

<b>Committee Date</b>	25 <sup>th</sup> July 2024	
<b>Address</b>	Waitrose 45 Masons Hill Bromley BR2 9HD	
<b>Application Number</b>	23/02633/FULL1	<b>Officer</b> - Claire Brew
<b>Ward</b>	Bromley Town	
<b>Proposal</b>	A mixed-use redevelopment of the site providing buildings ranging in height from approximately 63 AOD up to 135 AOD (plus lower ground floor); including up to 353 new homes (Use Class C3), partial demolition, extensions and elevational alterations to existing food store (Use Class E); Flexible Commercial Space (Use Class E/F1/F2) alterations to the surrounding highway; associated improvements to streets, open spaces, landscaping and public realm; and provision of car and bicycle parking spaces and servicing spaces and other works incidental to the proposed development.	
<b>Applicant</b>	<b>Agent</b>	
C/o John Lewis Partnership BtR Ltd	Matt Lloyd-Ruck	
171 Victoria Street London SW1E 5NN	33 Margaret Street London W1G 0JD	
<b>Reason for referral to committee</b>	Major Residential Development (20+ units)	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	<b>PERMISSION SUBJECT TO LEGAL AGREEMENT AND ANY DIRECTION BY THE MAYOR OF LONDON</b>
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## Summary

### KEY DESIGNATIONS

Area of Deficiency in Access to Nature

Article 4 Direction

Biggin Hill Safeguarding Area

Bromley Town Centre Area

Business Area

Local Cycle Network

Flood Zone 2

Public Rights of Way

London City Airport Safeguarding

Statutory Listed Buffer

Local Distributor Roads

London Distributor Roads

Open Space Deficiency

Proposal Sites

Ravensbourne Variations

River Centre Line

Smoke Control SCA 5

Strategic Routes

Views of Local Importance

**Table 1: Land use Details**

	Use Class or Use description	Floor space (GIA SQM)
Existing	Retail Class E	4,194
Proposed	Retail Class E	4,489
	Residential Class C3	32,137

**Table 2: Residential Use – See Affordable housing section for full breakdown including habitable rooms**

	Number of bedrooms per unit				
	Studio	1	2	3	Total
Market (Build to Rent )	38	176	103	6	<b>323</b>

Affordable (Discount Market Rent at London Living Rent)	0	11	18	1	<b>30</b>
<b>Total</b>	<b>38</b>	<b>187</b>	<b>121</b>	<b>7</b>	<b>353</b>

<b>Table 3: Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Build to Rent Standard car spaces	0	0	0
Build to Rent Disabled car spaces	0	11	+11
Waitrose Standard Spaces	195	128	-67
Waitrose Accessible spaces	4	11	+7
<b>Total</b>	<b>199</b>	<b>150</b>	<b>- 49</b>
<b>Cycle Parking</b>			
BTR long-stay	0	575	+575
BTR short-stay/visitor	0	10	+10
Waitrose staff	unknown	6	?
Waitrose customers	unknown	47	?

<b>Table 4: Electric car charging points</b>	Percentage or number out of total spaces
<b>Waitrose</b>	7 (5%)
<b>Build to Rent</b>	2 (18%)

<b>Table 5: Representation summary</b>	<p>Neighbour letters were sent on the 31<sup>st</sup> August 2023 to 555 neighbouring addresses.</p> <p>Press adverts were published in News Shopper on 13<sup>th</sup> September 2023 and 3<sup>rd</sup> July 2024. Site notices were posted on the 31<sup>st</sup> August 2023.</p> <p>A Member's Engagement Session with the Development Control Committee took place on the 24<sup>th</sup> October 2023.</p> <p>The Local Planning Authority have also taken the following steps to ensure the application has been publicised in accordance with Regulation 19(3) of the 2017 EIA Regulations:</p>
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	<ul style="list-style-type: none"> <li>• On 18<sup>th</sup> July 2023 the Council wrote to the Secretary of State advising them that the application had been received (but was currently invalid)</li> <li>• On 31<sup>st</sup> August 2023 site notices were posted and on 13<sup>th</sup> September 2023 a press advert was published in the News Shopper notifying local residents and interested parties of the application and the Environmental Statement and the means by which they could view and comment on the application on the Council's website. Hard copies of the Environmental Statement were made available in Bromley Civic Centre.</li> <li>• On 21<sup>st</sup> June 2024 the Council wrote to the Secretary of State advising them that further information in respect of the Environmental Statement had been received. The further information consisted solely of an ES Addendum relating to Daylight, Sunlight and Overshadowing.</li> <li>• On 3<sup>rd</sup> July 2024 a press advert was published in the News Shopper notifying local residents and interested parties that further information in respect of the Environmental Statement had been received and the means by which they could view and comment on the application on the Council's website. The further information consisted solely of an ES Addendum relating to Daylight, Sunlight and Overshadowing which was made available to view in Bromley Civic Centre.</li> <li>• In addition to the above paper copies of the ES and technical summary were available at a charge from AECOM.</li> </ul> <p>Initial Consultation was for a minimum of 30 days.</p>	
Total number of responses	255	
Number in support	144	
Number of objections	109	
Number of representations (neither objection or support)	2	

<b>Table 6</b>	<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
1	<p>Affordable Housing (10% of total habitable rooms to be provided as Discount Market Rent at London Living Rent levels).</p> <p>JLP also committed to preparing a Local Lettings and Marketing Plan which commit to marketing locally for a period of time.</p> <p>JLP will agree the eligibility criteria for qualifying residents with Bromley Council.</p>	10% of habitable rooms	Y



2	Viability Review Mechanisms (Early and Late Stage) to include: a. open book review b. all costs subject to actual costs (apart from BLV and profit) c. timing:- valuation to take place 1 year after reaching 75% occupancy		Y
3	Build to Rent 15 year clawback mechanism		Y
4	Residential Management Plan		Y
5	Operational Management and Public Realm Management Plan		Y
6	Provision and continued maintenance of on-site Amenity Space and Green Infrastructure		Y
7	Provision and continued maintenance of Public realm works on the south-eastern corner at the junction of Masons Hill and Kentish Way and the Woodland Link		TBC
8	Car Club Membership for Residents and Free Drive time		Y
9	Provision of on-site Car Club space or off-site contribution		Y
10	Restriction on residents obtaining parking permits		Y
11	Carbon off-setting payment in-lieu	£ 426,645	Y
12	Be Seen energy Monitoring		TBC
13	Payment towards enhancements to Legible London signage	£37,000	Y
14	Contribution towards Bus Stop enhancements on Masons Hill	TBC (up to £30,000)	TBC
15	Payment for a Traffic and Parking review of the area: this is towards a study of cycle improvements linking the development to the local cycle network as well as any parking review needed as a result of the development	£2000	Y

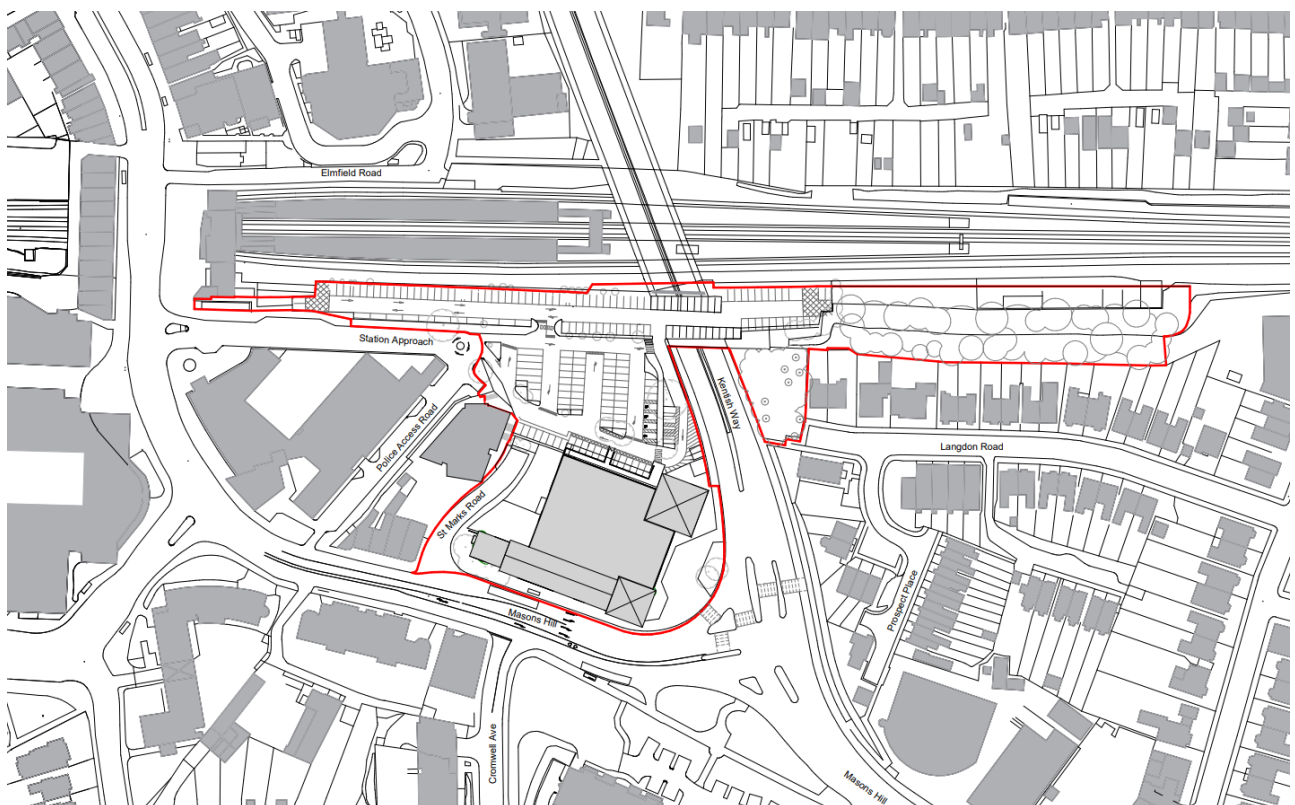
16	A negatively worded covenant preventing occupation of the development until the applicant has entered into an agreement with TfL and evidence has been shown that an easement has been granted to TfL securing access rights to carry out maintenance and repairs of the Kentish Way flyover		TBC
17	Payment to cover the additional costs incurred by the Public Protection Team to monitor and advise on construction activities between the first quarter of 2025 and last quarter of 2028	£25,000 (Max)	Y
18	Provision of new pedestrian crossing on Masons Hill (subject to S278 agreement)		Y
19	Retention of Architect		TBC
20	Public Art Strategy		TBC
21	Planning Obligation Monitoring fee	(£500/head of term)	Y
22	Agreement to cover the Council's reasonable Legal costs		Y

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- **The proposal would make a very significant contribution to the housing supply in the Borough making efficient use of land and would help to address the Council's acute housing delivery shortages.**
- **The provision of 30 Discount Market Rent dwellings at London Living Rent levels is an acknowledged benefit of the scheme attracting substantial weight.**
- **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.**
- **The provision of publicly accessible open, shared spaces and communal facilities within the development, as well as improved connections and access points to and from site are notable public benefits of the proposed development.**

- It is considered that the proposed development can be expected to have a minimal effect upon traffic conditions on Station Approach and the wider highway network in terms of network capacity, on-street parking and safety.
- The public benefits of the proposal would outweigh the ‘less than substantial harm’ to heritage assets.
- The proposed development would result in unacceptable impacts on the amenities of nearby residential sites, that being Perigon Heights.
- The application fails the sequential test in relation to flood risk.
- If the consents of other land owners and/or the sale or transfer of land is unsuccessful, the public benefits of the scheme would be considerably diminished.
- This is a very finely balanced case; however, in the overall planning balance, the considerations advanced in support of the proposal are considered as sufficient to clearly outweigh the cumulative harm identified.

## 1. LOCATION



**Fig 1: Site location plan**

- 1.1 The 1.68 hectare site is within the Bromley Town Centre which is an Opportunity Area in the London Plan. The site is bounded to the north by the railway line and to the east by Kentish Way (A21). The A21 Kentish Way is a main vehicular throughfare which connects the A232 near Orpington in the south to the A205 near

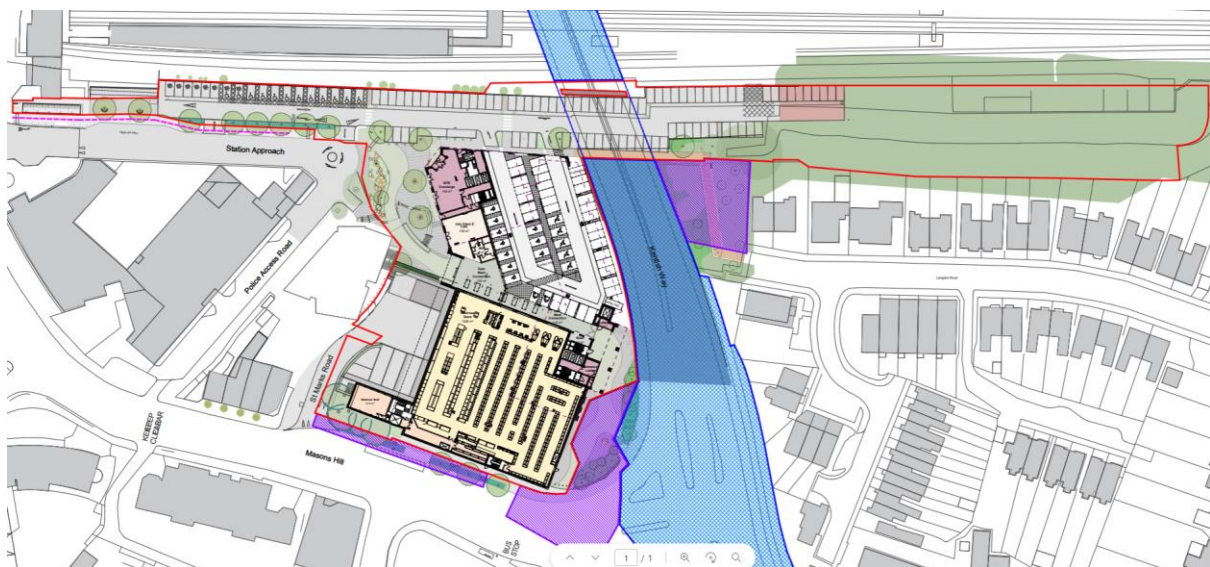
Catford in the north. The site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 6a. Bromley South Railway Station is located approximately 50m north-west of the Site.

- 1.2 An area of woodland is situated within the north-east corner of the site. To the south of the site is Masons Hill which turns into High Street and extends northwards parallel to Kentish Way. The west of the site is bounded by St Marks Road which forms part of the Bromley South Business Improvement Area.
- 1.3 Opposite the site is the Grade II listed St Mark's School, currently in use as offices/Council administrative function. Around 300m west of the site is St Mark's church, which is locally listed. The site itself is not within a Conservation Area.
- 1.4 The site is currently in commercial use, with a Waitrose store, café, servicing yard, car park and a section of woodland. The Waitrose store and servicing yard, off of St Marks Road, is situated in the south aspect of the site. The northern aspect of the site mainly consists of Waitrose car parking as well as limited soft landscaping which runs along the pavements of the car park. Currently, the Waitrose car park provides a total of 199 spaces, including accessible and parent and child spaces.
- 1.5 Towards the western boundary of the site lies a mixed use commercial and residential high-rise development known as Perigon Heights, and a low-rise Victorian terrace (33-41 Masons Hill) containing commercial uses at ground floor and residential flats above. Bromley Police Station lies beyond these sites further to the west.
- 1.6 There are a number of residential properties in the vicinity of the site, including two flatted blocks to the south of Masons Hill at Wheeler Place and to the east of Kentish Way are low-rise residential dwellinghouses in Langdon Road, Prospect Place and Oakwood Avenue. There is also the Bromley District Scout Headquarters at 15 Prospect Place.
- 1.7 To the north of the railway lines is larger scale commercial blocks within the BIA. One of these, 39 Elmfield Road, has been converted to residential flats. The High Street, to the north-west, also includes a mixture of commercial and residential uses. These receptors are all located within approximately 150m of the Site boundary.
- 1.8 The culverted River Ravensbourne runs through part of the site from north to south and part of the site is within Flood Zone 2 on the Environment Agency's mapping system. The site is within a groundwater source protection zone (outer protection zone II).

### Land Ownership

- 1.9 The red line site boundary as submitted in the application, includes several parcels of land on which development is proposed but which fall outside of the applicant's control/ownership. A plan showing the planning boundary and various land ownership within the boundary has been included as part of the application and includes:

- I. The woodland to the east of and underneath the A21 Kentish Way (LBB ownership)
- II. The area of hard landscaping on the corner of the junction with Kentish Way and Masons Hill (LBB and TfL ownership)
- III. The slither of highways land/footpath to the south of the Waitrose store on Masons Hill



-  JLP Ownership Boundary
-  Public footpath #121
-  LBB ownership
-  Transport for London Highway Authority ownership
-  TFL Highway Authority ownership above

**Fig 2: Land Ownership plan**

1.10 Station Approach is a private road owned by the Metropolitan Police. While the majority of works proposed do not encroach onto the Police's land, a new car park access will be provided on this road. The submitted application form includes information relating to ownership of the site and lists LB Bromley, Transport for London, Network Rail, Cobalt (Bromley South Ltd), Services Support (SEL) Ltd and London Power Networks PLC as owner of any part of the land or building to which the application relates.

## 2. PROPOSAL

2.1 The Proposed Development comprises of a residential led mixed-use scheme and will comprise the following:

- Retention of the majority of the existing Waitrose store, including recladding and a new roof;
- Construction of a Waitrose store extension;
- Redevelopment of the car park to include approximately 150 total spaces (plus two click and collect), and 11 residential (BtR) accessible spaces;
- Construction of 353 residential units. The residential units will be contained in two main high rise blocks (the Northern and Southern buildings), with a lower level link block (Link Building). This includes ground floor access and undercroft/parking;
  - Retain the majority of the woodland to the east and create a new pedestrian 'woodland link' connecting the site to Langdon Road, beneath the Kentish Way flyover; and
- Associated Public Realm & amenity space.

2.2 The Proposed Development will comprise four buildings:

Building	Number of storeys	Building Height (AOD)
Northern Building (A)	24	134.975m
Southern Building (C)	19 with a step down to 12	118.740m
Link Building (B)	10	89.820m
Existing Waitrose Store (W)	3	62.630m

2.3 The construction works are anticipated to commence in Q1 2025, lasting for a duration of approximately 3.5 years and concluding in Q4 2028. As part of the 3.5 year construction programme but prior to the construction of buildings on any parts of the Site, culvert works and Site enabling works will be undertaken across the Site. Construction works are anticipated to be undertaken in the following sequence:

- Culvert Works;
- Enabling Works;
- Demolition and Reconstruction of Existing Waitrose Store;
- Northern Building Construction (24 floors);
- Link Building Construction (10 floors);
- Southern Building Construction (19 Floors), with a 12 storey shoulder; and
- External Podium Works.

2.4 Occupation of the Proposed Development will not take place until all construction works are completed.

2.5 The application is accompanied by an Environmental Statement AECOM dated June 2023.



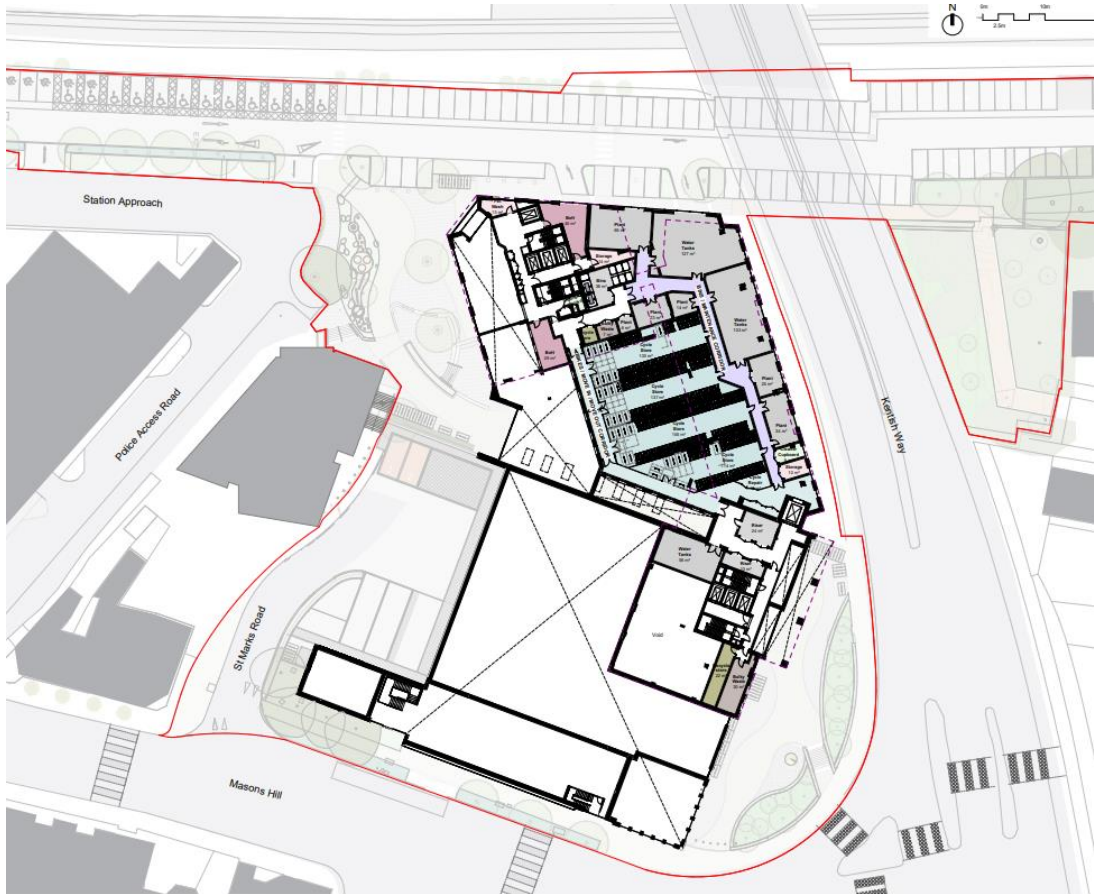


Fig 3: Proposed site plan



Fig 4: Proposed Ground Floor Plan



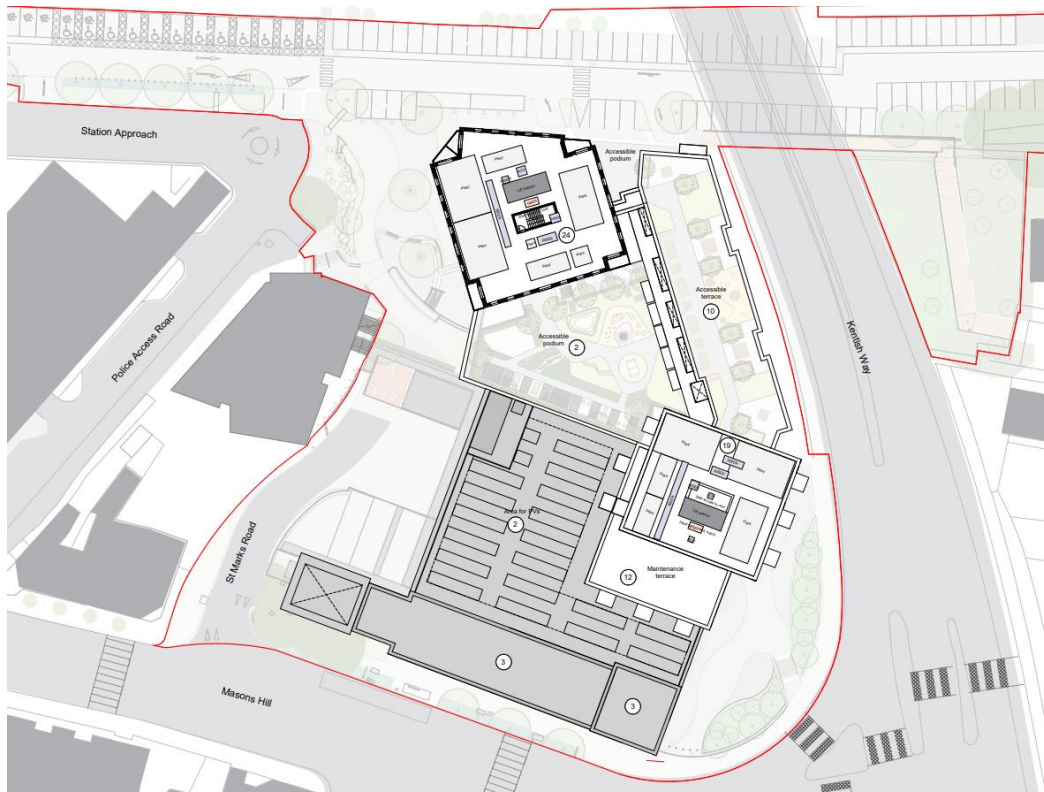


**Fig 5: Proposed First Floor Plan**



**Fig 6: Proposed Second Floor Plan**





**Fig 7: Proposed Roof Plan**

### **3. RELEVANT PLANNING HISTORY**

- 3.1 Under application ref.94/02700/FULMAJ outline planning permission was granted for the demolition of existing buildings and erection of food supermarket Class A1 retail with car parking, service roads and yard (decision dated 22.05.1995)
- 3.2 Under application ref.96/01450/FULMAJ retrospective planning permission was refused for the formation of retaining wall and footpath to enlarge area of supermarket car park and associated facilities (decision dated 10.10.1996). The reason for refusal was *"The retaining wall, by reason of its height and proximity to the H.G. Wells Centre is an over dominant feature and results in a loss of light and amenity to the user of the Centre, contrary to policy E.1 of the UDP"*

#### Environmental Impact Assessment

- 3.3 On behalf of the Applicants, Aecom submitted an EIA Scoping Report and a request for an EIA Scoping Opinion in line with Regulation 15 of the EIA Regulations to LBB on the 3.3.2023 . Avison Young were appointed to assist LBB in reviewing the EIA Scoping Report. The above was collated by LBB and informed, alongside consultee responses, the EIA Scoping Opinion dated 6th April 2023.
- 3.4 The EIA scoping process concluded that the following environmental topics would be scoped into the EIA: • Climate Change. • Daylight, Sunlight, Overshadowing and Solar Glare. • Ecology. Noise and Vibration (demolition and construction noise and vibration, demolition and construction traffic noise, complete and operational building

services plant noise). • Socio-economics. • Wind Microclimate. • Heritage, Townscape and Visual Impact Assessment.

- 3.5 The EIA scoping process concluded that the following environmental topics should be scoped out from the EIA on the basis that significant effects were unlikely to arise from the Proposed Scheme: • Archaeology. • Ground Conditions. • Waste and Resources. • Water Resources and Flood Risk. • Electronic Interference. • Health and Wellbeing • Major Accidents and Disturbances. • Noise and Vibration (complete and operational phase vibration and traffic noise)

#### Design Review Panel

- 3.6 Prior to the application being submitted, the proposed development underwent a total of five Design Reviews (between June 2022 and February 2023). The associated reports of the Design Review Panel are appended to this report.

## **4. CONSULTATION SUMMARY**

### **A) Statutory**

- 4.1 GLA Stage 1 Report dated 05.10.23 (Summary, full comments are attached at Appendix 1) - *The application does not comply with the London Plan. Possible remedies set out in this report could address these deficiencies.***

#### *Land use principles:*

- The optimisation of this site for a mixed-use residential led development is supported in principle.

#### *Housing:*

- A Build to Rent scheme to be controlled and managed by John Lewis Partnership, with a minimum of 10% affordable housing (by habitable room) in the form of Discount Market Rent at London Living Rent levels. Considering the scale of development proposed on the site, the level of affordable housing proposed is significantly below expectation. Build to Rent tenure requirements must be appropriately secured.

#### *Urban design and heritage:*

- The site is not in an area identified as suitable for tall buildings in accordance with Policy D9(B) of the London Plan. Refinements to internal quality, landscape and public realm should be considered. There would be a less than substantial harm to nearby heritage assets and public benefits to outweigh the harm will be considered at Stage 2.

#### *Transport:*

- The residential element of the development is car-free, which is supported. There will be a reduction in the quantum of commercial car parking spaces. Further information is required on trip generation, Healthy Streets, car and cycle parking, construction, delivery and servicing, and travel plans. There are concerns regarding

the impact to the TLRN and fly-over which needs to be resolved ahead of a decision.

*Sustainability and environment:*

- Further information is required on energy, whole-life cycle carbon, circular economy, green infrastructure, water, and air quality.

**4.2 Transport for London (TFL) (Extract from the GLA Stage 1 report) – Further information required**

*Car Park*

59. Reflecting the high PTAL location, the residential element of the development will be car-free, bar 10 spaces for Blue Badge holders. This represents a level of 3% Blue Badge provision. The London Plan calls for space for Blue badge spaces to the equivalent of a further 7% of homes to be identified, however given the site location next to Bromley South station, which is step free to platform, and fully accessible bus network close by and a wide range of services in the town centre, this is considered acceptable. Residents, unless holding a Blue Badge, should be excluded from applying for on-street car parking permits for the controlled parking zone (CPZ) which already exists in the area, and electric vehicle (EV) charging should be provided at least as per London Plan policy, albeit it is encouraged that all the disabled persons' spaces have active provision from the outset. A parking management plan will be required to ensure that only Blue Badge holders use the Blue Badge car parking, that spaces are allocated on the basis of need not tied to a particular dwelling, and to prevent use of retail car parking by residents and their visitors.

60. Retail car parking will be reduced from 199 to 140, thus freeing up the land for the proposed housing. This provision would include 10 accessible spaces, 5 parent and child spaces, and 8 EV charging spaces (2 rapid and 6 fast charging). Two additional Click and Collect spaces are proposed.

61. If the store was new, it should be car free to accord with the London Plan, however it is acknowledged that the store is proposed to be refurbished, with a similar floorspace to now and itself is not included within the application. The parking management plan should also set out how these retail car parking spaces will be actively managed, including how long stay parking by staff and commuters will also be prevented.

*Active travel*

62. The current site layout is vehicle focussed and has poor pedestrian permeability and legibility, particularly from the southeast, which is the main residential catchment area. A number of improvements are proposed in this respect, including moving the car park access further west on Station Approach, improving and decluttering the footway on Station Approach and removing a drop off bay, providing a central 'plaza' between the store and residential entrances, and a new 'town centre gateway' and pedestrian route from Kentish Way to the plaza, opening up the site from the southeast.

63. A new cycle and walking route from Langdon Road under Kentish Way is also proposed, which will help overcome severance of the road and further improve links to the

south east. Improvements to St Marks Road and crossings on Masons Hill are also proposed.

64. These improvements should be appropriately secured. Any changes to the public highway will require a S278 agreement with TfL or Bromley Council as the relevant highway authority.

65. The development should be integrated into the local Legible London signage system to support active travel, so appropriate funding should be secured in the s106 agreement. £22,000 would provide for two new signs on/adjacent to the site, and local existing sign map refresh to ensure this development is shown on existing signs.

66. The cycle parking accords with the minimum in London Plan policy and short stay cycle parking will be within the public realm, not on highway. The long stay cycle parking for the residential element is proposed for first floor level, accessed by two lifts by direct routes, however all doors should be automated. There is a high proportion of double stackers (90%) so this should be reviewed to see how the proportion can be reduced. The stackers should also be power/hydraulic assisted.

67. Further information should be provided on the detail of the long stay cycle parking in terms of space between and in front of the stackers to ensure compliance with the space standards in the London Cycle Design Standards (LCDS), as referenced in London Plan Policy T5 Impact on transport network

68. The primary increase in trips will be from the substantially car-free residential element. However, given the site's high PTAL and wide range of services, there is unlikely to be a severe adverse impact on public transport capacity, though Network Rail should confirm this for National Rail services at Bromley South.

69. A reduction in car parking numbers will mean no significant increase in car trips, so there will be a neutral to beneficial impact on the local road network.

70. The bus stops on Masons Hill have Countdown but would benefit from new shelters and accessible kerb works, so this should be secured via the s106 agreement. Deliveries and servicing

71. Servicing for the retail and some residential elements will be via St Marks Road, as the store is now, with some residential deliveries via Station Approach using two loading bays in the car park. A delivery and servicing plan (DSP), with the aim of reducing overall service vehicle trips and increasing zero emission vehicles and cargo bikes should be secured. Rapid EV charging facilities in the servicing areas would be supported in line with Policy T7 of the London Plan. Home delivery capacity from the store is proposed to increase, which is supported as it can help to decrease car parking demand. Travel plan

72. The outline travel plan in the TA should be secured by way of condition or S106 agreement. A pool bike share scheme would be a good offer to match the 'build to rent' model, so the Council should consider securing this also. Construction and interface with Kentish Way page 16

73. A construction logistics plan (CLP) and a construction management plan should be secured by way of condition or S106 agreement.

74. The site is immediately adjacent to the Kentish Way flyover. Excavation and construction close to the flyover will require Technical Approval from TfL. Licences such as crane oversail may also be required. It is unlikely traffic will be impacted on the TLRN during construction as it is assumed most of the construction activity will take place from the south and west, however pedestrians and cyclists may need to be managed when improvements to the western footway of Kentish Way are delivered. Safety of exiting store users will clearly need to be maintained during construction of the residential element. The bus stop on Masons Hill directly adjacent to the site should remain open during construction, though if this is not the case, TfL should be consulted at the earliest opportunity.

75. The application proposes buildings close to the flyover (within 1.8 metres). TfL maintains great concerns that the current proposal will severely restrict access for maintenance and in emergencies. This must be discussed further with TfL, including the impacts on the structure and foundations of TfL infrastructure and the ability to repair, maintain and improve. This must be resolved ahead of a decision, as a matter of urgency.

#### ***Further TfL comments received on 17.10.23***

- At pre-application, TfL raised concerns over the uncontrolled crossings of Masons Hill, to/from the northbound bus stop. The informal pedestrian crossing has dropped kerbs and a (narrow) central island, but entails crossing 6 traffic lanes. There is a similar uncontrolled crossing further west, albeit crossing 4 traffic lanes. Although there is a light controlled crossing at the Masons Hill/Kentish Way junction, this is less convenient for bus passengers and residents on the south side of Masons Hill. Given that the application proposes a new town centre gateway and improvements to St Marks Road, coupled with new homes, a case could be made for a new controlled crossing/s on Masons Hill funded via s106 agreement.
- Secondly, TfL was minded to object to the application, as access to Kentish Way for maintenance and emergencies would be greatly restricted due to the proximity (1.8m) of the new buildings proposed for a length of c.81m of the structure. The main area in question is currently adjacent to the car park, circulation roads and the trolley stores and thus to which currently there is unimpeded access. The current store building is set at 45 degrees to the footway and carriageway on Kentish Way, whereas the planning application proposes a parallel building line. This issue was raised with the applicant at pre-application stage. TfL's specific concerns are:
  - o This will limit TfL's option for access equipment to scissor-lifts and scaffold. Scaffold is not really an option for emergency inspections and scissor-lifts are not readily available by our contractors. For the last decade and a half, mobile work platforms (MEWPs) have always been the access equipment of choice for our contractors, due to their versatility and speed, which also serves well for both routine maintenance/inspection and emergency inspections/action where speed is of the essence. The use of such equipment also minimises the amount of time on site and impact on the use of the circulation area and trolley store and thus is of benefit to the applicant too.

- Scissor-lifts require a more levelled surface to operate than MEWPs. Therefore, TfL would have to rely on a private owner to maintain the surface to a safe level to operate a scissor-lift.
  - The private owner would be carrying out works on their façade, windows, gutters, render or any other work where they would occupy the very limited space between our structure. This means TfL will not have access in case of emergency to inspect or do any work on our structure. In the reverse the owner of the adjacent building would be constrained as to working methods and access due to the narrow gap adding to complexity and costs and more likely approvals being needed from TfL for specific works and activities.
  - If both TfL and the private owner require access to the suggested limited space at the same time, who has the priority to occupy the space?
  - TfL works to Kentish Way, and access thereto, especially this structure being only 1.8m from the proposed adjacent residential, will be more disruptive and impactful upon the new residents than if the gap was wider. Similarly noise, visual intrusion, and other adverse effects of pedestrians, cyclists and traffic on the TLRN will be greater with only this narrow gap.
  - As well as making routine maintenance and inspection difficult or impossible it will also do the same if we have to carry out any more major maintenance or improvement works in the future – there is currently a capital renewals project at Stage 2 Option Selection that could be affected by this.
- A site meeting was held in May with the applicant team where these concerns were further relayed, however no conclusion was reached and the planning application was subsequently lodged.
  - In addition to London Plan Policies T1 and T4 which seek to protect transport infrastructure and ensure a safe network in line with Vision Zero, the Highways Act 1980 places a duty on TfL, as the Highway Authority, to maintain the public highway network in a condition that is safe for users, and we believe the proposals as they stand will hinder with this duty unacceptably and would be particularly problematic in an emergency. As such we would urge the applicant to consider and discuss further with TfL, as has been the case elsewhere on Kentish Way where similar problems of access for maintenance and in an emergency have been resolved. Clearly this issue must be resolved prior to determination of the planning application.

#### **4.3 LBB Highways & Transport Planning (summary) - No objection in principle, subject to conditions**

##### **2.10.23**

Routes for pedestrians and cyclists at the eastern end of Station Approach, in the vicinity of the mini-roundabout, will be much more clearly defined, again with signage and markings, so pedestrians should not cross the access road diagonally as they do currently, and a knee-rail is proposed at the end of the road to prevent this. This is acceptable in principle pending detailed design.

The proposals will result in a loss of 59 parking spaces for Waitrose use, with a total of 140 spaces proposed for Waitrose use, including 10 accessible spaces, 5 parent and

child, 8 electric vehicle charging spaces (2 rapid and 6 fast charging) plus an additional 2 click & collect spaces. The future capacity of 140 spaces corresponds closely with maximum occupancy levels recorded during the surveys in September 2021 and by the ANPR system in the period March 2022 to May 2022. On average, occupancy within the car park during this period exceeded the future capacity of 140 spaces for a very short time on a Friday and Saturday and then only by a small number of spaces. This will create a small congestion during peak demand as we have witnessed during run up to Christmas every year.

A reduction in traffic movements of at least 10% is considered likely to occur, which would equate to around 300 fewer vehicle movements on Station Approach over the busier days of the week. However, the traffic impact of the development has been assessed on the basis that the vehicle trip generation of the Waitrose store post-development remains the same as it is currently and have a neutral impact.

The layout of the external car parking remains largely as existing. The 11no. in-line spaces that exist at the far western end of the car park will be relocated to the eastern end where they will be provided in a more conventional, userfriendly arrangement. The undercroft car park beneath the podium deck supporting the residential development above will provide spaces for Waitrose use, including accessible and parent and child spaces located close to the Waitrose customer entrance. The layout of the undercroft is relatively conventional with one-way circulation 4 and is expected to operate efficiently. A minimum clear height of 3.3m is proposed within the undercroft.

The number of vehicle movements generated by the residential development will be very small – typically between 6 and 8 movements per hour, within the daily fluctuations of traffic – and therefore will not in themselves cause a perceptible impact

### **07.12.23**

Section 278- Improvements are proposed to the streetscape on St Mark's Road to improve the environment for pedestrians within the wider area where the development's servicing will take place alongside the servicing of the Perigon Heights scheme. This will include improved pedestrian crossing facilities of St Mark's Road at the junction with Masons Hill the must be secured via a S278 agreement.

A detailed plan is also required to progress this improvement further. It is envisaged that signage improvements will be funded via a financial contribution included in the Section 106 agreement should planning consent be granted. Also £2000 towards Traffic and Parking Review of the area.

### **15.05.24**

#### *Footpath 121*

The footway along the access road adjacent to Bromley Police Station, which is also a registered footpath (Footpath 121), serves as the sole pedestrian route to the Waitrose store. This footpath experiences consistent foot traffic, with pedestrians heading to either the store or the nearby station. Notably, there is no alternative footway on the opposite side, reinforcing its status as the primary pedestrian route. However, the proposed access

point to the car park disrupts the smooth flow of pedestrians, creating potential hazards. Footpaths are specifically designated for pedestrians, cyclists, and non-motorized traffic. The absence of protective barriers and the close proximity to pedestrians render it unsafe for vehicles to traverse footpaths. Manoeuvring through these confined spaces significantly increases the risk of collisions, endangering both pedestrians and drivers.

To address this issue, the applicant has an alternative: relocating the proposed access further up the road, integrating it with the existing access at the mini roundabout. This adjustment would enhance pedestrian safety and maintain the footpath's intended purpose. Section 184(3) of the Highways Act 1980 clarifies that a footpath is a highway accessible solely on foot, distinct from a footway. Considering the reasons outlined above, I object to this particular element of the proposal.

Also, this is to confirm that no section 278 works are proposed along the access road adjacent to Bromley Police Station.

#### *SE corner Public Realm + Woodland Link proposal*

The proposals introduce new elements to Highway land that we would be expected to maintain into the future, and have questionable value to Highway users. These include new retaining walls, planters, and steps as well as non-standard paving at the SE corner Public Realm site, and the Woodland Link being raised wooden walkway through what is currently just shrub land needing minimal maintenance.

The public Realm site is unlikely to be of any real value to Highway users given its location, does not really improve any route from Highway to Highway, and appears mainly be of beautification benefit to the properties it leads to and adjacent business. Its definition between the Highway and private sections would also need to be defined, which is not currently in the plans. The woodland Link while possibly having some value to the adjacent residential properties as an alternative route under the overpass would appear to be of limited benefit to Highway users, I would imagine the traffic over this to be limited. This would need registering as a structure, along with the new retaining wall at the public realm area the other side, and therefore include the extra costs of ongoing professional condition assessment by outside consultants.

In general, the proposals appear to introduce a potential large future financial burden on Highways with limited actual benefits. The repeated suggestion from the developer that these areas could be licenced to be maintained by a third party while still remaining as Highway continue to be unsupported by any evidence that such a legal agreement exists, or that if it does that it would mean LBB would have zero liability for any accidents on the area's, that would still be legally Maintainable Highway and therefore the Council have a statutory Duty to maintain. There would also be a question over the timescale of any such agreement and if it would or could be 'forever'.

#### **13.06.24**

The applicants have provided following plans:

- 1) Revised parking layout, which includes 11 accessible spaces for residential use.
- 2) Response to concerns regarding footpath 121, along with a legal opinion.
- 3) Drawing of the proposed crossing on Masons Hill.



4) Covering letter proposing that the crossing be secured through S106 and S278 agreements.

Regarding specific points:

1- The reduction in EV charging points lacks justification.

2- The explanation provided for footpath 121 is unacceptable. The proposal should be reverted back to the original design.

3- The proposed Masons Hill pedestrian crossing is welcomed as it created a safer environment for pedestrian

4. Before proceeding with S278, there are several points that require attention:

- The applicant must submit Road Safety Audit Stage 1 and 2 (which may be combined with prior agreement from the local Planning Authority).
- The land take from the existing carriageway should be clearly illustrated with precise dimensions. Additionally, the dimensions of the footway hatched area need to be indicated.
- We require a more detailed plan that outlines the signal arrangement and kerbing specifics
- Please clarify the width of the footway on the western side of St. Marks Road.

#### **04.07.24**

*Waitrose car parking entrance/ exit points*

Revised Waitrose car parking entrance/ exit – While I concur with MPS that the proposed development may lead to queues, this would likely occur only during specific events, such as the Christmas period or major tournaments (e.g., World Cups, Olympics).

However, the alteration to the entrance/exit of the car park might not necessarily exacerbate the situation. Additionally, the box junction on High Street at the entrance of Station Approach should help alleviate queuing at the main entrance to the Police Station.

*Masons Hill Pedestrian Crossing*

The proposed location of the signalised crossing is considered acceptable in principle.

#### **16.07.24**

The Highways and Transport Planning officers have examined the Stage 1 Road Safety Audit report and have some additional comments as follows:

1. The pavement widening to the west side of St Marks Road should be restricted to 4m only; Additionally, the footway on the eastern side must remain unchanged and the speed table should also be removed. A new plan reflecting these requirements must be submitted prior to S278 agreement.
2. Where the rain garden areas are proposed, the width of the Masons Hill pavement (east side of St Marks Road) should be at least 3m wide. The proposed rain garden area along the pavement edge should be removed and the proposed green spaces along the building line at the back of the footway could be widened/ enlarged.

3. Realignment of the crossing point in St Mark's Road and relocating it to better match the pedestrian desire line.

Prior to the S278 Agreement to be approved, the applicants should provide a detailed scheme design and then be subject to a Stage 2 Road Safety Audit which should also include the locations of drainage, lighting, signage, construction detail including surfacing, etc. The applicants should also submit details of the visibility splays at the St Mark's Road junction, the inter-visibility splays at the proposed signal controlled crossing which should reflect the posted speed limit and speed surveys. Due note should be made that the height of any planting within the visibility splay should not exceed 600mm.

#### **4.4 Active Travel England – No Comment**

- Given the role of Transport for London (TfL) in promoting and supporting active travel through the planning process, Active Travel England (ATE) will not be providing detailed comments on development proposals in Greater London at the current time.

#### **4.5 Health and Safety Executive – No Objection**

Supplementary comments:

- A qualitative design review would provide explanatory information to support the planning application and contain "what if" events made to identify system failures or foreseeable events
- The outcome of a QDR may require subsequent design changes which may affect land use planning considerations such as design, layout, and appearance of the building
- where a performance-based solution is proposed, this should be identified on the fire statement form along with suitable explanatory text and justification demonstrating why a performance-based solution, as opposed to design amendments, is the only viable option.
- The plan drawings illustrate that the protected lift lobby serves three passenger lifts during normal operation, during a fire scenario these lifts serve as a single firefighting and two evacuation lifts.
- HSE acknowledges that the applicant proposes the installation of a performance based solutions, by way of fire/smoke curtain, to provide separation in the event of a fire, rather than imperforate separation
- HSE acknowledges that the applicant proposes the installation of a performance based solution, by way of smoke control as detailed in section 5.4 of the fire statement
- It should be noted that British Standard 7974 advocates that building design should eliminate fire safety hazards using construction and layout, rather than an over reliance on active systems, management and systems maintenance. Accordingly, this is noted, and may be subject to consideration at later regulatory stages.
- Section 13 of the fire statement confirms that the functional status (usable/operable) of the existing public hydrant is 'don't know'. Without

confirmation that there is a suitable water supply, the development might be relying on a disused water main or faulty hydrant. Resolving this issue may affect land use planning considerations such as the landscaping around the development, should additional hydrant installations be required. This will be subject to later regulatory consideration.

- The plans indicate considerable cycle storage areas. It is advisable to consider the risk to fire safety due to the presence of electric vehicles (EV) as they contain lithium-ion batteries. Lithium-ion batteries may suffer thermal runaway and cell rupture, releasing large quantities of toxic gases, heat and smoke before catching fire, as well as post-ignition. When they burn, a large amount of water is required to flow on the batteries, however, fire keeps flaring up even after it appears to have been extinguished.
- Furthermore, there is a danger of electrical shock to firefighters whilst tackling a fire due to the high voltage used in EVs.
- Any subsequent design changes may affect land use planning considerations relating to vehicle parking provision in the development. It will be for the applicant to demonstrate that the proposed fire safety design standard
- A habitat or green roof may constitute a fire hazard as it requires a regular management and maintenance regime. It will be for the applicant to demonstrate that the proposed habitat roofs are viable in relation to fire safety. This will be subject to further consideration at a later regulatory stage.
- The installation of photovoltaic panels (PV panels) appears to be proposed on the roof of the building, 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. This will be subject to further consideration at a later regulatory stage.
- It is recommended that the applicant consult with the local Fire and Rescue Service to ensure that the proposals do not conflict with local Fire Service operating procedures and do not inhibit fire service access arrangements.

