

Committee Date	11/01/2022	
Address	70 High Street Bromley BR1 1EG	
Application number	21/03231/FULL1	Officer: Jessica Lai
Ward	Bromley Town	
Proposal	Demolition of existing buildings (66-70 High Street) and erection of a part 13 and part 16 storey building to provide 559 sqm (GIA) retail floorspace (Use Class Ea) and 68 residential units with associated disabled car parking spaces, cycle parking and refuse storage area.	
Applicant	Agent	
Matterhorn Capital	Mr Tom Vernon Quod Ltd 13-17 Broadwick Street London W1F 0FE	
Reason for referral to committee	Major application outside delegated authority;	Councillor call in Yes

RECOMMENDATION	RESOLVE TO CONTEST APPEAL
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<p>KEY DESIGNATIONS</p> <p>Bromley Town Centre Archaeological Priority Areas Opportunity Areas Site G Bromley Town Centre Area Action Plan Site 10 Bromley Local Plan Biggin Hill Safeguarding Area London City Airport Safeguarding Areas of Deficiency in Access to Nature PTAL 6a and 6b</p>
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Vehicle parking	Existing number of spaces	Total proposed spaces	Difference in spaces (+ or -)
Wheelchair accessible car spaces	N/A	3	+3
Cycle	N/A	150	+150 (Residential 142; Commercial 8)

Electric vehicle charging points	3 electric charging points (1 active and 2 passive)
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Use	Existing	Proposed	Difference (+ or -)
Retail	493.7sqm	559sq.m	+65.3sq.m
Dwellings	6	68	+62

Representation summary	Neighbouring consultation letters were sent on the 24 th August 2021. A site notice was printed on the 24 th August 2021. The application was also advertised in the press on the 1 st September 2021.		
Total number of responses	466		
Number in support	17		
Number of objection	449		

Section 106 Heads of Term	Amount	Agreed in Principle
Child play	TBC	TBC
Energy	£ 68,695	TBC
Affordable Housing	11 intermediate units (4 x 1 bed, 2 x 2 bed and 5 x 3 bed); Early and late stage review mechanism.	TBC
Highway	£ 20,000 Quietway cycle link pedestrian works improvement; Two years free car club membership per dwelling;	TBC

	Twenty free driving hours per dwelling; Removal of rights to apply for residents parking permit.	
Total	£ TBC	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- This appeal against non-determination is lodged on the 10th December 2021 following the receipt of the additional information on the 2nd December 2021. Members are requested to agree to contest the appeal with the suggested reasons as set out in this report.
- The principle to redevelop the site including the introduction of a taller building and car free development is supported at this town centre location as the site is designated as an opportunity area in the London Plan and forms part of the allocated sites (Site G in the Bromley Town Centre Area Action Plan and Site 10 in the Bromley Local Plan) in the development plan to deliver housing and support the growth of Bromley Town Centre.
- The Council does not currently have a 5 year housing land supply. This application includes the provision of 68 residential dwellings including 11 intermediate dwellings. The financial viability report has been reviewed by an independent viability assessor and they consider the scheme cannot support more than what is offered. This would represent significant weight as the proposal would contribute to housing supply in the Borough.
- However, insufficient information has been provided to confirm funding has been sought and fully demonstrate low-cost housing should be discounted at this location and in the Borough. The proposal would introduce primary windows or single aspect units located close to its site boundaries with limited outlook. As part of the allocation site and a standalone building, the reliance of neighbouring land for natural lights and amenities is not considered sustainable. Insufficient information is provided to demonstrate adequate child play of sufficient quality and quantity can be provided at the 13th floor with the green roof and the suggested uses. Insufficient information is also provided to demonstrate adequate recycling storage facilities, urban greening factor and biodiversity net gain can be provided or accommodated within this confined site.
- The replacement retail floor space would maintain an active frontage on the ground floor. However, the retail floor space would be provided over three floors and insufficient information is provided to demonstrate the design and layout of the proposal would achieve an inclusive environment for the future customers and occupiers. The reliance on on-street servicing and delivery is not considered sustainable. The layout of

the proposal indicates that the disabled residential spaces would require multiple manoeuvring to access and leave this compact site.

- The proposal would result in the loss of a group 1930s commercial terraces which reduce the significance of its setting in Bromley Town Centre and the adjacent conservation area. Whilst the level of harm is considered to be “less than substantial” as defined by the Framework, the level of harm is considerable due to its design, scale, massing, townscape, skyline and relationship with its local context and conservation area. The quantum of the proposal as indicated on the proposed floor plates indicates the proposal would be beyond optimising development potential of this limited site.
- The Council's Conservation Officer has raised objection to the proposal and considered that the over-dominant scale and massing of the proposed building would visually compete with the modest market town character of the Bromley Town Centre Conservation Area. Non-statutory comment from Historic England also consider that the proposal would have an impact on the significance of the Bromley Town Centre Conservation Area and the harm would be towards the lower end of less than substantial.
- In striking a balance between the public benefits that could be derived from this proposal and the harm caused as a result of this development, it is considered that the proposal cannot be supported as the benefits arising from this development does not outweigh the harm it causes.

1. LOCATION

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

- 1.5 The site forms part of the allocated Site 10 – West of Bromley High Street and land at Bromley South in the Bromley Local Plan for mixed use development.
- 1.6 The public transport accessibility of the site is rated at 6a and 6b on a scale between 0 to 6b where 0 is worst and 6b is excellent. Bromley South Railway Station is approximately 250 metres south from the site and Bromley North Railway Station is approximately 400 metres north from the site.
- 1.7 The site is located within Flood Zone 1 and is not subject to surface water flooding, Ethelbert Road and the High Street are subject to low risk surface water flooding. Ethelbert Road is a one-way road and there are two on-street disabled parking spaces near to the site.

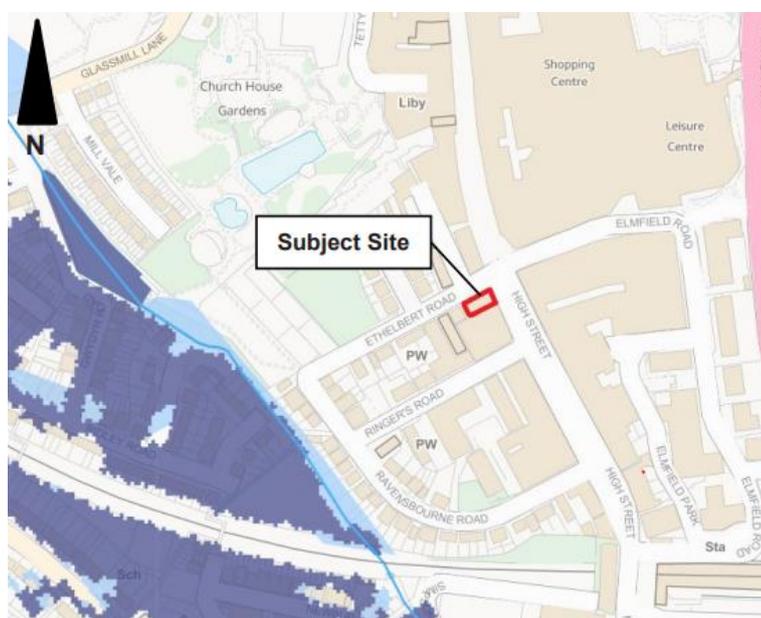


Fig 1. Environment Agency Flood Zone Map.

2. PROPOSAL

- 2.1 This is a resubmission of a full planning application for the demolition of the existing buildings (No. 66-70 High Street) and erection of a part 13 and part 16 storey building to provide 559 sqm retail floorspace (Use Class Ea) and 68 residential units with associated disabled car parking spaces, cycle parking and refuse storage area.
- 2.2 The existing three storey buildings would be demolished and replaced by a part 13 and part 16 storey high building. The retail floor spaces would be located between ground to second floor. Residential accommodation would be located from the first floor. Cycle storage would be located on the second floor with an internal bicycle lift. Each of the units would be provided with private balconies. Three of the proposed units would be provided with a winter garden. The internal floor space is designed to comply with the national minimum space standards.

- 2.3 A roof terrace measuring 151sq.m would be provided on the 13th floor. The revised plan indicates the roof terrace would provide a green roof that measures 108sq.m and the remaining area would incorporate permeable paving. The planning statement indicates that this roof terrace would provide a child play space associated to the development. A communal balcony would be provided on the 14th and 15th floor each measuring 7.9sq.m.
- 2.4 Two residential lifts would be installed and accessible to all floors. A total of 142 residential cycle storage spaces and 8 cycle spaces would be provided for the retail use.
- 2.5 The proposal would provide 68 new residential units which comprises of 57 private units and 11 intermediate units. The proposal would provide 21.9 percent affordable housing by habitable room or 16.2 percent by unit. The current proposed housing size, mix and tenure are tabled below:

	Studio	1 bed/ 2 person	2 bed/ 3 person	2bed/4 person	3 bed/ 4 person	3 bed/ 5 person	Total (by Unit)	Total (by Habitable Room)
Market	8	27	17	5	0	0	57	128
Intermediate	0	2	4	0	1	4	11	36
Total	8	29	21	5	1	4	68	164

- 2.6 The housing size, tenure and mix of the previous refused scheme is also tabled below:

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

- 2.7 A total of 7 wheelchair units with 3 disabled parking spaces would be provided. The disabled spaces would be installed with one active and two passive electric charging points.
- 2.8 The transport statement indicates that an on-street parking loading bay would be provided on Ethelbert Road, in front of the adjacent café. An alternative on-street loading bay is proposed which required an existing

on-street parking bay outside Bromley Town Church near the pedestrianised part of the High Street be removed.

2.9 The key differences between the earlier refused scheme and the current scheme including the existing are tabled below:

	Previous refused scheme (ref: 19/04588/FULL1)	Current scheme (ref: 21/03231/FULL1)
Retail floor space	256sq.m	559sq.m
Residential	47 units	68 units
Affordable housing	10 intermediate units (21% by units or 18 % by habitable room)	11 intermediate unit (16% by units or 21.9% by habitable room)
Housing size	3 studio 24 x 1 bed 20 x 2 bed	8 studio 29 x 1 bed 26 x 2 bed 5 x 3 bed
Proportionate Residential Density	1,893HRH	2,982HRH
Height	part 3/ part 12 storey measures 36 metres high. (Fourth to eleventh floors set in from the High Street by 9.5 metres)	Part 13 /part 16 storey measures 56.5 metres.
Parking spaces	3 disabled spaces	3 disabled spaces
Roof terrace (child play/ green roof)	N/A	13 th floor

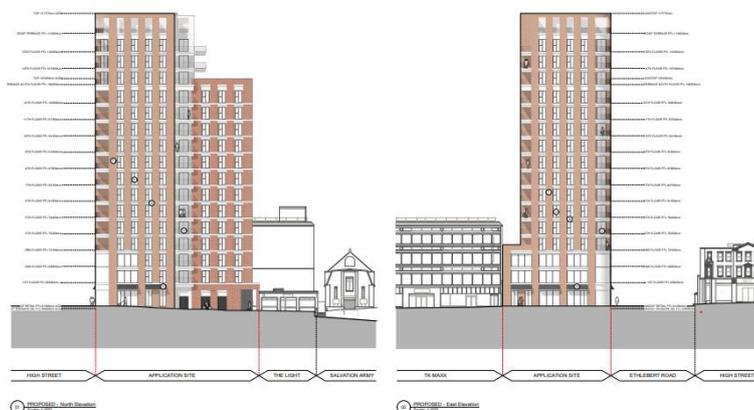


Fig 2. Previous refused scheme (ref: 19/04588/FULL1) – North and East elevations.

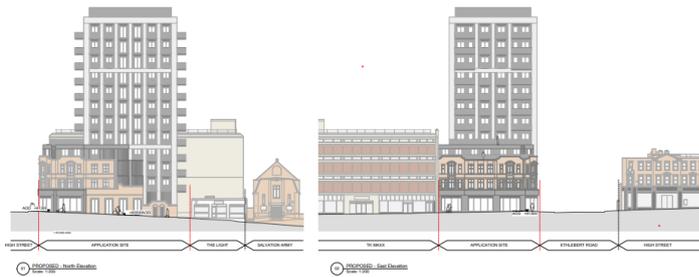


Fig 3. Current scheme (ref: 21/03231/FULL1) – North and East elevations.

3. RELEVANT PLANNING HISTORY

3.1 On the 26th April 2021, full planning permission for the demolition of existing buildings (No.66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area was refused for the following reasons:

- a. The proposal by reason of its scale, bulk, massing, materials and design would appear overly dominant and out of keeping with the immediate surroundings and high street location which would be harmful and detrimental to the significance, character and appearance of the adjacent Bromley Town Centre Conservation Area and the surrounding area, contrary to NPPF paragraph 11(d), 193, 194 and 196; London Plan Policy D3, D4, D7, HC1; Local Plan Policy 37, 40, 42, 47, 48; Policy BTC12, BPTC 17, BTC19 of the Bromley Town Centre Area Action Plan
- b. The introduction of an isolated tall building within the allocated site 10 in the Local Plan and Site G in the Bromley Town Centre Area Action Plan and would represent a piecemeal and incongruous development and fail to fully follow the plan-led approach in delivering sustainable development, contrary to NPPF paragraph 11(d) and BTC19 of the Bromley Town Centre Area Action Plan.

3.2 Other major planning applications in the vicinity pending consideration are as follows:

1 Ethelbert Close – ref: 18/02181/FULL1

Demolition of 1-40 Ethelbert Close, 2 Ethelbert Road, 102-108 High Street and miscellaneous buildings to the north of Ethelbert Close (including former public conveniences and building at rear of 100 High Street), and the redevelopment of the site (max height 16 levels) to provide a mix use scheme comprising 407 residential units with a mix of

Use Class A1, A2, A3, B1, D1, D2 uses at ground floor (part). New vehicular access from Ethelbert Road. Associated basement car and cycle parking. Car parking, access and servicing arrangements at Churchill Way. Public realm works including Library Gardens and ancillary development.

4. CONSULTATION SUMMARY

a) Statutory:

4.1 Highways

Vehicular access

The vehicular access will be via an existing service corridor to the rear of the buildings from Ethelbert Road, leading to 3 off-street disabled parking spaces. The manoeuvring space in front of parking bays must be 6.0m wide. The applicant has provided a swept path analysis showing drivers would have difficulty accessing and exiting the bays.

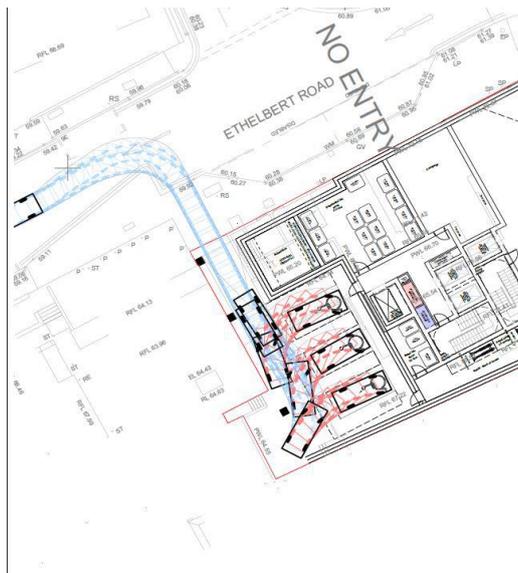


Fig.4 Swept path analysis.

