



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 24 July 2024

DEVELOPMENT CONTROL COMMITTEE

Meeting to be held on Thursday 25 July 2024

Please see the attached addendum to the below listed item.

- 5 (23/02633/FULL1) - WAITROSE, 45 MASONS HILL, BROMLEY, BR2 9HD
(BROMLEY TOWN WARD) (Pages 1 - 20)**

*Copies of the documents referred to above can be obtained from
<http://cds.bromley.gov.uk/>*

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ADDENDUM

Development Control Committee 25th July 2024

ITEM 5: (23/02633/FULL1) - WAITROSE, 45 MASONS HILL, BROMLEY, BR2 9HD (BROMLEY TOWN WARD)

Officers would like to offer the following updates to the report published:

1) Report Corrections and clarifications

- 1.1 Table 3 'Vehicle Parking' sets out the total proposed car parking spaces, noting the total of 150 spaces. While the total remains the same, minor corrections are required to the breakdown of the Waitrose car parking spaces. Table 3 is therefore amended as follows:

Table 3: Vehicle parking	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	129	-66
Waitrose Accessible spaces	4	10	+6
Total	199	150	- 49
Cycle Parking			
BTR long-stay	0	575	+575
BTR short-stay/visitor	0	10	+10
Waitrose staff	unknown	6	?
Waitrose customers	unknown	47	?

- 1.2 Table 5 of the Officer Report (Representation Summary) notes that a Member Engagement Session with the Development Control Committee took place on 24th October 2023. This should state that engagement sessions with Members also took place on 27th March 2023 & 23rd May 2023.
- 1.3 Paragraph 6.3.76 - The applicant has clarified that no green walls are proposed as part of the development and as a green wall has never been considered as part of these proposals the absence of a green wall does not impact any Urban Greening Factor and Biodiversity Net Gain calculations.
- 1.4 Figures 22 and 23: *Views of the Keston Ridge from the southern section of Bromley High Street* – the arrows in these images were intended to illustrate that the application site is on the edge of the Keston Ridge viewing cone and that the proposed development would not directly impact on views of the Keston Ridge.

2) Additional/Further Consultee Comments

- 2.1 Following the publication of the agenda, further consultee comments were received from the London Fire Brigade. Their full response was uploaded to the Council's public access site on the 24th July, are attached as an Appendix to this addendum and are also summarised below:

4. Mechanical smoke ventilation system extract

We note that this will be assessed in the Qualitative Design Review (QDR) process and acknowledge the spatial constraints that may present a challenge to locating the smoke extract shafts at the remote end of the corridor. We highlight that we have not been provided with floor plans of the buildings so have been unable to consider this completely. With this said, we emphasise the benefit of extracting away from the stair for safe firefighting operations and expect this to be considered/addressed at formal building control consultation stage.

5. Second staircase for all residents to access during a fire

We appreciate the initial design included the second staircase before it became mandatory. We highlight that the purpose of the second stair is to provide a suitable alternative and a safe escape for all building users should they need to, or choose to, leave during a fire including where one route may not be available. As per figure 2, flats on the south of the plan will have to travel through the lobby of one stairway to reach the other stairway, which in our opinion is not appropriate, and does not provide a true alternate route to either stairway. Design teams and developers should also be planning for the new requirements under the Building Safety Act for in scope buildings once occupied, including the need to provide a safety case review. The design as currently proposed may have implications on those responsible for demonstrating the ongoing safety in the building.