#### **4.6 Environment Agency – No objection subject to conditions**

- We note that the site lies within Flood Zone 2, which is land defined by the national Planning Practice Guidance (PPG) as having a 'medium probability' of flooding (Table 1: flood zones). We also note that the proposed development would be classified as 'more vulnerable' by the National Planning Policy Framework (Annex 3)
- We note that the culverted River Ravensbourne, a main river, runs through the site. We understand that the development proposals involve diversion of the culvert carrying the main river. We have been involved in extensive discussions with the developer and project team at pre-application stage, particularly with respect to the main river
- We have reviewed the submitted preliminary ecological appraisal (PEA) and biodiversity net gain assessment by AECOM Ltd (both dated June 2023). We encourage developers to explore opportunities to de-culvert watercourses, wherever possible, as de-culverting offers significant biodiversity improvements.

- We understand that it is not considered viable to de-culvert the watercourse at this site.
- We urge the applicant to follow enhancement recommendations set out in the PEA, especially with respect to the provision of green sustainable drainage systems (SuDS) and enhancements for pollinators; a mixture of native wildflowers / flowering shrubs that provide a food source through the year should be provided.
- We note that the site is located over a Secondary Aquifer and within a groundwater Source Protection Zone (SPZ2). We have reviewed the submitted 'geo-environmental desk study' and geo-environmental and geotechnical interpretative report' by Fairhurst Group LLP (dated 29 June 2023 with references D/I/D/143258/01 and D/I/D/143258/16 respectively). The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the Local Planning Authority before any site clean-up works commence.
- We advise that further clarification should be sought from the Local Authority's environmental health department with respect to issues related to harm to human health.
- With respect to any proposals for piling through made ground, we suggest that approval of piling methodology be further discussed with the Environment Agency when the guidance has been utilised to design appropriate piling regimes at the site.
- We understand that foul drainage will ultimately discharge off-site via sewers. We further understand that surface water will not discharge to ground via infiltration, as the permeable paving will be lined and ultimately directed to an attenuation tank for controlled discharge off-site. As no discharges are proposed to groundwater, we have no comments on the drainage scheme from a groundwater protection perspective. However, should plans change, we would request to be re-consulted.

#### **4.7 Drainage Officer (Lead Local Flood Authority) – No objection**

#### **4.8 Historic England (Archaeology) – No objection**

- The significance of the application site is potentially in respect of the former St Mark's Church (that may have been bombed on 16.04.1941) and whether the site included a burial ground.
- It is noted that the application documentation includes an archaeological desk-based assessment however further detail is required regarding the former church, its possible burial ground and, if so, what records are there regarding exhumation.
- More information is required prior to determination.

#### *Further comments following receipt of additional information:*

- I am grateful for the further information looking into the question regarding possible burials with the conclusion that it was perhaps unlikely that the Parish Rooms/Hall were built over burials
- While I agree with this assessment this leaves an area of open ground between the hall and church

- It is recommended that the potential on-going archaeological interest can be secured by a staged condition with the aim of identifying any burials that are located within the

## **B) Non-Statutory**

### **4.9 London Fire Brigade**

- We note that one of the evacuation lifts in the North Block is proposed to be dual entry. It is noted that the purpose of this ground floor lobby is for occupants who are moving in/out, which will result in the area being used to store a range of materials. Whilst we acknowledge a fire curtain (integrity only) is proposed to separate the lift from the lobby, we consider this separation to be insufficient. We highlight that this evacuation lift is located within the firefighting shaft, which is a critical area, presenting a high level of risk if compromised.
- Given the height of the proposed buildings, we expect that a Qualitative Design Review (QDR) will be carried out to consider additional fire safety provisions required of buildings of such heights.
- We note the commentary that open plan flats are proposed, however no details have been provided on how an appropriate location for the cooking facilities has been determined.
- We would also recommend the inclusion of a thermal cut out on the cooking appliance and an information package provided to the tenants regarding the importance of maintaining the cut out and the cooking appliance position within the kitchen.
- We do not agree with the location of the mechanical smoke ventilation system (MSVS) extract. The principle of only extracting heat and smoke away from the stair is critical for safe firefighting operations, as this allows a relatively clean air path for firefighters to approach the flat affected by fire. This allows firefighters to conserve the limited air in their firefighting breathing apparatus and to reduce the potential for heat stress. This also supports better conditions for rescuing casualties or evacuating other flats if required.
- The current MSVS extract is in the worst possible location – directly adjacent to the stair – and, in accordance with the Smoke Control Association Guidance on Smoke Control to Common Escape Routes in Apartment Buildings (Flats and Maisonettes) – Revision 3 January 2020, the concept of extracting away from the stair should be implemented where possible.
- We are of the opinion that all occupants of a residential building over 18m should have access to at least two staircases from all parts of the building above ground.
- Whilst we appreciate the proposals include the provision of a second stair, we are of the opinion that occupants should be provided with an appropriate route to either escape stair without having to move via a lift lobby to reach an escape stair.
- We recommend that the layout of the floor should provide access to each stair for all occupants.
- To be appropriate safe waiting spaces for those needing to use the evacuation lifts, these lobbies should be protected from the ingress of heat and smoke. That lobby

should be designed to be free from smoke for both means of escape and firefighting.

- It is noted that further refurbishment works are proposed to the existing Waitrose store including the entrance and car park. We highlight the importance of considering the proposed design holistically and ensuring consideration is given to potential implications these works may have on the proposal.
- We note the proposal to include a firefighters lift, however there should be sufficient numbers of firefighters' lifts provided so that if a firefighters 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.

#### **4.10 Historic England (built heritage)**

- On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

#### **4.11 Thames Water**

- With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. As such, Thames Water request that a condition be added to any planning permission.
- The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.
- Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.
- As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 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.
- Thames Water are currently working with the developer 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 doesn't outpace the delivery of essential infrastructure.

- Thames Water is unable to assess foul water capacity based on the information provided. Please provide a drainage strategy outlining the proposed foul water discharge rates at each foul water connection.

#### **4.12 Biggin Hill Airport**

- Based on the application details and in line with the current UK airport safeguarding criteria the proposal does not conflict with the current London Biggin Hill Airport operation.

#### **4.13 Network Rail**

- Network Rail is a statutory undertaker responsible for maintaining, operating and developing the main railway network and its associated estate.
- Network Rail have identified Bromley South station, within the Southern region stations study, as one of its three top priority stations requiring interventions to reduce congestion and increase capacity. The station has narrow platforms, which make it extremely difficult for passengers to safely wait to board stopping trains or to allow sufficient space for passengers alighting from the train.
- Access to the lifts at the station is also constrained, with a one-way system required around the edge of stairs.
- To resolve the issues at Bromley South station would require significant investment of around £7m. However, Network Rail have developed several options that could help to ease current congestion issues and allow for the station to safely accommodate new users because of development.
- One of these options includes the provision of a new entrance to the rear of the existing Waitrose site which could link with the proposed development to provide an additional point of access to the station.
- This would contribute to alleviating the current congestion users and provide an option for both residents of the proposed development and others to access the platforms from an alternative point. This would also complement the proposed public realm improvements as part of the application.
- The application's Transport statement (Part 1) at para 6.9 acknowledges that improvements are required to cater for the increased footfall to and from Bromley South station. This is reflected in Table 10 and para 7.5, which notes the increased use of public transport resulting from the proposed development.
- The location of Bromley South station will be a significant attractor both in marketing the new development and for new occupiers to locate there.
- To carry out the works to provide this new access, Network Rail seek a contribution of £2,700,000.
- The new access would significantly benefit residents of the new development as they would not have to access the station through the main entrance and thereby not exacerbate the current congestion issues.
- Without improved access, the station will remain significantly constrained and the increase of users resulting from the proposed development would worsen this situation.

- Additionally, the new access would be of significant local benefit to the community and would encourage use of the rail network resulting to reduce car journeys.

#### **4.14 NHS South East London Integrated Care Board**

- We have assessed the impact of the residential element of the scheme on local health infrastructure and the contribution to be sought to mitigate this.
- The proposal development includes 353 units, the ICB and other NHS partners will be required to expand capacity within the local health infrastructure to meet the needs of the new residents.
- Addressing the health needs of the new residents is also important in minimising adverse impacts on the existing community and their access to health infrastructure.
- We have run the HUDU Model on the basis of a net increase of 379 people. As a result of these additional residents, the capital cost of mitigation to enable the NHS to expand capacity to meet the needs arising from the development and preventing adverse impacts on the existing local community is calculated as £921,371 (October 2023 costs).
- There will also be additional revenue costs which the NHS will be required to fund, and which are not at this time being sought from the applicant. The capital cost equates to an average cost of £2,610 per unit.
- As this is a CIL liable development it is anticipated that there will be a contribution secured through the CIL process which the ICB shall be able to apply for to enable the NHS to provide additional health capacity in line with the new population arriving.
- Should this not be the case we ask that the Council engage with us to ensure a contribution can be secured through a specific clause within a S106 agreement.
- SEL ICB have undertaken a review of all Bromley Primary Care Networks (PCNs), with the Bromley Connect PCN being the most geographically relevant PCN in relation to this development. Clinical capacity modelling suggests the PCN is projected to have a deficit of 18 consulting and treatment rooms by 2040. A net increase of 379 new residents will further exacerbate the strain on NHS service delivery.
- Any funding received would go towards supporting the ICB address this clinical capacity issue across the Bromley Connect PCN.
- Careful design of the ground floor, as with refuse stores, emergency exits can be dead space and this should be examined in detail to make public realm attractive, encourage residents to walk and use the ground floor uses. There are good examples of where this approach has been successful.
- Tall buildings should be designed to prevent suicide. Public Health England and the City of London have provided guidance which the Council may find useful.
- We ask that the Council requires submission of appropriate design details/uses planning conditions to reduce the risk of suicide. This is in line with the Mayor's ambitions for London to be a zero suicide city.



#### **4.15 Sport England**

- The submitted documentation indicates that the overall development would provide up to 353 residential units, the occupiers of which will generate demand for sporting provision.
- The existing sport facility provision within the area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies.
- Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.
- Although there is floorspace proposed for uses falling within Use Classes E and F, that might in part be used for sport, the quantum of such use or their presence at all, cannot be guaranteed within these flexible Use Classes. As a result, it is unlikely that any sport facilities that might occupy some of the commercial space would meet the sporting demands arising from the development.
- Changes to CIL Regulations in 2019 has resulted in the Council having the opportunity to seek contributions through CIL or via a S. 106 Agreement. The applicants s.106 Heads of Terms propose that financial contributions may be required towards community/health/education facilities.
- In the event that the Council decides to seek provision for sports facility provision through a S. 106 agreement rather than the CIL charge then Sport England would be happy to provide further advice.

#### **4.16 Designing out Crime Officer**

- No objections to this application
- Should this application proceed, it will be able to achieve the security requirements of Secured by Design with some modification, and with the guidance of Secured by Design officers and the Homes 2023 and Commercial 2015 guidance documents.
- I would request a 'Secured by Design' condition be attached to any permission that may be granted in connection with this application. The wording such that the development will follow the principles and physical security requirements to be agreed pre-commencement, and will achieve Secured by Design accreditation prior to occupation.

#### **C) Internal**

#### **4.17 Urban Design officer (summary)**

- The opportunity to redevelop the site as part of the wider regeneration of Bromley South is welcomed and the principle of a residential-led mixed-use scheme in a sustainable town centre location is supported.
- The proposed layout is heavily influenced by the retention of the existing Waitrose store and the associated functional requirements of the site. Development on this scale provides an opportunity to rethink and reconfigure the existing site layout to

better respond to the changing context. Whilst the commercial priorities of the applicant to minimise disruption to current trading operations are noted, officers retain the view that simply retaining/replicating existing site conditions (in part) which include inactive frontages and pedestrian movement/'back of house' vehicle conflicts is a missed opportunity.

- The design intent to improve wider pedestrian connectivity to and through the site with significant public realm improvements and interventions both within and beyond the red line boundary is welcomed.
- The scale and density of development/building heights being proposed require officers to understand with certainty exactly what the genuine wider public benefits of the scheme would be (in reality) and how these can/will be delivered (and which would be solely dependent upon third party agreements) – particularly given the proportion of public realm improvements which fall outside of the applicant's land ownership boundary but which form an integral part of the scheme. In this regard Design Officers remain unsure.
- Considerable weight would need to be given to the package of wider public benefits (i.e. those that surpass policy requirements) in order to offset the townscape impact.

#### **4.18 Conservation officer (summary)**

- This proposal is overly large and tall and will therefore have a negative harmful impact in the historic context in my view. Due to the varied topography in the area and the height and bulk of the proposal this proposal will undoubtedly be seen in many heritage contexts the proposal will have cumulative harm in the heritage context.
- I have considered the Environmental Statement Volume II and its non-technical summary which considers views. Many of these views are relevant to heritage although only some of them seem to include a superimposed view of the proposal.
- Using the definition of harm in the NPPF, this harm is considered to be less than substantial. Case law confirms that less than substantial harm does not equate to a less than substantial objection – and for the avoidance of doubt heritage is officially objecting to these plans.
- This proposal will loom over the adjacent designated heritage assets (old St Marks school) and will also be seen in conjunction with the nearby Conservation Areas (Bromley Town Centre and Bromley Common . It will also loom over adjacent traditional buildings which reflect the scale of the CA (33 to 41 Masons Hill - heritage consideration has been given to whether or not these buildings can be

defined as non-designated heritage assets however they do not meet the relevant heritage criteria in my view). There are also a cluster of locally listed buildings along Bromley Common which will be harmed by this proposal. It will therefore cause less than substantial harm overall.

- In terms of Bromley Common, Masons Hill is a wide road offering a plethora of views of the proposal and the proposal will harm views by introducing a new and additional high and dominant building into the skyline which would cause negative cumulative harm to the setting of the heritage assets by increasing the numbers of tall and bulky buildings into the skyline in my view.
- In terms of the Bromley Town Centre CA, as with Bromley Common CA, there is heritage concern that this proposal will overwhelm the adjacent conservation area which has a modest market town character and will once again cause cumulative harm. This high and dominant new building will be seen on the horizon and in my view this ungainly impact will harm the designated heritage asset.
- This negative cumulative impact is particularly relevant when considering the existing and proposed other large buildings in Masons Hill.
- 33 to 41 Masons Hill retain heritage value in that they reflect the archetypal Victorian terraced property within the Town and are good examples of the development of mixed-use properties within the town from the 19th century. The principal elevation for the properties are their frontages onto Masons Hill which reflects the prominence of the properties in proximity to the main thoroughfare into Bromley town Centre. The fact that 33 to 41 Masons Hill reflect the archetypal Victorian terrace within the town is of importance to both the character and the character of the adjoining Town Centre Conservation Area as the passer-by appreciates the small scale of these buildings as one enters into the Conservation Area. This proposal would loom up behind this small terrace.
- There was also heritage concern about the setting of the heritage assets in Bromley Park as this tall proposal will have visual impact on these assets and I consider that from the heritage point of view this impact will be negative.

#### **D) Local Amenity Groups**

##### **4.19 Shortlands Residents' Association (10<sup>th</sup> September 2023) (objection)**

- The proposed development by reason of its size and bulk would result in an overbearing group of structures damaging to the local environment and amenity of nearby residents.
- At 24 storeys the North Tower would be substantially taller than any other nearby building. Taken together with the slightly shorter South Tower, the 12 storey 'shoulder' attached to the South Tower and the Link building of 10 storeys the group

of buildings, including the supermarket, would result in a bulk and massing which would be obtrusive and damaging visually to the local area.

- The resultant building complex would be visible over very large areas and substantially change the character of the centre of Bromley. and the surrounding area.
- The Planning Statement acknowledges that one of the consequences of Perigon Heights is to increase the potential risk to pedestrians using the area generally and particularly Station Approach. This risk will be substantially exacerbated by the addition of 363 homes, say 700 people or thereabouts, who will be using this area as pedestrians. The proposal does include an attempt to create safer routes for such pedestrians but it does not seem anywhere near adequate.
- Further, it is intended that there will be more publicly accessible space, hence the proposed Piazza and Café. The footfall could therefore be considerably increased as this area would become a venue in its own right. Pedestrians would need to share Station Approach with police vehicles with the resultant additional risk to pedestrians and interference with police activities.
- Despite the proposed flats being car free it seems to us inevitable that a substantial number of occupiers will want/need their own cars and the result would be parking in adjacent residential roads detrimental to the amenity of local residents.
- Deliveries to the occupiers of so many flats could become a significant problem in itself with apparently inadequate areas for vans and cars to park for several minutes while deliveries take place. Not only could this cause congestion but we would be concerned, once again, with potential interference with police activities.
- There is no evidence of consideration of the effect and demand on the infrastructure of the area. With 700+ more people in this area there seems to be no analysis of the effect on GP demand, hospitals, schools, police and fire services and all utilities. Although the proposed revised Local Plan could make greater reference to the effect of building schemes on infrastructure this is not happening at present and this is potentially very damaging.
- Do not understand how such large-scale building proposals can proceed without clarity how infrastructure could cope

#### **4.20 Bromley Civic Society (2<sup>nd</sup> January 2024) (objection)**

- Buildings on this scale and height are out of character with the rest of the town centre: The proposal will result in an intense cluster of tall buildings in a small area that will be hugely out of scale with existing two storey residential area just across Kentish Way in Prospect Way, Langdon Road, Palace View, Oakwood Avenue, and Wendover Road. Also to the south, Hayes Road, Sandford Road and Pinewood Road are affected. The towers will loom massively over these roads, appearing as they will, over nearby rooftops, seen against the sky, affecting daylight and sunlight in some cases. They will produce an unpleasant aspect from these houses by virtue of their sheer overwhelming mass and size, creating a negative impact on existing residents' well-being.
- In views from Mason Hill, the proposed towers will represent a dramatic and uncharacteristic change of scale - a 'cliff face' of glass and steel at the bottom of the

hill. As such the proposals will bring about a profound change to the character of the southern part of Bromley.

- It is difficult to see how buildings of this nature can possibly make a positive contribution to the townscape.
- Statements in the application about providing 'wayfinding markers' and 'gateway to the town centre' do not justify building on this scale. Bromley does not need any more gateposts#.
- Heritage Assets will be harmed: The setting of Grade II listed Former St Mark's School would be harmed by virtue of the proposed development being almost immediately opposite. In some views from the west it is possible that the proposed towers will form a backdrop to a view of the cupola and the historic roofline of the listed building.
- A Precedent will be set for further tall buildings
- This suggests a very real risk of a spread of further tall buildings further south along Bromley Common.
- The Local Infrastructure will be overloaded: Of particular concern is the impact on local health services; passengers passing through the already congested Bromley South Station, and water supply and drainage.
- There is potentially a very large sum (over £7m) payable through the Community Infrastructure Levy (CIL), Section 106 and Carbon Offset (para 9.9 of the Financial Viability Assessment). Over £3 million of this is payable through Bromley Council's CIL. The purpose of this is to overcome problems caused by the development. It is not clear, however, how this is to be spent. How much, if any, will be spent in the local area? Or will it just be used to keep the Council tax down?
- The number of delivery and service vehicles is likely to be considerable. Servicing and access arrangements have not been re-thought as required by the SPD (para 9.21) and the Waitrose store servicing access and vehicular access/roads serving the Police Station remain much as they are at present. Problems of congestion at the junction of the High Street and the road leading to the Waitrose car park will worsen, and existing conflicts between police vehicles, delivery vehicles, Waitrose customers and vehicles parked for rail drop off and pick up will be perpetuated.
- There is not enough Affordable Housing: The process highlights the loopholes surrounding the provision of affordable housing with the result that this development, despite its huge scale, will do little to address genuine housing need in the Borough.
- Furthermore, in providing just 7 three bedroom units, the proposal does very little for families in the Borough. The bulk of the provision (225 units) is for studio or 1-bedroom flats likely to be occupied by single people who commute to Central London. This is unlikely to lead to a viable local community.

#### **4.21 Swift Local Network (4<sup>th</sup> March 2024)**

- *Swifts are a London Priority Species and the Preliminary Ecological Appraisal (PEA) notes that they are recorded within 564m east of the proposed development site. This means that the site provides a great opportunity to increase the*

population by including integrated nesting bricks within the fabric of the buildings as recommended in the PEA.

- Swift bricks are also used by house sparrows and other small bird species so are considered a 'universal brick'. Integrated nesting bricks are preferred to external boxes for reasons of longevity, reduced maintenance, better temperature regulation with future climate change in mind, and aesthetic integration with the building design. Swift bricks should be installed in accordance with best-practice guidance, e.g. BS 42021:2022.

## **E) Ward Councillors**

### **4.22 Liberal Democrat Bromley Town Councillors' (Objection)**

- *Height and massing/overdevelopment and environmental impact (including daylight, sunlight and overshadowing)*
- *Lack of affordable housing*
- *Traffic & Transport Implications*
- *Safeguarding the operation of Bromley Police Station*
- *Car-free Development and Reduction to Waitrose Car Parking Provision*
- *Impact on public transportation*
- *Housing for Bromley*

*Documentation Reviewed: Our decision to object was made after a careful review of the documentation submitted by the developer, JLP, to the Bromley planning office in support of their application to redevelop the site and which is publicly available to view on the planning portal at Bromley.gov.uk. Furthermore, reference was made to the relevant planning frameworks such as the National Planning Policy Framework (2021 & 2023), Bromley Local Plan (2019), The London Plan (2021), Bromley Town Centre Supplementary Planning Document (adopted October 23) as well as comments submitted on the planning portal, both in support and objection to the proposed development.*

*Consultation: As councillors we met with the developers twice during the pre-application period and were also present at the public consultations which the developer undertook on Friday 24<sup>th</sup> and Saturday 25<sup>th</sup> June 2022, Thursday 19<sup>th</sup> January and Saturday 21<sup>st</sup> January 2023, Wednesday 14<sup>th</sup> June and Saturday 17<sup>th</sup> June 2023. We conducted our own surveys to independently ascertain the views of those who attended these meetings as well as providing a survey link through our regular email newsletter. We regularly speak to constituents throughout the Bromley Town ward, but also more specifically in the areas immediately adjacent to the proposed site and feel that we have a clear understanding of the particular challenges the proposed development will create in this area of Bromley.*

*Detailed reasons for objecting:*

*Height and massing/overdevelopment*

*The Bromley South sub-area, in which the proposed development is located, is included within the Local Plan site allocation 10 as a site for residential units, offices, retail and transport interchange. Whilst establishing, 'The opportunity for taller buildings' on the Waitrose site (Section 9.22 BTC SPD (2023) the same planning document also clearly states the expectation that:*

*'Any proposals will be expected to incorporate a sensitive design which respects the adjoining low rise residential development whilst optimising its key town centre location'. (Section 9.2)*

*Additionally Section 9.9 states:*

*'Any development must reflect the heritage assets at the south of the sub-area and the impact on local views. The sub-area immediately adjoins a large area of two storey residential properties which have a distinct suburban character; this character must also inform consideration of appropriate building heights.'*

*In our view this development proposal does not adequately take account of its setting and instead represents a massive overdevelopment of a site which measures just 1.68 hectares (including the site currently occupied by a Waitrose store, customer car park, servicing yard and section of adjoining woodland to the east parallel to Langdon Road). Despite efforts by the developer's architectural team to present a scheme with high-rise blocks of different levels and a stepped treatment of the buildings directly adjoining the Masons Hill/Kentish Way junction the resultant proposal represents, in our opinion, an intense cluster of buildings with a height and mass which is out of keeping with the predominantly suburban nature of the surrounding two storey residential neighbourhoods, east and south of the site. Even viewed within the more 'urban' context of Bromley South the highest block, at 24 storeys, will dwarf the neighbouring Perigon Heights (at 17 storeys) and even exceed the 19 storey tower of St Mark's Square. If allowed, it will set an alarming precedent which will allow developers to push for the approval of higher and higher buildings throughout Bromley town centre.*

*Environmental impact (including daylight, sunlight and overshadowing.)*

*The environmental statement (Volume 1: Chapter 8 – Daylight, Sunlight, Overshadowing and Solar Glare) reveals that some properties on the adjacent Palace Estate, particularly within Prospect Place and Langdon Road will be impacted by the shadowing created by the proposed development at certain times of the day. However, it is the residents of neighbouring Perigon Heights who are the most likely to be impacted by a 'moderate to major adverse effect' in terms of changes in both daylight and sunlight. It is worth remembering that these changes to daylight, sunlight, overshadowing and solar glare are permanent and long term and there is little that a neighbouring resident can do personally to mitigate the effects of a development of this mass or scale.*

*Lack of affordable housing*

*Whilst a rental only development (commonly referred to as Build to Rent) managed by a sole landlord, John Lewis Partnership, will be a good addition to the range of housing available in Bromley Town centre, the small number of units to be let at an affordable rent (only 8%) is extremely disappointing and will not meet the planning obligations set out in either the London Plan or the Bromley Local Plan (2019).*

*We concur with the statement from the GLA, in their first consultation response to the proposed development, stating that 'Considering the scale of development proposed on site, the level of housing is significantly below expectation'.*

*Traffic & Transport Implications*

*We are very concerned about the impact the proposed development will have on traffic in the locality, both during and after construction. Station Approach and the High Street/Masons Hill junction is an area with frequent congestion issues due, in part, to the drop off zone outside Bromley South Station and under-regulated parking procedures outside Bromley Police Station.*

#### *Safeguarding the operation of Bromley Police Station*

*The Metropolitan Police Service (MPS) have objected to the planning application, in letters from their agent Knight Frank and Atkins, appointed technical agent, on 20 September 2023 and most recently on 3rd July 2024. According to these documents, MPS 'objects to the development and consider that the proposals would be likely to have a serious impact on highway safety and its ability to deliver effective operational policing from Bromley Police Station. MPS believes that planning permission should be refused.'*

*It is clear that Atkins, 'are of the view that the proposed Waitrose development is likely to result in substantial queues on Station Approach and potentially the High Street, due to a shortage of customer car parking during both construction and operation. This will fundamentally impact the ability of operational police vehicles to safely access Bromley Police Station without substantial delays.'*

*We too are of the opinion that the development has the potential to considerably exacerbate an already fraught traffic predicament in the roads surrounding the proposed development. Clearly the optimal operation of Bromley Police Station is also of vital importance, not only to the safety and security of residents in Bromley Town centre but also to those within the wider Borough.*

#### *Car-free Development and Reduction to Waitrose Car Parking Provision*

*In the event of a residential development of any type being permitted upon the site, we recognise, as stated in the London Plan (Policy T6, 2021) that it would be eligible for car-free status (aside from the mandatory provision of disabled parking spaces) due to its excellent location for public transport links (PTAL 5-6). As such it will make a positive contribution to encouraging active travel in the borough. As with other such 'car-free' developments within Bromley we expect to see a clear provision that future residents will not be eligible to apply, at any point, for parking permits which would allow them to park their vehicles in residential streets neighbouring the proposed development.*

*However, even with such statutory parking restrictions it is important to recognise that the number of vehicles required to service a development of over 350 apartments is likely to be considerable, especially during the first stage when maintenance and teething issues arise. We welcome the retention of the Waitrose service yard (as set out in 5.35 'Servicing and Deliveries' – Travel Plan – Part 1. 07 July 23) and provision of dedicated parking spaces for refuse and servicing vehicles as well as an acknowledgement that 'the shared use of the service yard will require coordination between Waitrose and the BTR operator to ensure this can be achieved efficiently and safely' (5.36 'Servicing and Deliveries, as before). We consider this the bare minimum required to reduce congestion both within the Waitrose car park, Station Approach and neighbouring access roads.*



*Once completed there will be a reduction in the size of the car park which serves the Waitrose store, from 199 spaces currently to 140. It is JLP's contention that 'vehicular traffic generated by the Waitrose store will reduce due to the restraint imposed by the smaller car park'. However, it remains to be seen if this decreases traffic to the degree which JLP expects especially as the store will retain the same floor space as present, there will be the attraction of a redesigned café and public plaza and many shoppers will persist in making vehicular trips, especially when purchasing heavy or bulky items from the Waitrose store, and/or using click and collect services from John Lewis. We are of the opinion that there is considerable potential for increased congestion and parking problems in this part of Bromley Town centre despite the GLA stating the opposite within their initial response to the application.*

#### *Impact on public transportation*

*Bromley South station is one of the busiest stations on the SouthEastern network – it was identified as the fourth busiest station in South East London in 2020-21 (report by Office of Rail and Road Network Rail). Indeed, staff have recently had to remove seating from the platforms to cope with congestion during peak times. The developer estimates that 19% of public transport trips generated by the proposed development are likely to use the local bus network and 81% will use the train. With the proposed development potentially accommodating over 650 new residents, it is therefore difficult to see how this will result in a “negligible” impact to transport services, as suggested by JLP, especially during peak times.*

*In Network Rail's consultation response, they say that Bromley South station is “heavily used ... the station was identified as a high priority station for capacity issues (pre Covid-19), following a passenger count survey being conducted in September 2019, with infrastructure investment likely being required to relieve congestion. Since this period, passenger use has more than doubled, further exacerbating the issues. “*

*The consultation response also comments: “the station has narrow platforms, which make it extremely difficult for passengers to safely wait to board stopping trains or to allow sufficient space for passengers alighting from the train. Access to the lifts at the station is also constrained, with a one-way system required around the edge of stairs. Accessing the lifts can be difficult during peak periods if there are queues blocking back from the stairs. Given the significant issues associated with the station, it is one of the highest priority stations for interventions to free up capacity to accommodate increasing numbers of users. “*

#### *Housing for Bromley*

*As Councillors, we recognise that there is an urgent need for increased housing provision throughout the borough and agree that this sub-area of Bromley South is a suitable site for development, especially given its excellent location next to a major railway station and within the commercial heart of Bromley Town. However, this is not an argument for “any development”; rather we want to see housing which genuinely meets the needs of local people, including the needs of the many people who are struggling to find a suitable home in the borough and respects the rights of people who live nearby. While this*

*development will attract new residents to the borough, who may bring many benefits to the town, the low number of affordable units means the development would fail to resolve the most urgent needs of Bromley residents.*

#### *Positive elements of the scheme*

*Whilst we are objecting to the proposal there are positive aspects to the scheme that, whilst they do not outweigh the negative aspects stated above, we would like to highlight:-*

- *We welcome the continued support of JLP and the investment it wishes to make in Bromley.*
- *We support the concept of the development being owned and managed by JLP under the 'Build to Rent' model as a single on-site landlord. The expectation is that this would ensure that the development is well managed for future occupants. We consider the implementation of tenancy agreements of up to three years with fixed in-term rent increases as a positive step - it is hoped that this will foster a sense of security for residents and community within the development. Furthermore, we are assured that under this BTR model JLP will remain as the sole landlord for a minimum period of fifteen years.*
- *We consider the proposed improvements to the site will deliver improvements to the public realm and improve connectivity from both the southern approach (Kentish Way) and eastern approach (via the underpass Langdon Road) through to Bromley South Station and the High Street. We would like to see a planning stipulation safeguarding such access at all times of the day, however, and not just when the store is open. We hope that this along with the proposed changes to the façade of the store will help to physically connect the new development to the wider community.*
- *In terms of sustainability, we are encouraged to see that the proposed development will create energy efficient and low energy homes. Furthermore, we welcome the decision to refurbish the existing Waitrose store rather than having it demolished and rebuilt. Proposed changes to the public realm and the incorporation of roof gardens, high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage within the development are welcomed. We would like to see the opportunity for net biodiversity gain maximised in a part of Bromley which is sadly lacking green landscaping. Provision of secure cycle storage, enhanced walkways and good accessibility to public transport, amenities and services should make this a prime example of a development with active travel as a core principle.*

*We commend JLP for their plans to adopt an ongoing engagement programme to encourage integration of the new development into the wider community and increase the provision of cultural events in the Bromley South area.*

## **F) Adjoining Occupiers**

## **Objections**

### **4.23 Design (Height, scale, massing, density, appearance) (addressed in section 6.3)**

- building is too high
- higher than other buildings (40% higher)
- overdevelopment
- too dense (number of homes)
- ugly building
- will not be an attractive addition
- obliterate the landscape
- create an ugly view for Bromley residents
- scale is out of character with the rest of the area
- will set precedent for the area
- St Marks building and Perigon Heights have already blighted the area
- two storey development across Kentish way
- harmful to view from High Street
- do not want to turn into Croydon/Lewisham (high buildings)
- important for Bromley to retain its character
- need for more detailed visual assessments
- The existing store has clearly been design with historical architectural components in mind and this will be just another faceless high-rise adding nothing to the appeal of Bromley centre.

### **4.24 Neighbouring Amenity (addressed in section 6.5)**

- will block out the sky
- loss of light (reduce light amenity)
- loss of sunlight
- overbearing to local residents
- will create unpleasant feeling (overwhelming mass and size)
- will create a negative impact on existing residents' well-being
- will make Bromley South a truly unpleasant location to live in
- will probably encourage existing residents to move away
- impact on privacy of surrounding residents
- overlooking
- impact on existing outlook

### **4.25 Environmental Impacts (addressed throughout report)**

- air quality adjacent to busy traffic junctions
- could cause wind issues at ground level
- will affect environment and health
- increase pollution levels
- location would be one of higher pollution levels for residents

#### **4.26 Highways and Transport (addressed in section 6.7)**

- limited vehicle access around Bromley South station
- traffic already heavy in the area, will increase
- larger supermarket plus so many additional houses will make a lot worse
- inadequate access for deliveries and parking due to the limited road access
- already overburdened by the police station, Waitrose and Bromley South train station
- concerns over access road
- Bromley South station not fit for purpose, already overcrowded
- no tube, DLR or tram
- insufficient parking
- parking already an issue on surrounding roads
- congestion near the traffic light is prone to accidents
- concerns about parking for the supermarket
- impact on infrastructure
- risk to emergency vehicles
- would like to see plan to improve public transport services
- concerns about retail parking

#### **4.27 Affordable housing (addressed in section 6.1)**

- concerns about amount of affordable housing proposed
- lack of affordable house
- 10% will not help young people

#### **4.28 Fire Safety (addressed in section 6.3)**

- unsafe in the event of a fire or other emergency (given height and inadequate access for volume of units)
- Fire brigade requirements on high rise properties
- materials to be used in cladding
- queries about evacuation plans

#### **4.29 Impact on local infrastructure (addressed in section 6.1)**

- impact on local services including GPs, schools, dentists, hospitals, roads and transport, leisure/entertainment
- too many flats surrounding town centre – already overcrowded
- concerns about additional units without improvements to the infrastructure
- need to create school places
- impact on mains water supply
- sewer infrastructure

#### **4.30 General**

- will set precedent for future developments

- security concerns – footpath between development and Langdon Road
- not suitable location for housing
- high rise blocks are not the answer
- smaller, human scale developments, incorporating intelligent and forward-looking, future-proofed features
- concerns about RAAC
- the high proposed rents will not solve Bromley's housing crisis
- scheme is for profit rather than community
- rent will be too high for local employees
- public plaza underwhelming
- Town centre is a commercial space
- queries about whether the accommodation is accessible/ adaptable for disabled residents
- shared green space for residents in inadequate
- developers should be aware that new build quality low rise, low density apartments in Bromley are remaining unsold
- large amount of documents/ technical information, should be easier for residents
- lack of adequate consultation
- queries over why certain residents were not consulted

#### **4.31 Metropolitan Police (Adjoining Occupier) (addressed in section 6.7)**

- comments on proposed development insofar as it impacts Bromley Police Station
- separate comments will be submitted by MPS Designing Out Crime Officer
- Bromley Police Station immediately adjoins proposed development site
- Shares access with Waitrose store (Station Approach)
- Bromley Police Station is a key MPS asset serving LB Bromley, which is key to crime prevention and neighbourhood policing
- includes provision of the emergency response policing function
- relies on safe and unobstructed highway access to the police station
- Station Approach and the access road to the east side of the police station are owned by the Mayor's Office for Policing and Crime (MOPAC)
- two areas within the applicant's red line boundary are owned by MOPAC
- includes an area immediately north of Station Approach and the western part of the proposed piazza
- MOPAC consent would be needed for any works in all these areas
- at present there are significant problems of unauthorised parking along the access road north of the police station
- already queues backing up as far as the roundabout between Station Approach and the High Street (photos attached to letter)
- MPS is seeking to engage an enforcement company to regulate car parking on Station Approach, but the Waitrose development calls into question any ability to address these problems
- a culvert runs under the eastern access road to the police station, past the underground entrance to the car park and through the Waitrose site

- application states that Waitrose propose to divert this culvert
- understand from the Flood Risk Assessment that these works would be undertaken and require land entirely within Waitrose's ownership
- if works extended outside the area shown and into the eastern access road, this could obstruct MPS's access to and from the police station underground car park
- Knight Frank submitted objections to the Draft Bromley Town Centre Supplementary Planning Document on behalf of MPS (summary provided)
- concerned the proposed development has the potential for it to compromise effective policing from Bromley Police Station
- technical advice regarding transport impacts has been sought (Atkins – Technical note attached to objection)
- proposed development will result in a 30% reduction in customer car parking for the Waitrose supermarket that will cause an under supply of customer car parking to meet peak demand
- queue is likely to develop at the entrance to the customer car park during busy periods that could potentially extend back onto Station Approach and Bromley High Street causing substantial traffic congestion and delay
- would obstruct operational police vehicles from safely accessing Bromley Police Station
- Waitrose claim that reducing car parking will lead to less cars arriving, but no evidence or case studies are presented in the Transport Assessment to support this assumption
- proposed development would increase levels of unauthorised parking on Station Approach and in bays designated for parking by Metropolitan Police operational vehicles
- could add to obstruction of two-way traffic flow on Station Approach, as well as place an increased burden on the Metropolitan Police to enforce unauthorised parking on Station Approach
- construction of the proposed development will result in a temporary reduction in the number of car parking spaces available within the Waitrose car park for several years
- has the potential to cause traffic queues on Station Approach, impeding access for the police station, due to demand exceeding supply during busy periods
- proposed landscaping design will potentially lead to a public safety issue, with pedestrians walking or running into Station Approach from the proposed Piazza at the eastern end of Station Approach where people will congregate
- hedge and knee height rail are proposed for some of the Piazza's boundary with Station Approach - considered insufficient to prevent adults or children potentially walking or running into the road, which would put the public in conflict with operational police vehicles, creating a public safety hazard
- landscaping design for the Piazza should be modified to ensure pedestrians, including children, cannot enter Station Approach directly from the proposed Piazza

- Summary:
  - *Bromley Police Station plays a vital function to the borough, which relies on safe and unobstructed highway access to the police station.*
  - *There is already a significant queuing and safety problem on Station Approach, which is documented within this letter. The Waitrose development calls into question any ability to address this through parking enforcement.*
  - *Car parking will reduce by around third, but the store size will stay the same, when the existing car park is well utilised.*
  - *Waitrose claim that reducing the parking will lead to less cars arriving, but provide no evidence for this or examples of where this has happened. The statements about this are completely unsubstantiated.*
  - *Queuing along Station Approach and onto the High Street would obstruct anyone from accessing the station drop off area. There is no alternative drop off area for the station.*
  - *The Store Travel Plan has no targets to achieve the required reduction in car trips to the store, which seems amazing in the circumstances.*
  - *Waitrose cannot say how much parking will be lost during construction or what the impacts are, even through construction would take several years. There could be near to none, or no parking, but they haven't disclosed this. The impacts therefore are not quantified. This is not acceptable for an EIA development of this kind.*
  - *Waitrose have said that their technical transport work does not try to assess or mitigate peak queuing that may arise during holiday periods such as pre-Christmas, as this isn't typical in their view.*
  - *MPS have suggested a solution to the problems of queuing that seem certain to arise, but this has been rejected out of hand without the full and proper recognition it deserves. This solution involved upgrading of the MOPAC eastern access road and extending the box junction on Masons Hill.*
  - *The proposals show a disregard for the potential to create a standstill on Station Approach and the High Street and the implications for critical policing functions.*
  - *Previous suggestions to maintain a meaningful barrier between the piazza and Station Approach have not been incorporated, leaving the potential for pedestrians including children to run into the road and in front of operational police vehicles.*

• *The planning application states that affordable housing provision may be as low as 10%. MPS relies on key workers to provide policing across London. MPS therefore wishes to see developments comply with relevant affordable housing requirements. Where MPS sites are disposed of, the starting point is 50% affordable housing provision. MPS will leave the GLA to comment on whether the proposed affordable housing meets policies in the London Plan and associated guidance, but questions whether the level proposed is adequate for a major development of this kind.”*

#### **4.32 Support**

- need more housing
- ideal brownfield site for this development
- an urban site right next to the town centre and train station
- issues to consider including residents with need for personal transport, e.g. disabled, senior citizens
- welcome this new proposal
- national shortage of homes
- affordable housing needed
- benefit to the economy
- good for the community
- rent and house prices in Bromley are forcing residents out of the borough
- will give people housing security
- properties are for all for rent so no homes being sold to overseas investors
- Bromley like many parts of London is becoming unaffordable for people to live
- development will provide a substantial number of new homes and help relieve stress on housing
- the impact on public services will be far lower than some suggest
- many of the residents will already be living in the area
- if cannot build new homes here then will have to build on the greenfield sites which is less desirable
- will provide construction jobs for local people
- appropriate location and height and massing look reasonable
- support the delivery of much needed housing in the area
- London and the South East simply needs more housing
- sustainable form of development in the most appropriate location in the borough
- adjacent to a station with frequent fast trains to central London and elsewhere
- close to bus routes
- close to town centre with its many amenities
- existing single storey retail unit with surface car parking is inappropriate form of development in this location
- inefficient use of land when development land is scarce
- development represents a positive trend to bringing more people back to live in the town centre again
- help its economic recovery and future prosperity



- mix of uses including residential makes for a healthier and happier town centre
- will reduce anti-social behaviour associated with town centres
- will make it safer and more enjoyable for existing residents
- this end of town needs improving
- residents will not need a car, this will be excellent for the environment, reducing traffic pollution
- vital that the local planning authority reacts to the growing surplus of retail property and pivots to a more resilient mix of uses.
- UK rental market is in crisis.
- shortage of rental property, tenants have little security and low standards
- important role for reputable corporate landlords such as John Lewis, which is very sensitive of its reputation
- John Lewis being the landlord is positive
- will raise standards in this sector
- new consumers to support local businesses
- development will aid in the revitalisation of Bromley town centre
- residents travel by foot or bike (cycle parking)
- would add some green space
- height not dissimilar to St Marks Square
- will be amongst other high buildings
- will add connectivity for local pedestrians
- will help reduce car usage
- the extra revenue for the council will allow services to be improved
- large amount of diverse new residents will make more attractive place to live
- will set positive precedent for further investment
- project aligns very well with climate and environmental goals
- not dense enough
- Bromley South in need of investment
- no impact on view
- unlikely to impact schools
- will improve links through the site
- includes community space such as café and cycle links

*Full copies of all the representations are available to view on the electronic file. (ref.23/02633/FULL1).*

## **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
- 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, 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
- H11 Build to Rent
- S1 Developing London's social infrastructure
- S4 Play and informal recreation
- E9 Retail, markets and hot food takeaway
- HC1 Heritage conservation and growth
- HC3 Strategic and Local Views
- HC4 London View Management Framework
- HC5 Supporting London's culture and creative industries

G1 Green Infrastructure  
G4 Open Space  
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 4 Managing heat risk  
SI 5 Water infrastructure  
SI 6 Digital connectivity infrastructure  
SI 7 Reducing waste and supporting the circular economy  
SI 8 Waste capacity and net waste self-sufficiency  
SI 12 Flood Risk Management  
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  
T6.3 Retail parking  
T6.5 Non-residential disabled persons parking  
T7 Deliveries, servicing and construction  
T9 Funding transport infrastructure through planning  
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
- 5 Parking of commercial vehicles
- 20 Community Facilities
- 21 Opportunities for Community Facilities
- 22 Social infrastructure in new developments
- 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
- 38 Statutory Listed Buildings
- 39 Locally Listed Buildings
- 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
- 60 Public Rights of Way and Recreational Routes
- 70 Wildlife features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 78 Green Corridors
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 80 Strategic Economic Growth
- 90 Bromley Town Centre Opportunity Area
- 92 Metropolitan & Major Town 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)
- Bromley Town Centre SPD (2023)

## **6. ASSESSMENT**

### **6.1 Land Use Matters - Acceptable**

#### ***Opportunity Area (Bromley Town Centre)***

6.1.1 London Plan Policy SD1 supports the growth potential of Opportunity Areas and includes the following relevant aims for boroughs through development plans and decisions which are relevant to this application:

- “1) clearly set out how they will encourage and deliver the growth potential of Opportunity Areas;
- 2) support development which creates employment opportunities and housing choice for Londoners;
- 3) plan for and provide the necessary social and other infrastructure to sustain growth and create mixed and inclusive communities, working with infrastructure providers where necessary;
- 4) recognise the role of heritage in place-making;
- 5) establish the capacity for growth in Opportunity Areas, taking account of the indicative capacity for homes and jobs in Table 2.1;
- 7) include ambitious transport mode share targets;
- 8) support wider regeneration and ensure that development proposals integrate into the surrounding areas, in accordance with Policy SD10 Strategic and local regeneration;
- 9) ensure planning frameworks are informed by public and stakeholder engagement and collaboration at an early stage and throughout their development;

6.1.2 Table 2.1 gives an indicative capacity of 2,500 new homes and 2,000 jobs in the Bromley Opportunity Area. Policy 90 of the Local Plan 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.

6.1.3 Policy 92 'Metropolitan & Major Town Centres' of the Local Plan states that the Council will require development within Bromley Town Centre to contribute positively to the town's status as an Opportunity Area and to its role as a Metropolitan Centre. The Council has adopted the Bromley Town Centre SPD which fulfils the purpose of an OAPF by providing detailed guidance for development in the Bromley Town Centre area.

### ***Local Plan Allocation / Masterplan***

6.1.4 The proposal is located to the south of Local Plan allocation Site 10, which includes land West of the High Street and land at Bromley South, but is not within the allocation boundary. The Site Policy seeks the redevelopment of Site 10 for mixed use including 1230 residential units, offices, retail and transport interchange. The Policy also states that development proposals within the allocation should be accompanied by a Masterplan to show how they fit into the wider allocation. The Bromley Town Centre SPD provides broad guidance which would help to fulfil part of this masterplan role, i.e. it sets out key design principles which development should accord with and guidance for the sub-areas which the allocation is within.

6.1.5 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.

### ***Retail Store***

6.1.6 The applicant proposes to retain the existing retail (Class E) floorspace and "significantly improve" the store as part of the redevelopment, alongside providing space for a new café. The application proposes an increase in internal floor area for the Waitrose store of 295sqm. (4489sqm proposed compared to 4194sqm existing). The proposed sales area is 2003sqm as compared to 2049sqm existing.

6.1.7 The refurbishment proposals will include the creation of a flagship store, a new entrance to improve wayfinding, and an improved external appearance. The existing Waitrose car park will be retained in the northern section of the site and reduced in quantum to incorporate additional greening and an improved pedestrian experience.

6.1.8 Given the town centre location of the proposal and that there is no loss of retail floorspace, there are no policy concerns raised regarding the proposed quantity of retail floorspace proposed as part of this mixed use residential led development.

### ***Social Infrastructure / Community Facilities***

6.1.9 There would be no loss of community facilities or social infrastructure as a result of the proposed development.

6.1.10 London Plan Policy S1 'Developing London's social infrastructure' at part C states:

Development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported.

