Wilkos</u> (closed)	Class E	1,457	874	2,331
Peacocks	Class E	580	201	782
Card Factory	Class E	63	24	87
Key cutters	Class E	19	n/a	19
Other (Plant/Warehousing)	n/a	n/a	146	146
Total	-	2,678	1,738	4,416

Table 2.2 Summary of Existing Uses.

6.1.14 It is being argued that as the existing useable retail areas of the centre which people experience equates to approximately 2,680sqm, and the proposed areas of flexible commercial floor space (Class E) t 2,714sqm, this reflects a comparable re-provision of floorspace.

- 6.1.15 A Marketing Report prepared by Kalmars included with the application states that the existing retail units are all inward facing with no direct presence on the High Street, other than a small key cutting kiosk that faces Empire Square. The primary access route is currently from Empire Square to the north-east of the site and Evelina Road to the south, however the site is lacking in terms of active frontage, signage and any destination type benefits such as public realm. The immediate surrounding area of the site largely comprises parking and poorly coordinated servicing areas. The report demonstrates that there is demand in this location for quasi retail including dry cleaners, barbers and nail bars, generally being those businesses that cannot be done on the internet, as well as food and beverage use. Generally, these uses can be carried out under Class E.
- 6.1.16 The new development, although still set back, would have a greater presence when seen from the High Street. The primary commercial units in Blocks B/C and D/E would front onto a new public square that would form an improved and highly permeable route into the development enhancing footfall to the commercial units, whilst also providing a new destination space. The use of street art as visual cues would provide new signage opportunities, something the existing site lacks.
- 6.1.17 The applicant argues that redevelopment of the site would improve the efficiency and quality of the commercial space provided on site, designed in consultation with future tenants to meet the requirements of modern store layouts.
- 6.1.18 Officers acknowledge the argument that modern retail practices no longer require significant areas of storage, meaning that even the reduction of the back of house and storage areas supporting the commercial uses might not affect the vitality and vibrancy of the centre.
- 6.1.19 Further to that, officers accept that the existing retail units now fall within Use Class E, which was introduced by the Government in August 2022 in order to facilitate a wider range of uses in town centres to allow High Streets to adapt to changes and challenges. None of the units are subject to any restrictive conditions limiting use and notwithstanding the intent of Policy 94, the existing shops within the Blenheim Centre could change to other uses within Class E without planning permission. This effectively reduces the weight that can be given to Policy 94 as a tool to manage changes from retail (former Class A1) uses.
- 6.1.20 In the light of the above considerations, notwithstanding the reduction of the retail floorspace, officers are satisfied that the proposal would fulfil the overall land use policy aims of ensuring that the vitality and vibrancy of the district centre is not harmed. Should the application be considered acceptable, the proposed Class E floor area should be conditioned to retain the amount of floor area, as proposed, for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Residential Use

- 6.1.21 London Plan Policy H1 sets 10-year housing targets for each borough including a target of 7,740 for Bromley. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused. Policy D3 of the London Plan requires all development to make the best use of land by following a design led approach. Policy H1 of the London Plan supports the delivery of new housing on sites within town centres and close to stations.
- 6.1.22 Alongside the requirements relating to the location of the application site within a District Town Centre, the principle of residential accommodation at the application site may be

considered acceptable as part of a mixed-use scheme. Further consideration as to the type, quality and design of the proposed accommodation will be made within the remainder of the report.

Housing Supply

6.1.23 The current published five year housing land supply (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee in November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years; this figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

6.1.24 The Housing Delivery Test 2022 results (published in December 2023) indicate that housing delivery against Bromley's housing requirement has fallen below 85% over the HDT period; this requires the addition of a 20% buffer to the Council's housing requirement over the FYHLS period (in accordance with Footnote 8 of the NPPF). Applying this buffer to the appeal derived figure noted above gives a supply of 2.96 years. The Council acknowledges this amended appeal derived figure for the purposes of determining this application and considers this to be a very significant level of undersupply.

6.1.25 The Council is in the process of preparing an updated FYHLS position, reflecting changes since the last published position in November 2021.

6.1.26 The NPPF (2023) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.1.27 Having regard to footnote 8 of the NPPF, the policies which are most important for determining this application, including Policy 1 of the Bromley Local Plan, are out-of-date and consequently the presumption in favour of sustainable development as set out in Paragraph 11(d) is engaged.

6.1.28 This proposal would provide 230 new dwellings representing a significant contribution to the supply of housing within the Borough. This would be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable Housing

6.1.29 The London Plan requires affordable housing on sites of 10 units or more. London Plan Policy H4 Delivering Affordable Housing sets out specific measures to aim to deliver the strategic target of 50% of all homes in London being affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.

6.1.30 London Plan Policy H5 Threshold approach to applications, allows applications which provide affordable housing at or above a relevant threshold level, which is set at a minimum of 35% for schemes which are not on public sector land or 50% per cent for public sector land where

there is no portfolio agreement with the Mayor, and which meet the remaining criteria in part C of the policy, to follow a fast-track route.

6.1.31 Part C of Policy H5 states to follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:

- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy
- 2) be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure)
- 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant
- 4) demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing.

6.1.32 Part F of Policy H5 states that applications which do not meet the above criteria are required to submit detailed supporting viability evidence.

6.1.33 Policy H6 'Affordable Housing Tenure' of the London Plan specifies that the following split should be applied to residential developments: 30% for social/affordable rent; 30% for London Living Rent/London Shared Ownership; with the remaining 40% to be decided by the borough as either low cost rent (social/affordable) or intermediate units. The Local Plan requires a 60:40 (social-rented/affordable rented: intermediate) split which is consistent with Policy H6, unless it can be demonstrated that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities.

6.1.34 The affordability of intermediate units must be in accordance with the Mayor's qualifying income levels, as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report, including a range of income thresholds. Affordability thresholds must be secured in the section 106 agreement attached to any permission, as well as the relevant and applicable review mechanisms.

6.1.35 Based on Table 3 below, there would be 35.3% habitable rooms proposed for affordable housing with a tenure split of 60% Social Rent and 40% Shared Ownership. The proposal accords with Policy H6 of the London Plan and Policy 2 of the Local Plan if the proposed affordable housing provision is based on a threshold applicable to private land.

	Number of units	Number of habitable rooms
Private Sale		
1 bedroom	73	146
2 bedroom	84	252 (398 in total)
Shared Ownership		
1 bedroom	25	50
2 bedroom	12	36 (86 in total)
Social Rent		
1 bedroom	3	6
2 bedroom	20	60
3 bedroom	13	65 (131 in total)
TOTAL	230	615

Table 2.3 Mix of habitable rooms and units proposed.

6.1.36 As set up in paragraph 1.11 of this report, the Council sold its Freehold in the centre to the long leaseholder, who subsequently sold the freehold and leasehold to the applicant. Whilst the land bought by the applicant was in private ownership, the Mayor's Affordable Housing SPG 2017 states at para 2.36 that the public land threshold of 50% does apply to land that

has been released from public ownership and on which housing development is proposed. The Mayor's guidance does not give an indication as to when this restriction falls away.

6.1.37 The GLA Practice Note (July 2018) 'Threshold approach to affordable housing on public land' advises that where the public sector land interest is in the form of a freehold or similar interest and a long leasehold is in place which is not held by the public landowner, the 35% threshold would apply in relation to the Fast Track Route.

6.1.38 Further to that, officers also note that a small proportion of the application site remains in Council's ownership and could trigger the 50% threshold on these parts of the site. The GLA Practice Note mentioned above sets out the approach where part of a site comprises public land. In those circumstances the overall threshold of the site as a whole should be taken as a combination of both thresholds (i.e 35% and 50%), calculated according to a formula given. However, the practice note advises that *"where only a small proportion of a site is public land and this does not contain a functional building or land use, the 35 per cent threshold should apply for the whole site"* (Paragraph 24).

6.1.39 The applicants have set out in the relevant supporting information that the area in question which is located behind Colman House and is currently used for car parking and servicing measures approximately 222sqm equating to only 2.17% of the overall site area. The proposal does not comprise a functional building or any substantive works in this area other than resurfacing and new paving to tie into the works on Empire Square. On this basis, officers agree that the 35% threshold should apply, however, the proposal needs to address all other relevant criteria in Policy H5 to allow the application to be determined under the Fast Track Route, including the grant and additionality clause.

6.1.40 The Planning Statement advises that Latimer Developments, the development arm of Clarion Housing Group, are one of the Joint Venture applicants and have been closely involved in the development of the scheme. It also advises that Latimer would seek to utilise grant funding where possible. The applicant submitted further supporting email on 21st February confirming that Clarion has sought grant funding from the GLA's investment team and that while the applicant has actively sought the confirmation of the grant, as required by Policy H5 C (4), at the time of writing it has not been confirmed by the GLA's investment team whether any grant funding would be available for the scheme. The applicant further explained in the email dated 23rd February 2024 as follows:

"Under the new AHP programme (which post-dates the London Plan) the GLA are averse to formally committing to providing grant until the contractual position between Clarion and Hadley is legally completed which in turn cannot happen until after the legal grant of planning consent has been issued. This is not uncommon situation. In fact, we are not aware of any schemes which have been awarded grant prior to planning consent being issued under the new AHP programme. The proposed mechanism resolves this by requiring the JV to apply for grant post consent and then to use any subsidy provided on terms on which it is awarded. If the GLA do provide Clarion grant funding in line with the recent Accelerated Funding Route guidance, this will be required to be delivered by the JV within agreed timeframes and secured for use as affordable housing by a legal agreement entered into by Clarion and the GLA (referred to as a 'grant agreement')."

On this basis, officers accept that the 35% threshold should apply to the proposal and the Fast Track route is applicable.

Dwelling Mix

6.1.41 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need. The highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2

bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis. Bromley's Housing Register (December 2019) shows affordable need (social/affordable rented) for 3 beds.

6.1.42 In response to officers' comments, the unit mix has been amended to achieve a 60:40 affordable housing split for habitable rooms. A number of the 2 bed 4 person units have been converted to 2 bed 3 person homes and the tenure of the town houses (Block F) has changed from Private Sale to Social Rent and Shared Ownership (Intermediate Sale) to better reflect the policy requirements. The updated unit mix is summarised in Table 2.4 below.

	STUDIO	1-BED	2-BED	3-BED	TOTAL
Social Rent	0 (0%)	3 (8%)	20 (56%)	13 (36%)	36 (16%)
Intermediate Sale	0 (0%)	25 (68%)	12 (32%)	0 (0%)	37 (16%)
Private Sale	15 (10%)	58 (37%)	84 (54%)	0 (0%)	157 (68%)
Across Tenure	15 (6%)	86 (37%)	116 (50%)	13 (6%)	230 (100%)

Table 2.4 The Updated Unit Mix.

6.1.43 The proposed mix includes 15 x 1 bed 1 person "studio" flats which appear to have separate bedrooms. Whilst officers do not consider small studio flats intended for single person occupation to provide a long term, sustainable solution to housing need, there are no local or London plan policies specifically precluding the provision of studio accommodation and this type of accommodation is generally found acceptable in town centre locations with high PTAL ratings.

6.1.44 The social rent element would comprise the provision of 33 x two and three- bedroom homes with the mix informed by Latimer by Clarion's understanding of local housing need in Penge. Clarion's core objective is to design, build and manage inclusive neighbourhoods and Clarion's design brief states that the external design of all buildings must be tenure blind.

6.1.45 Overall, it is considered that the proposal provides an acceptable range of housing unit sizes and an appropriate mix of tenures. The affordable units would be well integrated into the development (Blocks D/E and F), which would help to ensure mixed and inclusive communities in line with the Council's objectives for Renewal Areas.

Inclusive Access

6.1.46 Policy D5 of the London Plan seeks to ensure that proposals achieve the highest standards of accessible and inclusive design (not just the minimum). Policy D7 of the London Plan states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people, and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

6.1.47 Policy 4 of the Bromley Local Plan also requires housing developments to achieve a high standard of design and layout, which includes meeting the minimum standards for dwellings

required by the London Plan. The Policy also requires 90% of dwellings to meet Building Regulation requirement M4(2) and 10% to meet requirement M4(3).

6.1.48 The scheme and its immediate surroundings would incorporate suitable means of access for all people from the entrance points, sufficiently wide routes and access ways to allow people to pass each other, principal entrances and lobbies that are identifiable and accessible (for both residential and commercial spaces) as well as independent horizontal and vertical movement that is convenient and ensures that people can make use of all relevant facilities.

6.1.49 The scheme would deliver 18 (M4(3)(2)(a) wheelchair adaptable units and 5 social rented M4(3)(2)(b) wheelchair accessible dwellings across Blocks B/C and D/C. All remaining units would achieve M4(2) standards. The wheelchair user dwellings which the Council would have nomination rights over (SR), would need to meet the South East London Housing Partnership (SELHP) standards, which is a LBB requirement, and this would be secured in any approval.

6.2 Internal Standards and Quality

6.2.1 The NPPF paragraph 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

6.2.2 Policy D6 of the London Plan 2021 sets out a number of requirements which housing developments must adhere to in order to ensure a high-quality living environment for future occupants and to meet the needs of Londoners without differentiating between tenures.

6.2.3 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality the quality of Local Places, and Policy 37 of the Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.

Internal Floorspace - Acceptable

6.2.4 The requirement to introduce a second staircase in accordance with revised fire safety regulations has resulted in changes to the internal layout of the blocks, however the Accommodation Schedule submitted confirms that the revised proposal maintains the compliance with the minimum internal space standards, as set in Table 3.1 of the London Plan and Nationally Described Space Standards and that the units have been designed with functional and practical layouts. The submitted floor plans include details of furniture and layouts for each of the proposed residential units and the accompanying accommodation schedule indicates the total GIA for each unit. All dwellings would have a minimum floor to ceiling height of 2.5m.

Outlook and aspect - Acceptable

6.2.5 The application site is linear in its nature along a north / south axis, with existing vehicular access points at either end of the site. Due to this, the buildings have principally become linear blocks with a defined north / south orientation (Blocks BC / DE). To maximise dual aspect dwellings, the floorplate has evolved to form a cruciform around a central buried core. This allows for articulation of the buildings' facades with a return of approximately 3m to provide a dual aspect outlook to the dwellings in the centre of the linear block, rather than just those at the end which is a common feature of a typical linear building. The residential core of each block would not serve more than 7 units on each floor. All habitable rooms would be provided with openable windows, in addition to any glazed doors, allowing them to be ventilated.

6.2.6 Across the 230 units within the updated scheme, 149 (65%) dwellings would achieve a dual aspect outlook. On a block-by-block breakdown the scheme achieves the following dual aspect ratios:

- Block A - 25 units - 15 (60%) Dual Aspect
- Block BC - 152 units - 88 (58%) Dual Aspect
- Block DE - 50 units - 43 (86%) Dual Aspect
- Block F - 3 units - 3 (100%) Dual Aspect.

6.2.7 The efforts to minimise the number of single aspect units are recognised and although some north-eastern units would be included in the scheme, officers note that none of the single aspect units would be north facing and there would be no single aspect family homes.

6.2.8 The proposed layout of the scheme and internal distribution of dwellings means that windows serving habitable rooms would generally not be enclosed by adjacent parts of the development. Officers note that outlook from bedrooms orientated inwardly towards the Blenheim Square within the Blocks B/C and D/E and those facing Arpley Mews in Block A would not be optimal given the modest spatial separation between these blocks, however the effect on the living conditions in these rooms would not be unacceptable, therefore, on balance, no objection is raised in this respect.

Privacy

6.2.9 With regard to any potential for mutual overlooking into habitable rooms between residents of the proposed development, the proposal has been generally designed to avoid mutual overlooking between units with directly facing windows.

6.2.10 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. Further to that, it is noted that the window openings would be positioned in a misaligned manner to afford oblique rather than direct views into habitable rooms (bedrooms). Therefore, notwithstanding these modest distances, it is considered on balance that the degree of potential overlooking would not be harmful enough to justify a refusal.

6.2.11 Direct views between balconies would also be very difficult as they would be blocked by privacy screens and the masonry balcony structure of the adjacent units. Due consideration has also been given to the treatment of public and private space thresholds. Defensible spaces would be provided at ground floor and podium levels to provide privacy buffers between the windows and private balconies/terraces and shared amenity spaces. This is considered necessary to ensure that the privacy of the future occupiers of these units would be adequately protected and would be secured via condition.

Daylight and Sunlight - Acceptable

6.2.12 In order to ascertain the levels of daylight within the proposed development, all habitable rooms have been assessed for daylight quantum using the illuminance method. As such, climate-based daylight simulation has been carried out and the results are compiled by means of the Spatial Daylight Autonomy (sDA) metric.

6.2.13 The application is supported by a technical report by GIA which comprises an internal daylight, sunlight and overshadowing assessment. Given the degree of interest in the proposal, the Council has commissioned an independent review of the report submitted to

verify its findings. This is referred to as the Avison Young review. The amended proposal has been subsequently reassessed in the GIA report dated 7th December 2023.

- 6.2.14 In terms of daylight, the updated assessment results show that 538 (87%) of the 616 rooms assessed would achieve the minimum levels of spatial Daylight Autonomy (sDA) recommended within the UK National Annex for residential buildings. This figure considers the higher recommendation of 200 lux for large, combined L/K/Ds but it would increase to 573 (93%) should 150 lux (suggested for living rooms) be considered acceptable as has been historically common in urban developments.
- 6.2.15 In relation to sunlight, all 230 dwellings have been assessed and 171 (74%) of these achieve at least one and a half hours of sunlight on the equinox within the main living space, as recommended as preferable by BRE. This is an increase of 4% from the previous iteration of the scheme.
- 6.2.16 The report asserts that all the rooms which fall short of the BRE recommendations are situated beneath either projecting or recessed balconies. This is a common situation, one which is anticipated in the BRE guidance as balconies inherently limit the daylight and sunlight ingress into the rooms beneath them by obstructing the direct view of the sky and intercepting the sun rays before they reach the windows below or behind these. The provision of private amenity space to all units is a policy requirement and normally considered as inevitable trade-off of amenity as balconies offer desirable private outdoor spaces for future occupants and mitigation for overheating.
- 6.2.17 The Avison Young review confirms that sunlight exposure is heavily dependent on factors outside the control of the designers, i.e. site context, orientation and local sun path. When aiming to make efficient use of a site this will usually mean the design has to necessarily include some north facing areas, however, the general aim should be to limit these as far as is practicably possible. The review confirms that in overall terms, 89% of the rooms would achieve the recommended target, which is a high level of provision and compliance with the BRE guidance, especially when bearing in mind the inherent site constraints and provision of projecting balconies for private amenity space.
- 6.2.18 In relation to daylight, Avison Young review confirms that in overall terms, the level of compliance with the adopted targets is very good, especially given the density of the proposals and context. A small percentage of proposed habitable rooms which do not meet the UK national Annex target are located whereby the projecting balconies above inevitably reduce their access to daylight. This is a common situation, one which is predicted in the BRE guidance and requires the inevitable trade off/ balanced judgement regarding the provision of private amenity space / overheating mitigation on one hand and reduced daylight on the other.
- 6.2.19 The updated GIA report demonstrates proposal would improve its compliance when compared to the previous submission dated February 2023, with 93% of the living/kitchen/dining and living rooms meeting the recommended target of 150lux.
- 6.2.20 Therefore, given the urban nature of this development within an area planned for renewal, the proposed scheme is considered to provide future occupants with good levels of daylight and sunlight, especially when bearing in mind the inherent site constraints and provision of required private external amenity space.

Overshadowing

- 6.2.21 The proposed development would provide a variety of outdoor amenity spaces (see para 6.2.25 below) and all of these areas have been assessed by means of a Sun Hours on

Ground test, as recommended by the BRE. The result of this assessment demonstrates that all areas would comfortably exceed the BRE default recommendations achieving at least two hours of sunlight to well in excess of 50% of their areas on the equinox (21st March).

External Amenity Space and Children Playspace - Acceptable

6.2.22 Policy D6 of the London Plan requires new housing developments to meet minimum standards for external and internal spaces. For private outdoor spaces, the policy requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings (and an extra 1sqm for each additional occupant). Additional private or shared outdoor space (roof areas, podiums and courtyards) is encouraged.

6.2.23 Local Plan Policy 4c requires 'sufficient external, private amenity space that is accessible and practical. Para 2.1.60 refers to the London Plan minimum standards and requires that ground floor flats have access to private gardens and upper floors should have access to private amenity space. Para 2.1.60 also indicates that developments should relate to the character of existing amenity space.

6.2.24 The proposed development includes a private balcony for all of the units. The Accommodation Schedule submitted confirms that all balconies would either meet or exceed the minimum size requirements for private outdoor space set out in the London Plan.

6.2.25 In addition to that, a variety of communal outdoor amenity spaces are proposed including the podium level gardens of Blocks B/C and D/E, as well as a generous area of public realm proposed at the centre of the site as a shared space with public access. The development would also facilitate the upgrade to the existing area outside of the application boundary - a 'Pocket Park'. The provision of additional external amenity space with a southerly aspect on Level 4 of Block E is welcomed. The size of this additional amenity space is relatively small in relation to the number of residents it could serve but nevertheless represents a positive move.

6.2.26 London Plan Policy S4 Play and Informal Recreation sets out the policy requirements, including in clause B2 for at least 10sqm of good quality, accessible play space should be provided per child that:

- a) provides a stimulating environment
- b) can be accessed safely from the street by children and young people independently
- c) forms an integral part of the surrounding neighbourhood
- d) incorporates trees and/or other forms of greenery
- e) is overlooked to enable passive surveillance
- f) is not segregated by tenure

Supporting text at para 5.4.5 states that formal play provision should normally be made on-site.

6.2.27 The policy does not set this requirement aside where there is existing provision within the acceptable distances, rather paragraph 5.4.6. advises that off-site provision, including the creation of new facilities or improvements to existing provision, secured by an appropriate financial contribution, may be acceptable where it can be demonstrated that it addresses the needs of the development whilst continuing to meet the needs of existing residents.

6.2.28 The landscape report produced by Farrer Huxley provides analysis for Penge and its immediate surroundings and shows that whilst there is a range of play space provision within 1km of the site, including Penge Recreation Ground, Alexandra Recreation Ground and Royston Field, within 500m there is a shortfall of provision for play for children up to 11 years old.

6.2.29 Based on the proposed housing mix and tenure, and the site's PTAL level, the estimated child yield of this proposal would be 88 children. This gives rise to a total child play space requirement of 880sqm, of which approximately 433sqm should be allocated to an onsite doorstep play to cater for under 5s.

6.2.30 The proposed development provides 1,550sqm of landscape and routes, including 750sqm of informal play and 550sqm of dedicated equipped/family play. There would be range of different opportunities for dedicated doorstep play for younger children under 5 in the podium gardens and the pocket park, including formal and informal play features. Each podium garden would have an active centre with equipment set in a generous sand play area. The pocket park would introduce trim trails, see saws and sculptural equipment providing opportunities for balancing, jumping and climbing alongside informal play on the way. Youth play for ages 12+ would include spaces to congregate, socialise and participate in informal recreation or physical activity such as wifi points, interactive features, table tennis tables and swings.

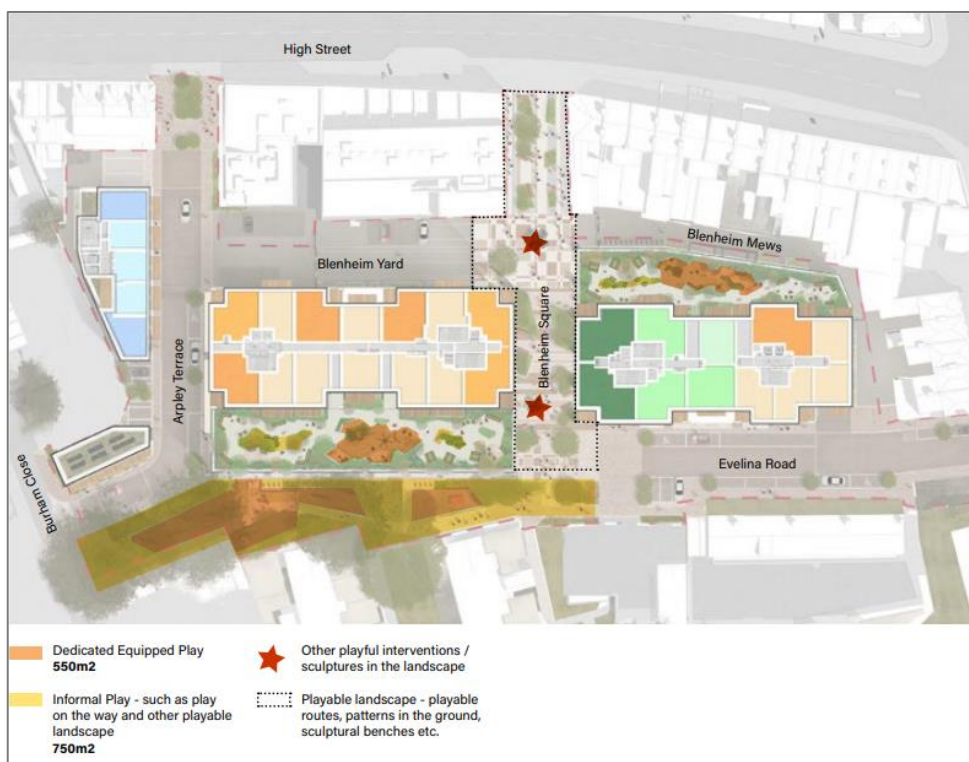


Fig. 6.2 Play Space Provision.

6.2.31 Blenheim Square would provide opportunities for incidental and informal play for all ages, which would link to the overall art and wayfinding strategy for the square with playable landscape, patterning and sculptural elements to explore. Two areas have been indicated for 'playful interventions', interactive art and sculptures. Although no specific detail has been provided, officers are satisfied that the proposal is able to deliver a play space provision of sufficient capacity to ensure that children living in the development would be adequately catered for. Further details of play equipment and its maintenance would need to be secured in any consent through planning condition to ensure it would be genuinely playable and of good quality.

Noise and Vibration - Acceptable

6.2.32 London Plan Policy D13 places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It states that development should ensure good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area; explore mitigation measures early in the design stage, with necessary and appropriate

provisions, including ongoing and future management of mitigation measures secured through planning obligations; and separation of new noise-sensitive development where possible from existing noise generating businesses and uses through distance, screening, internal layout, sound proofing, insulation and other acoustic design measures.

6.2.33 London Plan Policy D14 seeks to mitigate and minimise the existing and potential adverse impacts of noise within new development. Policy 119 of Bromley's Local Plan seeks to ensure that the design and layout of new development ensures that noise sensitive areas and rooms are located away from parts of the site most exposed to noise wherever practicable. The policy also requires external amenity areas to incorporate acoustic mitigation measures such as barriers and sound absorption where necessary.

6.2.34 A Noise Assessment prepared by Acoustic and Engineering Consultants Ltd in support of the application advises that there are five main noise sources in the area are traffic on the surrounding roads, the building services plant associated with surrounding commercial units which front on to High Street and Croydon Road, respectively; commercial refuse collection activities, activities associated with Royal Mail Anerley Delivery Office which is open 24 hours a day during the week, and The Pawleyne Arms Public House, which has a small external seating area to the rear and a license to play amplified music. Units with external plant facing the site include a McDonalds, KFC and Pizza Hut.

6.2.35 The report details the baseline noise levels measured at the development site, presents the assessment criteria and discusses the implications on the building design, to achieve acceptable internal noise levels as required by the Local Authority. The report concludes that appropriate acoustic measures can be implemented into the design of the proposed development to achieve appropriate acoustic standards as outlined in the assessment. The Council Environmental Health were consulted and considered the proposed noise mitigation measures outlined in the NIA as acceptable. It is noted, however, that one of the suggested measures require mitigation to the KFC plant, which falls outside of the site boundary and applicant's control. The NIA report advises that if mitigation measures are not provided to the KFC plant, the habitable rooms on the north-eastern elevation of Block B/C would need to be provided with mechanical cooling to prevent the need to open a window to control overheating as the external noise levels on elevation at night would be above the allowable external noise level limit and therefore, alternative means to control overheating would need to be provided to all bedrooms in the scheme.

6.2.36 Whilst officers acknowledge the principle of Agent of Change, the location of the site within the town centre location which is a 24h environment is acknowledged and officers consider it reasonable to expect the future residents of the proposed scheme to appreciate the general activity levels and noise to be higher than in other suburban areas. Considerations in relation to the acceptability of potential use of active cooling are included in paragraph 6.9.13 of this report.

Fire Safety

6.2.37 Policy D12 of the London Plan requires a fire safety statement should be submitted which has been prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

6.2.38 Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users. In all developments, where lifts are installed, as a minimum, at least one lift per core (or more subject to capacity assessments)

should be suitably sized fire evacuation life suitable to be used to evacuate people who require level access from the buildings.

6.2.39 Paragraph 3.1.5 of the Housing Design Standards LP states that Fire safety requirements for a second staircase in taller buildings should be incorporated into the layout of the ground and upper floors and accounted for in the overall form of the building. Second staircases should be successfully integrated with the design of the building to ensure the development meets the housing design standards and the affordable housing requirements in the London Plan.

6.2.40 If approved, the development would also be required to meet the Building Regulations in force at the time of its construction – by way of approval from a relevant Building Control Body. As part of the planning application process the Health and Safety Executive (HSE) and London Fire Brigade (LFB) were consulted and their respective comments are reported in the consultation section of this report.

6.2.41 The latest revisions to the scheme were undertaken in response to the change in fire safety regulations. The proposal has been revised to accommodate a second staircase in Blocks C and D and consequently the cores of Buildings B/C and D/E have been adjusted. Block A measures 17.7m in height from L00 to L05 (six storeys), therefore a second stair is not required in accordance with the design guidance BS 9991.

6.2.42 The application is supported by a Fire Safety Statement prepared by Design Fire Consultants Ltd which confirms that there are sufficient passive and active design measures incorporated within the proposed scheme, along with suitable emergency procedures in place to protect person and property should a fire occur. The HSE's substantial response confirms that HSE is content with the fire safety design, to the extent that it affects land use planning (full response in paragraph 4.4 of this report), however, HSE has identified some matters that the applicant should try to address, in advance of later regulatory stages. At the time of writing, no response has been received from the LFB and Members will be updated verbally at the meeting.

