

Committee Date	9 th March 2022	Agenda Item:
Address	Burnt Ash Heights Pike Close Bromley BR1 5BN	
Application number	21/03622/FULL1	Officer: Claire Brew
Ward	Plaistow And Sundridge	
Proposal (Summary)	Demolition of existing buildings and phased redevelopment comprising 170 residential units in buildings ranging from 2 to 13 storeys. Associated landscaping, car and cycle parking and ancillary development	
Applicant		Agent
The Riverside Group Ltd & Countryside Properties		Miss Nadine James Montagu Evans
Reason for referral to committee	Major Development 20+ new dwellings	Councillor call in No

RECOMMENDATION	PERMISSION
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Summary

KEY DESIGNATIONS Renewal Area: Ravensbourne, Plaistow and Sundridge Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control Adjacent Urban Open Space Air Quality Management Area

Table 1: Key Designations

Residential Use – See Affordable housing section for full breakdown including habitable rooms	
	Number of bedrooms per unit

	1	2	3	4 Plus	Total / Payment in lieu
Market	40	32	6	0	78 (including 4 wheelchair accessible units)
Affordable (social rent)	41	40	7	4	92 (including 18 wheelchair accessible units)
Total	81	72	13	4	170

Table 2: Proposed Residential unit mix

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	90	78	-12
Disabled car spaces	0	5	+5
Cycle	0	303 long-stay 8 short-stay	+311

Table 3: Vehicle Parking

Electric vehicle charging spaces	20% active 80% passive
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Table 4: Electric vehicle charging spaces

Representation summary	A site notice was displayed from 14.09.21 Neighbour letters were sent on 09.09.21 and re-consulted on 09.02.22 A press ad was displayed News Shopper on the 15.09.21. Initial consultation is for a minimum of 21 days	
Total number of responses	23	
Number in support	6	
Number of objections	16	

Table 5: Representation summary

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable Housing	92 social rented units	Y
Early-stage viability review triggered if an agreed level of progress on implementation is not	-	Y

made within two years of the permission		
Mid-term viability reviews prior to the implementation of phases	-	Y
Late-stage viability review which is triggered when 75 per cent of the units in a scheme are sold or let	-	Y
Provision of Wheelchair accessible (SELHP) units	-	Y
Carbon offset contribution	£184,183	TBC
Play/open space contribution	£13,528	Y
Agreement with an accredited car club operator to provide a car, 2 years membership and 20 hours free drive-time for residents	-	Y
Financial contribution towards converting an existing parking bay on Burnt Ash Lane to a car club bay	£4170	TBC
Agreement to cover all of TfLs costs associated with the bus stop relocation contribution	-	Y
S278 agreement or highway license for improvements to pedestrian crossing facilities	-	Y
Agreement to cover the Council's legal costs associated with the Stopping-up Order.	-	TBC
Energy Monitoring	-	Y
Obligation monitoring fee	£6000	TBC
Agreement to cover all of the Council's Legal costs for preparing the S106	-	Y
Total	£207,881	TBC

Table 6: S106 Heads of Term

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application involves the replacement of existing poor quality affordable homes and a net gain of 78 (market) residential dwellings and would represent a moderate contribution to the supply of housing within the Borough
- The development, by reason of its height, scale and massing is at odds with the general pattern of development in the surrounding area and contrary to policies 37, 47 and 48 of the Local Plan and policies D3 and D9 of the London Plan
- The development would lead to the loss of amenity for occupiers of neighbouring residential sites
- Notwithstanding the harm identified, given the Councils' inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, the scheme would not give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