6.1.11 Local Plan Policy 21 Opportunities for Community Facilities advises that:

the Council will support the maximisation of opportunities for the enhancement or the creation of social infrastructure, to address the needs of existing and future residents of all ages, particularly in ... more accessible locations such as retail centres ... by:

- a - allowing the temporary use of vacant buildings as community facilities;
- b - enabling community uses in Town and District secondary frontages, local and neighbourhood centres and local parades;
- c - encouraging the development of community “hubs” providing a range of social infrastructure on accessible existing community sites or in retail centres or within new major developments;...
- d - supporting the provision and enhancement of sports and recreational facilities, especially where there are recognised deficiencies or where they present a tool for renewal and regeneration; and
- e - encouraging the cultural and leisure use of the public realm. ...’

6.1.12 Policy 22 ‘Social Infrastructure in New Developments’ of the Local Plan expects new developments to provide social infrastructure appropriate to the nature and scale of the proposal, such as open spaces designed for imaginative play, on site provision of community facilities and / or contributions to off-site facilities. Developments of significant scale will create their own environment and therefore should incorporate within their design, public realm and / or community and other facilities, which create a sense of place, particularly in Renewal Areas and areas of acknowledged deficiency.

6.1.13 The application includes a new café and mixed-use space at ground floor level providing ‘flexible commercial space’ (F1 and F2 Use classes) and potential community use (at selected times) of the on-site amenities provided for residents (meeting rooms, large kitchen, gym facilities, and outdoor pocket garden growing spaces). There is also an ‘urban room’ proposed during construction for the community to input into the “*Waitrose Bromley South project*”, *but also the wider Town Centre as a cultural heart for the borough*”.

6.1.14 The applicant has identified a need for social space. The cafe hub is proposed to address this need in line with the requirement of Policy 22. The ongoing maintenance of the cafe hub as a community facility / social enterprise and the use of other onsite facilities should be secured through a Community Use Agreement as part of any planning permission granted.

6.1.15 Limited details of the ‘urban room’ have been provided and it is not clear from the information supplied the extent of the value this would have over the construction period. Other aspects of the proposals such as the events space, growing area and cycle hub could be considered benefits but need to be developed to understand the extent of any benefit. Therefore no weight can be attached to these propositions.

**Open Space & Amenity Space**

6.1.16 The site is in an area designated as being deficient in Local Open Space in the Bromley Local Plan. The closest open spaces to the Site are the Queensmead Recreation Ground located approximately 730m north-west of the Site and Norman Park approximately 770m south of the Site. There would be no loss of public open space as a result of the development.

6.1.17 According to the Open Space Masterplan, open space of different types will be provided on and around the proposed development. This will consist of:

- Public realm areas – 1,809m<sup>2</sup> including a publicly accessible piazza proposed to create a hub for community engagement with seating, public art and lighting to create a sense of place
- Streetscape – 1,322m<sup>2</sup>
- Communal residents garden – 1,406m<sup>2</sup> (this will not be publicly accessible, but will be available to all residents, irrespective of tenure and the Applicant is exploring opportunities for on-site facilities, including the communal residents garden, to be used by specific resident, cultural and community groups/organisations); and
- Woodland Link – 898m<sup>2</sup>

6.1.18 The proposed open space provision would be of an adequate type and quantity to provide for the new population arising from the development and, in addition, would help to meet the requirements of Local Plan Policy 21(e). These spaces should therefore be secured through a S106 legal agreement.

### ***Housing & Housing Land Supply***

6.1.19 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.

6.1.20 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 December 2023 NPPF<sup>1</sup>).

6.1.21 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 planning application and considers this to be a significant level of undersupply.

6.1.22 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.



6.1.23 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.

6.1.24 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.

6.1.25 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.

6.1.26 This application includes the provision of 353 new homes and would represent a very 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***

6.1.27 Policy H4 of the London Plan requires all major developments of 10 or more units, which trigger affordable housing requirements, to provide affordable housing through the threshold approach (Policy H5 Threshold approach to application). Policy H4 seeks to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.

6.1.28 Policy H5 of the London Plan identifies a minimum threshold of 35% affordable housing (by habitable room), with a threshold of 50% applied to public sector owned sites and industrial sites where there is a net loss of industrial capacity. This

application is subject to the 35% threshold for affordable housing, as the site is in commercial/private ownership.

6.1.29 London Plan policy H5 Threshold approach to applications clause C is relevant to BTR schemes as set out in Policy H11. Policy H5 allows applications which provide affordable housing at or above a relevant threshold level (in this case 35%) and which meet criteria in part C of the policy, to follow a fast-track route, meaning site specific viability information does not need to be provided. This reflects policy 2 of the Local Plan.

6.1.30 Applications which propose less than the relevant threshold level must follow the viability tested route (relevant to this BTR scheme), which requires site-specific viability evidence to be provided to justify the maximum level of affordable housing. Viability tested schemes are required to have early and late-stage review mechanisms.

6.1.31 Policy H6 'Affordable Housing Tenure' of the London Plan specifies 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 rent) or intermediate units. The Local Plan has a 60:40 tenure split as noted above, which is consistent with policy H6. Any variance from this tenure split must be justified in line with Policy 2 of the Local Plan.

6.1.32 Bromley Local Plan Policy 2 makes reference to the level of need for affordable housing (from all sources – not just units progressed through the planning system) in the supporting text as follows:

2.1.29 The South-East London sub region commissioned a Strategic Housing Market Assessment (SHMA) that was carried out in 2014. The study demonstrates a high level of need across the sub-region and highlights a number of key challenges and issues, including a total housing requirement of 7188 units per annum across the sub region and an estimate of net annual affordable housing need of 5,000 units per annum in South East London. In Bromley there is a net annual need for affordable housing of about 1400 units per annum.

6.1.33 GLA affordable housing completion monitoring between 19/20 – 23/24 illustrates that completion rates in the borough are low. 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.

### ***Build to Rent (BTR) and Discount Market Rent (DMR)***

6.1.34 Policy H11 of the London Plan, clause B, sets out a number of criteria for BTR schemes. It states that, where development meets those criteria the affordable housing offer can be solely discount market rent (DMR) at a genuinely affordable rent, preferably London Living Rents. The Mayor's strong preference is for DMR homes to be let at London Living Rent level, to ensure city-wide consistency in approach. DMR should be allocated according to intermediate eligibility criteria,

which can include locally defined eligibility criteria. DMR units must be secure in perpetuity.

6.1.35 Clause C of policy H11 states:

To follow the fast track route BTR schemes must deliver at least 35 per cent affordable housing, or 50 per cent where the development is on public sector land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution. The Mayor expects at least 30 per cent of DMR homes to be provided at an equivalent rent to London Living Rent with the remaining 70 per cent at a range of genuinely affordable rents. Schemes must also meet all other requirements of Part C of Policy H5 Threshold approach to applications.

6.1.36 Where Clause C is not met schemes must follow the Viability Tested Route. Viability assessments should be undertaken in line with the GLA's Affordable Housing and Viability SPG. They should also take into account the differences between BTR and Build for Sale development.

6.1.37 The application is accompanied by a Financial Viability Assessment (prepared by DS2) that has been independently assessed for the Council by BPS. The original FVA proposed two affordable housing offers :

- 20% DMR assuming £8.33, infrastructure funding from the GLA
- 10% DMR assuming no infrastructure funding

6.1.38 The GLA have subsequently confirmed that, currently, there is no available, relevant funding. Subsequently, the applicant has confirmed their affordable housing offer at 10% DMR by habitable room. This is in excess of the maximum viable amount and will result in a scheme deficit of £64.84m.

6.1.39 The applicant contends that the large deficit is partly a result of rising construction costs, including the requirement for second staircases in buildings greater than 18m, as well as site specific factors such as the location, shape, nature of the site, including proximity to rail infrastructure; public realm improvements beyond the ownership boundary line; easements including a culvert diversion, sewer diversion; and significant intervention to the Waitrose to bring it to current day building regulations (including upgrading of the external fabric) which has increased construction complexity, programme and cost. Furthermore, they state that the works to Waitrose results in significant 'trading disruption' and will require some form of temporary trading arrangement to be put in place and creates no net additional development value.

6.1.40 Despite the substantial deficit which calls into question the deliverability of the scheme, with the adoption of rental growth over the long-term, the applicant is confident that the viability of the proposals will improve and, subject to receipt of a satisfactory planning consent, delivery of the proposals will be forthcoming.

6.1.41 DS2 and BPS are in agreement that the affordable housing provision of 10% (by habitable rooms) is in excess of the maximum viable amount and the project retains a significant deficit. As such the scheme cannot viably contribute to additional Affordable Housing on the basis of current day figures.

6.1.42 The DMR homes will be controlled and managed by John Lewis, all at London Living Rent levels, ensuring that these homes will be accessible to those on medium incomes. Eligibility criteria for these homes will be agreed with the Local Authority and secured through the S106 legal agreement. Paragraph 9.12 of the Planning Statement clarifies that the intermediate income level threshold will be £60,000 in line with the London Plan and the Council's local intermediate income thresholds for rental products.

6.1.43 Whilst Discount Market Rent at London Living Rent is supported by the Mayor and is considered an acceptable tenure for BTR schemes, the Council will not have any nomination rights for these properties and, being an intermediate form of affordable housing, they would be unaffordable for most of the highest need customers on the housing register.

6.1.44 The requirements for BTR schemes set out in Policy H11 Build to Rent of the London Plan, together with the 10% Discount Market Rent homes (by hab room) all at London Living Rent levels, will need to be secured through a S106 agreement and management plan.

6.1.45 The proposed development will also be subject to both an Early Stage Review and a Late Stage Review, giving the opportunity for increased affordable housing provision if sufficient income growth and/or cost savings are realised. Given the exceptional circumstances of this case, in order for the Late Stage Review to be effective officers recommend not using the standard GLA formulas but instead adopting a bespoke approach to account for 1 year's worth of rental income post completion and 75% occupation of the development, and inclusion of the following headline parameters for the Late Stage Review within the S106:

- **open book review**
- **all costs subject to actual costs (apart from BLV and profit)**
- **timing:- valuation to take place 1 year after reaching 75% occupancy**

6.1.46 Noting also the considerable apparent deficit indicated by the Applicant appraisal and the low level of affordable provision, it is intended that the review participates in any improvement in viability to maximise the scheme's potential contribution

6.1.47 The applicant has agreed these key principles which will need to be built into the S106 and, whilst not exhaustive they are a starting point for discussions around the S106.

### ***Unit Size Mix***

6.1.48 Policy H10 'Housing size mix' of the London Plan sets out how proposals should address the range of unit sizes included in schemes. This includes having regard to; local need (or 2017 London SHMA where this is not available), providing mixed and inclusive neighbourhoods, a range of unit types and tenures, consideration of the location and accessibility of the site and optimising the housing potential on site.

6.1.49 Paragraph 2.1.17 of the Local Plan states that the 2014 SHMA highlights 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 units sizes and be considered on a case by case basis. The 2014 SHMA evidence will be updated during the review of the current Local Plan and therefore it is not always necessary to stringently apply the latter percentages.

**The following mix of unit sizes and tenure are proposed:**

	Studio	1 bed 2 person	2 bed 3 person	2 bed 4 person	3 bed 5 person	Total
Build to rent (market)	38	176	24	79	6	<b>323</b>
Affordable (LLR)	0	11	5	13	1	<b>30 (8.5%)</b>
<b>Total</b>	<b>38 (10.8%)</b>	<b>187 (53%)</b>	<b>29 (8%)</b>	<b>92 (26%)</b>	<b>7 (1.9%)</b>	<b>353</b>

**The following mix of habitable rooms by unit size and tenure are proposed:**

	Studio	1 bed 2 person	2 bed 3 person	2 bed 4 person	3 bed 5 person	Total
Build to rent (market)	38	352	72	237	24	<b>723</b>
Affordable (LLR)	0	22	15	39	4	<b>80 (9.96%)</b>
<b>Total</b>	<b>38</b>	<b>374</b>	<b>87</b>	<b>276</b>	<b>28</b>	<b>803</b>

6.1.50 In relation to the small number of 3 bedroom units proposed, Policy H10 Housing Size Mix of the London Plan sets out that applicants and decision makers should have regard to the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity. In this instance the location of the application site benefits from high public transport access within Bromley Town Centre. It is also noted that 92 of the 2 bedroom units are 2 bed, 4 person units. It is also noted that thirteen of the 2 bed 4 person units and one of the 3 bed 5 person units will be affordable, providing a good range of affordable units of different sizes. Overall, it is considered that the proposed housing mix is acceptable, including a range of unit sizes.

### **Conclusions on Land use matters and Affordable Housing**

6.1.51 The retention of the existing retail store and provision of additional facilities, together with the requirements for general management, maintenance and security for the Build to Rent retail element, would offer additional employment opportunities in the Town Centre Opportunity Area.

- 6.1.52 Furthermore, the proposal for 353 new units on this brownfield site, in a highly sustainable, well-connected town centre location would make a very significant contribution to housing supply and represents an efficient use of land.
- 6.1.53 Overall the proposal is acceptable in land use terms and is consistent with Policies 1, 90 and 92 of the Local Plan and the aforementioned London Plan policies.
- 6.1.54 The applicant's intentions to open up the commercial spaces to community groups is supported in principle. Should planning permission be granted the use of these spaces for community groups would need to be secured through condition or S106 in order to be afforded any weight.
- 6.1.55 The delivery of the wider landscape vision and public realm interventions will be largely reliant on agreement/commitment from neighbouring land owners, given the proportion of public realm improvements which fall outside of the applicant's land ownership boundary but which form an integral part of the scheme.
- 6.1.56 Notwithstanding the above, the proposed uplift in the number of dwellings is supported in principle and is afforded very substantial weight in terms of the delivery of housing.
- 6.1.57 The application is supported by a Financial Viability Assessment which confirms that the proposed affordable housing provision of 10% (by habitable rooms) is in excess of the maximum viable amount and the project retains a significant deficit. Being a Build to Rent development this application offers little opportunity for truly affordable housing and it would be unaffordable to lower-income households and the majority of those on the housing register.
- 6.1.58 Whilst it could be argued that a below-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.
- 6.1.59 Accordingly, the provision of 30 Discount Market Rent dwellings at London Living Rent levels is an acknowledged benefit of the scheme attracting substantial weight.

## **6.2 Optimisation of the site and Impact on Infrastructure - Acceptable**

### 6.2.1 Policy D2 of the London Plan states:

A The density of development proposals should:

- 1) consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels
- 2) be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services)

B Where there is currently insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean that if the development is contingent on the provision of

new infrastructure, including public transport services, it will be appropriate that the development is phased accordingly.

C When a proposed development is acceptable in terms of use, scale and massing, given the surrounding built form, uses and character, but it exceeds the capacity identified in a site allocation or the site is not allocated, and the borough considers the planned infrastructure capacity will be exceeded, additional infrastructure proportionate to the development should be delivered through the development. This will be identified through an infrastructure assessment during the planning application process, which will have regard to the local infrastructure delivery plan or programme, and the CIL contribution that the development will make. Where additional required infrastructure cannot be delivered, the scale of the development should be reconsidered to reflect the capacity of current or future planned supporting infrastructure.

- 6.2.2 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. Optimising site capacity means ensuring that development is of the most appropriate form and use for the site, i.e. optimise (responding to the qualities of a place) as opposed to maximise (over development). The focus of the design-led approach is on delivering quality of place over quantum of development.
- 6.2.3 Part B of Policy D3 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.
- 6.2.4 Policy 125 of the BLP requires development to provide for the infrastructure, facilities, amenities and other planning benefits that are necessary to support and serve it. Policy DF1 A (Delivery of the Plan and Planning Obligations) states that applicants should take account of Development Plan policies when developing proposals and acquiring land. Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.
- 6.2.5 The site measures approximately 1.68 hectares. The development would provide 353 new residential units with a total of 803 habitable rooms, giving it a density of approximately 210 units per hectare and 478 habitable rooms per hectare.
- 6.2.6 Bromley Town Centre, being a Metropolitan Centre, means that the site's setting would fall within the 'Central' classification. Whilst the current London Plan does not include a prescriptive density matrix and instead promotes a design-led approach, officers note that the proposed density would have sat comfortably within the ranges of the density matrix in the previous (superseded) London Plan. The impacts of the proposed development on existing infrastructure and planned are considered below.

## ***Community Infrastructure Levy (CIL)***

- 6.2.7 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”.
- 6.2.8 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).
- 6.2.9 The use of Planning Obligations through a Section 106 agreement will remain for site specific infrastructure, affordable housing and any other non-infrastructure matters required to make a development acceptable in planning terms (such as monitoring or management arrangements).
- 6.2.10 The development will be liable for Mayoral and Local CIL, broken down as follows:

Total CIL liability **£6,195,455.65**  
Local CIL **£3,667,605.24**  
Mayoral CIL **£2,344,050.55**

## ***Healthcare***

- 6.2.11 The application was accompanied by an Environmental Statement (ES) which included an assessment of the Socio-economic impacts of the development. The application also included a Socio-Economic Benefits Statement.
- 6.2.12 ES Volume I Chapter 11: Socio-economics identifies existing healthcare services within an accessible distance of the Site. There are currently two GP surgeries within 1km of the Proposed Development, with 15.4 FTE GPs and a total patient list size of 26,314. There are on average 1,709 patients per FTE GP, which is below (better than) the 1:1,800 target ratio set by the Royal College of General Practitioners. There are nine dental surgeries within 2km of the Site and approximately six hospitals within 5km of the Site. The closest hospital is The Beckenham Beacon Hospital, which is approximately 3.8km west of the Site.
- 6.2.13 The additional 628 residents estimated to reside at the Proposed Development will place additional demand upon the local health facilities. Taking a worst-case scenario, in which all new residents register with a local GP practice, the additional residents would increase the overall practice list size to 1,750 patients per GP, which is still below the 1,800 target set by the Royal College of General Practitioners. As such, it is deemed that the Proposed Development will have a negligible (not significant), permanent effect on local primary healthcare provision.



6.2.14 The South East London Integrated Care Board's comments are also noted. As this is a CIL liable development there will be a contribution secured through the local CIL process which it is anticipated the ICB shall be able to apply for to enable the NHS to provide additional health capacity in line with the new population arriving.

### **Schools**

6.2.15 A number of schools are located within 1km of the Site. Within 500m of the Site are St Mark's CE Primary School, which is located approximately 425m west, and Ravensbourne School, which is located approximately 465m to the south.

6.2.16 The ES finds that there is sufficient capacity to accommodate the additional demand for primary school places, given that there is currently a surplus of 242 pupils at 95% capacity. Assuming that a 95% occupancy rate indicates no spare capacity, there is currently a deficit of 263 secondary school places in the area. The Proposed Development will likely generate additional demand for four secondary school places, resulting in a permanent minor adverse effect on secondary school provision. Potential additional mitigation could be provided through discussions with LBB regarding the approach to the provision of secondary school education to support the Proposed Development.

6.2.17 The Council's Education Division was consulted on the application and have confirmed that they have no particular comments on the scheme. Any required expansion in provision could be funded through Community Infrastructure Levy (CIL) receipts.

### **Sport & Leisure**

6.2.18 Sport England consider that the proposed development would generate demand for sporting provision and the existing sport facility provision within the area may not be able to accommodate this increased demand. Sport England have undertaken a calculation of the likely demand that will be generated by the development for certain sport facility types in Bromley, and the equivalent costs which could be used to inform an appropriate level of financial contribution if indoor sports provision was to be made through a S106 legal agreement.

6.2.19 In this instance, as the *proposed development does not result in the loss of provision - or indeed the loss of a known development opportunity to provide such facilities*, then provision for sports facilities to mitigate the impacts of the development will be covered by the local CIL charge. There is no requirement to identify where those CIL funds will be directed as part of the determination of any application.

### **Economy**

6.2.20 During the construction period for the proposed Development, demand for temporary construction jobs will be generated creating opportunities for local residents and helping to support the local economy. It is estimated the investment of around £130 million in construction will support demand for around 220 construction workers per annum over the construction period (45 months).

- 6.2.21 As well as demand for temporary construction workers, there will also be benefits at the construction stage in relation to Gross Value Added (GVA) – a measure of economic output, and benefits from increased spending in local shops and services from construction workers.
- 6.2.22 Once completed and operational, the Site will contribute to housing supply and the new accommodation would attract individuals engaged in the labour market. It is anticipated that around 86% of the resident population will be of working age therefore contributing to the potential pool of labour as well as helping to support spending in the local area. It can be expected that a proportion of this expenditure will be captured within town centres within Bromley and will support the vitality and viability of retail and amenity space locally.
- 6.2.23 The proposed Development will sustain existing employment through the re-configured Waitrose store and café and will introduce around 833 sq m GIA of new amenity space with opportunities for community events and uses such as coworking, a gym and flexible studio, dog grooming and private dining facilities. This type of flexible space may help to support additional local employment, particularly for small businesses, self-employed and local entrepreneurs. Combined with requirements for general management, maintenance, security and administration, it is estimated the BTR development will support around 12 FTEs on-site across a variety of roles.
- 6.2.24 In total, it is estimated the employment supported by the proposed Development (including existing employment that is sustained) will be around 112 FTEs.

### ***Town Centre & Public Realm***

- 6.2.25 Objective GG1 of the London Plan and Policy 33 of the Local Plan, seek to develop a public realm that is accessible to all and foster a sense of belonging that encourages community buy-in. Policy D8 of the London Plan further requires public realm that is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand.
- 6.2.26 The Council will require developments to integrate with any established public realm plans and strategies that express these matters into a more local context. The provision of strategic public realm improvements to significant areas of public space will be provided through identified schemes funded via the Community Infrastructure Levy. However, developments may have to directly contribute such infrastructure through separate planning obligations for matters directly relating to the development site and its integration with the existing public realm.
- 6.2.27 This may also include arrangements for the ongoing management of such infrastructure. In cases where a development site is not able to incorporate such measures directly on-site, a payment in lieu may be acceptable to provide on adjoining public land. In determining the need for any planning obligations for public realm, the Council will also take into consideration any public benefits that are also proposed in relation to on-site amenity space (Section 6) and open space (Section 11).

- 6.2.28 Transport for London consider that the development should be integrated into the local Legible London signage system to support active travel and, as part of this, appropriate funding should be secured in the s106 agreement. They have suggested that the development should fund at some new midilith signs– one at the new plaza by the store/residential entrance, one at the new southeastern gateway and one at the start of the new woodland link on Langdon Road. 4 no. existing maps require refreshes, including two at Bromley South station entrance, one on the High Street opposite Glades entrance and one at Bromley North station are also requested.
- 6.2.29 In addition, they have requested S106 contributions for bus stop enhancements on Masons Hill to be used towards new shelters and accessible kerb works.
- 6.2.30 It is considered that the use of a S106 contribution for these purposes would accord with the objectives of the development plan. The contributions being sought are also considered to be proportionate to the development proposed.
- 6.2.31 The applicant's Socio-Economic Benefits Statement acknowledges that, together with providing high quality public realm including improved arrival to the town centre, the residential development has the potential to increase footfall and dwell time in the town centre.
- 6.2.32 The Council provide services in addition to infrastructure that maintains the sense of space, such as street cleaning, street markets and community wardens. Development proposals that place significant additional public footfall, including impacts relating to the evening and night-time economy, may be required to put in place measures to mitigate impacts on the wider public realm.
- 6.2.33 Where it is not feasible to accommodate such measures or management arrangements as part of the development, the Council may accept a payment in lieu, to be used to fund expanded Council-run services or those run by local organisations.
- 6.2.34 As discussed in the Design section of this report, the applicant is proposing some significant public realm interventions on the adjoining public land, as well as on-site amenity space and open space which officers consider are significant benefits of the development proposal. Taking this into account, officers do not consider that a financial contribution towards the Town Centre projects and/or Management is justified in this instance.

### ***Transport Infrastructure***

- 6.2.35 The primary increase in trips will be from the substantially car-free residential element. However, given the site's high PTAL and wide range of services, TFL consider that there is unlikely to be a severe adverse impact on public transport capacity.
- 6.2.36 Network Rail have identified Bromley South station as one of its three top priority stations requiring interventions to reduce congestion and increase capacity and have identified a number of areas which require improvements. One of these is a new

entrance to the rear of the existing Waitrose site which could link with the proposed development to provide an additional point of access to the station. To carry out the works to provide this new access, Network Rail seek a contribution of £2,700,000.

6.2.37 They state that the new access would significantly benefit residents of the new development as they would not have to access the station through the main entrance and thereby not exacerbate the current congestion issues. Without improved access, Network Rail consider that the station will remain significantly constrained and the increase of users resulting from the proposed development would worsen this situation.

6.2.38 Whilst this the new access could be of significant local benefit to the community and would encourage use of the rail network resulting to reduce car journeys, there is limited justification for a site-specific S106 contribution in this instance, where there does not appear to be a committed scheme in place and infrastructure funding is already covered by local CIL.

6.2.39 It is also relevant to note the current viability issues with the scheme and a contribution of this scale could impact on other elements of the scheme, such as affordable housing.

6.2.40 A reduction in car parking numbers will mean no significant increase in car trips, so there will be a neutral to beneficial impact on the local road network. Bromley benefits from a well-developed local cycle network that is continuing to expand. The applicant has agreed in principle to provide a financial contribution to the Council to undertake a traffic and parking review of the area, as well as a study of cycle improvements aimed at linking the development to the local cycle network.

### ***Telecommunications***

6.2.41 To support the planning application for the Proposed Development, the Applicant has commissioned Hoare Lea to undertake a Telecommunications Impact Assessment (TIA) to assess the potential impact of the Proposed Development on the reception of radio-frequency telecommunications signals, in the areas surrounding the Site.

6.2.42 As part of the TIA, a pre-construction baseline reception survey was undertaken on the 20th of May 2023 to measure ambient signal coverage and quality levels for all available 2G, 3G, 4G and 5G cellular mobile services within a 750m radius of the Site. The measurements will serve as a baseline, for comparison with future mid and post-construction measurements.

6.2.43 As the impact on mobile services is not yet known at this stage, a condition is recommended requiring a scheme of mitigation to be submitted and approved by the LPA, based on the future post-construction testing and measurements.

### ***Aviation***

6.2.44 The site is within the Biggin Hill Airport Safeguarding Area. The Airport were consulted and have confirmed that, based on the application details and in line with

the current UK airport safeguarding criteria the proposal does not conflict with the current London Biggin Hill Airport operation.

## **Conclusions on Site Optimisation Impact on Infrastructure**

6.2.45 The application site is within a Metropolitan town centre location that is well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling and, based on the above, it is not considered that the proposed development would exceed the capacity of existing or planned infrastructure in the area, particularly bearing in mind the CIL contribution that the development will make.

6.2.46 Therefore, the proposed quantum of development and the resulting density is considered acceptable, subject to a detailed assessment of the quality and character of the development, along with the wider townscape impacts.

## **6.3 Urban Design**

### ***Planning Policy context***

6.3.1 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.

6.3.2 Policy D3 states that the higher the density of a development, the greater the level of design scrutiny that is required and in part D sets out the specific design considerations that should be factored into any design assessment.

6.3.3 Policy D4 'Delivering good design' 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. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made

6.3.4 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.

6.3.5 London Plan policy D9 and Local Plan Policy 47 relate to tall and large buildings, which are defined in the LBB Local Plan as "*those that exceed the general height of their surroundings and cause a significant change to the skyline*".

6.3.6 The Local Plan does not identify sites as being appropriate for a tall building. However, it states 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.

6.3.7 The Bromley Town Centre SPD sets out guidance on tall buildings in paragraphs 5.16-5.21 and within SPD guidance note 11. Paragraphs 9.1-9.17 set out advice for Bromley South and more specifically for Waitrose and the Police Station in paragraphs 9.18-9.23. Paragraph 9.12 states:

*“[...] Public realm improvements around the station, including provision of new public realm as part of any development of the Waitrose and Bromley Police Station site, are key to ensuring high quality design. Public realm improvements should also seek to incorporate green infrastructure. Existing and emerging development should be stitched together with a clear hierarchy of routes and spaces reflecting pedestrian movement patterns and desire lines, improving connectivity and the street level experience between the High Street, Bromley South Station, and Masons Hill [...].”*

6.3.8 Key issues set out in paragraphs 9.18-9.23 include:

- To acknowledge that the surrounding context is changing significantly and respond accordingly;
- Pedestrian movement is a key driver in determining the optimum site layout for future development proposals;
- Importance for the existing police station to continue to function;
- There is an opportunity to rethink the existing Waitrose store servicing and access arrangements and
- The height, scale and mass of new development proposals should respond to both the immediate site setting and wider townscape context of Bromley Town Centre.

6.3.9 Paragraph 9.22 states:

*“[...] The opportunity for taller buildings marking the station and edge of the town centre to signify a sense of arrival at Bromley South is accepted in principle subject to detailed design considerations. The Council considers that the Waitrose site could potentially accommodate taller buildings as townscape and wayfinding markers. However, building heights should step down towards the eastern and southern edges in response to the lower rise character of the High Street and Masons Hill environs [...].”*

### **Site Layout - Acceptable**

6.3.10 The Proposed Development aims to improve pedestrian experiences through providing a new public realm piazza (1,011 m<sup>2</sup>) and improved streetscape along Station Approach. The Proposed Development will provide new and improved pedestrian and cycle routes to and through the Site, including a new connection to the eastern residential areas underneath the Kentish Way flyover by unlocking a section of woodland to create a new link. This woodland link will be well lit with downward directional lighting, with good sight lines for pedestrians, and improve accessibility to this natural space.

- 6.3.11 The Design and Access Statement demonstrates that the public realm will be accessible to all, as part of an inclusive design philosophy. Users with disabilities are not segregated and are able to move through the public realm and access the buildings.
- 6.3.12 The opportunity to redevelop the site as part of the wider regeneration of Bromley South is welcomed and the principle of a residential-led mixed-use scheme in a sustainable town centre location is supported. The site forms part of a larger urban block which is continuing to evolve as neighbouring sites come forward for development. The context and character of Bromley South has changed considerably from when the existing building was conceived during the mid-1990s – as evidenced by the adjacent Perigon Heights scheme(s).
- 6.3.13 The proposed layout is heavily influenced by the retention of the existing Waitrose store and the associated functional requirements of the site. Development on this scale provides an opportunity to rethink and reconfigure the existing site layout to better respond to the changing context. Whilst the commercial priorities of the applicant to minimise disruption to current trading operations are noted, officers retain the view that simply retaining/replicating existing site conditions (in part) which include inactive frontages and pedestrian movement/'back of house' vehicle conflicts is a missed opportunity.
- 6.3.14 However, the design intent to improve wider pedestrian connectivity to and through the site with significant public realm improvements and interventions both within and beyond the red line boundary is welcomed. The quality of the new routes and public spaces being created and how these respond to the built form/edges are assessed separately below.

#### Tall Building Justification

6.3.15 Policy D9 of the London Plan requires development proposals to undertake a specific assessment of the impacts of tall buildings, addressing the visual, functional and environmental impacts.

- **Visual Impacts**

#### ***Height, Scale and Massing - Unacceptable***

6.3.16 In accordance with London Plan and Local Plan policy 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).

6.3.17 The rationale for taller 'marker' buildings to mark the station and to signify a sense of arrival at Bromley South is accepted. It is considered that the site location can accommodate taller buildings (defined within the context of Bromley) as townscape wayfinding markers. However, it is important to note that references made to an

existing 'cluster' are premature given that currently there are only 2 tall buildings in Bromley South (Perigon Heights and St Mark's Square).

#### *Northern Tower*

- 6.3.18 Perigon Heights occupies the centre of the urban block and currently acts as a visual marker for Bromley South with a height of 17 storeys. As previously stated, the rationale for the northern tower exceeding this height by a further 7 storeys is unconvincing. As an additional 'marker' the building would be doing the same thing in townscape terms as Perigon Heights – particularly given its siting within very close proximity.
- 6.3.19 The applicant contends that the design of Building A has been arrived at through a detailed and iterative design process and have submitted a Built Heritage and Townscape Visual Impacts Assessment (BHTVIA) which, in their view, provides justification for the height of the building in relation to the wider scheme and town centre location.
- 6.3.20 It is accepted that the proposed scale of the buildings should be staggered from north to south. However, officers note the transition in scale to reflect the existing townscape context does not necessarily require, and is not dependent upon, the storey heights being proposed. Buildings of lesser height could achieve this function equally well. Similarly, "better marking the edge of the town centre" does not require a 19 storey tower (the height of the existing tallest building in Bromley Town Centre).
- 6.3.21 Furthermore, it is accepted that the site can accommodate taller buildings and that Bromley South is the most suitable location for taller buildings within Bromley Town Centre. The proposed development will clearly define Bromley South within the wider townscape skyline, however, its contribution to the "legibility of the proposed cluster of tall buildings" is compromised by the extent to which the scale and height of the blocks completely dwarf that of Perigon Heights – the existing townscape marker for Bromley South which occupies the centre of the urban block. (View 10).





**Fig 8: View 10 BHTVIA: Kentish Way (proposed)**

6.3.22 The commercial priorities of Waitrose have remained a key driver in the siting and scale of the northern tower (i.e. ‘creating a visual marker for the store’). However, given that the Perigon Heights building does not obscure the axis/view of the proposed new tower from Station Approach – the rationale for exceeding its height to the extent proposed is questionable. It is important to note that increasing the visibility of the store (and the extent to which it is or is not obscured by Perigon Heights) is a commercial objective/priority rather than a sound design principle. It should also be noted that the level changes across the site will add to the visual prominence and further increase the perception of height.

6.3.23 Whilst the townscape benefit/value of marking the station is accepted, a building of slightly lesser height could achieve this function equally well. The suggestion that a height of 24 storeys is required to mark the new ‘piazza’ is not accepted, the size of the new public space is not considered large enough to require a building of this height or scale as a marker.

6.3.24 The question of ‘tall’ versus ‘very tall’ was raised by the Design Review Panel who in the final Design Review (27 February 2023) concluded that that these will be very tall buildings within the context of Bromley noting that in the physical model presented, the northern tower looks to be almost double the height of Perigon Heights. The footprint of the northern tower is larger than that of Perigon Heights

which subsequently appears slender and more moderate by comparison in key views.

### *Southern Tower*

6.3.25 The Southern Building is situated to the south and abuts the Waitrose supermarket. As previously stated, officers consider the townscape justification for the height of the 'secondary' southern tower 'marking the town centre gateway' and 'defining the boundary edge' to be particularly weak in comparison to that of the northern tower. 'Defining the boundary edge' with a building that exceeds the height of the existing tallest centrally located marker building (Perigon Heights) is in many ways contrary to townscape convention.

6.3.26 Whilst it is accepted that the reduction in the height of the southern tower from part 21/part 17 storeys initially proposed to part 19/part 12 storeys helps to establish a clearer relationship/townscape hierarchy between the northern and southern towers, the proposed height remains significant within the context of Bromley Town Centre i.e. matching the height of St Mark's Square which is currently the tallest building within the town centre boundary.

6.3.27 It should be noted that a 'southern tower height review' was undertaken by the Design Team prior to pre-application meeting 6 (24 April 2023) which included a 16 storey option. Officers advised that the 16 storey option created a clearer hierarchy between the 3 elements of the scheme (northern tower, southern tower, link building) in comparison to the 19 storey proposal when viewed from Masons Hill – as indicated by the GCIs provided and was considered a more appropriate height for a secondary 'gateway' building. Unfortunately this option was not pursued and the current 19 storey (quantum-led) proposal was favoured by the applicant.

6.3.28 The 19 storey tower represents a significant step change in scale in comparison to the emerging 'edge of town centre' context further north along Elmfield Road where heights of 8-10 storeys have been considered appropriate for recently consented schemes in order to create a suitable transition between existing low-rise residential properties to the east and the larger scale buildings in Bromley Town Centre. On the western edge it should be noted that the St Mark's Square development also reduces in scale in response to the low-rise residential fringes of the town centre, as do proposals for Perigon Heights (Phase 2) to the south.

6.3.29 The applicant has provided justification for the height of the southern tower within the BHTVIA and Design and Access Statement. A response to the Council's Urban Design officer's comments was provided in a document dated 1/12/2023. The southern tower is orientated at a slight angle, which the applicant considers complements the cranked plan form of the link building, which together form an introverted central area that allows for a significant piece of public realm on the route towards Bromley South from the residential areas to the east of the Site.

- 6.3.30 The applicant explains that The Southern Building has its own architectural identity to Northern Building, but is recognisably of the same development through nods to the overarching identity through the green metallic window surrounds (albeit not on typical floors, though window frames and balconies are metal) and balcony systems. The balconies on Southern Building are projecting, which on the southern elevation contributes to the solar shading of the façade. The materiality of the building contrasts that of Northern Building with variegated red brick types to provide detail and visual interest.
- 6.3.31 They go to describe how the Southern Building is stepped down to the south to negotiate the juxtaposition in height from its tallest point to the supermarket building on the southern edge of the Site. This is a direct response to the Urban Design officer's comments at LBB. The articulation allows for the building to meet the ground in a similar manner to Northern Building, but also allows for signage to provide a visual and brand identity to the Proposed Development, as well as including a covered walkway.
- 6.3.32 In response to the above, the Council's Urban Design officer contends that the 16 storey southern tower option (presented in April 2023) created a clearer hierarchy between the 3 blocks and a more meaningful transition in scale. Whilst favoured by officers this option was not pursued. The further reduction in the height of the southern tower shoulder element is welcomed but the extent to which this slender element represents or achieves a meaningful transition in scale to the low-rise surrounding context is questionable. When viewed from the east, the 12 storey shoulder still appears very slender (albeit slightly widened from previous iterations) in relation to the proportions of the tower and the wider composition of the scheme. The extent to which this slender element represents or achieves a meaningful transition in scale to the low-rise surrounding context to the south/east remains questionable. Whilst elements of the architectural treatment have merit, the appearance does not in itself mitigate the proposed scale and height.

#### *Link Building*

- 6.3.33 The rationale for the siting and design of the 'mid-rise' link building (10 storey) connecting the two towers and framing/screening the residential amenity space(s) from Kentish Way is broadly accepted. However, it should be noted that the Design Review Panel have stated that in views from the east and from Langdon Road the scale and massing will inevitably lead to the link building appearing wall-like and impermeable, concluding that this will be an 'imposing and somewhat relentless building.' The appearance of this block is assessed separately below.

#### ***Townscape Views - Unacceptable***

- 6.3.34 The views from the south and east are the most challenging in terms of townscape visual impact, i.e. where the extent of the proposed step change in scale will be most evident. In Views 18 and 19 the northern and southern towers read as 'twin

towers' beyond the foreground of the lower 12 storey shoulder element, the 5 storey difference between buildings / 'secondary' tower townscape hierarchy would not be read from Cromwell Avenue in the same way that the previous 16 storey southern tower option (referenced above) would.



**Fig 9: BHTVIA View 18: Cromwell Avenue, near junction of Pinewood Rd and Wheeler Place (on right) (existing)**





**Fig 10: BHTVIA View 18: Cromwell Avenue, near junction of Pinewood Rd and Wheeler Place (on right) (proposed)**



**Fig 11: BHTVIA View 19: Cromwell Avenue, north end (existing)**





**Fig 12: BHTVIA View 19: Cromwell Avenue, north end (proposed)**

6.3.35 The applicant has assessed the value of the townscape in this area (TCA4) as low, being made up of 20th century residential buildings which are typical of suburban development of the period. In paragraph 13.13 of the BHTVIA the applicant identifies there is a clear and distinct transitional change from the fine-grained, low-rise townscape character of the south of the Site to the large grained and large scale townscape character of the area around Bromley South. To this end, they consider that the Proposed Development, visually, fits within this context and is representative of this change in scale.

6.3.36 Views 18, 19 and 22 of the visual impact assessment are taken from within TCA4 and show the increased scale and visibility of the Proposed Development in contrast to the existing condition. In roads that align with the Site the applicant considers that the composition and rise in scale is appropriate given the densification and growth in the town centre.

6.3.37 They go on to say that the materiality of the buildings is reflective of the surrounding area. The differences in hues between materials allows for contrast while tying the scheme together through a family of materials and references. Where the Proposed Development is most noticeable, closer to the town centre, the susceptibility to the type of change is at its lowest due to the scale of buildings within the area. At a distance away from the site to the south, the applicant considers that the susceptibility to the type of change proposed would be higher, but owing to the distance from the Site there is a smaller effect on the townscape character here. This would be understood in the distance and as being part of the town centre.

6.3.38 Despite the existing townscape value to the south of the site being assessed in the TVIA as 'low', officers do not consider that the proposed building heights and subsequent visual impacts should therefore be deemed acceptable. Officers acknowledge the transitional change in character between the south of the site (residential fringe) and Bromley South, however, the townscape justification for the height of the southern tower is considered to be weak for the reasons previously explained throughout the pre-application/DRP process.

6.3.39 The fact that the northern and southern towers read as 'twin towers' (in Views 18 and 19) is at odds with the staggered townscape objective referenced above. Views 12, 13 and 14 illustrate the dramatic townscape move being proposed and the extent of the significant step change in scale from the existing low-rise surrounding residential context. The view from Langdon Road (View 12) (figs 37 and 38) would differ greatly to that of the existing condition where the view of Perigon Heights aligns with the centre of the road with a glimpse view of St Mark's Square beyond, the proposed development would completely fill the view west with very little visual relief. A similar visual impact would be imposed on Oakwood Avenue (View 13) (fig 39). In View 14 (figs 40 and 41) the existing mid-range view of Perigon Heights would be replaced by an immediate view of the southern tower which would have a dominant looming presence over Prospect Place.

6.3.40 The applicant argues that, in areas closer to the Site, such as Langdon Road, the larger scale appearance of buildings within the town centre are already apparent with Perigon Heights and the Direct Line building being seen from viewing positions such as views 12 and 13. They further consider that visual amenity is abetted in this area by mature street trees, which, in summer will make the streets seem more immediate due to the density of leaf and foliage on the trees.

6.3.41 Whilst the scale of Perigon Heights is apparent in Views 12 and 13, officers consider that the visual impact would differ greatly to the existing condition with the scale of the proposed development creating an overwhelming dominant presence looming over the low-rise residential streets to the east (particularly in the case of Langdon Road). The mature street trees referenced would provide very little visual relief against this backdrop.

6.3.42 The applicant goes on to say that:

visual amenity is characterised by the gentle density of suburban development, with two storey residential buildings lining the streets and cul-de-sacs to the east of the Site. This character is juxtaposed by the large-scale nature and Kentish Way, which moves north to south along the eastern flank of Bromley town centre. The larger scale and grain of buildings in the town centre are evident and characterise the setting of the residential area to the east of the Site. This serves as a reminder of the sharp change in character, and provides a degree of legibility to the commercial centre of Bromley.

6.3.43 Whilst officers accept that larger scale buildings within the town centre are visible from some surrounding residential streets, it is important to understand the difference between *visual connection* and *visual impact* i.e. the difference between ‘views through’ and ‘views of.’ The existing views from outside of the Town Centre boundary show ‘views through’ with clear visual breaks in the skyline as opposed to the complete filling of an existing view with no visual relief as indicated by proposed views looking west from Langdon Rd and Oakwood Avenue.

6.3.44 It is accepted that the elevated scale and presence of Kentish Way can be perceived as being representative of the transition/separation between the low-rise residential fringe and the larger scale buildings of Bromley Town Centre. However, the proposed step change in scale is unquestionably significant – far exceeding what has been considered appropriate for recently consented schemes further north in Elmfield Road where the transition in scale and character is more considered.

6.3.45 Views from Masons Hill (View 15, 16 and 17) illustrate the points raised above in relation to the suggested ‘secondary’ tower townscape hierarchy not being read in mid-range views and the limited degree to which the slender shoulder element of the southern tower represents a meaningful transition in scale to the surrounding low-rise context.



**Fig 13: BHTVIA View 15: Masons Hill, near Napier Rd (existing)**





**Fig 14: BHTVIA View 15: Masons Hill, near Napier Rd (proposed)**



**Fig 15: BHTVIA View 16: Masons Hill, near Wendover Rd (existing)**





**Fig 16: BHTVIA View 16: Masons Hill, near Wendover Rd (proposed)**



**Fig 17: BHTVIA View 17: Masons Hill, near Tiger Lane (existing)**



**Fig 18: BHTVIA View 17: Masons Hill, near Tiger Lane (proposed)**

6.3.46 Views from the High Street (View 2 and 3) illustrate the cumulative visual impact resulting from the creation of a cluster of tall buildings. Whilst the height, scale and massing appears uncharacteristically intense within the existing context it is accepted that Bromley South is a suitable location for taller buildings within the town centre boundary and as such the creation of a tall building cluster is not in itself unacceptable – subject to detailed design and environmental impact considerations.





**Fig 19 BHTVIA View 2: High St, near Railway Station (cumulative) with Broadway House on left of image**



**Fig 20: BHTVIA View 3: High St. near Paddy Power (cumulative)**

6.3.47 The scale of development being proposed above and beyond anything that has gone before in Bromley is arguably most evident in View 10 where Perigon Heights is dwarfed by the scale and height of the northern tower dominating short and mid-

range views, appearing as a prominent feature on the town centre skyline, as demonstrated by view 24 (from Chesham Avenue and Crescent Drive), and which would also be visible from wider views across London.



**Fig 21: View 24: junction of Chesham Avenue and Crescent Drive (proposed)**

#### ***Views of Local Importance - Acceptable***

6.3.48 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 and the view of Keston Ridge from southern section of Bromley High Street.

6.3.49 View 23 of the BHTVIA is from the terrace at Crystal Palace. The Crystal Palace terrace, a panorama from an elevated position, is more likely to be stopped at and dwelled at by users despite its regular usage for festivals and circuses in this part of the park. Where seen, the Proposed Development would sit on the skyline beyond St Mark's Square and Perigon Heights. The BHTVIA considers that it would *“establish Bromley town centre on the distant skyline, though it would not steal emphasis away from the wide panorama, whereby there is a lack of distinctive focus on any one area. It would not be immediately noticeable. The material palette serves to assist in reducing the overall visual impact through its pastel hues”*.

6.3.50 The Site lies on the edge of the Keston Ridge viewing cone as depicted in Figs 22 and 23 below. The development would not directly impact on this View of Local Importance.





**Fig 22: Views of the Keston Ridge from the southern section of Bromley High Street**



**Fig 23: View 5: Junction of Ringers Rd with High St**

6.3.51 The BHTVIA identifies townscape effects ranging from Negligible Neutral to Moderate Beneficial. The methodology/framework for the assessment of townscape and visual impact using the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) as outlined in Section 3 of the TVIA is accepted by officers.

It is important however to note that alongside a clear evidenced-based process, the final overall assessment of the likely significance of the predicted effects is subject to professional judgement. It is not uncommon for judgements to differ in this regard. The proposed development would undoubtedly result in a significant townscape impact, the acceptability of which will be dependent upon the planning balance and the weight given to wider public benefits.

### ***Architecture - Acceptable***

6.3.52 The design principles which underpin the architectural approach appear well considered. The design intent to clearly define each of the blocks with a variation in material palette whilst repeating details and visual references to help ground the buildings in their context and avoid a generic or monolithic appearance where building forms coalesce in townscape views is supported.

6.3.53 The rationale for the proposed light grey/buff brick finish for the tallest element (northern tower), a light red brick for the southern tower and a dark red brick for the shoulder element of the southern tower and link building is accepted and considered appropriate. The articulation of the buildings with patterned brickwork/metalwork detailing and colour tone variation is welcomed and will provide some visual interest and relief to what would otherwise be, large imposing elevations.

6.3.54 Officers agree with comments made by the Design Review Panel in relation to the success of the verticality and 'lightness' expressed by the northern tower, the chamfered north-west corner, and the clearly defined base, middle and crown. The southern tower appears 'heavier' by comparison, however, the decision to reinstate a crown is welcomed and will create a stronger sense of identity within the wider townscape skyline. The recessed step between the main body of the tower and shoulder is also successful in creating a legible break between elements; helping to distinguish the shoulder and visually align with the appearance of the link building (evident in View 17).