Figure 2: Common corridor mechanical ventilation

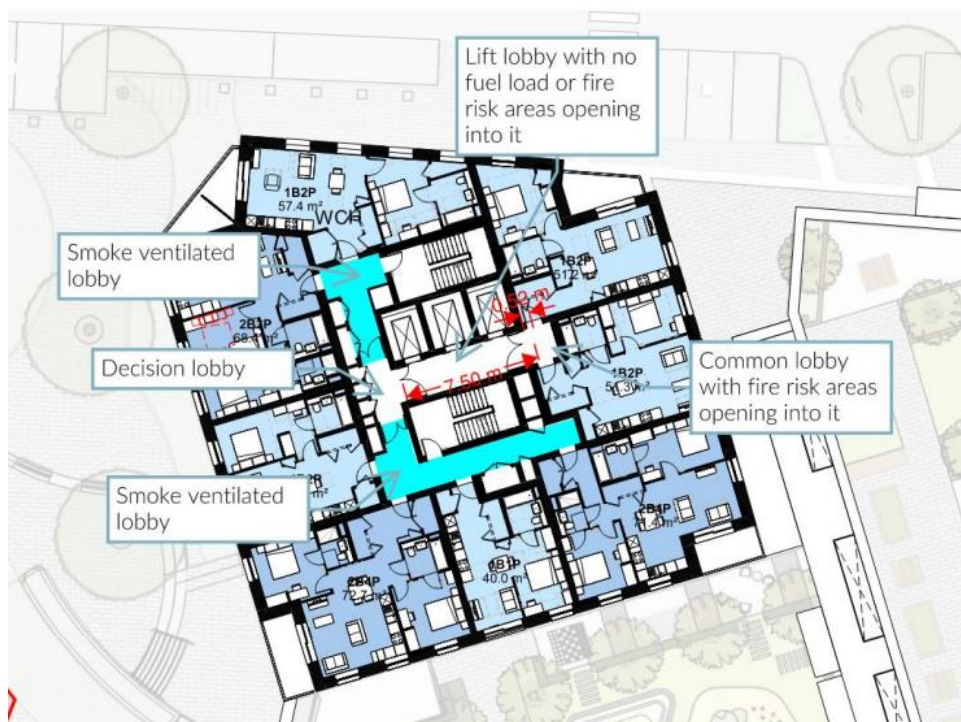


Figure 3: Proposed layout (Source: Applicants' Response to LFB comments, April 2024)

6. lift lobby

We note the commentary and justification provided, however, our opinion and comment remains unchanged. In particular we highlight that flat which opens onto an unventilated common lobby which then opens on to the evacuation lift lobby. It is unclear what consideration has been given to how a fire in this flat would impact on the lift lobby area.

8. Firefighters' lifts

Noted. Our expectation is that evacuation lifts should meet the recommendations given in BS 9999:2017, Annex G and all relevant parts of the BS EN 81 series of standards, including BS EN 81-76, once published. Firefighters lifts should conform to BS EN 81-72 and meet the additional recommendations given in BS 9999:2017. Where dual-use/hybrid firefighters and evacuation lifts are proposed, they should conform to all relevant standards and codes of practice for each type of lift.

- 2.2** The LFBs outstanding concerns in relation to the positioning of some of the proposed flats and their relationship to the proposed stair lobby's are noted. These matters would need to be addressed and would be subject to subsequent regulatory assessment under the Building Safety Act (2022), including the need to provide a safety case review.

3) Additional Representations from Local Residents

- 3.1** Following the publication of the agenda, further representations have been received from local residents. Full comments are available to view on the Council's Public Access website and are summarised below:

OBJECTION:

- Insufficient infrastructure to support development including GPs, schools and dentists
- Refuse/sewerage situation not likely to be adequate to cope with influx of people
- Lack of affordable/social housing
- Won't help our children get onto the property ladder and serve no benefit to those in the local community
- Don't want more people walking through Langdon Rd where there is already an existing nursery and people jostling for car spaces
- Too many flats
- Height and massing outrageous
- Unwelcome precedent for tall buildings
- Dominating and overshadowing of the old school building (listed) and residential area surrounding
- Will alter skyline completely
- Blank wall for those approaching Bromley from that side
- Don't want high rise in Bromley
- Car-free development will mean people parking on local streets
- Danger to other road users

- Police have problems with existing parking adjacent to the station
- Impact of increased people at Bromley South is potentially dangerous
- Overdevelopment
- Eyesore
- Proposal to divert the Reiver Ravensbourne and the main sewer poses significant environmental risks including increased flood risk
- Uncertainty about John Lewis' long-term commitment to the site
- Would tower blocks be constructed with proper safety compliant materials?
- Initial consultation exercise was inadequate