1. LOCATION

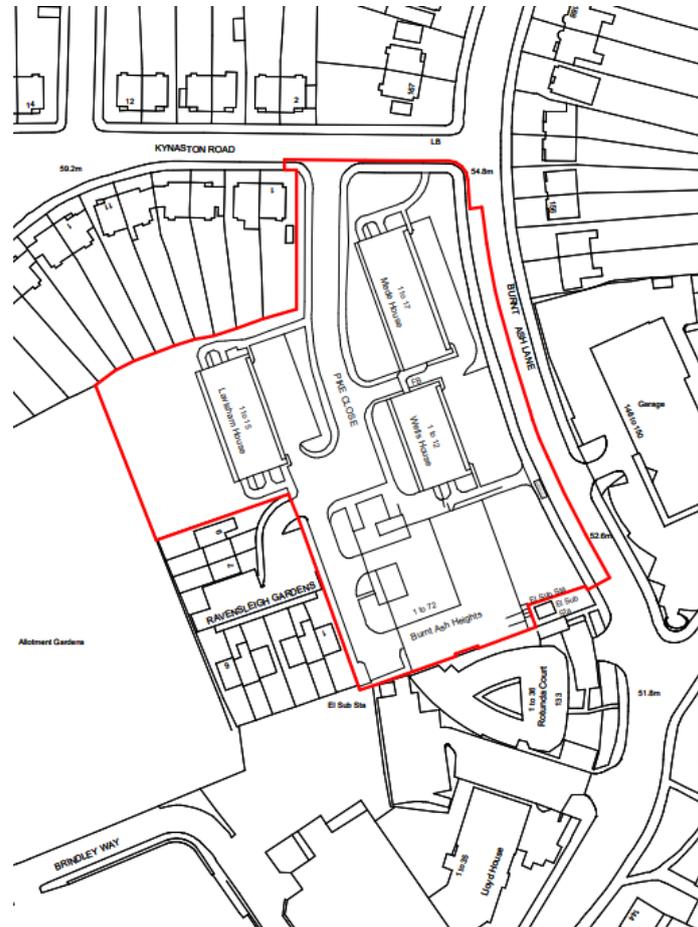


Figure 1: Site Location Plan

- 1.1 The site is located on the western side of Burnt Ash Lane and consists of four buildings containing a total of 92 residential units (all social-rented) set around an internal access road known as Pike Close. Pike Close is an adopted highway and is accessed via Kynaston Road which borders the site to the north.
- 1.2 The site area is approximately 0.9ha. The existing residential density is around 102 units/ha. According to the existing housing needs survey provided by the applicant, of the 92 existing units, only 69 are currently occupied.
- 1.3 The existing buildings are 3 – 4 storeys and there is a 13-storey tower. The site also includes car parking podium, surface car parking and associated hardstanding.
- 1.4 There is a significant level change within the site. The level of the site drops away from street level to the south of Kynaston Road, rising slowly to the south of the site where it re-joins street level.
- 1.5 The site adjoins allotments to the west, which are designated Urban Open Space in the Bromley Local Plan. The area surrounding the site is mixed in character, and includes residential development in purpose built flatted blocks, and semi-detached and terraced dwellings, as well as a car showroom, a supermarket and other retail premises. The site is located directly north of the local neighbourhood centre, which comprises continuous frontages and provides more enclosure to the street than the suburban character that prevails to the north of the site.
- 1.6 A number of the residential units to the north of the site along Burnt Ash Lane date from the 1930's and their architectural characteristics are typical of this era. Bay windows, red tile bay window roofs, brick arched porches and pebble dashed/white rendering are all prevalent architectural characteristics along this section of the road.
- 1.7 Within the wider context of the site there is also a prevalence of facing brickwork, as can be seen in the local neighbourhood centre and the majority of the development to the south of the site along Burnt Ash Lane. Rotunda Court, located immediately south of the site, comprises facing brickwork at ground floor level with the upper levels rendered cream. The car showroom is an exception to the materials palette described here, comprising glass and grey panelling typical of a building of this type.
- 1.8 Burnt Ash Lane is characterised by irregularly spaced street trees of varying levels of maturity on approach to the site from the north. Where Burnt Ash Lane meets Kynaston Road, immediately north of the site, the streetscape becomes greener in character, with three mature trees and a shrub located on the southern edge of this junction. Kynaston Road has

a similar landscape treatment to Burnt Ash Road, with scattered trees along its length. There is also a pocket park located at the Kynaston Road/Sandringham Road junction, contributing to the open, suburban character of the area.

- 1.9 The semi-detached and detached residential units within the wider context of the site are typically set back behind front gardens and/or private drives, with the blocks of flats present to the south of the site generally set back behind frontage car parking and/or communal green spaces.
- 1.10 The boundary treatments along Burnt Ash Lane are typically defined by low brick walls and/or vegetation. In the cases of the blocks of flats located to the south of the site and the current development at Pike Close, railings are also used as a means of defining the boundary. These treatments allow views of greenery in front of buildings from the street.
- 1.11 The site has a PTAL rating of between 1b and 2 (increasing to the north). Burnt Ash Lane is a London Distributor Road. The site is adjacent to a bus stop, servicing three routes on Burnt Ash Lane. Notable destinations include Bromley Town Centre, Mottingham Station, Lewisham Station and Bromley South Station; linking the site to National Rail and DLR services. Grove Park Station is approximately 1km away from the site.



Figure 2: Site Location (Source: Google)



Figure 3: Existing site context (Source: Design & Access statement)