6.2.43 It is considered that any outstanding matters would be subject to subsequent regulatory assessment under the Building Regulations, which in this case would be dealt with by the Building Safety Regulator given the height of the buildings.

Secured by Design - Acceptable

6.2.44 London Plan Policy D3 states measure to design out crime should be integral to development proposals. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design).

6.2.45 It is considered the proposed scheme would generate significantly greater pedestrian footfall and would provide opportunities to reduce crime and anti-social behaviour with greater natural surveillance. However, as the increased permeability of the site would increase the amount of potential escape routes in the event of a crime, it is suggested to restrict out of hours pedestrian access and movement through the rear of Blocks B/C and D/E to secure the rear of the High Street properties.

6.2.46 The design out crime officer was consulted during the course of the application and visited the site. No objection was raised, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

6.4 Urban Design

- 6.4.1 Paragraph 131 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 6.4.2 London Plan Policy D3 encourages the optimisation of sites, having regard to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, including transport. It also states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 'Infrastructure requirements for sustainable densities'. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered, including Opportunity Areas. Policy D3 also states that the higher the density of a development, the greater the level of design scrutiny that is required.
- 6.4.3 Policy D4 (D) also states that proposals that include residential component that exceeds 350 units per hectare, or a building defined as a tall building by the borough, or that is more than 30m in height where there is no local definition of a tall building, should be subject to a greater level of design scrutiny.
- 6.4.4 Policy HC3 of the London Plan requires boroughs to identify and include all designated views in their Local Plans, which should also contain local views. Policy HC4 provides a framework for assessing proposals that are sited in the foreground, middle ground and background of designated views and protected vistas. Development proposals should not harm, and should seek to make a positive contribution to, the characteristics and composition of Strategic Views and their landmark elements.
- 6.4.5 Policy 37 of the Bromley Local Plan requires all development to contribute positively to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.
- 6.4.6 Local Plan Policy 47 relates to tall and large buildings, which are defined as "those that exceed the general height of their surroundings and cause a significant change to the skyline". Local Plan Policy 48 states that the Council will require developments which may impact on the skyline to demonstrate how they will protect or enhance the quality of the views, vistas, gaps and skyline of views of local importance. This includes the view from Crystal Palace Park of Bromley, Beckenham and West Wickham.

Optimising development capacity - Acceptable

- 6.4.7 Whilst the London Plan does not contain prescribed density thresholds, it does advocate optimisation of sites at sustainable densities. Whilst the NPPF does not advocate optimisation of sites with significant uplifts in the average density of residential development if the resulting built form would be wholly out of character with the existing area, officers have regard to Paragraph 129 of the Framework which advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and that developments make optimal use of the potential of each site. Paragraph 124(d) further advises that planning policies and decisions should also promote and support the development of under-utilised land and buildings and cites car parks as such land.
- 6.4.8 Penge being a District Town Centre would fall within the urban classification with a PTAL rating of 4/5. The site measures 1.02ha and the consequently the proposed scheme would

achieve a density of 225 units per hectare or 603 habitable rooms per hectare. It is considered that the proposed quantum of development on site and the resulting density are generally considered acceptable. Detailed assessment of the townscape and amenity impacts are assessed in the subsequent sections of this report.

Layout - Acceptable

- 6.4.9 The opportunity to replace Blenheim Shopping Centre – an ageing building of poor quality and redevelop the site to provide new homes, an improved commercial offer, and new public realm/amenity space is welcomed. It is important that any new development makes a positive contribution to the High Street setting and has an appropriate relationship with neighbouring buildings and the wider surrounding context.
- 6.4.10 The site layout informed by the historic street structure and urban grain to create a series of legible routes and connections is supported by officers. The characteristics of the site suit a linear layout. The creation of a new east-west pedestrian link and clearly defined public realm spaces each with their own character and purpose including Blenheim Square, Arpley Terrace, and a new linear pocket park have the potential to transform and humanise the existing austere and car dominated environment.
- 6.4.11 The proposal would enable the smaller commercial unit to activate, and benefit from, greater pedestrian footfall generated by the east-west link and Blenheim Square – compensating for the lack of direct visual presence on the High Street. The latest reconfiguration of the ground floor of Block B/C and Block D/E creates more efficient commercial spaces fronting Blenheim Square.
- 6.4.12 The proposed changes to the ground floor plan of Block D/E to further activate the western edge (fronting Evelina Road) with the introduction of a residents co-work space with additional glazing along with the provision of ‘feature wall’ panels for potential public art installations to create a more engaging and appealing street level environment are welcomed. The proposals represent a notable improvement to what was previously a predominantly blank inactive frontage.
- 6.4.13 Officers are also supportive of the introduction of maisonettes fronting the pocket park animating the space and activating the western edge.
- 6.4.14 The proposed gated enclosure of the service yard to the rear of Coleman House and the treatment (and management) of the existing loading area(s) would be key to resolving the inherent conflict between the functional servicing (vehicle) requirements of the site and the new public realm (pedestrian) spaces being created. An effective servicing strategy would therefore be fundamental to the placemaking aspirations of the scheme, as the success of the new public realm would be dependent upon the management of the service yard area and the high volume of motorcycle couriers which would continue to access/egress the site and potentially compromising the function and feel of the public realm spaces/character areas being created.
- 6.4.15 Further to the above, as several key spaces fall outside of the applicant’s ownership including Empire Square, Arpley Square, and the existing amenity green to the west, appropriate planning mechanisms would need to be put in place to deliver the full extent of the masterplan as proposed and to secure the future maintenance.

Height, Scale and Massing - Unacceptable (Marginally)

- 6.4.16 In accordance with London Plan and Local Plan requirements, tall buildings should be part of a plan-led approach and require a strong townscape justification. Building height and massing should be appropriate both in terms of the relationship with neighbouring buildings

(immediate context) and the relationship with the wider context (townscape/skyline). The site has not been identified as an appropriate site for a tall building in the Local Plan and forms part of a low-rise local District Centre.

6.4.17 The proposed development represents a significant step change in scale from the existing low-rise surrounding context and would have a considerable impact on the wider townscape in terms of views and visual prominence. Whilst it is accepted that the site can potentially accommodate a single taller element as a visual marker for the District Centre, throughout the application process officers have maintained their opinion that further reductions in height across the scheme should be considered. The views from the west (looking east) are also of particular importance in demonstrating the extent of the proposed step change in scale across the scheme as a whole. View 23 of the Heritage and Townscape Views Impact Assessment Addendum by Townscape Consultancy submitted in support of the revised application illustrates the importance of minimising the actual and perceived step change in scale, bulk and mass.



Fig. 6.4.1 View 23 - Amended Proposed Development: footpath southwest of site (HTVIA Addendum).

Block A

6.4.18 Block A remains at 6 storeys. Both the GLA Design Officers and the Design Review Panel advised that the building would benefit from a further reduction in height, by another storey in order to respond better to low-rise neighbouring buildings.

6.4.19 As part of post-submission negotiations, the applicant presented to officers in September 2023 an iteration of the proposal with a reduction in the height of Block A to 5 storeys. Officers have confirmed that the proposed height reduction was welcomed. It is therefore disappointing to see this amendment has been removed from the revised plans submitted. It is noted that the proposed mezzanine has been removed from Block A reducing the maximum measured height from 24m to 22.5m whilst still providing 5 storeys of residential accommodation above ground floor commercial space. However, it is likely that the block would still 'read' as a 6-storey building at street level.

Block B

6.4.20 The proposed reduction in the height of Block B to part 8/part 9 storeys (from 9 storeys) is welcomed. However, similar to Block A above, the extent to which the 9th floor setback element shown to officers in September 2023 was much greater than that which is currently proposed in the revised plans. As previously advised, a maximum height of 8 storeys for Block B is considered to sit more comfortably as a backdrop to the smaller scale High Street datum.

6.4.21 The HTVIA Addendum View 18 illustrates how the visual impact of the 9th floor setback element would not be too dissimilar to the full storey initially proposed – due to the minimal extent of the setback. As a result, the extent to which the revised scale/height of Block B would be ‘read’ at street level and/or result in a reduced townscape impact is considered to be minimal – this is evident when comparing the previously submitted and revised elevations and HTVIA Addendum views (Fig.6.4.2 below).

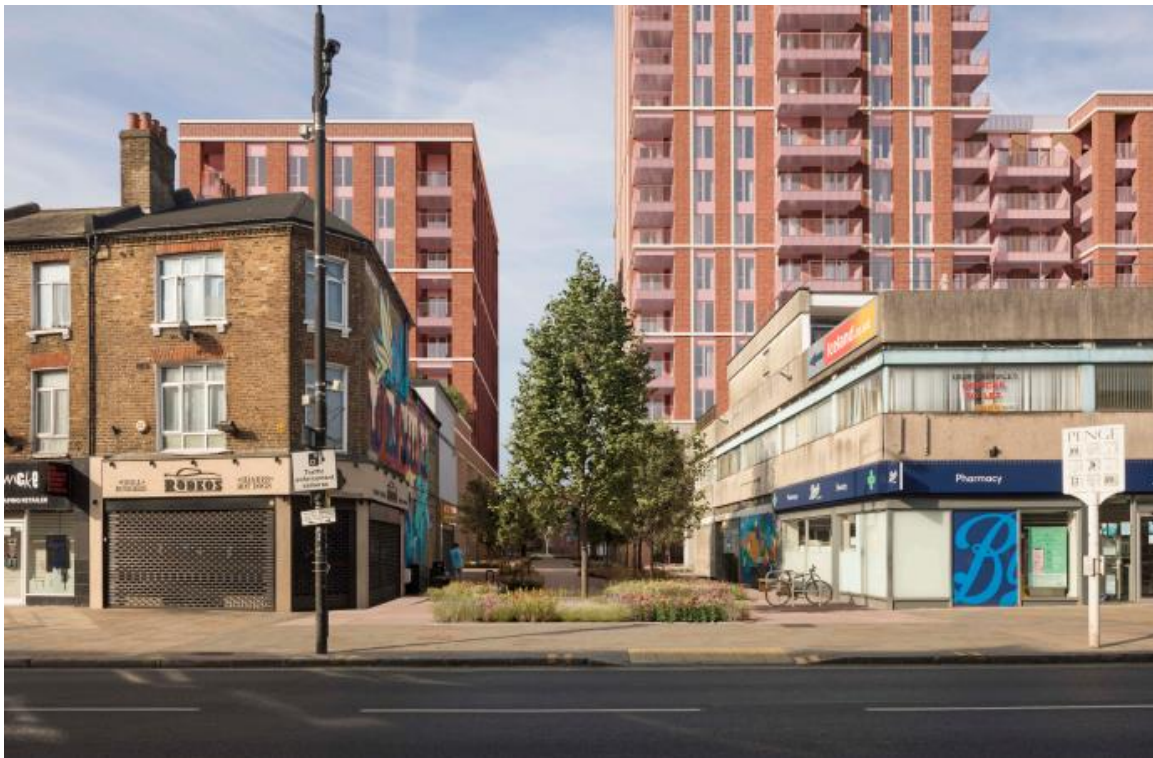




Fig. 6.4.2 View 18 - As Submitted and Amended Proposed Development: High Street, looking west (HTVIA Addendum).

6.4.22 The proposed use of coloured metal cladding for the treatment of the 9th floor ‘setback’ on Block B to ‘lessen its visual prominence’ (Fig. 6.4.3) is questionable. Given the minimal setback provided, it is considered that the use of a different material may have the opposite effect to that which is intended – i.e. increasing the visual prominence and drawing attention to the top floor element of the building (Fig. 6.4.2 and Fig 6.4.3).





Fig. 6.4.3 Previous and amended Massing (Planning Addendum Report).

Block C

6.4.23 The reduction in the height of Block C from 18 storeys to 16 storeys is welcomed and considered to be a more acceptable maximum height for a single taller element providing a visual marker for the District Centre.

Blocks D/E

6.4.24 The reduction in the height of Block D from 9 storeys to 8 storeys is welcomed as is the reduction in the height of Block E by one (part) storey.

6.4.25 Overall, the revised building heights, scale and massing represents an improvement on the scheme initially submitted. However, the height reductions are relatively minor and would not significantly reduce their townscape impact. As such, officers feel that the amendments made do not fully mitigate for the visual impact of the proposal on the wider townscape and the immediate low-rise suburban context. The prominence and visual impact of the proposed buildings in this setting would remain significant.

Architecture - Acceptable

6.4.26 Tall buildings need a narrative and should be grounded in their context, the quality of materials and detailing and the extent to which they derive from, and reference, local character and identity is key to creating a sense of place.

6.4.27 The proposed changes to the material palette retaining a buff brick podium base and introducing a lighter stock brick for Block C and a darker red brick for Blocks A, B, D and E are welcomed. The decision to differentiate the tallest element with a contrasting brick tone whilst still retaining the 'rule of 3' across the scheme is considered to be the right approach. This would avoid the perception of a singular unbroken red 'wall of development' and enable the blocks to read individually whilst forming part of a cohesive whole.

6.4.28 The revised colour of the tallest element (Block C), in particular, makes it appear more recessive and less visually imposing. The removal of the solid infills at the top of the block to create a more refined open crown is welcomed as it would further reduce its visual impact and help to establish a stronger sense of identity within the wider townscape skyline. However, the proposed use of coloured metal cladding for the treatment of the 9th floor

'setback' on Block B to 'lessen its visual prominence' is questionable, as already highlighted above.

6.4.29 Full details of the proposed materials and finishes are required by condition. It is also considered appropriate that a retention of original architect clause is included within a S106 Agreement in order to maintain the quality and integrity of design through the delivery phase.

Tall Building Impacts - Acceptable

6.4.30 The applicant has also provided in Appendix 1 of the Planning Statement an assessment of the proposed development against the criteria of Policy D9 which sets out specific criteria to assess the acceptability of tall buildings, including their visual, functional, environmental and cumulative impacts. From a technical perspective, the proposed development would not interfere with aviation, navigation or telecommunication and the utilities and services of adjoining buildings as outlined in the construction management plan. Air quality, noise and vibration impacts are considered in the appropriate sections of this report. With the identified mitigation, the proposed development is also expected to have a suitable and safe wind microclimate for the intended use at all areas. This is further analysed below. It is also accepted that there are no other emerging developments in the vicinity of the site which would warrant inclusion of cumulative assessments.

Wind Microclimate Assessment

6.4.32 The Pedestrian Level Wind Microclimate Assessment conducted by RWDI confirms that conditions would be windier as a result of the proposed development when compared to the existing site condition. Wind conditions would range from suitable for sitting to walking use for all uses during the windiest season. During the summer season, wind conditions would range from suitable for sitting to strolling use at ground and terrace level. Although the majority of wind conditions would be suitable for the intended use, several locations, including isolated areas of Blenheim Square, commercial entrances to Block A and Block D, the seating areas at the Building B/C Level 2 terrace and the south-west balconies at Building A required mitigation measures to achieve a suitable wind environment.

6.4.33 Following the findings of the report, mitigation measures were subsequently developed and incorporated into the design of revised proposals submitted. These included changes to the ground level landscaping with additional planted hedging and trees, the relocation of seating and a revised proposed balustrade design for balconies on the south-west corner of Block A. RWDI have undertaken a qualitative review of the likely wind microclimate impacts of the adjustments to the design of the proposal. Their Statement of Conformity dated 1st December 2023 concludes that with the proposed mitigation strategy in situ all wind conditions would be safe and suitable for the intended use and proposed development and that no further wind mitigation measures would be required. It also confirms that the additional emergency exits and additional amenity terrace in Block E would be expected to have suitable wind conditions for the intended use.

6.5 Heritage

6.5.1 The existing shopping centre building is not listed, and its heritage value is limited. The small portion of the site that falls within the boundaries of the designated Penge High Street Conservation Area conservation area is Arpley Square. None of the proposed buildings would be within the conservation area. The immediate surrounding area contains a number of designated and non-designated heritage assets. The application site is located within a Tier IV Archaeological Priority Area.

Impact on the Heritage Assets - Unacceptable

- 6.5.2 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) impose a statutory duty on planning authorities to consider the impact of proposals upon listed buildings and their settings. Section 72 of the Act requires local authorities to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.5.3 Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes clear at Paragraph 205 that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm or loss should require clear and convincing justification and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 208). Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. The NPPG notes that in general terms, substantial harm is a high test and may not arise in many cases.
- 6.5.4 London Plan Policy HC1.C states development proposals affecting heritage assets, and their settings, should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. Policy D9 on tall buildings states that proposals should avoid harm to the significance of heritage assets and their settings.
- 6.5.5 BLP Policy 42 states proposals adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.
- 6.5.6 The application is supported by the Heritage and Townscape Visual Impact Assessment (HTVIA) by the Townscape Consultancy and its subsequent addendum – HTVIA Addendum (November 2023) which consider 24 views of the proposal. The assessment identifies that the setting of the following heritage assets could be impacted by development:

Listed Buildings:

The Church of St John the Evangelist High Street (Grade II)
The Royal Naval Asylum, St Johns Road (Grade II)
The Royal Watermen's and Lightermen's Asylum (46 Almshouses), High Street (Grade II)
50 High Street (Grade II)
The White House, High Street (Grade II)
Penge War Memorial, High Street (Grade II)
The Cattle Trough, Green Lane (Grade II)
The Congregational Church, High Street (Grade II)
Penge Holy Trinity War Memorial, Holy Trinity Church (Grade II)
Penge East Railway Station, Station Road (Grade II)

Registered Parks and Gardens of Special Historic Interest:

Crystal Palace Park (Grade II*)

Conservation Areas:

Penge High Street

Alexandra Cottage (Parish Lane)
Barnmead Road, Beckenham
Aldersmead Road, Beckenham
Cator Road, Sydenham
Crystal Palace Park

Locally Listed Buildings:

St Johns Cottages
Former Police Station (175 High Street)

- 6.5.7 The HTVIA reaches the conclusion that the proposed development would enhance the character, appearance and setting of the Penge High Street Conservation Area and there would be no harm caused to the significance of any heritage assets in the surrounding area. Despite this conclusion, both Historic England (HE) and the Council's Conservation Officer objected to the application on the grounds of harm to a range of designated heritage assets. The level of harm using the NPPF definition was considered to be less than substantial.
- 6.5.8 In their original comments, HE considered that the HTVIA reveals that harm from the proposal would result principally due to the incongruous scale of proposed 18-storey tall building within the low-rise suburban surroundings. The proposals would be visible across a wide area including the Penge High Street Conservation Area, Watermen's Square, the Alexandra Cottages Conservation Area and Barnmead Road, and would cause harm to their significance. Additionally, HE's own assessment using 3D modelling identified some likely harm to the setting of the Grade II St John's Church from St John's Road, and the Aldersmead Road Conservation Area from Cator Park. The harm to the Alexandra Cottages Conservation Area was found to be particularly regrettable due to the rarity of this type of planned 'improved' housing within a suburban London context. However, this harm also related to nationally significant sites, the most affected being the Grade II listed Royal Watermen's and Lightermen's Almshouses.
- 6.5.9 Based on the updated visual assessment which presented alongside visuals of the original scheme (Heritage and Townscape and Visual Impact Assessment Addendum) Historic England and the Council's Conservation Officer confirmed that the visual impact of the revised tall building in the views previously identified would be slightly less than the original scheme due its lower height. The rendered views also suggest that the buff brickwork tones would slightly soften the impact when compared with the original scheme. Consequently, the harm to the heritage assets previously identified is considered to be slightly reduced.
- 6.5.10 Although no additional assessment on the impact on Grade II St John's Church from St John's Road and the Aldersmead Road Conservation Area from Cator Park has been provided in the amended submission, HE advised that it is likely that the harm to these heritage assets has also been slightly reduced through the lower height of the proposed tall building. Amended corresponding views from/to the Penge High Street Conservation Area (Fig. 6.5.1), Watermen's Square (Fig. 6.5.2 and Fig. 6.5.3), the Alexandra Cottages Conservation Area (Fig. 6.5.4) and Barnmead Road (Fig. 6.5.5) are provided below.



Fig.6.5.1 View 2 - Amended Proposed Development: High Street, adjacent to Watermen's Square (Penge High Street Conservation Area), looking south-east (HTVIA Addendum).



Fig. 6.5.2 View 3a - Amended Proposed Development: Watermen's Square (Penge High Street Conservation Area), looking south-east (HTVIA Addendum).



Fig.6.5.3 View 3b - Amended Proposed Development: Watermen's Square (Penge High Street Conservation Area), looking south-east (HTVIA Addendum).



Fig. 6.5.4 View 4 - Amended Proposed Development: Albert Road (Alexandra Cottages Conservation Area), looking south-west (HTVIA Addendum).



Fig. 6.5.5 View 4 - Amended Proposed Development: Albert Road (Alexandra Cottages Conservation Area), looking south-west (HTVIA Addendum).

6.5.11 Notwithstanding the above, in the view of Historic England this remains a tall building development which, due to its overall scale and massing, would have harmful impact on a wide range of designated heritage assets in the area as previously set out. Due to the harm identified, and the lack of local policy support for the development of a tall building in this location as previously set out, HE remain unable to support this application (full comments from HE in section 4 of this report).

6.5.12 Although not statutory, objections to the proposal were received from the Victorian Society and the Advisory Panel for Conservation Area (see section 4 of this report).

6.2.13 The harm identified is weighed against the public benefits of the proposal in the conclusions section of this report.

Archaeology - Acceptable

6.5.14 The application site is located within a Tier IV Archaeological Priority Area.

6.5.15 Section 16 of the NPPF and London Plan Policy HC1.D requires that a development proposal should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation.

6.5.16 A desk top assessment undertaken by Prospect Archaeology concludes that the potential for any archaeological activity to exist within the site is generally low and where there is a medium potential, the significance of the archaeological resource is assessed as no more than on local level. Prospect Archaeology recommended that any geotechnical test pits should be monitored to allow an assessment of the potential for archaeological survival outside the footprint of the existing buildings.

6.5.17 The assessment submitted was reviewed by Historic England (Archaeology) Team who confirmed that the development could cause harm to archaeological remains and field

evaluation is needed to determine appropriate mitigation although the NPPF envisages evaluation being undertaken prior to determination, in this case given the nature of the development, the archaeological interest and/or practical constraints are such that a two-stage archaeology condition could provide an acceptable safeguard. This would comprise firstly evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. A suggested pre-commencement condition is recommended to this effect.

6.6 Impact on Residential Amenity

6.6.1 BLP Policy 37 requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Daylight, Sunlight and Overshadowing - Acceptable

6.6.2 The application is supported by a technical report by GIA which comprises an assessment of daylight, and sunlight impact on neighbouring properties. A daylight/sunlight analysis was undertaken of the surrounding residential buildings using the Vertical Sky Component (VSC), No Sky Line (NSL) and Annual Probable Sunlight Hours (APSH) tests².

6.6.3 A significant level of objections has been received as acknowledged in section 3 of this report regarding the potential sunlight, daylight and overshadowing impacts. Given the number of the objections received on these grounds, the GIA November 2022 report has been subject to a third-party review by Avison Young (referred to as the Avison Young review) on behalf of Bromley Council, dated June 2023.

6.6.4 Changes in daylight and sunlight occur to the following 18 out of 69 properties relevant for assessment. The impacts are fully discussed in the following paragraphs:

- 126-128 High Street
- Colman House
- John Baird House
- 2, 4 and 8 Croydon Road
- 132-138 High Street (Evens)
- 144 and 146 High Street
- 1-11 Strood House
- 1-11 Greatstone House
- 137-141 High Street (Odds)
- 153-155 High Street
- 5 Burham Close
- 10 Pawleyne Close

² The Vertical Sky Component (VSC) quantifies the amount of available daylight, received at a particular habitable window. The maximum VSC value for a completely unobstructed vertical window pane is 40%. In order to maintain good levels of daylight the BRE guidance recommends that the VSC of a window should be 27%. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, then the occupants of the existing building will notice the reduction in the amount of skylight. The No Sky Line (NSL) measures internal Daylight Distribution, i.e. identifies those areas within the room where there is direct sky visibility. Annual Probable Sunlight Hours (APSH) method is based on the long-term average of the total number of hours during the year with direct sunlight exposure. The default recommendation is 25% APSH, of which 5% should be in winter months. Where existing windows do not face within 90° of due south, as set out in the BRE guidance these do not need to be assessed.

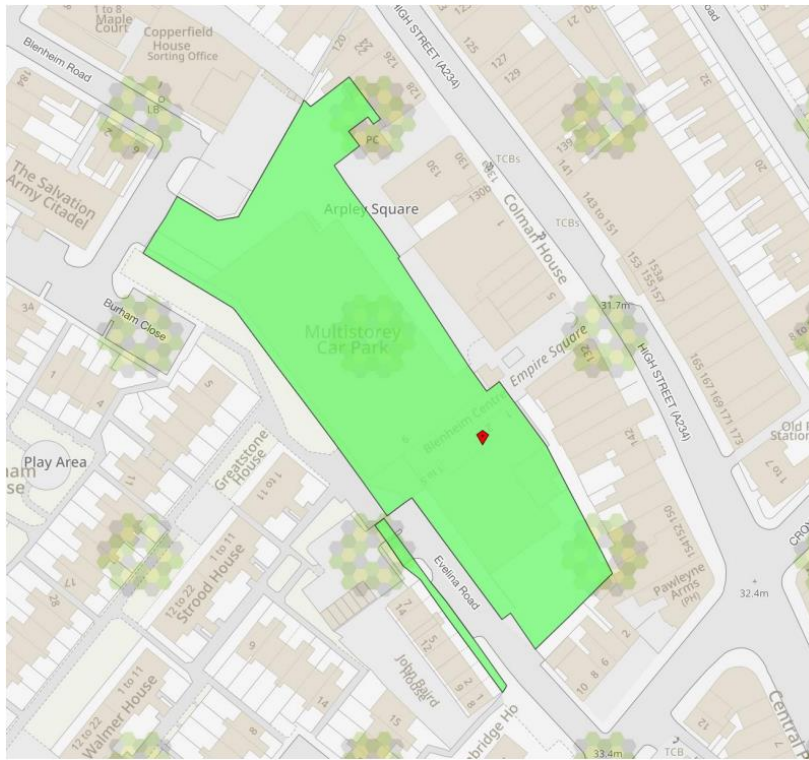


Fig. 6.6.1 Proposed Development and the Surrounding Neighbouring Properties (Daylight and Sunlight Impact on Neighbouring Properties Report).

Daylight

6.6.5 The Avison Young review confirmed that in terms of the VSC majority (i.e. 335 of 515 windows assessed or 65%) would record unnoticeable VSC differences post-development or retain in excess of the default BRE Guidelines recommendations. In general terms this may be considered a relatively good level of adherence with the default BRE Guidelines when taking into account the context and proximity of existing neighbours.

- 62 windows (12% of the total assessed) record between 20% and 30% difference, which the BRE considers may be noticeable. These may be best understood as a minor adverse impact;
- 27 windows (5% of the total assessed) record between 30% and 40% VSC difference, which the BRE considers noticeable. These may be best understood as a moderate adverse impact;
- 91 windows (18% of the total assessed) record over 40% difference, with the greatest difference being up to 100%. These are best understood as major adverse impacts. These major adverse VSC effects would be mainly recorded at Colman House, John Baird House, 2-8 Croydon Road, 126-128, 132-138 and 144/146 High Street.

6.6.6 The review sets out that the majority (i.e. 268 of 352 rooms assessed or 76%) would record unnoticeable NSL differences post-development or retain in excess of the default BRE Guidelines NSL recommendation. In general terms this may be considered a good level of adherence with the default BRE Guidelines when taking into account the context and proximity of existing neighbours.

- 24 rooms (7% of the total assessed) record between 20% and 30% difference, which the BRE considers may be noticeable. These may be best understood as a minor adverse impact;
- 15 rooms (4% of the total assessed) record between 30% and 40% VSC difference, which the BRE considers noticeable. These may be best understood as a moderate adverse impact;

- 44 rooms (13% of the total assessed) record over 40% difference, with the greatest difference being up to 72%. These are best understood as major adverse impacts. These major adverse NSL effects would be mainly recorded at Colman House, John Baird House, 2-8 Croydon Road, 126-128, 132-138 and 146 High Street.

126 – 128 High Street

- 6.6.7 The property is located to the northeast and is directly adjacent to the site. In terms of both daylight and sunlight impact, the changes would represent a major adverse effect (with up to 100% losses) and demonstrate low retained values. This is due to a combination of the proximity to the proposed development site, lack of any meaningful obstructions in the existing scenario and presence of self-limiting projecting walkways and overhangs. The Avison Young review advises that the affected rooms would be mainly non-habitable, or bedrooms. These rooms are either predominantly night-time use or used for short periods and on this basis these room types have a lowered requirement for natural illumination and therefore these affects may be considered to have less impact to the overall amenity of the dwelling. Therefore, a balanced judgement should be undertaken of the entire dwelling when determining acceptability. In this instance, the main living areas, where access to natural light is typically most important, are unaffected given they face towards the High Street.
- 6.6.8 When also considering the impact to the daylight of the rooms, it is also important to take into consideration the existing condition with overhanging walkways. When reviewing the 'Without Obstruction' assessment, there is marked improvement to the retained daylight and sunlight levels of these rear facing windows.

Colman House

- 6.6.9 This property is located to the northeast and is directly adjacent to the site. Each living room would achieve the default sunlight values recommended by BRE. In terms of daylight, the changes would represent major adverse effects, including some 100% VSC losses. The affected windows serve five living rooms or living kitchen diners, in each case due to the open plan nature of these rooms, there are additional windows allowing light to these rooms facing onto the High Street and therefore away from the site. The NSL results for the affected living areas take into account all windows serving them, as such the results are all fully adherent with the default BRE guidelines recommendations. Noticeable NSL changes would be observed in respect of the remaining affected windows which serve bedrooms and non-habitable kitchens. Most of these windows have low existing levels of light due to a substantial overhanging roof located above the windows. As these rooms are either predominantly night-time use or used for short periods and have a lowered requirement for daylight, a balanced judgement should be undertaken of the entire dwelling when determining overall acceptability.
- 6.6.10 It was considered in the Avison Young review that to better understand the daylight levels in the affected living rooms, a Climate Based Daylight Modelling assessment (CBDMD) should be undertaken.
- 6.6.11 The results of the CBDMD analysis provided in the updated GIA report demonstrates that, in both methods of assessment (the Illuminance and the Daylight Factor), with the proposed scheme in place, the living rooms would exceed the target values for a living room (i.e 150 lux and 1.1% DF - 1.4% DF). The CBDMD assessment therefore confirms that whilst there would be impacts in numerical values, the daylight levels in the main habitable spaces of the Colman House (living rooms) would not be affected by the scheme also given that the main windows serving these rooms face away from the site.