6.3.55 The treatment of the link building poses a difficult challenge particularly with regard to the outward facing elevation which does not benefit from the opportunities provided by the inward facing deck structure to animate the facade. The design intent to break up the mass by dividing the block into thirds to read as separate vertical parts is welcomed, however, the extent to which this successfully mitigates the scale of what is a very large 10 storey slab block and how this is perceived and experienced at street level is questionable.

6.3.56 In response to the officer concerns, the applicant has provided some commentary on the link block, summarised below:

- The eastern façade of the link building is divided into three building forms as noted. This is achieved by stepping the façade and by incorporating a repeated brick pattern to accentuate the depth, which has the benefit of visually breaking up the building form, including when viewed from street level along Kentish Way

- The top of the link building also stepped, to define the building forms. Greenery within the roof terrace of the link building is visible from street level, as shown in views VP10 and VP12, further softening the building form and creating a visual connection to the roof amenity
- The street level along Kentish Way rises up along the edge of the link building, partially obscuring the first-floor level, as shown in the East Elevation. This results in the link building appearing lower when travelling along Kentish Way. Large glazing to the second floor, internal amenity also faces Kentish Way, further activating the streetscape at the lower levels.
- The lower levels of the link building follow the design principles of the base of the building which tie together the cluster of buildings, including a ribbed banding formed of recessed brick detailing, adding further interest at a human scale.

6.3.57 Officers note that the relationship between the link building and the towers is particularly important, the step in the floorplate (and change in materiality) helps to create a legible ‘visual break’ between the respective building forms, the value of which can be seen in key views from the east. This element of the scheme has notably improved from previous iterations.

6.3.58 The south east-corner of the site and southern facade fronting Masons Hill are particularly prominent edges to address. Officers share concerns raised by the Design Review Panel and GLA Design Officers in relation to the largely blank and inactive edges on the southern elevation and south-east corner which appear ‘closed’ and fortress-like (as indicated by the GGIs submitted) as opposed to ‘open’ outward facing engaging facades in accordance with the ‘gateway’ narrative of the scheme.

6.3.59 There is an opportunity to ‘open up’ the southern Masons Hill elevation to create a stronger visual connection between the store and the public realm, i.e. activating the edges and ‘seeing the store’ and the activity within to align with the JLP ‘part of the community’ narrative. There is a risk that by largely replicating the existing condition that Masons Hill will retain an ‘edge of development’ feel – disconnected from the wider scheme offer (as indicated by View 19). The south-east corner is a prominent corner and provides a big opportunity to draw people in, at present it appears as an inward facing ‘back’ rather than an outward facing ‘front.’ This aspect of the scheme remains largely unchanged from previous iterations.

6.3.60 The blank frontage currently proposed is a consequence of *existing* store operations which dictate the ground floor plan; by reconfiguring the Waitrose store internal layout, i.e. relocating ‘back of house’ elements to the western edge (adjacent to the service yard) would enable greater scope for additional transparency and animation to the southern elevation thereby positively transforming the street level experience along Masons Hill.

6.3.61 In a response to concerns raised by officers, the applicant states that adding a more active frontage to the southern facade would compromise the store layout to the extent that it would ‘no longer function’. Instead, a new store entrance and café would be created, activating the primary existing frontages and desire lines on the public piazza and main customer approach from the Town centre to improve the Waitrose customer experience. They contend that the “*south east corner is a*



*fantastic element of the scheme providing improved public realm around the re-clad Waitrose store, and adjacent to the new residential building entrance of the southern building and the public route through the scheme” and consider that “the schemes strong architectural approach, significant improvements to the public realm, and key routes will have a huge benefit compared to the existing condition”.*

6.3.62 It is noted that the design of the retained Waitrose store and surrounding landscape has been developed to maximise the activity along Masons Hill and Kentish Way whilst allowing the store to continue to function. However, the publicly accessible link from the south-east corner on Masons Hill (where the new public space, known as the “town centre gateway” is being created) will only be open during store trading hours. This would diminish its public benefits somewhat.

6.3.63 As previously discussed, whilst the commercial priorities of the applicant to minimise disruption to current trading operations are noted, officers retain the view that simply retaining/replicating existing site conditions (in part) which include inactive frontages and pedestrian movement/‘back of house’ vehicle conflicts is a missed opportunity.

6.3.64 It is noted that the applicant proposes to deliver a public art strategy for the wall and wider scheme and expect that this is to be secured by way of Section 106. Early engagement and collaboration with the local community should be undertaken to inform the design and delivery of any future art installations.

6.3.65 Should planning permission be subsequently granted, a Retention of Architect clause should also be included within the S106 agreement given the importance and prominence of the site and the potential/likelihood for it to act as a catalyst / tall building benchmark for future town centre developments.

6.3.66 Details of all external materials will need to be secured through planning condition, to ensure they are of high quality, attractive and robust which weather and mature well.

6.3.67 Further commentary on the proposed public realm interventions is provided under the heading of ‘Landscape and Public Realm’, later in this report.

- **Functional Impacts - Acceptable**

6.3.68 Functional impacts of the development are largely covered in other sections of this report, including construction, servicing and maintenance of the development, transport impacts and impact on local infrastructure. Additional considerations and analysis in relation to fire safety, access and socio-economic benefits are set out below.

#### *Fire Safety*

6.3.69 The proposed development include two blocks, named North Block (Block A) and South Block (Block C). Their height is 78.56 m and 69.11 m respectively. The proposed development comprises one or more relevant buildings which meet the

relevant conditions (contains two or more dwellings and is 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) was consulted.

6.3.70 Further to the above, on 24<sup>th</sup> 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). Each block is served by two staircases. On levels three to nine, the Shoulder building (Block B) is provided with balcony (deck) approach flats. The flats are proposed to be accessible from both the North and South staircases on all levels.

6.3.71 In accordance with London Plan policy D12, in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. The draft Fire Safety LPG (February 2022) sets out how applicants should demonstrate compliance with London Plan Policies D12 and D5(B5), where applicable.

6.3.72 The applicant has submitted a 'Waitrose Bromley South Fire statement' by Hoare Lee (30/06/23) and a 'Fire Statement for Planning', Hoare Lee, Rev 03, 2023 containing information on fire safety matters. This has been reviewed by the Council's Building Control officer who has confirmed that it meets the requirements of a Fire Statement.

6.3.73 HSE have provided their substantive response confirming that they are 'content' with the fire safety design, to the extent that it affects land use planning. In addition, they have provided supplementary comments which they state do not form part of their substantive response and should not be used for the purpose of decision making by the local planning authority. These are summarised in the consultee section of this report.

6.3.74 London Fire Brigade provided their initial comments on the 7<sup>th</sup> Feb 2024 (summarised above) and the applicant provided a response to their comments on the 3<sup>rd</sup> April 2024. At the time of writing, no updated comments from LFB have been received and members will be updated verbally at the meeting.

6.3.75 It is considered that any outstanding matters would be subject to subsequent regulatory assessment under the Building Safety Act (2022).

6.3.76 The GLA have also highlighted that London Plan Guidance on Fire Safety restricts the use of combustible materials in the external walls of a building, limiting the use of green walls. The applicant mentions green walls within the specific technical complexities in the fire statement but does not go into any detail as to how this issue will be addressed. The proposed urban greening should therefore be reviewed against this guidance and updated as appropriate. Where this review finds it necessary to remove a green wall, opportunities should be sought to make up any reduction in the UGF score by improving the quality or quantity of greening across the wider masterplan.

## *Servicing & Delivery*

6.3.77 As discussed in the following sections of this report, whilst officers have some concerns over the interrelationship of the proposed servicing and delivery arrangements with the pedestrian experience on St Mark's Rd which are a result of commercial priorities of the scheme, the servicing, maintenance and building management arrangements for this development appear to have been well considered at the start of the design process.

## *Access and Safety*

6.3.78 The benefits of wrapping a perimeter block with central cores connected by an external deck around podium gardens with a south-west aspect are acknowledged. Access to external communal amenity space is particularly important for a high density BTR scheme, in this regard there will be a strong visual connection between the access decks of the link building and the podium amenity space below.

6.3.79 At ground floor level the entrance to the norther tower would be suitably prominent, legible and well overlooked. The entrance to the southern tower 'south-east gateway' appears less prominent by comparison due to a change in levels and will arguably be less appealing due to the more austere Kentish Way environment. The south-east corner will experience a lower footfall than Station Approach despite the adjacent internal east-west pedestrian link with footfall diverted further north by the proposed Langdon Road link – as documented by the Publica/Wedderburn movement study.

6.3.80 The publicly accessible internal east-west pedestrian link between the Waitrose store entrance and the south-east corner of the site is an important element of the scheme ensuring that the 'Town Centre Gateway' provides a genuine connection through the site.

6.3.81 Notwithstanding the east-west link which will be closed outside of the store's opening hours; entrances, access routes, and ground floor uses have also been designed and placed to allow for peak time use.

6.3.82 The merits of the provision of publicly accessible open, shared spaces and communal facilities within the development, as well as improved connections and access points to and from site are acknowledged. The rationale for concentrating communal facilities and social spaces at second floor level in order to maximise opportunities for social interaction and help foster a sense of community (key to the BTR ethos) is acknowledged. Whilst there is an argument for providing additional social infrastructure higher up the building(s) i.e. above the tenth floor as recommended by the Design Review Panel to help provide an even greater sense of inclusion and ensure that residents residing at upper floor level do not feel 'detached,' the benefits of creating a dedicated 'social hub' of shared amenity spaces are accepted.

6.3.83 The SEL ICB have referred to suicide prevention and have requested planning conditions. The City of London Corporation's 'Preventing suicide in High Rise

Buildings and Structures Planning and Advice Note' (2022) states that suicide prevention focuses on tackling the methods that are most often used, this encompasses frequently used locations and areas of high probability and that limiting access to these locations can interrupt the suicidal intention.

6.3.84 Buildings of 4 storeys or higher with roof access, balconies or ledges present sites of increased suicide potential, along with multi-storey car parks and internal atria. Such places often provide easy access and a means of suicide by jumping from a height. Installing physical barriers to prevent / delay jumping restricts access to the drop and increases the chances of intervention by delaying the jump.

6.3.85 As a minimum, developers must comply with Building Regulation Approved Document K which requires a barrier with a minimum height of 1.1m to protect people in or about a building from falling. The Regulation also requires the designer to do a risk assessment and design the edge barrier accordingly. If the risk assessment considers there is a significant risk of people attempting suicide, then the barrier height should be higher than 1.1m. Where feasible and practical, consider providing a barrier in line with UKHSA guidance which advises a barrier height of at least 2.5m.

6.3.86 Whilst the ICBs request for planning conditions is acknowledged, as this particular issue is covered under the Building Regulations, it would not meet the test of necessity in the NPPF.

#### *Socio-Economic Benefits*

6.3.87 The design of the Proposed Development has been developed to be able to incorporate sufficient social infrastructure on-site to meet the demand generated by the new population within the Proposed Development, so that no significant residual effects on social infrastructure within the local area remain. The local area is severely deficient in play space areas for children below 12 years old. Open space and play space areas within the Proposed Development will be provided in line with the requirements of London Plan Policy G4 Open Space and GLA's Supplementary Planning Guidance respectively. Further description of design measures relevant to socio-economics is provided within Chapter 11: Socio-economics of the ES.

6.3.88 The proposed Development will also generate a series of wider economic, regeneration and community benefits which will contribute to the ongoing regeneration, vitality and vibrancy of the local area.

- **Environmental Impacts – Unacceptable (Daylight & sunlight and townscape only)**

6.3.89 Environmental impacts of the development are largely covered elsewhere in this report, as indicated below. Additional considerations and analysis in relation to Wind Microclimate are also provided here.

## *Wind Microclimate*

6.3.90 It is important to note that the proposed development would result in the creation of the first cluster of tall buildings in Bromley South, the cumulative impact and close proximity to neighbouring development Perigon Heights has the potential to significantly alter the existing baseline condition.

6.3.91 The Pedestrian Level Wind Microclimate Assessment conducted by RWDI on behalf of the applicant confirms that wind conditions resulting from the form, scale and orientation of the buildings proposed would require a number of mitigation measures; including landscaping interventions, porous and solid parapets to protect podium garden/roof terraces and solid balcony balustrades/side screens to sections of the northern and southern tower facades.

6.3.92 With the introduction of the landscaping scheme and wind mitigation measures, there would be no accessible locations at the Proposed Development that would exceed the wind safety criteria. Amenity spaces at ground floor level, on the podium and on the link building terrace would have suitable wind conditions for seating provisions. All entrances and thoroughfares would have suitable wind conditions for the intended use. It is unclear however as to whether or not the mitigation measures proposed in Section 12.8 of the report have been incorporated within the landscape strategy. In response to officer's request for further clarification the applicant has provided further information outlining a number of mitigation measures which are embedded into the design. These include tree and shrub planting, parapet walls on the level 2 podiums and level 10 roof terraces and solid balustrades and screens on balconies.

6.3.93 Minor adverse (significant) effects have been identified at the eastern end of the Bromley South Station platform (measurement location 60) and at the northern section of the Level 10 roof terrace (measurement locations 159 and 164), it is noted that 'large seating' is currently proposed for measurement location 159. Further mitigation would be required in order to achieve the acceptable wind conditions in these areas. This could include:

- Additional 1.5m tall landscaping/screening surrounding seating areas on the roof terrace.
- 3m tall Pergola or canopy above seating areas on the terrace (porous or solid).

6.3.94 It is not expected that users would linger for extended periods on the areas of the station platform by the stair case represented by measurement location 60 as they would be expected to be in the process of joining or leaving the station platform. However, if standing conditions are required inclusion of following measures would be expected to increase the shelter provided for this space:

- Elevated porous elements aligned perpendicular to the façade of the Proposed Development in the car park, 4m tall, 2m wide, 50% porous;

6.3.95 With the above mitigation incorporated at the post planning stage, the above two areas would be expected to have wind conditions suitable for the intended uses and would be expected to represent no significant effects. It is noted that

effectiveness of these measures would need to be assessed through further wind tunnel testing. This should be carried out to confirm the effectiveness of the proposed measures and, if not effective, alternative mitigation measures should be explored. This can be carried out as part of a planning condition, with details of the measures to be submitted to and approved by the LPA, along with details of the landscaping strategy.

### ***Landscape & Public Realm - Acceptable***

#### *Station Approach*

- 6.3.96 Station Approach is key to the success of the scheme, this will function as the primary pedestrian movement route accommodating a significant increase in current footfall levels generated by the creation of 353 new homes. The applicant is proposing to reconfigure the existing layout with the widening of the existing footpath, decluttering of existing street furniture, and improved wayfinding, as well as the provision of cycle parking, new seating and tree planting.
- 6.3.97 The Metropolitan Police have raised concerns regarding increased traffic congestion and road safety issues on Station Approach, particularly at peak periods such as Christmas.
- 6.3.98 The applicant has undertaken car park surveys during weekdays and weekends and conclude that that there will be reduced traffic levels on Station Approach as a result of the proposals.
- 6.3.99 Whilst the highway authority has confirmed that they expect 'peak retail periods may add to congestion at the junction with High Street and Westmoreland Road', with the reduction of car parking for the Waitrose store and the future car parking management plan, this potential congestion issue can be closely monitored. Furthermore, the revised 2-lane car park access point near the mini-roundabout should also minimise the conflicts between pedestrians and cars which would have otherwise occurred in the location originally proposed for the car park entrance.
- 6.3.100 Overall, it is considered that the measures taken to address the existing pedestrian/vehicle conflict should create a safer and more attractive public realm environment.
- 6.3.101 The detailed design of the landscaping, public realm and highways works will need to be subsequently approved by the Council through the use of planning conditions, S106 and S278 agreements/highways license as applicable.

#### *Piazza*

- 6.3.102 A piazza is proposed at the main entrance point to the development, providing a welcoming and accessible space to clearly demarcate the entrances to the ground floor BTR lobby, the café and the Waitrose customer entrance. All walking and cycle routes connect to the piazza, which provides a new central node

to the scheme. Flexible space is split over two levels and framed with terraced seating - the upper level providing spill-out for café use. The position of seating is designed to overlook the flexible space, providing ample seating and inviting people to stop, dwell and stay a while. The piazza also includes a play trail, adding a further layer of interest and activation. The trail includes accessible and sensory play, as well as natural materials, creating an inclusive playspace.

6.3.103 The Design Review Panel have previously raised concerns in relation to the scale of the piazza space feeling disproportionately small in relation to the scale of development being proposed, however, the changes made to improve the quality and feel of the space throughout the design process are acknowledged by officers.

6.3.104 It is important to note the distinction between a dwell space in which to 'stop and stay' and a transient space in which to 'move through' quickly, in this regard the ambition to create an active flexible space with the provision of outdoor seating and play to encourage/allow people to gather for longer is supported. However, when considering scale in relation to function, it is felt that in reality, the piazza is more likely to function as a movement space than a 'destination' space – particularly in the evening where the activation will be limited outside of store/café operating hours. Conversely, during daytime hours the space is likely to be well used and would be animated by the café spill out space.

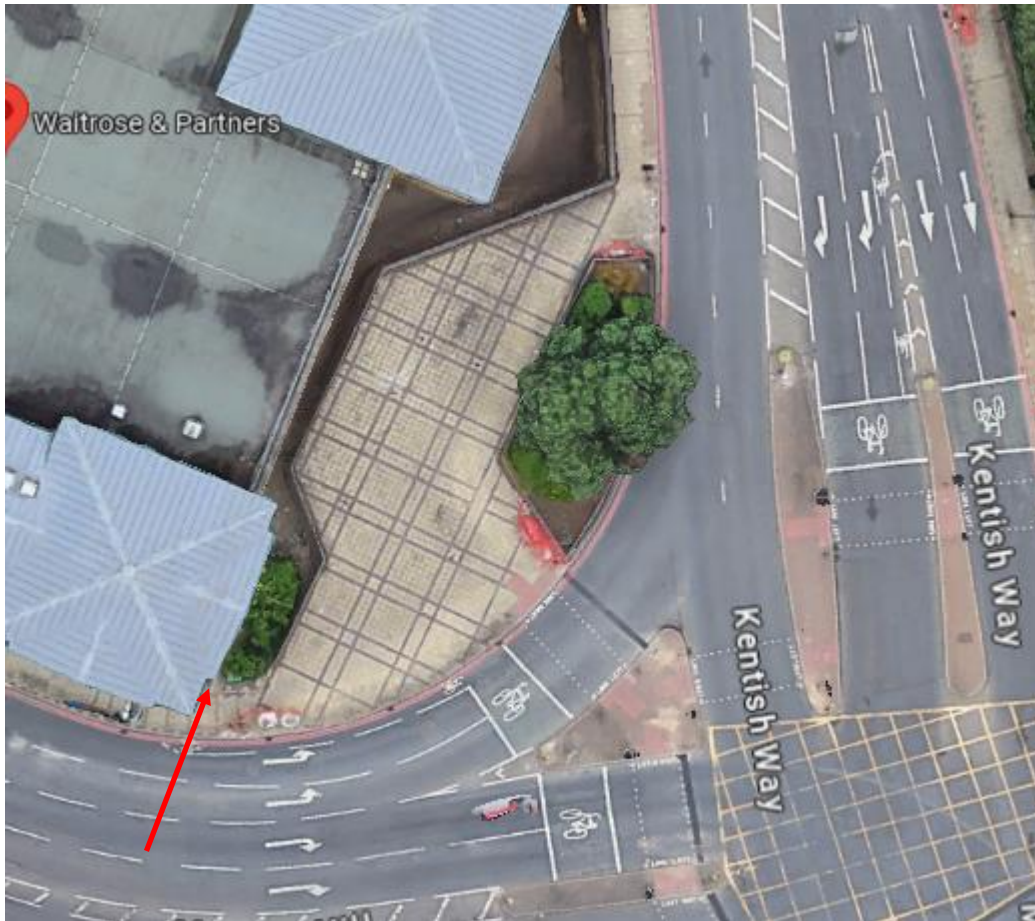


**Fig 24: Piazza**

*Town Centre Gateway and Woodland Link*

6.3.105 The applicant is proposing an extensive new public realm intervention on the corner of Kentish Way and Masons Hill which they describe as the ‘Town Centre Gateway’. The area currently lacks interest other than a single planter (under TfLs ownership). The land levels fall to the west where there is a retaining wall and, below that, a pedestrian entrance to the Waitrose store, as indicated by the red arrow, below.





**Fig 25: Existing south-eastern corner (Google)**

6.3.106 The proposals for this area include wide, level pedestrian and cyclist access with lighting, seating, cycle parking, trees and other green infrastructure. A flight of steps is strategically located next to the pedestrian crossing on Kentish Way. The applicant is anticipating a new increase of around 610 pedestrian movements in this location, boosted by the new residential lobby.

6.3.107 The Design Review Panel have previously expressed concerns in relation to the pedestrian experience of the south-east 'gateway,' emphasising the need to create clear sightlines to the east-west link (i.e. the need to 'see and be seen'). In this regard the changes made to proportions of the columns/wider access point to improve visibility are welcomed.

6.3.108 The 'Town Centre Gateway' will predominantly be used by residents (as opposed to wider public use) as acknowledged in the Design and Access Statement which states that the use of the east-west through-route will decline due to the opening of the new Woodland Link further north. The findings of the movement study compromise to some extent the 'gateway' rationale which underpins the townscape argument for the scale of the proposed southern tower. It is also noted that the publicly accessible link will only be open during store trading hours. This would diminish its public benefits somewhat.

6.3.109 Nevertheless it will be a marked improvement on this currently blank corner, providing some screening from the traffic above on Kentish Way and a greater sense of safety and visibility for residents and visitors. The proposed tree planting, soft landscaping, paving delineation and positioning of access steps to create and frame a legible desire line appears well considered balancing visual connection and spatial enclosure.



**Fig 26: Proposed south-eastern corner 'Town Centre Gateway'**

6.3.110 In response to improving connectivity, a new pedestrian and cyclist link, described as 'Woodland Link' is proposed to the eastern edge of the Waitrose car park connecting with Langdon Road via an elevated timber boardwalk and woodland path beneath the Kentish Way flyover. The movement analysis identified two incidents of casualties under the classification of 'Pedestrian Serious' at or near to the footpath at the point of exit onto Kentish Way, where large counts of people cross in an uncontrolled manner. The new link encourages pedestrians and cyclists to divert under Kentish Way, thereby separating these users from a potentially dangerous high speed road. The new link is expected to be used by 50-150 persons per hour during different times of the day. It is expected to reduce the volumes of users crossing Kentish Way informally to get from Langdon Road to the Elmfield Park ramp.



**Fig 27 Proposed Woodland Link**

6.3.11 The creation of the proposed Woodland Link as part of the wider public benefits offer is supported, confirmation that the link will be open 24 hours a day in order to provide a true public benefit is particularly welcomed. Officers are satisfied that the lighting provision outlined within the Exterior Lighting Design Strategy will provide an adequate sense of safety and security. In addition, the Designing out Crime officer has reviewed this aspect of the scheme and considers that the through route would be much safer than currently, with wider paths, more maintained vegetation and better lighting.

6.3.112 Currently the area proposed as the 'Town Centre Gateway' on the corner of Kentish Way and Masons Hill, is partly owned by TFL and partly owned by LB Bromley. The land in LB Bromley's ownership is maintained by LB Highways. LB Highways have raised concerns that all the proposals introduce new elements to Highway land that would need to be maintained into the future, and have questionable value to Highway users. These include new retaining walls, planters, and steps as well as non-standard paving at the SE corner Public Realm site.

6.3.113 The Highway's officer is of the view that the public realm improvements on the corner of Masons Hill and Kentish Way are unlikely to be of any real value to Highway users given its location, as it does not really improve any route from Highway to Highway, and appears mainly be of beautification benefit to the properties it leads to and adjacent business. Its definition between the Highway and private sections would also need to be defined, which is not currently in the plans.

6.3.114 Similarly, the proposed Woodland Link introduces a raised wooden walkway through what is currently shrub land needing minimal maintenance (Council owned subsoil, together with dedicated Highway land). While possibly having some value to the adjacent residential properties as an alternative route under the overpass the Highways officer considers that it would appear to be of limited benefit to Highway users and questions its level of use. This would need registering as a structure, along with the new retaining wall at the public realm area the other side, and therefore include the extra costs of ongoing professional condition assessment by outside consultants, the cost of which the Council would ultimately be liable for.

6.3.115 In light of the above, the only feasible way to secure the delivery and future maintenance of the proposed public realm works relating to the South East Corner and the Woodland Link would be for these parcels of land to be transferred from LBB Estates to the applicant's ownership. The applicant is amenable to this and has agreed to engage with LBB Estates team regarding a land transfer deal. LBB Estates have also confirmed that LBB is prepared to enter into negotiations with John Lewis Partnership for the transfer/sale of the relevant parcels of land subject to the conditions that any transfer or sale meets the "best value" test as set out in S123 of the Local Government Act 1972; that the maintenance liabilities of the acquired land will be the responsibility of JLP in perpetuity; that the Council's reasonable administrative, legal, and surveyor's costs in arranging a sale or transfer are fully indemnified by JLP; and subject to contract and all appropriate Member approvals.

6.3.116 In the event that the land transfer/sale is subsequently unsuccessful, the proposed public realm works and Woodland Link will be undeliverable, thereby significantly diminishing the planning benefits of the proposed development.

6.3.117 The provision of the public realm works and ongoing maintenance will need to be secured through Grampian planning conditions and S106 legal agreement.

### *St Mark's Road / Masons Hill*

6.3.118 The existing condition of St Mark's Road generates an uneasy relationship between north-south pedestrian movement, Perigon Heights public realm, and the vehicular movement/servicing requirements of the Waitrose store.

6.3.119 It is likely that pedestrian footfall will continue to increase as neighbouring developments continue to come forward. As such the character of St Mark's Road is likely to change from a service 'road' to a pedestrian focused 'street'.

6.3.120 Notwithstanding the above, improvements to the streetscape of both St Mark's Road and Masons Hill which include new crossing points, soft landscaping and tree planting will make a positive contribution to the wider setting and the proposed moves to separate pedestrian and vehicle movement by increasing the width of the footway on the western side of the road and removing the footpath on



the eastern side are welcomed. The detailed design of this will be subject to S278 agreement with the Council as Highway Authority.



**Fig 28: Proposed St Mark's Road / Masons Hill public realm works**

### **Urban Design Summary and Conclusions**

6.3.121 Reflecting on the design policies in the development plan, whilst it is accepted that the site can accommodate taller buildings and that Bromley South is the most suitable location for taller buildings within Bromley Town Centre, the scale of development/building heights being proposed significantly exceeds that of the surrounding development and it will have a significant visual impact on the townscape skyline and the rationale for the height of the northern tower, at 24 storeys, is unconvincing. In terms of the southern tower (19 storeys), this also represents a significant step change in scale in comparison to the emerging 'edge of town centre' context further north along Elmfield Road and to the residential development to the east of Kentish Way. It is accepted that the proposed scale of the buildings should be staggered from north to south; however the extent to which this slender element represents of achieves a meaningful transition in scale to the low-rise surrounding context is questionable. These will be very tall buildings within the context of Bromley and buildings of lesser height could achieve this function equally well.

- 6.3.122 Whilst elements of the architectural treatment to reduce the apparent massing of the development and use of materials to reflect that of the surrounding area have merit, the appearance does not in itself mitigate the proposed scale and height. Furthermore, the architectural treatments on the south-eastern corner of the building, together with the proposed servicing and delivery arrangements, are a result of commercial priorities rather than being design-led.
- 6.3.123 Notwithstanding the above, the merits of the overarching landscape vision; connecting the site to the High Street (visually and functionally), improving green connections, creating distinctive gateways, providing safe and accessible sustainable movement routes, and complimenting existing amenities are acknowledged and strongly supported by officers. The development has the potential to significantly enhance the local context. The car-free nature of the residential development and provision of dedicated pedestrian and cycling routes, including the new connection beneath the Kentish Way flyover to existing residential areas to the east, along with a new pedestrian crossing on Masons Hill, will help to encourage and facilitate active travel to and from the site.
- 6.3.124 The delivery of the wider landscape vision and public realm interventions will be largely reliant on agreement/commitment from neighbouring land owners, given the proportion of public realm improvements which fall outside of the applicant's land ownership boundary but which form an integral part of the scheme. Considerable weight would need to be given to the package of wider public benefits (i.e. those that surpass policy requirements) in order to offset the townscape impact. Therefore, in the event that the land transfer/sale is subsequently unsuccessful, the proposed public realm works and Woodland Link would be undeliverable and this would significantly diminishing the planning benefits of the proposed development.

## **6.4 Heritage**

### ***Built Heritage – Less than substantial harm***

- 6.4.1 The site is located approximately 600m away from the edge of the Bromley Common conservation area and around 355m away from the Bromley Town Centre conservation area. The Grade II listed Former St Mark's School lies opposite the site to the south-west on Masons Hill. St Mark's church (locally listed) lies around 180m to the south-west in Westmoreland Rd.
- 6.4.2 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.
- 6.4.3 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.

- 6.4.4 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 (NPPF paragraph 209).
- 6.4.5 NPPF Glossary: Setting of a heritage asset - The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance (NPPF, Annex 2: Glossary)
- 6.4.6 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.
- 6.4.7 Policy D3 requires development proposals to 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. Policy D9 on tall buildings states that proposals should avoid harm to the significance of heritage assets and their settings.
- 6.4.8 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. The designated heritage assets in this case are the two conservation areas and the Grade II listed building. The church is a non-designated heritage asset for the purposes of the NPPF.
- 6.4.9 The application is accompanied by an Environmental Impact Assessment which includes a Built Heritage, Townscape & Visual Impact Assessment (BHTVIA). Given the lack of heritage assets on the site the assessment was only concerned with the settings of nearby heritage assets.

6.4.10 The northern tower and Perigon Heights visually merge in View 20 of the BHTVIA, where alongside the southern tower the buildings would form a dominant backdrop to the Grade II listed former St Mark's School. However, the assessment considers that this would not alter where the buildings derive significance from, architecturally or historically, and it would not impact, beneficially or adversely, the significance of any heritage asset's setting.



**Fig 29: BHTVIA View 20: Former St Mark's School (existing)**



**Fig 30: BHTVIA View 20: Former St Mark's School (proposed)**



6.4.11 The Former St Mark's School and other heritage receptors identified within this ES assessment would experience no likely effects to their value. These effects are not significant in ES terms. Cumulatively, there would be effects on the appreciation and understanding of a number of heritage assets. Where identified, these are considered by the applicant as 'Negligible' and 'Beneficial'

6.4.12 The northern tower would also visually impact on the wider setting of locally listed St Mark's Church (View 22) however, the degree of harm is not considered to be unacceptable. It is agreed that the building is currently understood, and would still read as, a historic fragment of Bromley.



**Fig 31: BHTVIA View 22: Westmoreland Rd near Sandford Rd (existing)**



**Fig 32: BHTVIA View 22: Westmoreland Rd near Sandford Rd (proposed)**

6.4.13 The visual impact assessment has also considered a range of views from which the development will be visible on the immediate approach to the town centre. It is the applicant's view that the proposed development would be complementary to its immediate surroundings with height marking public space at the base, and a key junction within Bromley's town centre.

6.4.14 With regards to the two conservation areas, the locally listed buildings along Bromley Common (within the conservation area) are over 700m away from the edge of the site. They are situated behind boundary walls and a dense enclosure of mature planting. The setting that contributes to their significance is limited to the environment that defines their immediate surroundings. The tall buildings added to the distant views along Mason's Hill/Bromley Common, are tertiary and would be peripheral to the viewer's experience of these assets. Due to the separating distance and orientation of the site and the locally listed buildings, the two tall buildings would not be seen in conjunction.

6.4.15 33-41 Mason's Hill is over 400m away from the Bromley Town conservation area. The AOD of the CA at its closest point to the buildings is 68m. 33-41 Mason's Hill is located at 51m AOD. These buildings (which are not listed and are not deemed to be non-designated heritage assets) do not contribute to the CA's character and appearance through setting and there is no intervisibility between the two in the current condition.

6.4.16 There would be limited visibility from Bromley Palace Park. Where seen this would primarily be filtered through trees and only in winter. The park and its historic buildings are over 500m from the Site and do not share a setting relationship. The heritage assets in the park are already in the setting of large contemporary buildings

which do not detract from the understanding, appreciation or contribution setting makes to significance.

6.4.17 Overall, the applicant considers that the development, while visible, would be entirely peripheral to the viewer's experience and would not harm the setting and significance of heritage assets. The applicant has referenced some case law to support their view (appeal decision at Edith Summerskill House, Clem Attlee Court, London, SW6 7TW 20/01283/FUL and PINS ref: APP/H5390/V/21/3277137 (July 2022) and 66-70 High Street, Bromley (ref: DC/19/04588/FULL1) which was allowed on appeal).

6.4.18 Officers would note that each case must be considered on its own merits and whilst it is agreed that the proposal will be seen "dynamically" in the heritage context, and that the heritage assets, views and street layout form a "fragment of the townscape character of Bromley from the turn of the 20th century", the conservation officer maintains that the cumulative harm of adding another tall building to this heritage context is negative and the proposals would advance the erosion of the historic townscape character resulting in 'less than substantial harm' to designated heritage assets under the NPPF definition.

6.4.19 Notwithstanding the conservation officer's concerns, officers accept that retaining the existing skyline/backdrop to these heritage assets would effectively preclude optimising the development potential of sites within a highly sustainable town centre location. Indeed, other tall buildings form part of the context of Bromley South.

6.4.20 It is also noted that the GLA in their Stage 1 consultation response state that they consider that there is potential harm to the significance of heritage assets by reason of harm to their settings, in relation to the Former St Mark's School, Crystal Palace Upper Terrace, listed Grade II and Crystal Palace Park Garden, a Registered Park and Garden, Grade II\*. The GLA stage 1 report states that the public benefits will be considered at Stage 2 and whether they outweigh the harm caused by this proposal.

6.4.21 The 'less than substantial' harm will be weighed-up in the overall planning balance in the conclusions section of this report taking into account the public benefits of the proposal.

6.4.22 It is noted that the application does not fall under any of the relevant statutory provisions for consulting Historic England and, despite being consulted, Historic England did not provide any comments.

### ***Archaeology – Acceptable***

6.4.23 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.

6.4.24 An Archaeological Desk-based Assessment (June 2023 by AECOM) was submitted with the application which assess the potential for archaeological heritage within a 1KM study area from the site boundary. The applicant made further contact with Historic England's Greater London Archaeological Advisory Service (GLAAS) in

response to their concerns over potential for burials within the site associated with the church.

6.4.25 Historic England GLAAS have recommend a staged condition with the aim of identifying any burials that are located within the application site so that appropriate and sensitive mitigation can occur.

## **6.5 Neighbourhood Amenity**

6.5.1 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.

6.5.2 The residential receptors which are considered most susceptible to impacts from the proposed development are those within 150m of the proposed development. Taking into account Policy 37, the impacts on the occupiers of those properties are considered below.

### ***Privacy and Overlooking – Acceptable***

#### **Perigon Heights**

6.5.3 Perigon Heights is a 17 storey mixed commercial/residential block with residential uses at level 4 and above. According to BRE Guidelines, recommended privacy distances vary widely, but typically range from 18 m up to 35m. The northern tower would be positioned on a 45° angle to Perigon Heights with its western elevation positioned around 16m from the north-east corner of Perigon Heights and a maximum of around 24m to the north elevation of Perigon Heights but angled away.

6.5.4 Levels 4 to 16 Perigon Heights include bedroom windows and windows serving living/kitchen/dining rooms on the northern elevation as well as corner balconies on the north-east corner facing the proposed northern tower. Level 14 is served by a large, private outdoor terrace on the north-east corner. Instead of a corner balcony level 16 includes a private terrace on its northern elevation and 2 bedroom windows facing north-east.

6.5.6 The western elevation of the proposed northern tower would include habitable room windows for the flats facing towards Perigon Heights. For some of the flats in the northern tower this would be their principal outlook. 22 of the proposed flats would incorporate balconies on the south-western corner of the northern tower.

6.5.7 Given the orientation of the existing and proposed development any views from the proposed development to the adjacent Perigon Heights would predominantly be obtuse ones. There would be some increased opportunity for views of the private balconies and terraces of Perigon Heights from the proposed habitable room windows and corner balconies of the northern building; however, this would be at a separation distance of around 16m and, again, at an obtuse angle.



**Fig 33: Proposed 11<sup>th</sup> floor (northern tower) shown in relation to Perigon Heights**

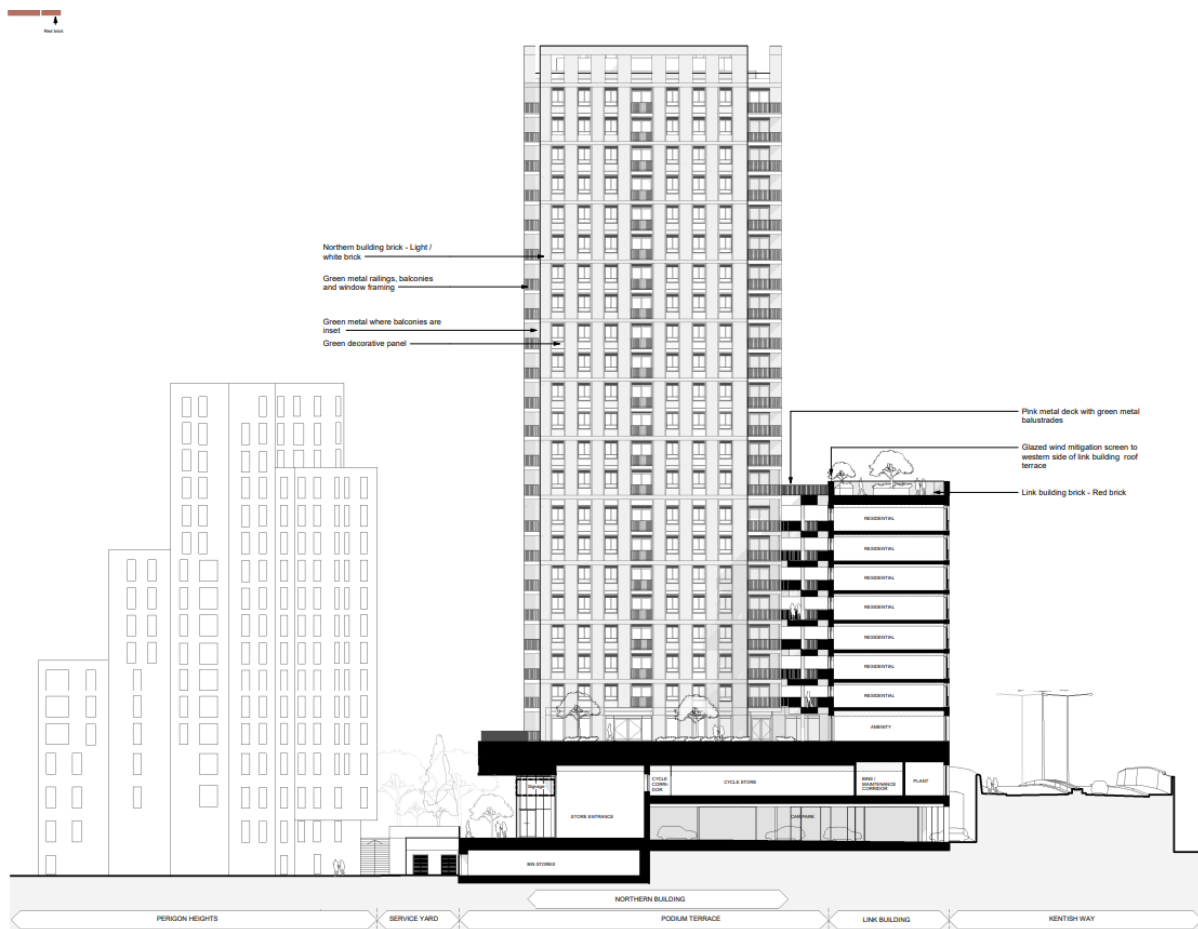


**Fig 34: Perigon Heights typical floor plan (application ref.13/03345/FULL1)**

6.5.8 Currently, residents of those units on the eastern and northern sides of Perigon Heights enjoy unobstructed views to the north, over and above the railway line and to the east, over the Waitrose car park and existing store towards the Keston Ridge. Whilst these adjoining residents will, inevitably, experience an increased sense of enclosure and reduced outlook as a result of the proposed development when compared with the current situation officers do not consider that this should



preclude higher density, taller development coming forward on this highly sustainable, well-connected town centre site in the Opportunity area.



**Fig 35: Proposed Northern building in relation to Perigon Heights**

### 33 – 41 Masons Hill

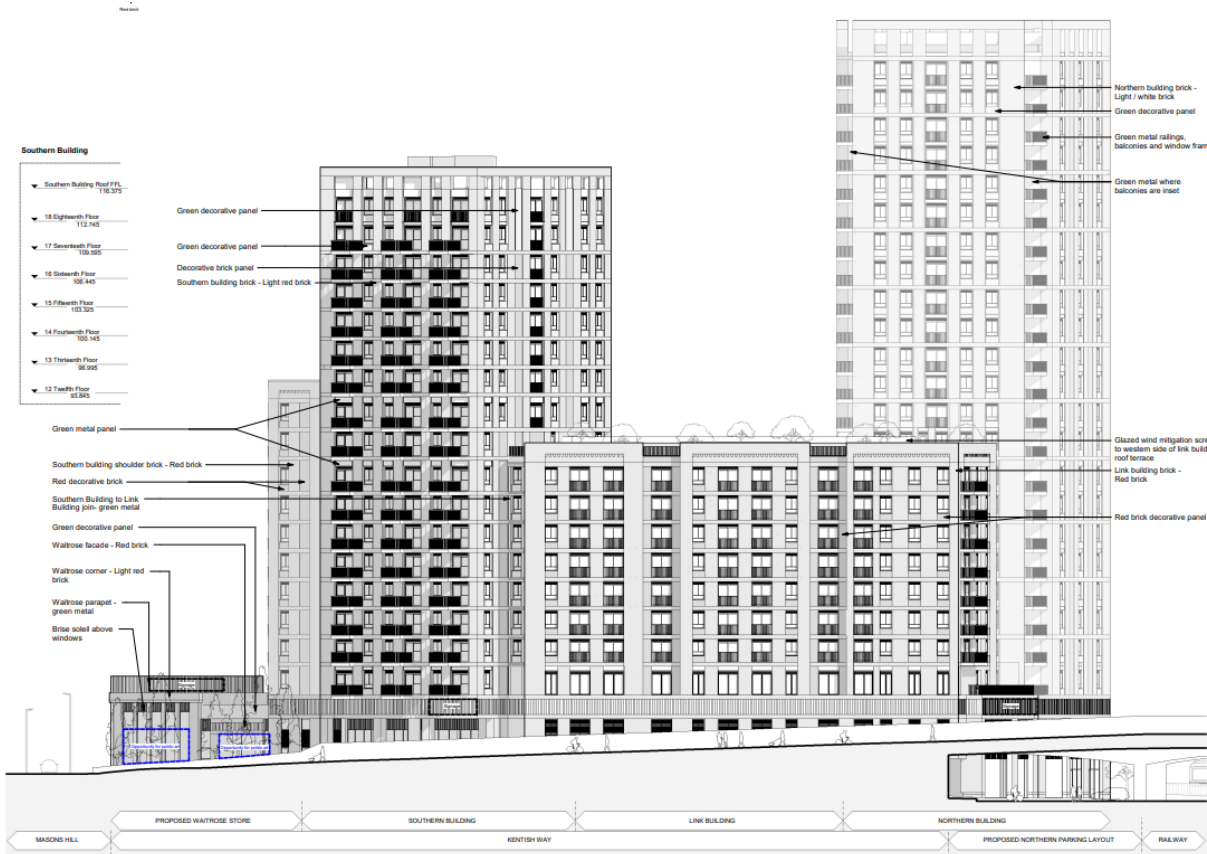
6.5.9 This terrace of ground floor commercial units with residential flats above is positioned around 63m from the proposed location of the northern tower and around 72m from the proposed southern tower. At such distances, it is highly unlikely that residents of those properties would experience and perceived or actual overlooking or loss of privacy or amenity as a result of the development. Noise impacts arising from the proposed servicing area are considered in Section 6.11 of the report.

### Langdon Road, Prospect Place and Oakwood Avenue

6.5.10 The closest residential dwelling to the site in Langdon Rd is No.32. This property is divided into a separate ground floor flat and 1st floor flat. Around 46m separation distance would be maintained between No.32 and to the proposed link block, around 48m would be maintained to the proposed southern tower and around 69m separation would be maintained between No.32 and the proposed northern tower. It is considered that such spatial relationship would adequately ensure that the

privacy currently enjoyed by the occupiers of No.32 and other properties further to the east along Langdon Rd would not be unduly compromised.

- 6.5.11 The principal aspects from the properties in Langdon Rd is to the north and south and this would not be compromised by the proposed development which would lie to the west of these properties.
- 6.5.12 Residents in Langdon Rd are likely to experience increased pedestrian and cyclist movements along the road as a result of the proposed step-free woodland link which would provide a more convenient and safer access to the site than currently exists from Langdon Rd. As Langdon Rd is a controlled parking zone (resident permit holders only Mon – Sat, noon - 2pm) it is unlikely that residents of the proposed development (who choose to use a car) would choose to park in Langdon Rd and use the woodland link to access the site. It is acknowledged however that this route could be taken by shoppers using a car outside of the restricted times, leading to increased noise and disturbance for existing residents.
- 6.5.13 A minimum separation distance of approximately 46m is proposed between the southern tower and the nearest residential properties in Prospect Place (No's 9 and 11). It is acknowledged that the rear elevations and gardens of these two properties are orientated towards the location of the proposed southern tower which would rise to part 19/part12 storeys and, as such, there would be an increased perception of being overlooked and a sense of 'eyes in the sky' as a result of the proposed development. However, such spatial relationship represents a privacy distance substantially greater than that recommended by the BRE guidance and officers consider that this is acceptable in the context of this transitional site on the edge of the urban town centre. Such a spatial relationship would adequately ensure that the privacy currently enjoyed by the occupiers of these properties would not be unduly compromised.
- 6.5.14 No.1 Oakwood Avenue is situated around 123m from the site of the proposed southern tower with its flank elevation facing west towards the site. No's 2 – 6 Oakwood Avenue are sited further to the east. The principal outlook from these properties is to the north and south. Given the separation to these residential properties, together with the orientation, there would be no significant loss of privacy or outlook for occupiers of these houses as a result of the proposed development.
- 6.5.15 The ES Volume II (Built Heritage, Townscape and Visual Impact Assessment) considers the visual impacts and acknowledges that "*Closer to the Site there are more noticeable impacts on visual amenity. Along Langdon Road for example, where Perigon Heights already terminates views towards the town centre, the Proposed Development would be prominent.*"



**Fig 36: Proposed east elevation (southern tower on left, link block centre, northern tower on right)**



**Fig 37: BHTVIA View 12: Langdon Rd (existing)**





**Fig 38: BHTVIA View 12: Langdon Rd (proposed)**



**Fig 39: BHTVIA View 13: Oakwood Avenue (proposed)**





**Fig 40: BHTVIA View 14: Prospect Place (existing)**



**Fig 41: BHTVIA View 14: Prospect Place (proposed)**

*Palace View*

6.5.16 The rear elevations of the closest residential properties to the site in Palace View are between approximately 108m and 123m from the northern elevations of the proposed link building and northern tower. While the applicant's Built Heritage, Townscape and Visual Impact Assessment demonstrates that the development would be highly visible from these residential sites and occupiers of these properties would experience a change in outlook, it is noted that the proposed tall buildings would be viewed in the context of existing larger-scale development in



Bromley South. Given the substantial separation distances residents of these properties would still maintain good levels of privacy. The BHTVIA finds that there would be a minor/neutral effect on visual receptors to the east and north-east of the site (including Palace View, Langdon Rd, Oakwood Avenue and Prospect Place) once the development is operational.