Parking

In line with the London Plan, the proposal would be car free. The applicant should be encouraged to provide parking for the 5 x 3 bed family units.

Servicing

There is an existing on-street loading bay on the High Street. However, this loading bay has a time restriction of between 3am and 10am. This means that these times the bay is used for a taxi rank and car club bay.

A new on-street loading bay in front of “The light” cafe on Ethelbert Road is indicated in the submission. The transport statement states, “As existing, a serving corridor will be provided for the residential units and retail floor space on the western side of the site, accessed from Ethelbert Road”. However, this provision will block the entrance to the car park and the parking spaces associated to the adjacent café “The Light”. The servicing and delivery arrangements will need to be addressed.

An alternative on-street loading space is proposed which would result in the loss of an existing parking bay located outside the Bromley Town Church and near to the pedestrianised part of the High Street.

Cycle parking

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

Waste storage

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

The application is unsatisfactory, and the applicant should address the above. However, should planning permission be recommended the following should be secured by a planning conditions/ s106 agreement.

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

4.2 Drainage (lead local flood authority) – No objection

The Sustainability Urban Drainage and Foul Water Drainage Strategy Report carried out by RPS Group dated 15th July 2021 shall be fully carried out in accordance with the report.

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

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

4.3 **Thames Water – No objection**

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

No objection with regard to the waste water network. sewage treatment work and water network infrastructure capacity. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litre/minute at the point where it leaves Thames Waters pipes. The development should take account of this minimum pressure in the design of the proposed development. The site is located within 15m of Thames Water underground asset and the development could cause the assets to fail if appropriate measures are not taken. Developer should read our guide “Working near out assets” to ensure works are in line with the necessary processes.

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

In order to avoid potential fines for improper usage of main water, Thames Water must be notified for prior to any use of main water for construction purpose.

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

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

4.4 Historic England (Archaeology) – no objection

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

4.5 Greater London Authority

The proposed residential-led mixed use redevelopment could be supported subject to the maximum level of affordable housing being secured. The application does not fully comply with the London Plan as summarised below:

Land use principle: The redevelopment of the site to provide residential led mixed uses, including retail, is strongly supported in principle.

Affordable housing: The applicant proposes 22% affordable housing by habitable room, all of which is proposed as shared ownership. This represents a small increase in affordable housing compared with the previous scheme. An FVA has been submitted in support of the offer which is currently being scrutinised by officers to ensure that the maximum reasonable quantum of affordable housing is delivered. Early and late stage viability reviews would need to be secured in any s106. The applicant would need to confirm that the affordable offer comprises genuinely affordable products.

Residential quality and playspace: Confirmation that the development would achieve internal and external space standards is required in accordance with Policy D6. The applicant is required to provide more detail on how the playspace is proposed to be laid out, equipped and protected from the elements as appropriate to be deemed acceptable. A contribution in lieu would need to be secured accordingly.

Urban design: A further commercial entrance should be considered at the southern end of the building. The height of the building is at odds with the surrounding, predominantly 2-4 storey buildings. The rationale for a building of this height in this location has not been fully demonstrated. The quality of the third floor amenity spaces is of concern. The use of additional brick detailing to the main elevation should be considered.

Heritage: The development would cause some minor harm to the setting and therefore significance of the Bromley Town CA as well as nearby non designated assets. Harm must be sufficiently outweighed by the public benefits package to be deemed acceptable. This would need to include the maximum reasonable quantum of affordable housing.

Energy: For the energy strategy to be considered acceptable, the following is required: energy efficiency clarifications and measures; information on energy costs; full CIBSE TM59 overheating assessment and results and possibly further measures identified; further information

on district heating potential and future-proofing; further consideration of PV provision; further information on the proposed heat pumps; and the Be Seen policy should be addressed.

Whole life carbon and circular economy: Detailed, technical comments have been issued to the Council and applicant for further consideration. These should be addressed in full prior to referral at Stage 2. A condition should be secured requiring the submission of a post completion report setting out how the development has performed against the targets contained in the submitted circular economy statement.

Sustainable urban drainage: Rainwater harvesting should be incorporated, the areas of green roof should be shown on plan and the hydraulic calculations should be amended for the drainage strategy to be considered acceptable. The proposed residential units would need to meet a maximum water consumption of 105 litres per person per day. The applicant should also consider water harvesting and reuse to reduce consumption of water across the site.

4.6 Transport for London

- Transport impact

Given the high site PTAL, wide range of public transport options and car free nature of the development, the proposal would be unlikely to have a significant adverse impact on the highway and public transport networks.

- Cycle Parking

The cycle parking accords with London Plan standards in Policy T5. However, the long stay cycle parking for the residential element is on the second floor, accessed by a single lift. Should the lift be out of order, the access to the bicycle store would be via a staircase and is not ideal and would be barrier to some users. The southernmost residential lift should be two side opening enable access to the cycle storage area at level 2.

- Disabled car parking

The proposed development will be car-free except for three disabled parking spaces. This is in line with London Plan Policy T6 and is therefore strongly supported, reflecting the location in the heart of the metropolitan town centre, highest PTAL and range of services available within a short walk of the site. This should be supported by a restriction on residents being able to apply for on-street car parking permits.

One of the disabled spaces would be fitted with active charging for electric vehicles, and the remaining spaces will be fitted with passive provision. This is in line with the London Plan, however the applicant

should consider equipping all with active charging, given the low number of spaces.

- Healthy Streets

The active travel zone assessment concludes no improvements are required due to the general high quality of the pedestrian and cycle environment. However, a financial contribution towards any 'town centre Healthy Street' improvements schemes planned, should the Council deem one necessary, would be supported, as this would benefit the development.

- Servicing and Delivery

Servicing is proposed from Ethelbert Road, with provision of an on-street loading bay, however this is not shown on the plans, unless the existing two disabled car parking bays are proposed to be moved. This should be confirmed.

- Travel plan

An approved travel plan, construction logistics plan and a delivery and servicing plan should be secured by condition/ section 106 planning obligation. Particularly considering the town centre location, the construction logistics plan must consider and outline measures to protect pedestrians and cyclists in line with Vision Zero e.g. maximising use of FORS or equivalent registered haulage contractors and Direct Vision Standard compliant HGV's.

4.7 Health and Safety Executive

If the issues (1 to 3) below are not discussed and agreements secured at the planning stage, there is a risk that later in the process approval may not be given to the proposed solutions and that alternative solutions will be agreed.

1. It is proposed to fit an alarm system on the terrace on the 13th floor to facilitate escape from this area instead of directly into the protected stairway. Depending on the number of people seeking to escape from the roof terrace and from flats on 13th floor, the proposed solution may lead to tailbacks and obstructions to common corridor and delays for evacuation, putting people at risk in case of fire.
2. A mechanical smoke ventilation system (MSVS) is proposed for the communal corridor/lobbies. The application of the MSVS is dependent on the outcome of a computational fluid dynamic (CFD) analysis. This is a risk that the outcome of the CFD analysis may not support the inclusion of MSVS, in which case the accommodation within the development will need to be redesigned.
3. At the 2nd floor, the event of a fire in the cycle store, smoke and heat could reach the stairway. It is proposed that the cycle store will be

separated from the stairway via two lobbies and a mechanically ventilated system. The number of people is not expected to be high at this location. It should be acknowledged that there is a risk associated with higher numbers of people seeking to escape from cycle store and the proposed solution may lead to tailbacks and obstruction of two lobbies. The solution relies on a ventilated system with unknown outcome of the CFD analysis which may not support the inclusion of MSVS.

4. The fire strategy states an excessive travel distance within the DOM cold water, which should be discussed and agreed at a later stage in the development. This is not mentioned on the fire statement form. If agreement is not reached, the plans would need to be revised, this could have an impact on the layout and density of the development.
5. Further information relates to water supplies for fire fighting purposes should be required.

b) Local groups:

4.7 Ravensbourne Valley Residents Association– Objection

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

- The site is situated on a hill and the height of the proposed building would be over-dominant resulting in “Croydonisation” of Bromley. This is a significant application and is not supported by any master plan in the area. The scale and mass of the proposal would damage the key views in the area including the Ravensbourne Valley which is described as a “view of local importance”, one of relatively few in the Borough. Policy 48 of the Bromley Local Plan is relevant.

- This development would be adjacent to a conservation area. Policy 42 states development should preserve or enhance the setting and not detract from its views into or out of the area. The proposal would be harmful to the setting and is a detraction of the views into or out of the Conservation area.

Local Plan Policy 47 requires tall buildings to be of the highest design, appropriate to the location and make a positive contribution to the townscape. Tall building must be of a massing and scale to enhance the character of the area, protect strategic views and the skyline.

4.8 Bromley Friends of Earth - Objection

Bromley Friends of the Earth still wish to object to the proposal and are appalled to see the height of the building has been raised to part 13 and part 16 storeys. The proposal is far too high and would be very

oppressive, setting a precedent for future new buildings in this part of the High Street, especially as the site is adjacent to a conservation area.

The design of the proposal remains unimaginative, aesthetically unpleasing, and an extremely ugly design, detrimental to the heritage of central Bromley.

Improvement could have been made to the design since our original objection. The proposal appears to be dictated by costs. The proposal is detrimental to the environment and the legacy being left to the future generations. The younger generation will have to live with this "concrete monster". We do not consider the Council would be proud of the design quality of this proposal. The proposal represents another piecemeal development in Bromley, lack of a co-ordinated planning strategy, where financial gain is paramount.

4.9 Shortland Residents Association – Objection

It appears little has changed since the developer filed the original planning application under 19/04588/Full1 which is for 16 storey buildings. No building of this size should be approved for planning purposes and as part of an overall scheme. Proposed development of site G is still the subject of public discussion and there appears to be no overall master plan for site G or site 10. There is a real danger of chaotic development of large buildings to the permanent damage of the centre of Bromley. There is no sign of an overall plan for coping with the necessary infrastructure for such large developments.

The current proposal is for 68 residential units and the last application contains 47 units. Considering the location, the absence of adequate car parking and the volume of deliveries to 68 flats, this area would be overwhelmed by vehicle movement problems, almost on the High Street.

The proposal would cause damage to key views. Policy 48 of the Bromley Local Plan including the view from the Ravensbourne Valley which is described as a "view of local importance", one of the relatively few in the Borough. This view would be damaged by the scale and mass of this proposed building.

The proposal would not comply with Policy 42 which requires development located adjacent to a conservation area should preserve or enhance the setting and not detract from its views into or out of the area. The proposal would not comply with Policy 47 requires tall buildings to be of the highest design, appropriate to the location and make a positive contribution to the townscape. They must be of a massing and scale to enhance the character of the area, protect strategic views and the skyline.

4.10 RSPB Bromley Local Group

Should planning permission be recommended, RPSB would recommend 10 integral swift nest bricks be installed and the details should be submitted to the Council and secured by a planning condition. These details should be provided prior to the commencement of above ground works in order to enhance the biodiversity and in accordance with paragraph 175(d) of the NPPF and Bromley Local Plan paragraph 5.3.4 and 5.3.7. The swift bricks should be mounted near to roofline, in clusters of three or more.

4.11 A Local Ward Councillor - Objection

The scale, bulk, massing, materials and design of the proposal would appear to be overly dominant and out of keeping with the immediate surroundings and High Street location which would be harmful and detrimental to the significance, character and appearance of the adjacent conservation area and surrounding area contrary to NPPF 11(d), 193, 194, 196; London Plan policy D3, D4, D7, HC1; Local Plan policy 37, 40, 42, 47, 48; Policy BTC 12, BPTC 17, BTC 19 of the Bromley Town Centre AAP.

The proposal would represent a piecemeal and incongruous development of Site 10, which would fail to fully follow the plan-led approach to delivering sustainable development.

The existing building is one that is a noted building on the draft site 10 master plan and I expect the forthcoming SPG.

4.12 Bromley Civic Society (BCS) – Objection

The grounds of objection raised in the previous application below in italics remains valid. In addition, the current scheme would be even greater in height and double the footprint of the previously refused scheme which will further increase to the detriment to the significance of the Conservation Area. BCS agreed with Historic England and considered that the existing building should be regarded as non-designated heritage assets and should be treated in the same way as a locally listed building under Local Plan policy 30 and demolition should be resisted.

The building fronting the High Street dates from the early 1930's. It is designed with considerable care with classical and art deco detailing and of a scale and design which complements the whole 1930's terrace of shops from the Library down to Ravensbourne Road developed in this period. Those north of Ethelbert Road are within the Town Centre Conservation Area and those south of Ethelbert Road are of the same period and quality and should be regarded by the Council with at least recognition as *non-designated heritage asset* status as stated by Historic England. Being a corner building directly facing onto the Conservation

Area and part of its 'setting' its loss would be even more impact significance.

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

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

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

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

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

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

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

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

4.13 APCA -- objection

The current proposal would be harmful to the character and appearance of the adjacent Town Centre Conservation Area of a height more so than the recently refused scheme due to its design, larger footprint and height. The existing original 1930's buildings should be regarded as a non-designated heritage asset both in its own right and for the contribution it makes to the character and appearance of the adjacent conservation area.

4.14 Sir Bob Neill -Bromley and Chislehurst MP – objection

The proposal represents a considerable overdevelopment due to its height and design and would result in a tower block at significant odds with Bromley historic High Street and the Bromley Town Centre Conservation area. The sizable amount of objection should be weighed heavily against the application. I fully endorse the objections outlined by the Bromley Town ward councillors and Bromley Civic Society when a smaller application was considered earlier this year. This earlier application was refused by the Council due to the scale, bulk, massing, materials and design of the proposal resulting in an overly dominant and out of keeping development within its immediate surroundings. It is difficult to envisage any scenario in which an appeal of this larger scheme could be justified.

The current application appears to have made no effort to address the concerns raised during the course of the previous application, instead increasing the proposal from 12 storey to 16 storeys. This represents a cynical opportunism that seeks to exploit the pressure Bromley is under to meet the Mayor's unrealistic housing targets. It appears that the application is relying on the proposals being developed for the Churchill Quarter as a means of rationalising this even taller building and no weight should be given to this. This site has not been designed for a tall building and the Local Plan clearly states that any development on the site should be accompanied by a master plan. The applicant has again chosen to ignore the advice given to them resulting in a speculative proposal that would have a significant impact on the neighbouring amenities and would be to the detriment of the appearance and character of the surrounding area.

c) Adjoining Occupiers:

4.14 Seventeen (17) letters of support have been received and the grounds are summarised as below:

- The proposal would revitalise Bromley Town Centre and enabling empty units to be repurposed and brought back into use.
- The proposal would provide affordable housing.
- The proposal would provide more housing, including young resident with ambitions to own property in the borough.
- Site is identified for tall building in the Local plan and would reflect the needs of the current and future population.
- The proposal should be supported.
- The proposal would contribute to the Town Centre needs, instead of development in Green Belt.
- Bromley is driven by local nimbys. The proposal will fit in perfectly will with the High Street which is mismatch at present.