John Baird House

6.6.12 This property is located to the south-west of the site, comprising duplex apartments. The potentially affected windows are northly facing and therefore do not require sunlight assessment, as set out in the BRE guidance. In terms of daylight impact, the changes would represent negligible to major adverse effects, however, the Avison Young review generally confirms limited effect to the potentially affected areas of the property, on the basis of retained values being acceptable for a dense urban context and the self-limiting design of the property (located opposite the open part of the existing site and affected by the tallest elements of the proposed development).

2, 4 and 8 Croydon Road

6.6.13 This property is located to the north-east of the site. The potentially affected windows would either achieve the default BRE guidance for sunlight (No. 2 Croydon Road) or are northly facing and therefore do not require sunlight assessment. In terms of daylight impact, the changes would represent minor to major adverse effects, due to some windows having low baseline VSC (whereby even small absolute changes of VSC can be expressed as potentially misleading high percentage differences) which indicates disproportionate reliance on light from the direction of the application site with the actual/ absolute loss being small. The Avison Young review confirms limited effect to the potentially affected areas of these properties, on the basis of retained values being acceptable for a dense urban environment or the self-obstructing location/ design of the properties.

132-138, 144 and 146 High Street

6.6.14 These properties are located to the north-east of the site. The potentially affected windows would achieve the default BRE guidance for sunlight or would retain good values for a dense urban environment (No. 136 High Street). In terms of daylight, the changes would represent moderate to major adverse effects, however, the Avison Young review confirms limited effect to the potentially affected areas of these properties, on the basis of retained values being good or reasonable for a dense urban context.

1-11 Strood House

6.6.15 This property is located to the south-west of 1-11 Greatstone House and most of its windows appear to be facing away from the site. The sunlight assessment showed limited effect, with all windows achieving the default BRE sunlight recommendation. In terms of daylight impact, the changes would represent a minor adverse effect. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being good for a dense urban context.

1-11 Greatstone House

6.6.16 This property is located to the southwest of the site. The sunlight assessment showed limited effect, with good annual sunlight values retained throughout. In terms of daylight impact, a small number of windows would experience a loss greater than 20% and retain VSC values ranging from low double to mid-teens (minor adverse impact). The Avison Young review advises limited effect to the potentially affected areas of the property, on the basis of retained values being acceptable for a dense a dense urban environment. It appears that the main windows face away from the proposed development and therefore unaffected.

137-141 High Street

6.6.17 These properties are located to the north-east of the site. The potentially affected windows would retain sunlight values in excess of the default BRE guidance. In terms of daylight

impact, the changes would represent minor to moderate adverse effects. The Avison Young review generally confirms limited effect to the potentially affected areas of these properties, on the basis of retained values being very good for a dense urban context.

153-155 High Street

6.6.18 This property is located to the north-east of the site. The potentially affected windows would retain sunlight values in excess of the default BRE guidance. In terms of daylight impact, the changes would represent negligible to minor adverse effects, with one room considered to experience major adverse effect in terms of the NSL. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being very good for a dense urban environment.

5 Burham Close

6.6.19 This property is located to the south-west of the site. The potentially affected windows would retain sunlight values in excess of the default BRE guidance. In terms of daylight impact, the changes would represent minor to moderate adverse effects. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being good for a dense urban environment.

10 Pawleyne Close

6.6.20 This property is located to the south of 1-11 Strood House. The potentially affected windows are northly facing and therefore do not require sunlight assessment, as set out in the BRE guidance. In terms of daylight impact, the changes would represent negligible to minor adverse effects. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being good for a dense urban environment.

Sunlight

6.6.21 The review confirms that the majority (i.e. 304 of 359 windows assessed or 85%) would record unnoticeable differences post-development or retain in excess of the default BRE Guidelines ASPH recommendation. In general terms this may be considered a good level of adherence with the default BRE Guidelines when taking into account the context and proximity of existing neighbours. The remaining 55 windows would record losses of up to 100% in places.

Overshadowing

6.6.22 The inherent site orientation and degree of overshadowing are outside the control of the designer and the BRE guidelines accept that it is not always feasible to have all living areas facing south, especially in denser development when seeking to make most efficient use of the available site area. The neighbouring amenity spaces have been assessed by means of a Sun Hours on Ground test, as recommended by the BRE. The result of this assessment demonstrates that all areas would comfortably exceed the BRE default recommendations achieving at least two hours of sunlight to well in excess of 50% of their areas on the equinox (21st March).

Summary

6.6.23 The application site context is dense/ urban with several self-obstructed neighbours (projecting walkways and overhangs) in close proximity. The existing site has several areas in use as surface car parking meaning it features no significant buildings and massing. This

is confirmed by some baseline daylight and sunlight values which are usually high and more consistent with a rural environment as opposed to a dense urban setting. As set out in the BRE guidance, in these circumstances increasing massing of the site would inevitably result in changes to baseline values, therefore a degree of flexibility needs to be applied.

6.6.24 The GLA and Planning Inspectorate have established that in a dense urban environment, VSC values in excess of 20% should be considered as reasonably 'good', and VSC values of 15%-20% should be 'acceptable'. Further to this, it is accepted that in suitable locations there should generally be a high expectation of development taking place.

6.6.25 In general conclusion, the impacts of the proposed development would be noticeable, however the inherent site factors summarised above are considered to place a potentially unfair burden on this highly accessible and brownfield site, as any meaningful intensification of the proposed development would inevitably produce the observed effects or similar. In the light of this, and on balance, the proposal is considered to be acceptable in respect of the sunlight, daylight and overshadowing impacts. s

Privacy/Outlook – Unacceptable



Fig. 6.6.2 3D Perspective View of the Proposed Scheme (Daylight and Sunlight Impact on Neighbouring Properties Report).

Blenheim Estate

Greatstone House and Burham Close

6.6.26 The resulting distance to the closest properties of Greatstone House and Burham Close would generally exceed 22m on the upper levels of the blocks and 15m within the podium. It is considered that such spatial relationship would adequately ensure that the privacy and aspect currently enjoyed by the occupiers of these properties would not be unduly compromised. Additionally, officers note that only flank elevations of Greatstone House and 5 Burham Close would directly face the tallest parts of the proposal (Block B/C). These

elevations feature limited secondary and/or non-habitable windows, and due to the orientation of the buildings would offer oblique views of the development.

John Baird House

6.6.27 The main habitable rooms of properties in this building would directly face the proposal, however Block E opposite would only extend to 6 storeys, with two top floors being recessed. A minimum distance of at least 18m would be achieved. Such spatial relationship represents a typical privacy distance recommended by the BRE guidance and is characteristic for urban locations in the borough.

High Street

132-154 High Street

6.6.28 The window-to-window distance from Block D/E to residential properties located above the commercial ground floors would range from at least 22m on the upper floors to over 16m within the podium. The resulting relationship would be comparable to many urban locations in the borough and on balance acceptable considering the staggered mass of the proposed block and heights not exceeding 8 storeys. The planted zone around the perimeter of the podium amenity space would act as an additional buffer zone that would soften the visual impact and ensure that the neighbouring buildings are not overlooked from the communal amenity space.

Colman House

6.6.29 The proposal would maintain a window-to-window separation distance of at least 21m. Such spatial relationship is typical and generally considered as adequate to ensure that the privacy and outlook would not be unduly affected. Whilst officers fully acknowledge the rear windows of this property would directly face the tallest element of the development (Block B/C) which would raise to 16 storeys, it is noted that majority of these windows serve bedrooms and non-habitable kitchens. The 5 living rooms/living kitchen dining rooms that could be affected are open plan and have additional windows facing onto the High Street and therefore directed away from the site. It is therefore considered that on balance that the degree of potential overlooking and/or sense of overbearingness would not be harmful enough to justify a refusal.

126-128 High Street

6.6.30 At 6 storeys, the relevant part of Block A, which would feature a blank recessed elevation, would be located approximately 18m away from the rear windows of No. 126 High Street. A distance to No.128 would achieve an approximate separation of 12.5m, therefore raising concerns over the potential amenity impacts. The main living areas would remain unaffected given they face towards the High Street. The rear of 126-128 High Street accommodates entrance spaces and small kitchens on the first floor, and bedrooms on the second floor. These rooms are either predominantly night-time use or used for short periods of time and on this basis have a lowered requirement for outlook. Further to this, the rear windows are restricted by an overhanging walkway at first floor and overhanging roof eaves on the second floor (Fig. 6.6.3). These obstructions serve to limit both the 'in' and 'out' views thereby affecting the outlook and privacy. On balance, the degree of potential perceived overlooking and/or sense of enclosure is not considered harmful enough to justify a refusal.

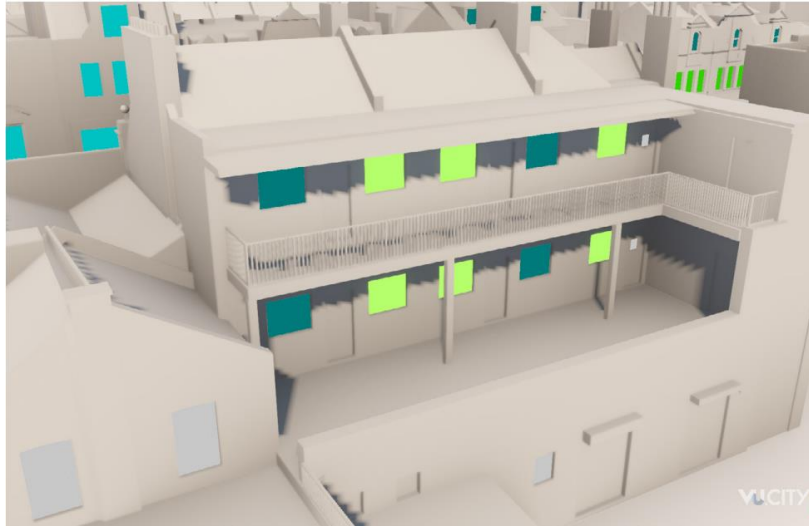


Fig. 6.6.3 The Rear Elevation of 126-128 High Street (Daylight and Sunlight Impact on Neighbouring Properties Report).

2 – 10 Croydon Road

6.6.32 The minimum separation distances of between 9m (No. 2 Croydon Road) and 12m (No. 10 Croydon Road) would fall short of the typical privacy distance recommended by the BRE guidance. It is noted that due to the distribution of height and mass in Block D/E the closest element of the proposed development would only extend to 4 storeys in height, the resulting spatial relationship would be uncomfortable and likely to materially affect the levels of privacy and outlook currently enjoyed by the occupiers of these properties.

Noise and Vibration - Acceptable

6.6.33 Given the proposed mixed-use of the site no undue noise and disturbance issues would likely to arise over and above those currently experienced by the surrounding residential properties. In order to protect the amenity of the residential properties, should planning permission be granted, appropriate conditions would be attached regulating the hours of operation and deliveries to the commercial units within the proposal. Demolition and construction activities are likely to cause some additional noise and disturbance, traffic generation and dust. Should permission be granted, a number of conditions would be imposed to minimise these impacts.

6.6.34 In an overall summary, whilst the proposal is considered to satisfactorily respond to the constraints of the site, there would be isolated instances of material impact on residential amenities currently enjoyed by the existing neighbouring occupiers, particularly in respect of outlook and privacy. Officers need to have due regard to the regeneration benefits of the scheme which are considered in the conclusions section of this report.

6.7 Transport and Highways

Sustainability of location for significant development - Acceptable

6.7.1 Paragraph 109 of the NPPF requires “Significant development” to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Policy T1 of the London Plan requires that development proposals should facilitate the delivery of the Mayor’s strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

6.7.2 Policy T2 of the London Plan also states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. In particular, Policy T2 (D) states that:

“Development proposals should:

- 1) demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance;
- 2) reduce the dominance of vehicles on London’s streets whether stationary or moving;
- 3) be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.”

6.7.3 The TfL WebCat Connectivity Assessment Tool is used to assess the connectivity of a site to public transport and determine the site’s public transport accessibility level (PTAL). The possible PTAL values range from 0 to 6, with 0 being the worst and 6 the best.

6.7.4 The majority of the site lies within the zone of public transport accessibility level of 5 with the north-western part of the site achieving a PTAL of 4. These PTALs are at the higher end of the range and are classified as ‘Very Accessible’ and ‘Accessible’ respectively.

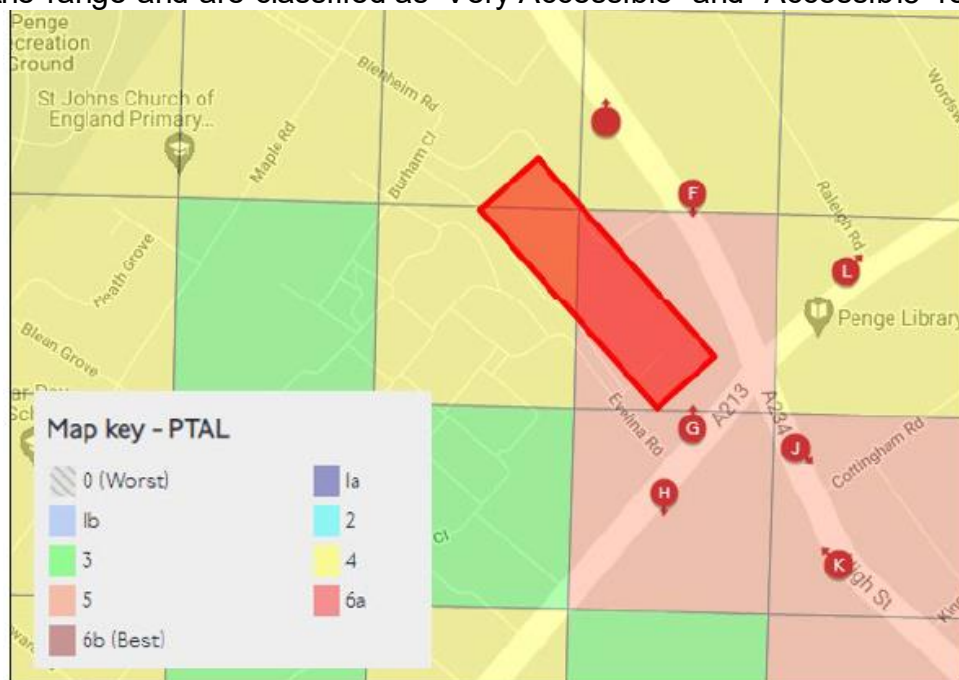


Fig 6.7.1 Map of public transport accessibility level (PTAL) of the site.

6.7.5 Kent House Station is located within 700m (an eight-minute walk) of the site and Penge West Station is within 800m (an 11-minute walk). Kent House Station is served by Southeastern with frequent services to Victoria, Bromley South and Orpington. Penge West Station is served by Southern and London Overground services, with frequent links to London Bridge, Highbury and Islington and West Croydon. Beckenham Road Station is located within 900m (a 12 minute walk of the site). The site is located within 1km of Beckenham Road Tram stop.

6.7.6 The closest bus stop to the site is stop F (High Street / Green Lane) on Penge High Street which provides a southbound service for the 176, 197 and 227 buses towards Beckenham or Norwood Junction. Bus Stop E (High Street/Maple Road) provides access to northbound to buses 176, 197, 227 and 354. Bus stops G and H (Penge / Pawleyne Arms) along Croydon Road provide a northbound and southbound service respectively towards Beckenham, Lower Sydenham or Sydenham. These bus stops are served by buses 75, 176, 197, 356, 358 and N3.

Proposed Site Vehicular Access – Acceptable

6.7.7 Two vehicle access points are proposed to serve the proposed development. An internal vehicle access road (Arpley Mews) leading into the site from Burham Close with a turning head at its north-eastern end (adjacent to Arpley Square). This access route would form a shared surface route with the footway flush with the carriageway (although a demarcated footway would be provided along both sides) and would provide access for:

- delivery/service vehicles serving Blocks A/B/C/F;
- drivers wishing to access four proposed residential accessible spaces;
- drivers accessing the podium car park;
- High Street properties which will retain vehicle access through the service yard.
- Evelina Road will be retained and will provide vehicle access for the following:
 - Delivery and servicing vehicles serving the residential and commercial uses in Block D/E within the Proposed Development.
 - A two-way vehicle access route running through the southern side of Block D/E to ensure access is retained to the rear of the 132-156 High Street properties. This will be gated.
 - The two existing pay-by-phone bays on the eastern side of Evelina Road.
 - The six existing on-street parking bays on the western side of Evelina Road serving the adjacent residential properties.
- Cars accessing the existing Clarion Housing Estate car park at the north western end of Evelina Road.
- Four accessible residential car parking spaces associated with the proposed development.
- Maintaining access for delivery/servicing vehicles (including refuse vehicles) accessing the existing flats along the western side of Evelina Road.

6.7.8 A minor extension would be required to the northern end of Evelina Road to enable delivery/servicing vehicles serving the Proposed Development to turn around at the northern end of Evelina Road, using the existing Clarion Housing Estate car park entrance. The Highways Officer has been consulted and raised no objections. These arrangements would be subject to S278 agreements.

Car Parking – Acceptable

Existing Traffic Situation

6.7.9 A total of 4 sets of traffic surveys were conducted and discussed in the submitted Transport Assessment (TA) by Steer. They were:

- Site access point entry and exit vehicle counts
- Multi-storey car park occupancy surveys
- Interview Surveys with users of the Blenheim Shopping Centre Car Park
- On-street parking surveys

Site access point entry and exit vehicle counts

6.7.10 Site access point entry and exit vehicle counts on Thursday 24 March and Saturday 26 March 2022 (07:00 -19:00), at the following locations:

- Burham Close northern service yard access point (entrance and exit)
- Multi-storey car park entrance at Burham Close
- Multi-storey car park exit at Evelina Road.
- Evelina Road southern service yard access point (entrance and exit)
- Service road serving 132-154 High Street properties from eastern side of southern service yard.

6.7.11 Based on the total number of vehicles entering and existing Blenheim Shopping Centre, including the service yards, the site generates 69 two-way vehicle trips in the AM peak, 179 two-way vehicles trips in the PM peak and 1,640 two-way vehicle trips daily.

6.7.12 Within the total 1,640 vehicles going in and coming out from the application site, only 477 2-way trips were identified going in/ out from the shopping centre car park. 41% of these trips were motorcycles/ mopeds using the service yard accessed from Burham Close.

Multi-storey car park occupancy surveys

6.7.13 Parking occupancy surveys were taken place within the northern service yard, southern service yard and multi-storey car park on Thursday 24 March and Saturday 26 March 2022 (07:00 -19:00).

6.7.14 It is noted that the overall capacity of the multi-storey car park during the surveys was 88 parking spaces for two-day surveys as Levels 4, 5 and 6 of the car park have been permanently closed. The car park experienced low levels of occupancy on both days, with a maximum of 41 vehicles parked (47% occupancy) on the Thursday from 12:00 – 12:30 and 47 vehicles parked (53% occupancy) on Saturday from 12:30 – 13:00.

Multi-storey car park interview survey results

6.7.15 Carpark interview surveys were undertaken within the Blenheim Centre multi-storey car park to establish the main trip purpose of visitors parking at the shopping centre and how many of these were associated with the shopping centre or wider town centre uses. It should be noted that the car park is a private car park for Blenheim Shopping Centre only, with a maximum three-hour parking restriction for customers.

6.7.16 The survey shows that during the peak parking occupation numbers:

- On Thursday, of the total 41 vehicles parked in the multi-storey car park, only 11 of these are users who just visit the Blenheim Shopping Centre.
- On Saturday, of the total 47 vehicles parked in the multi-storey car park, only 17 of these are users who just visit the Blenheim Shopping Centre.

6.7.17 Whilst it is noted that the total vehicles counted on both days (41 and 47 vehicles) have exceeded the proposed parking provision in this application (24 parking spaces proposed), the surveys show that only 11 and 17 of the overall visitors on each day respectively solely visited Blenheim Shopping centre with most of the visitors parking at the Blenheim Shopping Centre car park for linked trips during the survey periods.

On-street parking stress surveys

6.7.18 Overnight on-street parking stress surveys were conducted around the site. In the transport assessment, a 200m-wide area which includes a total of 61 on-street parking spaces was identified for this parking count carried out on two weekdays (04:30-05:30) Wednesday 23 and Thursday 24 March 2022.

6.7.19 In regard to the commercial on-street parking surveys, a 500m-wide area (a total of 1,296 on-street parking spaces) were included in this survey which was carried out on weekdays Wednesday 23, Thursday 24 March and Saturday 26 March 2022.

Residential overnight parking stress survey (200m radius)

6.7.20 The overnight parking survey results show that when the residential parking demand must be getting close to the maximum, the existing parking stress level within 200m of the site was 67%, i.e. well below the 85% threshold when issues may arise.

6.7.21 However, it is noted that parking stress on Wednesday evening (from 20:00 to 22:00) has exceeded 100% with the highest level of 113% observed from 20:00 – 21:00. On Thursday morning (10:00 – 11:00), afternoon (14:00 – 15:00) and evening (18:00 – 23:00), the parking stress has exceeded 100%, with levels over 120% from 19:00 – 21:00. According to the applicants, this high-level parking stress is most likely due to be to visits to other town centre land uses such a commercial, retail and leisure.

Commercial on-street parking stress survey (500m radius)

6.7.22 The TA demonstrates that the daytime parking stress levels within 500m of the site are below the Council's 85% threshold. On Wednesday 23 March the highest parking level was 1,072 of the 1,296 spaces being occupied, a parking stress level of 83%. On Thursday 24 March the highest occupancy was 1,058 out of 1,296 spaces, a parking stress level of 82% from 13:00 – 14:00. Parking stress levels were slightly lower on Saturday 26 March compared to the weekdays with the highest occupancy being 1,033 out of 1,296 spaces (80% stress) from 13:00 – 14:00 and from 20:00 – 21:00.

6.7.23 It is noted the following roads have exceed the parking stress level of 85%:

- Blenheim Road (capacity of 6 spaces) - parking stress levels exceeded the 85% threshold at times on all three days.
- Burham Close (capacity of 9 spaces) - parking stress levels were below capacity on Wednesday 23 March but exceeded the threshold at times on Thursday 24 March and Saturday 26 March.
- Evelina Road (capacity of 16 spaces) - parking stress levels exceeded the 85% threshold at times on all three days.

Proposed Car Parking Provision

Blenheim Shopping Centre Commercial Parking

6.7.24 Table 10.5 of London Plan indicates that the maximum retail parking standards for “all areas of PTAL 5-6” should be car-free. The proposal includes the re-provision of a total of 24 public car parking spaces within a dedicated parking podium car park at ground floor in Block B/C.

6.7.25 The submitted plan shows that the proposed podium car park accessed via Burham Road and located at ground level within Block B/C would accommodate 24 car parking spaces. 2 of the spaces within the car park are proposed to be accessible spaces, with 3 electric vehicle charging spaces also provided. 2 of the electric vehicle charging spaces would also be car club bays. Table 6.7.1 summaries the net reduction of both parking and loading spaces within the application site.

Scenario	Location	No. Parking/ Loading Spaces
Existing Site	Multi-storey car park active spaces (Levels 1-3 = 88 spaces, closed levels 4-6 include an additional 130 spaces)	88
	Northern Service Yard (Blenheim Shopping Centre plus adjacent High Street parking/ loading facilities)	45*
	Southern Service Yard	9
	Evelina Road unmarked parking spaces adjacent to multi-storey car park exit ramp.	7
	Total	149
Proposed Development	Residential accessible parking spaces (3% of total units at outset)	8
	Burham Close Podium Car Park (Relocation of 7 Evelina Road spaces and additional 17 spaces for wider town centre uses)	24
	Retained parking spaces associated with adjacent High Street uses.	16*
	Proposed Development Arpley Mews loading bays (1 x 12m long loading bay and 1 x 8m long loading bay north of Block B/C)	2
	Proposed Development Evelina Road loading bay (12m long)	1
	Total	51
Net Change		-98

Table 6.7.1 The net reduction of both parking and loading spaces within the application site.

6.7.26 It is noted that the proposed car parking provision would not technically comply with London Plan Policy which advocates car-free development, however as the proposed commercial parking provision has been significantly reduced, compared to the existing multi-storey car park (88 parking spaces), it is considered that this would be acceptable in this instance. Officers are also mindful that the commercial on-street parking stress is very close to the Council's parking stress threshold (85%). Again, given that the overall commercial floorspace provision would be reduced, it is expected that the proposal would not make parking stress any worse.

Residential Blue Badge Parking

6.7.27 The proposed residential development would be car free due to the scheme's PTAL 5 rating, with the exception of accessible car parking spaces.

6.7.28 Eight accessible car parking spaces for 3% of the residential dwellings would be provided on-site as per the London Plan. These spaces would be provided from the outset upon completion of the development with four spaces provided along the eastern side of the Burham Close access route and four spaces provided on Evelina Road.

6.7.29 In line with the London Plan, 20% of the residential parking spaces would be equipped with active charging infrastructure at the outset whilst the remaining spaces will be equipped with passive charging infrastructure.

6.7.30 The London Plan also requires an additional 7% of the total residential units to be provided with accessible spaces post occupation if there is demand in the future. This would equate to a theoretical requirement for a further 18 spaces which could not be accommodated within the public realm due to the constrained nature of the site and the severe adverse impact it would have on the proposed pedestrian/ circulation space and landscaping in the public realm. In the Transport Assessment, it is suggested that some proposed parking spaces

could be converted into these additional blue badge spaces. However, it would be subject to post on-site parking survey and car parking management plan.

6.7.31 Overall, whilst the surveys show that the existing parking stress remains below the Council's parking stress threshold, it is expected that the development, without proper mitigation measures, could add additional pressure on the nearby residential on-street parking. Therefore, as discussed in the Transport Assessment, it is envisaged that the existing Controlled Parking Zones (CPZ) may need to be extended and the future occupiers/residents should not be allowed to apply for any on-street parking permits. These measures would be secured by S106 and an appropriate condition.

Cycle parking - Acceptable

6.7.32 Policy T5 of the London Plan states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should also demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people. It states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. The cycle parking spaces should be "well-located – convenient, accessible, as close as possible to the destination, and preferably sheltered."

6.7.33 There would be a total of 22 long stay cycle parking and 82 short stay for the commercial element of the scheme. A total 12 spaces would be re-provided in Arpley Square/ Empire Square. For residential cycle parking, there would be a total of 414 (long stay) and 10 short stay. It is considered that the proposed cycle parking provision would comply with London Plan and Bromley Local Plan policies and the locations would be subject to planning conditions.

Sustainable Transport Hub – Acceptable

6.7.34 A key sustainability feature within the proposed development is the provision of a Sustainable Transport Hub. This would be located in Block A and would be accessible to both future occupiers and the residents from the surrounding area. The hub could potentially include:

- Bike repair unit;
- Additional cycle parking spaces including Brompton lockers;
- Secure lockers for cycling clothing accessories;
- Changing facilities and toilets;
- A bike cleaning area with pressure hose and drainage;
- A bike workshop;
- Vending machines containing bike parts (inner tubes etc.);
- Water fountains to fill water bottles; and
- Future capacity for e-scooters.

Transport Improvements - Acceptable

Pedestrian Network

6.7.35 The scheme creates enhanced public realm and permeability within the site by providing pedestrian routes between the High Street, Evelina Road and Burham Close. This includes enhancing the public realm within Empire Square and the extension of this route further westwards, passing between Blocks B/C and D/E, to provide a direct pedestrian connection to Evelina Road and enhanced public realm and pedestrian routes to the west of Block B/C providing a link through to Burham Close.

6.7.36 The public realm would also be enhanced within Arpley Square to provide a more direct connection into the site. This would connect to Arpley Mews, a shared surface access route (include demarcated footways along both sides) that passes through the site to connect with Burham Close. The public realm along Evelina Road would also be enhanced. Fig 6.7.2 shows all these routes within the site.

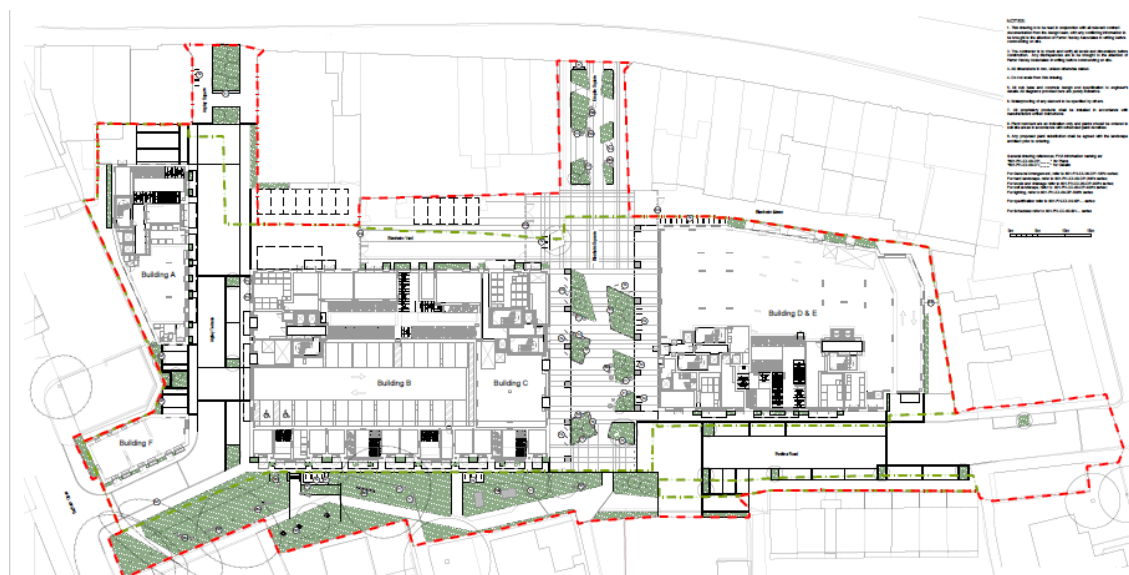


Fig 6.7.2 Proposed Public Realm Enhancements.