SUPPORT:

- The existing site is low density and underutilised and benefits from PTAL 6A
- Much needed residential accommodation for Bromley
- Will bring more people to Bromley for business

4) S106 Heads of Terms

4.1 Following the publication of the agenda, the applicant has agreed in principle to the following heads of term (marked TBC in Table 6 of the Committee Report):-

- 7) Provision and maintenance of the public realm works on the south-eastern corner and the woodland link
- 11) the carbon off-setting sum
- 12) Be Seen energy monitoring
- 14) the contribution towards bus stop enhancements, subject to further details
- 16) the negatively worded covenant preventing occupation of the development until the applicant has entered into agreement with TfL regarding easement and access rights to carry out repairs to the Kentish Way flyover

4.2 The applicant has agreed in principle to the HoT numbered 2 (Viability Review Mechanisms); 19 (Retention of Architect) and 20 (Public Art Strategy) but have suggested some amended wording. The applicant's suggested wording and officer's commentary on the suggested wording is provided below:

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

4.3 The applicant has removed criteria a), b) and c) from the HoT and inserted "(details to be confirmed)" and the following wording:

"An early and late stage review, with a bespoke 'open book' review mechanism methodology with all costs and values to be provided by the landowner which goes beyond that required by planning policy and guidance and is agreed in principle with

the landowner with the finer details to be finessed further to the planning committee resolution”

4.4 Officer commentary: Given the exceptional circumstances of this case, in order for the Late Stage Review to be effective the LPAs advisors endorse adopting a bespoke approach to account for 1 year’s worth of rental income post completion and 75% occupation of the development. Whilst these headline parameters are not exhaustive, officers consider that they are a necessary starting point for basing future discussions around the S106.

4.5 The removal of these 3 headlines is therefore not agreed.

19) Retention of Architect with a change to the wording to ‘Retention to Architect including in an executive capacity’.

4.6 Applicant commentary: *Subject to the detail to be determined but the suggested change to the wording of the Head is to allow for a clause(s) to be drafted that envisage the architect being retained as working drawings architect or overarching executive architect to oversee the design details.*

4.7 Officer’s response: For a scheme of this scale and complexity officers would rather the architects were retained in full – i.e. for working drawings and overseeing the design details. Revised wording not agreed.

20) Public Art Strategy changed by applicant to ‘Cultural and Social Value Strategy’

4.8 Applicant commentary: *(Public Art strategies are included within this). This will include a commitment by JLP to provide a dedicated space for use by community groups and enable use of the internal and external amenity spaces by the local community/groups. JLP will commit to delivering an associated Community Space Management Plan.*

4.9 In their response to the officer’s committee report (dated 24/07/24), the applicant has also highlighted to members that a Cultural Strategy and Social Value Strategy were provided in support of the application. The key headlines within those documents are set out below:

“JLP is committed to:

1. Continue to engage with community partners to develop the proposed initiatives in the short, medium and long term;

2. Develop a detailed action plan and programme of community initiatives onsite and locally to deliver social value and cultural projects that provide benefits to the new and existing community; and

3. Communicate and report to stakeholders including residents, community partners and Bromley Council on progress and successes”.

4.10 “To deliver on these commitments, JLP has devised a series of cultural and social value initiatives in the short, medium and long term, including:

- The delivery of an independently run community focused cafe providing a dedicated space for community groups and schools
- Allowing community groups and charities to access the internal amenity spaces
- The provision of career advice and job opportunities in partnership with schools/colleges
- Two new public spaces for use by our community partners
- Community-driven public art projects across the site”

4.11 “The Applicant has engaged with London Borough of Bromley Officers and already partnered with local groups to deliver the above initiatives, including:

- Age UK
- Bromley Y
- Greener and Cleaner
- St Marks Primary School
- London South East Colleges”

4.12 Officer’s response: Officers acknowledge and welcome these proposed commitments and initiatives; however, at this stage there is not enough detail within the high level, early stage strategies to enable officers to understand how these would be tangibly secured in a legal agreement.