6.5.17 Overall, the proposed development would result in a marked change of outlook for residents of properties to the east and north-east of the site compared to the existing situation; however, residents would still maintain good levels of privacy as required by Policy 37 and it is not considered that this should preclude higher density, taller development coming forward on this highly sustainable, well-connected town centre site in the Opportunity area.



**Fig 42: BHTVIA View 9: Rafford Way near Palace View (existing)**



**Fig 43: BHTVIA View 9: Rafford Way near Palace View (proposed)**

Nexus apartments, 33 - 39 Elmfield Road

6.5.18 Nexus apartments is a four storey flatted block situated approximately 78m to the north of the site of the proposed link block and northern tower. There are multiple windows on the southern elevation of this block serving the residential units within. Whilst the occupiers of these units would experience a significant change in outlook as a result of the proposed development, the proposed development would be viewed in the context of the railway line and existing larger-scale development in Bromley South. Furthermore, the separation distances would exceed the recommended privacy distances in the BRE guidelines.

Broadway House, 3 – 5 High Street

6.5.19 Broadway House is taller building itself in the context of Bromley South, approximately 12 storeys in height. The proposed northern tower would be located approximately 116m to the south-west of this building. Whilst the northern tower does include some balconies on its north-west corner, the majority of proposed windows would be angled away from Broadway House and, given the separation distance between the two buildings, existing resident would maintain good levels of privacy.

Reflex Apartments and Maxim Apartments, 1 and 2 Wheeler Place

6.5.20 These five storey blocks are sited to the south-east of the application site on the opposite side of Masons Hill. The two blocks are set back from Masons Hill, screened by mature trees and their principal elevations are angled away from the proposed development (facing further east). With minimum separation distances to

the proposed southern tower of around 83m and 96m respectively, there is unlikely to be any significant overlooking or a loss of privacy to existing residents, neither would there be a significant visual impact.

### Pinewood Rd and Cromwell Avenue

6.5.21 The rear boundaries of the gardens of the two storey semi-detached houses in Pinewood Rd are around 115m from the southern edge of the proposed southern tower. Potential views of the proposed development, particularly from No's 2 – 12 (even) would appear to be largely screened by the existing Foresters House building at 2 Cromwell Avenue.

6.5.22 Further to the west in Pinewood Rd there would be views of the proposed development available from the rear elevations and gardens of these dwellings; however, these would be seen in the context of the large grained and larger-scale townscape character of the area around Bromley South. The proposed development, visually, fits within this context and is representative of this change in scale.

6.5.23 No's.1, 3, 5 and 7 Cromwell Avenue are sited a minimum of 150m from the proposed location of the southern tower with their principle elevations facing north-west. As such occupiers of these properties would be unlikely experience any direct views of the proposed development from their main / habitable room windows.

6.5.24 Overall, given the substantial separation of these residential dwellings to the application site, there would be no significant loss of privacy for existing residents in Pinewood Rd or Cromwell Ave.

### ***Daylight, Sunlight and Overshadowing – Unacceptable (Perigon Heights only)***

6.5.25 The application is supported by an Environmental Impact Assessment which includes a chapter on Daylight, Sunlight & Overshadowing comprising of a technical report by GIA and an ES Addendum dated 21/05/2024. A daylight/sunlight analysis was undertaken of the surrounding residential buildings using the Vertical Sky Component (VSC), Daylight Distribution (or No Sky Line (NSL)) and Annual Probable Sunlight Hours (APSH) tests<sup>1</sup>. In addition, losses in sunlight to amenity area is also considered.

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<sup>1</sup> 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.



6.5.26 This report has been subject to a third-party review by Schroeders Begg on behalf of Bromley Council, dated June 2023. In summary, it is found that there will be some noticeable impacts to daylight to a number of neighbouring properties / properties with reductions not meeting BRE Guide default target criteria.

6.5.27 In terms of daylight VSC, properties with reductions not meeting BRE Guide default target criteria relate to a number of windows within Perigon Heights (St Marks Road) and No. 1 Wheeler Place and to a lesser extent, isolated windows within Nos. 33-39 Elmfield Road, 32 Langdon Road and Nos. 7 & 9 Prospect Place.

6.5.28 For daylight distribution/NSL, this primarily relates to a limited number of rooms within Perigon Place and isolated rooms within No. 1 Wheeler Place, 32 Langdon Road and Nos. 7, 9 & 11 Prospect Place.

6.5.29 For sunlight, there are a significant number of properties not applicable for review as facing windows that could be affected by the proposal do not fall within 90° of south which includes Nos. 1 & 2 Wheeler Place, 35-35A 37-37A & 39-39A Mason Hill.

Further detailed analysis is provided below.

#### Perigon Heights

6.5.30 Perigon Heights is located directly west of the proposal, and currently enjoys high levels of light from across the site, due to the existing massing being low rise. Residential units are arranged on the 4<sup>th</sup> to 16<sup>th</sup> floors and total 52 dwellings.

6.5.31 Given that there are a number of rooms that are served by more than one window, the applicant's ES addendum now includes daylight VSC (and also sunlight review) analysis on a room basis to facilitate consideration on overall values for a room where there is varying adversity to windows serving a particular room and / or where the main window is not meeting BRE Guide default target criteria for daylight VSC (the BRE Guide allows such consideration subject to certain limitations as within the BRE Guide). The Council's daylight/sunlight consultant is supportive of such an approach as it is considered a fairer overall conclusion is attainable.

6.5.32 GIA have also now submitted review for the theoretical 'without balcony' analysis. This enables consideration towards the inherent sensitivity that the balcony soffits above windows within Perigon Heights contribute to some of the adverse analysis results.

6.5.33 The applicant has assessed 45 dwellings within Perigon Heights, omitting those that face westwards away from the application site. As background to general layout arrangement of the windows positioned in the east facing elevation / facing the application site, 4th floor to 13th floor (thus the majority of residential floors) follow a broad arrangement of 7 No. rooms served by various windows across the elevation at each floor (relating to 4th to 13th floor), as follows;

- 1 No. central single-aspect living/kitchen/dining room.

6.5.34 There are typically 2 windows serving these rooms, one is set within a balcony and one outside of the balcony which could be considered the 'main window' as it typically has less restrictions, and this has been reviewed accordingly.

6.5.35 Of the 10 window assessed for daylight, 4 windows situated at 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floors would see a reduction in VSC of greater than 41% with one window experiencing a 48% reduction in VSC. This is considered 'major adverse' impact. 3 windows at 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> floors would experience 'moderate adverse' impacts of between 31% and 38% losses, while windows at the 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> floors would experience 'minor adverse' effects with VSC losses between 21% and 28%.

6.5.36 Those instances of retained VSC values in the proposed scenario below mid-teens for the main window (non-balcony window) serving the central living/kitchen/dining room (LKD) could be considered of particular significance in terms of adversity for this given context (this would relate to 8 No. LKDs – floors 4th to 11 th inclusive). However, this does need to be balanced with applicable existing VSCs for these particular windows ranging 20.3 to 20.8 thus reflecting some inherent restriction due to the part 'wing wall' position. It is noted that it would be reasonable to consider existing VSC would be towards high 30s if positioned outside of the inherent wing wall (i.e. positioned on the main elevation similar to the adjoining main bedroom windows).

6.5.37 In terms of sunlight, 4 single aspect LKD rooms at broadly central position within the east facing elevation / facing site at 4th to 7th floor would experience APSH reductions ranging from 42.5% to 50% which are significant. However, retained levels would range from 20 to 23 which is close to the benchmark of a retained value of 25 before reductions are considered.

6.5.38 In summary, there are 4 No. isolated reductions to Annual Probably Sunlight Hours (APSH) which do not meet BRE Guide default target criteria, but the applicable retained values are still fairly close to target.

- 4 No. single-aspect bedrooms; 2 No. to the north and 2 No. to the south i.e. either side of the central living/kitchen/dining room.

6.5.39 In respect of the 2 single aspect bedrooms to the south of the central LKDs, daylight VSC reductions to these bedroom windows could be considered typically 'moderate adverse' at 4th to 9th floor (relating to 11 No. bedrooms) with the remainder meeting BRE Guide default target criteria within this locality.

6.5.40 For those with 'moderate adverse' reductions, the retained VSC ranges 22.3 to 26.3. It is noted that the 27% VSC target value within the BRE Guide is derived from a low density suburban housing model. In an urban environment, VSC values in excess of 20% may be considered as reasonably good, and VSC in the mid-teens could be acceptable. However, where the VSC value falls below 10% (so as to be in single figures), the availability of direct light from the sky will be poor.

6.5.41 As such, the retained value are considered reasonably good / would ordinarily be considered readily acceptable for such context.

6.5.42 In respect of the 2 single-aspect bedrooms to the north of the central LKDs, 19 bedrooms would experience reductions not meeting BRE Guide default target criteria and would be considered 'major adverse' at 4<sup>th</sup> to 9<sup>th</sup> floors with VSC losses of between 39% and 52%, and 'moderate adverse' at 10<sup>th</sup> to 13<sup>th</sup> floors with VSC losses of between 32% and 41%. However, for such reductions, the retained VSC ranges 18.3 to 26.5 which again is considered reasonably good / would ordinarily be considered readily acceptable for such context.

▪ *2 No. dual-aspect living/kitchen/dining rooms; 1 No. to the north-east corner and 1 No. to the south-east corner on this elevation.*

6.5.43 With regard to the dual-aspect LKDs on the north-east corner, reductions not meeting BRE Guide default target criteria to windows positioned on the east / site facing elevation, can be summarised as ranging 85.2% & 95.5% at 4<sup>th</sup> floor to 62.6% & 71.6% at 13<sup>th</sup> floor. It is noted however that such windows have a balcony soffit above so some inherent sensitivity to reductions. It is further noted that these LKDs are served by a second window on the return northern elevation, which are less affected by the scheme proposal. As such it would be relevant to consider VSC on a 'room-weighted' VSC basis where the applicable losses to each window are apportioned to the overall glazed area within the room.

6.5.44 Notwithstanding that these rooms are dual-aspect, the assessment still finds that reductions to these north-east dual aspect LKDs, on a room-weighted VSC basis would be 'major adverse' (reductions of 42% to 53%) for all floors, 4<sup>th</sup> to 13<sup>th</sup> floor inclusive. Those instances of retained VSC values in the proposed scenario below mid-teens for the main window (non-balcony window) serving the LKD could be considered of particular significance in terms of adversity for this given context (this would relate to 8 No. LKDs – floors 4<sup>th</sup> to 11<sup>th</sup> inclusive). However, this does need to be balanced with applicable existing VSCs for these particular windows which range from 8.8% & 12.2% at 4<sup>th</sup> floor to 8.8% & 12.3% at 13<sup>th</sup> floor.

6.5.45 Given the results with Table 4 of the consultant's report, and that in all instances, two windows serving these rooms are beneath a balcony soffit, the BRE Guide recognises that balcony soffits can have a significant restriction on direct skylight with inherent sensitivity relating to windows below balcony soffit positions. Accordingly, the BRE Guide does allow consideration of the theoretical consideration of 'without balcony' analysis to enable consideration of the contribution factor of inherent sensitivity to such windows.

6.5.46 The 'without balcony' / without soffit theoretical supplementary analysis review has been presented by GIA and summarised within Table 4B of the consultant's report. The results demonstrate that, in terms of reduction, these would still be considered 'major adverse' for these dual-aspect living/kitchen/dining rooms at the north-east corner of Perigon Heights. Whilst the retained value would theoretically be improved to some degree, these are not the actual values that would be retained by the occupant in real terms.



- 6.5.47 In terms of sunlight, 10 LKDs located at the north-east corner (floors 4 th to 13th inclusive) would experience significant reductions in both APSH and in winter hours. For APSH these range from 57% to 71% reductions. Retained levels range from just 4% to 9% APSH falling significantly below the 25% BRE target. Residents of these flats would therefore experience a noticeable reduction in sunlight. For winter hours, significant reductions ranging from 42% to 71% would take place. Retained levels would be just 2% to 4% for winter hours, although it is noted that 6 LKDs would have a retained of 4% for winter hours which is close to the target of 5% for winter months (between 21 September and 21 March).
- 6.5.48 Similar to daylight, the theoretical 'without balcony' analysis has also be considered for sunlight and in summary, reductions would typically be more 'minor adverse' excepting at 4th, 5th & 6th floor being 'major adverse'.
- 6.5.49 In summary, it is clear that whilst the balconies result in some inherent sensitivity to the analysis results, the proposed scheme could still be considered in terms of reductions as presenting 'major adverse' in either real terms or in the theoretical review of 'without balcony' analysis. Given that the tallest tower of the proposal is closest to this locality within Perigon Heights, this does represent some of the greater adverse impacts arising from the scheme.
- 6.5.50 In terms of the dual-aspect LKDs to the south-east corner, overall, on a room-weighted VSC, reductions to these particular dual-aspect south-east corner living/kitchen/dining rooms would meet BRE Guide default target criteria.
- 6.5.51 Turning to daylight distribution/NSL there are 22 No. rooms with reductions not meeting BRE Guide default target criteria (12 No. living/kitchen/dining rooms and 10 No. bedrooms).
- 6.5.52 For the applicable living/kitchen/dining rooms the reductions can be considered either minor or moderate to the 'central' LKDs and typically, either minor or major to the north-east kitchens ('major adverse' typically, where limited to having one window as opposed two windows in the north elevation in addition to the constant two windows in the east facing elevation). In terms of retained levels, all would retain a daylight distribution of at least 60% and above of the room area able to receive direct sky light at working plane except in 2 No, isolated instances relating to a north-east LKD (room R9 at 6th floor having a retained value of 40.1% and rooms R8 at 8th floor having a retained value of 47.5%).
- 6.5.53 For bedrooms not meeting BRE Guide default target criteria, these relate to various bedrooms within the east facing elevation from 4th to 8th floor inclusive. In terms of reductions, are typically, minor / moderate adverse. In terms of retained levels, would retain a daylight distribution of at least 52% and above of the room area able to receive direct sky light at working plane which could be considered reasonable given the BRE Guide considers daylight distribution is less important to bedrooms.
- 6.5.54 Similar to daylight VSC review, analysis for daylight distribution has also been provided on a 'without balcony' theoretical scenario. This demonstrates that 9 No. LKDs would continue to not meet BRE Guide default target in terms of reduction as opposed to 12 No. in the with balcony review. For these 9 remaining LKDs,

reductions could be considered as typically minor adverse excepting for room R9 at 6th floor which would continue to have a 'major adverse' reduction.

6.5.55 In summary, whilst there is some inherent sensitivity results from balcony soffits over LKDs rooms, there is not substantial shift in lessening effect in the 'without balcony' analysis compared with that of the real proposed scenario effects of the proposal. There is effectively no change in the analysis for bedrooms as these windows do not have balcony soffits above.

### 35 – 41 Masons Hill

6.5.56 In terms of daylight analysis, applicable reductions to habitable rooms for both VSC and NSL meets BRE Guide default target criteria for 35 – 41 Masons Hill and therefore this has not been considered further by the Council's consultant in terms of daylight reductions.

### 28 and 32 Langdon Rd

6.5.57 32 Langdon Rd is divided into a separate ground floor flat and 1st floor flat. In terms of daylight VSC, one ground floor window on the side of this property would experience a 'moderate adverse' reduction of 35.3%, however a retained VSC of 23.6% is still achieved which is ordinarily considered acceptable for an urban context. The room which this window serves is also impacted by some reduction in daylight distribution as a result of the proposed development (24.7%) which would be considered 'minor adverse' but still close to BRE Guide default target criteria.

6.5.58 At 28 & 32 Langdon Road; the respective reductions are 41% and 47%. However, both these amenity areas are to the northern side of these dwelling thus some inherent shadowing / sensitivity apparent as demonstrated that existing values are 27% (existing value especially limited due to projecting rear extension) and 46% respectively.

### 1, 7, 9 and 11 Prospect Place

6.5.59 Nos. 7, 9 & 11 Prospect Place are semi-detached / terraced properties of similar design and arrangement. In terms of daylight analysis, applicable reductions to habitable rooms for both VSC and NSL meets BRE Guide default target criteria for 1 Prospect Place and therefore this has not been considered further by the Council's consultant in terms of daylight reductions.

6.5.60 For No's 7 and 11, ground floor windows serving living/dining rooms and 1<sup>st</sup> floor bedrooms would be impacted by the proposed development. At No.9 a ground floor conservatory window and a first floor bedroom window would also be impacted.

6.5.61 For VSC for No.7 this would be 'minor adverse' (23.2%) with a retained VSC of 25.8% which is considered reasonable for an urban context. Furthermore, the room which this window serves is likely to be served by a secondary window not facing the proposal.

6.5.62 For No.9 there is 1 ground floor window impacted however this serves a conservatory which is served by multiple windows and, on a room-weight VSC review, BRE Guide default target criteria is met. There are 2 No. rear bedrooms (room ref. R1 & R2) which would experience reductions. For the anticipated larger room (room ref. R2), the reduction is 37.6% ('moderate adverse') thus not meeting BRE Guide default target criteria. For the anticipated smaller bedroom (room ref. R1), reductions in daylight distribution are indicated as meeting BRE Guide default target criteria.

6.5.63 For No. 11 the main window to this room (glazed double doors) in the rear elevation facing towards site has a reduction of 29.7% thus 'minor adverse' reduction (retained VSC of 25.1). It is noted that, whilst the room is served by other windows, on a room-weighted VSC, the overall result still remains not meeting BRE Guide default target criteria / 'minor adverse'. However, given this retained VSC value, this is considered reasonable for site just outside the edge of a Metropolitan Centre.

6.5.64 There are 2 No. rear bedrooms (room ref. R1 & R2); for the anticipated larger room (room ref. R1), the reduction is 35.4% ('moderate adverse') thus not meeting BRE Guide default target criteria (retained daylight distribution would appear circa 63% of the room having access to direct sky light at working plane). For the anticipated smaller bedroom (room ref. R2), reductions in daylight distribution are indicated as meeting BRE Guide default target criteria.

#### 4-18 (evens) Palace View

6.5.65 These properties were tested for overshadowing impact to amenity area only. The BRE Guide states that for the garden (amenity space) of an existing property, for it to appear adequately sunlit throughout the year, it is recommended that,:

- 1) *at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March.*
- 2) *If as a result of a new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21st March.*

6.5.66 With the development in place, it is found that these properties would meet BRE Guide target criteria for sunlight/overshadowing.

#### Nexus apartments, 33 - 39 Elmfield Road

6.5.67 The flank elevation to this apartment block has been analysed which faces towards the application site, with majority of the windows for analysis within a projecting wing of the building relating to 4 No. residential floors.

6.5.68 For daylight VSC, for any applicable reductions to daylight VSC to habitable rooms within Nos. 33-39 Elmfield Road, these meet BRE Guide default target criteria except in 3 No. isolated instances. This relates to 3 windows in the wing-block where it adjoins the main rear elevation (thus some degree of inherent 'blinking')

of these particular windows results from the returning main block rear elevation). VSC reductions to these 3 windows are; 23.5% (upper ground), 22.8% 1st floor and 20.9% (2nd floor) thus can be considered 'minor adverse' reduction / still close to BRE Guide default target criteria (window at 3rd floor in this locality meeting target).

6.5.69 For Daylight Distribution/NSL, based upon analysis presented, reductions applicable meet BRE Guide default target.

#### Reflex Apartments and Maxim Apartments, 1 and 2 Wheeler Place

6.5.70 For No.1 Wheeler place, there are 23 windows which would experience reductions not meeting BRE Guide default target criteria for daylight VSC. These include 6 windows below a balcony soffit and with reductions of 20.1 - 22.1% thereby only just falling short of the BRE target. 3 of the 23 windows serve a communal entrance and a circulation area so are discounted from further analysis. 8 windows would experience 'minor adverse' to 'moderate adverse' reductions in daylight VSC. For the theoretical 'without balcony' analysis in reference to the BRE Guide, all reductions would meet target excepting in 2 No. isolated instances (windows W8/F00 and W12/F00) where reductions would be 22.7% and 25.6% respectively; thus again, it is apparent that the soffit is adding sensitivity to the analysis review.

6.5.71 A further 3 windows are restricted by a projecting winged wall on one or both sides and reductions are 23.2%, 25.0% and 22.9% thus 'minor adverse'. 3 No. remaining windows are secondary side windows to bay (window ref. W6/F00, W6/F01 & W7/F02) where the adjacent main front facing windows meets BRE Guide target and so do not require further consideration for daylight VSC.

6.5.72 In summary, for daylight VSC reductions are limited in real terms and in part, for the majority of instances, inherent sensitivities exist due to balcony projections above windows etc.

6.5.73 In terms of daylight analysis, applicable reductions to habitable rooms for both VSC and NSL meets BRE Guide default target criteria for 2 Wheeler Place and therefore this has not been considered further by the Council's consultant in terms of daylight reduction.

6.5.74 Officers note rooms uses are unknown within the analysis and assume layouts have been reasonably inferred. Even allowing for layouts reasonably inferred, given that there are appear limited reductions in daylight distribution generally, it is considered fairly significant changes to rooms would be needed to result in rooms not meeting BRE Guide default target criteria.

#### ***Sunlight review to neighbouring PV - Acceptable***

6.5.75 GIA have reviewed the potential locations of photovoltaic panels ('PV' panels) surrounding the site that could experience additional shadowing caused by the proposed scheme. These have been identified to the west of the site on Bromley Police Station and Perigon Heights, and to the far east on 3 and 5 Prospect Place. As demonstrated by the transient overshadowing assessment, limited shadowing could occur very early in the morning (8am) to the Bromley Police Station which will

completely clear by 9am. The majority of shadowing occurring to the panels at this location is caused by Perigon Heights. Perigon Heights itself has a number of PV panels on its lower stepped down portion of massing. The higher element of the Perigon Heights building will completely shield any potential shadowing impacts to these PV panels that could occur as a result of the proposed development.

6.5.76 In relation to the properties at Prospect Place, the transient overshadowing assessment demonstrates additional shadow will not be caused at this location at any point of the day on 21st March as a result of the proposed development. The applicant's consultant (GIA) do not therefore consider there to be a risk of any significant effects in relation to overshadowing to the solar panels identified as a result of the proposed development.

6.5.77 It is noted that there are a number of PV panels to a small number of neighbouring properties although given the position, orientation and context with the site application, officers do not consider these beneficial for review as very negligible effect to such PVs are anticipated overall.

### ***Solar Glare - Acceptable***

6.5.78 In terms of the solar glare, the applicant has considered solar glare and reviewed a number of assessment points from the train line, road junctions and pedestrian crossings. Whilst there would be instances of the potential for solar glare, the analysis is indicating that these fall as 'negligible' or 'minor adverse' and thus overall, not considered significant.

### **Neighbourhood Amenity Summary & Conclusions**

6.5.79 Officers have considered the impacts of the proposed development against the requirements of Policy 37 of the Local Plan and taking into account the local representations received following the public consultation.

6.5.80 As previously acknowledged, the scale and density of development/building heights being proposed significantly exceeds that of the surrounding development and represents a significant step change in scale in comparison to the emerging 'edge of town centre' context further north along Elmfield Road and to the residential development to the east of Kentish Way. It will have a significant visual impact on the townscape skyline and, for residents to the east of the Kentish Way, is likely to lead to the perception of being overlooked. Notwithstanding this, the separation distances which will be maintained to the surrounding residential sites will ensure that, for the majority of neighbouring residents, no significant overlooking or loss of privacy would ensue.

6.5.81 It is recognised that there would be some increased opportunity for views of the private balconies and terraces of Perigon Heights from the proposed habitable room windows and corner balconies of the proposed northern tower; however, these amenity spaces, being external, are considered less sensitive to privacy impacts than say a main habitable room and, overall, residents of Perigon Heights would still maintain good levels of privacy.

6.5.82 Whilst occupiers of some surrounding residential sites will, inevitably, experience an increased sense of enclosure and a marked change outlook as a result of the proposed development when compared with the current situation, it is noted that 'loss of outlook' / 'visual impact' are not factors which are included in Policy 37. It is not considered that this, in itself, should preclude higher density, taller development coming forward on this highly sustainable, well-connected town centre site in the Opportunity area.

6.5.83 There is also some harm evident from noticeable reductions to daylight and sunlight to a number of windows and rooms to neighbouring properties, in particular Perigon Heights, primarily relating to a number of living/kitchen/dining (LKD) at the central position on the east /site facing elevation and also at the north-east corner position. These impacts are considered more significant especially relating to 'major adverse' reductions to daylight VSC and subsequent low retained daylight VSC values. This would impact 10 No. LKDs on 4<sup>th</sup> to 13<sup>th</sup>, even in the 'without balcony scenario'. The same rooms would experience significant reductions in annual probable sunlight hours (APSH), although the 'without balcony' scenario shows this reduction to be more 'minor adverse' at floors 7 and above. Over the course of the year residents of these flats would therefore experience a significant noticeable reduction in daylight and sunlight.

6.5.84 Whilst it is clear that the balconies on the neighbouring Perigon Heights are already restricting the amount of daylight to a number of flats within that development, , the proposed scheme could still be considered in terms of reductions as presenting 'major adverse' effects. Given that the tallest tower of the proposal is closest to this locality within Perigon Heights, this does represent some of the greater adversity applicable from the scheme. This harm will need to be weighed-up in the overall planning balance.

## **6.6 Quality of Residential Accommodation**

6.6.1 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.

6.6.2 London Plan Policy D3(D) states, among other things, developments should deliver appropriate outlook, privacy and amenity, provide conveniently located green and open spaces for social interaction, play, relaxation, etc; and help prevent or mitigate the impacts of noise and poor air quality and achieve indoor and outdoor environments that are comfortable and inviting for people to use.

6.6.3 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.

6.6.4 In addition to the requirements of the London Plan policies the Mayor's Housing Design Standards LPG (June 2023) provides a list of standards that are applicable to all residential developments and places a greater emphasis on delivering housing



quality and healthy homes which includes aspect, outlook, daylight and sunlight, thermal comfort and outside amenity space.

- 6.6.5 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 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.

### ***Space Standards - Acceptable***

- 6.6.6 The proposal maintains compliance with the minimum internal space standards, as set in Table 3.1 of the London Plan and Nationally Described Space Standards. Furthermore, 28% of homes are 3 sq m or more over NDSS minimum gross internal areas, which equates to 98 homes. The provision of generous internal layouts is particularly important given that not all units benefit from private amenity space.

### ***Privacy, Outlook and Aspect – Acceptable***

- 6.6.7 Policy D6 of the London Plan states that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. Single aspect dwellings are more difficult to ventilate naturally and are more likely to overheat, and therefore should normally be avoided. Single aspect dwellings that are north facing, contain three or more bedrooms or are exposed to noise levels above which significant adverse effects on health and quality of life occur, should be avoided.
- 6.6.8 A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating. The design of single aspect dwellings must also demonstrate that the orientation enhances amenity, including views.
- 6.6.9 Part B of policy D3 deals with ways of optimising site capacity through the designed approach. Part B states that higher density developments should generally be promoted in accessible locations. While the application site's accessibility is acknowledged, this needs to be weighed against whether sufficient regard has been had for the scheme in providing acceptable living conditions for future occupiers and indeed nearby residents.
- 6.6.10 67% of homes are dual-aspect across the scheme. Revisions made to the northern tower to remove a number of north facing single aspect units are noted. However, both northern and southern blocks include 101 single aspect 1 bed units, many of which are westerly and southerly facing. Of the 101 single aspect units 49 are also without a balcony (41 in the northern block and 8 in the southern block).
- 6.6.11 Of the 33% single aspect homes, the number of north-facing single-aspect homes are limited to one location on the 11th – 18th floors, which are studio apartments found in the southern building. This represents 2% of homes in the scheme (eight in

total). It is noted that these units are north-east facing, rather than facing directly north and the daylight/sunlight report finds that this dwelling type would achieve 98.5% of the target illuminance for 50% of daylit hours but would receive 0.0 sunlight hours on the 21<sup>st</sup> March. The applicant recognises that “*whilst sunlight to these apartments will be limited occupants will benefit from access to the [communal] internal and external amenity spaces provided throughout the building which have great access to sunlight at all different times of day*”. It is further noted that the dwellings on the upper levels also benefit from uninterrupted views to the north/north-east however none of these units would benefit from any private outdoor amenity space.

6.6.12 For the upper floors, a roof garden accessible to all residents would be located on the roof of the link building, providing views to the north, east and west. The northern and southern taller buildings would continue above the link building, and a step is introduced to the upper levels of the southern building. The buildings would be positioned to mitigate overlooking between homes and maximise vistas. Larger homes would be located on the corners of the buildings to provide dual aspect and access to private amenity.

6.6.13 For the typical lower floors, the homes are proposed to wrap around the north and the east of the podium gardens and extend over the northeast corner of the Waitrose store. Central cores would serve each of the taller buildings which bookmark the residential footprint. These taller buildings would be connected by an external walkway which would serve the dual-aspect homes within the link building and have views over the podium gardens below.

6.6.14 The quality of outlook for residents of the 14 No. single-aspect 1 bed 2 person units on the lower levels (floors three to nine) of the southern tower which are south and west facing is also questionable, as these would be fronting the Waitrose store roof and service yard. However, it is noted that these units would benefit from private balconies enabling views to the south and east from the outside of the apartments.

### ***Internal Daylight and Sunlight - Unacceptable***

6.6.15 In addition to the particular expectations for any single-aspect units noted above, London Plan policy D6(D) requires that the design of development provides sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

### ***Daylight***

6.6.16 The UK National Annex sets minimal illuminance targets of 100 lux in bedrooms, 150 lux in living rooms and 200 lux for living/kitchen/diners, kitchens, and studios. These are median illuminances to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours.

6.6.17 For open-plan arrangements incorporating more than one room use e.g. studio or living/ kitchen/dining room, the BRE Guide default methodology targets for the room overall, the room use with the highest daylighting target; thus, the default would be targeting 200 lux median illuminance for such rooms (given incorporation of a

kitchen area). However, the Council's consultant considers that a reasonable consideration is to base such targeting on the predominant room use which is primarily 'living room', thus a lower target of 150 lux median illuminance.

6.6.18 In terms of the provision of daylight and sunlight within the scheme for future occupants, for daylight, 737 No. out of 826 No. (89%) rooms meet daylighting target for the given room use (living/kitchen/dining (LKD) rooms targeted at 150 lux). Whilst this quantum of rooms is considered reasonable, the 89 rooms not meeting target (11 No. living/kitchen/dining rooms, 14 No. kitchens and 64 No. bedrooms), there are some significant shortfalls and some concerns on daylighting provision. The most significant shortfalls are:

- 5 No. LKDs

6.6.19 These range from just 13.9% to 25.3% of the assessment area achieving the median target 150 lux. For this lux level, the target is for 50% of the area thus significantly below this. An updated version of the applicant's Internal Daylight, Sunlight and Overshadowing Report, by GIA, has been provided which now includes an additional column showing the Median Daylight Illuminance (MDI) achieved within each tested room. For these 5 No. living/kitchen/dining rooms the median lux levels range 92 to 120 thus a view could be taken that whilst not meeting target, these are broadly 2/3rds of the target median lux for the room.

- 14 No. kitchens

6.6.20 All 14 of these kitchens achieve 0% of the assessment plane achieving the median target 200 lux for kitchens, thus significantly below the 50% assessment area sought. GIA have now provided actual median lux levels (target 200 lux) and for these 14 No. kitchens the median lux levels range 34 to 67 thus a view could be taken that these broadly range from one-sixth to two-sixths of the target median lux for the room.

- 64 bedrooms

6.6.21 Of the 64 bedrooms not meeting target, 49 No. rooms achieve 0% of the assessment plane achieving the median target 100 lux for bedrooms, thus significantly below the 50% assessment area sought.

6.6.22 For the remaining 15 No. bedrooms not meeting target, these range just 1.5% to 27.7% of the assessment area achieving the median target 150 lux; for this lux level, target is for 50% of the area thus significantly below this.

6.6.23 GIA have now provided actual median lux levels (target 100 lux) and for the 64 bedrooms not meeting target these can be summarised as:

- 4 No. bedrooms achieving greater than two-thirds of target median lux
- 27 No. bedrooms achieving greater than one-thirds but less than two-thirds of target median lux
- 33 No. bedrooms achieving less than one-third of target median lux so particularly low daylighting levels.

6.6.24 Overall, based upon the information submitted, from a quantitative position, 89% of rooms meeting the considered target could be considered reasonable for such a scheme. However, for the aforementioned rooms not meeting daylighting target levels, for the majority, there appear significant shortfalls to target and from a qualitative position, it seems apparent that based upon the supplementary median lux information now submitted, there is a particular significant shortfall to 33 No. bedrooms (and slightly lesser extent to a further 27 No. bedrooms) and also 14 No. kitchens. These rooms would be classed as 'poorly lit'.

6.6.25 The applicant contends that the 64 bedrooms which will experience lower daylight levels than recommended by BRE Guidelines have deliberately been located in an area with lower daylight availability so that the daylight ingress within the main living spaces could be prioritised. The majority of rooms not meeting daylighting target are rooms served by west facing windows within the proposed 'Link Building' with such windows set within a deck-access arrangement which will inherently restrict daylight. The limitations of such design arrangement to daylight is then further compromised by the framing by the respective proposed 'North Building' and 'South Building' and then also the existing Perigon Heights opposite. Being west facing these rooms would also experience limited sunlight however the east facing rooms in these units would benefit from good sunlight levels.

6.6.26 Officers note that all units within the link block would be east-west facing dual-aspect units and the decked configuration however allows for a number of other benefits including cross-ventilation. It is also noted that living rooms and east-facing bedrooms in these units significantly exceed the recommended daylight and sunlight levels. However, whilst bedrooms have a lesser requirement for daylight compared to Living/Kitchen/Dining rooms the bedroom target rate of 100 Lux is set lower than the LKD target rate of 200 Lux (150 Lux bearing in mind the predominant room use which is primarily 'living room') to account for this. Therefore 33 Bedrooms reported as achieving less than one-third of target median lux is unacceptable.

6.6.27 Similarly, kitchens are expected to have greater requirements (200 Lux). Therefore the 14 kitchens reported as achieving median lux levels ranging from 34 to 67 is also considered unacceptable.

### *Sunlight*

6.6.28 Sunlight analysis has been undertaken for the same rooms sampled for daylight and on a dwelling basis, 315 No. out of 353 No. dwellings (thus 89%) would meet the BRE Guide minimum target for sunlight exposure. For those meeting target, the living rooms are noted as inclusion to achieve the minimum target, which is the preferred room.

6.6.29 For the 38 No. dwellings not achieving target sunlight provision, these relate to dwellings served by windows on the north and north-east elevations to the 'North Building' and 'South Building'.

### **Overheating and Ventilation - Acceptable**

- 6.6.30 The applicant has undertaken an overheating assessment, the results of which indicate that all sample dwellings assessed will comply with the Part O requirements in a scenario where windows are openable without noise restriction and without the need for trim cooling subject to additional design measures.
- 6.6.31 Flats on the eastern façade have openable windows but with mechanical ventilation, including glazing with perimeter seals and with no trickle vent openings. This meets BS8233 compliance as the windows on this façade are not part of ventilation strategy. The windows on this eastern façade may be used for short term purge ventilation at the discretion of the occupants. This approach is common across all developments in greater London due to updated noise assessment criteria meaning even periodic noise exceedance is resulting in a requirement for homes to provide adequate ventilation strategies should homeowners not wish to open windows in both noisy and hot periods.
- 6.6.32 Urban and sustainably located sites such as these require mechanically ventilated solutions to combat this. This strategy ensures that the internal environment is comfortable for residents if they choose to keep their windows closed. However, all residents will also have the choice to open their windows.
- 6.6.33 This is considered acceptable, an updated overheating assessment incorporating at least 1 of the additional measures should be provided as part of a planning condition of any permission subsequently granted.

### **Number of units per core**

- 6.6.34 The London Plan Housing Design Standards LPG advises that the number of homes accessed by a core should not exceed eight per floor. Deviation (by exception) from this standard will need to be justified and mitigated by increasing the corridor widths to 1800mm, locating homes on both sides of the core and introducing intermediate doors to create sub-clusters.
- 6.6.35 The northern building consists of 7 or 8 units positioned around a central core; the southern building consists of 6, 9 or 10 units around a central core and the link building contains 8 units accessed via the external decked gallery.
- 6.6.36 The strategy of minimising the length of internal corridors to avoid creating a 'hotel feel' which can detract from the BTR living experience is welcomed however the quantum of units per core (exceeding 8) in the southern building is concerning, particularly given the concerns mentioned above regarding lack of sunlight and the quality of outlook for residents of some units. The applicant has responded to officer's concerns on this point stating that "*The number of homes per core has been developed to ensure the homes are safe, convenient and of high quality for residents. This includes the following considerations:*

- *Two stairs within each building core and generous lobby and lift space. Number of occupants has been accounted for in the fire strategy and stair allowances*

- *As the lifts are central to the floor plate, the length of internal corridors is minimised and the number of apartment front doors are minimal in each section of the circulation, enforcing a sense of quality and ownership*
- *The vertical transportation strategy has been developed to ensure there is adequate lift capacity for the number of occupants.*
- *The external walkway is a generous width with passing points and break out spaces facilitating increased movement and receiving daylight and sunlight.*
- *The nature of building above a functioning Waitrose Store would prevent additional residential cores*

6.6.37 It is acknowledged that the instances where the number of units per core exceeding 8 units is limited to 9 floors and it is also appreciated that the requirement for not exceeding 8 units is guidance rather than policy requirement. Nevertheless, this is somewhat indicative of an overdevelopment of the site.

### ***Inclusive and Accessible Housing – Acceptable***

6.6.38 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'.

6.6.39 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).

6.6.40 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.

6.6.41 The scheme would deliver 38No. M4(3)(2)(a) wheelchair adaptable units equating to 10.8%. Following concerns raised by officers in relation to the location of the M4(3) units within the link building, the applicant has revised the proposals to replace 7 of the 2 bed 3 person apartments in the northern building with 7 x 2 bed 3 person M4(3) apartments. In this scenario, all of the homes in the link building would become standard M4(2) homes. The remainder of units would meet M4(2) standards.

6.6.42 With the change in location of the units as shown, the mix of M4(3) units will be amended to:



- 22 x 1 Bed 2 Person (58%)
- 7 x 2 Bed 3 Person (18%)
- 9 x 2 Bed 4 Person (24%)

The overall housing mix is unchanged.

6.6.43 The M4(3) apartment type in the northern building was quoted as having a 4.4 sq m private balcony and it has since been noted that the balcony area can be increased to meet the recommended 5 sq m. Revised drawings have been provided to this effect.

6.6.44 The Mayors wheelchair accessible housing Best Practice Guidance 2007 indicates that where wheelchair accessible units are planned on the upper storeys, there should be a minimum of one, preferably two, 1400mm deep x 1100mm wide sized lifts. There are 3 lifts in each of the towers and the link units can access either.

6.6.45 The application meets the policy requirements. The M4(2) and M4(3) units would be secured by planning condition on any subsequent approval.

#### ***Communal Amenity Space and Play space – Acceptable***

6.6.46 Shared internal amenity spaces, accessible to all residents, would wrap around the gardens and accommodate a range of facilities including a gym and studio, private dining facilities, lounge including co-workspace, and event spaces. The second floor would also provide an active environment for residents to pass through as they travel between the northern or southern entrance cores. This location has multiple aspects, therefore maximising access to daylight.

6.6.47 External gardens for residents are located at the second floor podium level (Fig 44), and on the roof of the link building at the tenth floor (Fig 45). On the second floor, podium gardens for residents in the centre of the plan would be protected by residential buildings to the north and east, benefitting from the openness to the southern aspect and sunlight.



6.6.48 The podium gardens house a range of playspace, activities and seating areas. Both gardens can be accessed from either building core. These areas provide a total 1,428 sq m of shared space with a range of facilities for all age groups. In terms of provision of sunlight to amenity areas, all the communal amenity areas have been reviewed and readily meet the BRE Guide target for sunlight provision.

6.6.49 The design and layout of the podium garden located on Level 2 appears well considered comprising of a mix of semi-private, social, passive and active spaces/zones, there is also an appropriate synergy with the 'social hub' internal communal amenity facilities located on the same level. The extent to which the siting of the seating areas and play space have been informed by sunlight exposure microclimate analysis is acknowledged by officers and the placement of trees, hedges and pergolas in response to wind analysis provides a level of confidence that the podium garden would be successful and function in the way that is being envisaged.

6.6.50 The proposals for the roof terrace on Level 10 envisaged as a more passive space with food growing opportunities and amenity lawns will complement the larger amenity space offer provided at lower level.



**Fig 46: CGI of roof terrace on level 10.**

6.6.52 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 play space should be provided per child. On-site provision is encouraged whilst off-site provision is referenced in paragraph 5.4.6.

6.6.53 The submitted documents indicate that a total of 744 sq.m. of play space will be provided, marginally exceeding the GLA's population yield calculator requirements of 726.4 sqm. The applicant's D&A Statement, Part 11, sets out the nature of the podium playspace. This will consist of:

- Play space suitable for children under 5 years old: 383m<sup>2</sup> (climbable objects, landscaping, seating, sand and fixed equipment);
- Play space suitable for children aged between 5 and 11 years old: 256m<sup>2</sup> (landscaping, level change, equipment, social spaces, multi-games areas); and
- Play space suitable for children aged 12 and older: 105m<sup>2</sup> (table games, seating areas, outdoor stage, landscaping).

6.6.54 The play space requirement is met, however, the siting of play space on the roof of the Link Building is questionable given the climatic conditions adjacent to Kentish Way (i.e. air quality). The applicant's Air Quality Consultant, Hoare Lea, have modelled receptors (R4 and R5) either side of the link building roof garden at level 10 (39.4 m). The modelled annual mean NO<sub>2</sub> concentrations at R4 and R5 are 18.5 µg/m<sup>3</sup>, equivalent to 31% of the 60 µg/m<sup>3</sup> and PM<sub>10</sub> annual concentrations at R4 and R5 are 15.9 µg/m<sup>3</sup>, indicating less than 1 day of exceedance of the 24-hour air quality objective (AQO). As such, this area is considered suitable for the proposed use without mitigation measures.

### ***Private Outdoor Space - Unacceptable***

6.6.55 Local Plan Policy 4c requires 'sufficient external, private amenity space that is accessible & 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.

6.6.56 London Plan Policy D6 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. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm.

6.6.57 It recognised 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.

6.6.58 The current London Housing LPG requirements C10.4 recognised there are circumstances when outdoor space cannot be provided and considered that enclosed balconies (ventilated winter gardens) can be appropriate in some circumstance. It refers to dwellings that are exposed to high levels of noise and/or strong wind.

6.6.59 Of the 353 units 123 units (35% of homes) (123 homes) do not have private outdoor amenity space, predominantly one beds. The table below clarifies the number of residential units and the number of private balconies provided within the scheme overall (as set out in the accommodation schedule). It should be noted that some of



the units listed in the accommodation schedule have balconies that seem to be slightly below the London Plan standards:

Scheme building	Number of units	Number of balconies
Northern building	164	108
Link building	56	7
Southern building	133	115
<b>Total</b>	<b>353</b>	<b>230 (65%)</b>

(taken from accommodation schedule)

### *Link Block*

6.6.60 49 No. of these units are in the link block and have what appears to be a narrow strip of private space earmarked on the shared walkway. Due to environmental noise no balconies have been included on the eastern elevation, instead, all homes have access to the external walkway and shared projecting balconies which overlook the podium gardens. Through the consultation process, the applicant increased the quantity of shared projecting balconies to address comments from LBB and the DRP. Full mechanical ventilation will be provided so that windows can be kept closed, although residents will also still have the choice to open windows and benefit from cross ventilation in their homes. All two bed homes in the link building are also oversized to provide additional amenity space within the home.






**Fig 47 CGI of amenity on the external walkways of the link building**

*Northern and Southern blocks*

6.6.61 Both the northern block and southern block include units without private amenity space, including a number of SE and SW facing dual aspect units in the northern block. It is also apparent that many balconies that are provided are less than the policy requirement for 5sqm. A number of balconies to 2 and 3 bedroom apartments are below the recommended areas for private amenity set out in the London Plan.

6.6.62 The applicant, in support of their proposals, notes that all homes without private amenity are provided with full-height opening doors to juliet balconies and all two and three-bedroom homes have a balcony, or are oversized in lieu of external private amenity (8% of homes are oversized in lieu of private amenity).

6.6.63 Of the 123 homes without private balconies: 28 x 2 bed apartments are 5.5 sq m or more over the National Technical Standards minimum gross internal areas, which equates to 23% of the homes without balconies. These units also have direct access to the shared external deck and shared pocket balconies. A further 21 x 1 bed apartments have direct access to the shared external deck which include shared pocket balconies. All other homes (74 homes in total) have juliette balconies and access to the shared amenities and are 1 bed or studio apartments.

Key	Amenity type	Quantity
	Apartments with direct access to shared external deck and pocket balconies and oversized by a minimum of 5.5 sq m, in lieu of private balconies	28 homes
	Apartments with direct access to shared external deck and pocket balconies in lieu of private balconies	21 homes
	Apartments with no private amenity access - <i>all 1 bed and studio homes</i>	74 homes
<b>TOTAL</b>		<b>123 homes</b>

**Fig 48: Homes without private outdoor space and proposed alternative outdoor spaces**

6.6.64 The applicant maintains that this strategy *“is part of a successfully tested BTR ethos, where residents also have access to a wide range of high quality, shared internal and external amenity spaces, which aims to:*

- Give residents the choice to access multiple environments, with access to sunlight and daylight at different times during the day and multiple views and vistas.
- Foster a community within the BTR development, facilitated by the shared spaces and events programme
- Offer a variety of homes to give renters a choice of dwelling types and a range of rental price-points for residents - part of providing a balanced and mixed community.

6.6.65 Officers acknowledge that, commonly, Build to Rent (BTR) schemes do not provide private outdoor amenity space for all homes and the precedents that the applicant has provided of other Build to Rent development (Union Wharf and Blackhorse



Mills) are widely recognised as high quality developments. However, whilst the shortfall in private amenity space could be considered offset by the provision of generous high-quality communal spaces and facilities which are accessible to all residents, the London Plan does not set out any exceptions to policy London Plan Policy D6 (in so far as it requires a minimum of 5sqm of private outdoor space each dwelling) nor does it provide any specific standards for BTR housing. In this respect the lack of private outdoor space provision for all homes is contrary to BLP policy 4 and London Plan policy D6.

## **Conclusions on Quality of Residential Accommodation**

6.6.66 Officers accept that a higher residential density is appropriate, in principle, in this highly accessible, Metropolitan Town Centre location. The efforts made to maximise the number of dual aspect units are recognised and it has been demonstrated that the 8No. north-east facing single aspect studio apartments would benefit from adequate daylight, privacy and views and would avoid overheating.

6.6.67 However, concerns remain over the high proportion of rooms within the development that would achieve unacceptable daylight levels. A significant number of units would also fail to provide any private outdoor space contrary to policy.

6.6.68 Officers note that the design and resultant residential layouts are, in part, attributed to the applicant's requirement to retain the existing operational Waitrose store and associated car park. However, the failure to comply with all of the relevant housing standards is indicative that these proposals are an overdevelopment of the site. These failings will need to be weighed into the overall planning balance.