6.7.37 Pedestrian access control railings would be provided in the following two locations to restrict pedestrian access:

- At either end of Blenheim Yard (the servicing yard to the east of Block B/C) - This would include gates at either end but would only permit access to authorised pedestrians requiring access to the rear of the High Street properties, or cyclists accessing the Block B/C cycle store. The latter would be directed to use the gate at the southern end adjacent to Empire Square, to ensure they are kept away from the main servicing bay area and vehicle turning head immediately west of Arpley Square.
- At the northern end of Block D/E - This would include a gate to only allow authorised pedestrians requiring access to the rear of the High Street properties to pass through.

6.7.38 Cyclists would be able to access the site using any of the above access points and internal routes.

Moped Bay Relocation – Acceptable

6.7.39 Two potential options have been identified for providing a formalised 10m long moped parking bay on the High Street outside McDonald's. TfL has been consulted and the final location would be secured by S278 agreements.

Delivery/ Servicing - Acceptable

6.7.40 The application is supported by a Delivery and Servicing Strategy prepared by Steer. It is proposed to retain vehicle access and parking spaces to the rear of the following High Street properties as per existing for parking/loading/unloading goods. The following three additional new servicing bays would be provided for the proposed development to serve the residential and commercial uses:

- Two servicing bays at the northern end of the Proposed Development accessed via Arpley Mews from Burham Close comprising:

- One large 12m x 4m loading bay to the northwest of Block B/C directly adjacent to the building. This can be used by vehicles up to 10m rigid lorries and a 10.3m LBB refuse vehicle.
- One 8m x 2.5m loading bay to the north of Block B/C capable of accommodating vehicles up to a c. 7m sprinter van.
- One 18.6m x 2.7m large servicing bay will be provided on Evelina Road, to serve the Proposed Development residential and commercial uses. This could be used by one larger c 10m rigid lorry or a 10.3m LBB refuse vehicle on their own, or two smaller 7.5T van vehicles at the same time.

6.7.41 The report forecasts that the future delivery and servicing trip generation of the proposed development is circa 86 per day and demonstrates how these can be sufficiently accommodated without detriment to the local highway network.

6.7.42 A toolkit of measures is proposed to be taken forward as the DSP evolves over time in order to encourage sustainable freight movements to / from the Site and to reduce unnecessary servicing and delivery trips, particularly during peak times. The building management company would be responsible for creating a delivery schedule once the tenants have occupied the various land uses, and targets will be developed following occupation.

6.8 Green infrastructure and Natural Environment

6.8.1 Policy G5 of the London plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

6.8.2 Within the London Plan, Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

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

6.8.4 The latest amendments impacting the landscaping strategy are summarised below:

- Addition of new, south facing roof garden to level 04 of Block D/E;
- Improved residential access through Blenheim Yard with clear demarcation and improved lighting;
- Landscaping on Evelina Road to accommodate Iceland's servicing requirements;
- Revisions to the Urban Greening Factor (UGF) calculations to account for the additional roof garden and general updates to layout of green roofs.

Trees, Landscaping and Urban Greening - Acceptable

6.8.5 An Arboricultural Survey and Impact Assessment prepared by Greengage submitted with the application provides an assessment of the arboricultural value of the trees within the site based on their current quality. The assessment also provides a number of recommendations

to ensure those trees retained as part of the proposed development are appropriately protected during construction.

- 6.8.5 The assessment identifies that at present, the site accommodates several urban trees, including a medium and five small. A line of mature London Planes is also present to the south of the site. As part of the proposal a single Category U tree (T7), being a stump of a common lime, is to be removed. No additional trees would be removed as part of the updated scheme and the retained trees would be protected throughout construction by employing the measures described in the Arboricultural Method Statement which would be secured by condition in any permission. While it is noted that objections were received on the grounds of the loss of mature plane trees, the submission demonstrates that these would be retained. The "Landscape Strategy 3.0" referenced in one of the objections shows an Urban Greening Factor diagram to support the UGF site calculations for the proposal.
- 6.8.6 The GLA Stage 1 response stated that the applicant should provide a review of the urban greening and UGF score, as at 0.35 it was below the predominantly residential development target of 0.4 set by Policy G5 of the London Plan. GLA officers were of the view that whilst there were many positive design features embedded in the scheme, the applicant should review the urban greening proposed, seeking to improve the quality or quantity, to increase the application's UGF. Should the target score cannot be achieved, the applicant should set out robust justification. The Stage 1 response also requested that the applicant states the number of trees to be proposed within the scheme and to confirm that no trees are to be removed as part of the updated landscape proposals to determine compliance with Policy G7 of the London Plan.
- 6.8.7 With the amended proposal the UGF score remains at 0.35, hence still technically below the policy target. The applicant put forward the following arguments to justify the shortfall:
- the proposed development is a mixed-use proposal with a large quantum of non-residential uses at ground floor, the UGF score between the 0.3 target score prescribed for commercial and 0.4 target score required for residential is therefore considered acceptable;
 - the development has the opportunity to include green walls in the form of climbers on various elements of the building; however, these have been removed at the request of the GLA in line with the latest fire regulations. The score of 0.35 is shown without the green walls which would increase the UGF to between 0.37 and 0.38;
 - there could be further opportunities for greening, however this would be at the expense of the useability and future maintenance of the public spaces;
 - the site area also includes existing areas such as the yard at the back of Colman House and the mews to back of commercial and residential units to the east. The potential for greening in these areas are limited due to requirements to maintain shared vehicular access, parking spaces, fire and refuse servicing as well as pedestrian links.
- 6.8.8 The proposed landscape strategy provides a variety of soft landscape and greening interventions. At ground level, there is a variety of planting proposed including seasonal, biodiverse vegetation, areas of meadow or tall grass and trees in planters. In the pocket park, the planting would provide screening from the road as well as creating pockets for play. In the square, the planting would be more formal with groups of planting helping to create a microclimate and establish comfortable seating pockets. At the podium level, the proposals would provide a woodland feel and character. A variety of intensive and extensive green roofs are also proposed to soften and bring greenness to the top of the buildings.
- 6.8.9 The proposed landscape strategy involves planting of 50 new trees on the ground floor and 73 trees on the two podium gardens. Whilst the introduction of new planting is supported, officers acknowledge that the new trees would take minimum 30 years to mature and that majority of the new trees proposed would not be native. Should permission be granted, a

condition should be imposed securing a detailed landscaping plan with revised planting schedule including native species.

6.8.10 On the whole, the landscaping proposals are considered to contribute positively to the overall scheme design with the introduction of greening, biodiversity enhancements and improved pedestrian routes connecting the High Street with the wider surrounding areas.

Biodiversity and Protected Species - Acceptable

6.8.11 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

6.8.12 London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that “Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”

6.8.13 Preliminary Ecological Assessment by Greengage submitted in support of the application confirms that there are no statutory sites of European or National statutory designations within 2km of the site, however, 2 Local Nature Reserves (LNRs) are present comprising Dacres Wood, located 2km north and South Norwood Country Park located 1.3km south. The site does not sit within any Site of Special Scientific Interest (SSSI) Risk Zones. There are 12 non-statutory Sites of Importance for Nature Conservation (SINCs) within 2km of the site boundary, the closest being Betts Park approximately 890m southwest of the site.

6.8.14 The site inspections undertaken on 11th November 2021 and 11th May 2022 confirmed that habitats on site consist predominantly of hardstanding which is used as a service yard and pedestrian walkway, and a shopping centre building with areas of modified grassland, scattered urban trees and a line of mature London Plane trees also present. Invasive species of Buddleia were also recorded growing adjacent to the car park. The surveys undertaken confirmed that the habitats within the site boundary had potential, albeit low, to support bats (roosting, commuting and foraging) and nesting birds.

Bats

6.8.15 The site survey identified the existing building to have ‘low’ potential to support foraging, commuting and roosting bats, however there was a limited potential for bats to roost under the roof tiles of the building. Nonetheless, given the records of bats species within the surrounding area (2km of the site) and the legal protection afforded to bats, a single emergence survey was undertaken on the existing building on the 26 July 2022 to establish the relative importance of the site for local bat populations and to identify the presence/likely absence of roosting bats.

6.8.16 An objection was received based on the grounds of the survey undertaken being *‘casual and superficial, inadequate and unacceptable, and not conforming to UK law’* and stating that *‘a full survey is required to determine what species are present’*.

6.8.17 The overall ecological value of the site and the presence/likely absence of other notable and legally protected species are reported in the Preliminary Ecological Appraisal prepared by Greengage based on the desk top review as well as on-site walkover surveys. The Bat Survey report by Greengage Environmental Ltd (Ref. 551893mc29Jul22FV3) advises that the bat emergence survey was undertaken in accordance with the Bat Conservation Trust (2016)

Bat Surveys for Professional Ecologists: Good Practice Guidelines and the Bat Workers Manual (2004) by a qualified ecologist. The survey was carried out following the guidance in the 3rd addition of the guidance which was the relevant guidance at the time. The weather was warm and clear, and the survey commenced 30 minutes before sunset and continued for 2 hours after the sunset. Two locations on the frontage facing Evelina Road were surveyed. Officers are satisfied that there are no known or significant limitations to the bat survey undertaken. The survey was conducted at a suitable time of year and in generally suitable weather conditions.

6.8.18 The bat emergency survey confirmed the likely absence of roosting bats in the building. Additionally, no foraging or commuting activity from bats was recorded on site at the time of the survey. Although no mitigation actions are required given the result of the survey, measures to enhance the site for both roosting and foraging bats are recommended and would be secured via condition. As the guidance has been updated in 2023 which has changed the survey requirements and bearing in mind that bat surveys are typically valid for one to two years a pre-commencement repeat survey would be required if more than 3 years pass before the site clearance is commenced (from July 2022). Additionally, a condition requiring a precautionary approach to the removal of the ridge tiles of the existing building would also be imposed in any consent.

6.8.19 These measures include the use of bat sensitive lighting regime following guidance from The Institute of Lighting Professionals and Bat Conservation Trust (including measures to limit additional light spill, such as the use of directional, downward facing and shielded lights with low-UV warm-white LED bulbs, curfew controls with movement sensors where possible), provision of six integrated bat boxes into the fabric of the new building, suitable for summer roosting, as well as wildlife-friendly landscaping to enhance the site as foraging and commuting resource.

Birds

6.8.20 The site may support a range of common and widespread bird species and habitats of value including branches and crevices of trees and buildings. The surrounding residential green spaces provide good foraging opportunities due to the range of habitats available. The site therefore has a low potential to support breeding birds.

6.8.21 Nesting birds are protected from disturbance, and it is therefore recommended that demolition and any site clearance of suitable vegetation is undertaken outside of the bird nesting season or, if clearance is required within this period, after an ecologist has confirmed the absence of nesting birds. This requirement will be added to any consent granted.

6.8.22 Compensatory planting should focus on the provision of winterberry producing species as well as species with dense shrubby growth within which birds may construct nests. Bird boxes should be provisioned within the development including swift boxes and sparrow terraces. One bird nest site should be provided per 1000m² of floor space for commercial development and one nest site for every two residential flats. This requirement is included in the recommended biodiversity enhancement condition.

Other Protected Species

6.8.23 The site offers no suitable habitats for badgers, hedgehogs, great crested newt or reptiles. With this in mind, the site is therefore considered to have negligible potential to support these species.

6.8.24 The site may support a range of common invertebrate species within habitats of value including trees. The floral diversity of the habitats on site is poor and the extent of these

habitats is limited, with preferable habitats in the surrounding landscape. The site is therefore considered unlikely to support the rarer invertebrates meaning that overall the site is classified as being of negligible potential to notable/priority invertebrate species such as stag beetle or Jersey tiger moth. Other common invertebrate species may be attracted to the invasive species of buddleia and light sources on site.

Biodiversity Enhancements

6.8.25 The ecological enhancements measures specified in the submission include the following:

- provision of invertebrate habitat features such as bee posts/bricks, habitat panels a stag beetle logs, insect bug hotels and rope coils;
- provision of bird (including swift boxes and sparrow terraces);
- provision of bat sensitive lighting and 6 bat boxes;
- provision of permanent hedgehog houses;
- provision of a biodiverse living roof on new flat roof buildings with a variety of substrates and habitat types including wildflowers for pollinators. micro-pools an invertebrate features;
- removal of invasive species; and
- removal of vegetation outside of the nesting bird season.

6.8.26 Officers recommend that Landscape Ecological Management Plan (LEMP) and biodiversity enhancement conditions are imposed on any planning consent for the redevelopment of the site requesting further details of biodiversity enhancement measures along with details of a long-term site management and monitoring plan for the biodiversity enhancements and landscaping management at the site.

Biodiversity Net Gain

6.8.27 The Biodiversity Net Gain Update submitted as part of the revised proposal states that the Biodiversity Net Gain for the development would be 2652.50%. Although this has reduced from the original scheme due to a change in methodology and based on the updated landscape proposals, it is still a high Biodiversity Net Gain, well above and beyond the statutory minimum 10% requirement and the trading rules continue to be satisfied. As such, the proposed development would be compliant with Policy G6 of the London Plan.

6.9 Energy and Sustainability

Minimising Greenhouse Gas Emissions - Acceptable

6.9.1 The London Plan Policy S12 'Minimising greenhouse gas emissions' states that Major development should be net zero-carbon, reducing greenhouse gas emissions in accordance with the energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

6.9.2 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

6.9.3 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required – Of the 35%, residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.

- 6.9.4 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
 - 2) off-site provided that an alternative proposal is identified and delivery is certain.
- 6.9.5 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.9.6 The proposed development meets Building Regulations compliance through Be Lean energy efficiency alone, with further reductions made through Be Clean and Be Green installations of a Communal Heat Network and PV panels.
- 6.9.7 The development would achieve a total regulated CO2 saving of 76% for the residential units therefore exceeding the benchmark, and 12% for the non-residential units, falling short of the target.
- 6.9.8 It is acknowledged in the accompanying GLA note issued with the GLA Energy Assessment Guidance (2022) that non-residential developments may find it more challenging to achieve significant on-site carbon reductions beyond Part L 2021 to meet both the energy efficiency target and the minimum 35 per cent improvement. This is because the new Part L baseline now includes low carbon heating for non-residential developments but not for residential developments.
- 6.9.9 The proposed development achieves a total regulated CO2 saving of 73% which exceeds the 35% minimum set out in the London Plan. Therefore, although not technically fully policy compliant, the proposal would achieve and exceed the minimum London Plan Policy SI2 carbon reductions *across the site as a whole*. The carbon shortfall in regulated carbon emissions to achieve zero carbon would be made up of a cash-in-lieu payment of £176,047 to be secured in the s106 Agreement.

Whole Life Carbon and Circular Economy

- 6.9.10 London Plan Policy SI-2 requires that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life Cycle Carbon Assessment and demonstrate actions taken to reduce life cycle carbon emissions. London Plan Policy SI7 requires such applications to submit a Circular Economy Statement, whilst London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process.
- 6.9.11 The applicant has submitted a Whole life Carbon Assessment and Circular Economy Statement. In line with the GLA recommendation, a post-construction assessment to report on the development's actual WLC emission and a post-completion report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement would be secured by planning conditions.

Overheating

- 6.9.12 London Plan Policy SI 4 states major development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.
- 6.9.13 Given the findings of the submitted Noise Impact Assessment in respect to the impact of the existing KFC plant there is a concern about the potential for overheating due to the need to comply with noise standards. Officers acknowledge that there is a practical solution using

mechanical ventilation and/ or active cooling but that is clearly at the lower end of the cooling hierarchy and not usually supported. Officers consider it appropriate that a condition is attached to any approval requesting a review of the energy assessment should active cooling be used as any changes to the approach to minimise overheating must calculate the impact on energy use and carbon and therefore a recalculation of the carbon reduction and offsetting payment may be required.

6.10 Environmental Matters

Air Quality - Acceptable

6.10.1 The area falls within Bromley's Air Quality Management Area. Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet "air quality neutral" benchmarks in the GLA's Air Quality Neutral report.

6.10.2 The application is supported by an Air Quality Assessment prepared by Phlorum. The report reaches the following conclusions with respect to construction phase impacts, operational phase impacts and achieving air quality neutrality.

Construction Phase Impacts

6.10.3 The construction phase of the development could give rise to emissions which could cause dust soiling effects on adjacent uses. Following the IAQM guidance, the construction phase of the development can be considered to be High Risk for nuisance dust impacts, Medium Risk for PM10 health effects, and to be Negligible for ecology, in the absence of mitigation.

6.10.4 Following the implementation of the mitigation measures provided in the report, emissions from the construction programme would be reduced and the residual significance of impact for the construction phase is expected to be reduced to Negligible.

Operational Phase Impacts

6.10.5 The proposed development is not expected to generate volumes of traffic in exceedance of the indicative screening thresholds prescribed by the relevant guidance. Therefore, it can be reasonably assumed that the operation of the proposed development would have an insignificant impact on local air quality.

Air Quality Neutral Assessment

6.10.6 The proposed development would generate a total of 198 car trips (AADT), which is comfortably below the travel benchmarks set out within both the 2014 and 2021 air quality neutral guidance. The proposed development's energy strategy comprises the use of ASHPs, and as such, the proposed development is not expected to generate building emissions of NOx or PM10. Therefore, the proposed development is expected to achieve air quality neutrality with regard to both transport and building emissions.

6.10.7 As such, the proposed development is expected to comply with all relevant local and national air quality policy. Air quality should not, therefore, pose any significant obstacles to the planning process. The mitigation measures noted above would be secured through planning conditions.

Contaminated Land - Acceptable

6.10.8 Phase 1 and Phase 2 Site Appraisals were undertaken by Patrick Parsons. The findings of the two reports are noted below. None of the findings indicate major concerns in terms of contamination or sensitive uses such as residential being located on site subject to mitigation where necessary.

- The site has been classified as being moderate to high risk with regards to unexploded ordnance (UXO). The following were the findings from the detailed UXO risk assessment. Following this assessment the north eastern and central sections of the site have been given a medium risk and the north western and southern sections of the site a low risk.
- The bedrock geology beneath the site is recorded to comprise clay of the London Clay Formation. Superficial Head Deposits are present on site.
- The site is not recorded to be within a Coal Authority Coal Mining Reporting Area. There is 1no. records of BritPits within 250m of the site associated with a surface clay pit. There is 1no. other surface working located within 250m of the site which is a brickfield 166m southwest of the site. There are 13no. records of historical underground workings on site associated tunnels the nearest located at 717m northwest. There are 3no. 103 non coal mining records within 1000m of the site. All relate to chalk mining with the closest being 545m to the east of the site.
- The site is not within a Radon Affected Area, as less than 1% of properties are above the action level; radon protection measures are therefore not required for new properties.
- The bedrock geology of the London Clay Formation is recorded to be an unproductive aquifer. The superficial head deposits are recorded as a Secondary (Undifferentiated) Aquifer. The site is not recorded to be within any Source Protection Zone.
- There are 3no. records of groundwater abstractions within 2000m of the site. The nearest record is located 1119m southeast and is related to general use at Beckenham Road, Bromley and is currently active. There are no surface water features within 250m radius from the site. • There are no EA/NRW recorded historical landfill sites within 500m of the site. There are 13no. waste exemptions records within 500m of the site, the nearest is recorded 202m east of the site and relates to recovery of scrap metals.
- There are 83 no. recorded historical industrial land uses within 500m of the site. The nearest is located 18m east of the site and is recorded as a police station.
- There are 7no. recorded historical tanks within 500m of the site, the nearest being 78m northeast of the site and is an unspecified tank.
- There are 14no. records of Licensed industrial activities (Part A (1)) within 500m of the site, the nearest three are related two dry cleaning and are located at 48m southeast, 105m east and 119 northwest. Other two close records are located at 167m southwest and 176m southwest relating to unloading of petrol into storage at service station.
- There are 23no. records of recent industrial land uses, the nearest is located on site relating to repair and servicing electrical equipment. Other records within the 250m zone include curtains and blinds, pets and vermin control, electrical features, vehicle components, distribution and haulage, textiles, fabrics, silks and machinery, scrap metal merchants, vehicle servicing and cleaning, and water pumping stations.
- There is 3no. record of current or recent petrol station within 500m, the nearest is located at 172m southwest and its operational status is open. The other two records are located 391 -southeast and 486m northwest.
- Based on given history of the site and the BGS borehole records it is considered that there is likely to be a significant depth of made ground on-site. Based on historic development on-site and immediate surrounding area the potential for contamination is likely to be encountered on site. 104
- There is a multistorey car park on site, therefore the potential contaminants associated with vehicles are likely to be encountered. The specific contaminants of concern are

likely to include heavy metals, polyaromatic hydrocarbons (PAHs), total petroleum hydrocarbons (TPHs) and asbestos.

6.10.9 The Phase 2 report notes that the chemical analysis has identified exceedance of PAHs within WS06 when compared against the relevant Patrick Parsons GACs for residential end-use without plant uptake. As such, it is considered that soils at the site do pose a risk to human health; however, due to the construction of the buildings over the source there will be no pathway linking it to end users. It is therefore considered that the risk to end-users is negligible and no specific remedial measures are required.

6.10.10 Based on the results of the first ground gas monitoring visit it is considered that the site does not require ground gas precautions, however confirmed recommendations will not be provided until the completion of the ground gas monitoring programme. A final gas risk assessment will be compiled on completion of the four monitoring visits.

6.10.11 In terms of controlled waters, a source of contamination has been identified within WS06 at 0.40m begl. However, due to the locality of the exceedances being within the footprint of a proposed structure the source material will most likely be removed during the construction phase breaking the source-pathway-receptor linkage with regard to risk to controlled waters, it is also noted that the site is not within an area with a sensitive receptor and significant thicknesses of low permeability natural soils underlay the elevated made ground soils limiting the pathway. It is therefore considered that the risk to controlled waters is negligible and no remedial measures are required for the proposed development.

6.10.12 The above findings were considered as acceptable by the Environment Agency and the Council's Environmental Health Team and no objections were received subject to the impositions of appropriate conditions.

Lighting - Acceptable

6.10.13 The lighting should be designed to meet the guidance from the Institute of Lighting Professionals, 'The reduction of obtrusive light' Guidance Note 01/21, with respect to the sites lighting environment and will not exceed 2 lux at any habitable window, meeting the illuminated limits on surrounding premises for E3 Medium Brightness zone respectively.

6.10.14 Lighting plans and calculations by ESD were provided with the application, the aims and principles of which are acceptable. A lighting condition would be required to ensure that lighting in the new development is at an appropriate level so as to minimise impact on amenity whilst ensuring safe and secure places and minimising disturbance to wildlife.

Noise and Vibration – Acceptable

6.10.15 Given the proposed use of the site, no undue noise and disturbance issues would likely to arise. Should planning permission be granted, appropriate conditions would be attached regulating the hours of operation of the commercial units within the proposal.

6.10.16 Demolition and construction activities are likely to cause some additional noise and disturbance, traffic generation and dust. Should permission be granted, a number of conditions would be imposed to minimise these impacts.

6.10.17 The Environmental Health Officers confirm that subject to the above matters being secured through appropriate conditions in the event of planning permission being granted no objections are raised to the proposal.

6.11 Flood Risk and Drainage - Acceptable

6.11.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI12 requires development proposals to ensure that flood risk is minimised and mitigated, and that residual risk is addressed. London Plan Policy SI13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible, in line with the drainage hierarchy.

6.11.2 Policy 116 (Sustainable Urban Drainage System) of the LBB Local Plan states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SuDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

6.11.3 The application is supported by a Flood Risk Assessment and Drainage Strategy prepared by Patrick Parsons. The FRA identifies that the site is within Flood Zone 1 and has a very low risk of fluvial flooding. All other sources of flooding have been investigated and shown to be of minimal risk. The proposed development is concluded as being appropriate and sustainable in the terms as set out in the NPPF.

6.11.4 In terms of drainage, the SuDS hierarchy has been followed and SuDS features have been incorporated into the drainage strategy including green roofs, permeable paving and attenuation tanks. The underlying bedrock geology classification is London Clay formation which results in there being no infiltration allowable in the drainage strategy.

6.11.5 The surface water network is a network that incorporates the SuDS features mentioned above and works via gravity in conduits and manholes. There is one surface water rising main of 17m, with a surface water pump modelled at 1.8l/s. There is one outfall for the site which is Thames Water manhole 5164 in the proposed Empire 106 Square. The flow is controlled via a Hydro Brake Vortex flow control that is placed in manhole SW-13; the proposed flow rate is 1.9l/s which is the Greenfield runoff rate Q_{bar} . The foul water network runs via gravity and there is one outfall which is in the proposed Empire Square which connects into the 900mm diameter existing foul water sewer.

6.11.6 The Council's drainage officer and Thames Water raised no objections to the proposal as the proposed development is considered to be at a very low risk of flooding from all sources, and the drainage strategy has been designed in accordance with the London Plan drainage hierarchy and shown to be acceptable.

7. Other Issues

Equalities Impact

7.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.

7.2 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities

impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.

- 7.3 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.
- 7.4 It is also necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it.
- 7.5 The protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 7.6 The proposed development has been designed to take account of the specific needs of disabled people. It would incorporate suitable means of access for all people from the entrance points, sufficiently wide routes and access ways as well as independent horizontal and vertical movement that is convenient and ensures that people can make use of all relevant facilities. The scheme would deliver 18 M4(3)(2)(a) wheelchair adaptable units and 5 social rented M4(3)(2)(b) wheelchair accessible dwellings, i.e. designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users and those whose mobility may become impaired with age. All remaining units would achieve M4(2) standards.
- 7.7 The proposal would generate various benefits for the local economy and offer new opportunities to access employment in the renewal area. Although the exact number of jobs generated by the proposed development would depend on the final land uses occupying the site, as stated in the Socio-economic Assessment by Tetra Tech, it is estimated that the commercial floorspace would generate between 88 to 173 additional Full Time Employees (FTE)³. Additional job opportunities would be generated through the operational management of the development. It is further estimated that the construction of the proposed development could create 66 permanent FTE construction jobs for the construction period (2.5 years) and further 62 induced and indirect jobs (i.e. related and supporting activity in the supply chain) in the local area. This would have a positive impact on economically inactive people and those unemployed which are those in the categories of age, sex and disability, as well as indirectly on children (workless households).
- 7.8 The provision of housing, including affordable homes, would have a long-term beneficial impact, addressing the Council's affordable housing delivery shortages and the existing rates of deprivation which identified significant barriers to housing availability. Some of the new homes are likely to be occupied by existing local residents buying first homes, local residents trading up (or down), or, in the case of affordable units, existing residents on Housing Association' or Council waiting lists. This would have a positive impact on people with lower household income ranges and therefore those in the categories of age, pregnancy and maternity, race, and sex (women) who are less economically active.

³ Calculation undertaken in accordance with the Homes and Communities Agency Employment Density Guidance 2015.

- 7.9 The overall regeneration of the site with the provision of public realm, enhanced pedestrian routes, active frontages and balanced mix of land uses would improve safety and of security by increasing activity on-site and levels of natural surveillance throughout the day and in the evenings. The impact of the proposed development on crime and anti-social behaviour is therefore expected to have varying degrees of beneficial impact on the most vulnerable people including age, disability, sex, pregnancy, race, religion/belief and sexual orientation.
- 7.10 The proposal is expected to give rise to negative impacts in relation to demolition and construction, such as increased vehicular movements, noise and air quality aspects. These impacts would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the likely impacts.
- 7.11 In conclusion, it is considered that LB Bromley has had due regard to section 149 of the Equality Act 2010 in its consideration of this application and resulting recommendations to the Development Control Committee.

Community Infrastructure and Community Infrastructure Levy

- 7.12 Objections have been received on the grounds of Insufficient provision of local infrastructure, such as schools and doctor surgeries. The Socio-economic Assessment by Tetra Tech demonstrates that in terms of the impact on the provision of educational facilities, based on the Department for Education data on capacity and the “Schools Pupils and their Characteristics 2022” data there is sufficient surplus capacity within the existing area to accommodate both additional primary and secondary aged pupils.
- 7.13 The assessment of the existing healthcare facilities provision within the 2km radius of the site shows that nearest 2 NHS GP practices currently operate over the recommended capacity, sufficient availability for new patients remains in the other 6 surgeries within the catchment area. ⁴
- 7.14 Notwithstanding the above, under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable for the Mayoral CIL (subject to applicable affordable housing relief). The CIL regulations require CIL to be spent towards “the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”.
- 7.15 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. Proposals involving social, or affordable, housing (conditions apply) can apply for relief from CIL for the social housing part of the development. This is set out in Regulation 49 of the CIL Regulations 2010 (as amended).

S106 Legal Agreement

- 7.16 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought

⁴ Figure recommended by the General Medical Council (GMC) and used by the Department of Health (DoH) and Clinical Commissioning Groups (CCGs) is 1,800 people per GP.

or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.17 Policy 125 of the Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

7.18 Officers have identified a number of planning obligations which are required to mitigate the impacts of this development, the reasons for which have been set out in this report, should permission be granted. The development, as proposed, would necessitate the following obligations to which the applicant has agreed to in principle, unless otherwise indicated:

- Affordable Housing 35% (37 Social Rented and 36 Shared Ownership)
- Early-stage affordable housing review mechanism
- Carbon off-set payment-in-lieu £176,047
- Signage and wayfinding (Legible London) £22,000
- Healthy Streets TBC
- Considered construction (monitoring and compliance) £25,000
- Contributions towards consultation on extending nearby CPZs and future implementation of CPZs £25,000
- 2 years free car club membership per dwelling
- Twenty free car club driving hours per dwelling in the first year
- Retention of original architects TBC
- Monitoring fees £500 per head of term.

7.19 Officers consider that these obligations these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

8. Conclusion and Planning Balance

8.1 This application is for a re development of the existing shopping centre with a mixed-use development providing up to 230 dwellings and up to 2,714sqm of commercial floorspace together with associated communal amenity space and play space, cycle and car parking, and refuse storage.

8.2 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing, including Policy 1 Housing Supply of the Bromley Local Plan, as being 'out of date'. In terms of decision-making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

8.3 The proposed development would deliver 230 dwellings on this highly accessible, under-utilised previously developed land located at the heart of an Area of Renewal and Regeneration. The proposal would make a substantial contribution to the housing supply in the Borough and would help to address the Council's acute housing delivery shortages.