2. PROPOSAL

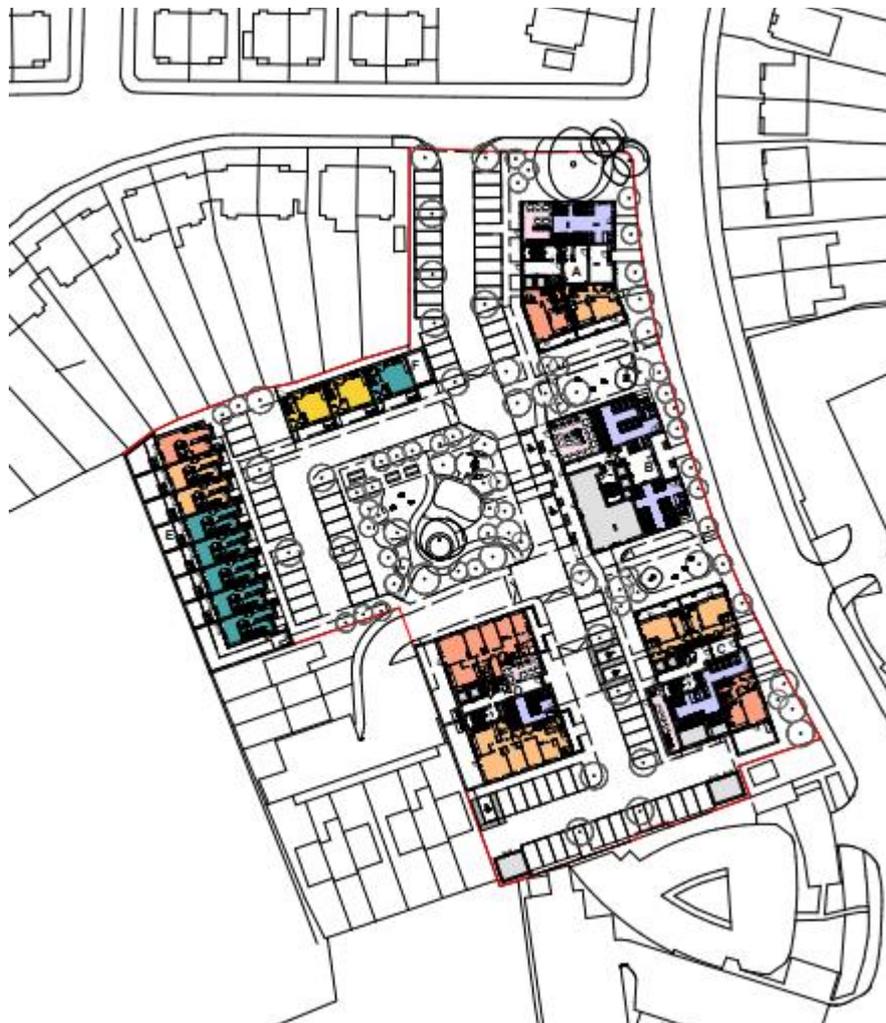


Figure 4: Proposed Site Plan

2.1 Further to the initial submission of the application, an updated Design has been issued in February 2022. The summary of the main changes to the scheme are:

- Building A is reduced in height to part 5 and 8 storeys
- Building B reduced in height to 13 storeys and moved Eastwards away from Burnt Ash Lane
- Building C 'pop up' increased to 9 storeys, the shoulder height stays the same at 4 storeys
- A slight increase in the footprint of Building C, only at ground floor, to cater for the increase in refuse and cycle parking requirements
- A reduction of 8 dwellings all within the Private tenure
- Landscape improvements including an increase in the amenity area and decrease in car parking by 8 spaces

2.2 The proposed development is summarised below:

- Demolition of existing buildings and structures, including all four accommodation blocks and the existing parking podium
- The redevelopment of the Pike Close Estate to provide a total of 170 residential units, including the re-provision of the existing 92 affordable residential units
- The delivery of six residential blocks ranging between 2 and 13 storeys
- The provision of 83 car parking spaces, including 5 disabled spaces and the delivery of 311 cycle parking spaces
- Alteration to the existing access to the site to provide a single vehicular access point from Pike Close off of Kynaston Road
- The creation of new pedestrian access routes into the site from Burnt Ash Lane
- Landscaping throughout the site, providing both private and communal amenity space in the form of a centralised amenity square, pocket parks, private balconies and roof top gardens
- The scheme will be delivered across four separate phases which is in line with a single decant strategy for the existing residents of the estate
- Construction of Phase 1 is anticipated to start in April 2022 and completion of Phase 4 in 2031

2.3 Phase 1:

- Construct Block C (29 social-rent units)
- Demolish Mede House (17 units/11 currently occupied) and Wells House (12 units/11 currently occupied)
- Move residents into Block C

2.4 Phase 2:

- Construct Block A (29 social-rent units)
- Construct Block B (72 private units)
- Demolish Burnt Ash Heights (48 units/36 currently occupied)
- Move residents into Blocks A

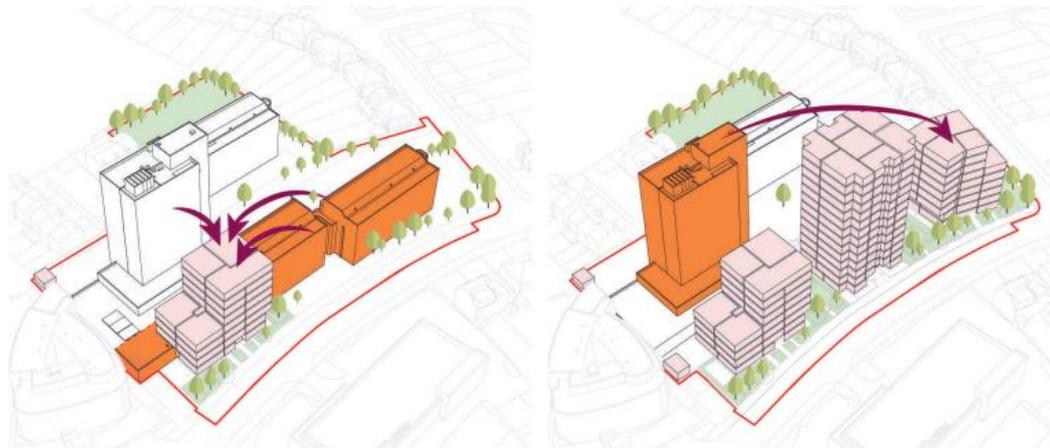


Figure 5: Phases 1 and 2 (Design & Access statement)

