**Re: 2-4 Ringers Road and 5 Ethelbert Road, BR1 1HT**

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

LPA Ref: DC/21/05585/FULL1

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Opening for the Council

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1. This is the Opening statement for Bromley London Borough Council.

Development Plan

1. The relevant polices in development plan set out in Statement of Common Ground. The extant development plan is the London Plan 2021, Bromley Local Plan 2019, and the Bromley Town Centre Action Area Plan 2010 (although the Council has requested that this be withdrawn as it is now obsolete and predates the London Plan and the Bromley Local Plan). The principle of development is agreed and the site is part of Site Allocation 10 (SA 10), which supersedes site G in the Local Plan. In particular it is worth noting SA 10 identifies the need for the proposals to “*incorporate a sensitive design which respects the adjacent low rise residential development*”.
2. In essence this site is allocated for development but what is proposed is an unacceptable design. It is also clear that the proposal conflicts unacceptably with the policies in the development plan.

Main issue 1: Housing

1. There is agreement between the Appellant and the Council on the weight to be given to land supply and affordable housing, with the disagreement limited to mix and specific elements of the 5YHLS calculation.

(a) Housing Land Supply

1. The Statement of Common Ground Housing sets out areas of agreement and disagreement. The difference between us is 2.4 - 2.96 years. The key differences are (1) the contribution of small sites and (2) the likelihood of one large site, South Eden Park Road, coming forward. The pre-commencement conditions in relation to below ground works have been discharged in respect of South Eden Park Road, and therefore there is every prospect that this site should be delivered by March 2026.
2. It is acknowledged that the Council cannot demonstrate a 5 YHLS and as a result the ‘tilted balance’ is engaged. Generally, the level of undersupply is for the Inspector, there are no specific guidelines on its materiality. It is accepted that very substantial weight should be given to the proposed housing supply in the planning balance.

(b) Mix

1. Ben Johnson’s evidence provides detail on the policy context. The key point is that the proposed development does not provide any larger family units, i.e., 3 bed, and in a development in this area, Bromley would expect a range of homes including for people who have children. The proposal also does not meet Policy H:10 in the London Plan and Local Plan Policies 1 and 2, which support a mix in large schemes. His evidence also sets out extracts from the SHMA and from the Bromley Housing Register which explains the need for 3 bedroom properties. Ben Johnson’s assessment is that moderate weight should be given to the provision of 1 and 2 bed units in the planning balance.

(c) Affordable Housing

1. 10 affordable housing units are provided. The Appellant’s viability assessment has been independently assessed by BPS Surveyors on behalf of the Council and it is agreed can be delivered. The need for affordable housing in Bromley is of course accepted and acknowledged, and although only a modest contribution is made by this scheme, substantial weight should be given to affordable housing provision in the planning balance.

Main Issue 2: Impact on living conditions of future occupiers

1. The impact of the scheme on daylight and sunlight for future occupiers has now been withdrawn following the revised DLSL data produced by the Appellant in response to the significant criticisms made by the Council’s expert in his proof. These were pointed out extensively to the Appellant some time ago and should have been addressed at the application stage. Very late in the day the Appellant’s expert has acknowledged these criticisms and has accordingly revised the data. Consequently, the Council are minded to make an application for a partial award of costs.
2. However, there are additional concerns about the impact on future occupiers which are considered by Ms Daye and Ms Reynolds. These include:
* The proposal provides inadequate playspace privision for children under 5 years, and inadequate usable playspace for under 5s,
* The restricted size of the proposed amenity space means the various functions do not all easily coexist;
* The proposed public route through the site would undermine safe doorstep play.
* Wheelchair units are not provided in a range of different floor levels. Aspects and views are also impacted. The quality of some of the units will not comply with inclusive policies D5 D6, and D7 of the London Plan.
* There are significant concerns regarding privacy and outlook. Residents in one block would be able to see into living spaces of residents in the other block. Separation distances are addressed in Mr Wade’s rebuttal at section 1.3: the narrowest window to window separation between Block A and B is 9.433m. Ms Daye will give further examples of concerns concerning privacy and outlook. For proposed residents of Block B, the quality of living experience and proximity of Block A is unduly oppressive. For proposed residents of Block A, the bedroom windows on floors 1-3 would look out on to the rear wall of 64 High Street;

Main Issue 3: Living conditions, Daylight and Overshadowing for Surrounding Occupiers

1. Mr Wade concludes in his rebuttal that 5 properties will experience an unacceptable level of light loss. These are Henry House, William House, Simpson’s Place, Salvation Army, and 62 High Street. And properties situated at 33-36 Ethelbert Close will suffer unacceptable overshadowing. Ms Daye also considers that the visual impact on some properties is unacceptable.

Main Issue 4: Design and Townscape

1. There was considerable pre-application engagement: the GLA and Design Review Panel were opposed to the proposed scheme, the Planning Committee had serious concerns, and there were considerable local objections.
2. Fundamentally, the design is too tall, the massing is too great, the proposal is too tight to boundaries, and it is both too high and overbearing.
3. Ms Reynolds will give evidence and carefully assess the scheme in terms of its architectural merits, including but not exclusively the height, massing, density and consequential impact on the existing and emerging local context. Ms Reynolds will also address the townscape impact and the impact on local views. She concludes that the development is overbearing and over dominant, and that there is harm to the character of the area. She will look at the context and appropriate context of tall buildings and also in context of Bromley Town Centre SPD Character Area of Bromley West. In her opinion the tallest buildings should be at the top of the hill. She will also comment on the proposed building at 66-70 High Street. She will emphasise the importance of the character of the area and distinguish it from the area around Bromley South Station. The tall buildings at Bromley South Station should not be a precedent for development on SA 10. The poor design of this scheme has also been criticised by the Design South East Review Panel, the GLA, and numerous local residents.

Main Issue 5: Historic environment

1. There is a degree of negative impact on the Bromley Town Centre Conservation Area that should be taken into account. Mr Crone has analysed the impact of the proposed scheme on the setting of the Bromley Town Centre Conservation Area, and concluded that there will be “less than substantial harm” to be weighed in the planning balance.

Main Issue 6: Assessment of Planning Balance

1. Ms Daye will give evidence on Planning Balance. She has included the key benefits and harms and concludes that the planning harm – in particular the design and impact on the character and appearance of the area relating to the location and quantum of the development – would have an adverse impact. The adverse impacts of the scheme also include impacts on the living conditions of future and surrounding occupiers, and the impact on the setting of the Conservation Area. It will be Ms Daye’s evidence that overall, the harm outweighs the benefits.

Anne Williams

Peter Cruickshank

6 Pump Court

16 July 2024