- 8.4 The proposal would substantially improve the retail environment of Penge as a District Centre and would address the current lack of activation between the Blenheim Centre and the High Street with enhanced commercial frontages. The proposal would result in the provision of 2,714 sqm of flexible commercial uses which would provide job opportunities, services, facilities and economic activity. Additional residents residing within the town centre would also help to stimulate the local economy.
- 8.5 Although the removal of the current shopping centre building which detracts from the conservation area is supported, the proposed development would result in 'less than substantial harm' to a range of designated heritage assets under the NPPF definition.
- 8.6 Officers have concerns in regard to the height and massing of some of the blocks and their townscape impact, however the quantum and density of the scheme is considered to be generally acceptable, reflecting the need to optimise the development potential of all available and under-utilised brownfield sites, particularly in highly accessible locations such as this. Officers consider the layout of the proposal to be an appropriate response to the site and its surroundings and support the proposed detailed design and material palette.
- 8.7 Both the layout of the development and the arrangement of the individual residential units would constitute the optimum design in response to the constraints of the site and access requirements. The proposed residential accommodation would comply with the minimum standards in terms of size and overall would provide an adequate level of internal and external amenity.
- 8.8 Whilst the impacts of the proposed development on the neighbouring amenity would be noticeable and would result in some isolated BRE transgressions and restricted spacial relationships, these would be reflective of the context and constraints of the site with several self-obstructed properties in close proximity. The inherent site factors are considered to place a potentially unfair burden on the site, as in such circumstances any meaningful increase in massing and density would inevitably result in changes to the level of amenities currently enjoyed by adjoining occupiers, therefore a degree of flexibility needs to be applied to the locations with a high expectation of development taking place, such as renewal areas and town centres.
- 8.9 Officers are mindful of the 35% affordable housing covenant which was included within the purchase contract, and which affects the quantum of development required to achieve an acceptable viability position.
- 8.10 The provision of new public realm within the site and improvements to the surroundings, including landscaping and biodiversity net gain would create a more secure, sociable environment for residents and the wider community.
- 8.11 Adequate sustainability measures would be incorporated achieving a reduction in combined domestic and non-domestic carbon emissions (CO₂) by a minimum 73% and meeting BREEAM Excellent for non-residential floorspace. Environmental matters such as air quality, contamination, noise, light pollution and drainage, would be subject to appropriate conditions in any approval.
- 8.12 The proposed development would provide a sustainable car free scheme and sustainable transport options and, with a suit of mitigation measures secured to address the potential increase in car parking stress, is not considered to result in an unacceptable impact on the surrounding highway network.
- 8.13 In considering the benefits of the scheme, officers attach very substantial weight to the significant contribution that the proposed 230 housing units would make in the context of the

Councils' inability to currently demonstrate a five-year housing land supply, and the recent failure of the Housing Delivery Test. The development proposal would offer new opportunities to access housing in the renewal area, with a quantum of dwellings providing almost 30% of the Council's annual housing target as set out in the London Plan.

- 8.14 Whilst it could be argued that a policy compliant provision of Affordable Housing should not be attributed any significant additional weight, officers are mindful of the poor Affordable Housing delivery in Bromley in recent years. Affordable delivery figures released from the GLA Pipeline Website have highlighted the Council has been unable to deliver significant numbers of affordable homes in the past two years. In 2021/22, a total of 63 affordable homes and in 2022/23, a total of 73 affordable units were approved respectively. The application scheme would contribute a total of 37 social rented and 36 shared ownership units, which would be equivalent to the annual approvals of affordable homes in Bromley in the last two years. This is considered to be a significant material factor in the light of the acute affordable housing need which attracts further very significant weight in support of the proposal.
- 8.15 Significant weight is apportioned to the positive long-term benefits the proposal would have in supporting the vitality and viability of the District Town Centre, the local employment and economy. The proposal would generate significantly greater pedestrian visits and would provide opportunities to reduce crime and anti-social behaviour with greater natural surveillance. The regeneration benefits of the scheme would contribute to the wider regeneration of Penge.
- 8.16 Officers attach substantial weight to the proposed public realm improvements and significant biodiversity gain.
- 8.17 As discussed, the proposed development would result in 'less than substantial harm' to a range of designated heritage assets under the NPPF definition. In accordance with paragraph 208 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.18 In considering the impact of the proposed development on the significance of designated heritage assets, officers have afforded great weight to the asset's conservation. However, in this instance, the public benefits of the proposal (as discussed in the preceding sections of this report) are considered to outweigh the less than substantial harm which has been identified.
- 8.19 Officers have also highlighted a number of areas where the proposed development would transgress from planning policy requirements, including the visual impact of the proposal on the wider townscape and the immediate low-rise suburban context, as well as the impact on the amenities of occupiers of some of the adjacent residential sites. However, given the Councils' inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, on balance, the considerations advanced in support of the proposal can be seen as sufficient to clearly outweigh the adverse impacts, when assessed against the policies in the Framework taken as a whole. Accordingly, the application is recommended for permission, subject to planning conditions, the prior completion of a S106 legal agreement and any direction from the Mayor of London.
- 8.20 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty and, as discussed in the preceding section, officers consider that these proposals would not conflict with the Duty.

9. **Recommendation: Permission, subject to the following conditions, the prior completion of a S106 legal agreement and any direction from the Mayor of London**

SUMMARY OF CONDITIONS AND INFORMATIVES

- **Time limit of 3 years**
- **Compliance with approved drawings**

PRE-COMMENCEMENT

- **Slab Levels**
- **Construction and Environmental Management Plan**
- **Contamination**
- **Archaeology (WSI)**
- **Tree Protection**
- **Piling Method Statement**
- **Lighting Scheme**
- **Circular Economy Statement**
- **Construction Phase Noise and Vibration Assessment**
- **Digital Connectivity Infrastructure**
- **Biodiversity Enhancements**
- **Additional Bat Survey**

ABOVE-GROUND WORKS

- **S278 Works**
- **Landscaping Scheme**
- **Landscape Ecological Management Plan**
- **Architectural Details/ External Material Samples**
- **Hard Landscaping including Boundary Treatment**
- **Pocket Park**
- **Children Play Space**
- **Privacy Screens**
- **Noise Mitigation**
- **Refuse Storage and Waste Management Plan**
- **Cycle Storage**
- **Secure by Design**
- **Method of Ventilation/Cooling**

PRE-OCCUPATION

- **Surface Water Capacity**
- **Foul Water Capacity**
- **Post-Construction Whole Life-Cycle Carbon Assessment**
- **Verification report**
- **Travel Plan**
- **Parking Management Plan**
- **Delivery and Servicing Plan**
- **Moped Bay Relocation**
- **Kitchen Extract System**
- **Water Infrastructure Phasing Plan (100th Dwelling)**

COMPLIANCE

- **Any Unexpected Contamination**
- **Rights of Way**
- **No Parking Permits**
- **Air Quality**
- **Retention of Retail Floorspace**
- **Hours of operation (Commercial Uses)**
- **Delivery Hours (Commercial Uses)**
- **Wheelchair units**
- **Car Parking**
- **Electric Vehicle Charging Spaces**
- **Low NOx Boilers**
- **Non-road Mobile Machinery**
- **Drainage**
- **No piling**
- **Water Usage**
- **Fire Safety Measures**
- **Wind Mitigation**
- **PD Removal**
- **Ecological Assessment**
- **Precautionary Approach to the Removal of the Ridge Tiles**

**Appendix 11: Committee Report and drawing: Pikes Close
Estate, Sundridge Park**

Committee Date	9 th March 2022	Agenda Item:
Address	Burnt Ash Heights Pike Close Bromley BR1 5BN	
Application number	21/03622/FULL1	Officer: Claire Brew
Ward	Plaistow And Sundridge	
Proposal (Summary)	Demolition of existing buildings and phased redevelopment comprising 170 residential units in buildings ranging from 2 to 13 storeys. Associated landscaping, car and cycle parking and ancillary development	
Applicant		Agent
The Riverside Group Ltd & Countryside Properties		Miss Nadine James Montagu Evans
Reason for referral to committee	Major Development 20+ new dwellings	Councillor call in No

RECOMMENDATION	PERMISSION
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Summary

KEY DESIGNATIONS Renewal Area: Ravensbourne, Plaistow and Sundridge Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control Adjacent Urban Open Space Air Quality Management Area

Table 1: Key Designations

Residential Use – See Affordable housing section for full breakdown including habitable rooms	
	Number of bedrooms per unit

	1	2	3	4 Plus	Total / Payment in lieu
Market	40	32	6	0	78 (including 4 wheelchair accessible units)
Affordable (social rent)	41	40	7	4	92 (including 18 wheelchair accessible units)
Total	81	72	13	4	170

Table 2: Proposed Residential unit mix

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	90	78	-12
Disabled car spaces	0	5	+5
Cycle	0	303 long-stay 8 short-stay	+311

Table 3: Vehicle Parking

Electric vehicle charging spaces	20% active 80% passive
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Table 4: Electric vehicle charging spaces

Representation summary	A site notice was displayed from 14.09.21 Neighbour letters were sent on 09.09.21 and re-consulted on 09.02.22 A press ad was displayed News Shopper on the 15.09.21. Initial consultation is for a minimum of 21 days	
Total number of responses	23	
Number in support	6	
Number of objections	16	

Table 5: Representation summary

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable Housing	92 social rented units	Y
Early-stage viability review triggered if an agreed level of progress on implementation is not	-	Y

made within two years of the permission		
Mid-term viability reviews prior to the implementation of phases	-	Y
Late-stage viability review which is triggered when 75 per cent of the units in a scheme are sold or let	-	Y
Provision of Wheelchair accessible (SELHP) units	-	Y
Carbon offset contribution	£184,183	TBC
Play/open space contribution	£13,528	Y
Agreement with an accredited car club operator to provide a car, 2 years membership and 20 hours free drive-time for residents	-	Y
Financial contribution towards converting an existing parking bay on Burnt Ash Lane to a car club bay	£4170	TBC
Agreement to cover all of TfLs costs associated with the bus stop relocation contribution	-	Y
S278 agreement or highway license for improvements to pedestrian crossing facilities	-	Y
Agreement to cover the Council's legal costs associated with the Stopping-up Order.	-	TBC
Energy Monitoring	-	Y
Obligation monitoring fee	£6000	TBC
Agreement to cover all of the Council's Legal costs for preparing the S106	-	Y
Total	£207,881	TBC

Table 6: S106 Heads of Term

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application involves the replacement of existing poor quality affordable homes and a net gain of 78 (market) residential dwellings and would represent a moderate contribution to the supply of housing within the Borough
- The development, by reason of its height, scale and massing is at odds with the general pattern of development in the surrounding area and contrary to policies 37, 47 and 48 of the Local Plan and policies D3 and D9 of the London Plan
- The development would lead to the loss of amenity for occupiers of neighbouring residential sites
- Notwithstanding the harm identified, given the Councils' inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, the scheme would not give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

1. LOCATION

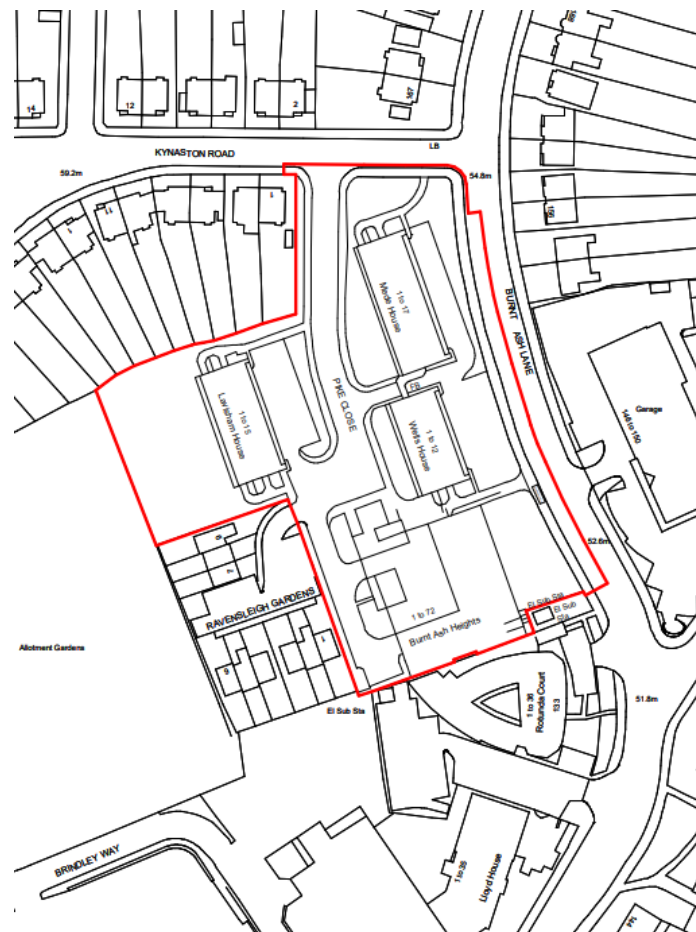


Figure 1: Site Location Plan

- 1.1 The site is located on the western side of Burnt Ash Lane and consists of four buildings containing a total of 92 residential units (all social-rented) set around an internal access road known as Pike Close. Pike Close is an adopted highway and is accessed via Kynaston Road which borders the site to the north.
- 1.2 The site area is approximately 0.9ha. The existing residential density is around 102 units/ha. According to the existing housing needs survey provided by the applicant, of the 92 existing units, only 69 are currently occupied.
- 1.3 The existing buildings are 3 – 4 storeys and there is a 13-storey tower. The site also includes car parking podium, surface car parking and associated hardstanding.
- 1.4 There is a significant level change within the site. The level of the site drops away from street level to the south of Kynaston Road, rising slowly to the south of the site where it re-joins street level.
- 1.5 The site adjoins allotments to the west, which are designated Urban Open Space in the Bromley Local Plan. The area surrounding the site is mixed in character, and includes residential development in purpose built flatted blocks, and semi-detached and terraced dwellings, as well as a car showroom, a supermarket and other retail premises. The site is located directly north of the local neighbourhood centre, which comprises continuous frontages and provides more enclosure to the street than the suburban character that prevails to the north of the site.
- 1.6 A number of the residential units to the north of the site along Burnt Ash Lane date from the 1930's and their architectural characteristics are typical of this era. Bay windows, red tile bay window roofs, brick arched porches and pebble dashed/white rendering are all prevalent architectural characteristics along this section of the road.
- 1.7 Within the wider context of the site there is also a prevalence of facing brickwork, as can be seen in the local neighbourhood centre and the majority of the development to the south of the site along Burnt Ash Lane. Rotunda Court, located immediately south of the site, comprises facing brickwork at ground floor level with the upper levels rendered cream. The car showroom is an exception to the materials palette described here, comprising glass and grey panelling typical of a building of this type.
- 1.8 Burnt Ash Lane is characterised by irregularly spaced street trees of varying levels of maturity on approach to the site from the north. Where Burnt Ash Lane meets Kynaston Road, immediately north of the site, the streetscape becomes greener in character, with three mature trees and a shrub located on the southern edge of this junction. Kynaston Road has

a similar landscape treatment to Burnt Ash Road, with scattered trees along its length. There is also a pocket park located at the Kynaston Road/Sandringham Road junction, contributing to the open, suburban character of the area.

- 1.9 The semi-detached and detached residential units within the wider context of the site are typically set back behind front gardens and/or private drives, with the blocks of flats present to the south of the site generally set back behind frontage car parking and/or communal green spaces.
- 1.10 The boundary treatments along Burnt Ash Lane are typically defined by low brick walls and/or vegetation. In the cases of the blocks of flats located to the south of the site and the current development at Pike Close, railings are also used as a means of defining the boundary. These treatments allow views of greenery in front of buildings from the street.
- 1.11 The site has a PTAL rating of between 1b and 2 (increasing to the north). Burnt Ash Lane is a London Distributor Road. The site is adjacent to a bus stop, servicing three routes on Burnt Ash Lane. Notable destinations include Bromley Town Centre, Mottingham Station, Lewisham Station and Bromley South Station; linking the site to National Rail and DLR services. Grove Park Station is approximately 1km away from the site.



Figure 2: Site Location (Source: Google)



Figure 3: Existing site context (Source: Design & Access statement)

2. PROPOSAL

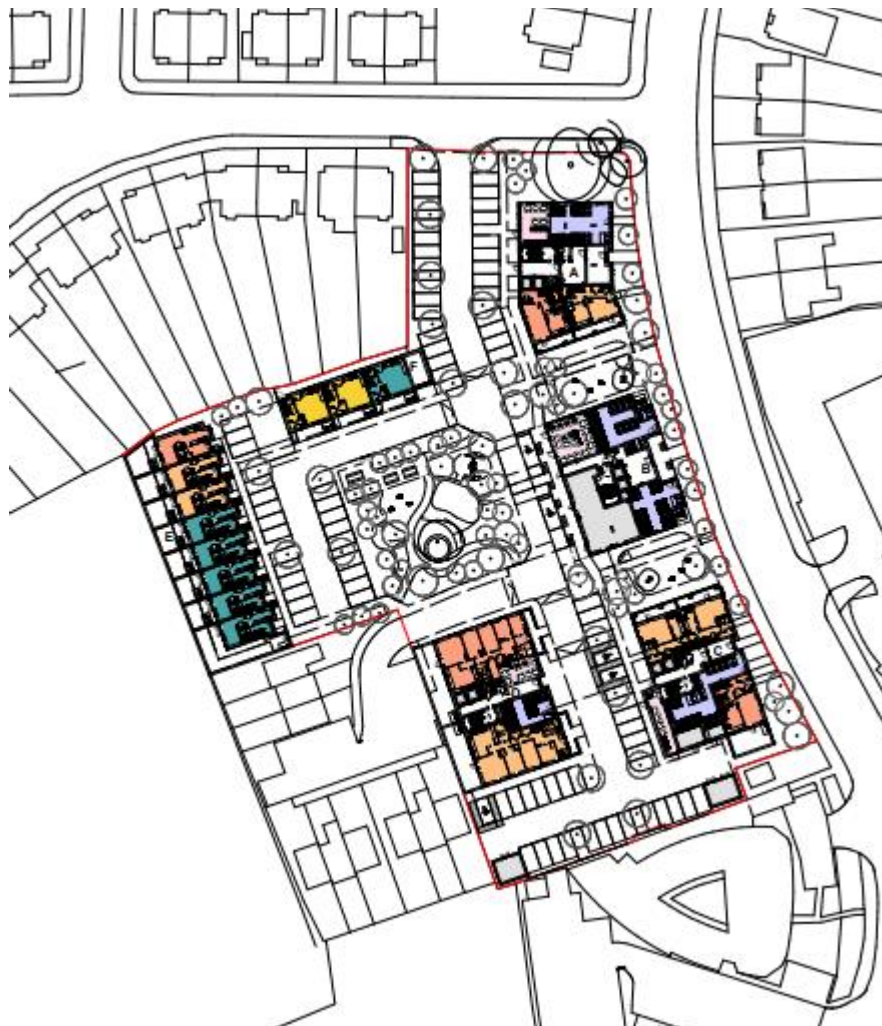


Figure 4: Proposed Site Plan

- 2.1 Further to the initial submission of the application, an updated Design has been issued in February 2022. The summary of the main changes to the scheme are:

- Building A is reduced in height to part 5 and 8 storeys
- Building B reduced in height to 13 storeys and moved Eastwards away from Burnt Ash Lane
- Building C 'pop up' increased to 9 storeys, the shoulder height stays the same at 4 storeys
- A slight increase in the footprint of Building C, only at ground floor, to cater for the increase in refuse and cycle parking requirements
- A reduction of 8 dwellings all within the Private tenure
- Landscape improvements including an increase in the amenity area and decrease in car parking by 8 spaces

2.2 The proposed development is summarised below:

- Demolition of existing buildings and structures, including all four accommodation blocks and the existing parking podium
- The redevelopment of the Pike Close Estate to provide a total of 170 residential units, including the re-provision of the existing 92 affordable residential units
- The delivery of six residential blocks ranging between 2 and 13 storeys
- The provision of 83 car parking spaces, including 5 disabled spaces and the delivery of 311 cycle parking spaces
- Alteration to the existing access to the site to provide a single vehicular access point from Pike Close off of Kynaston Road
- The creation of new pedestrian access routes into the site from Burnt Ash Lane
- Landscaping throughout the site, providing both private and communal amenity space in the form of a centralised amenity square, pocket parks, private balconies and roof top gardens
- The scheme will be delivered across four separate phases which is in line with a single decant strategy for the existing residents of the estate
- Construction of Phase 1 is anticipated to start in April 2022 and completion of Phase 4 in 2031

2.3 Phase 1:

- Construct Block C (29 social-rent units)
- Demolish Mede House (17 units/11 currently occupied) and Wells House (12 units/11 currently occupied)
- Move residents into Block C

2.4 Phase 2:

- Construct Block A (29 social-rent units)
- Construct Block B (72 private units)
- Demolish Burnt Ash Heights (48 units/36 currently occupied)
- Move residents into Blocks A

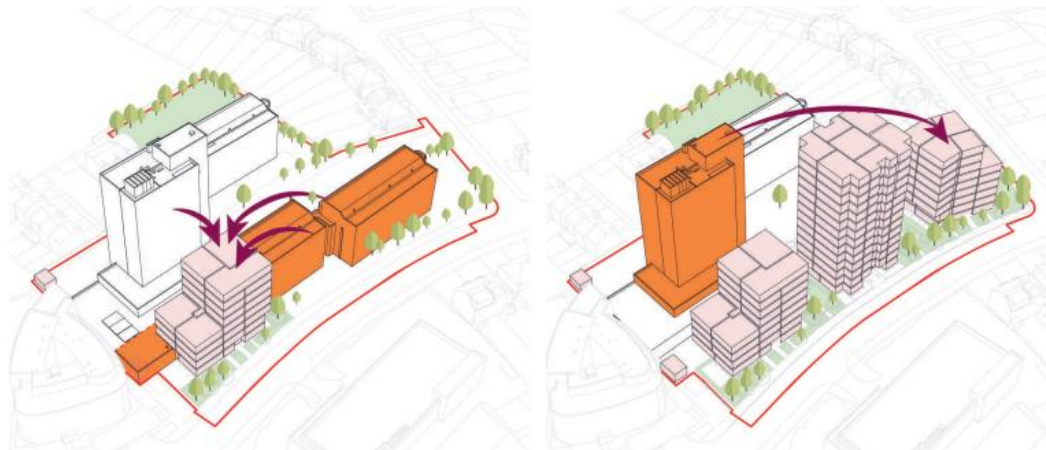


Figure 5: Phases 1 and 2 (Design & Access statement)

2.5 Phase 3:

- Construct Block D (29 social-rent units)
- Demolish Lavisham House (15 units/11 currently occupied)
- Move residents into Block D

2.6 Phase 4:

- Construct Blocks E and F (6 private, 5 social-rent)
- Construct communal amenity area



Figure 6: Phases 3 and 4 (Design & Access Statement)

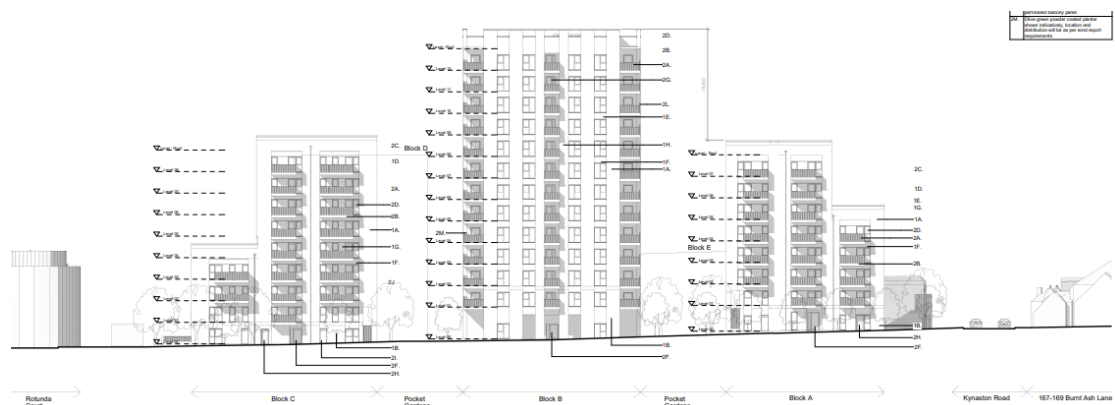


Figure 7: Proposed east (Burnt Ash Lane) elevation

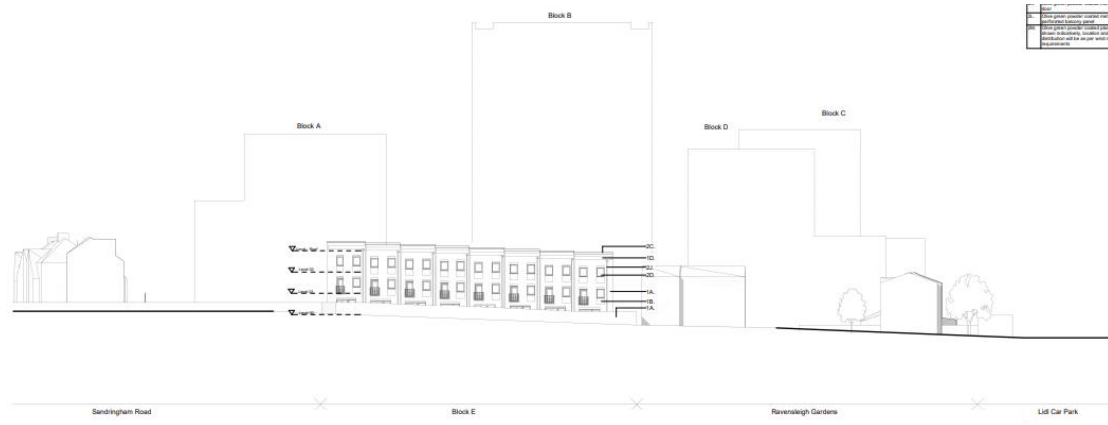


Figure 8: Proposed west elevation

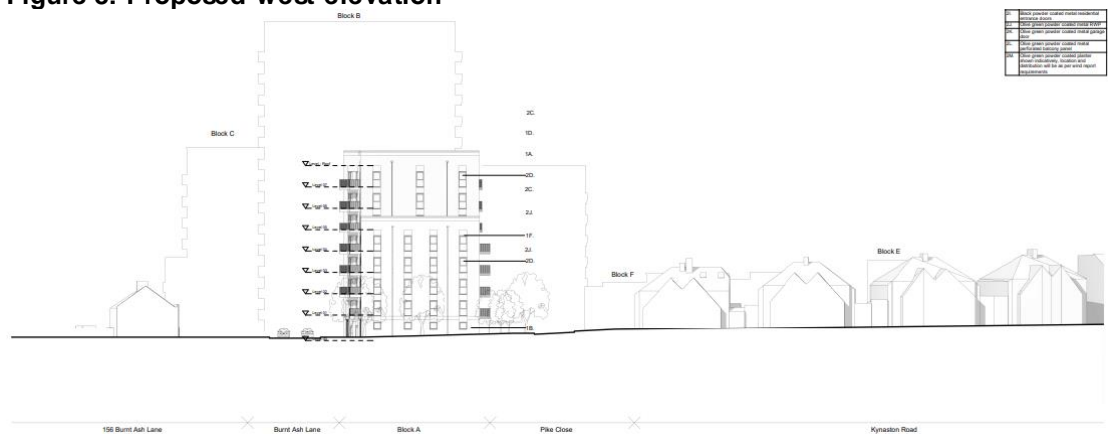


Figure 9: Proposed north (Kynaston Rd) elevation



Figure 10: Proposed south elevation

3. RELEVANT PLANNING HISTORY

3.1 On the 21st September 2021 the Council issued a Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 in respect of the Demolition of existing buildings and phased redevelopment comprising 178 residential units in buildings ranging from 2 to 14 storeys. Associated landscaping, car and cycle parking and ancillary development. This confirmed that the proposed development is not EIA development (LPA ref.21/03622/EIA)

4. CONSULTATION SUMMARY

a) Statutory

4.1 GLA Stage 1 comments – Further information required as the application does not currently comply with the London Plan (a copy of the full report is attached at Appendix 1)

- **Land Use Principles:** The redevelopment of the estate to provide new and replacement housing is acceptable in principle. The same quantum of social rent units would be re-provided and there would be an increase in habitable rooms and floorspace terms. The re-provided social rent units would be made available to existing tenants on the same terms as existing. However, with no additional social rent units proposed, the rehousing of adult children has not been addressed through the scheme. An equalities impact assessment should be provided in advance of stage 2 for review and comment.
- **Affordable housing:** The scheme proposes no additional affordable housing beyond the replacement of the existing social rent units. The submitted FVA is currently in the process of being reviewed to ensure that the development delivers the maximum quantum of affordable housing. Early, late and potentially mid stage viability reviews would need to be secured in any Section 106 agreement as well as the social rent tenure of the replacement affordable housing.
- **Play space:** The quantum of proposed playspace would fall below the on-site requirement. The main playspace area is not currently afforded a safe means of access, this must be remedied. The Council should secure an appropriate payment in lieu to off-site provision to make up the shortfall. However, it is not clear where one of the alternative off-site play spaces are in relation to the site, this should be clarified. This must be remedied prior to Stage 2.
- **Residential mix and quality:** The mix is based on current housing needs across the estate however, it is unclear how the development would cater for adult children and residents requiring wheelchair accessible housing. The quality of the residential units is generally acceptable. However, confirmation is required that they would meet the detailed space standards as set out in Policy D6 of the London Plan.
- **Urban design:** The applicant should consider combining buildings E and F to increase soft landscaping and should set building B further back from the street. Safe crossings should be provided throughout the development and the delivery of the main public realm brought forward if possible. The materiality of the tallest block requires simplification. The treatment of the Burnt Ash Lane frontages and balconies should also be reconsidered. For the height of the tall building to be

considered acceptable, the applicant would need to address its visual, functional, environmental and cumulative impacts.