4.15 Four hundred and forty-nine (449) letters of objection have been received and the grounds are summarised as below

Retail floor space

- The increase in retail floor space is not needed.
- The retail spaces are no needed as there are number of empty shops are empty in town centre, including the St Mark's square development.
- The proposal would acerate the decline of the High Street

Loss of non-designated heritage buildings

- The existing buildings are of good architectural quality and should be retained and included in the locally list.
- The existing buildings should be preserved as it represents part of the history of Town Centre development.
- The architectural merits of the existing building is not replaceable. The building is constructed with beautiful ornamental iron balcony with a scale which reflect the character of the High Street

Out of scale, character and out of keeping

- Over-dominant and incongruous building.
- The scale of the building is far too large for the site and would make a significant, irreversible contribution to the deterioration of the quality of buildings on the historic high street. The proposal would set a precent for further application for tall buildings on the High Street with significant ramifications for the character of the heart of Bromley.
- The proposal would be out of keeping with the traditional market town in Bromley. The library is around 9 storey in height. The proposal would double the height of the library.

- Bromley Town Centre is a historical market place and the character of the town centre should be maintained. The High Street is partially pedestrianised. The proposal is disproportionate to its size and its surroundings, overshadowing the surrounding area and in grave danger of destroying its remaining charm. Once the charm is gone, this can never be replaced.

Need for tall building

- There is no need for tall building as the proposal would destroy the character and appearance of the High Street. City of London and Canary Wharf are the example of this.
- Tall buildings should be located near to the lower part of the High Street at the bottom of the hill where the ground level is lower, not at the top.
- Excessive density and height. Building should not be more than 6 storey.
- Not comply with Policy 47 as the proposal does not make a positive contribution to the townscape ensure the massing, scale and layout enhances the character of the surrounding area. Tall building will need to be of the highest architectural design quality and material and appropriate to their location and historic context and view. Historic England Guidance should be followed.
- There are already a number of undesirable precedents of tall building in the town centre, such as St mark's square and HG Wells Buildings.
- No need for this building as there are a number of vacant offices building which should be converted to housing instead of introducing more tall building.
- Expansion of Croydon and Lewisham to Bromley.

Design

- Design is ugly and not sympathetic to the town centre. The proposal would degrade the environment of Bromley.
- Does not address previous reason of refusal. The previous refusal was 12 storey.
- Bromley Town Centre is located on a slope and tall building should be sensitively located instead of the middle of the High Street.
- Not in keeping with its surrounding context in the Town Centre

Housing and inadequate affordable housing

- As a first-time buyer, new build development like this does not help young people to get on the housing ladder.
- Inadequate affordable housing. The proposal represents a financial gain.
- More houses are needed in Bromley, not flats.

- The proposed residential units are small and some of the units are provided without outdoor space.

Highway

- Inadequate parking spaces and the proposal would increase traffic in the area
- Inadequate servicing and delivery provisions
- Only disabled parking spaces are provided.
- The location of cycle storage is located on second floor and is not convenient for users

Impact on conservation area and impact on wildlife

- Significant impact on the character of the conservation area
- Undermine the historic context of the area
- The existing buildings should be retained
- Impact on wildlife

Overdevelopment

- Site is too compact for the scale of this development. There is no positive element that can be derived from this proposal. Bromley Town Centre needs more green spaces instead of more towers.
- The site is limited, and the scale of the proposal is excessive.
- The proposal represents a significant increase in numbers of dwellings within a small site and would be out of character with Bromley Town Centre and its surrounding area.
- Disproportionate high density living space at the expense of savaging the skyline

Visual impact and impact on skyline

- Impact on Church Gardens and Library Gardens
- Building is too high and impact on skyline.

Fire Safety

- After the disaster of Grenfell, building another residential high rise must be carefully considered.

Amenities and residential amenities

- Loss of daylight, sunlight, privacy and outlook.
- Impact on microclimate. The proposal would have a detrimental effect on wind and pedestrian conditions at street level.
- Loss of light on High Street
- Increase anti-social behaviour
- Impact on air quality

Inadequate infrastructure

- Overcrowding at Bromley South Station

- Inadequate school, GP and hospital
- Inadequate utility

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2021

5.2 NPPG

5.3 The London Plan - March 2021

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD1 Opportunity Areas
- SD6 Town Centres and high streets
- SD7 Town Centres; Development principles and development plan documents
- SD10 Strategic and local regeneration
- D1 London's form
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D9 Tall Buildings
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G9 Geodiversity
- S4 Plan and informal recreation
- HC1 Heritage conservation and growth
- HC3 Strategic and Local Views
- HC6 Supporting the night-time economy
- SI-1 Improving Air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure

- SI-4 Managing heat risk
- SI- 5Water infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI -13 Sustainable drainage
- T2 Healthy Streets
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.3 Retail Parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.4 Mayor Supplementary Guidance

- Housing (March 2016);
- Affordable Housing and Viability Supplementary Planning Guidance (2017);
- Energy Assessment Guidance (2020);
- Accessible London: Achieving an Inclusive Environment (2014);
- The control of dust and emissions during construction and demolition (2014);
- Plan and Informal Recreation Supplementary Planning Guidance (2012);
- Character and Context Supplementary Planning Guidance (2014).

5.5 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 31 Relieving congestion
- 32 Road Safety
- 33 Access for all
- 34 Highway Infrastructure provision
- 37 General Design of Development
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent to a Conservation Area
- 46 Ancient Monuments and Archaeology
- 47 Tall land Large Buildings
- 48 Skyline
- 59 Public open space deficiency
- 72 Protected Species
- 77 Landscape Quality and Character
- 78 Green Corridors

- 79 Biodiversity and Access to Nature
- 90 Bromley Town Centre Opportunity Area
- 91 Proposal for Main Town Centre Uses
- 92 Metropolitan and Major Town Centres
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

5.6 Bromley Supplementary Guidance

- Planning Obligations (2010) and subsequent addendums
- Bromley Town Centre Area Action Plan (2010)

5.7 Other Guidance

- The Setting of heritage assets – Historic England Advice Note 3
- Tall buildings: Historic England Advice Note 4

6.0 ASSESSMENT

The main issues to be considered in respect of this application are:

- Principle of Development/Land Use
- Housing
- Design and layout
- Heritage
- Impact on Neighbouring Amenities
- Transport and Highways
- Biodiversity
- Energy and Sustainability
- Environmental Issues
- Flooding and Drainage
- Planning Obligations and CIL

6.1 Principle of development/Land use – Acceptable

- Site designations

6.1.1 The application site (No.66 to N0.70 High Street) measures approximately 627sq.m in area and is located on the western side of the High Street at its junction with Ethelbert Road. The site comprises of a terrace of 3 storey buildings and is occupied by 3 individual ground floor retail units with a combined floor space measuring approximately 493.7sq.m and 6 self-contained private residential flats above the shops.

6.1.2 The site is located in Bromley Town Centre and adjacent to Bromley Town Centre Conservation Area which was first designated in 1985. The site forms part of the Site G in the Bromley Town Centre Area Action Plan. Since the adoption of the Bromley Local Plan in January 2019, Site G in the Bromley Town Centre Area Action Plan is replaced by Site 10 of the Bromley Local Plan 2019. Site 10 covers a larger area than Site G which includes a parade of shops between No.2 High Street and No.22 High Street, Bromley South Railway Station and part of its railway line (Site J in the BTCAAP). Site 10 measures approximately 4.54 hectares in area.



Fig 5 – Bromley Local Plan – Site 10

6.1.3 Site 10 is anticipated to provide 1,230 residential units, office, and retail and a transport interchange. BLP Site 10 Policy requires proposals in Site 10 to:

- Incorporate a sensitive design which respects the adjoining low-rise residential development whilst optimising its key town centre location.
- Improve Bromley South Station
- Provide a high-quality public realm and accessibility to and through the site.
- Provide an attractive frontage to the High Street.
- Be accompanied by a master plan to show how the proposed development is consistent with a comprehensive development of the site.

6.1.4 BLP Policy 92 requires development within Bromley Town Centre to contribute positively to the town's status as an Opportunity Area and its role as a Metropolitan Centre in the London Plan. Proposals within Bromley Town Centre will be expected to have regard to the objectives set out in the Area Action Plan adopted in 2010.

6.1.5 A number of objections have referred to the draft master plan. In 2018, the Council published a Site G/Site 10 Draft Masterplan for public consultation. This draft document was limited in scope and has become obsolete following the public consultation in the summer of 2018. In 2020, the Council undertook a new public consultation in preparation for a draft Bromley Town Centre and Orpington Town Centre supplementary planning guidance to guide future development in town centres.

- Retail

6.1.6 The site forms part of the primary retail frontage in the town centre. The existing three individual retail units are occupied as a hairdresser, a clothing store and household goods store with a combined retail floor space which measures 494sq.m. There is a rear servicing yard to the rear of the buildings. The main shopping/commercial floorspace including the ancillary storage area, office and staff welfare rooms supporting the retail units are located on the ground floor. The Council's business rate indicates that there are no rateable commercial floor spaces on the upper floors, except an internal storage area measuring approximately 32sq.m which is located on the first floor of No.68 High Street.

6.1.7 The proposal would provide a net increase of 65sq.m retail floor space (Use Class Order Class Ea) and would be located on the ground, first and second floor, measuring approximately 559sq.m. The proposal would not result in loss of retail floor spaces in the primary shopping frontage and would maintain an active frontage at ground floor level. As such, it is considered the principle to provide replacement retail floorspace is acceptable in terms of its use.

- Residential

6.1.8 The site is located at a town centre location with good access to local amenities and services. Given that there are existing residential units, it is considered that residential use would not be incompatible at this location, subject to the merits and assessments of the proposal in the following sections of this report.

6.1.9 Objections are received concerning the need for more retail units /floorspace and residential flats at this location. Bromley Town centre is identified as an opportunity area with the potential for delivery a minimum of 2,500 homes and an indicative of 2,000 jobs during the plan. The

London Plan was adopted in March 2021 and is a spatial development strategy setting out a framework for how London will develop over the next 20 to 25 years and the Mayor's vision for Good Growth. The principle to provide more retail and residential accommodation would not be contrary to the indicative capacity in Table 2.1 of the London Plan, subject to its conformity of the development plan requirements.

6.2 Housing

Housing Supply

- 6.2.1 The current Bromley's Five Year Housing Land Supply (FYHLS) has been updated since the previous application was determined in March 2021. The current position in respect of Bromley's Housing Trajectory, including the Five Year Housing Land Supply (FYHLS), was agreed at Development Control Committee on the 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications and means that the presumption in favour of sustainable development applies.
- 6.2.2 The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.2.3 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.2.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 6.2.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design-led approach.
- 6.2.6 The proposal would provide 68 residential dwellings and would represent a significant increase in the Council's housing supply. This contribution and weight to be given will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable housing

- 6.2.7 London Plan Policy H4 sets a strategic target of genuinely affordable homes at 50 percent across London and requires that these should be provided on site. London Plan Policy H5 set the threshold approach to applications with an initial and minimum level of 35 percent by habitable room. The Mayor of London's Affordable Housing and Viability SPG (2017) states that applications not meeting the 35 percent affordable housing and tenure threshold are considered under the Viability Test Route and will be subject to an early and late stage review. This should be secured by way of a legal agreement should planning permission be recommended and granted.
- 6.2.8 BLP Policy 2 seeks 35 percent of affordable housing to provide by habitable room with a split of 60 percent affordable rent and 40 percent products should be applied to residential development:
- 1) A minimum of 30 percent low cost rented home, as either London affordable rent or social rent, allocated according to the need and for Londoners on low incomes.
 - 2) A minimum of 30 percent intermediate projects which meet the definition of genuinely affordable housing, including London Living rent and London Shared ownership
 - 3) The remaining 40 percent to be determined by the borough as low cost rented homes or intermediate product based on identified need.

Paragraph 4.6.2 of the London Plan states the appropriate tenure split should be determined through the development plan process or through supplementary guidance.

6.2.9 The current council's agreed local intermediate housing income thresholds were reviewed in March 2018. The upper limit for 1 bed units is £55,000, 2 bed units is £68,800 and 3 bed is £73,400.

6.2.10 The provision of affordable housing tenure is considered to be positive and will carry weight in favour of the development.

6.2.11 A housing delivery and viability statement (July 2021) is submitted which indicates that the provision of 11 intermediate units would generate £3.92 million deficit. The Council's viability consultant has undertaken an assessment and indicates that the scheme would generate a deficit of £2.36 million when benchmarked against a site value of £5.45 million. A sensitivity analysis indicates that the scheme would be viable with a surplus of £0.43 million if market housing sales value be increased by 20 percent in the future. Should planning permission be recommended and in line with the London Plan, development processed under the viability test route is subjected to early and late stage viability reviews which will need to be secured by a s106 legal agreement.

6.2.12 Based on the selected housing tenure by the applicant and viability assessment provided by the Council's viability consultant, the scheme in its current mix and tenure would not be able to provide more intermediate unit on viability ground.

- *Whether the proposed affordable housing product is acceptable*

6.2.13 The applicant considers that the proposed affordable housing product is appropriate for the following reasons:

- **Intermediate Need:** The provision of new Shared Ownership housing will provide housing for the growing number of households who are unlikely to be eligible for Affordable Rented Housing but who are unable to access private sale housing due to large deposit and mortgage repayment requirements (i.e key workers and/or first-time buyers). It will also contribute to meeting the Council's objectively assessed need for affordable housing of which only a small proportion was met between 2015 and 2018 (MHCLG).
- **Balanced Community:** The provision of new Shared Ownership housing will assist in creating a more mixed and balanced community in an area with a higher proportion of existing social rented housing than existing intermediate housing (c.1%). This is supported by the London Plan (2021).
- **Practical Feasibility:** The need to accommodate separate servicing and management arrangements means it would not be practically feasible to provide Affordable Rented accommodation on-site.

6.2.14 Officers would point out that there is also a growing number of households requires other lower-cost affordable housing products such as social rent and affordable rent units in the Borough. There is no adequate information submitted to confirm there is a more pressing need

for intermediate units at this town centre location, in the Borough or across London. The London Plan housing target covers the whole borough. There is no information to suggest priority to be given to intermediate units in Bromley. Paragraph 4.6.2 of the London Plan states the appropriate tenure split should be determined through the development plan process or through supplementary guidance. The tenure split in the Bromley Local Plan Policy H2 includes social and affordable rent. Table 13 of the 2017 London Strategic Housing Market Assessment indicates that the net annualised requirement for new home. This table indicates the requirements of affordable low cost rent is higher than intermediate and market units.

Table 13: Final net annualised requirement for new homes 2016-41

	1b	2b	3b	4b+	Total	% of total
Market	10,682	2,043	4,101	6,210	23,037	35%
Intermediate	4,334	3,434	2,409	1,693	11,869	18%
Low cost rent	21,318	5,311	2,462	1,881	30,972	47%
Total	36,335	10,788	8,971	9,783	65,878	100%

6.2.15 Officers note that the provision or inclusion of affordable rent unit would have an impact on the delivery of the scheme such as the overall building cost and sales values. There is no adequate information or justification provided to suggest the site is not suitable to provide any particular affordable housing product.