2.5 Phase 3:

- Construct Block D (29 social-rent units)
- Demolish Lavisham House (15 units/11 currently occupied)
- Move residents into Block D

2.6 Phase 4:

- Construct Blocks E and F (6 private, 5 social-rent)
- Construct communal amenity area



Figure 6: Phases 3 and 4 (Design & Access Statement)

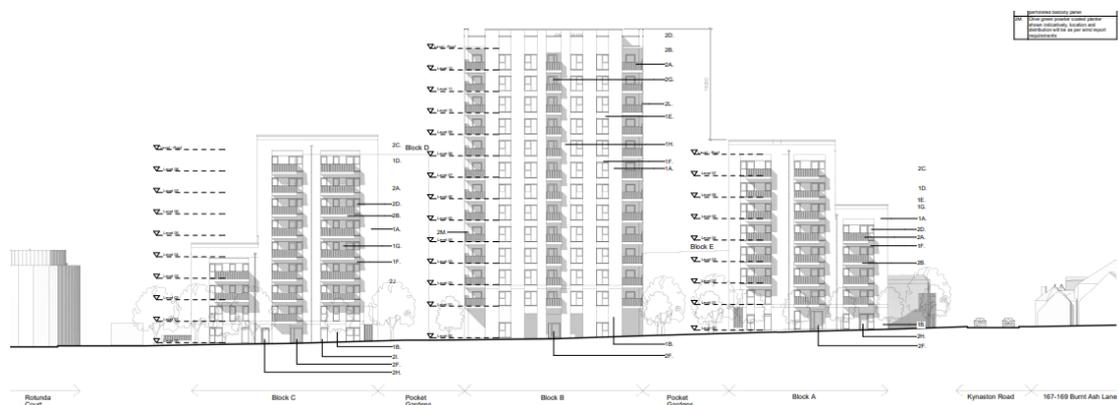


Figure 7: Proposed east (Burnt Ash Lane) elevation

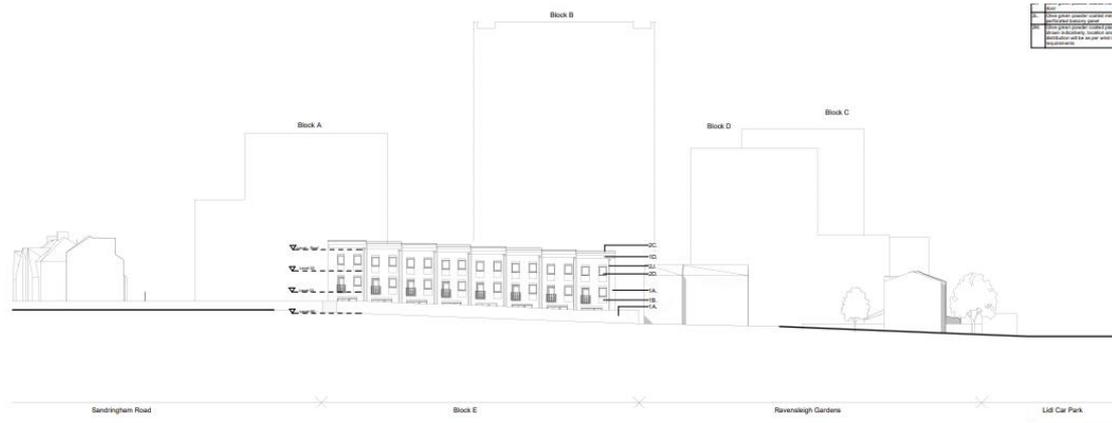


Figure 8: Proposed west elevation

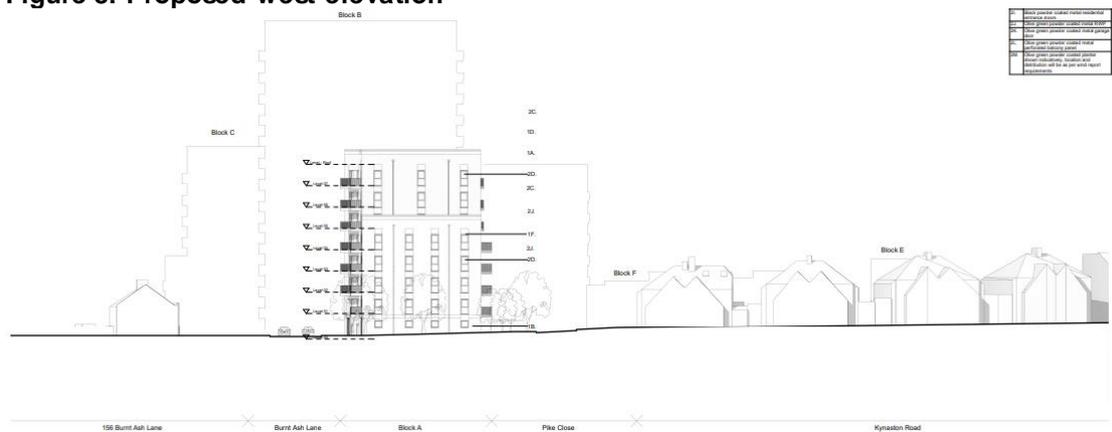


Figure 9: Proposed north (Kynaston Rd) elevation

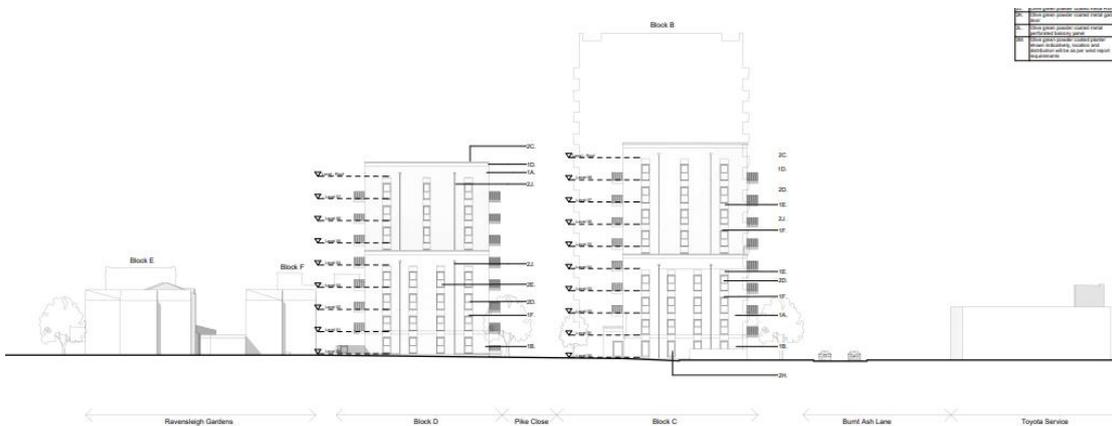


Figure 10: Proposed south elevation

3. RELEVANT PLANNING HISTORY

3.1 On the 21st September 2021 the Council issued a Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 in respect of the Demolition of existing buildings and phased redevelopment comprising 178 residential units in buildings ranging from 2 to 14 storeys. Associated landscaping, car and cycle parking and ancillary development. This confirmed that the proposed development is not EIA development (LPA ref.21/03622/EIA)

4. CONSULTATION SUMMARY

a) Statutory

4.1 GLA Stage 1 comments – Further information required as the application does not currently comply with the London Plan (a copy of the full report is attached at Appendix 1)

- **Land Use Principles:** The redevelopment of the estate to provide new and replacement housing is acceptable in principle. The same quantum of social rent units would be re-provided and there would be an increase in habitable rooms and floorspace terms. The re-provided social rent units would be made available to existing tenants on the same terms as existing. However, with no additional social rent units proposed, the rehousing of adult children has not been addressed through the scheme. An equalities impact assessment should be provided in advance of stage 2 for review and comment.