- **Transport:** Improvements are required for active travel both within and outside the site and the Travel Plan revised to promote sustainable travel to deliver the Mayor's strategic mode shift target. Further work is also required in relation to the delivery and servicing arrangements and discussion with TfL on construction impacts on bus operations. Amendments are required to cycle parking to ensure alignment with both parts of Policy T5 of the London Plan.
- **Sustainable development:** In respect of the energy strategy, the following is required: further energy efficiency measures; overheating clarifications; information required on district heating potential and future-proofing; information on the PV potential required; and information on the proposed ASHPs. Comments regarding the submitted circular economy report and whole life carbon assessment have been issued to the Council and applicant for review and should be addressed.
- **Environmental issues:** The UGF score falls short of the 0.4 required target score. This should be reviewed in light of the urban design comments. Comments regarding drainage and water use should also be addressed.

4.2 Transport for London (TfL) – No Objection (subject to conditions)

- Do not anticipate a significant residual impact on the local or strategic public transport network
- Improvements to the existing pedestrian crossing refuge islands on Burnt Ash Lane should be secured through S278 agreement and consideration should be given to the provision of zebra or light controlled crossings
- We note that the site remains a car dominated environment, as all parking is on-street, rather than undercroft. However, it is welcomed that car parking has been reduced to facilitate an increase in planting/green space and better pedestrian connectivity
- It is welcomed that there has been a reduction of eight car parking spaces, from 91 car parking spaces to 83. This equates to a parking ratio of 0.49. This is in line with London Plan Policy T6.1 which seeks restraint-based car parking in new developments, in order to encourage mode shift to public transport and active travel modes.
- five (3%) disabled person parking spaces should be accessible from the outset
- It is welcomed that all disabled persons' parking provision will not be allocated to specific dwellings, in line with Policy T6. It is also welcomed that all parking will be leased, not sold

- Cycle parking provision at this site is still not in accordance with London Cycle Design Standards (LCDS)
- An updated swept path analysis has been provided. It is welcomed that the swept path analysis provided no longer shows manoeuvring refuse vehicles encroaching onto amenity space

4.3 **Natural England – No comments, please refer to standing advice**

4.4 **Environment Agency – No objection**

- The site is located within Source Protection Zone 3 and is situated upon the London Clay formation. Potentially contaminative historic land uses have been carried out upon the site, according to the Geo-environmental Assessment by IDOM (dated July 2021, ref. GEA-21949M-21-216)
- As there is no intention to discharge to ground from the proposed development, we have no comments on the drainage scheme from a groundwater protection perspective.
- We have reviewed the Geo-environmental Assessment by IDOM (dated July 2021, ref. GEA-21949M-21-216). The preliminary risk assessment and the scope of works at the above site is accepted, in principle, as being in line with relevant guidance for the re-development of a contaminated site, with regard to issues of concern to us.
- Recommend conditions

4.5 **Health and Safety Executive – No Objection**

- HSE is satisfied with the information provided with the application (including the fire statement)

4.6 **Thames Water – No objection**

- Conditions are recommended in respect of water network upgrades
- The proposed development should fully explore the viability of storing rainwater for later use, such as rain barrels for landscaping.

4.7 **Historic England (Greater London archaeological Advisory Service) – No objection**

- The proposal is unlikely to have a significant effect on heritage assets of archaeological interest
- Agree with the conclusions of the submitted archaeological desk-based assessment report dated July 2021 by RPS Group
- No further assessment or conditions are necessary

4.8 **Highways – No objection**

- The proposals now include a total of 83 parking bays, a reduction of 8 bays compared to that previous application, (August 2021).
- The proposed parking strategy seeks to provide 48 parking bays for existing residents (all existing units with access to a car receive a parking bay with those having a disabled bay also would be re-provided) and an additional 35 for the proposed units
- The additional 35 bays are intended to serve the larger units on a first come first serve basis, meaning all three bed units will have a parking bay with the remaining bays offered to the two bed units.
- The proposals have been updated to include a total of 5, (3% of total dwellings) blue badge parking bays in line with the London Plan policy guidance.
- The trip generation assessment demonstrates that the development proposals are not considered to have a material effect on the local highway network and acceptable in transport terms.
- Electric vehicle charging points will also be included as part of the development proposals in line with the London Plan March 2021.
- Cycle parking for residents and visitors is in line with London Plan policy.
- All delivery and servicing arrangements would take place on site with vehicles entering / exiting the site in forward gear.
- This is an opportunity to ask the applicant to provide one on-street Car Club Bay on Burnt Ash Lane outside the shopping parade also offer the first occupiers with a two-year free car club membership.
- A detailed Travel Plan as well as Parking Management Plan will be secured through condition and will include how up to a further 7% of the private dwellings can be provided with a disabled space.

4.9 **Drainage (Lead Local Authority) – No objection**

- The submitted report is sufficiently detailed to impose compliance condition.

b) Local groups & Adjoining Boroughs

4.10 **LB Lewisham – No objection**

4.11 **Bromley RSPB**

- Recommend the installation of 120 integral swift nest bricks as a planning condition

c) Adjoining Occupiers

OBJECTION

4.12 *Design & Density* (addressed in section 6.2)

- Scale/height of blocks not in keeping with area
- Blocks will be close to road accentuating their dominance

- Over-bearing
- Overdevelopment
- Existing 12 storey block has always been an eyesore and should be replaced with something smaller
- Too many flats
- Sunlight restricted due to size of blocks
- Combined with other developments in area would lead to overcrowding
- the Heritage, Townscape and Visual Impact Assessment dated Feb 2022 does not include an assessment of the how the development will look when viewed from the properties at the bottom of Kynaston Rd, these will be most impacted by this eyesore
- Pocket gardens will contribute to attract anti-social behaviour
- Lack of schools, doctors, etc to accommodate the extra tenants

4.13 *Living conditions of future occupiers* (addressed in section 6.4)

- Flats are smaller than promised
- Bromley needs more housing with private outdoor spaces

4.14 *Impact on Amenities* (addressed in sections 6.5 and 6.10)

- Traffic and pollution
- Noise and disturbance
- Visual impact from surrounding properties
- Overshadowing
- Loss of privacy and overlooking for houses in Kynaston Road

4.15 *Highways & Transport* (addressed in section 6.6)

- Inadequate parking spaces
- Overspill of parking into neighbouring roads
- Junction of Kynaston Road with Burnt Ash Lane is already very busy
- Parked cars mean that it is restricted to single lane traffic

4.16 *Construction impacts* (addressed in paragraph 6.2.23)

- The lower part of Kynaston Road and start of Pike Close will not be able to sustain the amount of plant, deliveries and activities required for the construction of this development
- Dirt and fumes will cause environmental problems

4.17 *Other*

- More cost-effective and environmentally friendly to refurbish the current homes (addressed in paragraph 6.1.6)
- Ground stability and subsidence (addressed in paragraph 6.2.23)

4.18 SUPPORT

- Development would utilise the site to its potential
- Existing flats are too small and overcrowded
- Existing buildings are deteriorated and out of date
- Lack of storage
- Estate is in disrepair and needs modernisation
- New design is smart and visually appealing

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

- 5.1 Section 38(5) states that if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan].
- 5.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

National Policy Framework (NPPF) 2021

- 5.3 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.4 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Practice Guidance (NPPG)

5.5 Relevant paragraphs are referred to in the main assessment

The London Plan (March 2021)

5.6 The relevant policies are:

Chapter 2 Spatial Development Patterns	
Policy SD10	Strategic and local regeneration
Chapter 3 Design	
Policy D1	London's form character and capacity for growth
Policy D2	Infrastructure requirements for sustainable densities
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D7	Accessible housing
Policy D8	Public realm
Policy D9	Tall buildings
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of Change
Policy D14	Noise
Chapter 4 Housing	
Policy H1	Increasing housing supply
Policy H4	Delivering affordable housing
Policy H5	Threshold approach to applications
Policy H6	Affordable housing tenure
Policy H7	Monitoring of affordable housing
Policy H8	Loss of existing housing and estate redevelopment
Policy H10	Housing size mix
Chapter 5 Social Infrastructure	
Policy S4	Play and informal recreation
Chapter 7 Heritage and Culture	
Policy HC1	Heritage conservation and growth
Policy HC3	Strategic and Local Views
Policy HC4	London View Management Framework
Chapter 8 Green Infrastructure and Natural Environment	
Policy G1	Green infrastructure
Policy G4	Open space
Policy G5	Urban greening
Policy G6	Biodiversity and access to nature
Policy G7	Trees and woodlands

Policy G8	Food growing
Policy G9	Geodiversity
Chapter 9 Sustainable Infrastructure	
Policy SI1	Improving air quality
Policy SI2	Minimising greenhouse gas emissions
Policy SI3	Energy infrastructure
Policy SI4	Managing heat risk
Policy SI5	Water infrastructure
Policy SI6	Digital connectivity infrastructure
Policy SI7	Reducing waste and supporting the circular economy
Policy SI8	Waste capacity and net waste self-sufficiency
Policy SI12	Flood risk management
Policy SI13	Sustainable drainage
Chapter 10 Transport	
Policy T1	Strategic approach to transport
Policy T2	Healthy Streets
Policy T3	Transport capacity, connectivity and safeguarding
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Car parking
Policy T6.1	Residential parking
Policy T7	Deliveries, servicing and construction
Policy T9	Funding transport infrastructure through planning
Chapter 11 Funding the London Plan	
Policy DF1	Delivery of the Plan and Planning Obligations

Mayor Supplementary Guidance

5.7 The relevant SPGS are:

- *Providing for Children and Young People's Play and Informal Recreation* (2012)
- *Accessible London: Achieving an Inclusive Environment* (2014)
- *Sustainable Design and Construction* (2014)
- *Shaping Neighbourhoods: Character and Context* (2014)
- *Accessible London: Achieving an Inclusive Environment* (2014)
- *Housing* (March 2016)
- *Control of Dust and Emissions During Construction and Demolition* (2014)
- *Homes for Londoners - Affordable Housing and Viability* (2017)

Bromley Local Plan 2019

5.8 The Relevant policies are:

1 Housing Supply
2 Affordable Housing
4 Housing Design
13 Renewal Areas
14 Development Affecting Renewal Areas
15 Ravensbourne, Plaistow and Sundridge Renewal Area
26 Health and Wellbeing
30 Parking
31 Relieving congestion
32 Road Safety
33 Access for all
34 Highway Infrastructure Provision
37 General Design of Development
47 Tall & Large Buildings
48 Skyline
55 Urban Open Space
70 Wildlife Features
72 Protected Species
73 Development and Trees
74 Conservation and management of Trees and Woodlands
77 Landscape Quality and Character
78 Green Corridors
79 Biodiversity and Access to Nature
113 Waste Management in New Development
115 Reducing Flood Risk
116 Sustainable Urban Drainage Systems
117 Water and Wastewater Infrastructure Capacity
118 Contaminated Land
119 Noise Pollution
120 Air Quality
122 Light Pollution
123 Sustainable Design and Construction
124 Carbon reduction, decentralised energy networks and renewable energy
125 Delivery and Implementation of the Local Plan

Bromley Supplementary Guidance

5.9 The relevant SPGs are:

- *Bromley Town Centre Area Action Plan (2010)*
- *Affordable Housing (2008)* and subsequent addendums
- *Planning Obligations (2010)* and subsequent addendums
- *SPG1 General Design Principles*
- *SPG2 Residential Design Guidance*

6. ASSESSMENT

6.1 Principle of development – Acceptable

Estate Regeneration and Housing Land Supply

- 6.1.1 The application site falls within the Ravensbourne, Plaistow & Sundridge Renewal Area where the Council will seek to maximise opportunities for enhancement and improvement and proposals should provide demonstrable economic, social and environmental benefits and address identified issues and opportunities.
- 6.1.2 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 6.1.3 Policy D3 of the London Plan requires all development to make the best use of land by following a design led approach.
- 6.1.4 The site is previously developed land consisting of four buildings containing a total of 92 residential units, car parking podium, surface car parking and associated hardstanding and access road. In principle this is a suitable location for optimising housing delivery in line with policy H1 of the London Plan.
- 6.1.5 When considering the loss of existing affordable homes, policy H8C of the London Plan states that consideration must first be given to alternative options and boroughs and housing associations should *"balance the potential benefits of demolition and rebuilding of homes against the wider social and environmental impacts and consider the availability of Mayoral funding and any conditions attached to that funding"*.
- 6.1.6 Paragraphs 7.20 – 7.26 of the Planning Statement set out how the applicant has considered alternatives to demolition. It sets out the following; there is currently overcrowding on site, modern standards of accommodation are difficult to provide including adaptations, units are not accessible in some cases and environmental benefits of the development can be seen after 40 years. It is considered that Clause C of Policy H8 has been addressed in the proposed submission.
- 6.1.7 The Council's latest position in relation to Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 6.1.8 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan

Policies for the supply of housing, including Policy 1 Housing Supply of the Bromley Local Plan, as being 'out of date'. For decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.1.9 This application includes the replacement of existing poor quality affordable homes and an overall net gain of 78 (market) residential dwellings and would represent a moderate contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable Housing and Viability

6.1.10 The shortage of affordable homes is at the root of London's housing crisis. To help address this crisis, the Mayor has set a long-term strategic target for half of new homes built in London being genuinely affordable, including those based on social rent levels. In this context, it is vital that estate regeneration plans are used to increase the amount of affordable housing, particularly homes based on social rent levels, wherever possible (The Mayor's Good Practise Guide to Estate Regeneration, Feb 2018).

6.1.11 The South-East London Strategic Housing Market Assessment (SHMA) that was carried out in 2014 demonstrated a high level of need across the sub-region and highlights a number of key challenges and issues, including, in Bromley, a net annual need for affordable housing of about 1400 units per annum.

6.1.12 The latest Authority Monitoring Report (covering the time period 2018/19) sets out affordable housing delivery figures as published by the GLA for 2014/15 – 2018/19. The total number of affordable dwellings completed in Bromley during the 5 year time period is 623 units highlighting still that there is a significant need for affordable housing in the borough, both from unmet need established in the 2014 SHMA and from whatever need has (and continues to) materialise since the SHMA was produced.

6.1.13 In accordance with Policy H8 of the London Plan demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an

equivalent amount of affordable housing floorspace. Affordable housing that is replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants.

- 6.1.14 In addition to ensuring that estate regeneration does not lead to a net loss in affordable homes, councils and housing associations should use the opportunity to provide as much additional affordable housing as possible. For this reason, all estate regeneration schemes are required under the Mayor's draft London Plan (2017) to follow a 'Viability Tested Route' to planning permission.
- 6.1.15 The NPPG (paragraph 006) is clear that it is the responsibility of the site promoter to take into account any costs including their own profit expectations and risks and ensure that proposals for development are policy compliant. The assumption is that the developer is sufficiently competent to manage the project and devise and deliver a scheme that is viable (or certainly not loss making) from the outset, taking into account wherever possible the impacts of planning policy, including other S106 and CIL contributions.
- 6.1.16 The application is accompanied by a Financial Viability Assessment (FVA) prepared by Montagu Evans, dated 20th July 2021 and a viability update letter dated 4th February 2022 following the scheme revisions and reduction of 8 private units.
- 6.1.17 The updated FVA concludes that the revised scheme, inclusive of GLA grant funding, will result in a deficit of -£22.7 million. On this basis Montagu Evans' conclude that no additional affordable housing above the re-provision of the existing 92 social rented units (53% affordable on a habitable room basis) can viably be provided.
- 6.1.18 Whilst the affordable housing provision at the site cannot viably be increased, the development will provide an uplift in affordable floorspace from 8,082m² to 9,463m² and will increase the number of affordable habitable rooms. A right of return has also been confirmed for the tenants of the social-rented units and the tenure (social-rent) has also been confirmed.
- 6.1.19 The Council have appointed an independent consultant to review the applicant's FVA. The Council broadly agree with the applicant's assumptions but consider that a £nil Benchmark Lane Value should be adopted for estate regeneration projects of this nature. This is because the existing stock is nearing the end of its operational life with accrued maintenance costs exceeding the value of the property as affordable housing. It is clear from Montagu Evans' FVA and Riverside's website that the poor condition of the estate and expense to maintain it is a motivating factor behind redevelopment.
- 6.1.20 On this basis the Council finds that the Revised scheme would result in a -£18.8 million deficit and the scheme would be unviable to provide

any uplift in affordable units. Whilst the Council's findings show less of a deficit than the Applicants, it has been agreed that the scheme results in a negative deficit and therefore no further affordable housing could be supported on Site. If the developer was to continue on this basis the net return would be -36% on GDV meaning that the developer would not make a profit return and would also be making a loss of £16.2 million, raising questions as to how the scheme is both fundable and deliverable.

6.1.21 Despite the provision of 53% social-rented units on site the proposal does not benefit from the Fast Track Route set out in Policy H5 of the London Plan 'Threshold Approach to applications'. In accordance with Policy H5 the scheme should therefore be subject to:

- a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough)
- b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough)
- c) Mid Term Reviews prior to implementation of phases

6.1.22 This is particularly important given that the scheme does not provide an uplift on the number of affordable units that already exist on site. The on-site social rented units and right of return, along with the viability reviews will need to be secured through a S106 legal agreement, in order that the viability can be assessed over the lifetime of the development.

Housing mix

6.1.23 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need. The highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis.

6.1.24 Existing affordable units are all one and two bedroom. The following unit mix is proposed:

Unit Type	No. of Private	No. of Affordable
1 Bed Flat	40	41
2Bed Flat	32	40
3Bed Flat	-	7
4Bed Flat	-	1

3 Bed Duplex	1	-
4 Bed Duplex	-	2
3 Bed House	5	-
4 Bed House	-	1
Totals	78	92

6.1.25 Reference is made to a Housing Needs Survey in the Planning Statement that was undertaken to help establish the housing needs of existing affordable tenants and to inform the proposed mix of units sizes.

6.1.26 It is considered that the proposal provides an acceptable range of housing unit sizes and an appropriate mix of tenures with the replacement affordable housing well integrated into the development, including the provision of some affordable 3 and 4 bedroom houses and a total of 18 affordable wheelchair user dwellings which the Council will have nomination rights over. This will help to ensure mixed and inclusive communities in line with the Council's objectives for Renewal Areas.

Community Engagement and Residential Ballot

6.1.27 The applicant has undertaken engagement with a number of key stakeholders. This has included both North Bromley Residents Association and local residents including both immediate neighbours and the wider community. A webinar was held with North Bromley Residents Association on the 19th May 2021, where the proposals were presented.

6.1.28 Following this, a consultation webinar was held with immediate neighbours of the Site on the 19th May 2021. Invitations were sent to approximately 300 addresses including residents from Kynaston Road, Ravensleigh Gardens, Sandringham Road, Rotunda Court and nearby residents on Burnt Ash Lane.

6.1.29 On the 26th May 2021, a wider public consultation webinar was held. This was open to all members of the public. Over 7,500 households within the surrounding area were invited. The key comments raised during the consultation are set out within the accompanying Statement of Community Involvement, prepared by Connect. The majority of comments received related to the height and design. It was perceived that the height of the tallest building would be too tall or imposing and the design would be out of keeping with the area, although many recognised that the proposal would be an improvement on the existing Burnt Ash Heights. A significant number of concerns were also raised in relation to parking and the potential for overspill parking on surrounding roads.

6.1 30 In accordance with the guidance 'Better Homes for Local People – the Mayor's Good Practise Guide to Estate Regeneration' any landlord seeing GLA funding for estate regeneration projects which involve the demolition of social homes, are required to demonstrate that residents have supported their proposals through a ballot. A ballot was held between the 22 March and 15 April 2019 on the redevelopment of the

Estate. Of the 86 eligible votes, 77 of the ballots were returned, of which 82% voted in favour for the regeneration of Pike Close. Residents also voted in favour of a single decant.

- 6.1.31 Prior to and after the ballot of the residents of Pike Close Estate, Riverside conducted extensive engagement activity with their tenants on the Estate. Tenants were consulted on the proposals and what would be important to them on a new Estate. The applicant contends that the proposals were shaped significantly by this activity.
- 6.1.32 The supporting information in the application demonstrates that the applicant has tried to engage with and involve the community in the development of these proposals. The applicant's responses to the topics raised through the various community consultation events are set out in the relevant sections of this report.
- 6.1.33 Overall, the principle of the demolition and redevelopment of the existing estate which will re-provide the equivalent number of affordable dwellings and a right of return for existing residents is acceptable in principle, in planning policy terms.

6.2 Design - Unacceptable

Density

- 6.2.1 The proposed residential density is approximately 198 units per hectare and 539 habitable rooms per hectare.
- 6.2.2 Policy D3 of the London Plan requires all development proposals to follow a design-led approach, making the best use of land to optimise the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.
- 6.2.3 The new London Plan moves away from the adoption of a more prescriptive formulaic approach when determining an acceptable density on a Site. Instead it seeks to ensure that developments make the most efficient use of land, with a focus on locating high density development within sustainable locations such as opportunity areas and town centres, that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling (Part B of policy D3). Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.
- 6.2.4 The application site is not in a town centre or an opportunity area but a Renewal Area and the surrounding development includes higher density flatted development as well as low-density suburban housing. In the Renewal Areas proposals will be expected to deliver high quality environments, which complement and enhance existing development

and 'assets', including built heritage and other environmental assets; support health and wellbeing by producing healthy environments through scheme designs.

- 6.2.5 The renewal area is served by local centres at Plaistow Lane and Burnt Ash Lane providing local shops and services. Being a predominantly residential area, these commercial centres also provide important employment opportunities, along with the Bromley Court Hotel, and local schools. Despite the low PTAL of the site, there are range of viable transport options available to residents.
- 6.2.6 The Mayor's Good Practice Guide to Estate Regeneration also advocates increasing the number of affordable homes as part of an estate regeneration scheme by building at higher densities wherever possible. Options for doing so should be discussed with residents as part of the consultation process. Increasing the density of an estate may improve the viability of a scheme and help to maximise the number of genuinely affordable homes.
- 6.2.7 Some increase in residential density at this site is therefore acceptable in principle, in line with Policy D3, subject to any potential harm or potential benefits which may result from building at an increased density.

Scale, height and massing

- 6.2.8 The existing buildings in the wider context of the site typically vary between 2 and 4 storeys in height with the exception of Rotunda Court, the block of flats located immediately to the south of the site, which rises to 5 storeys in height. The residential units to the north of the site along Burnt Ash Lane and Kynaston Road are typically 2 storey semi-detached dwellings, with the occasional detached property. These typically have tiled pitched roofs with hips, and bay windows with gables facing the street.
- 6.2.9 On approach to the local neighbourhood centre, located on the western edge of Burnt Ash Lane to the south of the site, the general building height increases to 3 storeys on the eastern edge of the carriageway and 4 storeys on the western edge; where the commercial units are located. The built form is more varied in the immediate context of the site, with 2 storey suburban houses to the north, the large flat-roofed Toyota garage to the east, the flat-roofed form of Rotunda Court and the utilitarian form of the 3 storey flats on Ryder Close.
- 6.2.10 Tall buildings are those that exceed the general height of their surroundings and cause a significant change to the skyline. The application proposes six new buildings, four of which will exceed the general height of their surroundings, ranging between 2 and 13 storeys:



Figure 11: Proposed Scale and Massing

6.2.11 Policy 47 (Tall and large buildings) of the LBB Local Plan states that proposals for tall and large buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout enhances the character of the surrounding area. Tall and large buildings will need to be of the highest architectural design quality and materials. The Policy further states that tall buildings should be reflective of their local and historic context, including strategic views. Proposals for tall buildings will be required to follow the current Historic England Guidance.

6.2.12 Furthermore, Policy 48 (Skylines) of the LBB Local Plan states that the Council will require developments which may impact on the skyline to demonstrate how they protect or enhance the quality of views, vistas, gaps and skyline listed in the supportive text.

6.2.13 Policy D9 of the London Plan is more up-to-date than policy 47 of the Local Plan and is clear that tall buildings should only be developed in locations that are identified as suitable in Development Plans. The Policy further requires developments which propose tall buildings to be of the highest architectural quality, reinforce the spatial hierarchy of the local and wider context, demonstrate the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people working and living in the building.

6.2.14 The application site is not a location which has been identified as suitable for a tall building in the development plan and the applicant acknowledges that, in the absence of specific allocations within the

Borough for tall buildings, the delivery of a tall building at this location would not comply with Part B of the London Plan Policy D9.

- 6.2.15 In accordance with Local Plan and London Plan requirements applications for tall buildings will be subject to a higher level of design scrutiny taking into account their visual, functional, environmental, and cumulative impact. Proposals for tall buildings are required to make a positive contribution to the townscape ensuring their massing, scale and layout enhances the character of the surrounding area.
- 6.2.16 The proposed development represents a significant step change in scale to that of the surrounding context and the existing buildings on site, for which limited townscape justification has been provided. Whilst it is acknowledged that the site includes an existing tall building constructed in the 1970s this does not in itself constitute sufficient justification for a replacement building of a similar scale. The existing 13 storey Burnt Ash Heights is the tallest building in the area and is visible from long distances such as the higher points of Burnt Ash Lane, for example at the Broadlands Road/Burnt Ash Lane junction, and stands out in marked contrast to the prevailing heights and built form in the local area.
- 6.2.17 As set out above, Block B has been reduced from 14 to 13-storeys; this is an equivalent number of storeys to the existing building on the Site. A one storey reduction on a building of this scale would not be read at street level or make any significant improvement from a townscape impact perspective and there is a general disconnect between the proposed scale and massing and the existing surrounding context.
- 6.2.18 The reduction in the height of Block A from part 6/part 9 storeys to part 5/part 8 storeys would (to some degree) improve the relationship with the closest neighbouring residents in Kynaston Road/Burnt Ash Lane. However, Blocks A, C and D would not read as 'mid-rise' buildings (as described in the D&A Addendum) within this context. At 8-9 storeys they would also read as tall buildings as indicated by the following views:



Figure 12: Existing View from Burnt Ash Lane at Ryder Close (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))



Figure 13: Proposed View from Burnt Ash Lane at Ryder Close (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))



Figure 14: Existing View from Burnt Ash Lane at junction with Briary Gardens (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))



Figure 15: Proposed View from Burnt Ash Lane at junction with Briary Gardens (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))

6.2.19 The townscape views submitted clearly illustrate the significant visual impact on both the immediate setting and the surrounding context with the scale of the blocks clearly jarring with the low-rise suburban setting as indicated by the applicant's *Heritage, Townscape and Visual Impact*

Assessment. This will have an adverse effect, as acknowledged by the Assessment itself. This is evident in figs. 16 - 21.



Figure 16: Existing View from Burnt Ash Lane, outside No.160 (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))



Figure 17: Proposed View from Burnt Ash Lane, outside No.160 (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))



Figure 18: Existing view from New Street Hill, West of Railway (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))



Figure 19: Proposed view from New Street Hill, West of Railway (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))



Figure 20: Existing view from Kynaston Road at junction with Powster Road (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))



Figure 21: Proposed view from Kynaston Road at junction with Powster Road (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))

6.2.20 The revised Heritage, Townscape and Visual Impact Assessment highlights that in views from the east and west (views 3 and 8) the generous gaps between the three blocks along Burnt Ash Lane are appreciable. At the same time it acknowledges that the blocks have the potential to coalesce in views, as evidenced in figures 22 and 23.



Figure 22: Existing view from Brindley Way (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))



Figure 23: Proposed view from Brindley Way (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))

6.2.21 Overall, whilst the stepped forms of the blocks do help to mediate the scale and articulate the proposed mass, Officers feel that the stepped elements across the site would do little to mitigate the visual impact of the taller elements on the wider townscape and the immediate low-rise suburban context.

Views Impacts

6.2.22 Under policy 48 the presence of a view or vista listed in the policy will need to be taken into account in the design quality, configuration, height and site layout of new development which may impact them.

6.2.23 It is clear that the development will be visible from a significant distance, as evident from the model view from Sundridge Park contained in the applicant's Heritage, Townscape and Visual Impact Assessment (fig. 24). This viewpoint is around 1.1km to the east of the site.

6.2.24 Crystal Palace Park is approximately 6.6km due west of the application site. While the application site itself does not fall within any view cones as shown on the LBB proposals map, at around 60m AOD the application site is in an elevated position compared with development on land to the west and could therefore potentially impact on views of the mast BBC TV mast which is a protected landmark under policy 48 of the Bromley Local Plan

6.2.25 Whist the Assessment concludes that the proposed development would not impact any views of local importance as identified by the London Borough of Bromley in the Development Plan, the applicant has omitted to provide evidence of the impact of the development on views of the mast (despite officer requests).

6.2.26 In addition, the GLA have requested the applicant undertakes further testing of the potential visual impact of the proposed development on the Parliament Hill Summit to St Paul's Cathedral as set out in the London View Management Framework (2012) Protected Vista 2A.1. The applicant has commissioned a verified view of the proposed development from 2A.1 which demonstrates that the proposed scheme would appear subservient in the view and would not impair the ability of the observer to recognise and appreciate the strategically important landmark of St Paul's Cathedral. The GLA are likely to want to comment on this further when the application is referred back to them for Stage 2.

