

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

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

**SUMMARY
PROOF OF
EVIDENCE -
PLANNING**

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

LPA REF: DC/21/05585/FULL1

June 2024

**PLANNING
CITY**

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1. Introduction: Qualifications, Experience and Scope of Evidence

Personal Introduction: Qualifications and Experience

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

Scope of Evidence

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

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

Demolition of existing buildings and construction of a mixed use development comprising residential units, ancillary residents’ facilities (including co-working space) and commercial floor space (Use Class E) across two blocks, along with associated hard and soft landscaping, amenity spaces, cycle and refuse storage (Revised scheme incorporating a second stair into Block A and Block B, internal layout and elevational changes, and changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road).

1.10. In refusing planning permission for the proposed development, the Council identified 6 reasons for refusal with my evidence specifically addressing the matters raised by the Council in reasons for refusal 2 (in respect of the proposed unit mix), 4 (in respect of the quality of accommodation provided for future residents, including separation distances between habitable room windows) and 5 (in respect of the relationship with neighbours). My evidence also addresses the planning balance.

1.11. In reaching my conclusions, I have relied upon the evidence of other expert witnesses.

1.12. The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute and I confirm the opinions expressed hereunder are my true professional opinions.

2. The Ineffectiveness of the London Plan and the Local Plan

- 2.1. At Sections 3 and 4 of my main Proof of Evidence, I discuss in detail the ineffectiveness of the London Plan and Local Plan in delivering housing. I do not rehearse those points in detail hereunder, but provide a succinct summary of the key matters I have observed.

London Plan

- 2.2. On 8 October 2019 the Inspector's Report and Panel Recommendations were published (**CD8.26**) following the Examination in Public. The Report ratified the London-wide 2017 SHMA which calculated a need for 66,000 additional homes to be delivered each year, but went on to acknowledge that such levels of delivery were unachievable *"by some margin"* and identified a *"major concern"* that targets in the Plan are so far below the assessed need. In conclusion at paragraph 178, the Inspectors stated, *"Overall the recommended 10 year housing target of 52,285¹ per annum would be higher than the existing London Plan and above the 45,505 units completed in 2016/2017. It is therefore right to say that boroughs should use all the tools at their disposal to ensure homes are actually built"* (my emphasis).
- 2.3. The "Planning London Datahub" provides details of housing completions and targets by year² with the information available showing that since 2016/2017, there has been a decline in housing completions across London as a whole with targets routinely being missed.
- 2.4. The evidence shows that the London Plan is failing to meeting the housing needs identified in the 2017 SHMA. The evidence further shows that the Inspectors' confidence that a reduced target of 52,285 additional homes per annum could realistically be achieved was misplaced.
- 2.5. The failure of the London Plan to deliver the housing required to meet needs has repeatedly been brought to the Mayor's attention, first by Rt Hon Robert Jenrick in March 2020 and more recently by Rt Hon Michael Gove in December 2023.
- 2.6. On 15 January 2024 the London Plan Review Report of Expert Examiners ("the Expert Report") was published and is of considerable relevance to the appeal proposal and the important matter of housing delivery in London and Bromley. Table 1 of my main Proof provides a focused review of the Report's findings and recommendations.
- 2.7. I am firmly of the opinion that the London Plan is an ineffective development plan document. It delays, stifles and frustrates development, imposing significant additional burdens on developers (mostly within the SME sector such as the Appellant), adding considerable time and cost to an already slow and expensive process. The effect is that the Plan negatively impacts on development viability and deliverability.