- **Affordable housing:** The scheme proposes no additional affordable housing beyond the replacement of the existing social rent units. The submitted FVA is currently in the process of being reviewed to ensure that the development delivers the maximum quantum of affordable housing. Early, late and potentially mid stage viability reviews would need to be secured in any Section 106 agreement as well as the social rent tenure of the replacement affordable housing.
- **Play space:** The quantum of proposed playspace would fall below the on-site requirement. The main playspace area is not currently afforded a safe means of access, this must be remedied. The Council should secure an appropriate payment in lieu to off-site provision to make up the shortfall. However, it is not clear where one of the alternative off-site play spaces are in relation to the site, this should be clarified. This must be remedied prior to Stage 2.
- **Residential mix and quality:** The mix is based on current housing needs across the estate however, it is unclear how the development would cater for adult children and residents requiring wheelchair accessible housing. The quality of the residential units is generally acceptable. However, confirmation is required that they would meet the detailed space standards as set out in Policy D6 of the London Plan.
- **Urban design:** The applicant should consider combining buildings E and F to increase soft landscaping and should set building B further back from the street. Safe crossings should be provided throughout the development and the delivery of the main public realm brought forward if possible. The materiality of the tallest block requires simplification. The treatment of the Burnt Ash Lane frontages and balconies should also be reconsidered. For the height of the tall building to be

considered acceptable, the applicant would need to address its visual, functional, environmental and cumulative impacts.