6.2.16 Furthermore, paragraph 27 of the GLA Stage 1 comment states “*The applicant must also investigate the potential for Mayoral grant funding (and any other available public subsidy) with a view to further increasing affordable housing delivery within the scheme or providing a more acceptable affordable tenure mix*”. There is no information submitted indicates any funding or grant were sought from the GLA or any parties to improve the level and tenure mix of affordable housing. As such, it is considered that inadequate information is submitted to demonstrate the maximum level of affordable housing including the appropriate affordable housing produce in line with the London Plan Policy H5 is demonstrated in this instance.

Housing size mix

6.2.17 London Plan Policy H10 states scheme should generally consist of a range of unit sizes. The proposal would provide a mixture of 1 to 3 bed units with a high proportion of non-family units. Given that the site is located at town centre and the proposal would include 5 x 3 bed units, it is considered that the proposed housing size mix would not be unacceptable.

Density

6.2.18 London Plan Policy D3 requires development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity as set out in Policy D2 and that which best delivers the requirements set out in Part D. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. BLP Policy 4 requires housing schemes to respect local character, spatial standards, physical context and density.

6.2.19 The proposal would provide 68 residential units, a net increase of 62 residential units. The proposed proportionate residential density would be 2,982 HRH (164 habitable rooms; Residential GIA 3,999.3sq.m; Retail GIA 558.7sq.m, site area 627sq.m) and would represent a very high density development in the town centre. The difference between the current and previous scheme is tabled as follow:

	Commercial floor space	Residential floor space	Total floor space	Site area	Number of habitable rooms	Proportionate residential density
Previous refused scheme	256.4sq.m	3,703.7sq.m	3960.1 Sq.m	586.25sq.m (627sqm x 93.5% of total floor space)	111	1,893 HRH
Current proposal	558.7sq.m	3,999.3sq.m	4558 Sq.m	549.88sq.m (627sqm x 87.7% of total floor space)	164	2,982 HRH

6.2.20 It is note that the submitted planning statement states that the density of the scheme is 2,616HRH. This is calculated as a pure residential development.

6.2.21 Residential density and proportionate residential density are one of the measures in assessing the proposed scheme. The site is located in a sustainable location within the town centre. The principle to provide a higher density development is supported. The acceptability of the proposed residential density will be assessed in the following sections of the report.

Standard of accommodation

- Internal floor area

- 6.2.22 The space standards for residential development are set out in Table 3.1 of the London Plan and the Government published '*Technical housing standards - nationally described space standard.*' This is supported by the Mayor's 'Housing' SPG 2016 and BLP Policies 4 and Policy 37.
- 6.2.23 The submitted floor plans contain details of furniture and layout plans for each of the proposed units. The plans also indicate the number of occupants that would be accommodated.
- 6.2.24 The internal floor area for each of the studio units between the 5th to 12th floor measures approximately 37sq.m. The proposed plan indicates that each of the studio units are designed with 2 bed spaces and this is inconsistent with the schedule of accommodation which indicates each of the studio units are for 1 person. Based on the layout of the proposed floor plan, it is considered that a minimum of 50sq.m internal living space is required for 2 person accommodation.
- 6.2.25 The proposed plans also indicates that a bath will be installed for each of the studio units, of a size and style identical to other 1 bed, 2 bed and 3 bed units. For 1 person accommodation with a bath, a minimum of 39sq.m internal floor space will be required.
- 6.2.26 New residential units are required to provide built-in storage. There is no built-in storage for the proposed studio unit and a minimum of 1 square metre is required for 1 person and 1.5sq.m is required for 2 person. As such, it is considered that the proposal would provide inadequate internal living space for both 1 and 2 persons. The submitted information also contains inconsistent information as the proposed layout indicates that the units can accommodate 2 persons. The proposed internal living space for the studio units would fall below the minimum internal space standards.
- 6.2.27 The quality of daylight, sunlight and outlook for the south facing units is dependent upon any future redevelopment of the TK-Maxx site being set back. The plan should anticipate future redevelopment of the adjoining site by minimising the number of primary windows directly fronting the boundary and maximising the number of truly dual aspect homes. The plans submitted illustrate an awkward relationship between the 2 buildings. The schedule of accommodation indicates that all the proposed units would be dual aspect. The proposed studio units between the 8th to 12th floors would be sited between two residential units. This layout below is not considered to be a dual aspect unit.



Fig 6. Studio units (Floor 8 to 12)

Daylight and Sunlight

6.2.28 Development Plan policies seek ensure amenity of the future residents and occupants by ensuring adequate level of daylight and sunlight can be provided. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. A daylight, sunlight and internal daylight report is submitted which indicates the proposal would meet the minimum standards.

- Outlook

6.2.29 The site is located at the junction of High Street and Ethelbert Road. Whilst the residential windows on the north and east elevations of the building would be sited along the site boundaries, an acceptable level of outlook would be provided for these windows as these windows would be facing the road.

6.2.30 The residential windows on the west and south elevation of the proposed building would also be sited along or close to the site boundaries. However, the adequacy of the outlook, privacy and availability of lights of these residential windows is heavily reliant on the neighbouring land.

6.2.31 The primary habitable windows of the following units on the third and fourth floor (both south elevations) would be facing and located in a close proximity to the flank wall of the adjacent 4 storey commercial buildings, approximately 2 to 3.4 metres.

Fourth Floor

- Unit A.1.2 (1 b /2 p) a living, kitchen and dining room windows, a bedroom window and private balcony
- Unit A.3.4 (3b / 5 p) a double bedroom window and a single bedroom window

Third floor

- Unit A.3.3 (3 b /5p): a double bedroom window
- Unit A.3.2 (3 b /4p): a single bedroom window

6.2.32 The relationship of the proposed building and the adjacent 4 storey buildings are indicated as follows:



Fig 7. Proposed West/rear and East/front elevations.

6.2.33 Given that these windows are primary windows including a single aspect one bedroom unit, it is considered that the design and layout of the proposal would represent a degree of over-intensive development and would fail to provide an acceptable outlook for the future occupiers.

6.2.34 The MHCLG National Design Guide (October 2019) places an emphasis on social inclusivity in reference to the delivery of a mix of housing tenures. The guidance states that where different tenures are provided, that these should be well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.

6.2.35 The proposed floor plans indicates that the proposed private units would be located from the fifth floor and the intermediate units would be located between the first and fourth floors with primary habitable room windows on the south elevation sited in a close proximity to the adjacent building.

6.2.36 It is noted that the design and quality of the proposed accommodation would not be identical for each of proposed units due to the orientation, siting and floor level of the proposed development. It is also noted that the allocation of housing tenure may be influenced by viability considerations. However, the location of the intermediate units does appear to be located at a relatively less attractive or disadvantaged location when compared with the private units on the upper floors. The

proposed layout is not considered acceptable, in particular with primary habitable room windows sited close to the neighbouring building. The priority to ensure a good quality living accommodation can be provided for all proposed units appears to be less than other considerations.

6.2.37 The residential windows on west/rear elevation of the building would be facing a single storey café, approximately 1.2 metres to its flank wall/rear boundary. Whilst the outlook of the rear windows would not be obscured by the single storey café, the outlook, privacy and availability of lights are depending on the neighbouring land and is not considered to be sustainable in terms of its design, layout and relationship with its surrounding building. It is noted that an indicative plan is submitted which indicates how the current proposal would not be comprising the future development adjoining to the south of the site at No.64, High Street. This information does not include the adjoining property to the south on Ethelbert Road. In the absence of this information and given the close proximity of the residential windows to its rear boundary, it is considered the proposed development would represent an over-intensive development and would be beyond optimising the capacity of this limited site.

Wheelchair unit

6.2.38 The proposal would provide 7 wheelchair user units and is designed to meet the London Plan Policy D7 requirements providing 10 percent of proposed new dwellings to meet Building Regulation requirement M4(3) Wheelchair users dwelling standard. The remaining dwellings should meet Building Regulation M4(2) accessible and adaptable dwellings. Two internal lifts would be provided and would be accessible to all floors. The Council's Occupational therapist officers have reviewed the submitted documents and consider that large scale drawing confirming the wheelchair units would also meet the South East London housing partnership wheelchair homes design guidelines should be secured by a planning condition, should planning permission is forthcoming.

Private outdoor space

6.2.39 The national described space standard, London Plan and Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm. The proposed floor plans indicates that each of the residential units would be provided with a private outdoor space and would meet the policy requirements in terms of floor space.

6.2.40 Table 3.2 of the London Plan outlines the qualitative design aspects to be addressed in housing developments. Criteria V states "*private amenity space for each dwelling should be usable and have a balance of openness and protection, appropriate for its outlook and orientation.*"

6.2.41 The 3 bed intermediate units on the third floor (Unit A.3.2 – 3b/4p and Unit A.3.3 – 3b/5p) would be provided with private balconies and a “winter garden” with an outdoor floorspace above the minimum standards. These spaces are not fully enclosed or fully glazed. The function of these spaces is more akin to private outdoor terraces. The “winter gardens” area would be adjoining to the high flank wall of the 4 storey buildings to the south of the site at No.64 High Street. Due to the orientation and relationship with the adjoining building area, the outlook and availability of lights for these outdoor spaces would be limited. The design and layout of the proposal would represent a degree of over-intensive development and fail to provide a good quality of living environment for the future occupiers.

Child play

6.2.42 London Plan Policy S4.B Play and informal recreation sets out the requirements for development that are likely to be used by children and young people should:

- 1) increase opportunities for play and informal recreation and enable children and young people to be independently mobile
- 2) for residential developments, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of playspace should be provided per child that:
 - a) provides a stimulating environment
 - b) can be accessed safely from the street by children and young people independently
 - c) forms an integral part of the surrounding neighbourhood
 - d) incorporates trees and/or other forms of greenery
 - e) is overlooked to enable passive surveillance
 - f) is not segregated by tenure
- 3) incorporate accessible routes for children and young people to existing play provision, schools and youth centres, within the local area, that enable them to play and move around their local neighbourhood safely and independently...

6.2.43 The London Plan supporting text expands on the policy requirements noting that there should be appropriate provision for different age groups (para 5.4.4) and para 5.4.5 advises that Supplementary Planning Guidance provides additional detail on the application of the benchmark figure. Mayoral ‘Play and Informal Recreation SPG’ (para 4.31) highlights the need for open space provision to be genuinely playable in order for it to count towards the play space provision.

6.2.44 Based on the proposed housing mix and tenure, the child yield of this proposal would be 10.9 child and a minimum of 109sq.m child play space is required. The planning statement and design and access statement states that the child play space requirements can be accommodated on the 13th floor roof terrace. The design and access statement states “*the*

roof terrace offers a private outdoor amenity space for residents.... The roof terrace provides a combination of dining areas and flexible spaces that could be used for activities such as yoga classes, other sports or as a stage for small children's theatre shows. The living roof will contain wildflower mixes, which provide a large biomass with a range of plant species, offering biodiversity in flowers, habitat and food sources for a variety of local fauna."

6.2.45 The revised floor plan indicates the proposed roof top terrace on the 13th floor would measure 151sq.m in total, which includes an area of green roof approximately 108sq.m and an area of permeable paving approximately 42.3sq.m. However, the use of the roof terrace spaces is not defined on the proposed plan. It isn't therefore clear that the roof spaces can fulfil the range of uses as suggested in the submitted statement nor provide any positive environmental values. The proposed roof terrace would be located adjacent to a residential unit on the same floor. Whilst a winter garden would be located outside the windows of the affected unit, the design and layout indicate the proposal would give rise to privacy issues to the adjacent unit. It is noted that screening could be introduced to resolve the privacy issue. However, the introducing of a screen could give rise to other residential amenity issues such as outlook, enclosure, lights and whether the unit should be considered as a single or dual aspect unit. Furthermore, the proposed elevation plan indicates that the roof terrace would be secured by a 1.15 metres wall. At 13th floor, an adequate roof guardrail would be required to ensure the safety of all users.

6.2.46 The proposal would introduce a significant number of additional residential units within a confined site. The location of play space would give rise to privacy issues to its adjoining residential unit and should be located at a location where an acceptable level or good degree of level of passive surveillance and servicing can be provided. It is not uncommon for child play spaces to be located above ground level in modern development. However, the child play area should be located at a location where an acceptable level of natural surveillance can be provided without causing amenities issues. The design and layout of the proposal should also ensure a safe and secured environment can be provided. As such, it is considered that the location and layout of the proposed roof terrace would be inadequate and would not provide a good quality child play space for the future occupiers. The success of this space would be dependent upon detailed design which should include a sunlight/shade study informing the location of the children's playspace and seating areas, suitable wind mitigation measures, and access for all residents, all of which would collectively impact on the usability and appeal of the space.

Secured by Design

6.2.47 London Plan Policy D3 states measure to design out crime should be

integral to development proposals. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design). The design out crime officer was consulted, and no objection was raised, subject to minor modification and is recommended a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

Fire Safety

6.2.48 London Plan Policy D12 states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. Matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole. A Fire statement has been submitted. From 1st August 2021, Health and Safety Executive (HSE) is a statutory planning consultee for buildings containing 2 dwellings of a height 18 metres (7 storeys) or more. London Plan Policy D12 states in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required.

6.2.49 In response to the HSE's comment, additional information has been received in relation to (1) the number of people seeking to escape from the roof terrace and from flats on 13th floor; (2) details of a computational fluid dynamic (CFD) analysis to confirm the adequacy of the proposed mechanical smoke ventilation system (MSVS) and (3) risk associated with people seeking to escape from cycle store and possible tailback. The HSE have been re-consulted. Any further comments received from the HSE will be reported verbally at committee.

6.3 Design

Layout of the retail floor space

6.3.1 The existing shops are occupied by three individual retail uses. It is noted that the proposed replacement commercial floor space is designed to maintain its shopping function. The proposed commercial layout is influenced by the size of the application, policy requirement to maintain an active frontage, relationship with the adjacent 4 storey building (TKMXX), policies requirements to accommodate new residential units.