4.13 The recommended condition requiring a Community Use Agreement addresses how the use of the spaces and facilities within the development will be secured for use by the public and community groups.

4.14 The cultural strategy is not necessary to make the development acceptable in planning terms and there is currently no justification to secure it, however it could be argued that it is directly related to the development and would be fair and reasonable in scale and kind. Notwithstanding this, planning obligations are required to pass all 3 of the NPPF tests in order for them to be included in a S106 agreement which, in this case, this wouldn’t. However, it is open for the applicant to offer this contribution unilaterally.

4.15 Furthermore, it is still considered more appropriate to retain the Public Art Strategy as a separate clause in the legal agreement.

4.16 The applicant has suggested a new Head of Term for the S106 legal agreement as follows:

23) Church House Gardens Amphitheatre: details to be developed and agreed.

4.17 Officers Response: Officers don’t consider that this particular contribution is justified in this instance where the applicant is proposing some significant public realm interventions on the public land adjoining their site (see paragraph 6.2.34). Officers are also mindful of the issues with the schemes

viability and additional contributions could impact on other elements of the scheme, such as affordable housing. London Plan Policy requires AH ahead of financial contributions offered over and above those needed for policy compliance. However, it is open for the applicant to offer this contribution unilaterally.

4.18 An updated Table 6: Section 106 Heads of Term is attached to this addendum at appendix 2.

5) Staff Cycle Parking

5.1 In their response to the officers report dated 24/07/24, the applicant confirms that they are happy to increase the proposed number of spaces from 6 to 20, through double stacking within the same proposed cycle space for staff. Whilst they acknowledge that the London Plan Policy position for the entire store would require 26 staff cycle parking spaces, the entirety of the existing Waitrose is not part of the application, and only a small portion is proposed to be redeveloped. As such, the applicant considers that the applicable floorspace to meet London Plan Policy would be the proposed new reconstructed floorspace as part of the store re-development. Notwithstanding this, the Applicant is committed to delivering the maximum level of staff cycle parking possible, and consequently, has increased the level from 6 spaces to 20.

Officer commentary: Officers acknowledge that this proposal is for an extended and refurbished food retail store as opposed to a new store, and, on this basis, the relatively small shortfall of 6 long-stay cycle parking spaces for staff is, on balance, considered acceptable in this instance.

6) Phasing

6.1 A phasing plan was requested by Officers on 4th July. The applicant notes that a phasing plan will form part of the final Construction Logistics & Management Plan, that will be submitted pursuant to planning condition.

6.2 The applicant has appended a plan to their response to the officer's report identifying the indicative Community Infrastructure Levy (CIL) Phasing and have suggested a condition requiring the submission of a phasing plan in accordance with this CIL Phasing Plan. However, the CIL phasing plan has not previously been submitted for consideration and is not agreed by officers at this stage. Furthermore, it is not clear why the proposed phasing of the development should link to the payment of CIL.

6.3 As such, the phasing plan condition does not need to make reference to this drawing or to CIL in general. Officers would highlight that, prior to commencement of phase 0, the developer should provide a revised schedule of floorspace for each phase.

7) Planning Conditions

- 7.1** An updated list of recommended planning conditions to include wheelchair homes, fire safety and phasing is included at Appendix 3.

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APPENDIX 1: LONDON FIRE BRIGADE FURTHER COMMENTS



Fire Safety Regulation, South East 1 Team
169 Union Street London SE1 0LL
T 020 8555 1200 x89171

Minicom 020 7960 3629
london-fire.gov.uk

Claire Brew
London Borough of Bromley
Civic Centre,
Stockwell Close,
Bromley,
BR1 3UH

The London Fire Commissioner is the
fire and rescue authority for
London

Date: 23 July 2024
Our Ref: 92/006380/FEG/AS
Your Ref: 23/002633/FULL1

Dear Claire

RECORD OF CONSULTATION/ADVICE GIVEN

TOWN AND COUNTRY PLANNING ACT 1990

SCOPE OF WORKS: Waitrose, 45 Masons Hill, Bromley, BR2 9HD

PREMISES ADDRESS: 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.