- **Transport:** Improvements are required for active travel both within and outside the site and the Travel Plan revised to promote sustainable travel to deliver the Mayor's strategic mode shift target. Further work is also required in relation to the delivery and servicing arrangements and discussion with TfL on construction impacts on bus operations. Amendments are required to cycle parking to ensure alignment with both parts of Policy T5 of the London Plan.
- **Sustainable development:** In respect of the energy strategy, the following is required: further energy efficiency measures; overheating clarifications; information required on district heating potential and future-proofing; information on the PV potential required; and information on the proposed ASHPs. Comments regarding the submitted circular economy report and whole life carbon assessment have been issued to the Council and applicant for review and should be addressed.
- **Environmental issues:** The UGF score falls short of the 0.4 required target score. This should be reviewed in light of the urban design comments. Comments regarding drainage and water use should also be addressed.

4.2 **Transport for London (TfL) – No Objection (subject to conditions)**

- Do not anticipate a significant residual impact on the local or strategic public transport network
- Improvements to the existing pedestrian crossing refuge islands on Burnt Ash Lane should be secured through S278 agreement and consideration should be given to the provision of zebra or light controlled crossings
- We note that the site remains a car dominated environment, as all parking is on-street, rather than undercroft. However, it is welcomed that car parking has been reduced to facilitate an increase in planting/green space and better pedestrian connectivity
- It is welcomed that there has been a reduction of eight car parking spaces, from 91 car parking spaces to 83. This equates to a parking ratio of 0.49. This is in line with London Plan Policy T6.1 which seeks restraint-based car parking in new developments, in order to encourage mode shift to public transport and active travel modes.
- five (3%) disabled person parking spaces should be accessible from the outset
- It is welcomed that all disabled persons' parking provision will not be allocated to specific dwellings, in line with Policy T6. It is also welcomed that all parking will be leased, not sold

- Cycle parking provision at this site is still not in accordance with London Cycle Design Standards (LCDS)
- An updated swept path analysis has been provided. It is welcomed that the swept path analysis provided no longer shows manoeuvring refuse vehicles encroaching onto amenity space

4.3 **Natural England – No comments, please refer to standing advice**

4.4 **Environment Agency – No objection**

- The site is located within Source Protection Zone 3 and is situated upon the London Clay formation. Potentially contaminative historic land uses have been carried out upon the site, according to the Geo-environmental Assessment by IDOM (dated July 2021, ref. GEA-21949M-21-216)
- As there is no intention to discharge to ground from the proposed development, we have no comments on the drainage scheme from a groundwater protection perspective.
- We have reviewed the Geo-environmental Assessment by IDOM (dated July 2021, ref. GEA-21949M-21-216). The preliminary risk assessment and the scope of works at the above site is accepted, in principle, as being in line with relevant guidance for the re-development of a contaminated site, with regard to issues of concern to us.
- Recommend conditions

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

- HSE is satisfied with the information provided with the application (including the fire statement)

4.6 **Thames Water – No objection**

- Conditions are recommended in respect of water network upgrades
- The proposed development should fully explore the viability of storing rainwater for later use, such as rain barrels for landscaping.

4.7 **Historic England (Greater London archaeological Advisory Service) – No objection**

- The proposal is unlikely to have a significant effect on heritage assets of archaeological interest
- Agree with the conclusions of the submitted archaeological desk-based assessment report dated July 2021 by RPS Group
- No further assessment or conditions are necessary

4.8 **Highways – No objection**

- The proposals now include a total of 83 parking bays, a reduction of 8 bays compared to that previous application, (August 2021).
- The proposed parking strategy seeks to provide 48 parking bays for existing residents (all existing units with access to a car receive a parking bay with those having a disabled bay also would be re-provided) and an additional 35 for the proposed units
- The additional 35 bays are intended to serve the larger units on a first come first serve basis, meaning all three bed units will have a parking bay with the remaining bays offered to the two bed units.
- The proposals have been updated to include a total of 5, (3% of total dwellings) blue badge parking bays in line with the London Plan policy guidance.
- The trip generation assessment demonstrates that the development proposals are not considered to have a material effect on the local highway network and acceptable in transport terms.
- Electric vehicle charging points will also be included as part of the development proposals in line with the London Plan March 2021.
- Cycle parking for residents and visitors is in line with London Plan policy.
- All delivery and servicing arrangements would take place on site with vehicles entering / exiting the site in forward gear.
- This is an opportunity to ask the applicant to provide one on-street Car Club Bay on Burnt Ash Lane outside the shopping parade also offer the first occupiers with a two-year free car club membership.
- A detailed Travel Plan as well as Parking Management Plan will be secured through condition and will include how up to a further 7% of the private dwellings can be provided with a disabled space.