- 6.3.2 The submitted planning statement states that “*the layout of the retail has been designed to accommodate a range of occupiers with servicing and back of house to the rear*”. The submitted schedule of accommodation indicates that the proposed retail floorspace would be arranged into three units (Unit 1 to Unit 3) over three floors. However, the proposed floor plans indicates that one internal lift would be provided and would be sited away from the front and rear doors associated to the retail floorspace. It is unclear whether the internal lift would be a customer or service lift and whether the upper floor would be accessible by the members of the public. Given that the layout and size of retail floorspace, it is also unclear how the proposed layout can accommodate a range of occupiers as a large retail unit or three retail units to be located on each floor.
- 6.3.3 Whilst the proposed retail accommodations can be accessed from the rear, via a disabled parking space and a set of internal commercial stair to the shop unit, the proposed layout indicates that the existing rear yard servicing the shop would be removed. The layout also indicates that servicing and delivery would be heavily reliant upon the front of the shop due to the access constraints from the rear. Para 2.7.7 of the London Plan relates to the location, design, type and level of fit-out of commercial uses. It states “*They should have flexible layouts with few columns or risers, be of a suitable depth to be able to accommodate back-of-house functions and have adequate floor-to-ceiling heights. Units should be weather-tight and partially fitted-out, such as with toilets, kitchenettes, heating and services, to make them commercially attractive to potential occupiers, before residential units are occupied. A range of unit sizes should be provided, to ensure that town centres can provide floorspace for both large and small occupiers, and to support the diversity, vitality and vibrancy of town centres*”.
- 6.3.4 Due to the size of the application site and relationship with the adjacent building, commercial floor spaces would be introduced on the first and second floor. It is unclear how the spaces could function as a single or multiple retail units with one lift and stair. The proposal layout appears to be less attractive than the existing without an option to service the shops from its existing rear yard. Overall, it is considered that the design and layout consideration of the proposed commercial floorspace would be less attractive than the existing layout of the building. The proposal would fail to provide an inclusive environment for all users, providing an attractive replacement retail floorspace to meet the operational needs of the future retail occupiers, contrary to Policy 37 BLP and Policy D5 of the London Plan.
- 6.3.5 Furthermore, the extent of the commercial floorspace provision has resulted in one residential unit sitting alone in isolation on Levels 1 and 2, this arrangement is not conducive to social integration and would do little to foster a sense of community for future residents. The occupants of these units would reside in relative isolation detached from the benefit of incidental interaction associated with communal living.

Principle to optimise development and introduction of a taller building

- 6.3.6 Bromley Town Centre is a Metropolitan Town Centre and is designated as one of the opportunity areas in the London Plan. London Plan is a spatial development strategic, and the current London Plan sets out a framework for the development of London over the next 20-25 years. Table 2.1 under London Plan under Policy SD1 sets an indicative development capacity for 2,500 new homes and 2,000 jobs in Bromley.
- 6.3.7 The site is located within part of an identified area (Site 10 in BLP) which have the potential for significant change and development to provide new or intensified town centre uses. The principle to intensify the use of the site is therefore supported.
- 6.3.8 London Plan policies D3 to D4 focus on design-led approach and a master plan. Master plans and design code should be used to help bring forward development and ensure it delivers high quality design and place-making. Development referable to the mayor must have undergone at least one design review early on in their preparing before a planning application is made or demonstrate that they have undergone a local borough process of design scrutiny in line with part E of Policy D3. Paragraph 3.4.8 of the London Plan states *“For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in Policy D6 Housing quality and standards. The higher the density of a development the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design and ongoing management. This is important because these elements of the development come under more pressure as the density increases. The housing minimum space standards set out in Policy D6 Housing quality and standards help ensure that as densities increase, quality of internal residential units is maintained.*
- 6.3.9 BLP Policy 47 states proposals for tall and large buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout enhance the character of the surrounding area. Tall and large buildings will need to be of the highest architectural design quality and material and be appropriate to their local location and historic context, including strategic views. Proposals for tall buildings will be required to follow the current Historic England Guidance.
- 6.3.10 An earlier scheme was refused in March 2021 (ref: 19/04588/FULL1) with a building height reduced from 16 storey to 12 storeys at decision making stage. The context of the refused scheme is illustrated as below

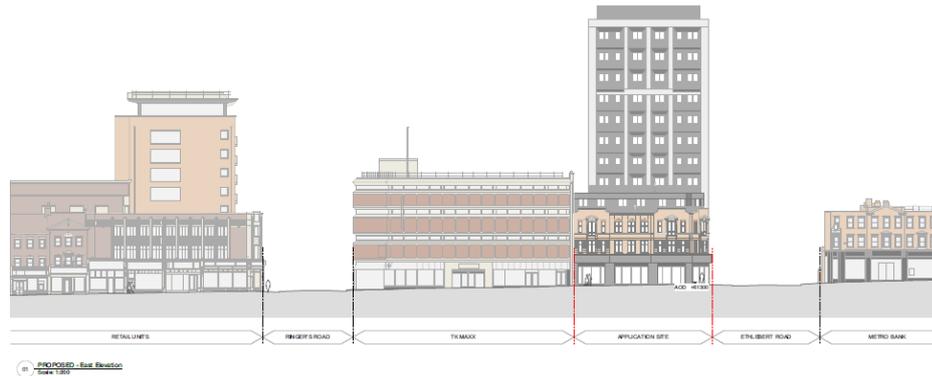


Fig 8. – East / High Street Elevation of the previous refused scheme reduced from 16 to 12 storeys.

6.3.11 The current scheme is reverted back to its original form at 16 storeys. There is no further design review or pre-application consultations carried out which demonstrates how the current scheme would adequately address the previous reasons of refusal or address the issues raised in the previous design review. The loss of the existing buildings and the introduction of a completely new and incompatible building typology abutting the High Street was considered to be harmful to the setting and views out of the Conservation Area, as well as to the overall townscape and street scene of Bromley High Street itself. The key design review comments associated to the original submission (16 storey) in the previous refused scheme are as follows:

- Townscape character

The proposal fails to appreciate or respond to the prevailing townscape character of Bromley Town Centre and High Street area, where there is a clear and characteristic pattern of lower building (3-4 storey generally) fronting the High Street, with taller buildings set further back, often to a rear block. The proposal was considered to be harmful to the townscape character and qualities of the conservation area. The site located immediately outside the Conservation Area, the building will dominate the Conservation area including the visual attention from within the Conservation Area.

- Existing buildings

The existing buildings has a role in terms of its character and quality of the existing High Street in either townscape terms or in terms of their potential role in history of the town centre. Whilst the buildings are not protected or in conservation area. The existing building forms part of its setting, as well as a “gateway” relationship of the existing buildings with those across the street in the north (to Ethelbert Road), makes a strong case for their retention. The buildings provide an attractive and highly legible remaining example of the inter war 20 century architecture of Bromley town centre.

- Comprehensive master plan for wider site area

As a minimum it would be reasonable to expect an indicative master plan to be provided for the possible longer-term redevelopment of the applicant's adjoining land holdings. i.e. including the TK Maxx building site next door and show how the immediate details application would form a first phase of this. In order to understand how further development could happen on the balance of the sub-block, an overall indicative masterplan for the future development of the adjacent land (Salvation Army etc) would also be a useful tool in order to demonstrate that there would be no future adverse impacts on this site from the proposed scheme. The lack of such a masterplan, even at a concept level, leaves too many questions unanswered and makes planning decisions more difficult.

- The proposed building

The proposed building is 16 storey high and would be taller than any other buildings on or close to the High Street, including those potentially proposed for the Churchill Garden sites. The demolition of the existing building is not justified. The scheme proposes a tall building which almost entirely fills its site and rises directly from the street frontage with no setback or amelioration of the visual impact of such an intrusion. There is no response to the prevailing townscape character of lower forms along the High Street and taller forms behind.

- Views

The views indicate the building clearly express its potential dominance in the visual and experiential character of Bromley Town Centre from both distance and close up. The distant views show the building often hidden by trees. However, this should be revisited in winter when the scenes are less green. There are a significant number of distance locations from where the proposal would be highly visual and over dominant.. The closer views from within and towards the Conservation area are more marked, with the building becoming a strong central element in views looking south along the high street from inside the conservation area. The building appears to be more massive as it is located on higher ground and the view is looking directly at the long elevation which adds to its sense of scale.

6.3.12 A copy of design review carried out by an agreed design consultant associated to the previous refused scheme is attached in Appendix A.

6.3.13 The application site is located at the Town Centre and at a sustainable location. The layout of the previous scheme indicates the south or west facing units are designed to be dual aspects. The floor plates of the current scheme indicates that there are a number of single aspect units

or primary habitable room windows that would be close to its site boundaries to the west and south with a reduced distance when compared with the previous scheme.

6.3.14 It is noted that an indicative plan is submitted in the design and access statement which indicates how the adjacent site (no 64 High Street- TK Maxx building) could be developed in the future, should development come forward. There is no adequate information provided to indicate the overall site relationship with its adjacent site to the rear, including the rear of no.64 High Street. In the absence of this information and given that a proportion of the proposed units and its primary habitable room windows would be sited in a close proximity to its site boundaries, it is considered that the design of the proposed layout is not sustainable and would rely on the neighbouring land to maintain the standard of living accommodation. The quantum of the development would be beyond optimising development leading to excessive development at this limited site.



Fig 9. Indicative plan indicates its potential relationship with No. 64 High Street.

Scale and massing

6.3.15 London Plan Policy D3.D.1 states development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout orientation, scale,

appearance and shape, with due regard to existing and emerging street hierarchy, building types forms and proportions. BLP Policy 37 states all development proposals will be expected to be of a high standard of design and layout. Criteria (a) to (b) states that developments will be expected to be imaginative and attractive to look at, of good architecture quality and should complement the scale, proportion, form layout and materials of adjacent buildings and the area; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.

6.3.16 There are a number of modern building visible along the High Street, from Bromley South Station to Market Square. The predominant building heights facing the High Street are mainly between two and four storeys. There is a cluster of tall buildings located to the south of the Bromley South Railway Station where the ground levels are lower. St Mark's Square is a new mixed-use development with buildings up to 19 storeys. The former Labour club /HG Wells site is replaced by a part 15/part 17 storey mixed use building. The ground levels of these existing tall buildings are lower than the application site and northern section of the Bromley Town Centre. The existing setting, features and characteristics of buildings form part of the urban morphology along the High Street and new development would be expected to reflect the topography of the land and predominant pattern of development along the High Street.

6.3.17 Hanover Place is a contemporary office building with retail shops on the ground floor. Henry's House on Ringer's Road is a 10 storey residential building set back from the High Street and measures approximately 53 metres west from the site and approximately 33 metres from the High Street.

6.3.18 The current scheme would be up to 16 storeys in height of a scale, height and massing significantly larger than the existing buildings and its immediate buildings in the area, including the existing 10 storey residential block, Henry's House and William's House on Ringer's Road. The proposal would create a stark contrast with its surrounding area. The proposal stretches across the full length of the site to a height of 13 storeys with only a minor set-back from the west boundary. The relationship with the adjoining TK-Maxx building to the south appears to be poorly conceived with levels 3 and 4 featuring winter gardens and enclosed inset balconies directly fronting the site boundary. The tight arrangement and overall design approach suggest that the focus is on maximising rather than a design-led and optimising site capacity resulting in several compromises being made in terms of both the relationship with the street and neighbouring buildings and the residential amenity of future occupants. The scale and massing of the proposal does not appear to fit in or positively integrate with the existing context.

6.3.19 The massing of the proposal has been split into 2 'elements' in an

attempt to break down the appearance of bulk. However, there is little visual distinction between these elements with a minimal 3 storey variation in height. As such the scale of the building merges into one dominant 'mass' when viewed from the north and the south, resulting in a visually intrusive form, the unapologetic scale of which would be experienced at both street level and from a wider townscape perspective. At 16 storeys, the proposed development would far exceed the height of existing buildings within the High Street. Contrary to the established urban pattern the building would sit immediately on the High Street with no set-back or lower foreground form to mitigate its townscape impact. The proposed height, scale and massing would negatively impact on the setting of the Bromley Town Centre Conservation Area causing visual harm by dominating views within (as indicated by the townscape views submitted). The overpowering presence would undermine the established character and identity of the High Street.

6.3.20 The site is located away from the transport hubs of Bromley South and Bromley North Stations and is not considered to mark a key threshold in terms of civic or cultural land use. This function is already fulfilled by the Churchill Theatre, the landmark presence of which would be diminished by a building of this significant scale within close proximity. Given the distance from either station the townscape justification for a 'wayfinding' marker is weak and not justified.

6.3.21 The scale and mass of the building would appear prominent from both the north and the south when approach along the High Street as indicated by Views 13, 14, 15, and 16. The building completely fills the view experienced south of Market Square (View 15), notably the building would also sit on higher ground which would further emphasise its height and visual dominance as seen in Views 13 and 16. The images of the views are provided under Paragraph 6.3.35 of this report.

6.3.22 Reference is made to 'aligning with emerging proposals' which include the nearby Churchill Gardens site to the north as part of the justification for a tall building in this location. However, the proposed development for the Churchill Gardens site is currently pending consideration and as such approval and delivery of this scheme cannot be guaranteed. The applicant suggests that the height would be acceptable when read alongside the potential future redevelopment of the adjacent site, however, this cannot be used as a basis on which to justify an intrusive tall building which needs to work as a coherent piece of townscape in its own right, and on its own merits, and cannot be reliant upon future townscape scenarios which may not materialise in order to be deemed appropriate. The fact that such assumptions and comparisons are needed in order to support the current application would suggest that the rationale for the proposed building height is fundamentally flawed. The curved form of the north east corner of the building does little to soften the appearance or mitigate the significant step change scale. As such,

the scale and massing of the proposed development is considered acceptable.

Material palette

6.3.23 Tall buildings should be grounded in their context with a clear narrative informed by local character and identity particularly those which form part of an established characterful street frontage and the setting of the conservation area. The use of mixed tone buff red brick is not considered unacceptable, as is the GRC banding to mark the commercial units at street level also expressed in the balconies above. However, a building of this scale would benefit from a greater level of architectural detailing using variations of string/soldier course brickwork and/or corbelled detailing with careful consideration given to window reveals to avoid the appearance of flat featureless facades. It is considered that the design and choice of material palette is monolithic, lack of referencing local design features, characteristics and identity.

Skyline and visual impact

6.3.24 There is no strategic view identified in the London Plan. The relevant local views, landmarks and major skyline ridges are identified in the BLP as follows:

- View: View of Keston Ridge from southern section of Bromley High Street.
- Landmark: Churchill Theatre and Library (View 16).
- Major Skyline ridges: Keston Ridge.

6.3.25 Diagram 4.3 of the BTCAAP also identified the following relevant key views

- Church House Gardens and Library Gardens
- View beyond the south of the railway line



Fig 10 Key views in BTCAAP

6.3.26 A total of 19 viewpoints are outlined in the heritage visual and impact assessment. View 2, 3 and 11 would be visual from its viewpoint. Due to the siting of the building and curve of the High Street, the view towards Keston Ridge would not be affected.

6.3.27 Visual impact assessment provides an analysis of the potential visual impact as a result from a proposed development. The applicant considers that the visual impacts of the proposal would fall under the categories of no effect, negligible, minor- beneficial, moderate beneficial or major beneficial. There are no negative impacts identified from the selected viewpoints.

6.3.28 London Plan Policy D9.C requires development to address the visual impacts which states:

- i) long-range view – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views.
- ii) mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, portions and materiality
- iii) immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.

6.3.29 The following views are considered to be mid to long range view.

6.3.30 View 12 is a wireline image. The proposed building can be seen as the most prominent building along the slope, from Bromley South Station. There is a degree of unity in terms of building height facing the High Street between 2 to 5 storeys. Hanover building is around 5 storeys in height and is located on a higher ground level than Bromley South Station. The proposed building will be located on a higher ground level than Hanover building and would be up to 16 storeys facing the High Street. The proportion of the proposed building does not follow the established pattern as shown in this view point. The proposed building would also compete with the Churchill Theatre building with a large massing appears to be over-dominating the High Street. The visual impact is considered to be high and does not positively contribute or enhance the existing street scene.