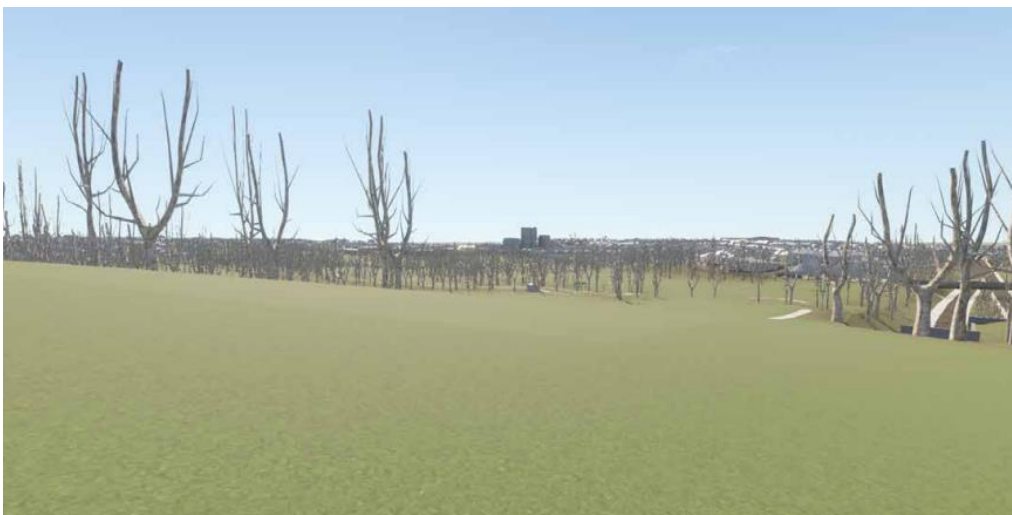


Figure 24: Proposed model view from Sundridge Park (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))

- 6.2.27 The applicant has responded to some of the concerns raised during the course of this application. Officers acknowledge that the scale of blocks A and C are underpinned by the single-move rehousing strategy, which will see residents of Mede House and Wells House moved into Block C, and residents of Burnt Ash Heights moved into Block A. However, the number of units proposed in Block B is not derived from the desire to re-house existing social-rent tenants in a single decant as Block B will provide 100% private-market housing.
- 6.2.28 Where estate regeneration plans involve the demolition of existing homes the Mayor's Good Practice Guide to Estate Regeneration says that "*councils and housing associations should seek to phase projects wherever possible, with the aim of ensuring that households can remain on the estate by moving no more than once*". Whilst the Mayor's Guide is a material consideration it does not form part of the development plan and a single decant strategy does not in itself provide sufficient justification for causing a detrimental impact on the setting whereby the further reduction of the number of private units could potentially facilitate a re-distribution of the social-rent units across the site and a subsequent reduction in building heights.
- 6.2.29 Furthermore, it does not appear that the rationale for the proposed residential density and height does not appear to be viability driven given that there is a significant financial deficit and £nil profit return for the developer.
- 6.2.30 The applicant's rationale for the appropriateness of tall buildings/high density development on the site is partly based on 'an association with the existing ribbon of course grain development' along Burnt Ash Lane. This change in character is limited to a relatively small area and, as discussed, Burnt Ash Lane is predominantly characterised by finer grain low-rise residential properties stretching from the Sundridge Park area in the south to Grove Park Station to the north.
- 6.2.31 The applicant also refers to adjacent 'large swathes of open space' for recreation to support high density development. However, the adjacent open space is private allotments and the open land to the east is occupied by Sundridge Park Golf Club. The nearest recreation ground is King's Meadow Playing Fields situated 0.4 miles away to the south. Notably, the application site is an area which is identified in the Local Plan as being significantly deficient in access to open space.
- 6.2.32 Reference is also made to the poor design and layout of the existing estate and the applicant considers that the introduction of the Proposed Development provides a beneficial improvement to the townscape, and subsequent quality of the view as a result of the introduction of a high-quality development.

6.2.33 Whilst the opportunity for a new development to respond better to its surroundings and improve the public realm is acknowledged, in this instance it is considered that the design, by reason of its scale, height and overall massing, is at odds with the general pattern of development in the surrounding area and contrary to policies 37, 47 and 48 of the Local Plan and policies D3 and D9 of the London Plan.

Appearance and Architecture

6.2.34 Tall buildings need to be of the highest architectural design quality and should be grounded in their context with articulation and a clear narrative informed by local character and identity.

6.2.35 The applicant has revised the appearance/finishes of the proposed buildings during the course of the application. Whilst similar architectural detailing will be applied to all the buildings, the proposed brick types are being varied across all the buildings to better distinguish between them. A mixture of buff and contrasting black bricks to create a Flemish bond will be used at the lower levels with the predominant buff brick carrying on up the buildings. Contrasting white brick for the banding details and below the windows to emphasise the vertically expressed elements of the building. Olive green metal work for the windows is also proposed across the site and the balcony balustrades. In addition, Block B includes glazed green brickwork to demarcate its entrance on Burnt Ash Lane.

6.2.36 The balconies in Blocks A, C and D are all projecting. The corner balconies on Block B are fully inset and those in the centre of the building are partially inset which helps to provide some articulation and additional visual interest to the facades as well as helping to distinguish Block B as the focal building. Whilst some of the balcony balustrades across the scheme appear overly solid, it is noted that these have been designed in response to the wind analysis and to ensure safety for future occupiers.

6.2.37 Whilst the justification for the scale of Block B is not accepted (as highlighted above) the design intent for the tallest building to be the focal point of the development with its own identity expressed with a clear base, middle, and top is acknowledged. The open 'crown' helps to differentiate the 'centrepiece' from neighbouring blocks whilst retaining the appearance of a 'family of buildings'.

6.2.38 The proposed revisions and minor amendments to better distinguish the buildings are considered to be broadly acceptable. The proposed materials respond to the variations in the local context. The applicant's efforts to reference local materiality and detailing to inform the design language are also welcomed. Full details of the proposed materials and finishes are required by condition.

Access

6.2.39 London Plan policy T2D states that Development proposals should:

- 1) demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance
- 2) reduce the dominance of vehicles on London's streets whether stationary or moving
- 3) be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

6.2.40 One shared access point is proposed for all modes of transport via Kynaston Road. In addition, there are two pedestrian footpaths to the east of the site, leading to Burnt Ash Lane. Due to the constrained nature of the site with allotments and neighbouring residential properties to the west and a flatted development to the south, walking and cycling connection through the site are limited.

6.2.41 Access to the cycle parking in blocks A, B and C is via a single access from the public realm on Burnt Ash Lane which TfL have raised concerns over in terms of the personal security and safety of users who could be followed into these stores. These issues fall within the remit of TfL's and the Council's duties under Section 17 of the Crime and Disorder Act 1998.

6.2.42 In order to improve permeability and safety across the site TfL have requested the provision of more segregated walking and cycling routes across the site and provision of access to cycle stores through the residential lobby of each building. This provides a space, with a high probability of passing foot traffic, for a cyclist to wait before entering the cycle store, affording cyclists the same level of personal security as residents without cycles.

6.2.43 The applicant has not addressed these issues and is of the view that if additional segregated cycle routes in an east/west direction are provided onto Burnt Ash Lane, there is a risk that cyclists travelling from the site would interfere with existing pedestrians travelling north/south of Burnt Ash Lane footways. Furthermore, the applicant considers that, based on the London Cycle Design Standards (LCDS) guidance, the provision of residential cycle stores with direct access to the public realm are acceptable as they would be controlled by key fob, well-lit and avoid stairs and multiple doorways while providing convenient access to the street.

6.2.44 Whilst it is unfortunate that the applicant has not addressed the safety concerns at this stage, it is considered that a more acceptable access arrangement could be agreed as part of a cycle parking condition.

Fire Safety and Security

6.2.45 Following the Grenfell Tower fire and the subsequent Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt, on 1 August 2021 the government has introduced a number of

new requirements into the planning system (referred to as planning gateway one) by making amendments to The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and an associated instrument.

- 6.2.46 A Fire Statement is a requirement of all Major applications in order to ensure that applicants and decision-makers consider planning issues relevant to fire safety (e.g. site layout, water supplies for firefighting purposes and access for fire appliances) at the earliest possible stage in the development process and result in better schemes which fully integrate thinking on fire safety. Fire safety and security measures should be considered in conjunction with one another, in particular to avoid potential conflicts between security measures and means of escape or access of the fire and rescue service.
- 6.2.47 The application comprises one or more relevant buildings which meet the height condition (18m or more in height, or 7 or more storeys whichever is reached first) and in accordance with the gateway one regulations the Health and Safety Executive (HSE) has been consulted.
- 6.2.48 Following the comments received from the HSE the applicant has submitted a revised Fire Statement on the form published by the Secretary of State. The HSE have been re-consulted and is satisfied with the information provided.
- 6.2.49 The proposal has been designed in consultation with the Met Police Designing out Crime officer and he is of the view that the development would be able to achieve Secured by Design Gold standards.
- 6.2.50 Fire Safety and Secured by Design conditions are recommended.

Layout, Landscaping and Green infrastructure

- 6.2.51 Open spaces which are planned, designed and managed as green infrastructure provide a wide range of social, health and environmental benefits, and are a vital component of London's infrastructure (policies G1 and G4, London Plan). In areas deficient in access to open space the Council will seek to secure improvements in the amount and distribution of, and access to, open space (policy 59, Bromley Local Plan).
- 6.2.52 Policy G5 of the London plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

6.2.53 The sites' location in an area identified in the Bromley Local Plan as being deficient in access to public open space is pertinent meaning that delivering high quality green infrastructure as part of any development proposals for this site, will be key.

6.2.54 Burnt Ash Lane, to the east of the site is relatively well-treed, with 9 established trees existing along this boundary. The presence of these trees, in combination with the set-back building line behind areas of open space, provides a soft edge to the street which responds to the dominant suburban character of the development to the north of the site.

6.2.55 Along Burnt Ash Lane there is a distinct, continuous building line maintained regardless of the typology, age or character of the buildings. The existing layout of the northern part of the site respects this building line, and the podium level of Burnt Ash Heights is stepped well back from the highway frontage.

6.2.56 The set-back distances from the back edge of this pavement are a consistent feature within the wider context of the site. This setback building line allows for green planting to front gardens and/or boundaries, giving Burnt Ash Lane a suburban character with an open feeling for pedestrians using the pavements.



Figure 23: Illustrative landscaping plan

- 6.2.57 The applicant is proposing five blocks set around a landscaped central amenity area. Block A would be set back from the northern site boundary with Kynaston Road by around 9m which would enable the retention of some of the existing green buffer and 3 mature trees on the prominent corner of the site at the junction of Burnt Ash Lane with Kynaston Road. Blocks A and C would be set back from Burnt Ash Lane, to the east, by between 4m and 7m (approx.) allowing for the retention of some of the existing green buffer and the planting of around 13 trees along the site's frontage with Burnt Ash Lane.
- 6.2.58 Following comments from LB Bromley and GLA officers, as part of the revised scheme Block B has been moved westwards, away from Burnt Ash Lane, allowing for a continuation of the green, tree-lined buffer which not only enhances the visual amenities of the street scene but also provides enhanced ecological benefits.
- 6.2.59 Blocks C and D have been set away from the southern site boundary with Rotunda Court and car parking is provided, along with an access road which would facilitate a turning area for vehicles. The applicant is also proposing a substation and a separate generator building to this southern edge and the GLA have queried why these structures cannot be incorporated into the built form. The applicant has confirmed that the substation's location is driven by the requirement for it to be active and accessible by the completion of the first phase. While the residential blocks themselves would provide a generous separation to the boundary, these structures would abut the site boundary and, as no detailed elevations of the sub-station or generator have been provided, it isn't possible to make an assessment of the visual impact these structures will have. A condition is therefore recommended requiring details to be submitted to and approved by the LPA prior to the commencement of development.
- 6.2.60 The applicant's landscape strategy proposes three distinct typologies with the aim of providing a "*beautiful, robust and biodiverse environment in which people, nature and the community can thrive*" (p.62, Design & Access statement). At the centre of the site is a landscaped central amenity space designed to support social interaction, cohesion and play. One mature tree will be retained in this area and it will be supplemented by new planting, a hedge and railing boundary and natural play features.
- 6.2.61 In addition to the main central amenity space, 'pocket gardens' will be provided in the spaces between blocks A & B and B & C as well as providing pedestrian access to the site from Burnt Ash Lane. These 'pocket gardens' provide a good visual connection to the proposed central amenity space, helping to break-up the hard landscaping.
- 6.2.62 Following scheme revisions, the quantum of car parking has reduced by eight spaces which has allowed for the increased provision of soft

landscaping, including the introduction of 20 additional trees, improvements to the setting of the central landscaped area and prioritisation of pedestrian connections to it and enlargement of existing pockets of landscaping throughout the site, in addition to the enhancements along Burnt Ash Lane.

6.2.63 A tree replacement strategy will see 87 new trees planted across the site to replace the 35 existing trees which are to be removed (including a number of mature trees along the Burnt Ash Lane frontage). In addition, the landscaping strategy includes the delivery of green roofs, trees, seasonable meadow planting and green buffers to the interfaces of buildings. There will also be defensive planting to the building edge and 'green fingers' between parking spaces, that 'break up' the parking bays.

6.2.64 The revised strategy seeks to prioritise pedestrian movement and enhance the proposed connections throughout the site, specifically to the central amenity space. The introduction of additional soft landscaping provides additional greening to the site and provides further opportunities for habitat creation. Collectively, these revisions will noticeably improve the look and feel of the site and the narrowing of the central road and raised tables would influence the way in which the site functions in relation to vehicle movement, speeds, and parking.

6.2.65 The landscaping amendments and site boundary revision have also resulted in an improved urban greening factor (UGF) score of 0.438 which exceeds the target requirement of 0.4 in policy G5 the London Plan. Overall, these amendments represent a marked improvement to the proposed layout and landscaping from the initial submission, resulting in a more pedestrian-friendly environment, with ample opportunities for on-site play and an attractive landscaped setting (including enhancing biodiversity), in line with Local and London plan policies.

6.2.66 The GLA have requested for some of the amenity space to be delivered as part of an earlier phase. However the applicant has confirmed that the current proposals for a single-move rehousing strategy means that the central space cannot be delivered until the last existing building has been demolished, after which as much of the amenity as possible can be constructed, during the last phase.

6.3 Heritage - Acceptable

6.3.1 The Site is located approximately 700m meters to the north of the Garden Road Conservation Area. The proposed redevelopment of the Site has no potential to directly affect the character and appearance of the Conservation Area; however, the applicant has given due consideration to the potential for the Proposed Development to impact its setting, by virtue of change to views into and from the CA. While the Assessment concludes that the uppermost storeys of Block B would be

visible from the conservation area, where visible it would be incidental to the character and appearance of the conservation area and would not detract from its significance or harm its setting.

- 6.3.2 There is one statutory listed building known as Hollow Bottom Cottage located around 650m from the application site. Given the separation distances there is no direct visual relationship between the listed building and the proposed development, as such it would not result in a significant change to the setting of the designated heritage asset and therefore its significance or the ability to appreciate it.
- 6.3.3 There are also a number of locally listed buildings (non-designated heritage assets) in the vicinity of the site. In all cases the applicant's report concludes that the proposed development would not be seen widely in conjunction with any non-designated heritage assets.
- 6.3.4 Sundridge Park is a Grade II listed Registered Park and Garden located approximately 690m to the south-east of the site, at the closest point. The Proposed Development would be seen from limited points within the park where there are significant openings between trees and at higher topographical points. The existing tall building on the site is currently visible from these points. The proposed development will therefore also be visible above the ridge line in the backdrop and as a consequence it will form a distinguishable element of the view. The proposed development will, however, be appreciated as a distant element as part the wider built environment that is seen from this more open view from within the park.
- 6.3.5 The visual assessments undertaken as part of the report support these conclusions and, overall, the proposals would not result in any substantial or less than substantial harm to the setting of designated or non-designated heritage assets.
- 6.3.6 Having considered the application submitted archaeological desk-based assessment report dated July 2021 by RPS Group, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are necessary.

6.4 Accommodation Standards - Acceptable

- 6.4.1 Bromley Local Plan (2019) policy 4 Housing Design requires all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places. London Plan policy D6 sets out a number of requirements which housing developments must adhere to in order to ensure a high-quality living environment for future occupants.

- 6.4.2 Each residential core does not propose more than six units on each floor and the main entrances to the individual Blocks have been designed to be visible and clearly identifiable.
- 6.4.3 The scheme does not propose any north facing single aspect units. However, Blocks A, B and C would all include single aspect units whose sole outlook would be onto Burnt Ash Lane, including from bedroom windows. The applicant contends that all other single aspect units have been designed to optimise levels of daylight/sunlight and meet other amenity standards. However, it is apparent from the information provided that residents of these flats would be unable to open windows or have access to a private external amenity space without an unacceptable impact from noise. Given the site's location in an Air Quality Management Area, residents may also be subjected to high levels of road traffic pollution.
- 6.4.4 An Environmental Noise Assessment was carried out by IDOM dated July 2021 reference: ENA-21949m-21-127 Rev D. Due to the elevated noise climate, the noise report recommends a 'closed window' solution should be provided for the majority of the units across the development together with alternative means of ventilation. While the applicant has considered the use of acoustic glazing for reducing noise, they do not appear to have fully considered the ventilation strategy at this stage. It is not clear for example how the trickle vents are being acoustically treated in order to not become a weak point.
- 6.4.5 Due to the elevated road traffic noise from the east of the development site, it is also likely that balconies on the north, east and southern façades of Blocks A, B and C would expose occupants to environmental noise in excess of guideline levels. The report finds that these balcony spaces would not provide occupants with acoustically suitable spaces for relaxation, and these are likely to be used for more 'functional' purposes. Accordingly, the report recommends solid balcony screening, together with suitable lining to the balcony interior. This constraint has been addressed by the applicant's design team whereby these balcony fronts will incorporate solid panels.
- 6.4.6 Mechanical cooling is not usually supported by the GLA and natural ventilation solutions should be prioritised informing building layout and facade designs at the early stages of the design process. However, it is acknowledged that this is a previously developed site and is highly constrained and, on balance, the measures proposed to mitigate noise and ventilate the flats are acceptable in principle. Full details of the noise mitigation measures should be secured via planning condition which should also take into account any noise associated with any mechanical plant at the site.
- 6.4.7 With regard to any potential for overlooking between residents of the flats, particularly into habitable rooms, 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 occur. It is also noted that due consideration has been given to the treatment of public and private space thresholds regarding the requirement for defensible space separating the ground floor residential units in Block A and Block C from pedestrian access routes into the site.

- 6.4.8 A daylight analysis was carried out on the proposed development to ensure good daylight levels according to the BRE guidelines. Overall, the results of the sunlight and daylight assessment show good levels of daylight within the proposed scheme. A total of 443 (88%) rooms achieve average daylight factor levels that are either in line or above the BRE recommendations. In addition to good levels of daylight ingress, good sky visibility can be seen in 414 (82%) of the proposed rooms.
- 6.4.9 The south-facing living rooms in Blocks A, B, C, D and E have also been assessed for sunlight. A total of 41 rooms were assessed against the criteria set out in the BRE guide. The results show that all the windows achieve appropriate annual APSh values. Positive results are also achieved in the winter period. Living rooms facing other orientations are not analysed as they fall outside the 90° criterion. Lower sunlight values will be achieved on these windows.

Internal Space standards & Wheelchair housing

- 6.4.10 The proposed development has been designed to ensure that all units achieve the minimum space standards set out both within Policy D6 of the London Plan.
- 6.4.11 In accordance with Policy 4 of the Local Plan and policy D7 of the London Plan at least 10 per cent of dwellings are required to meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 6.4.12 The Scheme proposes the delivery of 22 Wheelchair Accessible Units (M4(3)), 18 of which will be social-rented. All remaining units will achieve M4(2) standards. The Scheme therefore exceeds the policy requirements set out above. The social-rented wheelchair provision includes some 3 and 4 bed flats as well as 1 bed two person units, resulting in a good mix of wheelchair housing throughout the scheme. In addition to this, the wheelchair user dwellings also meet the South East London Housing Partnership (SELHP) standards, which is an LBB requirement.
- 6.4.13 The applicant has confirmed that all the apartment buildings have been provided with 2 lifts, one of which has been allocated as an evacuation lift, separate to the fire-fighting lift.

Outdoor Amenity and Play space

- 6.4.14 Policy S4 *Play and Informal Recreation* of the London Plan sets out in Clause B(2) that residential developments should incorporate good-quality, accessible play provision for all ages and 10 square metres of playspace should be provided per child. Based on the proposed unit mix and tenures, the play space requirement for the development is currently 715sqm for children aged up to 11 years old. This is based on an outer London site with a PTAL of 2.
- 6.4.15 The landscaping and communal amenity /play space strategy for the site is described more in section 6.2. The Scheme seeks to deliver the required 0-11 years playspace provision on site with a financial contribution to be secured for 12+ playspace provision. The Scheme proposes a total of 1020 sqm of playspace provision which is located throughout the Site.
- 6.4.16 Dedicated playspace for 0 to 4 year olds will be provided within the pocket parks which are situated between Blocks A and B, and Blocks B and C. A further area of 0-4 playspace will provided within the central green space (The Heart of the Community) within the Site. An element of 0-4 years playspace will also be provided within the private back gardens of Block E. The 5-11 year old's playspace will also be located within the central green space and will be equipped with a timber and rope structure and a basket swing.
- 6.4.17 Overall these spaces will receive good levels of sunlight and daylight. The applicant does not appear to have assessed these pocket parks for sunlight / daylight, however, the landscape design has been enhanced to improve the wind conditions by including four additional 1.6m high hedges and eight 1.8m high wind screens along with the gaps between Block A, B and C to further shelter the pocket gardens from the incoming prevailing south-westerly winds. As a result the summer comfort results show most areas to be suitable for the intended use with most of the areas suitable for sitting and standing.
- 6.4.18 With regard to 12+ playspace provision, the applicant proposes to accommodate this off-site through a financial contribution. However the applicant has only calculated this based on the 12-15 age group and does not take into account older teens. Accordingly, officers have calculated the off-site contribution based on the child yield of the development where 19% of the projected children are over 12 yrs old. This gives rise to an off-site contribution of £13,528. The contribution for the 12+ forms part of the heads of terms for the S106 and would be secured through the S106. The applicants highlight that King's Meadow, and Shaftesbury Park are all located within an 800m radius of the site and are in reasonable proximity to the site to undergo enhancements as part of this development.
- 6.4.19 In combination the Scheme exceeds the Policy requirements set out by the Mayor with regards to playspace provision.

6.4.20 In accordance with Policy D6 of the London Plan all new housing should be provided with a minimum of 5 sq.m. of private outdoor space for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant. This does not count towards the minimum Gross Internal Area space standards.

6.4.21 All units will have access to private amenity in line with the policy requirements set out above. For the units located within the flatted blocks, private outdoor amenity will be delivered in the form of a terrace or balcony. For Blocks E and F private amenity will be delivered in the form of terraces and gardens. The size of these spaces have been designed to meet or exceed the London's Housing Design Supplementary Guidance.

6.4.22 Whilst the majority of these private outside spaces would provide residents of the development with a high quality amenity space, the garden serving plot D131 which is a ground floor wheelchair accessible units would be somewhat overlooked by existing windows at No.1 Kynaston Road, leaving future occupiers with poor levels of privacy and amenity. In such circumstances where site constraints make it impossible to provide private open space for all dwellings, the London Plan Housing SPG advises that a proportion may instead be provided with additional internal living space equivalent to the area of the private open space requirement. In this instance, the internal area of the proposed flat is 138.6sqm, around 28sqm larger than the typical footprint required for a SELHP compliant wheelchair user home. In relation to the outside space, the poor level of amenity for future occupiers is therefore mitigated by the proposed GIA of the flat which significantly exceeds the minimum internal space standards.

6.5 Neighbourhood Amenity - **Unacceptable**

6.5.1 The site adjoins existing residential sites in Ravensleigh Gardens to the west, Kynaston Road and Sandringham Road to the north and a flatted development to the south known as Rotunda Court. The site is opposite two storey residential dwellings on Burnt Ash Lane to the north /north-east.

6.5.2 A Daylight, Sunlight and Overshadowing Assessment has been prepared by HTA and accompanies this Application. The results of the sunlight/daylight analysis have been updated to reflect the revised proposals. The applicant has used three measures of diffuse daylight (angular check, vertical sky component and no-sky line) to assess the impact of the proposed development on neighbouring properties:

- *Angular Check test*
- *Vertical Sky Component (VSC) test*
- *No-Sky line (NSL) test*

- 6.5.3 The Vertical Sky Component (VSC) test quantifies the amount of available daylight, received at a particular window and measured on the outer pane of the window. In order to maintain good levels of daylight the BRE guidance recommends that the VSC of a window should be 27%. Any reduction of more than 20% of the former value would be perceived by the human eye and careful considerations are required in assessing the degree of impact caused by the new obstructing element.
- 6.5.4 When comparing the No Skyline (NSL) test for existing buildings against that proposed following development, BRE guidelines state that if the no-sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.

1-11 Kynaston Road and 1-5 Sandringham Road

- 6.5.5 Block E (three storeys) and Block F (two storey houses) are around 25m to the rear elevations of houses on Kynaston Road and Sandringham Road but are in close proximity to the rear boundaries and gardens of these sites.
- 6.5.6 Block F is in close proximity to the boundary with neighbouring sites to the north. The rear gardens of these neighbouring properties are a minimum length of around 24m and are currently screened from the site by existing mature trees along the site's northern edge. The proposals involve the removal of a number of trees in this part of the site and along the sites northern edge and there is no opportunity for replacement tree planting in this area. Block F is two storeys with an enclosed roof terrace above. The three storey Lavisham House is in a similar location to proposed Block F however Block F is perpendicular to the site boundary as opposed to angling away from it.
- 6.5.7 At around 8m high, together with the loss of trees in this part of the site, Block F would be more prominent when viewed from No's 1, 3, 5 and 7 Kynaston Rd in particular. However, it is noted that the site levels fall away from these neighbouring sites which would help to mitigate the overall perception of height somewhat and, at around 25m away there is sufficient separation so as not to appear as over- dominant when viewed from the adjoining sites.
- 6.5.8 There are no windows in the northern elevation of Block F and its roof terrace would be fully enclosed to the northern side so no undue overlooking would occur.
- 6.5.9 Block E comprises three storey townhouses approximately 10m in height as scaled from surrounding ground level. This block is angled away from the northern site boundary presenting a relatively short edge to No's 3 and 5 Sandringham Rd. While it would introduce development into a part of the site which is currently open space, changing the view currently

experienced from neighbouring sites, it is not considered that it would have an adverse impact on neighbours to the north, given the relatively small elevation which would present itself, the separation distances and the change in site levels. Furthermore, no windows are proposed in the northern elevation which would overlook the neighbouring sites.

6.5.10 Block A ranges in heights between eight and five storeys. It is sited around 20.5m to the flank boundary and rear garden of No.1 Kynaston Road and includes a number of private balconies serving the flats as well as windows serving habitable rooms on its western elevation. While 20.5m might be considered a reasonable 'front to front' separation distance, rear facades are of a more sensitive nature than front facades.

6.5.11 It is noted that the scale of Block A has been reduced by one storey height from the original submission. However, as figures 20 and 21 illustrate, the introduction of additional tall buildings in this part of the site will have a significant visual impact from these neighbouring properties. Furthermore, given the proliferation of balconies proposed on the western elevation, the proposed development has the potential to lead to a significant reduction in residential amenity for occupiers of houses in Kynaston Road, by virtue of being overlooked, especially within their rear gardens. It is considered that a planning condition requiring balcony screening for the proposed balconies on the western elevation of Block A would help to mitigate the overlooking impact to an extent.

6.5.12 The Daylight/Sunlight Assessment finds that the proposal would not result in a significant loss of daylight or sunlight to properties in Kynaston Road or Sandringham Road. Some private gardens will experience some reductions in sunlight; however, the comparison with the existing configuration indicates that the reductions are within acceptable levels. An additional test was also conducted on 21 June to assess the sunlight conditions in the summer period when people usually spend longer hours outdoor and are most likely to use these spaces. All spaces would achieve adequate sunlight conditions and no reductions were found for this period.

1 – 9 Ravensleigh Gardens

6.5.13 Block E is positioned to the north of No.9 Ravensleigh Gardens and would project around 5m beyond the rear of this two-storey dwelling at a distance of approximately 4.5m away. There are no south facing flank windows which would overlook this adjoining site and No.9 has no north facing windows currently looking onto the site.

6.5.14 Whilst the introduction of new development in this part of the site would give rise to a change in outlook from the rear of the neighbouring site and this would be exacerbated by the loss of an existing mature tree on the site boundary, it is not considered that the amenities of the occupiers of the adjoining site would be significantly harmed by inadequate daylight, sunlight, privacy or by overshadowing.

6.5.15 Block D is located to the east of No.1 Ravensleigh Gardens and ranges between heights of 4 and 8 storeys. Whilst it is in a similar position to the existing 13 storey tower (Burnt Ash Heights) it would reside in much closer proximity to the site boundary with Ravensleigh Gardens (approx. 4m) compared to the existing Burnt Ash Heights (approx. 12m). It is noted that the existing tower has no residential balconies.

6.5.16 The applicant has positioned Block D forward of the adjoining houses in Ravensleigh Gardens so that their rear gardens would not be overlooked by any proposed windows or balconies on the western elevation of the Block D. However, there are 3 balconies proposed on the southern half of Block D which would be situated in close proximity to the front elevation of No.1 Ravensleigh Gardens. At around only 3m away from existing neighbouring windows this has the potential to give rise to significant overlooking, loss of privacy and noise impacts for occupiers of No.1 Ravensleigh Gardens.

6.5.17 Whilst the introduction of balcony screening to the balconies on the western side of block D would help to mitigate the impact to an extent, given the proximity of the proposed balcony to the neighbouring dwelling, the proposal would result in an uncomfortable relationship with No.1 Ravensleigh Gardens and, vice versa, for future occupants of plot D131 (as discussed above).

6.5.18 In addition, Block D would clearly appear prominent and somewhat obtrusive in views from the front of neighbouring sites in Ravensleigh Gardens.

Rotunda Court

6.5.19 Rotunda Court sits particularly close to the boundary line and there are single aspect units facing north which will face the new buildings, particularly Block C and Block D. Block C ranges between four and nine storeys and is around 16m to the north of Rotunda Court. Block D is around 18m to Rotunda Court.

6.5.20 The results of the daylight/sunlight assessment show that, following the development, all the windows of Rotunda Court will achieve VSC levels in line with the BRE recommendations. This means that either they will achieve a VSC value of at least 27% or that the reduction is no more than 20% of their former value.

6.5.21 The Daylight Distribution (DD) analysis undertaken for Rotunda Court confirms that the majority of the rooms meet the BRE requirements. However 11 rooms will achieve lower DD values than the BRE recommendations including two bedrooms on the ground floor, a kitchen/living/dining space and two bedrooms on the first and second floor and a kitchen/living/dining space on the third floor and on the fourth

floor. As these are all habitable rooms the impact on internal amenity will be significant.

6.5.22 In terms of potential overlooking/loss of privacy for occupiers of the existing building, there are a number of habitable room windows in the southern elevation of Block C which would be sited a minimum of around 15m away from Rotunda Court. However, given the separation distances and angling away of Rotunda court from the site boundary, it is not anticipated that this would give rise to any significant overlooking to existing habitable room windows at the adjoining site. Furthermore, there are no balconies proposed on the southern sides of Blocks C or D.

6.5.23 While the residential blocks themselves would provide a generous separation to the boundary with Rotunda Court, the proposed generator and sub-station buildings are in close proximity to the adjoining site and no detailed elevations have been provided to enable a meaningful assessment of the visual impact of these structures.