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

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

Bromley Local Plan

- 2.8. Following an Examination in Public process in December 2017, the Local Plan Inspector released their report dated 11 December 2018 (**CD8.27**). There are matters addressed in the report which are pertinent to the consideration of housing matters associated with this appeal.
- 2.9. At paragraph 24, the Inspector's Report notes that in addition to the development of windfall sites (which historically account for approximately 45% of supply in Bromley), large sites in Bromley Town Centre will form a significant part of supply, consistent with the Opportunity Area Designation in the London Plan. The Inspector further noted the Draft Local Plan's ambition to intensify housing within town centres, including Bromley Town Centre.
- 2.10. Following the adoption of the Local Plan, there have been very few permissions granted on sites which are allocated for residential development and my evidence shows how reliant LB Bromley is on windfall sites coming forward for development.
- 2.11. Specifically, in relation to Allocation Site 10, the fact that the Council has given approvals for minor conversion schemes in the allocation area demonstrates that the ambitious delivery of housing envisaged by the Local Plan (and on which the Council is so reliant in order to meet its housing delivery obligations) will now be difficult to realise. This adds emphasis to the importance of supporting densified development on larger sites in the area which can be delivered.
- 2.12. Paragraph 33 of the Inspector's Report addresses "Site 10 (land west of Bromley High Street and Bromley South)", this being the allocation within which the appeal site sits. The Inspector notes that this is a large, complex site with land ownership issues and recognises the Council's acknowledgement that CPO powers may need to be used for land assembly. The Council's evidence supporting the Local Plan included a masterplan for the area³, which had been consulted upon and "*which includes parameters for height, scale and massing, since the development would bring **significant change to the existing character of the area** and view of it from south London*" (my emphasis).
- 2.13. The ineffectiveness of the Local Plan is perhaps best demonstrated by a review of the current housing land supply and delivery position in the Borough. The matter of housing land supply is addressed by Mr Pycroft in his Proof of Evidence and his evidence is that the London Borough of Bromley is only able to demonstrate a 2.4 year supply of housing land.
- 2.14. Housing delivery is a further metric which can be used to determine the effectiveness of the Local Plan. The 2022 Housing Delivery Test ("HDT") reveals that Bromley has only delivered 52% of its target across the last 3 years but Table 3 of my main Proof highlights the decline in housing delivery from 2019 onwards, this being the point at which the Local Plan was adopted.
- 2.15. In the light of the evidence, any suggestion that the Local Plan is working and that it facilitates housing delivery would simply not be credible. It strikes me that the Local Plan has failed from the point at which it was first adopted and has been a barrier to the delivery of housing in Bromley ever since.

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

3. Reason for Refusal 2: Unit Mix

- 3.1. In refusing planning permission on the ground of unit mix, the Council alleged conflict with Policy H10 of the London Plan and Policies 1 and 2 of the Local Plan.
- 3.2. London Plan Policy H10 sets out that developments should generally consist of a range of unit sizes, to be determined by, *inter alia*, robust local evidence of need, the nature and location of the site. It further advises that developments should contain a higher proportion of 1 and 2 bedroom units in town centres, and other areas of good public transport accessibility in order the aim to optimise housing potential.
- 3.3. In terms of local evidence, the 2014 SHMA highlights that the highest levels of housing need across the Borough up to 2031 is for 1 bedroom units (53%) followed by 2 bedroom units (21%).
- 3.4. The Bromley Local Plan does not include a policy on housing mix.
- 3.5. In considering this matter, it is relevant to consider the Council's position in relation to other recent cases in the Borough. In my main Proof, I identify a number of recent approvals in the town centre, comprising a mix of largely 1 and 2 bedroom homes. These include 66-70 High Street (permission granted on appeal) and 62 High Street (permission granted by the Council's Development Control Committee).
- 3.6. Furthermore, I explain in my main Proof that in deciding those applications, the Council did not raise an objection on unit mix grounds. The Council's stance in relation to proposed unit mix on these nearby developments is notably inconsistent with the second reason for refusal identified in this appeal proposal.
- 3.7. It is my firm opinion that the proposed development includes a unit mix which is appropriate to this metropolitan town centre location and which facilitates the optimisation of the allocated site's potential. In relation to this matter, the proposed development is supported by the objectives of London Plan Policy H10, the robust evidence in the 2014 SHMA and is not in conflict with Local Plan Policies 1 and 2, which in any event appear to have been included erroneously in the second reason for refusal.
- 3.8. So significant are the housing land supply and delivery issues in Bromley that it seems abundantly clear to me that the Council is short on the delivery of homes of all sizes and as such, there is added importance to deliver the optimal number homes on development sites.
- 3.9. In my main Proof, I undertake an assessment of the character of the area surrounding Bromley Town Centre, including aerial photographs at Images 5 to 8. These show that the roads in the wider area are predominantly characterised by lower density detached, semi-detached and terraced family housing. As such, my opinion is that there is already a good supply of family homes in this part of the Borough.
- 3.10. Taking into account the policy position, the evidence in the Council's 2014 SHMA, the significant shortage of housing in Bromley and the character of the surroundings, my very firm opinion is that the development proposes an acceptable unit mix.