- 6.3.31 View Point 13 and 14 are a closer render views of the High Street. These images show the proportion of the proposed building would be nearly 4 times higher than the adjacent building. The projecting length also expands the bulkiness of the building with a monolithic appearance when viewed from these viewpoints. There is a lack of connection with its surrounding setting, including the adjacent conservation area to the north. The proposal would have a negative impact to its setting and skyline.
- 6.3.32 View 15 and View 16 are views from and within the BTCCA. These views indicate that a traditional development pattern is maintained with the lower element facing the High Street. Whilst the ground level of the site is lower than view point 15 and 16, the close-up view 16 shown is a monolithic building block and due to its siting, the building immediately adjacent to the Conservation Area appears to enclose the views out of the conservation area. The proposed building also appears at odds and appears to intrude the skyline. It is noted that an indicative wireline image of the neighbouring site is provided as cumulative impact. It should be noted that the image is on an indicative basis as there are no further applications received or being processed. The proposal would have a negative impact to its setting and skyline.
- 6.3.33 View 19 shows the middle to top portion of the proposed building and the ground level is lower than the site. This image shows the rear elevation of the proposed building would step down by storey. However, bulk of the proposed building also indicates the proposal would over-dominant in the view with steps rising higher into the sky. The monolithic appearance and a lack of appreciation of the site topography and its setting does not positively contribute to its surroundings.
- 6.3.34 The following views are immediate to mid-range views.
- 6.3.35 View 17 and 18 shows the immediate views from the surrounding streets and mid-range. The base of View 17 indicates an active frontage would be maintained at ground level. The proposed building presents a significant contrast with its adjacent buildings and does not appear to maintain a pedestrian scale. This is exacerbated by the proposed building being sited close to its site boundaries. The proportion of the building does not appear to integrate with its immediate sitting and would over-dominates the scale scene. Furthermore, part of the rear/west elevation of the proposed first floor and second floor would be blank due to its requirements to provide plant/utility related rooms to support the proposal. Given the adjacent building is a single storey café, this element would appear to be an unattractive façade and does not positively contribute to the local townscape.

Mid to long range view	
View 12	
View 13	
View 14	

View 15



View 16



View 19



	Immediate to mid-range
View 17	
View 18	

6.3.36 The visual assessment indicates that the proposal would have a harmful impact in terms of its immediate setting with its adjacent buildings, setting of the conservation area and skyline. In view of the site allocations and housing delivery requirements in the development plan any harm arising from the proposal should be weighed against the planning benefits of this proposal.

6.4 Impact on Heritage Assets

6.4.1 The site is located within an Archaeological Priority Area in the Bromley Local Plan. The existing buildings are not listed, and the site is adjacent to the Bromley Town Centre Conservation Area (BTCCA) which was first designated in 1985 to manage and protect the special architectural and historic interests of Bromley Town Centre.

Archaeology

6.4.2 The site is located within an Archaeological Priority Area. A desk-based archaeological assessment report is submitted and has been reviewed by Historic England (Archaeology). The assessment indicates that there is no discernible on-going archaeological interest with this site. Historic England has advised that no further assessment or conditions would be necessary, and no objection is raised. As such, it is considered that the proposal would not have an adverse impact on archaeological significance.

6.4.3 The following are the relevant heritage assets for considerations:

- Non-designated heritage
- Bromley Town Centre Conservation Area

Whether the existing buildings should be considered as non-designated heritage

6.4.4 The applicant consider that the existing buildings is of limited value in heritage and townscape terms as the building is not listed. The shopfront of the buildings had been altered with additions to the rear. The existing buildings do not have sufficient heritage interest for their significance to be a material consideration in the planning process.

6.4.5 The site comprises of a row of three storey terrace buildings. The historic mapping record and the submitted Heritage, Townscape and Visual assessment indicates that the buildings were constructed between 1933 and 1936 to replace a villa. The character and appearance of the existing buildings indicates that the buildings were designed and constructed to mirror the commercial terraced development located to the east side of the High Street and to the north of the site.

6.4.6 Bromley has a rich historical development. The Manor of Bromley was a royal gift to the Bishop of Rochester in 955. The connection of a railway to Bromley South station has fostered the town to expand and develop into an area of middle-class suburbs from 1858. The High Street began to extend south to meet the new Bromley South Railway Station with villas being replaced by commercial premises. The 1920/30s was an important period for Bromley Town, reflecting a time of growth and expansion.

6.4.7 The historic images indicate that the application buildings appear as a group along Bromley High Street. The style, siting, scale and massing reflects the other commercial buildings along the High Street and the immediate buildings to the north of the site. The existing buildings represent a period of town expansion and commercial development in Bromley as illustrated below.



Fig 11. No. 70 High Street – towards south on the left and towards east to the right.

6.4.8 The existing buildings are fully decorated with a consistent and attractive brick pattern, stone elements and curved parapet wall. The design and style of the buildings is unique and appears to mimic some of the listed buildings that can be seen in the Conservation Area. The second floor windows are also decorated with architrave and pedimented windows. It is noted that late alterations to the shop fronts and buildings have been introduced. Despite its non-designated status, the principle and original façades, style, character, and appearance of the existing attractive buildings have survived as a group of buildings and marking the historic commercial development and town expansion at this prominent corner of the High Street and Town Centre.

6.4.9 A number of old vernacular properties on the High Street have been demolished and replaced by commercial buildings in the mid to late 19th Century. Some of these include 95- 109 High Street, 157 High Street, 215 to 217 High Street, 81 and 183 High Street and 180 to 184 High Street.

6.4.10 The existing buildings were designed and constructed to turn the corner well and projects a strongly defined frontage to both the High Street and Ethelbert Road. The buildings are decorated with brickwork details in varying bond styles and stone-capped pediments and windows. The building group poses a distinctive building design quality with an attractive façade along the High Street and in the Town Centre. Whilst the buildings are not listed, it should be noted that the existing buildings have a strong visual connection with the conservation area. The existing buildings are three storey in height facing the High Street with unique building design and style. The existing building reflects the setting of the conservation area and the experience along the High Street. The existing buildings make a considerable contribution to the setting, townscape quality and continuity at this prominent junction and to the overall High Street. Due to its design and building quality, character, style and appearance, it is considered that the buildings pose a degree of heritage significance meriting consideration in planning decisions.

6.4.11 It is noted that the Framework test of ‘substantial or less than substantial’ only applies to designated heritage assets and does not apply to non-

designated heritage assets. NPPF Paragraph 203 states the effect of an application on the significance of a non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significant of the heritage asset.

6.4.12 The significance of these non-designated buildings derives from their architectural and illustrative historical interest, which is enhanced as a group of buildings. The proposal would result in a loss of unique and attractive non-designated heritage buildings in Bromley Town Centre. The existing buildings also provide a continuation of the townscape along the High Street which echo the setting of the Bromley Town Centre Conservation Area. It is considered that the demolition of the buildings would be harmful and irreversible. The proposal would also have a significant impact on the setting of its surrounding.

Impact on the Conservation area

6.4.13 Section 72 (1) of the Planning(Listed Buildings and Conservation Areas) Act 1990 states that “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2)3 , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

6.4.14 The application site is located **outside** and to the south of the Bromley Town Centre Conservation Area. A large number of heritage buildings in Bromley Town Centre are registered on the statutory list in the 1950s to 1970s. Bromley Town Centre Conservation Area was first designated in 1985. A list of locally listed buildings is also published on the Council’s Bromley Town Centre Conservation Area statement in 2011. As the site is adjacent to BTCCA, the application of the relevant conservation related planning policies and planning legislation which can be applied to this site is therefore, limited.

6.4.15 BLP Policy 42 states proposals adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area. BLP Policy 41 states conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Proposals for new development will need to preserve and enhance its characteristics and appearance by:

- Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
- Respecting and incorporating in the design existing landscaping or other features that contribute to the character, appearance or historic value of the area; and ;
- Using high quality materials

- 6.4.16 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.
- 6.4.17 Annex 2 of the NPPF defines setting of a heritage asset as: "*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 significances of an asset, may affect the ability to appreciate that significant or may be neutral.* New development can make a positive, negative or neutral contribution or harm to the heritage assets and its setting. NPPF para 206 states "*Local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*".
- 6.4.18 The proposal is adjacent to and lies within the setting of BTCCA. BTCCA encompasses the historic heart of Bromley and covers a large part of Bromley Town Centre. The principal historic route through Bromley is the High Street which forms part of the historic coaching road from London to Hastings. The majority of the statutory and locally listed buildings are mainly 2 to 5 storey in height along the High Street and within the conservation area are between 2 to 5 storey in height. Many buildings with heritage values have survived despite the wars and meeting the need of development.
- 6.4.19 BTCCA can be categorised into different character areas. East Street, West Street, South Street and North street all date from the 19th century. The area consists predominantly of 2 storey buildings. Widmore Road and East Street contain mainly commercial properties and lead to Bromley North Railway Station (open in 1878). North Street, West Street and Queen's Road contain residential properties. This area of Victorian two extension also retains a number of important civic buildings which reflect the transition from market town to suburb.
- 6.4.20 The central (pedestrianised) High Street Character area is adjacent to the application site. The Bromley Town Centre Conservation Area Statement states "*some building in this character area survive from the early 19th century, these tend to be modest two storey structures with tradition detailing. The remaining buildings are a mixture of late 19th century to early and mid 20th century buildings.. The form tend to be two*

and three storeys in height with narrow frontages following traditional building plots with well detailed commercial façade in brick or faience”.

- 6.4.21 The original villa building at the site and some of the buildings along the High Street were replaced with commercial buildings in the mid to 19th century. The traditional grain and pattern of the High Street is retained at the site and in harmony with the setting of the conservation area.
- 6.4.22 There are modern buildings in the past few decades which have emerged both within and adjacent to the BTCCA, including the large scale retail development at the Glades in 1990s. It should be noted that the experience of the Glades shopping centre on the High Street is of the same height and scale as its adjacent neighbouring properties. The built development facing the High Street whilst not in uniform style. However, the buildings generally reflect the context of the market town and existing buildings in its surrounding.
- 6.4.23 The heritage significance of the conservation area is largely derived from the number of high quality historic, listed and heritage buildings which are scattered in Bromley Town Centre and Bromley Town Centre Conservation Area. The spatial development of the town centre and their relationship to each other along the High Street, including the open space within the conservation area both hold a segment of character, appearance and setting of the BTCCA. The presence of the subject buildings reinforces the market town character of Bromley Town Centre and development of the settlement along the High Street.
- 6.4.24 It is noted that the site forms a part of an opportunity area and Site 10 of the BLP. The applicant considered that the proposal *“would be contrasting in its larger massing and modern architectural approach but also contextual through its use of materials characteristic of the Conservation Area, and therefore an enhancement in its change through its contextual approach. The impact of the proposed development is considered to cause no harm to the special interest of the designated heritage asset and where experienced in outward views, one of an enhancing nature, given how it strengthens the urban environment of Bromley Town Centre”.*
- 6.4.25 The proposed part 13/part 16 storey building is of a scale considered to be intrusive and out of context with its adjacent buildings and its surroundings, including the setting of the conservation area. The proposed building would be over 3 times higher than the adjacent commercial building to the south and does not sit comfortably with the adjacent café and church building to the rear.



Fig 12 Proposed North/side (left) and East/front elevations (right).

6.4.26 At the present time, the view south down from the High Street out of the conservation area is terminated by no.76 to 82 High Street (a red brick three storey neo-Georgian building). The proposal would mark a very abrupt end of the conservation area boundary and disrupt the setting and significance of the Conservation Area. Due to the ground level of the site and along the High Street, the proposed building would also punctuate the skyline in a blunt manner. The proposed building is considered to be unsympathetic to its setting and significance of the Conservation Area. This is illustrated in View 16 of the Heritage, Townscape and Visual and Impact Assessment.



Fig 13. View 16 for the Heritage, Townscape and Visual and Impact Assessment.

6.4.27 The Council's conservation officer has raised objection to the proposal and considered that the proposal will overwhelm and impair views of the adjacent conservation area which has a modest market town character. The existing buildings have some good traditional and architecturally rich quality and is therefore considered to be a non-designated heritage asset. The Government guidance on the Historic environment says:

“In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on

planning applications..... Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets."

6.4.28 The Council's conservation officer has advised that paragraph 196 of the NPPF and guidance's from Historic England - the Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) are relevant in assessing the application and arriving at his view the proposal would amount to the less than substantial harm to the setting of the Conservation Area and substantial to the non-designated heritage asset.

6.4.29 Historic England have advised that the proposal would cause harm to the Conservation Area's Significant through development within its immediate setting as a result of its overly-dominant presence on the southern section of the High Street and start visual competition with the modest market town Character of the Conservation area. The comment is outlined as follows:

- *Significance*

The application site is located on the south west corner of the junction of the High Street and Ethelbert Road, immediately to the south of the Bromley Town Centre Conservation Area. The existing brick buildings on the site date from the 1930s and are a good quality example of a contextual High Street commercial terrace. Visual interest is created through the overall composition of the terrace, with no.68 slightly recessed, and through the use of detailing and ornament, such as the Classical-style stone dressings to the windows of no.66 and 70. In our view, these buildings constitute a non-designated heritage asset and positively contribute towards the setting of the Bromley Town Centre.

The Bromley Town Centre Conservation Area forms the historic heart of Bromley, containing a wide range of historic buildings dating from the 17th century to the present day. It was first designated in 1985, originally focussed around the historic core of Market Square and the north part of the High Street, with subsequent extensions enlarging the boundary. Although much of the wider town centre has been subject to large-scale redevelopment, the conservation area is relatively well-preserved and retains a strong historic fine grain layout and market town character with predominant building heights of 2-5 storeys. The High Street forms part of the central spine of the Conservation Area along the historic route from London to Sevenoaks. The Churchill Theatre and Library was constructed in 1977 and is a landmark building within the conservation area reflecting its civic function.

- *Impact*

The proposals would result in the demolition of existing buildings on the site that are of local heritage value and make a positive contribution to the local townscape and setting of the Bromley Town Centre Conservation Area. The proposed tall building would also impact on the setting of the Bromley Town Centre Conservation Area as a result of its height, scale and massing, which would dramatically contrast with the established character and predominant scale of buildings within the conservation area. This impact has been assessed as part of the Heritage, Townscape & Visual Impact Assessment (Iceni, July 2021). Views 13 (Junction of Ravensbourne Road & High Street), 15 (South of Market Square) and 16 (Outside Churchill Theatre) demonstrate that the proposed tall building would dominate in views along the High Street, creating a stark contrast to the predominantly low-rise buildings within the Conservation Area boundary. We recognise that the Regent's Place and St Mark's Square developments, both located some distance to the south of the application site already present a moderate visual impact in these views. However, due to its height and much closer proximity, the proposed 16 storey tower would significantly increase this impact.

- Policy

National Planning Policy is set out in the Government's National Planning Policy Framework (NPPF). It includes the following paragraphs of direct relevance to this case:

Paragraph 190, which states that local planning authorities should take account of: 'the desirability of new development making a positive contribution to local character and distinctiveness.'

Paragraph 199, which states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'

Paragraph 200, which states that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

Paragraph 202, which states that that 'less than substantial harm' to the significance of a designated heritage asset 'should be weighed against the public benefits of the proposal'.