4.9 **Drainage (Lead Local Authority) – No objection**

- The submitted report is sufficiently detailed to impose compliance condition.

b) Local groups & Adjoining Boroughs

4.10 **LB Lewisham – No objection**

4.11 **Bromley RSPB**

- Recommend the installation of 120 integral swift nest bricks as a planning condition

c) Adjoining Occupiers

OBJECTION

4.12 *Design & Density* (addressed in section 6.2)

- Scale/height of blocks not in keeping with area
- Blocks will be close to road accentuating their dominance

- Over-bearing
- Overdevelopment
- Existing 12 storey block has always been an eyesore and should be replaced with something smaller
- Too many flats
- Sunlight restricted due to size of blocks
- Combined with other developments in area would lead to overcrowding
- the Heritage, Townscape and Visual Impact Assessment dated Feb 2022 does not include an assessment of the how the development will look when viewed from the properties at the bottom of Kynaston Rd, these will be most impacted by this eyesore
- Pocket gardens will contribute to attract anti-social behaviour
- Lack of schools, doctors, etc to accommodate the extra tenants

4.13 *Living conditions of future occupiers* (addressed in section 6.4)

- Flats are smaller than promised
- Bromley needs more housing with private outdoor spaces

4.14 *Impact on Amenities* (addressed in sections 6.5 and 6.10)

- Traffic and pollution
- Noise and disturbance
- Visual impact from surrounding properties
- Overshadowing
- Loss of privacy and overlooking for houses in Kynaston Road

4.15 *Highways & Transport* (addressed in section 6.6)

- Inadequate parking spaces
- Overspill of parking into neighbouring roads
- Junction of Kynaston Road with Burnt Ash Lane is already very busy
- Parked cars mean that it is restricted to single lane traffic

4.16 *Construction impacts* (addressed in paragraph 6.2.23)

- The lower part of Kynaston Road and start of Pike Close will not be able to sustain the amount of plant, deliveries and activities required for the construction of this development
- Dirt and fumes will cause environmental problems

4.17 *Other*

- More cost-effective and environmentally friendly to refurbish the current homes (addressed in paragraph 6.1.6)
- Ground stability and subsidence (addressed in paragraph 6.2.23)

4.18 SUPPORT

- Development would utilise the site to its potential
- Existing flats are too small and overcrowded
- Existing buildings are deteriorated and out of date
- Lack of storage
- Estate is in disrepair and needs modernisation
- New design is smart and visually appealing

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

- 5.1 Section 38(5) states that if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan].
- 5.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

National Policy Framework (NPPF) 2021

- 5.3 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) 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.
- 5.4 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Practice Guidance (NPPG)

5.5 Relevant paragraphs are referred to in the main assessment

The London Plan (March 2021)

5.6 The relevant policies are:

Chapter 2 Spatial Development Patterns	
Policy SD10	Strategic and local regeneration
Chapter 3 Design	
Policy D1	London's form character and capacity for growth
Policy D2	Infrastructure requirements for sustainable densities
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D7	Accessible housing
Policy D8	Public realm
Policy D9	Tall buildings
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of Change
Policy D14	Noise
Chapter 4 Housing	
Policy H1	Increasing housing supply
Policy H4	Delivering affordable housing
Policy H5	Threshold approach to applications
Policy H6	Affordable housing tenure
Policy H7	Monitoring of affordable housing
Policy H8	Loss of existing housing and estate redevelopment
Policy H10	Housing size mix
Chapter 5 Social Infrastructure	
Policy S4	Play and informal recreation
Chapter 7 Heritage and Culture	
Policy HC1	Heritage conservation and growth
Policy HC3	Strategic and Local Views
Policy HC4	London View Management Framework
Chapter 8 Green Infrastructure and Natural Environment	
Policy G1	Green infrastructure
Policy G4	Open space
Policy G5	Urban greening
Policy G6	Biodiversity and access to nature
Policy G7	Trees and woodlands

Policy G8	Food growing
Policy G9	Geodiversity
Chapter 9 Sustainable Infrastructure	
Policy SI1	Improving air quality
Policy SI2	Minimising greenhouse gas emissions
Policy SI3	Energy infrastructure
Policy SI4	Managing heat risk
Policy SI5	Water infrastructure
Policy SI6	Digital connectivity infrastructure
Policy SI7	Reducing waste and supporting the circular economy
Policy SI8	Waste capacity and net waste self-sufficiency
Policy SI12	Flood risk management
Policy SI13	Sustainable drainage
Chapter 10 Transport	
Policy T1	Strategic approach to transport
Policy T2	Healthy Streets
Policy T3	Transport capacity, connectivity and safeguarding
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Car parking
Policy T6.1	Residential parking
Policy T7	Deliveries, servicing and construction
Policy T9	Funding transport infrastructure through planning
Chapter 11 Funding the London Plan	
Policy DF1	Delivery of the Plan and Planning Obligations

Mayor Supplementary Guidance

5.7 The relevant SPGS are:

- *Providing for Children and Young People's Play and Informal Recreation* (2012)
- *Accessible London: Achieving an Inclusive Environment* (2014)
- *Sustainable Design and Construction* (2014)
- *Shaping Neighbourhoods: Character and Context* (2014)
- *Accessible London: Achieving an Inclusive Environment* (2014)
- *Housing* (March 2016)
- *Control of Dust and Emissions During Construction and Demolition* (2014)
- *Homes for Londoners - Affordable Housing and Viability* (2017)