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

- 4.1. The Council's fourth reason for refusal alleges that the proposed development represents an overdevelopment of the site, demonstrated through a high proportion of single aspect flats, mutual overlooking and inadequate children's playspace.
- 4.2. The reason for refusal also identifies an objection in respect of daylight conditions within the proposed flats. The appellant's evidence on this is contained within the Proof of Evidence of Mr T Keating.

Single aspect design

- 4.3. At **Appendix 9** of my Proof, I include a schedule of accommodation, which identifies those homes which I consider to be of a single, dual, or triple aspect design. In Table 4 of my Proof, I provide the headline conclusions of my assessment, which show that there are no single aspect north facing units in the development and that 79% of the homes proposed are either of a dual, or triple aspect design.
- 4.4. In the table, I have also identified the shared ownership, social rent and M4(3) units proposed within the development. In respect of affordable housing, this shows that 80% will be of a dual aspect design and in respect of M4(3) units, 66% will be of dual or triple aspect design.
- 4.5. The London Plan does not object to single aspect design. Indeed, the delivery of a proportion of single aspect homes is often required to allow a site's development to be optimised.
- 4.6. I have cited recent examples in Bromley which shows how the Council has approached the consideration of single aspect design with the most relevant examples being those at 66-70 High Street, Bromley and the Blenheim Centre, Penge, where 15% and 35% single aspect design was respectively accepted.
- 4.7. It is, therefore, my very firm professional opinion that the proposed development is consistent with the overall aim of the development plan and assists the optimisation of the site's potential to deliver the new homes for which there is acute local need.

Mutual overlooking

- 4.8. The Committee Report dedicates only one paragraph (ref: 6.3.9) to the assessment of privacy within the proposed development. The paragraph includes notably vague, generalised and inaccurate assertions rather than any detailed, rigorous or factual analysis of the proposed layout of the development and the interrelationship between the proposed flats. In the absence of accurate reporting, it understandable that Councillors were unable to form a robust and credible conclusion on the question of proposed levels of privacy within the development.
- 4.9. During the appeal, the appellant has worked with the Council to produce an annotated drawing (**CD8.13**) which details the separation between the rear elevations of Blocks A and B, including dimensions showing window to window separations and including dimensions from the mid-point of balconies in order to understand fully the proposed separation

- 4.10. This drawing shows a narrowest window to window separation of 11.2m between bedroom windows, but I would point out that these windows are offset and as such do not actually face directly towards each other. The window in Block A faces broadly north while the window to the rear of Block B faces south east. As a result of this offset design and orientation, there would not be any significant views from one flat into another.
- 4.11. Elsewhere, separations are typically more generous and extend to approximately 12.5m to 15m.
- 4.12. In my experience, this amount of separation is typical of any regenerated town centre and there are numerous examples of modern developments across London and further afield where similar levels of separation have been approved.
- 4.13. My evidence also identifies a number of recent examples of developments in Bromley where similar levels of separation have been approved. These include at Pikes Close Estate, Sundridge (where a separation of 12.5m was approved); and the Blenheim Shopping Centre, Penge, where separations of 12m were supported with the Committee Report acknowledging that the amount of separation proposed was not dissimilar to other urban and town centre locations in the Borough.
- 4.14. Given the careful and sensitive design approach and precedent examples elsewhere in the Borough, I have difficulty reconciling the Council's objection on this ground. My firmly held opinion on this matter is that the design of the development is successful in ensuring that future occupants will be provided with adequate levels of privacy within their homes, compatible with the site's location in the heart of the town centre and consistent with reasonable expectations for developments in such areas.