Paragraph 203, which states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application' and that 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the

heritage asset.'

- *Position*

On the basis of the submitted information, Historic England is of the view that the proposed development would cause harm to the significance of the Bromley Town Centre Conservation Area through development within its setting. The over-dominant scale and massing of the proposed tall building would visually compete with the modest market town character of the Bromley Town Centre Conservation Area.

The degree of harm caused to the significance of the Bromley Town Centre Conservation Area would be 'less than substantial' in NPPF terms. Nonetheless, in determining this application, your Authority should give great weight to the conservation of the conservation area (as a designated heritage asset) 'irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' (NPPF Paragraph 193). Your Authority should also consider whether the harm we have identified has been clearly and convincingly justified in accordance with NPPF Paragraph 194, and appropriately balanced by the delivery of public benefits in accordance with NPPF Paragraph 196.

6.4.30 In view of the siting, scale, design, setting and its relationship with its surroundings, including the responses received from the planning consultees, it is considered that the loss of the non-designated heritage building would be harmful to a significant degree. The impact on the setting of the conservation area would mount to "less than substantial" as defined by the framework and great weight should be attached to the harm to the existing building, setting and significance of the Conservation Area.

6.5 Impact on neighbouring amenities – Acceptable

o Sunlight and daylight

6.5.1 Development must also not result in an unacceptable material deterioration of the daylight and sunlight conditions of surrounding development. Nor should the development result in an unacceptable level of overshadowing to its surrounding. The levels of artificial light, odour, noise, fume or dust pollution during the construction and life of the development must also be assess

6.5.2 The windows associated to the following neighbouring residential properties are tested:

- William House, Ringers Road
- 1-49 Henry House, Ringers Road
- No. 33 to 36 Ethelbert Close

6.5.3 The report indicates that no, 33-36 Ethelbert Close and Henry House would experience some daylight reductions that go beyond the BRE criteria. However, the relative reductions are less than 30 percent reduction and is not consider uncommment within an urban context. The proposal would meet the sunlight requirements.

6.5.4 Overall, it is considered that the proposal would not have an adverse impact on the neighbouring properties in terms of the loss of sunlight and daylight.

- Outlook and privacy

6.5.5 The site is located approximately 48 metres to the flank wall of Henry's House and 54 metres to William House on Ringer's Road. The site is located approximately 27 metres from the rear wall of No. 35 and 36 Ethelbert Close. Given that the site is located within a town centre and due to these distances, it is considered that the proposal would not have an adverse impact in terms of loss of outlook and privacy.

- Overshadowing

6.5.6 The BRE guidelines state that for an amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on 21 March. There are no public amenity spaces, which are relevant for detailed sun on ground overshadowing assessment to the north of the proposed development.

- Wind assessment

6.5.7 The Wind Microclimate Assessment considers the likely effects of the proposed development on the local wind microclimate within and around the application site. In particular, it considers the potential effects of wind upon pedestrian comfort and summarise the findings of a wind tunnels testing existing.

6.5.8 The result indicates that the immediate streets surrounding the site would remain being suitable and acceptable for the pedestrian and no mitigation measures would be required.

6.6 Transport and Highways – Acceptable

Access

6.6.1 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensue that it is not significantly adversely affected.

6.6.2 Ethelbert Road is a one-way road with marked on-street parking and disabled parking spaces. The vehicular access to the proposed residential disabled parking spaces to the rear of the proposed building

will be via an existing service corridor from Ethelbert Road. Whilst a transport assessment including swept analysis is submitted which indicates vehicles can leave the site in a forward gear, the Council's highway officers have advised that the manoeuvring space in front of parking bays must be 6 metres wide. There are columns along the access to the proposed parking spaces which would cause difficulty for drivers to access and exit the spaces in a safe and convenient manner.

Retail parking provision

- 6.6.3 The site has an excellent public transport accessibility rating and car free development is supported at this location and would comply with London Plan Policy T6.3.

Residential parking provision

- 6.6.4 Table 10.3 of the London Plan indicates residential development with a PTAL of 6 should be car free. The submitted transport statement states that as part of the proposal and to mitigate the demand for parking, the following would be provided for each of the proposed residential units:

- Two years free car club membership per dwelling;
- Twenty free car club driving hours per dwelling;
- Rights to apply for residents parking permits be removed;

- 6.6.5 Officers consider that car-free development should be the starting point for development located in the town centre and that is well-connected by public transport. In view of the new London Plan Policy requirements and the proposed mitigation measures, it is considered car-free development should be supported.

Residential disabled parking provision – unacceptable

- 6.6.6 London Plan Policy T6.1.G states disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

- 1) ensure that for three percent of dwellings, at least one designated disabled persons parking by per dwelling is available from the outset.
- 2) demonstrate as part of the parking design and management plan, how an additional seven percent of dwellings could be provided with on designated disable person parking space per dwelling in the future upon request as soon as existing provision is insufficient This should be secured at planning stage.

- 6.6.7 The proposal would provide 7 wheelchair units and 3 disabled parking spaces would be provided from the outset which would satisfy the first part of the policy requirement. The Council's highway division have advised that no information is provided to demonstrate or justify how the remaining spaces could be accommodated within the site or at any

acceptable location. Due to its compact layout and scale of the development, it is considered that the proposal would fail to provide adequate disabled parking spaces for the wheelchair units. The absence of this information also indicates the scale of the proposed development is excessive at this confined site.

Electric charging point

6.6.8 London Plan Policy T6.1.C relates to electric charging point which requires 20 percent of the spaces be installed with active charging facilities and the remaining be installed with passive. One active and two electric charging points would be provided and would meet the policy requirements.

Cycle Parking

6.6.9 London plan Policy T5 states proposal should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Appropriate levels of cycle parking should be secured and designed in line with the London Cycling design standards. Table 10.2 of the London Plan sets the minimum long stay and short stay cycle storage requirement for new development.

	Long Stay	Short Stay	Minimum requirement in total	Proposed spaces in total
Non-food retail above 100sq.m	First 1,000sqm: 1 space per 250sq.m	First 1,000sqm: 1 space per 125sq.m. Thereafter: 1 space per 1,000sq.m (GEA)	8	8
Residential	1 space per 1 person dwelling. 1.5 spaces per 2 persons 1 bed dwelling. 2 spaces per all other dwellings	5 to 40 dwellings: 2 spaces. Thereafter: 1 space per 40	142	142

Table 7. Cycle storage requirements

- 6.6.10 A total of 142 residential and 8 commercial cycle storage spaces would be provided within the site. The residential cycle storage would be located on the second floor with a dedicated bicycle lift. The cycle storage area is also accessible by the residential flats. As such, it is considered that adequate cycle storage would be provided.
- 6.6.11 The Council is currently working with Transport for London proposing to make a number of improvements to the cycle and walking routes (Quietway) between Lower Sydenham and Bromley Town centre. The Council's highway division have advised that a planning obligation of £20,000 towards cycle and pedestrian route improvements should be secured by a s106 legal agreement should planning permission is recommended.

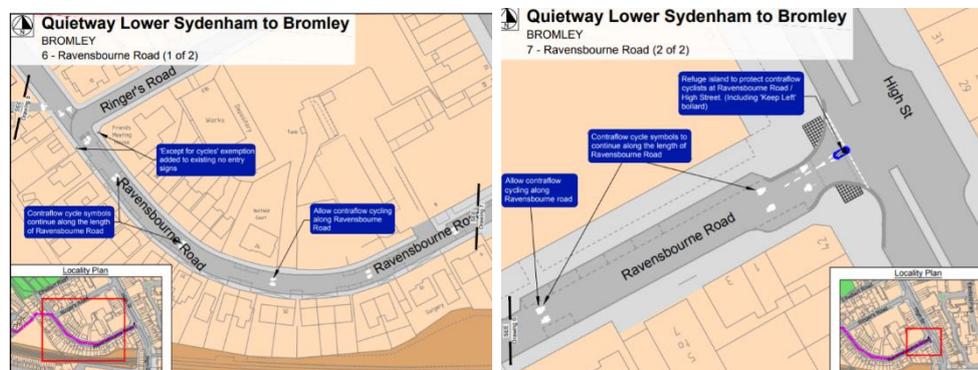


Fig 14. Cycle and walking routes (Quietway) improvement works between Lower Sydenham and Bromley Town centre.

Servicing and delivery – unacceptable

- 6.6.12 Local Plan Policy 30 states for development where problems may arise, the council will normally require off-street/rear servicing facilities. The proposed servicing and delivery arranged for both retail and residential elements would be on-street. The transport assessment indicates that the servicing and delivery for the retail and residential uses would be from an existing loading bay on the western side of the High Street. A loading bay is proposed on Ethelbert Road and located outside the existing parking spaces associated to the adjacent café.
- 6.6.13 The Council's Highway division has commented such arrangement is not considered ideal due to its permitted loading hours which would be limited between 03:00am and 10:00am with a one-hour limit, no return within one hour and no stopping is permitted at any other time except for taxis between 10:00 and 15:00 hours. The proposed new loading bay would be positioned outside the parking spaces of an existing café and the applicant is required explain how this will operate in practice.

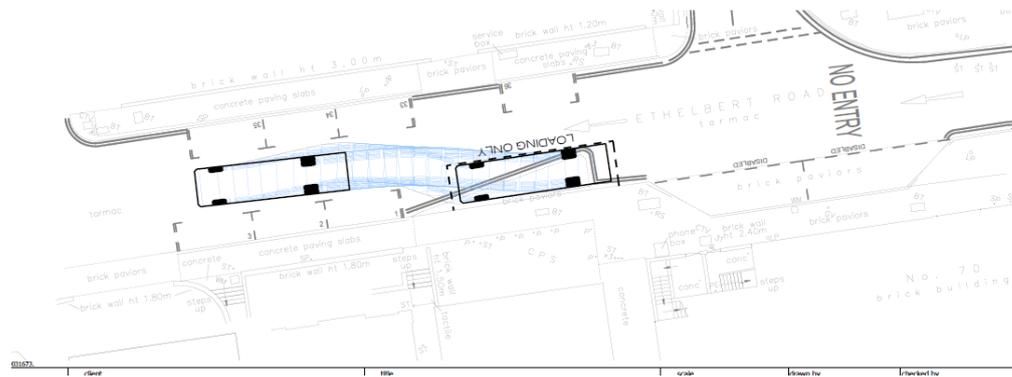


Fig.13. Proposed loading bay

6.6.14 In response to the Council's highway comment, the applicant considered that the proposed loading bay could be limited to certain hours of operation to maintain access to the café. The applicant consider that this provision would also facilitate deliveries and servicing for the café. Officers consider that the location of on-street loading bay should take into account the existing access arrangement of the neighbouring properties. These suggestions to limit the existing use of the neighbouring properties and relying on on-street arrangement to accommodate the proposal is not considered sustainable.

6.6.15 An alternative suggested solution is proposed by the applicant which would result in the loss of an existing on-street parking space located outside the Bromley Town Church. It is noted that this existing parking bay has a parking restriction of 5 minutes with no return within an hour. The existing parking space is located outside an existing church and is located near to the pedestrianized part of the High Street. The alternative suggested solution would result in a loss without adequate replacement. As such, it is considered that the alternative suggested solution and reliance on on-street provision to accommodate the proposal is not considered appropriate.

6.6.16 It is noted that the site is located in the Town Centre and there is existing on-street loading bays located on Elmfield Road approximately 30 metres from the site on the eastern side on High Street. Having considered the existing layout of the site, the scale of the proposed development, the traffic conditions of the surrounding roads and in the absence of information confirming how the proposed loading bay could operate in front of the existing café or the removal of an existing parking bay could be adequately replaced in the town centre, it is considered that the proposal would fail to demonstrate adequate servicing and delivery can be provided, contrary to BLP Policy 30.

Waste storage – unacceptable

6.6.17 BLP Policy 113 states major development proposal will be required to implement site waste management plans to reduce waste on site and manage remaining waste sustainability. New development will be

required to include adequate space to support recycling and efficient waste collection.

6.6.18 Commercial waste storage areas would be separate from the communal residential storage area and would be located on the ground floor. A communal residential storage area accommodating 13 x 1100 litre non-recyclable waste would be provided and would meet the waste storage requirements for non-recyclable waste. The Council's waste services have advised that an additional 6 x 1100 litre bins, of which 3 x 1,100 litre bins for dry mixed recycling and 3 x 1,110 litre bins bottle and plastic should be provided. In view of the compact layout of the proposal and the number of the proposed residential units, it is considered that the proposal would fail to provide adequate residential waste storage to meet the needs of the future occupiers, contrary to BLP Policy 113.

6.7 Biodiversity

Protected species

6.7.1 BLP Policy 72 states planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigation measures can be secured to facilitate survival, reduce disturbance, or provide alternative habitats.

6.7.2 This town centre site is occupied by built development and there is no soft landscaping or features that exist within the site. The existing buildings including the residential flats area occupied. The site is also surrounded by buildings. The Library Garden is located approximately 64 metres west from the site. A preliminary bat roost assessment including details of building inspections has been submitted which indicates that there is no evidence of any past or current bat occupancy found during the detailed external inspection of the buildings, excluding the top floor. This assessment indicates the external conditions of the building including the ground and first floor have a low potential to support a bat roost. Further potential may exist around the un-accessed chimney base.

6.7.3 Pipistrelle bats are found in urban environments and are one of the common bat species in Bromley which adapted better in urban habitats than other protected species. In line with the Bat Conservation Trust Bat Survey Guidelines, buildings deemed to have low potential would require one dusk emergence together with a pre-dawn re-entry or automated survey at the optimal time of year (between May and August) to provide confidence in a negative result. The submitted preliminary bat roost assessment also recommended a dusk emergence survey is completed during the bats' active season. Should planning permission be forthcoming, a dusk emergence survey including relevant and appropriate mitigation measures be carried out prior to any work commencing at the site should be secured by a planning condition.

- 6.7.4 Should planning permission be recommended, the RPSB have requested no works should commencement above ground level until the details of a minimum of 10 integral swift nest bricks have been submitted and approved by the Council.

Urban greening and biodiversity net gain

- 6.7.5 London Plan Policy G5.B recommend a target score of 0.4 for developments that are predominately residential. A green roof would be provided on the 13th floor roof terrace. This area would also be used as a child play area. The planning statement indicates that the proposal would achieve a 0.2 urban greening factor, and this would be below policy requirements. Neither the details of the proposed green roof type nor its calculations have been provided, and no justification provided for the low score. As such, it is considered that inadequate information has been submitted and the proposal would be contrary to London Plan Policy G5.
- 6.7.6 London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secured net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. No information submitted enabling an assessment of biodiversity net gain for on-site or offsite provision. As such, it is considered that inadequate information has been submitted and the proposal would be contrary to London Plan Policy G6. The Environment Act passed in November 2021 also supports the need for net gain.

6.8 Energy and Sustainability - Acceptable

- 6.8.1 BLP Policy 124 and London Plan Policy SI 2 requires major development should be net zero- carbon, reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy

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

A minimum of 35 percent carbon reduction beyond Part L 2013. for residential development is required for major development. Residential development should achieve 10 per cent and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on site, any short fall should be provided in agreement with the borough, either:

- 1) Though a cash in lieu contribution to the borough's carbon offset fund or
- 2) Off-site provided that an alternative proposal is identified and delivery is certain.