DOCUMENTS REVIEWED:

- Design Note, Hoare Lea, Rev. 01, 03/04/2024

PLANS REVIEWED:

08208-ASA-XX-00-DR-A-2401 Rev P02

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and makes the following comments/observations:

Design Note, Hoare Lea, Rev. 01, 03/04/2024

1. Noted.

2. Noted.

3. Noted.

4. We note that this will be assessed in the QDR process and acknowledge the spatial constraints that may present a challenge to locating the smoke extract shafts at the remote end of the corridor. We highlight that we have not been provided with floor plans of the buildings so have been unable to consider this completely. With this said, we emphasise the benefit of extracting away from the stair for safe firefighting operations and expect this to be considered/addressed at formal building control consultation stage.
5. We appreciate the initial design included the second staircase before it became mandatory. We highlight that the purpose of the second stair is to provide a suitable alternative and a safe escape for all building users should they need to, or choose to, leave during a fire including where one route may not be available. As per figure 2, flats on the south of the plan will have to travel through the lobby of one stairway to reach the other stairway, which in our opinion is not appropriate, and does not provide a true alternate route to either stairway.

Design teams and developers should also be planning for the new requirements under the Building Safety Act for in scope buildings once occupied, including the need to provide a safety case review. The design as currently proposed may have implications on those responsible for demonstrating the ongoing safety in the building.

6. We note the commentary and justification provided, however, our opinion and comment remains unchanged. In particular we highlight that flat which opens onto an unventilated common lobby which then opens on to the evacuation lift lobby. It is unclear what consideration has been given to how a fire in this flat would impact on the lift lobby area.
7. Noted.
8. Noted. Our expectation is that evacuation lifts should meet the recommendations given in BS 9999:2017, Annex G and all relevant parts of the BS EN 81 series of standards, including BS EN 81-76, once published. Firefighters lifts should conform to BS EN 81-72 and meet the additional recommendations given in BS 9999:2017. Where dual-use/hybrid firefighters and evacuation lifts are proposed, they should conform to all relevant standards and codes of practice for each type of lift.

Any queries regarding this letter should be addressed to FSR-AdminSupport@london-fire.gov.uk. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting officer Anupama Sharma

E FSR-AdminSupport@london-fire.gov.uk

T 020 8555 1200 Ext. 89170/89171

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APPENDIX 2: Table 6: Updated Section 106 Heads of Term

Table 6	Section 106 Heads of Term	Amount	Agreed in Principle
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	<p>Viability Review Mechanisms (Early and Late Stage) to include:</p> <ul style="list-style-type: none"> 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 		Principle of the review mechanisms agreed but criteria a), b) and c) not agreed by applicant.
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		Y
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		Y
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)	Y
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		Y
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		Principle agreed but change to wording (to include "including in an executive capacity" not agreed) by the LPA
20	Public Art Strategy		N Removed by applicant but considered necessary by LPA

20a	Cultural and Social Value Strategy		N Not agreed by the LPA but it is open for the applicant to provide this unilaterally.
21	Planning Obligation Monitoring fee	(£500/head of term)	Y
22	Agreement to cover the Council's reasonable Legal costs		Y
23	Church House Gardens Amphitheatre contribution – details to be developed and agreed		N Not agreed by the LPA but it is open for the applicant to provide this unilaterally.

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APPENDIX 3: Updated list of recommended planning conditions

SUMMARY OF CONDITIONS

Standard

- Time Limit 3 years
- Compliance with approved documents and drawings

Phasing

- Phasing Plan

Design

- External materials
- Secured by Design
- Wheelchair units (M4(3) and M4(2))
- Fire Safety

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