Playspace provision

- 4.15. The fourth reason for refusal alleges that the development would amount to overdevelopment *inter alia* on the basis of "*inadequate provision of children's playspace*". There is no objection in the reason for refusal concerning the location, quality, size or configuration of the communal amenity space provided between Blocks A and B. Rather the reason identifies a very narrow, specific objection to playspace provision.
- 4.16. Policy S4 of the London Plan generally seeks the provision of playspace on site, but paragraph 5.4.6 of the justification to the policy explains that off site provision (including the creation of new or improved facilities) can be supported where it can be demonstrated that it will address the needs of the development and where the provision would be within 400m of the development. The text makes clear that such provision is to be secured by way of a s.106 contribution.
- 4.17. The development's full playspace needs are not proposed to be met on site. However, the Council and appellant have agreed conditions which would require the submission of details of play facilities for approval together with a financial contribution of £16,711.32 to facilitate the delivery of offsite playspace, which will meet the development's full needs.
- 4.18. In the light of the foregoing, it is my very firm opinion that the proposed development is acceptable in respect of playspace provision.

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

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

The proposed visual impact

- 5.5. Although the reason for refusal makes reference to the development's visual impact from surrounding homes and their external amenity spaces, the Committee Report does not make any comment on the development's impact on surrounding gardens. I would understand, therefore, that the reference to amenity spaces in the reason for refusal is included in error. This is not least the case because to the rear of Simpsons Place is the residents' car park and not a communal garden and the rear of 7 Ethelbert Road comprises a large, wide garden which is enclosed by a well established tree screen.
- 5.6. The Committee Report first identifies an objection to the development's impact on the occupants of the flats at Simpsons Place (no.6 Ringers Road). However, it fails to identify any specific flat (or flats), or room (or rooms) which would be affected by the proposed development. The Report simply asserts that the development would give rise to a "poor and uncomfortable" relationship.
- 5.7. Although the proposed development would clearly be taller than the existing buildings on the appeal site and although the outlook from the flats in Simpsons Place would change, this change does not equate to harm.
- 5.8. Site Allocation 10 in the Local Plan is clear in its ambition to catalyse significant change to the west side of Bromley High Street. The allocation was based on a masterplan by Stitch Architects, which was used to determine the area's capacity to accommodate new housing. It is unclear why the Council then withdrew the masterplan, but nonetheless it outlines a vision for how this part of the town centre can be regenerated.
- 5.9. Page 10 of the Design and Access Statement is of assistance here, showing that the appeal site forms part of "Zone 2" where developments of between 5 and 14 storeys could be accommodated.

- 5.10. The appeal proposal does exactly what Site Allocation 10 expects and the design led approach, including careful consideration being given to the relationship with Simpsons Place ensures that although there would be a change to the outlook from those flats, that change would not be a harmful one.
- 5.11. Block B would be set a minimum of 14.3m from Simpsons Place and Block A has been specifically designed with a chamfered corner to preserve an appropriate field of vision from the rear windows in Simpsons Place.
- 5.12. Turning to the relationship with no. 7 Ethelbert Road, the rear elevation of Block B closely aligns with the extension to the rear of that property. Again, while the proposed buildings will be seen from vantage points in rooms to the rear of that house, the neighbouring building at Block B will not have any significant impact on outlook from the house, which I note has at least a triple aspect, including outlook to the front and south western side as well as to the rear.
- 5.13. The building at Block A would be set in excess of 20m away from no.7 Ethelbert Road at its closest point. This amount of separation is generous in the context of a town centre location and will ensure that there is no unacceptable visual impact.
- 5.14. Having considered the proposed relationships in detail, it is my firm opinion that there will not be any unacceptable visual impact arising from the proposed development and all existing neighbours will continue to enjoy an acceptable level of outlook from their properties. Indeed, I consider the proposed relationships to be typical of the type of relationship commonly found in any evolving and regenerating town centre environment.