6.8.2 The submitted energy assessment indicates that under the "**Be Lean**" category, a range of passive design features would be employed to reduce the heat loss and demand for energy. The measures include building fabric insulation, glazing design and specification, wall insulation, pipework insulation, mechanical and natural ventilation through openable windows are proposed to reduce the carbon emission of the proposed development. These measures would meet the minimum 10 percent requirement for domestic development and 15 percent for the non-domestic requirement as outlined in the GLA energy guidance.

6.8.3 As there is no district network in the area, it is not possible to achieve any carbon reduction under the "**Be Clean**" category at the present time and no carbon reduction can be awarded under this category.

6.8.4 Under "**Be Green**" category, a range of on-site renewable energy technologies including biomass boilers, solar thermal, solar PV panel, ground source heat pumps and wind turbines were considered. It is considered that the use of air source heat pumps and solar panel would be the most feasible option for this site as the development comprises of commercial space which requires active cooling.

Non-domestic element

6.8.5 The energy assessment indicates that the total regulated on-site carbon saving for the non-domestic element would achieve 57.9 percent (5.5 tonnes) carbon saving against Part L 2013 of the Building Regulations Compliant Development. There is a shortfall of 42.1 percent (4 tonnes) and a planning contribution of £ 11,400 would be secured by a legal agreement. The breakdown is as follows:

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 9.5 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/renewables = 5.5 tCO₂ per annum
- On site shortfall = 4 tCO₂ per annum
- Payment-in-lieu amount calculated as 4 (tCO₂) x £95 (per tCO₂) x 30 (years) = £11,400

Residential element

6.8.6 The element would achieve 58.7 percent on-site carbon saving (44.1 tonnes) against Part L 2013 of the Building Regulations Compliant Development. There is a shortfall of 31.3 percent (18.7 tonnes) and a

planning contribution of £ 57,295 would be secured by a legal agreement. The breakdown is as follows

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 59.8 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/renewables = 41.1 tCO₂ per annum
- On site shortfall = 18.7 tCO₂ per annum
- Payment-in-lieu amount calculated as 18.7 (tCO₂) x £95 (per tCO₂) x 30 (years) = £57,295.

6.8.7 The total required carbon offsetting payment of £68, 695 will be secured by a legal agreement. A condition is recommended to secure the carbon saving measures as set out in the energy statement can be delivered. The GLA have requested technical calculations and these information have been provided to the GLA. Any further comments received will be verbally reported.

Overheating

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

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

Water infrastructure

6.8.10 London Plan Policy SI-5 states development proposal should:

- 1) through the use of planning conditions minimise the use of mains water in line with the optional requirement of the building regulations (residential development), achieving mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption).
- 2) Achieve at least the BREEAM excellent standard for the "Wat 01 water category or equivalent for commercial development.
- 3) Incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future proofing.

6.8.11 Thames Water has been consulted and no objection is raised in relation to the impact upon the water network infrastructure capacity, waste water network and sewage treatment work.

6.8.12 Paragraph 69 of the GLA Stage 1 report states that “the proposal has not been demonstrated that the proposed residential units would meet a maximum water consumption of 105 litres per person per day. The applicant should also consider water harvesting and reuse to reduce consumption of water across the site. This can be integrated with the surface water drainage system to provide a dual benefit”. Additional information has been received and any updated from the GLA will be verbally reported.

Whole Life Carbon and Circular Economy

6.8.13 London Plan Policy SI-2 requires a Whole Life Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. London Plan Policy SI7 requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, whilst London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process.

6.8.14 The applicant has submitted a Whole life Carbon Assessment and Circular Economy Statement. Should planning permission be recommended and in line with the GLA recommendation, a post-construction assessment to report on the development’s actual WLC emission and a post-completion report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement would be secured by planning conditions.

6.9 Environmental Issues - Acceptable

Air Quality

6.9.1 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality.

6.9.2 BLP Policy 120 states developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet “air quality neutral” benchmarks in the GLA’s Air Quality Neutral report. London Plan Policy SI-1 also echo this requirement.

6.9.3 The site is within Bromley Air Quality Management Area. A revised air quality assessment is submitted which assess the likely effects of the

proposals on the site and the surrounding area is provided. The assessment indicates the proposal would not have an adverse impact on air quality, except during the construction period. A range of mitigation measures to minimise or reduce dust would be required and implemented. The emission from construction vehicles is not considered to be significant at this location.

- 6.9.4 The assessment has been reviewed by the Council's Environment Health and no objection has been raised, subject to implementation of mitigation measures in line with the submitted construction and management and logistic plan (Nov 2020) and in line with the Council's Control of Pollution and noise from demolition and construction site code of practice 2017.
- 6.9.5 In accordance with the London Plan, all Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or any subsequent guidance. All NRMM shall meet Stage IIIA of EU Directive 97/68/EC (as amended). All construction plant would need to adhere to the emissions standards for NO₂ and PM₁₀ (particles with a diameter up to 10µm) and PM_{2.5} (particles with a diameter up to 2.5µm) set out for non-road mobile machinery (NRMM). Subject to the planning conditions, it is therefore considered the likely effect of construction plant on local air quality would not be significant. Overall, the development is considered acceptable from an air quality perspective.

Noise

- 6.9.6 London Plan Policy D13 agent of change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.
- 6.9.7 A noise impact assessment is submitted which indicates the glazing and ventilation system would be required and employed to provide appropriate internal residential amenity. The predicated noise levels for the external amenity spaces would be predominantly below 55dB when taken into account the balconies screening and are therefore suitable for residential use and would comply with the national policy and guidance. Any external plants associated to the building services and the development would be designed to satisfy the BS4142 guidance.

6.9.8 The Council Environmental Health were consulted and considered an updated noise survey covering weekend hours including the details of existing plants above no. 64 High Street should be secured by a planning condition. The submitted noise impact assessment is based on a number of unknown elements and rely on mitigation measures to be could be secured by planning conditions. Given the site is located in town centre and relationship with its surrounding, it is considered that the detail of insulation between the commercial and retail floor space including the updated noise assessment and external plant details must be submitted prior to commencement of the work it is important to ensure these details are provided prior to any work commence on site. The use of the commercial floor space should be limited to retail only. Should planning permission is recommended, the above would be secured by planning conditions.

6.10 Flooding and Drainage - Acceptable

Surface water drainage

6.10.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI-13 and BLP Policy 116 states development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

6.10.2 The application site is not located in an area at risk of river, sea or surface water flooding as defined by the Environment Agency. The surrounding highway network is subject to low risk of surface water flooding. The surface water runoff rate is proposed to be restricted to 1 litre/second and a minimum of 30 cubic metres of attenuation will be required including the 1 in 100 year plus 40 percent climate change event.

6.10.3 The drainage strategy indicates that a green roof on the 13th floor, permeable paving to the rear of the building and geo-cellular crates with a cubic volume of 30.4 cubic metres would be used to reduce flood risk. The runoff rate would be restricted to 1 litre per second.

6.10.4 The hydraulic calculations split the contributing area across three time steps (0-4, 4-8, and 8-12 minutes). The GLA considered that it would be more realistic for the whole contributing area to be captured within the first 4 minutes due to the nature of the site and rainwater should be harvested and incorporated into the scheme. The Council's drainage officer and Thames Water have raised no objection to the proposal, except conditions to secure the details of the works be implemented and a pilling method statement be provided in consultation with Thames

Water. Should planning permission be recommended, details of hydraulic calculations to be captured within the first 4 minutes, rainwater harvesting, details of the works contained in the drainage report and piling method statement should be secured by planning conditions.

7. Planning Obligations and CIL

CIL:

- 7.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 7.2 The 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.

Heads of Terms – Infrastructure impact and mitigations:

- 7.3 Should planning permission be recommended, the following planning obligations will need to be secured as part of an S106 legal agreement, should permission be granted:
- Energy £ 68, 695;
 - Highway £20, 000;
 - Child play and park maintenance £TBC;
 - 11 intermediate units;
 - Early and late stage affordable housing viability reviews;
 - 2 Year car club members and a minimum of 20 hours of free dwelling time per dwelling;
 - Removal of rights for resident's permit; and,
 - Obligation monitoring fee: £500 per head of terms.
- 7.4 The amount of the carbon off-setting payment required should be confirmed pending further consultation comments.
- 7.5 The Heads of Term have not been agreed at time of writing this report. An update will be updated given at committee.

8.0 Planning balance and conclusion

- 8.1 The Council does not currently have a 5 year housing land supply. The application provides 68 residential dwellings including 11 intermediate dwellings. The financial viability report has been reviewed by an independent viability assessor and they consider the scheme cannot support more than what is offered. This provision would attract a

significant weight as the proposal would contribute to the supply of housing within the Borough in favour of this development.

- 8.2 The site is located at a highly sustainable location. The principle to redevelop the site including the introduction of a taller building and car free development is supported, given that the site forms a part of an opportunity area in the Bromley Town Centre Area Action Plan and Site 10 in the Bromley Local Plan.
- 8.3 The Framework requires the effect of an application on the significance of a non-designated heritage asset should be taken into account, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The setting of Bromley Town Centre Conservation Area is considered to be a heritage asset. The Framework also requires great weight be given to the assets conservation This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.4 Whilst significant weight is attached to the public benefits that could be derived from this proposal, significant weight is also attached to its harm to the non-designated heritage assets and its setting, and the impact on the significance of Bromley Town Centre Conservation Area. The visual assessment indicates that the proposal would appear overly dominant in its local context and the proposal would also punctuate the skyline in a blunt manner, adjacent to the conservation area. The harm would be directly significant and in a permanent in its impact and nature.
- 8.5 Having considered the design, layout, siting, scale and massing of the proposal, it is considered that the proposal would provide an over-intensive development. The proposal would introduce primary windows or single aspect units located close to its site boundaries or neighbouring properties with limited outlook. As part of the allocation site and a standalone building, the reliance of neighbouring land for natural lights and amenities is not considered sustainable.
- 8.6 Insufficient information has been provided to confirm funding has been sought and fully demonstrate low-cost housing should be discounted at this location and cannot be provided to the Borough. Insufficient information is also provided to demonstrate adequate recycling storage facilities, urban greening factor and biodiversity net gain can be provided or accommodated within this confined site.
- 8.7 The replacement retail floor space would maintain an active frontage on the ground floor. However, the retail floor spaces would be provided over three floors and insufficient information is provided to demonstrate the design and layout of the proposal would achieve in inclusive environment for the future customers and occupiers. The reliance on on-street servicing and delivery is not considered sustainable. The layout of the proposal indicates that the disabled residential spaces would require

multiple manoeuvring to access and leave this compact site. The quantum of the proposal as indicated on the proposed floor plates indicates the proposal would be beyond optimising the development potential of this limited site.

- 8.8 The Council's Conservation Officer has raised objection to the revised proposal and considered that the over-dominant scale and massing of the proposed building would visually compete with the modest market town character of the Bromley Town Centre Conservation Area. Non-statutory comments from Historic England also consider that the proposal would have an impact on the significance of the Bromley Town Centre Conservation Area and the harm would be towards the lower end of less than substantial.
- 8.9 In striking a balance between the public benefits that could be derived from this proposal and the harm it would cause as a result of this development, it is considered that the planning permission should be refused as the benefits arising from this development do not outweigh the harm that arises. The suggested reasons to contest the appeal are set out below.

9.0 RECOMMENDATION

- 9.1 RESOLVE TO CONTEST APPEAL Grounds for contesting the Appeal are as follows:

1. Design layout height scale and massing

The proposal by reason of its scale, bulk, massing, design and density would appear as an over-intensive development within a confined site. The proposal would also appear overly dominant, out of scale, context and keeping with the immediate surroundings and High Street location which would create a harmful visual impact and be detrimental to the townscape and would punctuate the skyline in a blunt manner. The introduction of an isolated tall building within the allocated site 10 in the Local Plan and an opportunity area in the Bromley Town Centre Area Action Plan would represent a piecemeal and incongruous development and fail to fully follow the plan-led approach in delivering sustainable development, contrary to NPPF paragraph 11(d); London Plan Policies D1, D3, D4, D7, D9 HC1; Local Plan Policy 37, 40, 42, 47, 48; and BTC 17 and 19 of the Bromley Town Centre Area Action Plan.

2. Heritages

The proposal would result in the loss of a group of non-designated buildings, the introduction of an unsympathetic building would appear out of context, scale and keeping with its surroundings resulting in a harmful and detrimental impact upon its setting, relationship, significance, character and appearance of the Bromley Town Centre Conservation Area, contrary to

NPPF paragraph 11(d), 193, 194,195, 196, 197, 199, 202 and 203; London Plan Policy D3, D4, D7, HC1; Local Plan Policy 37, 40, 42, 47, 48; Policies BTC 17, BTC19 of the Bromley Town Centre Area Action Plan.

3. Housing tenure

Insufficient information has been provided to justify the absence of social or affordable rent provision at this site and fully demonstrate adequate affordable housing tenure can be provided, contrary to BLP Policy 2 and London Plan Policies D1 and H6.

4. Housing standard and quality

The proposed residential accommodation, by reason of its inadequate internal floor space for the studio units, siting, close proximity to its site boundaries and adjacent buildings, design, layout and relationship with its roof terrace would fail to provide a good quality living environment for the future occupiers in terms of outlook, privacy, and single aspect units. The reliance of the neighbouring land for natural lights and amenities is not considered sustainable and would represent a degree of over-intensive development. Insufficient information has been provided to demonstrate adequate child play area and the ranges of uses which could be provided on the 13th floor roof terrace, contrary to BLP Policies 4 and 37, London Plan Policies D3 and D6, London Housing SPG 2016 and London Play and Informal Recreation SPG.

5. Waste storage

The proposal fails to demonstrate adequate residential recycling waste can be provided to accommodate the quantum of residential accommodation, contrary to BLP Policies 37 and 113.

6. Biodiversity

Insufficient information has been provided to demonstrate the proposal would achieve the required urban greening factor and biodiversity net gain, contrary to BLP Policy 37, London Plan Policies G5 and G6 and paragraph 174 of the NPPF.

7. Inclusivity

Insufficient information has been provided to demonstrate the proposed retail floorspace can provide an inclusive environment for the customers and commercial occupier(s) to access all floors and to carry out servicing and deliveries associated to the 559sq.m retail floorspace. The reliance of on-street servicing and delivery and removal of an existing on-street parking space currently servicing the church and visitors to Bromley Town Centre near to the pedestrianized part of the High Street is not considered sustainable and fails to achieve an inclusive environment. The residential parking spaces would require disabled users to carry out a number of

manoeuvres to access and leave the site. insufficient information has been provided to demonstrate how the remaining seven percent residential disabled parking spaces can be accommodated and secured. Due to its design, confined layout and limited spaces, the proposal would be contrary to BLP Policies 30, 33 and 37, London Plan Policies D3, D5 and T6.1.

8. Planning obligations

Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to, London Plan Policies DF1 and M1, Bromley Local Plan Policies 125 and Planning Obligations (2010) and subsequent addendums.