6.5.24 The applicant has provided an Environmental Noise Assessment. Residential developments are not typically considered as a source of noise during the occupational phase. As a result, the report concludes that the completed development is unlikely to introduce any significant noise sources that would have a negative impact on existing neighbouring sensitive receptors.

6.5.25 Regarding the proposed generator and sub-station, IDOM have confirmed that preliminary calculations have been undertaken for two pieces of equipment with an assumed sound pressure level of 59 dBA and 64 dBA. Attenuation has been allowed for a minimum of 10 dBA and the report concludes that, given the measured background sound levels at the site, it is unlikely but possible that a tone from the plant may just be perceptible. As such, the strategy has allowed for a penalty to be added for tonality of +2dBA at the nearest proposed and existing sensitive receptors.

6.5.26 Bromley's Local Plan policy 119 states '*in most cases where there is a risk of cumulative impact on background level over time or where an area is already subject to an unsatisfactory noise environment, applicants will be required to ensure that the absolute measured or predicted level of any new noise source is 10dB below the existing typical background LA90 noise level when measured at any sensitive receptor.*'

6.5.27 Taking the lowest measured background sound level, the expected noise level from the proposed plant is expected to be at least 6 dBA below the lowest measured background sound level at the existing noise sensitive receptor (closest receptor to the proposed plant). As such it will require additional noise mitigation in line with Policy 119.

6.5.28 Conditions are recommended requiring that full details of the siting and design of the proposed generator and sub-station, as well as details of a scheme of noise mitigation measures, are submitted to the Council for approval.

152-162 Burnt Ash Lane

6.5.29 Block A ranges in heights between five and eight storeys and is around 25m from the front elevation of houses on Burnt Ash Lane. Block B (13 storeys) is not directly opposite any existing residential dwellings but is positioned opposite the Toyota Garage on Burnt Ash Lane. It is separated from the nearest residential dwelling on Burnt Ash Lane (No.152) by around 30m.

6.5.30 A total of 25 windows were analysed for daylight/sunlight impact at the front of No's 152 – 162 Burnt Ash Lane. The majority of the existing windows currently receive 27% VSC or above (only 2 currently receive under 27%). The reduction in building height results in some improvement upon the mediation between the proposed and existing contexts. The retained values are marginally higher than the previous assessment, with two additional windows now showing full compliance with the BRE criteria for Vertical Sky Component. However, 13 windows would still receive less than 27% VSC and a reduction of more than 20% of their former value and would therefore notice a material change in accordance with BRE guidance.

6.5.31 The Daylight/Sunlight report suggests that these reductions are mainly caused by the existing obstructions rather than by the proposed development. However, the results in the report clearly demonstrate a reduction of more than 20% the former value at the majority of the windows assessed with some windows receiving up to 39% of their former value. While an upper threshold of 40% may be acceptable in the circumstance where the application site was currently undeveloped and a more significant change would be expected, this is a currently developed site in a low-density suburban environment, where a VSC target of 27% would normally be expected.

6.5.32 It is noted that the No-Sky line (NSL) test results indicate that all the rooms analysed meet the BRE recommendations. However, based on the above, the loss of daylight to No's 152 - 158 Burnt Ash Lane would be significant.

6.5.33 The provision of 20 No. balconies on the eastern elevation of Block A providing private amenity space for the proposed flats could also lead to a perception of being overlooked for occupiers of 152-162 Burnt Ash Lane. However, it is considered that frontages are of a less private nature than rear facades and amenity areas and, at a distance of 25m, it is unlikely that any significant loss of privacy would actually occur.

167 Burnt Ash Lane and 2-12 Kynaston Road

6.5.34 These residential properties are located to the north of the site on the opposite side of Kynaston Road. Block A is located around 28m from the southern side of No.167 Burnt Ash Lane. There are no proposed balconies on the northern elevation of Block A and given the separation distance between the Block and the site to the north, no significant overlooking or loss of privacy for the occupiers of No.167 is anticipated.

6.5.35 Furthermore, the results of the daylight/sunlight assessment show that all of the assessed windows meet the BRE criteria for daylight availability.

6.5.36 To summarise, whilst some of the harmful impacts of the development could be mitigated, to an extent, through appropriate balcony screening and the use of noise mitigation measures, the development, as proposed, would still lead to a significant loss of amenity for residents in Kynaston Road, Rotunda Court, Burnt Ash Lane and Ravensleigh Gardens. This harm will need to be weighed-up against the overall planning benefits of the estate regeneration and the provision of additional housing.

6.6 Transport and Highways - Acceptable

Car Parking

6.6.1 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision with Policy T6.1 of the London Plan setting maximum car parking standards.

6.6.2 Section 38(5) of the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended) states: *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."* Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) goes on to state that decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The London Plan car parking standards would therefore take precedence over those set out in the Local Plan.

6.6.3 The site has a PTAL rating of between 1b and 2. Based on the unit size mix proposed, for a PTAL 2 site the maximum parking provision for this development as set out in the London Plan is 137 spaces.

6.6.4 The existing site provides 90 car parking spaces. A housing needs survey undertaken in 2018 showed that 50 of the 91 households currently on the site owned or had access to a private vehicle. Almost all of these (88%) had only one vehicle. Of the 90 spaces on the site (which includes 30 garages, 35 private spaces and 25 on Pike Close, which is a public highway), the overnight parking survey indicates that

66% of spaces were occupied (assuming half the garages are used for parking and half are used for storage). On the public highway surrounding the site (within a 400m radius) there is the equivalent of 483 vehicle spaces on the kerbside. Of these, the overnight parking survey indicates that only 62% of the kerbside was parked.

- 6.6.5 Based on the housing needs survey undertaken, the proposed parking strategy seeks to provide 48 parking bays for existing residents (all existing units with access to a car receive a parking bay) and an additional 35 for the proposed units (83 total). The additional bays will be allocated to the larger units first meaning all 3 bed units will have a parking bay with the remaining spaces offered to the 2 bed units. The parking proposals result in a parking ratio of 0.48 per unit.
- 6.6.6 The forecast trips for the proposed development result in approximately one car per minute during the AM peak hour and less than one per minute during the PM peak hour. This level of trip is not considered to have a material effect on the local highway network and acceptable in transport terms.
- 6.6.7 While the level of parking proposed is below the maximum standards in the London Plan the applicant has demonstrated that this amount of parking would be acceptable to meet the level of demand which the development would generate. Also, given they are 'maximum' standards there is no requirement to provide 137 spaces, particularly in this case where the housing needs survey demonstrates an under-utilisation of the existing parking spaces on and around the estate.
- 6.6.8 5No. Blue Badge Parking spaces will be provided which meets the requirement for 3% of the total number of dwellings to have access to at least one designated disabled persons bay from the outset, as set out in London Plan policy T6.1. All blue badge parking would be allocated on a needs basis rather than tied to a partial home and rented on short-term lease. This will be managed through a Parking Management Plan which should be secured through a planning condition.
- 6.6.9 EV charging is provided in line with the London Plan March 2021 with 20% active charging from the outset and the remaining 80% equipped with passive provision. This is acceptable in principle and would need to be secured by condition should the development be deemed acceptable overall.

Cycle Parking

- 6.6.10 303 long-stay and 8 short-stay cycle parking spaces have been proposed, which is in accordance with the standards identified in Policy T5 of the London Plan. Cyclists in Blocks A, B and C would have direct access to the internal cycle stores from Burnt Ash Lane, while cyclists in blocks D would have access to their internal cycle store via Kynaston Lane.

6.6.11 Each of the house units across Block E and F will have a dedicated cycle shed type facility within the private amenity which is capable of storing the required 2 cycle parking spaces per unit. For Block E this will be located in the back gardens and for Block F in lockable storage in the front gardens.

6.6.12 The proposals provide a mix of cycle stands including, two-tier, Sheffield and accessible Sheffield stands within the internal stores to cater for all users. TfL have raised concerns over the proposed mix of cycle stands as two-tier racks are not suitable for children and older or disabled residents. A larger proportion of Sheffield stands should therefore be provided. TfL have also advised that the spacing of the stands does not meet the minimum spacing requirements in the London Cycling Design Standards.

6.6.13 As discussed in the preceding sections, there are additional concerns over the accessibility and safety of the cycle stores due to the direct access from the public realm which the applicant has not addressed.

6.6.14 It is recommended that the detailed design of cycle parking to LCDS is reserved for approval by the Council as part of a cycle parking condition should planning permission be granted.

Travel Plan

6.6.15 A residential travel plan has been provided. The target proposed is to increase the proportion of residents travelling to or from the site by cycle and on foot by 5% over 5 years. It is expected that this reduction will come from a reduction in car trips, rather than public transport, given that the modal shift currently is 43 per cent driving. The mode shift target should be more ambitious in order to better reflect Policy T2 of the London Plan, reducing car dominance and the Mayor's Strategic Mode Shift which aims to have 80 per cent of trips to be using an active travel mode.

6.6.16 An updated travel plan would be required through condition. Furthermore, a condition to secure a car park management plan which explores opportunities to monitor and manage approach and repurpose of parking should the opportunity arise, is required.

Vehicular Access

6.6.17 The proposals retain the existing vehicular access to Pike Close via the Kynaston Road priority T-junction. The internal layout provides parking facilities and a route for vehicles to service the site. Following the recent updates which include improved landscaping and surface treatment, it is no longer proposed to retain Pike Close as public highway. On that basis, it is proposed to stop-up Pike Close to its junction with Kynaston Road.

6.6.18 Internal aisle widths have been kept to a minimum width of 6m. The proposal would maintain access to the private dwellings at Ravensleigh Gardens to the south west of the application site. All vehicles can enter and exit the site in a forward gear.

Delivery and Servicing

6.6.19 The operational waste arisings leads to a requirement for approximately 28 No. 1100 l bins and 64 No. 240 l bins for the residential blocks A, B, C and D. However, 1100 l bins can be used instead of 240 l bins to save space where necessary. The operational waste from blocks E and F are managed per plot, accounting for 2 No. 55 l bins and 1 No. 240 l bin per dwelling. The bin stores are located on the ground floor within each block and are accessed from Kynaston Road. The residential refuse will be collected by the local authority and collections will be managed in accordance with the borough policy. A refuse storage condition is recommended.

6.6.20 All delivery and servicing activity will be undertaken on site with all vehicles entering and exiting in a forward gear. Following updates to the masterplan which include alterations to landscape and car parking, all swept path analysis has been updated to ensure vehicles can enter and exit the site in forward gear without any impact or encroachment onto amenity space or parking bays, which is satisfactory.

6.6.21 A total of 26 delivery and servicing trips (12 net additional trips) are expected daily, which is a significant reduction from the 52 HGV and LGV servicing trips in the peak hours in the original application. The majority of these trips are expected outside of the typical AM and PM peak hours and are not expected to have a material impact on the local highway network.

6.6.22 An updated Delivery and Servicing plan is required through condition, also forecasting the impact that home deliveries will have on trip numbers.

Construction Management

6.6.23 Adjoining residents have raised concerns over the impacts during construction, including damage caused to properties by construction vehicles and as a result of subsidence. These are private legal matters which would be addressed through separate legislation such as the Party Wall Act. An informative is recommended. In addition, the use of good practice measures and standard controlled working hours will help to minimise any negative impact on adjoining residents during the construction works. A construction and environmental management plan condition is recommended.

S106 Heads of Term (Highways)

- 6.6.24 'Bus cage relocation' – This has been agreed in principle with TfL. Further discussion is ongoing between the applicant and TfL in order to finalise the move. The applicant has agreed in principle to enter into a S106 agreement to cover all of TfL's costs of the relocation.
- 6.6.25 'Widening of pedestrian refuge on Burnt Ash Lane' - The applicant has agreed in principle to enter into a S278 agreement or highways licence (secured as part of the S106) for the proposed improvements to the pedestrian crossing refuge on Burnt Ash Lane. The detailed design will need to be subsequently agreed through S278.
- 6.6.26 'Car Club Membership and Financial contribution towards converting an existing parking bay on Burnt Ash Lane to a car club bay'.
- 6.6.27 'Agreement to cover Council's legal costs of Stopping-up Order'.

6.7 The Natural Environment - Acceptable

- 6.7.1 NPPF Policy 174 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity & Protected Species

- 6.7.2 London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that "Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process."
- 6.7.3 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.
- 6.7.4 The application is accompanied by an Ecological Appraisal, prepared by Aspect Ecology. The Appraisal identifies that there are no statutory or non-statutory nature conservation designations present within or adjacent to the Site. Furthermore, it is also concluded that none of the

designations within the surrounding area are likely to be adversely affected by the proposals. The Appraisal further identifies that the Site is dominated by habitats not considered to be of ecological importance.

- 6.7.5 The site generally offers limited opportunities for protected species and no evidence of any such species was recorded during the survey work. A number of buildings within site were considered to offer some low potential to support roosting bats. Accordingly, further specific bat survey work (including emergence/re-entry surveys) was undertaken, which recorded no evidence for any use by roosting bats.
- 6.7.6 The site provides potentially suitable nesting habitats for common bird species, which could therefore potentially be adversely affected by the proposals. There are recent GiGL recorded swift records at the site. The report recommends appropriate mitigation measures, centred on the careful timing of works or prior confirmation that nesting birds are absent, to safeguard nesting birds during relevant site clearance works.
- 6.7.7 These proposals present the opportunity to secure a number of biodiversity net gains, including additional native tree and shrub planting, new roosting opportunities for bats, and more diverse nesting habitats for birds. The application is also accompanied by a Biodiversity Net Gain calculation and considers the change in ecological value of the site in light of the proposed development. The Biodiversity Net Gain report identifies that as a result of the proposed landscaping scheme, the development will result in a net gain of 0.67 biodiversity units. This equates to a net gain of 12.33% which accords with the policy requirement.
- 6.7.8 The recommendations and mitigation measures set out in the application should form planning conditions alongside lighting and a swift nesting brick condition.

Trees

- 6.7.9 Within the London Plan, Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. The Policy further states that if planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.
- 6.7.10 Policy 73 of the Local Plan requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

- 6.7.11 An Arboricultural Impact Assessment has been prepared by Aspect and accompanies this submission. The Arboricultural Impact Assessment and Tree Survey provides an assessment of the arboricultural value of the trees within the site based on their current quality. The Assessment also provides a number of recommendations to ensure those trees retained as part of the proposed development are appropriately protected during construction.
- 6.7.12 The Assessment identifies that at present, there are 44 trees of individual distinction and six parcels or ornamental shrubs and young trees within the site boundary. In order to facilitate development and ensure the health of existing trees are retained following the completion of the Proposed Development, the applicant is proposing the removal of 35 individual trees, four collections of ornamental shrubs and partial clearance of a fifth collection of shrubs. The trees identified for removal are a mix of Class B, C and U trees.
- 6.7.13 Officers agree agrees with the findings of the Arb report, which can be summarised as 'the relative replaceability of the trees present is high'. Nonetheless, since so many trees are to be removed, the adherence to a tree planting scheme at least as extensive as that proposed is important. Therefore, in the event that permission is granted a requirement to adhere to the tree planting plan should be included within any soft landscaping condition. Protection of the retained trees, through condition, should also be secured.

6.8 Energy & Sustainability – Acceptable

- 6.8.1 The London Plan Policy SI2 – Minimising greenhouse gas emissions - states that Major development should be net zero-carbon, reducing greenhouse gas emissions in accordance with the energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
 - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
 - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
 - 4) be seen: monitor, verify and report on energy performance.
- 6.8.2 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.
- 6.8.3 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required – Of the 35% residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.

- 6.8.4 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
 - 2) off-site provided that an alternative proposal is identified and delivery is certain.
- 6.8.5 Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.
- 6.8.6 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.8.7 In 2019, the London Borough of Bromley approved a ten-year plan to ensure that the Council will have net zero emissions by 2029. The commitment is one of the most ambitious targets of any London borough. Work to move towards the net zero emission target will include tree planting, an energy efficiency programme, expanding renewable energy and LED street lighting, and other initiatives.
- 6.8.8 The application is accompanied by an Energy Statement by EEABS (July 2021) and a Whole Life-Cycle Carbon Assessment by HTA (July 2021).
- 6.8.9 Addressing the "Be Lean" element of the policy the report set out that savings have been made at the Be Lean stage thanks to increased performance of the building's constructions and air permeability. Further savings have also been realised through the use of highly efficient ventilation and lighting systems.
- 6.8.10 By implementing the Be Lean measures there would be an improvement on carbon emissions of 11.18% when using SAP 2012 emission factors. The 10% carbon reduction through energy efficiency measures alone target would therefore be met.
- 6.8.11 Addressing the "Be Clean" element of the policy, the applicant is proposing a site-wide heat network supplied by a centralised energy centre. They have also provided an updated drawing showing the DH network route to all blocks and houses and the energy centre location and layout that includes space allocation for future plate heat exchangers, to allow for a future connection to a district heating network.
- 6.8.12 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The London Heat Map showed that the nearest Proposed Heat Network is over 7km away from the development and

as such connection to an existing or even proposed Area Wide Heat Network would be unfeasible.

- 6.8.13 The energy statement goes through the potential renewable energy technologies (“Be Green”) that could be used to bring the carbon reduction to the minimum of 35% on-site. It concludes that air source heat pumps (ASHPs) and Photovoltaic panels (PVs) would be the most feasible renewable technologies to install for the proposed development.
- 6.8.14 Air Source Heat Pumps with an efficiency of 3.19% (SCOP 3.19) will provide 80% of the energy centres total heating demand with the remaining 20% being provided by ultra-low NOx gas fired boilers with assumed efficiencies of 94%. These will be provided in the on-site energy centre within the ground floor of Block B.
- 6.8.15 Following further energy comments from the GLA, the Energy Statement has been updated to demonstrate further how the provision of PV panels has been maximised on the Site. This has included the introduction of additional PV panels on Block E. A total of 222No. 340 Watt PV Panels are proposed which would generate an estimated 75kWh/yr of electricity. A carbon off-setting payment should be secured as part of a S106 legal agreement.
- 6.8.16 In order to demonstrate compliance with the ‘be seen’ post-construction monitoring requirement of Policy SI 2 of the London Plan, the applicant has agreed in principle to entering into a legal agreement to comply with the energy monitoring requirements of Policy SI 2.

Managing heat risk

- 6.8.17 London Plan Policy SI4 sets out expectations for developments to minimise adverse impacts on the urban heat island, reduce internal overheating and reduce the need for air conditioning through their design, layout, orientation, materials and the use of green infrastructure. Major developments should include information in their energy strategy as to how they propose to meet policy requirements in accordance with the cooling hierarchy in Policy SI 4.
- 6.8.18 The applicant has carried out a Dynamic Overheating Analysis, using the CIBSE TM59 methodology, which demonstrates compliance with DSY1 is achieved assuming a g-value of 0.4, blinds and mechanical purge ventilation. They have noted that there are acoustic constraints to opening certain windows. The applicant has confirmed that guidance will be provided to occupants on minimising future dwelling overheating risk. The applicant has outlined the purge mechanical ventilation noise levels and demonstrated that they will be acceptable to residents. They have also justified the decision not to use Brise Soleil and confirmed that comfort cooling will not be required. This is acceptable.

Construction Waste Management

- 6.8.19 In accordance with London plan policy SI 7 Referable applications should promote circular economy outcomes and aim to be net zero-waste. The applicant has submitted a Circular Economy Statement which the GLA has provided detailed comment on. Following the GLAs stage 1 response the applicant has provided updates to the report where relevant.
- 6.8.20 In accordance with Policy 113 of the Local Plan Major development proposals will be required to implement Site Waste Management Plans to reduce waste on site and manage remaining waste sustainably. The applicant confirms that a Site Waste Management plan will be commissioned by the contractor to reduce waste during demolition and construction. This will need to be secured through a pre-commencement condition.

6.9 Drainage and flooding - Acceptable

- 6.9.1 The application is accompanied by a The Flood Risk Assessment & Drainage Report carried out by PRICE & MYERS with Job No. 27912 dated Nov 2021 Rev. 4.
- 6.9.2 Surface water run-off from the development area, which is not subject to adopted highway, will be attenuated via green roofs, permeable paving and underground attenuation tanks. Preliminary calculations show that a total volume of approximately 290m³ will be required, split between two tanks, each to attenuate to 3.1 l/sec for the 1 in 100 year plus 40% climate change storm event. The remaining storage will be accommodated in the permeable paving.
- 6.9.3 Both the GLA and Thames Water have requested for rainwater harvesting to be explored. The applicant states that the possibility of using rainwater systems has been explored, however there is insufficient space to provide a harvesting storage tank below or above ground due to the other services serving the site. As a result, it is not feasible to utilise rainwater harvesting within the buildings or public amenity areas. There is however potential to harvest rainwater for irrigation in resident's private gardens and water butts will be provided in the gardens of the private houses.
- 6.9.4 The proposed surface water drainage strategy is acceptable. Had the application been acceptable overall a planning condition ensuring compliance with the submitted Report would be recommended.

6.10 Environmental Health: Air quality / Contamination/ Lighting - Acceptable

Air Quality

- 6.10.1 The site lies wholly within an Air Quality Management Area (AQMA) declared in 2007 for NO_x where increased exposure to existing poor air quality should be minimised by avoiding introduction of potentially new sensitive receptors in such locations: particular attention should be paid to development proposals such as housing in this respect.
- 6.10.2 The application is accompanied by an Air Quality Assessment by IDOM Merebrook Limited (IDOM), reported dated July 2021, Ref: AQA-21949m-21-230 which considers the air quality impacts from the construction, referencing the Control of Dust and Emissions from Construction and Demolition Supplementary Planning Guidance (2014), as well as the impacts from the operational phase.
- 6.10.3 The proposed scheme will introduce new, highly sensitive (residential) receptors into the AQMA. Several receptor locations have been selected along the façade of the proposed blocks fronting Burnt Ash Lane. The predicted total NO₂ concentrations (after adjustment) with the scheme in place are summarised in Table 10 of the AQA. Predicted annual mean NO₂ concentrations at new Blocks on Burnt Ash Lane are predicted to be below the Air Quality Objective (AQO) at all modelled receptor locations.
- 6.10.4 Furthermore, the impact of the development on existing receptors in the vicinity of the site is also found to be negligible.
- 6.10.5 The report also includes an Air Quality Neutral Assessment. In terms of Building -related Emissions (BRE), these are estimated to be well below the Building Emissions benchmark for NO_x.
- 6.10.6 Transport-related emissions (TRE) are found to be slightly above the benchmark for both NO_x and PM₁₀, however, this figure does not take into account trips associated with the use of electric vehicles (EV).
- 6.10.7 While the report concludes that the scheme can be considered 'air quality neutral' overall and that no further action is required in terms of mitigation/offsetting, the Council's Environmental Health officer recommends conditions relating to the use of low NO_x boilers, the provision of active and passive electric vehicle charging spaces and Non Road Mobile Machinery to comply with the emission standards within the GLAs 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or any subsequent guidance.

Contaminated Land

- 6.10.8 A Geo-Environmental Assessment, written by IDOM, July 2021 was submitted as part of this application, presented results from a site investigation report where there were elevated levels of Lead, Zinc, and PAH species. The report recommended that capping material should be provided, comprising a 300mm thickness of clean, inert

topsoil/subsoil in all proposed areas of soft landscaping and a thickness of 600mm in private gardens.

6.10.9 A land contamination condition is recommended.

Lighting

6.10.10 A lighting strategy was provided with the application, the aims and principles of which are acceptable. A lighting condition would be required to ensure that lighting in the new development is at an appropriate level so as to minimise impact on amenity whilst ensuring safe and secure places.

6.11 Other Matters

CIL & S106

6.11.1 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. The Mayor of London's CIL is also a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

6.11.2 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

6.11.3 The applicant has identified the following Heads of Term for this application:

- Carbon off-setting Contribution;
- Playspace Contribution (12+ provision);
- Affordable Housing Provision;
- Travel Plan;
- Securing Wheelchair Accessible Units;
- Legal Costs; and
- Monitoring Fee.

6.11.4 Notwithstanding the applicant's suggested Heads of Term, the Council has identified a number of planning obligations which it considers necessary to mitigate the impacts of this development, the reasons for which have been set out in this report. These are set out in Table 6 of this report.

6.11.5 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. The applicant has agreed, in principle, to enter into a

S106 legal agreement to secure the above Heads of Term, should planning permission be granted.

Environmental Impact Assessment (EIA)

6.11.6 The Council issued an EIA screening opinion on the 21st September 2021 which confirmed that the proposed development is not “EIA development” within the meaning of the 2017 Regulations and, taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, would not be likely to have significant effects on the environment generating a need for an EIA.

7. Conclusion

- 7.1 This application includes the replacement of existing poor quality affordable homes and an overall net gain of 78 (market) residential dwellings and would represent a moderate contribution to the supply of housing within the Borough.
- 7.2 Whilst the introduction of any further affordable housing units would not be viable and the provision cannot be increased at this point in time, the new affordable housing will be of a modern specification providing significantly enhanced accommodation standards for the residents. It is also noted that there is an increase in both the total floorspace of affordable units and the number of affordable habitable rooms across the site as a result of this development.
- 7.3 As set out in this report, insufficient townscape justification has been provided for the height, scale and massing of the development which is at odds with the general pattern of development in the surrounding area and contrary to policies 37, 47 and 48 of the Local Plan and policies D3 and D9 of the London Plan.
- 7.4 Furthermore, in the context of scheme viability where the number of homes proposed would still result in a very significant financial deficit, there is limited justification for the residential density proposed.
- 7.5 It is also clear that a loss of amenity for occupiers of neighbouring residential sites will be unavoidable if this development goes ahead in its current form.
- 7.6 Notwithstanding the harm identified, given the Councils’ inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, on balance, it is concluded that the scheme would not give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.7 Accordingly, the application is recommended for permission, subject to the prior completion of a S106 legal agreement and any direction from the Mayor of London.
- 7.8 The Section 106 agreement will include viability review mechanisms so that, if the viability of the scheme improves sufficiently during the delivery of the scheme, additional on-site affordable housing or an equivalent offsite payment will be due.
- 7.9 This application must be referred back to the Mayor of London in accordance with the request of the GLA in its Stage One Response.

**RECOMMENDATION PERMISSION SUBJECT TO ANY DIRECTION
BY THE MAYOR OF LONDON**

SUMMARY OF CONDITIONS AND INFORMATIVES

- **Time limit of 3 years**
- **Compliance with approved drawings**

PRE-COMMENCEMENT

- **Slab levels**
- **Construction and Environmental Management plan**
- **Circular Economy Statement**
- **Lighting Scheme**
- **Details of Sub-Station and Generator**
- **Tree Protection**
- **Remediation Strategy**
- **Thames Water underground infrastructure**
- **Digital connectivity infrastructure**
- **Biodiversity Enhancements**

ABOVE-GROUND WORKS

- **Landscaping Scheme**
- **Landscape Management Plan**
- **External Materials / samples**
- **Balcony Screening**
- **Noise Mitigation**
- **Refuse Storage**
- **Cycle Storage**
- **Secure by Design**

PRE-OCCUPATION

- **Post-Construction Whole Life-Cycle Carbon Assessment**
- **Verification report**

- **Travel Plan**
- **Parking Management Plan**
- **Visibility Splays**
- **Delivery and Servicing Plan**
- **Thames Water network upgrades**

COMPLIANCE/NO FURTHER DETAILS

- **Wheelchair units**
- **Car Parking as approved**
- **Electric Vehicle charging spaces**
- **Low NOx Boilers**
- **Non-road Mobile Machinery**
- **Drainage**
- **No piling**
- **Water usage**
- **Fire Safety Measures**
- **PD Removal**
- **Adherence to the recommendations in the Ecological Assessment**

INFORMATIVES

- **CIL**
- **Street naming and numbering**
- **Building control**
- **Part M4**
- **Party Wall Act**
- **TFL**
- **Piling**
- **Contaminated soil**
- **Thames Water assets**
- **Thames Water Mains**



Key

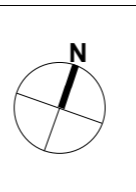
Yellow	Affordable 1B2P
Orange	Affordable 2B4P
Light Blue	Affordable 3B5P
Dark Blue	Affordable 4B6P
Light Blue	Private 1B2P
Dark Blue	Private 2B4P
Light Blue	Private 3B5P
Light Blue	Private 4B6P
Pink	Refuse Store
Light Blue	Cycle Store
Light Blue	Plant

revision	date	drawn	description
A	03.08.21	MWI	Issued for Planning
B	04.02.22	HJH	Issued for Planning

Notes -
 Do not scale from drawings unless by agreement with HTA. Use figured dimensions only. Check all dimensions on site prior to commencing the works. Drawing to be read in conjunction with other relevant consultant information.

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0m 4m 8m 12m 16m 20m



Proposed GA Plan - Level 03

Countryside/Riverside
 Pike Close

FOR PLANNING

CPL-BRO_HTA-A_DR_0134
 number

1:200 @ A1
 scale
 HTA Design LLP
 www.hta.co.uk
 London | Edinburgh | Manchester | Bristol

B
 revision

SOS
 draw

Appendix 12: Population Yield Calculator

GLA Population Yield Calculator

	1 bed	2 bed	3 bed	4 bed
Market and Intermediate Units	51	37	0	0
Social Units	2	4	0	0

Total Units	94
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Geographic Aggregation	Outer London
------------------------	--------------

PTAL	PTAL 3-4
------	----------

Notes
 Sample size of 17 sites
 Shaded cells require user input
 Select both geography and PTAL
 For developments in Outer London with PTAL 5-6 use [London/PTAL 5-6] or [Outer London/3-4] to calculate yield

Yield from Development (persons)

	Market & Intermediate	Social	Total
Ages 0, 1, 2, 3 & 4	10.7	2.0	12.7
Ages 5, 6, 7, 8, 9, 10 & 11	6.7	1.4	8.1
Ages 12, 13, 14 & 15	1.0	0.4	1.4
Ages 16 & 17	0.5	0.2	0.7
18-64	136.7	8.7	145.4
65+	3.3	0.2	3.5
Total Yield	158.9	12.8	171.7

Play Space Calculator

Total Children	22.9
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	Benchmark (m ²)	Total play space (m ²)
Play space requirement	10	229.1

Estimated yield from a development of 94 units
 Located in Outer London with a PTAL of 3-4