## **6.7 Transport and Highways**

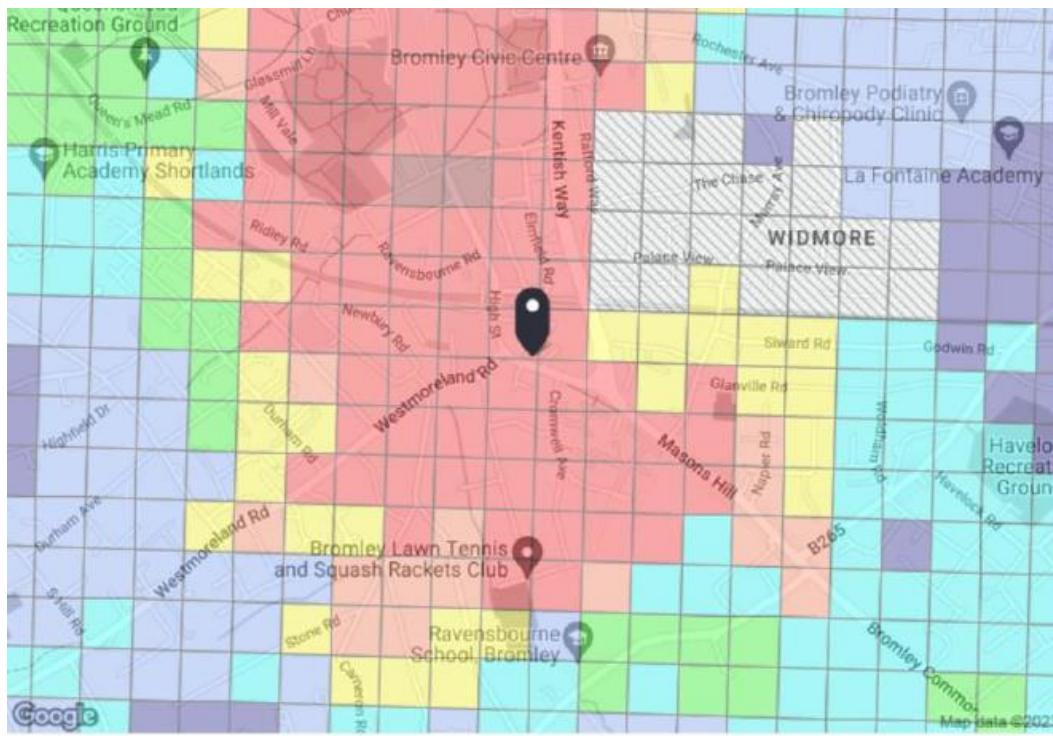
### ***Sustainable location for significant development — Acceptable***

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 also improve air quality and public health.

6.7.2 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. 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 deliver and support the ten Healthy Streets Indicators in line with Transport for London guidance; reduce car use and promote walking, cycling and use of 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. The majority of the site lies within an area with a PTAL rating of 6a which is at the higher end of the range and classifies the site as ‘Very Accessible’.



**Fig 49 Map of public transport accessibility level (PTAL) of the site (PTAL 6a in red)**

#### *Rail service*

6.7.4 Bromley South railway station is located within a 250m walking distance of the site. Bromley South is a sub-regional rail hub which is served by Southeastern Mainline services between London and Ashford International via Maidstone East, London and Gillingham. It is also served by Thameslink services between London and Orpington, and London and Sevenoaks.

6.7.5 During the weekday AM peak hour there are a total of 18 northbound services provided towards London and a total of 13 southbound services provided towards other destinations such as Ashford, Gillingham and Orpington.

6.7.6 Bromley North railway station is located over 1km to the north of Bromley Town Centre.

#### *Bus service*

6.7.7 The nearest bus stops (TfL stop references G and H) are located on either side of Masons Hill, in the vicinity of the Cromwell Avenue junction. Further bus stops (TfL stop references V, Y and YA) are provided along Westmoreland Road, all within a 300m walk from the site. The key bus routes running close to the site are summarised below:

Service Number	Route	Approximate Weekday Frequency
208	Lewisham Station – Lewisham Hospital – Green Man Community Hub – Bromley Magistrates Court – Bromley Town Hall – Bromley South Station – Bertha James Day Centre – Southborough Library – Crofton School – Orpington Station – Orpington / Perry Hall Road	Every 11 – 13 minutes
261	Lewisham Station – Belmont Park – Lee Station – Grove Park Station – Treewall Gardens – Bromley North Station – Bromley Civic Centre – Bromley South Station – Bertha James Day Centre – Farnborough Park – Princess Royal University Hospital	Every 10 -13 minutes
320	Biggin Hill Valley – Biggin Hill Memorial Museum – Biggin Hill Airport / Passenger Terminal – Bertha James Day Centre – Bromley South Station – Bromley Town Hall – Bromley Magistrates Court – Green Man Community Hub – Catford Bridge Station	Every 9 – 12 minutes
119	Bromley North Station – Bromley High Street/The Mall – Bromley South Station – Hayes Library – Hayes Station – West Wickham Playing Fields – High Street/Manor Road – Bethlem Royal Hospital – Shirley Library – Sandlands Tram Stop – Lebanon Road Tram Stop – East Croydon Station – The Colonnades/Croydon Airport	Every 10 - 13 minutes
162	Beckenham Junction Station/Rectory Road – Bromley South Station – Bromley Civic Centre – Chislehurst Station – Centre Common Road/War Memorial – New Eltham Station/Southwood Road – University of Greenwich – Eltham Bus Station	Every 15 minutes
367	West Croydon Bus Station – East Croydon Bus Station – Addiscombe Tram Stop – Oasis Academy – Peregrine Gardens – Shortlands Station – Bromley South Station – Bromley Town Hall – Bromley North Station	Every 20 minutes

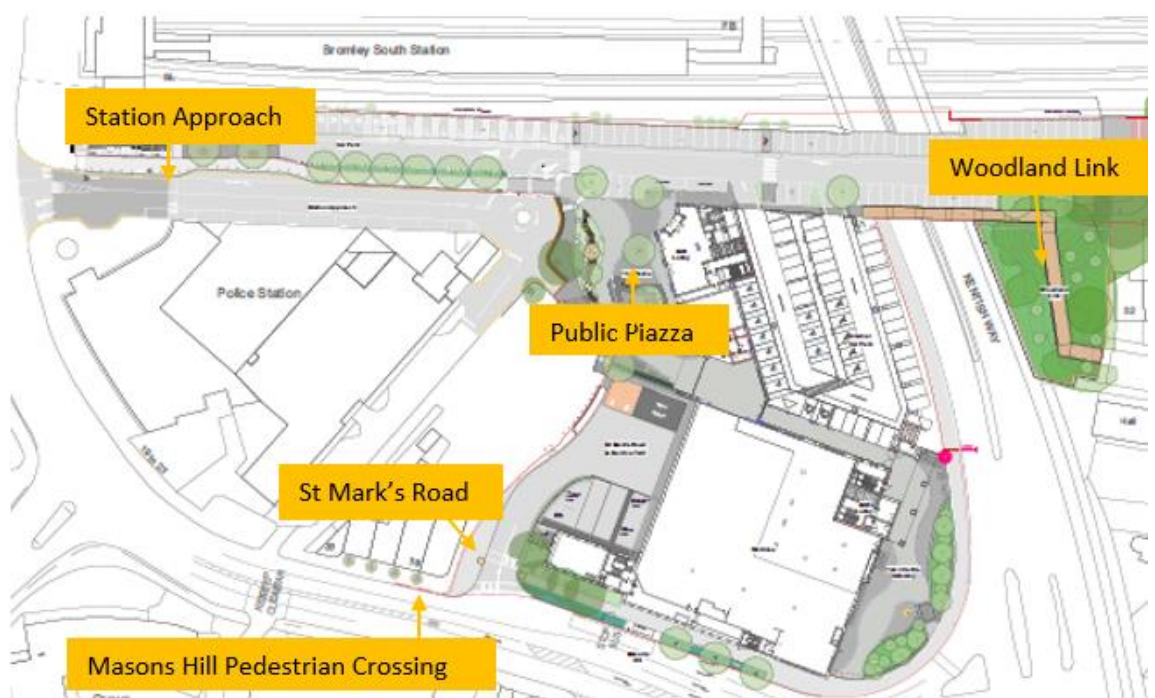
### ***Sustainable walking and cycling initiatives – Acceptable***

6.7.8 Policy 31 of the Bromley Local Plan states that “any new development that is likely to be a significant generator of travel:

- a) should be located in positions accessible or capable of being made accessible by a range of transport modes, including public transport, walking and cycling;
- b) will require the submission of a Transport Assessment, setting out the impacts of their development on the local transport network (and strategic road network where applicable) and the mitigation measures proposed to deal with the impacts;
- c) will, where necessary, be required to enter into an agreement to submit and implement acceptable Travel Plans, Construction Logistics Plans, and Delivery and Servicing Plans;
- d) will need to incorporate or contribute to improvements to the highway network including traffic management measures that limit the significant impacts of the development and are designed to be sensitive to the surroundings; and
- e) encourages walking and cycling through the provision of suitable facilities (see Policy 33 Access for All)”.

6.7.9 The proposal includes the following sustainable transport initiatives to promote walking and cycling. They are:

- A new public piazza within the site, next to the east side of the Station Approach mini-roundabout
- A new step-free woodland link to the west part of the site, connecting to Langdon Road
- Station Approach street enhancements to improve access for pedestrians and cyclists to the application site to/from the west and Bromley South station
- Enhancement of the existing south-east public realm corner at the junction of A21 Kentish Way / Masons Hill to become a 'town centre gateway'
- Pavement widening to the western side of St Mark's Road
- New signalised pelican crossing on Masons Hill to the east of St Mark's Road.



**Fig 50 shows the locations of some sustainable transport improvement initiatives**

#### *New Public Piazza Area*

6.7.10 The new public piazza area would be located between the Station Approach mini-roundabout and the proposed residential buildings. It would connect to the main entrance of the Waitrose store and residential development and the proposed south-east town centre gateway. It would provide a safer link for pedestrians and cyclists and provide a safer separation distance from the car park area.

#### *New Step-free Woodland Link*

6.7.11 The A21 Kentish Way is a flyover located on the east side of the application site. Currently there is no direct access from the application site to Langdon Road, on the west side of the A21.



6.7.12 Langdon Road is a cul-de-sac and there are steps connecting to the flyover so that pedestrians can cross Kentish Way to the development site via the signalised pedestrian crossing at the Masons Hill/ Kentish Way junction. To the north of the steps, there is an undisturbed woodland area. The proposal includes a step-free woodland link for pedestrian and cyclists to access the site beneath Kentish Way at-grade which provides a more direct and safer route to the Waitrose site and Bromley South Station. TfL and the Council's Highways Officer have been consulted and they fully support this element of the scheme.

6.7.13 The Woodland area is owned by the Council and part of the land near the end of Landon Road is unregistered. It is noted that the Council and the applicants are currently exploring options for land transfer so that this woodland link will be fully managed and maintained by the applicants in the future. This arrangement is currently under discussion and will be covered by the S106 Agreement.



**Fig 51: Views from the Waitrose car parking area**

### *Station Approach enhancement*

6.7.14 Station Approach runs to the north of Bromley Police Station and it is the main access road to the Waitrose car park. The section near the junction of the High Street/ Station Approach is adopted and maintained by the Council. The rest of the Station Approach is a private road managed by the Metropolitan Police. This road is relatively wide, but informal on-street parking on both sides of the road narrows its effective width.

6.7.15 The proposed enhancement works at this location include footway widening to the north side of Station Approach for both pedestrians and cyclists. The existing street clutter, such as bollards, would be removed and more tree planting is proposed. The existing on-street parking spaces on the south side of the road would be formalised for Police vehicle parking only. It is considered that these enhancement works would improve the existing situation on Station Approach.

6.7.16 It is expected that only some of the proposed works near the entrance of Station Approach can be secured by a S278 Agreement. With regards to the enforcement of on-street parking spaces for police vehicles only and also implementation of the tree planting scheme along the road, the applicants will have to liaise with the Metropolitan Police and enter into a private agreement. In order to ensure these proposed works will be implemented, a pre-commencement (Grampian) / occupation condition will be secured.

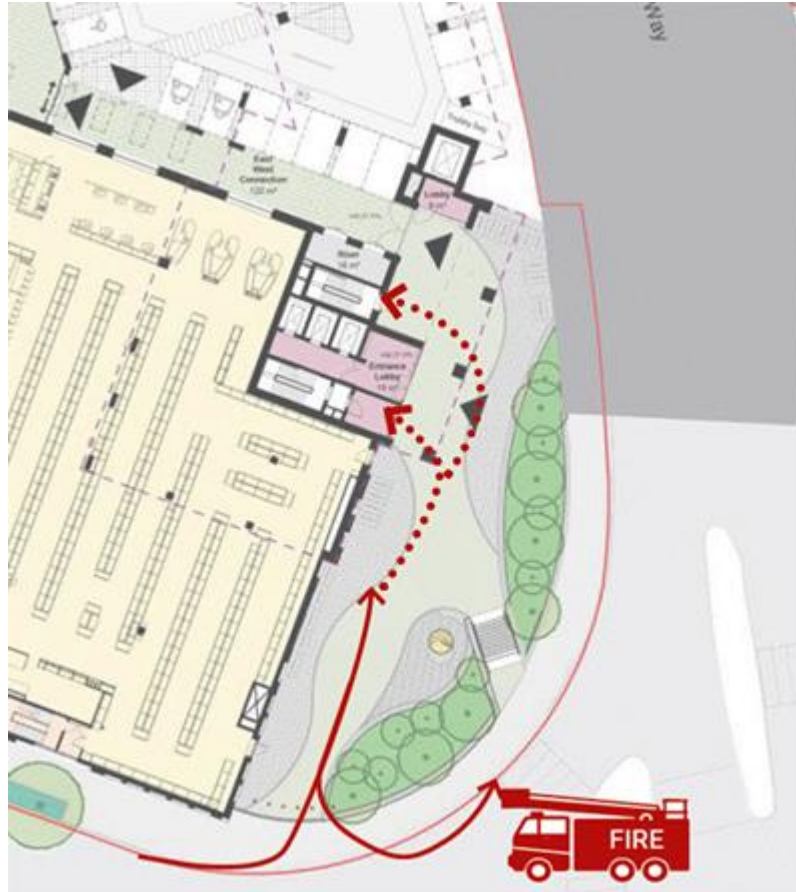
### *South-East Corner Town Centre Gateway*

6.7.17 The existing south-east corner of the application site is currently bounded by high retaining walls and a planter near Kentish Way flyover which is maintained by TfL. The enhancement works at this location include:

- Step-free access to the south-east corner of the Waitrose store
- Relocation of the existing retaining wall to provide more seating and soft landscaping
- Enhancement and widening of the public footpath by removing the existing planter.

6.7.18 This area is also allocated for fire tender access to the southern building core, as shown below.





**Fig 52: Fire tender access on south-eastern corner**

6.7.19 The applicant has confirmed that fire tender access is the same both inside out outside of store opening hours, as no access is required or planned through the central link within the fire strategy. They state *“If a fire is occurring in the south of the site, it is proposed that the fire tender will have access to the landscaping to the south-east by dropping removable bollards. For access to the south-west corner of the development, Fire tender access is also available on St Mark’s Road and into the service yard.”*

6.7.20 Similar to the Woodland Link, discussions will be required between the applicant, Transport for London and the Council with regards to reaching an agreement on the potential land transfer. TfL has confirmed that there are discussions with the applicant regarding the easement and asset protection agreement for the proposed works. It is noted that this proposed south-east corner gateway will be secured by condition, S106 Agreement.

6.7.21 St Mark’s Road will continue to be the main access road to the Waitrose service yard and will also be the refuse collection point for the new residential development and will provide a staff cycle store/parking facility. It would also serve as one of the pedestrian access points to the site (via an existing set of steps adjacent to Perigon Heights). The enhancement works at this location around the junction of St Mark’s Road/ Masons Hill include:

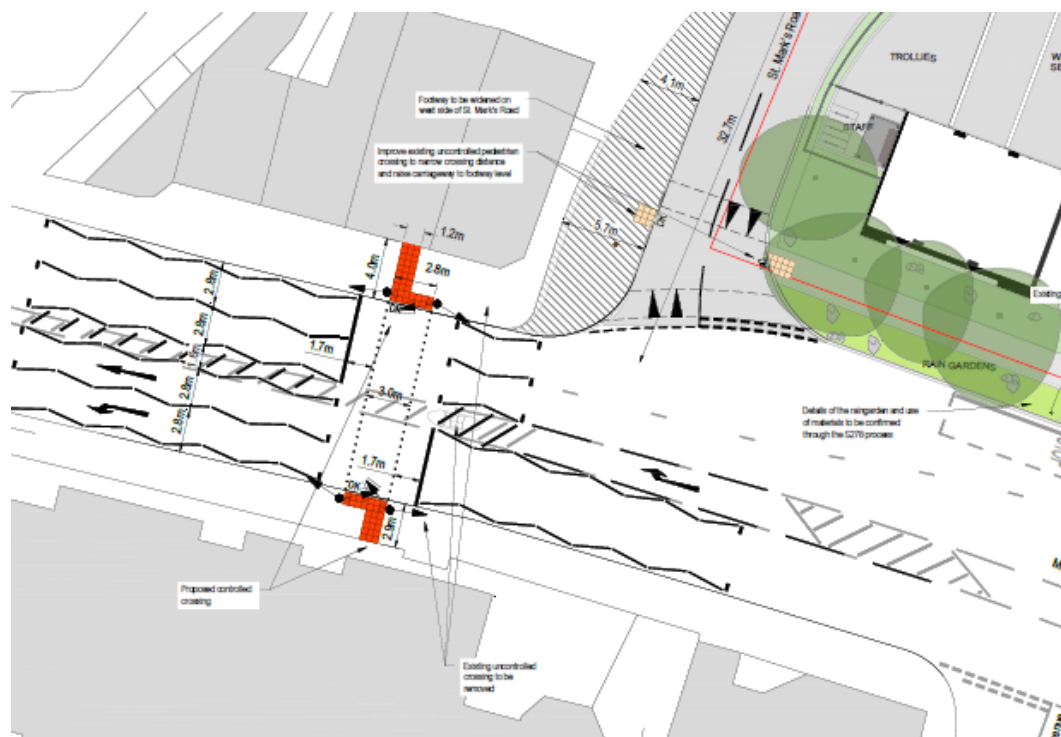
- Footpath width increased from 1.5m to 5.7m on western side of St Mark's Rd by removing the footpath on the eastern side of St Mark's Road and reconfiguring the carriageway;
- An upgraded crossing on the St Mark's Road
- Existing trees retained and rain gardens/ soft landscaping/hedge planting along the building line on Masons Hill
- New Signalised Pelican Crossing on Masons Hill

6.7.22 A Road Safety Audit has been submitted and the Highways Officer has commented that the pavement widening to the west side of St Marks Road should be restricted to 4m only. Also, the footway on the eastern side must remain unchanged. The details of these arrangements will be secured by a condition and a S278 Agreement.

6.7.23 With regards to the landscaping proposed along Masons Hill, the Highways Officer commented that the width of the Masons Hill pavement (east side of St Marks Road) should be at least 3m wide. Therefore, part of the proposed rain garden along Masons Hill could be reduced or removed. Given that the proposed locations are partly maintained by LBB Highways and partly by the applicant, a S278 Agreement and a Grampian condition will be imposed to secure these works.

#### *Signalised Pelican Crossing on Masons Hill*

6.7.24 As part of the walking and cycling link to the south of Masons Hill and the likely increase in the number of pedestrians and cyclists generated by the development, the applicant has agreed to provide a signalised pelican crossing on Masons Hill, to the west side of St Mark's Road. A Road Safety Audit has been carried out and the Highways Officer has welcomed this improvement. The details of this crossing will be finalised in the S278 Agreement.



**Fig 53: Proposed signalised pedestrian crossing on Masons Hill**

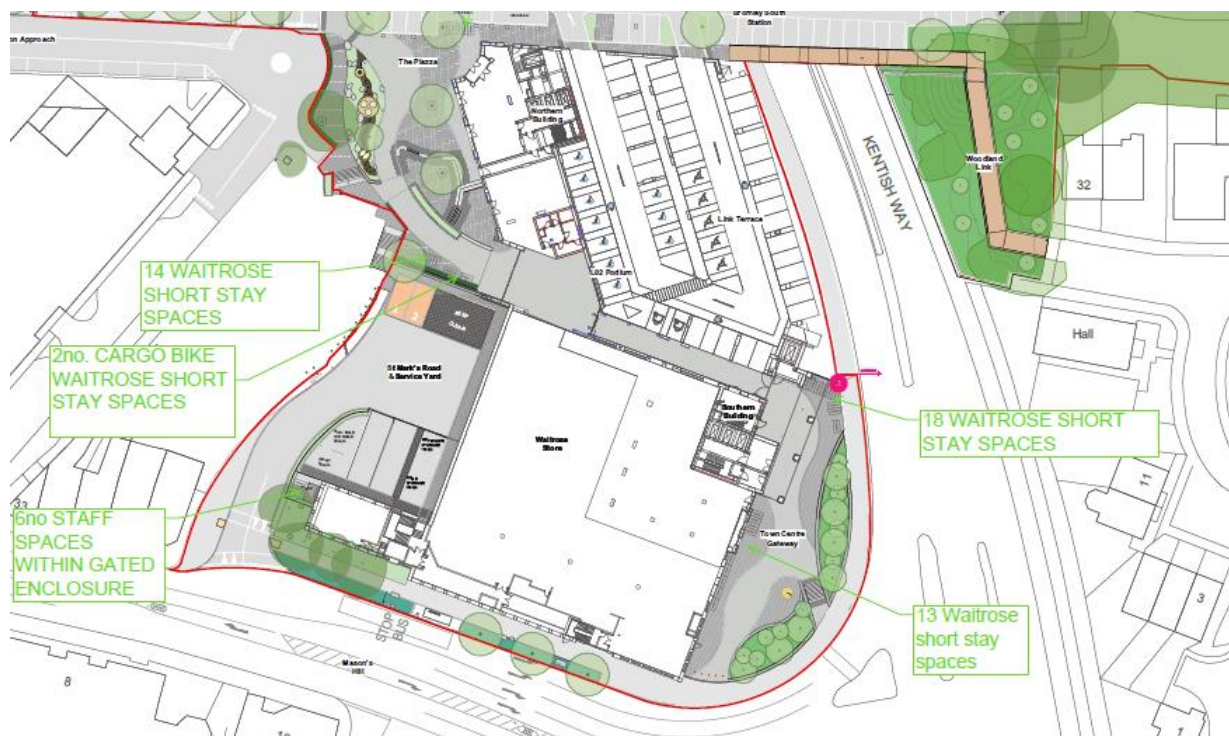
*Cycle parking*

6.7.25 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 noting that cycle parking spaces should be “well-located – convenient, accessible, as close as possible to the destination, and preferably sheltered”. Development proposals should also demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

*Waitrose Staff and customer short-stay cycle parking spaces*

6.7.26 A total of 47 cycle parking spaces, including 2 cargo bike spaces, would be provided for the Waitrose store. They would be located within the public piazza area. These short-term cycle parking spaces for customer use would be provided in the form of Sheffield stands.

6.7.27 It is noted that only 6 new sheltered cycle parking spaces to be provided on the eastern side of St Mark’s Road for staff. This number is below the minimum cycle parking standards in Table 10.2 of the London Plan. The applicant is exploring options to increase the quantum of staff cycle parking to meet London Plan standards and members will be updated verbally at the meeting.



**Fig 54: Locations of staff and retail short-stay cycle parking spaces**

*Residential long-stay and visitor short-stay Cycle Parking*



6.7.28 The London Plan sets out minimum residential cycle parking standards and requires developments to provide both long-term and short-term cycle parking spaces.

6.7.29 A total of 575 long-term cycle parking spaces for residential use would be located within the residential block at first floor level, providing a mix of Sheffield stands (10% - 58 cycles) and two-tier stands (90% - 517 cycles). Also, 10 short stay cycle spaces would be provided on the upper ground floor near the main entrance of the building.

6.7.30 A cycle repair zone with tools would also be integrated into the cycle area and cycle parking areas would be divided into secure sections.

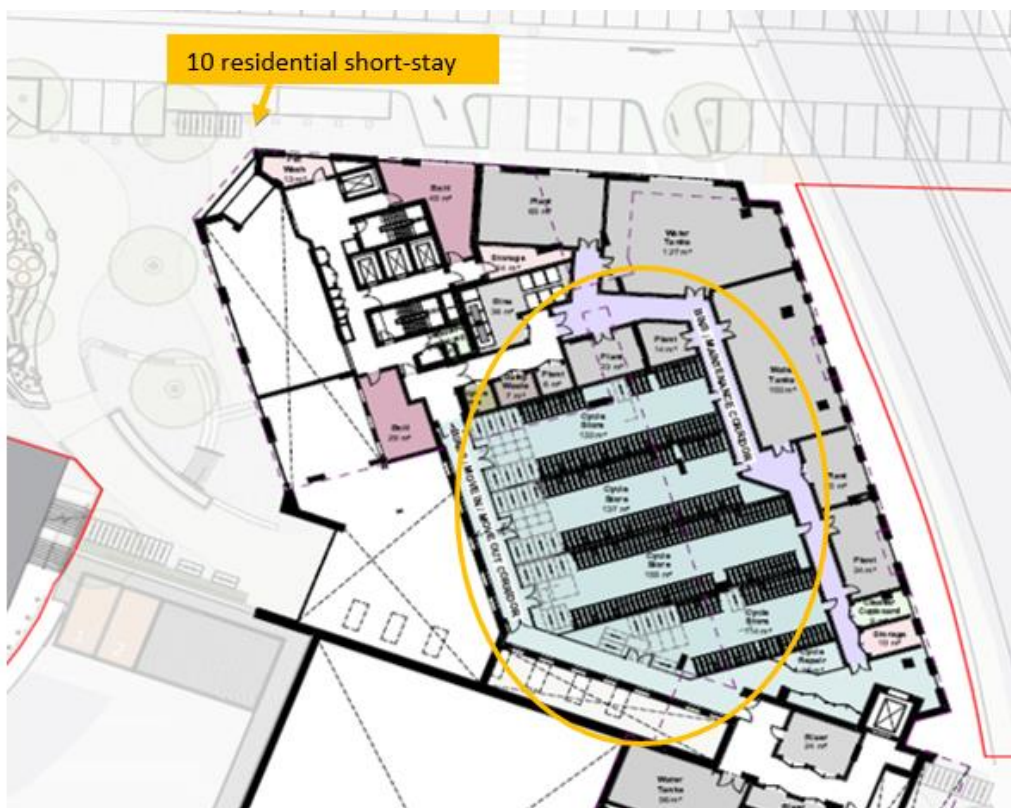


Fig 55: Location of residential cycle parking spaces (first floor level)

6.7.31 It is considered that the proposed cycle parking provision would comply with the London Plan and Bromley Local Plan policies. The exact locations and design of these cycle parking spaces would be subject to planning conditions.

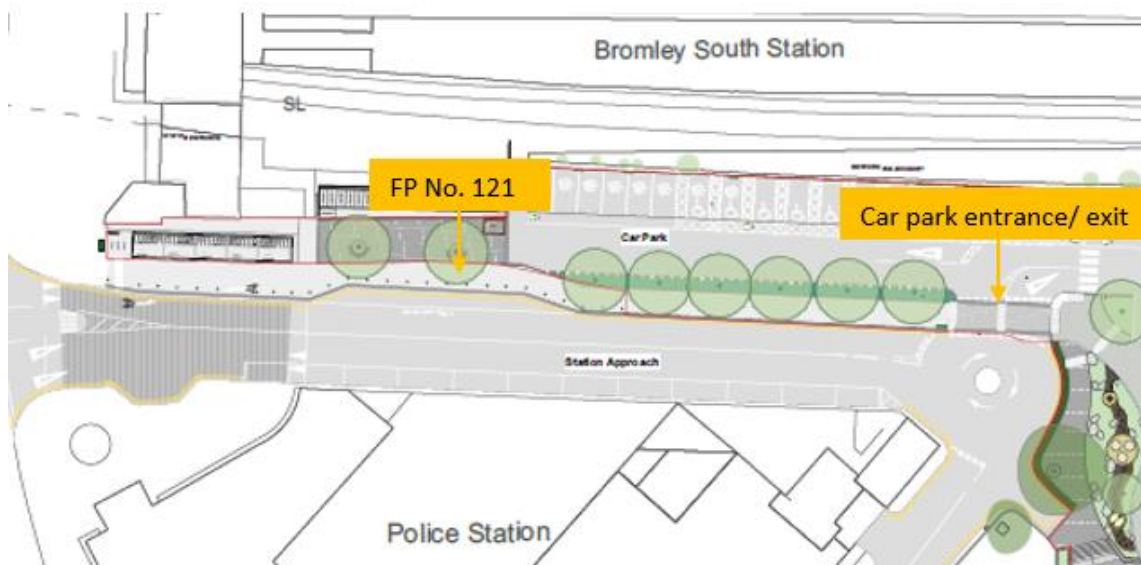
### ***Proposed Car Park Layout***

#### ***Vehicular Access (Station Approach) – Acceptable***

6.7.32 Similar to the existing car park layout, the proposed Waitrose and the residential disabled car park area would be located on the upper ground floor level with its access point at Station Approach, near Station Approach mini-roundabout. In the original scheme, there was a separate car park entrance located further west on

Station Approach with the exit from the Waitrose car park located at the mini-roundabout.

- 6.7.33 However, there is an existing public right of way (FP No. 121) near the junction of the High Street/ Station Approach and the proposed car park entrance was considered to interrupt this public right of way. The Council's Highways Officer raised an objection to this arrangement due to concerns about safety impacts on pedestrians. Therefore, the car park entrance/ exit points have been revised and both the entrance and exit points of the car park would be located near the Station Approach mini-roundabout (Fig 56).
- 6.7.34 It is considered that this revised arrangement will reduce conflicts between pedestrians/ cyclists and car users along Station Approach and would enhance the walking and cycling experience. The Highways Officer supports this proposal.
- 6.7.35 The Metropolitan Police (MPS), as adjoining occupiers, have objected to the change to the car park access. They state "*The reason for the original design proposed by Waitrose was to provide increased queueing capacity within the Waitrose site. The revised design will no longer provide any increased queueing capacity*"
- 6.7.36 Together with the reduced car parking for the Waitrose store they believe that this will result in significant / worse queueing problems on Station Approach, therefore preventing the proper operation of the police station.
- 6.7.37 The Highways officer has considered this objection. While they concur with the MPS that reducing parking spaces for the store and the lack of car parking for the proposed development may lead to queues, this would likely occur only during specific events, such as the Christmas period or major tournaments (e.g. World Cups, Olympics) and furthermore, the alteration to the entrance/exit of the car park might not necessarily exacerbate the situation. Additionally, the box junction on High Street should help alleviate queueing.
- 6.7.38 This revised car park layout and access arrangement will need to be secured by a grampian condition and any works falling on land outside of the applicants control would need a separate private agreement with the Metropolitan Police.



**Fig 56: Proposed car park entrance/ exit arrangement**

*Proposed retail car parking provision*

6.7.39 Policy T6 of London Plan states that:

- A. Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.
- B. Car-free development should be the starting point of all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (“car-lite”). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this Policy.
- C. An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.
- D The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans
- E. Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking.

6.7.40 Policy T6.3 of the London Plan sets out the maximum parking standards for retail parking the the parking standards should be applied to new retail development. Any proposed disabled persons parking should be provided as set out in Policy T6.5 Non-residential disabled persons parking.

6.7.41 Table 10.5 of the London Plan indicates that the maximum retail parking standards for “all areas of PTAL 5-6” should be car-free. However, it is noted that these parking standards are set for new retail development, while Waitrose food store at this location is an existing use. 139 of the existing 199 customer car parking spaces will be retained for use by Waitrose customers, this includes 10 accessible spaces, 5 parent and child spaces, 6 electric vehicle charging spaces and an additional 2 click & collect spaces. The proposed development will therefore result in a loss of 60 customer car parking spaces (30%).



6.7.42 As discussed, the MPS have raised concerns, as adjoining occupiers, that this will lead to queueing at the entrance to the customer car park during busy periods that could potentially extend back onto Station Approach and Bromley High Street causing substantial traffic congestion, delay and obstruction to the operational police vehicles.

*Existing Car park occupancy surveys – September 2021*

6.7.43 In the Transport Assessment, the applicants carried out car park occupancy surveys to justify the need for retaining 139 retail parking spaces.

6.7.44 Currently, the Waitrose car park provides a total of 199 spaces, including accessible and parent and child spaces. Parking is permitted free of charge up to a maximum duration of 1½ hours. Therefore, the car park serves customers whilst also enabling trips to Waitrose to be linked with those to other local shopping destinations in the town centre.

6.7.45 A survey was undertaken in September 2021 to record information on the operation of the Waitrose car park over the store's full trading hours on a Thursday, Friday, and Saturday. The results show that the future capacity of 139 spaces corresponds closely with the maximum occupancy levels recorded during the survey, except for the following periods:

- 141 spaces at 11:00 – 11:15 (Thursday)
- 141 spaces at 12:30 – 12:45 (Friday)
- 153 spaces at 10:00 – 10:15 (Saturday)
- 141 spaces at 10:15 – 10:30 (Saturday)

6.7.46 It is noted that within these periods, the new car park capacity would have been exceeded. However, it is noted in the Transport Assessment that the periods when demand would exceed supply is rather short, ranging from 15 to 30 mins and also most of the time there was only a small excess of demand.

6.7.47 Some of the existing Waitrose car parking spaces have been removed to make way for the public piazza area to provide a better quality environment for pedestrians and cyclists (Fig 57).



**Fig 57: Existing car park (left) and proposed car park (right) layout**

6.7.48 Furthermore, the applicant's Transport Assessment argues that the traffic generation of the Waitrose element will reduce at peak times due to the restraint imposed by a smaller car park, and thus offset any increase in traffic due to the residential development. The applicant also contends that:

“even if it were assumed that the vehicle trip generation of the Waitrose store remains the same post-development, the number of vehicle movements generated by the residential development will be very small... and therefore will not in themselves cause a perceptible impact... Furthermore, improvements are proposed on Station Approach to improve the free-flow of traffic, including formalising on-street parking for Police vehicles only. The Metropolitan Police will be responsible for enforcing the restrictions that will be in place.”

6.7.49 The applicant is therefore of the view that the proposed development can be expected to have a minimal effect upon traffic conditions on Station Approach and the wider highway network in terms of network capacity and safety and will not adversely affect emergency response times to/from Bromley Police Station.

6.7.50 The Highways Officer has been consulted on these issues and he acknowledged that queuing on Station Approach could be likely to occur only during specific events, and at specific time of the year. It is also considered that more car parking spaces within the site would not solve the congestion problems in the area. On the contrary, it would only allow more cars to go into and exit the site and it would result in more pressure on the existing road network and potentially create additional conflicts between pedestrians/ cyclists and car users in the area.

6.7.51 Having regard to the need to balance the existing parking demands of the retail store with promoting car-free development in sustainable locations such as town centres where public transport and public car parks are readily available, the retention of 139 parking spaces and reduction in 60 spaces is, on balance, considered acceptable. The applicant will be required by condition to submit a car parking management plan and staff and customer travel plans to outline the mitigation measures that will be implemented to reduce car visits.

### *Residential Parking*

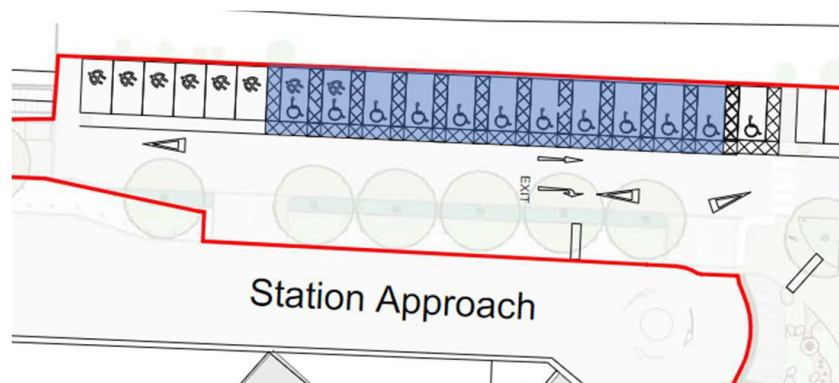
6.7.52 It is noted that the site lies in PTAL 6a and it is easily accessible by public transport. Therefore, the proposal should be car-free as a starting point. In line with this, the proposed new residential development will be car free (with the exception of accessible car parking spaces – see below). A planning condition will be imposed to restrict future residential occupiers to apply for the Council’s on-street parking permit.

### *Residential blue badge parking*

6.7.53 A total of 11 accessible car parking spaces for 3% of the residential dwellings will be provided on-site as per the London Plan. These spaces would be provided from the outset upon completion of the development and they would be located to the north of the site, along the railway line.

6.7.54 Policy T6.1C states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

6.7.55 Two EV charging accessible residential spaces would be provided equating to 18%, which is slightly below the London Plan policy requirement. A condition is recommended to stipulate that a minimum of 20% of the residential spaces should be equipped with active charging facilities and that the remaining spaces should be equipped with passive charging infrastructure and this requirement will be secured by condition.



**Fig 58: Location of the accessible residential parking spaces**

6.7.56 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 24 spaces. Demand for additional spaces would be monitored via the Car Park Management Plan and, if required, extra disabled spaces could be provided through conversion of spaces currently allocated to retail use.

### *A21 Kentish Way Flyover Maintenance issue (TfL)*

6.7.57 The site is immediately adjacent to the Kentish Way flyover, which is managed and maintained by Transport for London. TfL has been consulted on the proposals and commented that any excavation and construction works close to the flyover will require Technical Approval and Licences (e.g. for crane use which may impact the road) from TfL. Also, given that the proposed residential buildings would be only 1.8m away from the flyover, TfL had some concerns that the proposal could restrict access for the flyover's maintenance and in emergency situations.

6.7.58 The applicants have provided a wheel tracking analysis to TfL and an access strategy which they consider to be acceptable. A negatively worded covenant will be included in the S106 legal agreement preventing occupation of the development until the applicant has entered into an agreement with TfL and evidence has been shown that an easement has been granted to TfL securing access rights to carry out maintenance and repairs of the Kentish Way flyover.

#### *Commercial Servicing and Delivery Management*

6.7.59 The existing Waitrose service yard is located on St Mark's Road which is accessed from Masons Hill. There are currently no restrictions on the use of the service yard. In the proposal, the existing service yard would remain unchanged and would continue to serve the retail use.

6.7.60 The submitted Delivery and Servicing Plan states that a Waitrose store of this size would receive between 3 and 5 deliveries by articulated lorry each day which are scheduled to arrive within 15 minutes of their allotted time slot. This would ensure that vehicles arrive with sufficient time to unload and exit before the next vehicle arrives. A road safety audit and swept path analysis drawings have been submitted to demonstrate that vehicles can safely negotiate the junction of Masons Hill/ St Mark's Road to access/exit the service yard. The Highways Officer has raised no objection to the service yard arrangements.

#### *Waitrose home delivery servicing*

6.7.61 During store trading hours, electric-commercial (E-comms) delivery vehicles would be reloaded throughout the day from the service yard. These vehicles would be able to enter and exit the service yard while the HGV is parked and unloading. Outside of store trading hours, 8 of these vehicles would be loaded overnight directly from the sales floor to the undercroft covered car park. This is an increase from the existing allowance of 4 E-comms vehicles as the home delivery service would be expanded at this location. Charging points for these vehicles will be installed within the retail car park. As the home delivery service only operates during the daytime and the overnight loading would take place in the undercroft car park, there would be no significant harm to the amenities of occupiers of the adjacent Perigon Heights building through increased noise and disturbance.

#### *Residential delivery and servicing management*

6.7.62 Within the Waitrose car park, 2 van parking bays are located near the residential concierge and parcel store entrances. These would be used by vehicles delivering goods to residents and by residents when moving in/out of the apartments.

6.7.63 The details of all these delivery and servicing arrangements, including for both retail and residential, and the associated management strategy will be secured by a pre-commencement condition.

#### *Construction Phases*

6.7.64 An outline construction logistics and management plan has been submitted. It is expected that the overall construction period would be 45 months, from February 2025 until November 2028.

6.7.65 Two construction site entrance points are proposed for construction vehicles. The primary one would be via the existing Waitrose car park entrance from Station Approach. The second one would be via St Mark's Roads to the existing service yard delivery loading bay area. During construction, the retail operations will be risk assessed and that could mean that there could be times when the store or car park area would be closed temporarily.

6.7.66 There are no details on the numbers of construction vehicles. Transport of London has been consulted and raised no objections as it is unlikely that the construction traffic would have any adverse impacts on the Transport for London Road Network (TLRN) during construction. Pre-commencement conditions for submission of the relevant plans, i.e. the Construction Logistics Plan and the Construction Environmental Management Plan, will be imposed on this application so that these details will be submitted and assessed by the Council prior to any work commencement.

#### *Commercial and Residential Waste Management*

6.7.67 An Operational Waste Management Strategy has been submitted to provide details of the commercial and residential waste management arrangements. The table below shows an estimate of the likely mass of waste that could be generated from the development.

	Waste arisings (tonnes per annum)	Waste arisings (tonnes per week)
Residential	323.1	6.2
Commercial	6.7	0.1
Total	329.8	6.3

#### *Commercial Waste*

6.7.68 It is expected that there would not be any anticipated changes to the waste management processes / systems / storage space requirements currently in use by the Waitrose store. The existing waste management needs of the store are managed via the service yard on St Marks Road. The waste generated by the proposed café would be first stored within the café building and then transferred to bins in a designated area within the service yard.

6.7.69 The proposed waste collection times are similar to the existing arrangements. It is expected that a maximum of two waste collections visits are expected per week.

#### *Residential waste management*

6.7.70 All residential units are expected to generate the following types of waste:

- Recyclables 1 (paper and card);
- Recyclables 2 (glass, plastics and cans);
- Food waste; and
- Residual waste.

6.7.71 Refuse segregation is most likely to be via an integrated multi-compartment bin unit within the residential kitchen (or a multi-compartment bin with kitchen caddy for food waste). A refuse chute system is proposed for four waste streams within the residential buildings.

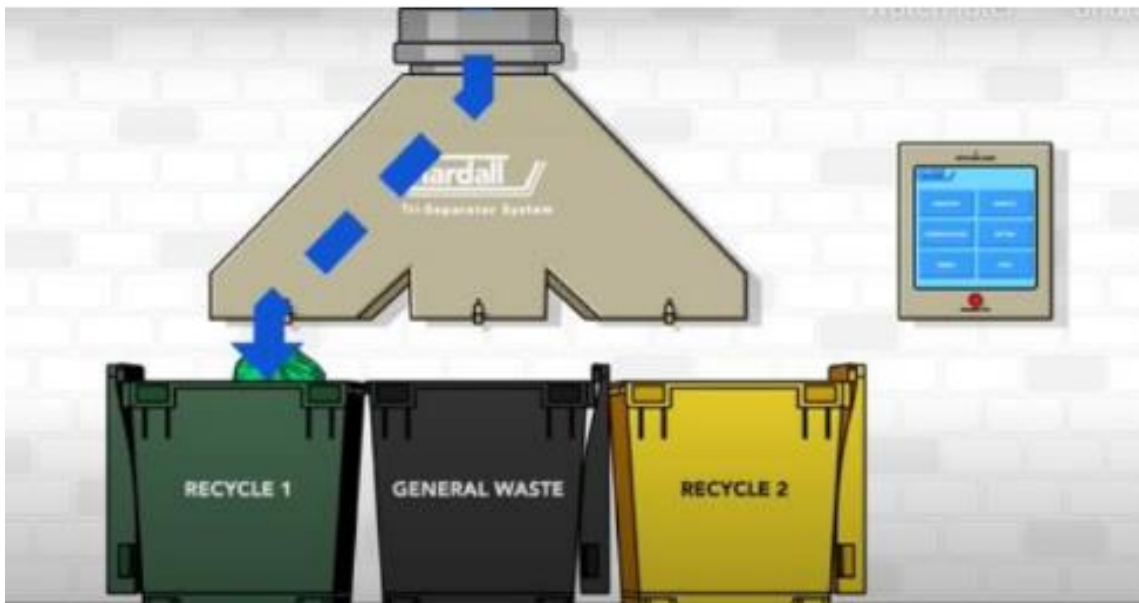
#### *Refuse chute system*

6.7.72 The proposed refuse chutes would be installed within the cores of the Northern and Southern Buildings which residents would be able to access at each floor level (residents in Link Building will use the refuse chute in Northern or Southern Buildings).

6.7.73 A single refuse chute (0.6m diameter) is proposed in each building core with a quad-separator system installed at the chute discharge points. The quad-separator system would allow four different material streams to be collected via a single refuse chute. The residents have to press a button for the required material type on the hopper plate face and once the separator unit (at the discharge point) is in position for the correct material, the hopper door will unlock. Hopper doors on all other floor levels will be locked temporarily in order to prevent material contamination.

6.7.74 Designated chute rooms would be located at the lower level of each building to collect these waste streams. Once bins in the chute rooms are filled, the management team rotate bins and transport full bins to the larger refuse store on the lower ground floor for collection. Fig 59: Illustrative photos of the refuse chute system (tri-separator system)





**Fig 59 Refuse Chute System**

*Residential Waste Collection – Waste Stores*

6.7.75 There would be a total of 73 bins within a single waste store room located next to the service yard on St Mark's Road:

- General waste - 59 bins
- Recyclables 1 (paper and card) - 13 bins

- Recyclables 2 (glass, plastic and cans) - 13 bins
- Food waste - 18 bins

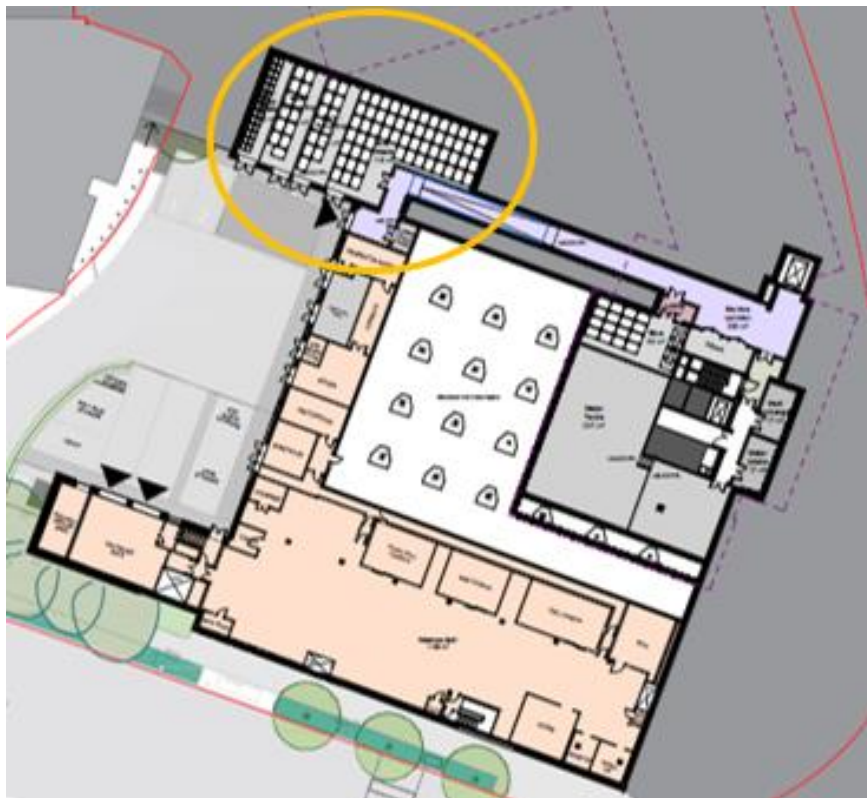
6.7.76 It is expected that the residential use would incorporate internal bins with a 10 litre per waste stream capacity in each unit to accommodate each waste/ recyclable stream collected by the Council.

6.7.77 The Council's refuse vehicles would enter the service yard. The waste/recycling bins would be wheeled out from the storage room by the Management Team to the service yard for collection and then returned back to the store room. This store has a large frontage onto the service yard so that each waste stream can be collected individually.