Impact on neighbour privacy

- 5.15. As I explain above, a separation of 14.3m between habitable room windows is not unusual in a densely developed urban environment. Indeed, the proposed separation between Block B and Simpsons Place is shared equally on both sides of the common boundary and thus the proposed development simply replicates the way in which the Council historically allowed Simpsons Place to be developed. It would strike me as unreasonable and illogical for the Council to now try to impose a requirement for higher standards of separation given the strength of policy support for the redevelopment of the appeal site and the requirement for new development to make best use of land, respecting the character of its surroundings.
- 5.16. The Committee Report also explains at paragraph 6.6.5 that “Views would also be available from the corner balconies of Block A” but it is not explained what these views would be towards and whose privacy would be affected.
- 5.17. I would have some difficulty with any suggestion that the balconies would facilitate views into Simpsons Place because their shape and orientation specifically directs views to the north west, towards and across Church House Gardens. Save for a small corner of the car park to the rear of Simpsons Place, predominantly the outlook from the balconies in Block A would be provided within the appeal site and then across the top of 7 Ethelbert Road (albeit at a distance of more than 20m). As such, there would not be any adverse impact on neighbouring residents’ privacy.
- 5.18. In the event that the Inspector considered it necessary, the appellant would have no objection to a specific condition being included on any planning permission, requiring the submission of details of balcony privacy screening for written approval

- 5.19. It is my opinion that the Council's assessment of the development's impact on neighbour privacy is fundamentally flawed and has failed to interrogate properly the proposed relationships. It is my firm opinion that the carefully considered design and layout of the development avoids any unacceptable privacy impacts and as such the proposed development is acceptable in this regard.

6. Planning Balance

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

Housing supply and delivery

- 6.3. Mr Pycroft's evidence (**CD9.9**) identifies that there has been a persistent undersupply of homes in Bromley, now resulting in the Borough only being able to demonstrate a 2.4 year supply of housing land.
- 6.4. The beneficial delivery of additional homes in the Borough attracts no less than **very significant weight**.

Affordable Housing

- 6.5. The evidence provided by Ms A Gingell (**CD9.8**) paints a stark and concerning picture in relation to affordable housing provision in Bromley and this is not disputed by the Council, which accepted in the appeal at 66-70 High Street that affordable housing in the Borough is in crisis.
- 6.6. The delivery of 10 affordable homes, comprising 6 social rent and 4 shared ownership units (including 2 M4(3) homes), within the development is an important planning benefit which attracts **substantial weight** in the planning balance.

Housing Size Mix

- 6.7. There is a shortage of homes of all sizes in Bromley. However, the 2014 SHLAA shows that the greatest need exists for 1 and 2 bedroom homes, of which 94 are proposed to be delivered on the appeal site.
- 6.8. The delivery of 94 homes for which there is greatest local need is a benefit attracting **substantial weight** in the planning balance.

Development Location

- 6.9. In accordance with paragraph 124c) of the NPPF, **substantial weight** should be given to the redevelopment of suitable brownfield land within settlements to meet local housing need.

Townscape

- 6.10. In refusing planning permission, the Council identified an objection on townscape grounds. This matter is addressed by Mr Hammond in his Proof (**CD.9.6**) and he concludes that through its stepped design, the development would provide additional visual interest to the skyline and he notes that the buildings would stand below the height of the approved development at 66-70 High Street. He concludes that the development would neither be overly dominant, nor an overbearing addition to the skyline; rather, it would fit in with the surrounding context and would not cause harm to the character and appearance of the area.
- 6.11. The identified skyline benefits attract **limited weight** in the planning balance.

Heritage impact

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

High Quality Design

- 6.15. At paragraph 139, the NPPF explains that significant weight should be given to development which reflects local design policies and those which are of an outstanding or innovative design which promote high levels of sustainability. We argue that the proposed design, both in respect of the development’s appearance and the quality of accommodation provided for future residents meets this objective and as such, this benefit attracts **significant weight**.

Small Sites

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

Economic Benefits

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

Biodiversity Net Gain

- 6.20. The proposed redevelopment of the site presents an opportunity to significantly enhance biodiversity. Although the development plan does not yet prescribe a minimum biodiversity net gain to be achieved through the redevelopment of a site, the proposed development would achieve a substantial net gain of 424.9%. The biodiversity benefit arising from the site's development attracts **considerable weight**.

Urban Greening

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

Car Club Space

- 6.22. The proposed development will deliver a publicly accessible car club space on the highway within 800m of the appeal site. The delivery of this space will reduce car ownership locally, encouraging more environmentally sustainable transport choices. This benefit attracts **limited weight**.

Residential amenity impacts

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

7. Conclusion

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

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