6.7.78 It is expected that the waste collection time would be:

- Residual - Weekly
- Food - Weekly
- Recycling - Fortnightly (paper / card)
- Recycling - Fortnightly (glass / plastic / cans)

6.7.79 At least two recycling streams (paper / card and glass / plastic / cans) would be collected on alternate weeks and three different types of waste would be collected each week.



**Fig 60: Location of the residential waste store room**

## Bulky Waste

6.7.80 In the management plan, it is expected that some 75% of units would be rented fully furnished and therefore bulky waste is not expected to be generated by residents from these units due to the simple all-inclusive residential rental model.

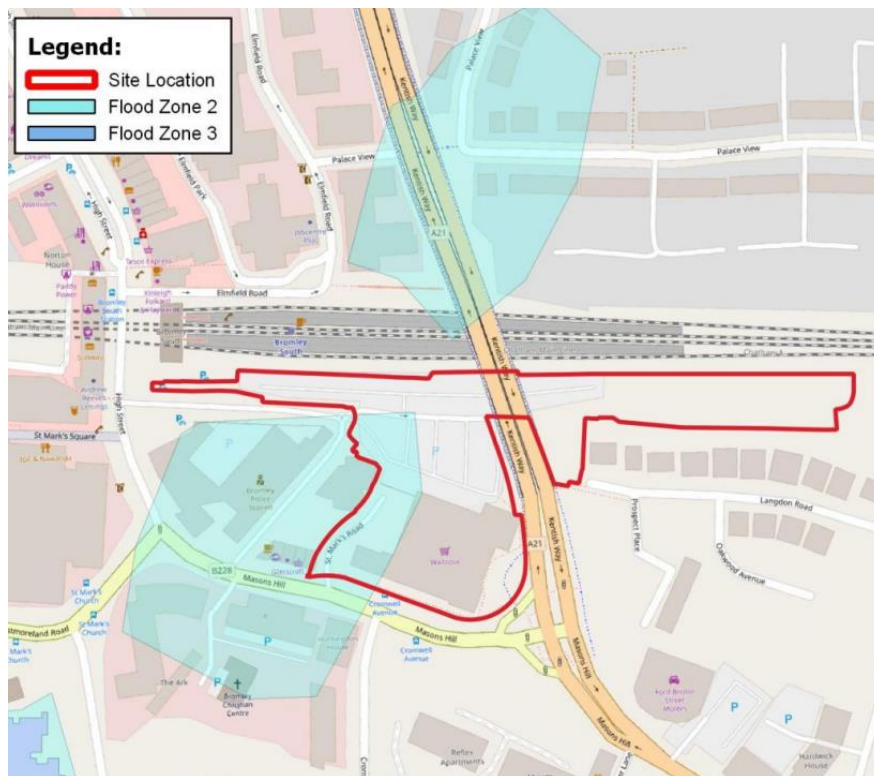
6.7.81 Within the residential building, larger bulky waste stores would be located on the first floor level and the recycling rooms would be close to the resident lifts. The residents could easily deposit items if they are too large for the chutes. The Management team would bring this down to the refuse stores on the lower ground floor on St Mark's Road on the day of collection.

6.7.82 The Council's Waste Officer has been consulted and has raised no objection. A detailed waste strategy will be secured via a pre-commencement condition.

## **6.8 Flood Risk, Culverted River, Sustainable Drainage and Water Infrastructure and Efficiency**

### ***Flood Risk and Culverted River***

6.8.1 Part of the site is located within Flood Zone 2, which is land defined by the national Planning Practice Guidance (PPG) as having a 'Medium Probability' of flooding. The proposed development would be classified as 'more vulnerable' by the NPPF (Annex 3).



**Fig 61 Extract from the EA Flood Map for Planning**

6.8.2 A culverted stretch of the River Ravensbourne (East Branch), which is a designated main river, also runs through the site. The proposed development would encroach within 6m of the existing culvert. The culvert is being diverted to maintain a suitable distance between the culvert and buildings. This has been developed through close consultation with the EA. It is proposed that the new structure will consist of 2no. box structures each 2.1m wide and 1.75m high, thus replicating the dimensions and flow capacity of the existing downstream structure. This will ensure that there will be no reduction in flow capacity, which could cause an increase in flood risk at the site or upstream; and no increase in flow capacity, which could cause an increase in flood risk downstream.

6.8.3 The application is accompanied by a Flood Risk Assessment & Drainage Strategy (Rev 4 – 13 December 2023) prepared by Fairhurst Group LLP and various drawings relating to the culvert and drainage construction and layout. The surface water drainage design has been closely coordinated with the Landscape Masterplan for the Site and at grade will feature multiple rain gardens (planted areas which will act as surface water attenuation), permeable paving and buried attenuation tanks. Above ground the podium deck and roof top amenity space will feature green roofs.

6.8.4 Paragraph 165 of the NPPF (2023), in relation to Flood Risk, states:

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”.*

6.8.5 Paragraph 173 goes on to say:

*“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable [set out within paragraphs 167-172] it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- *any residual risk can be safely managed; and*
- *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

6.8.6 Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This

should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses.

- 6.8.7 Policy SI 12 also requires development proposals adjacent to flood defences to protect the integrity of flood defences and allow access for future maintenance and upgrading. Unless exceptional circumstances are demonstrated for not doing so, development proposals should be set back from flood defences to allow for any foreseeable future maintenance and upgrades in a sustainable and cost-effective way. Natural flood management methods should also be employed in development proposals due to their multiple benefits including increasing flood storage and creating recreational areas and habitat.
- 6.8.8 Policy 115 of the Bromley Local Plan (2019) is also relevant. It seeks to reduce flood risk across the borough and requires development proposals in Flood Risk Areas to seek opportunities to deliver a reduction in flood risk compared with the existing situation.
- 6.8.9 The GLA Stage 1 Report requested further information prior to Stage 2 relating to flood risk management including confirmation of the proposed FFL, which should be higher than the estimated 100-year pluvial flood level, and demonstration that the development would not displace pluvial flood water off site, as well as consideration of flooding from artificial sources such as reservoirs and canal systems. In response to the comments within the Stage 1 Report, the Applicant provided an updated Flood Risk Assessment and Drainage Strategy (Rev 4 - December 2023) prepared by Fairhurst.
- 6.8.10 The Flood Risk Assessment and Drainage Strategy (Rev 4 - December 2023) states that the ground flood level is set at 50.270mAOD, which is above the estimated 100 year pluvial floor level based on EA maps and therefore, that the new built development will not be at risk from pluvial flooding and will not displace flood water off site. It is also stated that the site is not considered to be at risk of flooding from reservoirs or canal systems.
- 6.8.11 The FRA adequately assesses the risk of flooding from fluvial/tidal, sewers and ground water, which is considered to be low. The GLA will consider the FRA further as part of their Stage 2 determination.
- 6.8.12 The Environment Agency (EA) has reviewed the submitted Flood Risk Assessment & Drainage Strategy (Rev 4 - December 2023) and have also advised that they have been involved in extensive discussions with the developer and project team at pre-application stage, particularly with respect to the main river. They also advise that they understand that it is not considered viable to de-culvert the watercourse at this site. The EA therefore raise no objection to the proposal, subject to a number of conditions relating to the culvert, contamination, and piling/foundation designs.

**Sequential Test – Not passed**

- 6.8.13 Notwithstanding the above, the application is also required to meet the sequential test as set out in the NPPF (December 2023) and associated technical guidance and Policy 115 of the Bromley Local Plan, as part of the site lies within Flood Zone 2.
- 6.8.14 In accordance with the NPPF (December 2023), the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 168). That means if this proposed development could be accommodated on a reasonably available site elsewhere, the sequential test would not be passed. The PPG provides national guidance on how to apply the sequential test.
- 6.8.15 The agreed scope between the Council and the Applicant for the sequential test set out that whilst there was justification for focusing the retail element of the proposal on town centre sites, as the housing element could be completely separate to the store, the area of search for this part of the proposal should be Borough-wide. In terms of site capacity, the sites should be of a reasonable size for the proposed development but this could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development as highlighted by Paragraph: 028 (Reference ID: 7-028-20220825) of the PPG.
- 6.8.16 It was agreed that sites allocated within the Local Plan for another use or have an extant planning permission for another use, and sites that are currently being developed/under construction could be excluded. Sites that were not available now i.e. not owned by the applicant or available for purchase at a fair market value, and those that could not be developed in a similar timeframe (i.e. within the next 5 years) could also be excluded. In terms of sequentially preferable sites, these would be sites within Flood Zone 1 (i.e. not in Flood Zone 2 (in which the Application Site is partially located) or Flood Zone 3). It was also agreed that sites located within Green Belt or Metropolitan Open Land (MOL) would not be suitable for the development proposed and therefore could also be excluded.
- 6.8.17 A flood risk Sequential Test Report (Version 3) (April 2024) with a Sequential Test Report Addendum (May 2024), both prepared by Savills, has been provided by the Applicant to accompany this application.
- 6.8.18 Officers note that both the Sequential Test Report (Version 3) (April 2024) and Sequential Test Report Addendum (May 2024) raise argument with the designation of the application site within Flood Zone 2 and state that if the Flood Map was modelled on the current site conditions and associated level of flood risk they consider that the entire site would be classified as Flood Zone 1 and therefore there would be no requirement for a Sequential Test. However, part of the application site is designated within Flood Zone 2 and it is not through the submission of a planning application for the Local Planning Authority to consider any alterations to this designation. As such, the sequential test must be applied in relation to this application.
- 6.8.19 In respect of the methodology applied within the applicant's sequential test documents, this differs from the agreed scope. Most notably the Sequential Test



Report (version 3) (April 2024) treated the site as an aggregated site, in which it considered the proposed residential floorspace and commercial floorspace as a whole i.e. that an alternative site must be capable of accommodating the development in its entirety.

6.8.20 The Sequential Test Report Addendum (May 2024) acknowledges that PPG Paragraph 28 (Reference ID: 7-028-20220825) sets out that when undertaking the Sequential Test, 'reasonably available sites' could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. The Sequential Test Report Addendum (May 2024) then goes on to state that such smaller disaggregated sites have to form a series of functional linked sites.

6.8.21 Whilst the Sequential Test Report Addendum (May 2024) acknowledges PPG Paragraph 28, it then goes on to continue to argue that the site should be treated as an aggregated site, where the proposed residential floorspace, retail floorspace, and wider enhancements are treated as a whole, stating that *"these three uses are interdependent; the retail extension of the existing store, the BtR housing which is physically, functionally and financially interdependent with the retail, and the town centre regeneration works which are clearly site specific"*. However, it concludes that *"the sequential test should only be considered to be failed where there are sites capable of accommodating the development in its entirety, or a series of sites with a functional link"*.

6.8.22 The Sequential Test Report (Version 3) (April 2024) and Sequential Test Report Addendum (May 2024) also refers to the Build to Rent (BtR) tenure within the development and to the public realm improvements as part of their justification for not disaggregating, but Officers do not consider this to be appropriate.

6.8.23 It is noted that the Sequential Test Report Addendum (May 2024) references the recent High Court case of Mead Realisations and Redrow Homes Ltd v Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 279 (Mead case), which considers the application of the sequential test, including whether development proposals can be accommodated on a series of smaller sites.

6.8.24 Officers note that the Mead case states that the decision-maker may consider smaller sites (or disaggregation) if appropriate for accommodating the proposed development, in line with Paragraph 28 of the PPG.

6.8.25 As the Sequential Test Report Addendum (May 2024) acknowledges, the Mead case does emphasise the importance of flexibility. Officers also note that the Mead case is clear that the need for flexibility is on all sides and should be appropriately considered by the developer and by the local planning authority.

6.8.26 Paragraph 102 of the Mead case does state that a developer may put forward a case that the specific type of development they propose is necessary in planning terms and/or meets a market demand. However, it goes on to state that it then becomes a

matter of judgment for the decision-maker to assess the merits of that case and to decide whether it justifies carrying out the sequential assessment for that specific type or for some other, perhaps broader, description of development. Paragraph 162 of the NPPF does not exclude either approach, but leaves to the decision-maker the selection of the approach to be taken.

- 6.8.27 Appendix I of the Sequential Test Report Addendum (May 2024) provides a Counsel opinion from Russell Harris KC which states that the retail, housing and town centre regeneration works (being the public realm improvements) are interdependent uses. Russell Harris KC states that the housing element of the development is physically, functionally and financially interdependent with the retail. He then goes on to say that the town centre regeneration works are clearly locationally specific and are not associated with any flood risk issues. However, no explanation has been provided as to how and why the retail and housing element would be physically, functionally and financially interdependent nor that the town centre regeneration works are interdependent on the retail or housing other than that they are site specific.
- 6.8.28 Whilst Officers acknowledge that there may be some financial link given that the Applicant is seeking to provide the retail, housing and public realm improvement as one development within their specific application, the physical and functional links are unclear – other than that as part of the specifics of the application they are incorporated within one design.
- 6.8.29 In respect of the BtR argument, Officers consider that the sequential test should look at housing capacity regardless of tenures, i.e. can this capacity, in principle, be delivered on a site with less flood risk. In addition, the Applicant's assertion that the BtR model needs a critical mass of 300+ units has not been justified and Officers would note that Policy H11 of the London Plan requires BtR to have a minimum of 50 units.
- 6.8.30 The public realm works within the site are acknowledged; however, Officers consider that these are site specific benefits which have been proposed as part of the retail and housing development and that these benefits would be considered in the overall planning balance of the proposal rather than being integral in the consideration of the sequential test.
- 6.8.31 In terms of what is a 'series', paragraph 110 of the Mead case is key, and states that the word "series" connotes a relationship between sites appropriate for accommodating the type of development which the decision-maker judges should form the basis for the sequential assessment. Furthermore, this case law makes clear that a proposal should not automatically fail the sequential test because of the availability of multiple, disconnected sites across a local authority's area, but rather the issue is whether they have a relationship which makes them suitable in combination to accommodate any need or demand to which the decision-maker decides to attach weight. Therefore, ultimately it's a matter of case by case judgement by the decision-maker.

- 6.8.32 The Applicant's Sequential Test Report Addendum (May 2024) appears to assume that the relationship between the series of sites must be that of a functional link. No explanation has been provided as to what they consider this functional link to be. However, reference is made to deliveries & servicing, management, and access to supporting facilities such as cycle parking and amenity spaces.
- 6.8.33 Officers do not consider the relationship between sites must be that of a functional link and would argue that many of the supporting facilities such as servicing, cycle parking and amenity are actually proposed to be separate for the retail and housing elements.
- 6.8.34 The notion of functional link within the Sequential Test Report Addendum (May 2024) also appears to be conflated with proximity whereby a number of sites have been discounted as they are not located in close enough proximity to the Waitrose Site and thus have a lack of functional linkage, albeit no explanation is provided as to what the Applicant considers to be 'close proximity'.
- 6.8.35 Officers would note that the PPG does not specify that these smaller sites need to be 'within close proximity'. The purported functional link therefore appears to make the same argument as that of the aggregation argument, which Officers do not consider is appropriate.
- 6.8.36 In terms of the relationship required between sites, as previously noted it is agreed that the retail element should be located within a town centre, but in respect of the housing element Officers consider that this could be linked to Policy 1 of the Local Plan, in that we should be looking for a series of sites which are located in areas where the Council has identified potential for housing.
- 6.8.37 With regards to the assessment of open market sites, Savills Land Agency identified only sites within the Bromley Town Centre, with Rightmove being used to identify sites borough-wide. It is unclear why a local agent(s) with a more extensive borough wide focus was not employed/utilised and there is a concern that the limitations of the sources used undermines the robustness of the search, and thus the overall sequential test.
- 6.8.38 In terms of the assessment of alternative sites throughout both the Sequential Test Report (Version 3) (April 2024) and Sequential Test Report Addendum (May 2024) a number of sites appear to have been discounted sites for reasons which would fall out of the remit of the flood risk sequential test process and/or were not part of the agreed scope. However, Officers have reviewed each site independently and would accept that on the majority of the sites there a valid reason has been provided within the overall assessment of the site to discount it.

6.8.39 Notwithstanding the above, there are some sites which have been discounted for which Officers do not consider adequate justification has been demonstrated. Further details are provided below:

#### Bromley Civic Centre

6.8.40 Officers acknowledge that the site has some constraints. It is also acknowledged that whilst the site is located within the Town Centre given these constraints the retail aspect may not be appropriate at this site. However, Officers do consider that the site could accommodate a proportion of the proposed 353 residential units.

6.8.41 The Sequential Test Report Addendum (May 2024) appears to consider Bromley Civic Centre site as part of a series of sites, but has discounted the site because they consider there is no functional link between the Waitrose site, the Civic Centre Site, and the necessary additional sites(s) to bring the site forward as part of a series of sites. As noted above, the lack of 'functional' link for a series of sites appears to be conflated with that of the need for the development to be aggregated to which Officers do not consider is appropriate. It again also appears to only relate to proximity to the Waitrose Site. On this point, Officers would note that both sites are located within the Bromley Town Centre and are approximately 500m from each other, so it is unclear what is meant by close proximity. In addition, no other sites other than the existing Waitrose Site are referenced in relation to this point regarding 'necessary additional sites(s)'.

6.8.42 In respect of Bromley Civic Centre, the Sequential Test Report (Version 3) (April 2024) also discounts this site because it is not adjacent to Bromley South station and would not result in exactly the same public realm enhancements as those proposed at the Application Site. However, as stated above Officers do not agree that this is a relevant consideration for a flood risk sequential assessment as these public realm improvements have been proposed as part of a scheme of benefits associated with the retail and housing development specific to the Application Site. Officers therefore do not agree that adequate justification has been provided for discounting this site.

#### Crystal Palace Park

6.8.43 Officers acknowledge that the site has some constraints; however, the site has an extant outline permission which includes for 210 residential units. As such whilst the retail aspect may not be appropriate at this site, the site could accommodate a proportion of the proposed 353 residential units.

6.8.44 The Sequential Test Report Addendum (May 2024) has discounted the site because they consider there is no functional link between the Crystal Palace site and the Waitrose site and therefore the site cannot come forward as part of a series of sites. As noted above, the lack of 'functional' link stated appears to relate to the Applicant's assertion that the BtR product is physically, functionally and financially supported by the retail element and thus must be located in a Town Centre and in close enough proximity to the Waitrose store. As noted above, no explanation has been provided

as to how and why the retail and housing element would be physically, functionally and financially interdependent nor what is meant by close proximity, and again Officers do not agree with this aggregation argument.

6.8.45 In addition, no other sites other than the existing Waitrose store site are referenced in relation to a series of sites.

6.8.46 Again, both the Sequential Test Report (Version 3) (April 2024) and Sequential Test Report Addendum (May 2024) also discounts this site because it is not adjacent to Bromley South station and would not result in exactly the same public realm enhancements as those proposed at the Application Site. However, as stated above Officers do not agree that this is a relevant consideration for a flood risk sequential assessment as this public realm improvements have been proposed as part of a scheme of benefits associated with the retail and housing development specific to the Application Site. Officers therefore do not agree that adequate justification has been provided for discounting this site.

Sites within Local Plan Allocation Site 10 boundary including 66-70 High Street, Bromley

6.8.47 Site 10 sits to the west of Bromley High Street and is purported to be an allocation for 1,230 units. This site includes a number of different sized parcels of land within differing ownership. The Sequential Test Report (Version 3) (April 2024) suggests that due to the multiple ownerships, this site would not support a comprehensive development within 5 years as with the proposed development. However, as noted within the recent appeal decision at 33 Masons Hill (ref: APP/G5180/W/23/3321134) the issue of multiple ownership has not stopped parcels within the allocation coming forward on application. This includes no. 66-70 High Street which has an extant planning permission for 47 residential units and which the Sequential Test Report (Version 3) (April 2024) identifies is on the market. As such, the site could accommodate a proportion of the proposed 353 residential units.

6.8.48 Similarly to the Bromley Civic Centre site, the Sequential Test Report Addendum (May 2024) again appears to consider 66-70 High Street Bromley as part of a series of sites, but has discounted the site because they consider there is no functional link between the Waitrose site, the 66-70 High Street site, and the necessary additional sites(s) to bring the site forward as part of a series of sites. As noted previously, the lack of 'functional' link for a series of sites appears to be conflated with that of the need for the development to be aggregated to which Officers do not consider is appropriate. In addition, it again appears to only relate to proximity to the Waitrose Site and again on this point, Officers would note that both sites are located within the Bromley Town Centre and are again approximately 500m from each other, so it is unclear what is meant by close proximity. Furthermore, no other sites other than the existing Waitrose Site are referenced in relation to this point regarding 'necessary additional sites(s)'.

6.8.49 In respect of 66-70 High Street, the Sequential Test Report (Version 3) (April 2024) also discounts this site because it is not adjacent to Bromley South station and would not result in exactly the same public realm enhancements as those proposed at the Application Site. However, as stated above Officers do not agree that this is a

relevant consideration for a flood risk sequential assessment as these public realm improvements have been proposed as part of a scheme of benefits associated with the retail and housing development specific to the Application Site. Officers therefore do not agree that adequate justification has been provided for discounting this site.

### Provident House

6.8.50 The site has planning permission for 51 residential units and which the Sequential Test Report (Version 3) (April 2024) identifies is on the market. As such, the site could accommodate a proportion of the proposed 353 residential units.

6.8.51 The Sequential Test Report Addendum (May 2024) makes the same argument as with Bromley Civic Centre and 66-70 High Street Bromley that whilst it has been considered as part of a series of sites, it has been discounted because it is considered there is no functional link between the Waitrose site, the Provident House site, and the necessary additional sites(s) to bring the site forward as part of a series of sites. As noted previously, the lack of 'functional' link for a series of sites appears to be conflated with that of the need for the development to be aggregated to which Officers do not consider is appropriate. In addition, it again appears to only relate to proximity to the Waitrose Site and again on this point, Officers would note that both sites are located within the Bromley Town Centre and are approximately 700m from each other, so it is unclear what is meant by close proximity. Furthermore, no other sites other than the existing Waitrose Site are referenced in relation to the point regarding 'necessary additional sites(s)'.

6.8.52 The Sequential Test Report (Version 3) (April 2024) also discounts this site because it is not adjacent to Bromley South station and would not result in exactly the same public realm enhancements as those proposed at the Application Site. However, as stated above Officers do not agree that this is a relevant consideration for a flood risk sequential assessment as this public realm improvements have been proposed as part of a scheme of benefits associated with the retail and housing development specific to the Application Site. Officers therefore do not agree that adequate justification has been provided for discounting this site.

### Summary of Sequential Test

6.8.53 PPG Paragraph: 029 (Reference ID: 7-029-20220825) clarifies that relevant decision makers need to consider whether the sequential test is passed, with reference to the information it holds on land availability and that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The NPPF is clear that development should not increase flood risk elsewhere, flood risk should be managed from all sources and development should be directed away from areas at risk.

6.8.54 There are inconsistencies with the agreed methodology, most notably in relation to the matter of disaggregation, and therefore some sites have been discounted without adequate justification. Therefore, Officers are not convinced that the submitted



sequential test is suitably robust and fully consistent with the NPPF (December 2023) and PPG and therefore that there are not any reasonably available sites that could accommodate the development, either wholly or as part of a series of smaller sites. Accordingly, based on the information submitted, officers do not consider that the sequential test has been passed and the proposal is contrary to Policy 115 of the Bromley Local Plan (2019) and aims and objectives of the NPPF (December 2023).

6.8.55 The majority of the existing Waitrose store and the proposed buildings fall outside of the Flood Zone 2 designation. Furthermore, all of the 'more vulnerable' residential dwellings would be located at second floor and above. As such, the risk of flooding to the new development, particularly the new housing, is considered to be low and the development would be unlikely to significantly increase the risk of flooding. On this basis, officers consider that the development complies with policies 115 of the Local Plan and SI 12 of the London Plan.

6.8.56 Notwithstanding the above, the sequential test has not been passed and, potentially, there are other sites which are at less risk of flooding and which could accommodate this development. The failure to pass the sequential test could provide a clear reason for refusing the development when assessed against the NPPF.

### ***Sustainable Urban Drainage - Acceptable***

6.8.57 Policy SI 13 of the London Plan (2021) 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. There should also be a preference for green over grey features in accordance with the drainage hierarchy set out within the policy. Further, drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

6.8.58 Policy 116 of the Bromley Local Plan (2019) 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.

6.8.59 In considering sustainable drainage, discharge and greenfield rates should be further reduced and rainwater harvesting further considered in line with London Plan Policy SI 13.

6.8.60 In terms of SuDS, the drainage strategy proposes green roofs, permeable paving and an underground attenuation tank, which is welcomed. The Flood Risk Assessment & Drainage Strategy (Rev 4 - December 2023) states that rainwater harvesting has been considered but would not be a feasible option due to space constraints and implications for building structures/associated embodied carbon. The use of Open SuDS (basins, swales, etc) has also been discounted due to the limited available space for open SuDs features.

6.8.61 The Council's Drainage Officer has advised that the surface water drainage details submitted with the application are acceptable and a condition should be imposed on any approval to ensure the development is implemented in accordance with the details set out within submitted the Flood Risk Assessment & Drainage Strategy (Rev 4 - December 2023).

6.8.62 The GLA Stage 1 Comments requested further information relating to sustainable urban drainage prior to Stage 2 to which the Applicant provided a response within the revised Flood Risk Assessment & Drainage Strategy (Rev 4 - December 2023). The GLA will consider this matter at Stage 2.

6.8.63 The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection in this regard.

### ***Water Infrastructure and Efficiency - Acceptable***

6.8.64 Policy SI5 of the London Plan outlines that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. It requires development proposals to 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); achieve at least the BREEAM excellent standard for the 'Wat 01' water category<sup>160</sup> or equivalent (commercial development); and 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.

6.8.65 Development proposals should also seek to improve the water environment and ensure that adequate wastewater infrastructure capacity is provided and take action to minimise the potential for misconnections between foul and surface water networks.

6.8.66 The existing building, car park and service yard on the application site are served by privately maintained drainage systems. In addition, there are public sewers crossing the application site. The proposed development is also located in close proximity to other underground Thames Water assets.

6.8.67 Thames Water has advised that, on the basis of the information provided, with regard to foul water sewerage network infrastructure capacity that they would not have any objection to the proposal.

6.8.68 Given the proximity of the development to a strategic water main and other underground water utility infrastructure Thames Water have also recommended on any planning approval conditions be included to require details of how the applicant will divert the asset/align the development, so as to prevent the potential for damage to subsurface potable water infrastructure and the submission of a piling method statement if piling or other penetrative foundation methods are to be used.

6.8.69 Thames Water have also advised that they are working with the Applicant 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. Thames Water have advised that this could be addressed by way of an appropriately worded planning condition. Water efficient fittings, and smart meters are proposed, which is welcomed.

6.8.70 The GLA Stage 1 Comments requested further information relating to water efficiency prior to Stage 2 to which the Applicant provided a response within the revised Flood Risk Assessment & Drainage Strategy (Rev 4 - December 2023). The GLA will consider this matter at Stage 2.

## **6.9 Green Infrastructure and Natural Environment - Acceptable**

6.9.1 Policy 70 of the Local Plan states that where development proposals are otherwise acceptable, but cannot avoid damage to and/or loss of wildlife features, the Council will seek through planning obligations or conditions:

- Inclusion of suitable mitigation measures; and
- The creation, enhancement, and management of wildlife habitats and landscape features to contribute towards the Bromley Biodiversity Action Plan.

6.9.2 Chapter 9: Ecology of the Environmental Statement presents the findings of an assessment of the likely significant effects of the Proposed Development on the ecology and biodiversity of the Site and surrounding area. The assessment considers the impacts of the Proposed Development on protected and notable species and habitats.

6.9.3 The Site is located in an urban area. 71% of the Site comprises hard standing surfaces (car park, access routes, roads) and buildings or structures (Waitrose supermarket and Kentish Road bridge). There is large block of semi-natural deciduous woodland (approximately 27% of the Site) located to the east of the hard standing and a strip of scrub running along the northern boundary of the Site. Scattered trees are also present within the Waitrose car park.

### ***Nature Conservation Sites***

6.9.4 No statutory designated sites are present within 5 km of the Site. Two non-statutory designated sites, Bromley Civic Centre and Martin's Hill and Church House Grounds SINC, were recorded within 1 km of the Site, with the closest being the former 260m to the north of the Site. The Site falls within the SSSI Impact Risk Zones for Crofton Woods SSSI (3.5km to the Southeast), and Keston and Hayes Commons SSSI (3.5km to the South). However, the Proposed Development does not fall into those categories of development listed as being a concern for these particular designated sites.

## ***Protected Species***

- 6.9.5 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.
- 6.9.6 Protected or notable species that are present within the Site or have suitable habitat on Site are bats, badgers, reptiles, nesting birds, invertebrates and other mammals such as hedgehog.
- 6.9.7 Four trees (TN2, TN7, TN9 and TN17) and one derelict building (B3) have low suitability for roosting bats. TN17 will be cleared as part of the Proposed Development. TN2, TN7 and TN9 will be retained within the woodland habitats. Road bridge (B2) has moderate potential to support roosting bats. It is recommended that emergence / return surveys be completed on bridge B2 to inform any mitigation / licensing requirements for works beneath the bridge.
- 6.9.8 Although the lighting design of the Proposed Development considered measures for reducing effects on bats (i.e. use of luminaires with minimal backspill, curfew time for car park lighting), an adverse effect at the Site level which is not significant is still expected as a consequence of security lighting needed for safety and light spills from the building windows. However, it should be noted that species likely to be present within the Site are likely to be common and widespread urban species tolerant to current level of lighting.
- 6.9.9 The Site contained an outlier active badger sett. The active sett will be retained within the Site, and an update survey to confirm the current status of setts is recommended prior to works to fully inform any mitigation / licensing requirements.
- 6.9.10 It is also noted that there is some suitability for reptiles, including slow worms, to be present on the Site but a survey has not been undertaken. Some reptiles, including slow worms, are protected under the Wildlife and Countryside Act 1981 (as amended). The applicant was asked to clarify why reptile surveys had not been undertaken. In their response they state that the suitability for reptiles is limited on Site. Three areas were considered with some suitability:
- the north-eastern part of the woodland, due to its connection with the railway corridor and the presence of deadwood suitable for hibernating reptiles. However, no works are proposed within this part of the woodland. The woodland will be retained.
  - South-western part of the woodland, which is more open. However, this area is separated from the wider woodland by a high retaining wall, making the area isolated and less connected to green areas, so less likely to support reptiles.
  - Small tall ruderal habitat along the railway corridor. Due to its size, it is considered that a Precautionary Method of Working (PMoW) is sufficient to minimise the risk to reptiles. In section 9.6.18 and 9.6.19 of ES Chapter 9, it is proposed a PMoW in advance of works and ecological supervision during

vegetation clearance of the understorey of the woodland and tall ruderal vegetation to minimise the risk to reptiles, if any is present. Furthermore, a Desk study did not return records of reptiles within 1km of the Site.

### ***Invasive Non-Native Species***

6.9.11 The woodland contains two invasive species listed on Schedule 9 of the Wildlife & Countryside Act, with a further three species listed on the London Invasive Species Initiative (LISI). These will be unaffected by the proposed works. However, should works be delayed past the summer of 2024, an updated invasive species survey is recommended to fully inform any mitigation / management requirements.

### ***Enhancement and Mitigation***

6.9.12 The inherent measures included within the Development to enhance ecology are set out in further detail in Chapter 9 of the Environmental Statement (ES) (as embedded mitigation), Chapter 14 of the ES 'Summary of Mitigation' and the Preliminary Ecological Appraisal. The inherent landscape design elements are also described in Chapter 3 of the ES. The Design and Access Statement also includes reference to the bird and bat boxes and log piles.

6.9.13 The majority of the woodland habitats are retained within the final proposals. Additional trees will be planted within the landscape scheme for the site.

6.9.14 A precautionary method of working (PMoW) detailing the identification, mitigation and legislation that covers breeding birds, hedgehogs, reptiles, badgers and invasive species should be created before works commence, and adhered to during works. This will include measures such as covering excavations each night and checking them each morning to reduce the risk of animals becoming trapped.

6.9.15 All vegetation clearance works within the woodland area should be under the supervision of an Ecological Clerk of Works (ECoW). Any deadwood encountered during woodland clearance should be moved to the retained area of woodland to continue to provide habitat for species such as stag beetle.

6.9.16 It is also recommended that vegetation clearance and building demolition take place between October and February to reduce the risk of encountering nesting birds. If this is not possible, a pre-works check for nesting birds is recommended to confirm the absence of active nests within the works area.

6.9.17 Ecological enhancements have been proposed to improve the biodiversity value of the Site, including bat, bird and bee boxes and bricks and additional refugia / hibernacula for species such as hedgehogs and reptiles.

6.9.18 Enhancement of the retained woodland through the removal of invasive species and management to obtain a varied age structure and to increase the complexity of the woodland is recommended. This could be guided by a Landscape and Ecology Management Plan (or similar).

6.9.19 A wildlife friendly lighting strategy for the Proposed Development should be developed, through the use of warm lighting and the direction of lighting away from areas of water and green infrastructure.

6.9.20 Further information on measures that will minimise impacts on ecology is provided within Section 7 Of this report.

### ***Biodiversity Net Gain***

6.9.21 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.*”

6.9.22 It is noted that this planning application was received prior to the introduction of the mandatory Biodiversity Net Gain legislation which is applicable for applications for Major development received after the 12<sup>th</sup> February 2024. Under the new legislation applications for development must demonstrate a biodiversity net gain for habitats of at least 10%.

6.9.23 The application is accompanied by a Biodiversity Net Gain Assessment (Aecom, June 2023) stating that the Biodiversity Net Gain for the proposed development is 2.48%. This is below the 10% target but still compliant with London Plan policy G6.

6.9.24 The submitted BNG report advises that in terms of BNG, the positive score complies with all local planning policy, however, the BNG report (& GLA report) also refers to the need to satisfy ‘trading rules’, suggesting further habitat mitigation is required to satisfy the trading rules which are currently failing for ‘Medium’ distinctiveness habitats. The proposed development in a deficit of 0.34 ‘Woodland and Forest’ area based habitat units.

6.9.25 The applicant’s own BNG report makes recommendations, which focus on the enhancement of ‘Woodland and forest’ habitat within the planning boundary (0.11 ha at a minimum), in order to achieve +10% BNG whilst also satisfying the trading rules. It is recommended that these enhancements are considered in detail through a planning condition prior to the commencement of associated works. Habitats would need to be monitored to ensure correct establishment and growth, and remedial action would need to be taken if this does not proceed as expected, otherwise the target conditions used in the calculations may not be met and the predicted biodiversity units might not be achieved.

### ***Trees and Urban Greening***

6.9.26 London Plan policy G7 states that development proposals should ensure that, wherever possible, existing trees of value are retained. Trees of value are defined as category A, B and lesser category trees where these are considered by the LPA to be of importance to amenity and biodiversity, as defined by BS 5837:2012.



- 6.9.27 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.
- 6.9.28 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.
- 6.9.29 The proposed development presents a well-considered approach to integrating green infrastructure and urban greening across the masterplan which is strongly supported by the GLA and LBB officers. Urban greening has been integrated into the Proposed Development from early stages of the design evolution. This includes the incorporation of rain gardens and intensive green roofs, which supports multifunctionality, in accordance with Policy G1 of the London Plan.
- 6.9.30 The applicant has calculated the Urban Greening Factor (UGF) score of the proposed development as 0.57, which exceeds the target set by Policy G5 of the London Plan. The GLA state that this should be treated as a minimum and any improvements to the quality and quantity of urban greening made where possible. In line with the above fire safety section, any urban greening should be reviewed against guidance. The GLA have recommended that opportunity for the provision of biosolar roofing should be explored.
- 6.9.31 The landscape strategy also focuses on retaining as many existing trees as possible, in order to preserve existing habitats and strengthen local biodiversity and 56 new trees will be planted.
- 6.9.32 As the site boundary front onto the public highway, the proposal contributes to the greening of the public realm, with street trees and rain gardens on the site boundaries. The trees proposed along Station Approach and Masons Hill have been carefully selected for their suitability for biodiversity, Sustainable Urban Drainage Systems (SuDS), and street and car park application. Extra heavy trees are specified in these locations to provide instant impact and to withstand vandalism.
- 6.9.33 The retention approach for existing trees on-site is based on their current value and expected life span, as well as aesthetic and biological importance. Trees to be cut down can be retained within the Site and incorporated within the landscaped areas. Tree trunks can provide valuable habitats for insects, contributing to the Proposed Development's overall biodiversity ambitions.
- 6.9.34 The Council's tree officer (for Planning) has reviewed the proposals and notes that the application has incorporated their recommendations made at the pre-app stage. Detailed landscaping has been set out including species selection, design, layout and aftercare which have all been included to a high standard. The proposal

maximises the opportunities for the creation of new landscaping and outlines protection for those being retained.

6.9.35 Trees to be removed have been addressed in the arboricultural impact assessment (AIA). Valuation has been included in the survey data and whilst the total value of losses is high, the planting value is going to surpass the value of trees being removed. This is further demonstrated in section 6 of the AIA. The woodland link path to Langdon Road will require the removal of category B trees. The most significant losses are the two mature white poplar trees. As a species these species are fast growing and short lived compared with other species. As the trees are fully mature, retention spans are limited and considering the replacement tree planting, this is mitigated.

6.9.36 The proposed boardwalk will improve pedestrian connectivity from the residential areas to the east of the site, providing a safer crossing, avoiding Kentish Way. The boardwalk has been designed to take the most direct route to Langdon Road and allows for the enhancement planting set out either side.

6.9.37 On the basis of the proposed landscaping offsetting the proposed losses and the scheme meeting key principles of British Standard 5837, the tree officer (Planning) has not raised any objections to the application, subject to the imposition of planning conditions.

## **6.10 Energy & Sustainability - Acceptable**

### ***Minimising Greenhouse Gas Emissions***

6.10.1 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.

6.10.2 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.

6.10.3 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. 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.

- 6.10.4 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.
- 6.10.5 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.10.6 The application is accompanied by an Energy Statement (prepared by Hoare Lea) which demonstrates that the carbon emissions and overall energy strategy of the proposed development will meet the requirements set out within the London Plan and the LBB's Local Plan. The Proposed Development will result in an overall 61% reduction in carbon dioxide emissions for both residential and commercial elements.
- 6.10.7 Under the “**Be Lean**” measures, a range of passive design features would be employed to reduce heat loss and demand for energy. These measures include building fabric performance, air permeability of the building, thermal bridging, high performance glazing, mechanical ventilation with heat recovery, and use of low energy LED lighting. Wastewater heat recovery would also be used for the proposed residential element.
- 6.10.8 Measures described above to minimise air pollution will also reduce the emission of carbon dioxide equivalents (CO<sub>2</sub>e) associated with the Proposed Development. As part of JLP sustainability objectives, resource use will be considered including review of low emission material selection.
- 6.10.9 The proposal development would achieve an overall 18 percent carbon reduction over baseline, where residential element would achieve a 15 percent and the non-residential element including part refurbishment would achieve 28 percent reduction. As such, the proposal would meet the minimum 10 percent requirements for new residential element and 15 percent for the non-residential element and would meet the policy requirements.
- 6.10.10 The applicant is not currently proposing to connect to any energy network and there is no carbon reduction can be awarded under the “**Be Clean**” category. The applicant has carried out an investigation as to whether there are any existing or planned district heating networks exist within the vicinity of the proposed development but have concluded there are none. However, there is an energy centre to the north-west of the site at St Mark's square (on the western side of High St) which the development has the potential to connect to, subject to feasibility studies. Further details and a design of a potential future connection to this (or another) district heating network is therefore required. These details can be secured by condition.
- 6.10.11 The applicant has committed to provide a refrigeration scheme that will enable waste heat to be shared with the residential accommodation. This would assist to reduce the demand for energy. The GLA have advised that the applicant should provide evidence that this can be achieved, and the current cooling system proposed would enable this suggested further carbon reduction can take place should be provided. As there is no carbon reduction can be awarded under the “**Be Clean**” measure, officers considered that submitted details is acceptable at application

stage. Should there be any further carbon reduction can be achieved under “ Be Clean” category, these details should be submitted and incorporated under “Be Seen” measures.

6.10.12 Under the “**Be Green**” category, a range of on-site renewable energy technologies have been considered. Photovoltaics, air and water source heat pumps are proposed and are considered to be most feasible measures. Air and water source heat pumps would be used to provide space heating, cooling and hot water for the residential element. Solar panel measures approximately 720sq.m would be installed at roof level for the non-residential elements. A roof layout plan has been provided which indicates the amount of proposed solar panel can be installed at roof level. Detailed roof layouts demonstrating the potential to maximum PV coverage and potential for further PV should be secured through planning condition, as part of an updated energy assessment.

6.10.13 A Hydrotreated Vegetable Oil fuel (HVO) generator is also proposed for back-up use only and will be tested for maintenance purposes for less than 18 hours per year. As no combustion sources are proposed for the primary energy supply, no local air quality impacts are anticipated and a detailed assessment of impacts of combustion emissions from the energy plant has been screened out of the Air Quality assessment. The Proposed Development is Air Quality Neutral for building and transport emissions in line with London Plan Guidance (LPG) Air Quality Neutral Guidance. More information can be found within the Air Quality section of this report.

6.10.14 In addition, the proposed culvert diversion route submitted as part of this application has been designed that the proposed dimensions of the culvert diversion are capable of conveying a 1 in 100 year + 27% climate change. The landscape strategy for the proposed development will also incorporate planting that is heat tolerant. The tree planting schedule has been designed to include native local species which are resilient to drought.

6.10.15 The updated energy assessment indicates that the proposed on-site carbon reduction measures would achieve a cumulative 238.8 tonne of carbon saving per annum which equivalent to approximately 61 percent carbon saving and this is above the minimum policy requirements at 35 percent. There is a shortfall of 39 percent (149.37 tonne carbon). Should planning permission be forthcoming and in order to achieve net zero carbon, a planning obligation of **£ 426,645** would be required and secured by a legal agreement.

6.10.16 The carbon emission and saving profile and break down of the required obligations are as follow:

- . Site wide baseline: 388.5 tonne per annum;
- . Be Lean measures (saving from energy demand reduction): 71.1 tonne per annum;
- . Be Clean measures (district heat network): 0 tonne per annum;
- . Be Green measures (PV, air and water heat pump): 167.7 tonne per annum;
- . Short fall = 149.7 (388.5 -167.7 tonne per annum)

- . Required Payment-in-lieu **£426, 645** (149.7 tonne per annum x £95 per tonne x 30 (years)).

6.10.17 The shortfall should be secured by a legal agreement and the measures be implemented prior to its first residential occupations and at relevant stage of commercial development.

6.10.18 Finally, with regards to “Be Seen” the London Plan at policy SI 2 requires developments to monitor and report annual energy demand and carbon emissions post-construction for at least five years. The energy generated from the PV systems would also be monitored and reported. This will need to be secured through S106 legal agreement.

### ***Whole Life-Cycle Carbon (WLC) Assessment***

6.10.19 A Whole Life Carbon Assessment has been prepared for the Proposed Development in accordance with the GLA whole Life-Cycle Carbon Assessment guidance. The chosen (option 3) (see Environmental Impact Assessment section of this report) for the proposed development was selected over other options that included for greater levels of demolition. This retains more of the embodied carbon on-site.

6.10.20 The emissions have been calculated over a 60-year study period, covering the entirety of the life-cycle. A further WLC Assessment will also be completed at Post-Construction Stage, which will be reviewed separately by the GLA at Stage 2. Any planning permission subsequently granted will be subject to a condition to submit a post-construction assessment to report on the development’s actual WLC emissions.

### ***Overheating***

6.10.21 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.

6.10.22 The Chartered Institution of Building Services Engineers (CIBSE) has produced guidance on assessing and mitigating overheating risk and a dynamic thermal modelling (CIBSE TM59) have been carried out.

6.10.23 The initial assessment indicated that 81 percent of the identified sample dwellings would comply with the required standard under the openable windows scenario. The GLA have requested that a 100 percent pass rate should be achieved among all the identified sample dwellings.

6.10.24 The following additional measures have been identified and assessed. The results indicates that all sample dwellings assessed will comply with the Part O requirements in a scenario where windows are openable without noise restriction and without the need for trim cooling. The additional measures are:

- Improve glazing performance (Lower g-value of 0.28 applied to South Westerly facing windows); or,
- External shading in the form of movable shutter louvres applied to South Westerly facing windows; or
- Reduction of window area.

6.10.25 The GLA Energy Officers have reviewed the above additional measures and considered that the suggested options are acceptable and would ensure that all criteria are met with openable windows and no trim cooling. The applicant is reminded that an updated assessment incorporating at least 1 of the additional measures above should be confirmed in order to ensure that all GLA requirements are met. Should planning condition is forthcoming, a planning condition requiring an updated overheating assessment would be attached.

### ***Reducing Waste and supporting the Circular Economy***

6.10.26 Policy SI7 (Reducing waste and supporting the circular economy) of the London Plan sets out that referable applications should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted, to demonstrate:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled
- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- 3) opportunities for managing as much waste as possible on site
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- 6) how performance will be monitored and reported.

6.10.27 The adoption of circular economy principles for referable applications means creating a built environment where buildings are designed for adaptation, reconstruction and deconstruction. This is to extend the useful life of buildings and allow for the salvage of components and materials for reuse or recycling. Un-used or discarded materials should be brought back to an equal or comparable level of quality and value and reprocessed for their original purpose (e.g. recycling glass back into glass, instead of into aggregate).

6.10.28 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.

6.10.29 A Circular Economy Statement is submitted which outlines a number of sustainability objectives will be brought forward as part of the development. The statement indicates that a pre-demolition and redevelopment waste audit has been completed by a third party (Sweco) in line with the GLA guidance. It is anticipated that approximately 98 percent of construction was materials to be diverted from landfill for reuse, recycling and recovery and is committed to achieve the GLA's 95



percent target requirement. The materials for the building will be responsibly sourced and will follow a circularity approach to the reuse, recycle and conservation of materials and resources. A Bill of materials targeting recycling and reused content, based on the estimated targets have been provided.

6.10.30 The revised statement has been updated to include a list of measures beyond standard practice that area currently being investigated and will continue to be reviewed during detailed stages. A site waste management plan will be provided at appropriate stage of the development. This will align with the targets sets out in the Circular Economy Statement enabling a sustainable procurement plan to be development.

6.10.31 The statement also includes an end-of-life strategy, including how materials demands can be managed, minimised and on-site reuse and recycling can be maximised. A post-construction report to the GLA is required and has been acknowledged by the applicant.

6.10.32 Officers consider the above key commitments identified within the submitted Circular Economy Statement to be acceptable and in accordance with Policy SI7 of the London Plan. A condition should also be secured requiring the applicant to submit a post-construction report (relating to Circular Economy).

6.10.33 A condition should be secured requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development in line with Policy SI6 of the London Plan

## **6.11 Environmental Health (Contamination/ noise /air quality)**

### ***Contamination***

6.11.1 Bromley Local Plan Policy 118 states where the development of contaminated land, or land suspected of being contaminated is proposed, details of site investigations and remedial action should be submitted.

6.11.2 The application is supported by a Geo-Environmental and Geotechnical Interpretative Report (Fairhurst June 2023) and indicates that the contamination sources identified on site would not preclude the site for redevelopment.

6.11.3 Ground investigations and chemical testing have been undertaken to inform the environmental risk assessment for the site. The report indicates that there is a localised made ground and shallow natural deposits of contaminants, including asbestos and hydrocarbons. Further investigations would be required to establish whether hydrocarbon is on-site or off-site. Gas protection measures should preclude the migration of carbon dioxide, methane and carbon monoxide.

6.11.4 In accordance with current guidance, geotextile separators and/or a mechanical break layer should also be incorporated within the capping layer in soft landscaped areas, where necessary, to ensure that no exposure scenario is present for the design life of the development.

- 6.11.5 Given the land contamination records and investigation results indicate that there is asbestos within the site and hydrocarbons in the area, supplementary investigation and assessment is recommended to establish if this hydrocarbon contamination is from an onsite or offsite source and to further delineate the presence of this contamination.
- 6.11.6 The Council's Environmental Health officers have received the submitted document and recommended that an updated contaminated land assessment and associated remedial strategy including a timetable of works shall be submitted and approved by the Council prior to any works commenced on site.
- 6.11.7 Upon completion of the construction works, a closure report including the relevant quality assurance certificates and details of post-remediation sampling shall also be submitted and approved by the Council. Should planning permission is recommended, these details would be secured by planning conditions.

### **Noise**

- 6.11.8 Local Plan policy 119 states that new noise sensitive development should be located away from existing noise emitting uses unless it can be demonstrated that satisfactory living and working standards can be achieved and that there will be no adverse impacts on the continued operation of the existing use. This approach is consistent with London Plan Policy D14
- 6.11.9 Policy D13 of the London Plan places the responsibility for mitigating impacts from existing noise and other nuisance generating activities or uses on the proposed new noise sensitive development through measures such as distance, screening, internal layout, soundproofing, insulation, and other acoustic design measures.
- 6.11.10 Chapter 10 of the Environmental Statement considers the likely significant effects of the development in regard to Noise and Vibration. The assessment also considers the associated traffic generated both at construction and operational stage. A list of indicative plant likely to be used during the demolition and construction phase is presented in ES Volume II: Appendix 10-4.
- 6.11.11 Baseline noise surveys and monitoring have been carried out to establish the existing noise climate in the surrounding area. The monitoring procedures followed guidance from BS 7445 and BS 4142.

#### **A) Construction stage**

- 6.11.12 Noise and vibration generated by construction and traffic activities have been considered. The residual effect is unavoidably considered to be high on a temporary basis. Construction noise mitigation and monitoring would be required, and it is considered that the impacts of construction can be managed and controlled through a Code of Construction Practice condition, which also requires submission of plans addressing and controlling these impacts.
- 6.11.13 The Council's Environmental Health officer have reviewed the submitted details and considered that certain aspects of demolition and construction have specific

planning implications and can be addressed through planning conditions. Details of construction and environmental management plan and management of all Non-Road Mobile Machinery (NRMM) would be secured by planning conditions.

6.11.14 The Council's Environmental Health officer have advised that their costs of monitoring the project during construction and providing advice to the applicant regarding environmental requirements, CEMP, noise and dust mitigation measures, and advice re s61 prior consent, covering a likely construction period of approximately 42 months would amount to £25,000. This should be met by the applicant. This has been agreed by the applicant and would be secured by a legal agreement.

## **B) Operational stage**

6.11.15 The proposed residential use does not raise concerns from a noise perspective and the re-provision of commercial spaces is considered to be appropriately sized so as not to create any additional concerns.

6.11.16 The proposal including the improvement of public realm will obviously create additional footfall and activity, but this is not expected to create unacceptable levels of noise nuisance. Anti-social behavioural noise concerns will be addressed by a Secure by Design condition.

6.11.17 Building services plant will be designed to achieve the operational limits consistent with the requirements of BS 4142, which may require mitigation to be incorporated into the fixed plant design. This would likely comprise in-duct attenuation, noise screens or acoustic louvres. Noise control would be specified as appropriate and will depend on the specification of plant equipment and its location.

6.11.18 The Council's Environment health officer has advised that planning conditions are recommended requiring the full details of the siting, design and specification of all associated equipment and plants, as well as details of a scheme of noise mitigation measures, are submitted to the Council for approval. As such, it is considered that the proposal would not result in adverse impact to the future occupiers.

6.11.19 In addition, officers considered that a commercial servicing and delivery plan demonstrate the commercial services and delivery activities would ensure the residential amenities of the existing and future residents should also be provided.

## ***Air Quality***

6.11.20 London Plan Policy SI.1. B (Improving air quality) states to tackle poor air quality, protect health and meet legal obligations the following criteria should be addressed:

1. Development proposal should not: -
  - i. lead to further deterioration of existing poor air quality;
  - ii. create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits; and,
  - iii. create unacceptable risk of high levels of exposure to poor air quality.

2. In order to meet the requirements in Part 1, as a minimum:
  - a. Development proposals must be at least Air Quality Neutral
  - b. Development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provisions to address local problems of air quality in preference to post design or retro-fitted mitigation measures
  - c. Major development proposal must be submitted with an Air Quality Assessment. Air quality assessments should show how the development will meet the requirements of B1.
  - d. Development proposals in Air Quality Focus Area or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimize exposure.

6.11.21 This is supported by Bromley Local Plan Policy 120 which 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.

#### Air quality assessment

6.11.22 The application site is located within town centre, adjacent to Bromley South Railway Station, surrounded by Manson Hill, High Street and Kentish Way (A21). The site is within an Air Quality Management Area (AQMA). The main source of existing pollutants (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) at this site and in the area in general are mainly generated by the traffic movements travelling to and from the site, Town Centre and the railway station.

6.11.23 A Preliminary Air Quality Assessment (May 2022) and Air Quality Assessment (AQA) have been submitted which considers the potential for air quality impacts during both construction and operational stage of the development. The findings of the AQA are as follows:

- With adequate mitigation measures to manage and mitigate dust during construction, all dust impacts are considered to be temporary and short-term. The impact is considered to be “not significant”.
- The proposed will generate a net decrease in traffic on the local road network and is not anticipated to exceed the EPUK and IAQM guidance criteria. The impact of the operational road traffic is considered to be negligible.
- The primary energy supply to the proposed development is all electric utilising air source heat pumps and solar panels with a HVO fuel generator to be used as a back up. There is no local air quality impacts anticipated.
- A site suitability assessment has been undertaken to assess the suitability of the Application Site for the Proposed Development. The modelling assessment has shown that there are no predicted exceedances of the NO<sub>2</sub> annual and 1-hour mean, PM<sub>10</sub> 24-hour and annual mean or the PM<sub>2.5</sub> annual mean AQO (Environment Act interim target);

- Compliance with Part F of the Building Regulations (2021) is anticipated at all proposed sensitive receptor locations; and
- Compliance with the WHO guidelines for NO<sub>2</sub> and PM<sub>10</sub> is anticipated at all proposed sensitive receptor locations at the Proposed Development. Exceedances of the PM<sub>2.5</sub> WHO guideline and Environment Act long-term target were predicted. However, filtration is not required for the operational phase of the Proposed Development.

6.11.24 The Council's Environment Health officers have reviewed the above and have no objection to the proposal in principle subject to the details of construction and environmental management plan, all Non-Road Mobile Machinery (NRMM) to be used during construction works comply with the GLA's "Control of Dust and Emissions During Construction and Demolition" guidance and register on <https://nrmm.london/> . Should planning permission be forthcoming, these would be secured by planning conditions.

#### Air Quality Neutral and Air Quality Positive Assessment

6.11.25 In response to the GLAs Stage 1 comments regarding the total trips of the proposed development, the applicant has advised that the total trips associated to this proposal would be 1,062,515 per annum and this will be below the benchmark rate at 1,121,389 trips per year (for 353 dwellings and 4358 m<sup>2</sup> (GIA) of retail (superstore) space, and 131 m<sup>2</sup> (GIA) of cafe space).

6.11.26 Given that the total number of retail parking spaces would be reduced (from 199 to 139 spaces including 2 click and collect spaces and 10 further residential spaces) and the proposal would incorporate other measures such as travel plan, provision of cycle storage and EVCP, removal of parking permits and provision of car clubs membership, it is considered that the details provided to date would not be contrary to the objective of this policy, subject to the Stage 2 GLA consultation.

6.11.27 The submitted Air Quality Assessment and Air Quality Positive Statement indicate that the proposal is considered to be air quality neutral under building emissions. This is due to the absence of combustion sources proposed for the primary energy supply for this development. The proposal would not have an adverse localised air quality impacts and would contribute to air quality neutral.

6.11.28 It is noted that an emergency backup plant is proposed (to be powered by Hydrogenated Vegetable Oil Fuel). This back up plant would not be used for than 15 hours per year for maintenance purpose. The GLA have reviewed the above and considered that the backup generators should be restricted to emergency use and operational testing only. It is considered that this element would not have an adverse impact on air quality. This would be secured by a planning condition.

6.11.29 It is noted that additional air quality enhancement measures were identified in the applicant's Preliminary Air Quality Assessment, based on a high-level review at that time and the Council's Environmental Health officer has requested that these measures are incorporated into the final Air Quality Positive Statement. However, the applicant has confirmed that, since the Preliminary AQA, a detailed assessment has been undertaken as part of the air quality assessment (AQA) (for planning),

which has then fed into the air quality positive (AQP) statement. Whilst the subsequent AQA and the AQP statement have built on the preliminary air quality assessment they are more up to date and the findings of these reports are based on a more detailed assessment and therefore supersede the findings of the preliminary assessment.

6.11.30 In particular, as part of the planning stage AQA, Hoare Lea modelled on-site concentrations of NO<sub>2</sub>. This showed that there is not a requirement for NO<sub>x</sub> filtration and therefore it has not been recommended and is not required in order to comply with the air quality objectives or building regulations Part F. This point was confirmed within the Air Quality Assessment, and therefore not part of the final Air Quality Positive Statement.

6.11.31 Officers note that several of the additional air quality enhancements identified in the preliminary AQA are already proposed as part of the development, including use of vegetation such as rain gardens and intensive green roofs. Other measures such as a Welcome Pack with information about public transport options, etc. could be included in the Residential Management Plan or as part of the Travel Plan. Furthermore, S106 contributions have been sought, where appropriate, to mitigate public transport impacts and to encourage active travel.

6.11.32 Other measures identified in the preliminary AQA include:

- a. Contribution to action plan and monitoring programme, possibly allowing for an air quality monitor to be located within the Proposed Development in line with Part F of the Building Regulations; and
- b. Contribution to research schemes aimed at innovative air quality improvement methods, for instance possible uses of materials or chemicals such as photocatalytic paint and titanium coated fabrics to reduce NO<sub>2</sub> concentrations.

6.11.33 Point a) appears to be covered by separate Building Regulations legislation, and, in any case, there are no known Council projects which such a contribution could be used for. Point b) is a sustainability point and the applicant has already stated that, *“as part of JLP sustainability objectives, resource use will be considered including review of low emission material selection”*.

## **6.12 Other Matters**

### ***S106 Legal Agreement***

6.12.1 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.

6.12.2 London Plan Policy DF1 Delivery of the Plan and Planning Obligations part D states that when setting policies seeking planning obligations in local Development Plan Documents and in situations where it has been demonstrated that planning obligations cannot viably be supported by a specific development, applicants and decision-makers should firstly apply priority to affordable housing and necessary public transport improvements, and following this:

- 1) recognise the role large sites can play in delivering necessary health and education infrastructure; and
- 2) recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

6.12.3 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. The Council's Planning Obligations SPD (2022) provides guidance on the Council's general approach to Planning Obligations, and where possible the requirements, and mechanisms for infrastructure contributions. Appendix 2 of the Council's Planning Obligations SPD (2022) details the thresholds, criteria, types of obligation and formula that the Council will employ in seeking to apply policy on planning obligations.

6.12.4 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 the preceding sections of this report, should permission be granted. The applicant has also offered a number of additional obligations which officers have considered as part of their assessment.

6.12.5 The development, as proposed, would necessitate a number of planning obligations. The draft heads of term are summarised in Table 6 of this report. The applicant has agreed to in principle to the proposed HoT unless otherwise indicated.

6.12.6 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.

### ***Equalities Impact***

6.12.7 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.

6.12.8 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.

- 6.12.9 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.
- 6.12.10 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.
- 6.12.11 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.
- 6.12.12 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 38 M4(3)(2)(a) wheelchair adaptable units and would provide accessible car parking spaces. All remaining units would achieve M4(2) standards.
- 6.12.13 The proposal would generate various benefits for the local economy including new opportunities to access employment during the construction and post-completion phases as well as increased spending in the town centre from the new residential population. 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).
- 6.12.14 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 moving into first homes and local residents trading up (or down). The provision of affordable homes (discount market rent at London Living Rent levels) 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.
- 6.12.15 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.

6.12.16 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 and Environmental Management Plan and other measures aimed to minimise disruption and mitigate the likely impacts.

6.12.17 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.

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

7.1 The application is accompanied by an Environmental Statement (ES) by AECOM (June 2023) and ES Addendum dated 3.6.2024. The relevant regulations are Directive 2014/52/EU of the European Parliament and the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). Guidance on procedures under the Regulations is set out within the Planning Practice Guidance.

7.2 The objective of the EIA is to identify any likely significant effects that may arise from the Proposed Development and to identify measures to prevent, reduce or offset any adverse effects and to enhance any beneficial effects. During the EIA process for the Proposed Development, opportunities and management measures have been identified and incorporated within the development proposals to prevent or reduce any adverse effects and to enable for sustainable design and construction principles to be embedded within the Proposed Development.

7.3 In accordance with paragraph 26 of the Regulations:

(1) When determining an application or appeal in relation to which an environmental statement has been submitted, the relevant planning authority, the Secretary of State or an inspector, as the case may be, must—

(a) examine the environmental information;

(b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;

(c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and

(d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.

(2) The relevant planning authority, the Secretary of State or the inspector, as the case may be, must not grant planning permission or subsequent consent for EIA development unless satisfied that the reasoned conclusion referred to in paragraph (1)(b) is up to date, and a reasoned conclusion is to be taken to be up to date if, in the opinion of the relevant planning authority, the Secretary of State or the inspector, as the case may be, it addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development.

7.4 The Council have appointed Avison Young to assist in ensuring the ES will be compliant with the requirements of the EIA Regulations, current EIA best practice and relevant EIA case law

7.5 The scope of the EIA was agreed with The London Borough of Bromley planning department through the EIA Scoping process with the following topics being scoped into the EIA:

ES Volume I:

- Chapter 7: Climate Change;
- Chapter 8: Daylight, Sunlight and Overshadowing;
- Chapter 9: Ecology;
- Chapter 10: Noise and Vibration;
- Chapter 11: Socio-economics; and
- Chapter 12: Wind Microclimate.

ES Volume II:

- Built Heritage, Townscape and Visual Impact;

7.6 Other topics were scoped out of the EIA as it was considered that the effects that might arise from the Proposed Development on these topics are not likely to be significant and as such do not require further assessment within the EIA. The topics scoped out include Air Quality, Archaeology, Ground Conditions, Major Accidents and Hazards, Traffic and Transport, Waste and Water Environment.

7.7 The ES also discusses Alternatives and Design Evolution (chapter 3) and explains the methodology undertaken for carrying out the EIA (chapter 6). Chapter 14 provides a summary of mitigation. Chapter 15 considers residual effects.

7.8 This information has been taken into account in the determination of the planning application. As required, third party representations have been taken into account and where points have been raised, they have been worked into the substance of the report where appropriate. Where the ES concludes that mitigation is necessary this is appropriately secured by condition or S106. An overview of the relevant ES non-technical and technical chapters is provided below:

## **ES Volume I**

### **Chapter 3: Alternatives and Design Evolution**

7.9 This chapter sets out how the design of the proposed development has evolved up to the submission of the detailed planning application and provides details of the public consultation programme which has taken place.

#### *Public Consultation*

7.10 This included consultation flyers being distributed to 5474 addresses in LB Bromley on 3 separate occasions (between June 2022 and June 2023); the launch of a dedicated website; public exhibitions (June 2022 and Jan 2023); and public drop-in events (June 2023). Bromley Councilors and community stakeholders were notified and invited to attend the public exhibitions.

#### *Alternative Analysis*

7.11 The EIA process provides an opportunity to consider alternative development options with their respective environmental effects before a final decision is taken on the Proposed Development design. The alternatives to the Proposed Development that have been considered by the Applicant include:

- The 'No Development' / 'Do Nothing' Alternative;
- Alternative Sites; and
- Alternative Designs.

7.12 In addition, the alternatives assessment will consider the responses of statutory consultees and the outcomes of public consultation.

#### *The 'No Development' Alternative*

7.13 The 'No Development' Alternative refers to the option of leaving the Site in its current state. Whilst the ES considers that this would result in beneficial impacts in so far as it would avoid construction noise, air quality and traffic impacts and the reduction of car parking spaces for the existing Waitrose store, the ES considers this would result in a lost opportunity to contribute to the housing supply, to provide pedestrian and cycling links and public realm improvements and to provide open space, green infrastructure and play space.

#### *Alternative Sites*





7.14 The applicant has not considered any alternative sites.

#### *Alternative Designs*

7.15 The ES explains that alternative designs were considered as part of the evolution of the Proposed Development. For example, extensive modelling was undertaken to test the height and massing of the alternative designs. During this time careful consideration was taken for the wider context, character, height of surrounding

buildings in the local area along with the need to maximise housing delivery around transport nodes.

7.16 Four options were investigated alongside the design principles. These were presented during LBB, GLA and Design Review Panel meetings, where each option was interrogated to establish which development footprint was most appropriate for the Site. Table 3-2 (Fig 62 below) in Chapter 3 of the ES illustrates the 4 options which were considered, what the applicant considered the advantages and disadvantages of each option to be and why option 3 was chosen as the preferred footprint.

<p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>• Full demolition of the Waitrose &amp; Partners store, creating the largest impact on retaining existing embodied carbon</li> <li>• New store, entrance and café</li> <li>• Longest store closure during construction</li> <li>• Longest construction programme</li> <li>• Largest BTR development footprint, maximises the number homes which can be provided in a highly sustainable location</li> </ul>	
<p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>• New store entrance and café</li> <li>• Major disruption to store during construction</li> <li>• Disjointed residential development which does not cluster around a shared space</li> </ul>	
<p><b>Option 3 - preferred</b></p> <ul style="list-style-type: none"> <li>• Less store disruption during construction, only the café and entrance are demolished</li> <li>• New store entrance and café</li> <li>• Majority of the store is retained, retrofit rather than demolition to reflect sustainability aims</li> <li>• Provides a good number of homes for an efficient Build to Rent development which can cluster around a shared space for residents to meet and interact</li> </ul>	
<p><b>Option 4</b></p> <ul style="list-style-type: none"> <li>• New store entrance</li> <li>• Store retained, retrofit over demolition to reflect sustainability aims</li> <li>• Reduced BTR development footprint, reduces the number homes which can be provided in a highly sustainable location</li> </ul>	



## Fig 62 Alternative Design options

7.17 Alternative massing, layout options and design principles have been reviewed to explore how best to achieve the Applicant and LBB's vision for the Site, within the constraints of the existing context and policy requirements. The subsequent sections provide an overview of the key environmental testing and considerations which have informed the design evolution for the Proposed Development.

## Chapter 6: EIA Methodology

7.18 The environmental effects of the proposed development were assessed for both the construction period and once the proposed development is complete and occupied. The effects are described in terms of changes to the existing baseline conditions and are graded by levels of significance. The significance of the environmental effects were assessed by judging the sensitivity of a resource or receptor against the magnitude of the impact, taking into account the duration and nature of impact, and whether it would be temporary or permanent.

7.19 Where appropriate, the EIA has made assumptions about the design. Where flexible commercial floorspace is concerned, each technical chapter has assumed a worst-case scenario specific to their topic, to ensure that the assessment is robust and the worst-case effects are captured. It also assumes mandatory application of the Outline Construction and Environmental Management Plan which is submitted as part of the planning application, based upon the measures set out in the ES, before any work begins on site, as agreed by an appropriately worded planning condition.

7.20 Where significant effects are still likely to occur, additional measures are proposed to reduce effects where practicable. Any effects that remain, once these measures are taken into account, are reported as residual effects within the ES.

7.21 In addition to considering effects from the Proposed Development, the EIA also assesses the potential for significant cumulative effects to arise. For the cumulative assessment, two types of effects have been considered:

- The effect interactions which are defined as the combined effects of individual impacts of the Proposed Development, for example noise, airborne dust or traffic affecting a single receptor and, thereby, resulting in a greater overall effect; and
- The combined effects of several adjacent development schemes which may, on an individual basis, not be significant but, cumulatively, have a significant effect.

7.22 The applicant was asked to demonstrate how Cumulative Scheme 1 (Site Allocation 1) has been assessed within the ES. The applicant was also asked to provide information regarding archaeological effects relating to the former St Mark's Church, in light of the consultation response from Historic England GLAAS. The applicant responded to say that they had contacted GLASS via email on the 14th of November to highlight that they had undertaken thorough research into the burials associated with the iron church but "*had not found much*". A satisfactory response is provided in relation to archaeological matters. Aecom provided their draft

response to the clarifications and potential Regulation 25 request on 21st November 2023. The Council has subsequently received GLAAS's formal consultation response to the application which removes their objection, subject to conditions.

- 7.23 Avison Young have now reviewed the full response from Aecom. Following this review, it was confirmed that all responses are noted and accepted, and no further environmental information is required.

## **Chapter 7: Climate Change**

### *Effects during demolition and construction*

- 7.24 Greenhouse gas (GHG) emissions associated with the construction have been calculated to be approximately 30,416 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) over the 3.5-year period, with an average annual emission of about 10,109 tCO<sub>2</sub>e. While all GHG emissions are considered potentially significant, they do not exceed 1% of any Carbon Budget when compared to both Greater London Authority (GLA) and UK carbon budgets.
- 7.25 These emissions are considered not significant in line with Institute of Environmental Management and Assessment (IEMA) significance criteria, indicating compliance with existing policies and good practice design standards.

### *Effects once development is complete and operational*

- 7.26 The proposed development is expected to generate approximately 54,517 tCO<sub>2</sub>e during its operational phase over a 60-year period, resulting in an average annual emission of about 908 tCO<sub>2</sub>e. These emissions are considered not significant in line with IEMA significance criteria, indicating compliance with existing policies and good practice design standards.
- 7.27 The climate change resilience of the proposed development could be impacted in various ways, including but not limited to, extreme rainfall, increased frequency of heat events, damage to landscaping, droughts and sea level rise. It has thought that with the mitigation measures in place throughout the construction and operation of the proposed development that these potential impacts are likely to be insignificant.
- 7.28 Assessment of climate change impacts on the proposed development during operation concluded that there would be no significant climate change impacts

### *Cumulative effects*

- 7.29 The ES acknowledges the cumulative impact of greenhouse gas (GHG) emissions on the global climate, but considers it is difficult to accurately measure these effects. It notes that "*While the impact of each individual development may be small, the combined effect of numerous projects over time may significantly impact the climate*".

- 7.30 The GHG assessment for the proposed development, including any appropriate cumulative impacts assessment, was carried out in line with the current guidance developed by IEMA.
- 7.31 This guidance makes it clear that the standard approach to cumulative impacts assessment for greenhouse gases differs from that taken for many other environmental disciplines within the EIA (Environmental Impact Assessment) assessment process. The environmental receptors for disciplines such as air quality, noise, traffic, and landscape & visual intrusion etc. will generally be located in relatively close proximity to the source. The receptor for emissions of greenhouse gases, however, is the entire global climate and therefore sources of emissions for assessment should not be constrained within a geographically defined location.
- 7.32 IEMA guidance notes: “*Effects of GHG emissions from specific cumulative projects therefore should not be individually assessed, as there is no basis for selecting any particular (or more than one) cumulative project that has GHG emissions for assessment over any other.*”

## **Chapter 8: Daylight, Sunlight and Overshadowing**

### *Effects during Demolition and Construction*

- 7.33 It is considered that the completed Proposed Development represents the worst-case assessment in terms of likely daylight, sunlight and overshadowing. The assessment of the demolition and construction stage therefore was assessed qualitatively. The effects would gradually change as the Proposed Development is constructed from a low level of effect to those effects reported for the completed Proposed Development in the section below.

### *Effects once development is complete and operational*

- 7.34 In terms of daylight, 13 sensitive residential neighbours assessed. A total of 12 neighbours would experience ‘not significant’ adverse effects. One neighbour, Perigon Heights, experience potentially significant adverse effects.
- 7.35 In terms of sunlight seven sensitive residential neighbours assessed. A total of six neighbours would experience ‘not significant’ adverse effects. One neighbour, Perigon Heights, would experience potentially significant adverse effects.
- 7.36 In terms of overshadowing, all 22 of the residential neighbours assessed would experience ‘not significant’ effects.
- 7.37 For solar glare, the effects would also be ‘not significant’ for all road and rail viewpoints assessed.
- 7.38 The ES contends that whilst significant daylight and sunlight effects have been identified as potentially occurring to Perigon Heights, this can be anticipated where large scale developments come forward within low rise sites, which is typical in urban environments undergoing densification. Additionally, the balcony features at Perigon Heights, which already limit daylight and sunlight availability, result in

disproportionate percentage alterations. The ES considers that the occupants of these properties would be left with adequate levels of natural light, and are typical of elsewhere found in London. As such, the surrounding sensitive properties are not experiencing significant effects beyond what would be expected within a regeneration area.

### *Cumulative effects*

- 7.39 It is considered that all cumulative schemes are too far away to interact cumulatively with the Proposed Development. Qualitative consideration has been given to the submitted development at 1 Westmoreland Street and Site Allocation 10, which concludes that interactive cumulative daylight and sunlight effects with the Proposed Development are unlikely.
- 7.40 Avison Young, as part of their review of the adequacy of the ES considered that more could be said about the potential for cumulative effects, particularly as Site Allocation 10 is immediately adjacent to the site of the proposed development.
- 7.41 Aecom provided their draft response to the clarifications and potential Regulation 25 request on 21st November 2023. Avison Young have reviewed the full response from Aecom and have confirmed that all responses are noted and accepted, and no further environmental information is required.

## **Chapter 9: Ecology**

### *Effects during Demolition and Construction*

- 7.42 Predicted effects on ecological features during the demolition and construction phase of the Proposed Development are considered unlikely to be significant. Effects of the extension of the eastern car park by 10 spaces, and the woodland link that will cross the south-western woodland parcel are considered not significant. Disturbance from noise, dust, pollution, etc. is expected to be mitigated by standard measures that will form part of the construction and environmental management plan.
- 7.43 Most of the non-significant effects expected (e.g. the risk of killing or injuring protected or notable species) will be mitigated to not significant level of risk when embedded mitigation measures are in place. Mitigation will include programming of works within the woodland and trees when sensitive receptors are less likely to be present or, if present, they are in a status when they are less vulnerable (i.e. not hibernating or breeding).
- 7.44 It is noted that there is some suitability for reptiles, including slow worms, to be present on the Site but a survey has not been undertaken. Some reptiles, including slow worms, are protected under the Wildlife and Countryside Act 1981 (as amended). Clarification was requested why reptile surveys have not been undertaken to inform the assessment.
- 7.45 In their draft response on 21st November 2023 Aecom noted that the suitability for reptiles is limited on site. Three areas were considered with some suitability:

- the north-eastern part of the woodland, due to its connection with the railway corridor and the presence of deadwood suitable for hibernating reptiles. However, no works are proposed within this part of the woodland. The woodland will be retained.
- South-western part of the woodland, which is more open. However, this area is separated from the wider woodland by a high retaining wall, making the area isolated and less connected to green areas, so less likely to support reptiles.
- Small tall ruderal habitat along the railway corridor. Due to its size, it is considered that a Precautionary Method of Working (PMoW) is sufficient to minimise the risk to reptiles.

7.46 In section 9.6.18 and 9.6.19 of the ES, it is proposed a PMoW in advance of works and ecological supervision during vegetation clearance of the understorey of the woodland and tall ruderal vegetation to minimise the risk to reptiles, if any is present. It is further noted that a Desk study did not return records of reptiles within 1km of the Site.

*Effects once development is complete and operational*

- 7.47 Approximately 90% of the woodland will be retained within the final proposals. Once the proposed development is complete, it is expected that the western part of the woodland will be under the new building shade for more hours (up to four hours in summer time) than currently from spring to autumn. This effect is not considered significant as the woodland is already adapted to be under the shadow of the southern residential buildings, the bridge and the embankment itself where the woodland grows.
- 7.48 The new green areas created on site and boxes for protected and notable species will be managed according to a management plan to achieve targeted conditions in the medium to long term.
- 7.49 The creation of new soft landscaping on site as part of the proposed development will enhance the biodiversity of the site by creating diverse habitat that, with time, will attract invertebrates, birds and bats. The new soft landscaping will improve habitat connectivity within this part of the borough, and result in a non-significant beneficial effect for biodiversity. Furthermore, the proposed bat, bird and bee bricks, boxes and log piles will increase opportunities for protected or notable species such as bats, hedgehog, reptiles, swifts, house sparrows, stag beetles and bees.
- 7.50 Although the lighting design of the Proposed Development considered measures for reducing effects on bats (i.e. use of luminaires with minimal backspill, curfew time for car park lighting), an adverse effect at the site level which is not significant is still expected as a consequence of security lighting needed for safety and light spills from the building windows. However, it should be noted that species likely to be present within the site are likely to be common and widespread urban species tolerant to current level of lighting.
- 7.51 This section contains a number of commitments to mitigate significant ecological effects. These include (but is not necessary fully comprehensive):

## **Works**

- Construction and Environmental Management Plan (CEMP)

## **Complete and Operational Development**

- Lighting scheme – to follow BCT and ILP lighting guidance
- Tree retention, translocation and planting
- Bird, Bee, Bat, Swift boxes and log piles included within landscaping scheme.
  - Precautionary Methods of Working (PMoW) and Ecological Clerk of Works (in relation to bats, badgers and hedgehogs).
  - Update badger survey.
  - Vegetation clearance outside bird breeding season.
  - 30cm wall extension on sunken Woodland link.
  - Landscape and Ecological Management Plan covering first 5 years

### *Cumulative effects*

- 7.52 The effects on the ecological receptors on the site due to cumulative or combined effects with other schemes planned in the vicinity are not expected to change the significance of the already identified effects. Potential effects due to cumulative effects are a temporary displacement of wildlife when commuting or foraging during the works. However, once the scheme is completed, the result of having an increase in green areas in each of the schemes will increase the biodiversity of this part of the borough and will attract more invertebrates, bats and birds. The higher number of trees and planting on terraces and podiums and green areas at ground level acting as a stepping stones will increase connectivity with other larger green spaces or SINC's.

## **Chapter 10: Noise and Vibration**

### *Effects during Demolition and Construction*

- 7.53 Noise predictions of typical construction activities demonstrate the level of noise that may occur at sensitive receptors during periods representative of reasonable worst-case construction activity. Noise and vibration predictions indicate that significance thresholds for residential and non-residential receptors are not exceeded at most receptors with the exception of Perigon Heights, which is in close proximity to the site.
- 7.54 Mitigation measures and noise management plans will be put into place to ensure that construction noise is minimised at all times throughout the construction programme. Prior to works being undertaken, liaison will be undertaken with occupiers of sensitive receptors that may be adversely affected by construction noise and vibration. Noise and vibration levels will also be monitored during the construction phase and alternative methods will be adopted, where practicable, should thresholds be exceeded.
- 7.55 Noise from construction traffic vehicles on the local road network will not result in changes to ambient noise levels and is not significant. Therefore, there will not be any significant residual noise and vibration effects during the demolition and construction phase.



*Effects once development is complete and operational*

- 7.56 Design criteria at sensitive receptors for proposed building services plant associated with the Proposed Development to ensure that noise effects are not significant. The design criteria are based on the measured LA90 background noise level, which is the noise level exceeded for 90% of the time. This allows design criteria so be set at representative 'quiet' noise conditions at sensitive receptors. Therefore, there will not be any significant residual noise and vibration effects during the complete and operational phase.

*Cumulative effects*

- 7.57 Four cumulative developments have been identified within 600 m of the Proposed Development that may cause cumulative noise or vibration effects. Given the adoption of best practice mitigation, it is considered that cumulative noise and vibration effects are likely to be controlled so they are not significant

**Chapter 11: Socio-economics**

*Effects during Demolition and Construction*

- 7.58 Employment will be generated during the demolition and construction phase. The gross employment generated in this phase is estimated to be 222 jobs on Site per annum. It is assumed that there is a leakage rate of 21.4% (whereby this percentage of employment is assumed to be taken up by individuals outside of Greater London), a displacement rate of 25% (whereby employment on site is offset by a reduction in output elsewhere), and a multiplier of 1.7 (to account for the indirect and induced effects of the demolition and construction phase on local employment). The resulting net employment generated during the demolition and construction phase of the Proposed Development is estimated to be 282 jobs per annum, of which 221 will be residents of Greater London, and 61 will live elsewhere. This is considered to represent a beneficial (not significant) temporary short-term effect.

*Effects once development is complete and operational*

- 7.59 Beneficial effects noted in this chapter include the net gain of 15 new jobs, the provision of housing and affordable housing (albeit below the policy-required level) and new residents' spending contributing to the local economy.
- 7.60 The demand for additional primary education places is expected to be met by the existing provision in the vicinity of the Proposed Development, based on currently available information on capacity, representing a negligible (not significant) permanent effect. There is already an existing deficit of secondary school places but the Proposed Development would have a small effect on the provision by only increasing demand for three places. This is assessed to be an adverse (not significant) permanent effect on secondary school provision. Potential additional mitigation could be provided through CIL receipts or developer contributions as part of the Section 106 Agreement.

- 7.61 Primary healthcare facilities within 1km of the Site are currently under capacity as they have a better ratio than the standard of one GP per 1,800 registered patients. The Proposed Development will place additional pressure on these services but will only increase the overall practice list size to 1,749 patients per GP which remains below the recommended target. This is assessed to be a negligible (not significant) permanent effect.
- 7.62 The Proposed Development is anticipated to contribute up to 5,440 sqm of open space to the local area, of which 4,029 sqm will be publicly accessible. This represents a beneficial (not significant) permanent effect.
- 7.63 The requirement for play space associated with the resident population of the Proposed Development is expected to be exceeded by the proposed provision, resulting in a beneficial (not significant) permanent effect.

## **Chapter 12: Wind Microclimate**

### *Effects during Demolition and Construction*

- 7.64 During the demolition and construction of the Proposed Development, wind conditions at and around the Site would gradually adjust from those of the existing site to those of the completed Proposed Development with landscaping and mitigation measures.
- 7.65 The activity on-Site during this time (i.e. construction activity) is less sensitive to wind conditions than when the Proposed Development is complete and operational. In addition, there would be appropriate health and safety measures implemented to ensure that the construction workers and pedestrians were adequately protected.
- 7.66 Also, all ground level mitigation measures would be installed prior to substantial building work commencing. This would represent a not significant effect for all on-Site locations and the majority of off-Site locations and a significant effect for one off-Site location. However, with the incorporation of elevated porous elements within the car park, it is expected that this effect would be reduced to not significant.

### *Effects once development is complete and operational*

- 7.67 The report states that pedestrian thoroughfares, building entrances, and amenity spaces at ground, podium, and balcony level(s) would experience conditions suitable for their intended use with a negligible (not significant) effect. Minor adverse (significant) effects have been identified at the eastern end of the Bromley South Station platform (measurement location 60) and at the northern section of the Level 10 roof terrace (measurement locations 159 and 164). This would represent a significant effect. However, pedestrians are likely to be more tolerable to windier conditions at this location on the station platform as it is access to the stair case, where they are not expected to linger as they would be in the process of joining or leaving the platform.

- 7.68 Sections 12.6 and 12.8 sets out the further mitigation measures that have been identified to mitigate adverse effects at seating in the northern section of the Link Building roof terrace and a section of the Bromley South station platform. These should be secured by planning condition including the use of wind tunnel testing to determine the effectiveness of these measures.

#### *Cumulative effects*

- 7.69 There would be no locations at the proposed development that would exceed the wind safety criteria and the majority of locations would have suitable wind conditions for the intended use. The majority of amenity spaces at ground floor level, on the podium and on the link building terrace would have suitable wind conditions for seating provisions. All balconies, entrances and thoroughfares would have suitable wind conditions for the intended use. This is achieved by introducing a number of mitigation measures into the design, which were developed in iterative wind mitigation workshops. Mitigation measures include additional landscaping, terrace parapets, balcony balustrades and side screens, and porous pergolas. However, there would be two significant effects that would persist unless the further mitigation measures described within section 12.8 are tested and implemented, in which case the effects would be expected to be reduced to not significant.

### **Chapter 13: Effect Interactions**

- 7.70 An 'effect interaction' under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)<sup>1</sup> is defined as the combined effect of individual impacts identified from a development, for example a greater sense of disturbance to a single residential receptor, which is impacted by noise, airborne dust and traffic during construction. This chapter considers the potential for effect interactions to arise during both the demolition and construction, and the complete and operational phase of the Proposed Development. This chapter also presents an assessment of the significance of identified residual effects.

#### *Demolition and Construction*

- 7.71 With the adoption of measures set out within the Outline Construction Environmental Management Plan (OCEMP), the significant combined effect of construction disturbance on neighbouring receptors, commercial receptors and neighbouring local amenity and open space receptors would be minimised as far as is reasonably practicable.
- 7.72 Overall, for a worst-case assessment, a potentially significant combined effect on neighbouring receptors due to construction disturbance is considered to remain. However, this will be temporary, intermittent, transient in nature and is considered to have been mitigated as far as is reasonably practicable.

#### *Completed Development*

- 7.73 There is the potential for a series of effect interactions to take place for all the receptor groups once the Proposed Development is completed, due to a combination of effects from Socio-economic, Wind Microclimate, Daylight, Sunlight and

Overshadowing and Solar Glare and Visual receptors. Together, there is the potential for these effects to combine to create a significant combined effect on neighbouring local residents.

- Future on-site users

- 7.74 The ES shows that there would be a minor adverse on affordable housing provision in the LBB on the basis that the Proposed Development will not meet the London Plan or LBB Local Plan affordable housing targets (minimum of 35%).
- 7.75 The Proposed Development will have a minor adverse impact upon secondary school places, however the additional three secondary school pupils arising from the Proposed Development will not have a significant effect.
- 7.76 The Proposed Development will also deliver a moderate beneficial effects in the form of new housing.

#### **Chapter 14: Summary of Mitigation**

- 7.77 This chapter provides a useful summary of the mitigation measures proposed throughout the ES including the proposed method for securing them. Where the use of planning conditions and/or S106 obligations is identified, this has been stated in the relevant sections of the officer's report and in the recommended list of planning conditions.
- 7.78 With the adoption of best possible environmental management practices and mitigation measures, the combined effect of individual impacts on the identified sensitive receptors will be reduced as far as is reasonably practicable. These practices will be detailed in the OCEMP, which will be secured by an appropriately worded planning condition. The OCEMP will set out the proposed environmental design and management measures during the demolition and construction phase as outlined within each of the technical chapters of this ES.

#### **ES Volume II: Built Heritage, Townscape and Visual Impact**

##### *Effects during Demolition and Construction*

- 7.79 The ES finds that the demolition and construction works associated with the proposed development would have a temporary adverse albeit not significant visual effect on built heritage assets from demolition and construction works including tower cranes.
- 7.80 It considers that the significance of heritage assets will be preserved due to their respective distances from the site and the fact they draw significance from other factors.
- 7.81 With regards to townscape, the demolition and construction works would have a temporary adverse significant effect on Townscape Character Area 1 (Bromley South Commercial). The effects on all remaining Townscape Character Areas would be considered not significant.

- 7.82 With regards to views, the demolition and construction works would have a temporary adverse significant effect on the experience of residents (south of the railway – immediate; views: 1, 2, 15, 16, 17, 18, 19, 20, 21, 22 and 24). The effects on all remaining visual receptors would be considered not significant.

*Effects once development is complete and operational*

- 7.83 The assessment has identified one significant effect (Moderate and Beneficial to Bromley South Commercial TCA) with the remainder ranging from No Effect to Minor Beneficial, from the Proposed Development on the majority of the Townscape Character Areas.
- 7.84 The ES concludes that the proposed development will result in a Moderate Beneficial effect (significant) on the experience of residents (South of the Site) of viewpoints 1, 2, 15, 16, 17, 18, 19, 20, 21, 22 and 24. The effect on the remaining visual receptors is considered to be not significant.
- 7.85 In terms of the Built Heritage Assessment, the ES considers that there will be no significant effects on any heritage assets and that the Proposed Development will not give rise to any impacts on the value of any heritage assets.

## **Chapter 15: Residual Effects and Conclusions**

- 7.86 Residual effects are defined as those effects that remain following the implementation of the identified mitigation measures.
- 7.87 This chapter concludes that there may be a permanent significant effect on some townscape and visual receptors in the surrounding area during the demolition and construction phase. However these will only be temporary and will be replaced by significant beneficial effects during the complete and operational phase.
- 7.88 It acknowledges that the residents of Perigon Heights may experience significant adverse effects in regard to the provision of daylight and sunlight during the complete and operational phase. However, the ES considers that the occupants of these properties would be left with adequate levels of natural light, and are typical of levels elsewhere found in London.
- 7.89 In the long term, the ES considers that the proposed development would provide significant overall benefits due to the provision of new housing, beneficial effects with regards to play space and open space as well as significant beneficial visual effects from viewpoints in the surrounding area. In addition, the proposed development will provide improved access to the town centre and therefore provide significant improvements with regards to pedestrian connectivity and amenity.
- 7.80 The overall conclusion of the ES is that the Proposed Development will have beneficial effects and will regenerate and enhance the Site, contribute positively to the setting of the wider areas and secures an accessible and inclusive centre, which promotes travel choice and supports the needs of all.

- 7.81 As discussed in the preceding sections of this report, of most concern to officers is the height, scale and massing of the development and the impact this will have on townscape views. Officers have also identified that this development would result in 'less than substantial harm' to built heritage. Officers also concur with the findings of the ES with regards to the impact on residents of Perigon Heights in regard to the provision of daylight and sunlight during the complete and operational phase.
- 7.82 Notwithstanding the above points of conflict the methodology for the assessment of the ES is accepted and the Aecom ES dated June 2023 together with Aecom's clarifications of 21st November 2023 comprise satisfactory information sufficient to inform the LBB's decision on the planning application and no further environmental information is required to be submitted. It is considered that the ES complies fully with the requirements of the EIA Regulations 2017.

## **8. CONCLUSION AND PLANNING BALANCE**

- 8.1 The NPPF (2023) 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:
- 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
- 8.2 The proposed development would deliver 353 new homes on this brownfield, highly accessible, site in a Metropolitan Town Centre and Opportunity Area. The proposal would make a very significant contribution to the housing supply in the Borough making efficient use of land and would help to address the Council's acute housing delivery shortages.
- 8.3 Residents within the new development will have access to a wide range of high quality, shared internal and external amenity spaces helping to foster a community within the BTR development, facilitated by the shared spaces and events programme. The wider use of some of these facilities for communal/social spaces by non-residents. The provision of publicly accessible open, shared spaces and communal facilities within the development, as well as improved connections and access points to and from site are notable public benefits of the proposed development.
- 8.4 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. Furthermore, it is not considered that the proposed development would exceed the



capacity of exiting or planned infrastructure in the area and any impacts identified will be mitigated through the development's CIL and S106 contributions.

- 8.5 The proposed development would provide a sustainable car free residential scheme and with proposed improvements to the surrounding highways network to improve the free flow of traffic on Station Approach and to facilitate safer pedestrian and cyclist movements around the site, it is considered that the proposed development can be expected to have a minimal effect upon traffic conditions on Station Approach and the wider highway network in terms of network capacity and safety and will not significantly affect emergency response times to/from Bromley Police Station.
- 8.6 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.
- 8.7 Officers have also highlighted a number of areas where the proposed development would transgress planning policy requirements, including the visual impact of the proposal on the wider townscape and the adjacent low-rise suburban context; the impact on the amenities of the occupiers of the adjacent Perigon Heights; and the lack of adequate daylight and sunlight and private outdoor space to a number of the proposed units.
- 8.8 To some extent, these would be reflective of the context and constraints of the site. 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 opportunity areas and town centres.
- 8.9 In relation to flood risk, the majority of the existing Waitrose store and the proposed buildings fall outside of the Flood Zone 2 designation. Furthermore, all of the 'more vulnerable' residential dwellings would be located at second floor and above. As such, the risk of flooding to the new development, particularly the new housing, is considered to be low and the development would be unlikely to significantly increase the risk of flooding.
- 8.10 Notwithstanding the above, the application fails the sequential test in relation to flood risk and the application of policies in the NPPF relevant to planning and flood risk *could* therefore provide a clear reason for refusing the development. As such paragraph 11(d) (the *tilted balance*) of the NPPF is not engaged.
- 8.11 In considering the benefits of the scheme, officers attach very substantial weight to the significant contribution that the proposed 353 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, including affordable housing, in a highly sustainable location. Whilst the 10% affordable housing offer at discount market

rent by habitable room is significantly below policy expectation, the applicant has demonstrated, through financial viability testing, that the proposed development will result in a significant financial deficit and their affordable housing offer is in excess of the maximum viable amount. Early and Late Stage Review mechanisms secured through a S106 legal agreement will potentially result in some increase in affordable housing provision if sufficient income growth and/or cost savings are realised. It could be argued that a below-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. Accordingly, the provision of 30 Discount Market Rent dwellings at London Living Rent levels is an acknowledged benefit of the scheme attracting substantial weight.

8.12 Officers are also mindful of the areas of the proposed development which will be reliant on the consents of other land owners and/or the sale or transfer of land. If unsuccessful, the public benefits of the scheme would be considerably diminished.

8.13 This is a very finely balanced case; however, taking all of the above into consideration, in this instance, the considerations advanced in support of the proposal can be seen as sufficient to clearly outweigh the cumulative harm identified. 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.

8.14 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.

**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**

### **Standard**

- Time Limit 3 years
- Compliance with approved documents and drawings

### **Design**

- External materials
- Secured by Design

### **Highways**

- Provision of signalised crossing on Masons Hill
- Provision of St Mark's Rd and Masons Hill highways and public realm works
- Provision of Station approach highways and public realm works
- Road Safety Audits
- Cycle parking
- A Car Parking Management Plan
- Delivery and Servicing Plan (including Site Waste Management Plan)
- Construction Logistic Plan

- Waste Management Strategy
- Commercial Travel Plan – staff and visitors
- Residential Travel Plan
- EVCPs
- Car free development
- Remove future residential occupiers to apply for the Council's on-street parking permits

### **Environment**

- Energy Strategy
- Future connection to district heat network
- Overheating assessment
- Flood Risk Assessment and Surface Water Drainage Strategy
- Backup generators should be restricted to emergency use and operational testing only
- Construction and Environment Management Plan (CEMP)
- Contaminated Land Strategy and Verification Report
- Written Scheme of Investigation (WSI)
- Piling Risk Assessment
- Non-Road Mobile Machinery (NRMM)
- Water consumption 105 litres per day
- Noise mitigation measures – Acoustic Report
- Install of heating system – Air quality Assessment
- Contamination not previously identified
- Flood Risk and Drainage Strategy
- Wind mitigation
- 

### **Natural Environment**

- Landscape and Ecological Management Plans
- Arboricultural Impact Assessment and Outline Arboriculturalist Method Statement
- Details of further habitat enhancement , as recommended in the Biodiversity Net Gain (Aecom, June 2023), in order to achieve a minimum 10% BNG and habitat monitoring and provision of swift bricks
- Preliminary Ecological Appraisal compliance
- Ecological enhancements and precautionary method of working
- Ecological clerk of works
- Updated badger survey
- Bats re-emergence survey
- Update invasive species survey
- Lighting strategy including wildlife friendly lighting
- Landscaping (including Urban Green Factor)

### **Infrastructure**

- Telecommunications/ mobile phone signals – post-construction testing and measurements

- Water network upgrades
- Community Use Agreement
- Main river culvert design
- Proximity to main river culvert
- No construction within 5m of the water main

**And any other planning condition(s) considered necessary by the Assistant Director of Planning**