Bromley Local Plan 2019

5.8 The Relevant policies are:

1 Housing Supply
2 Affordable Housing
4 Housing Design
13 Renewal Areas
14 Development Affecting Renewal Areas
15 Ravensbourne, Plaistow and Sundridge Renewal Area
26 Health and Wellbeing
30 Parking
31 Relieving congestion
32 Road Safety
33 Access for all
34 Highway Infrastructure Provision
37 General Design of Development
47 Tall & Large Buildings
48 Skyline
55 Urban Open Space
70 Wildlife Features
72 Protected Species
73 Development and Trees
74 Conservation and management of Trees and Woodlands
77 Landscape Quality and Character
78 Green Corridors
79 Biodiversity and Access to Nature
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

Bromley Supplementary Guidance

5.9 The relevant SPGs are:

- *Bromley Town Centre Area Action Plan (2010)*
- *Affordable Housing (2008)* and subsequent addendums
- *Planning Obligations (2010)* and subsequent addendums
- *SPG1 General Design Principles*
- *SPG2 Residential Design Guidance*

6. ASSESSMENT

6.1 Principle of development – Acceptable

Estate Regeneration and Housing Land Supply

- 6.1.1 The application site falls within the Ravensbourne, Plaistow & Sundridge Renewal Area where the Council will seek to maximise opportunities for enhancement and improvement and proposals should provide demonstrable economic, social and environmental benefits and address identified issues and opportunities.
- 6.1.2 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 6.1.3 Policy D3 of the London Plan requires all development to make the best use of land by following a design led approach.
- 6.1.4 The site is previously developed land consisting of four buildings containing a total of 92 residential units, car parking podium, surface car parking and associated hardstanding and access road. In principle this is a suitable location for optimising housing delivery in line with policy H1 of the London Plan.
- 6.1.5 When considering the loss of existing affordable homes, policy H8C of the London Plan states that consideration must first be given to alternative options and boroughs and housing associations should *"balance the potential benefits of demolition and rebuilding of homes against the wider social and environmental impacts and consider the availability of Mayoral funding and any conditions attached to that funding"*.
- 6.1.6 Paragraphs 7.20 – 7.26 of the Planning Statement set out how the applicant has considered alternatives to demolition. It sets out the following; there is currently overcrowding on site, modern standards of accommodation are difficult to provide including adaptations, units are not accessible in some cases and environmental benefits of the development can be seen after 40 years. It is considered that Clause C of Policy H8 has been addressed in the proposed submission.
- 6.1.7 The Council's latest position in relation to Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 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 means that the presumption in favour of sustainable development will apply.
- 6.1.8 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'. For decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.1.9 This application includes the replacement of existing poor quality affordable homes and an overall net gain of 78 (market) residential dwellings and would represent a moderate contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable Housing and Viability

6.1.10 The shortage of affordable homes is at the root of London's housing crisis. To help address this crisis, the Mayor has set a long-term strategic target for half of new homes built in London being genuinely affordable, including those based on social rent levels. In this context, it is vital that estate regeneration plans are used to increase the amount of affordable housing, particularly homes based on social rent levels, wherever possible (The Mayor's Good Practise Guide to Estate Regeneration, Feb 2018).

6.1.11 The South-East London Strategic Housing Market Assessment (SHMA) that was carried out in 2014 demonstrated a high level of need across the sub-region and highlights a number of key challenges and issues, including, in Bromley, a net annual need for affordable housing of about 1400 units per annum.

6.1.12 The latest Authority Monitoring Report (covering the time period 2018/19) sets out affordable housing delivery figures as published by the GLA for 2014/15 – 2018/19. The total number of affordable dwellings completed in Bromley during the 5 year time period is 623 units highlighting still that there is a significant need for affordable housing in the borough, both from unmet need established in the 2014 SHMA and from whatever need has (and continues to) materialise since the SHMA was produced.

6.1.13 In accordance with Policy H8 of the London Plan demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an

equivalent amount of affordable housing floorspace. Affordable housing that is replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants.

- 6.1.14 In addition to ensuring that estate regeneration does not lead to a net loss in affordable homes, councils and housing associations should use the opportunity to provide as much additional affordable housing as possible. For this reason, all estate regeneration schemes are required under the Mayor's draft London Plan (2017) to follow a 'Viability Tested Route' to planning permission.
- 6.1.15 The NPPG (paragraph 006) is clear that it is the responsibility of the site promoter to take into account any costs including their own profit expectations and risks and ensure that proposals for development are policy compliant. The assumption is that the developer is sufficiently competent to manage the project and devise and deliver a scheme that is viable (or certainly not loss making) from the outset, taking into account wherever possible the impacts of planning policy, including other S106 and CIL contributions.
- 6.1.16 The application is accompanied by a Financial Viability Assessment (FVA) prepared by Montagu Evans, dated 20th July 2021 and a viability update letter dated 4th February 2022 following the scheme revisions and reduction of 8 private units.
- 6.1.17 The updated FVA concludes that the revised scheme, inclusive of GLA grant funding, will result in a deficit of -£22.7 million. On this basis Montagu Evans' conclude that no additional affordable housing above the re-provision of the existing 92 social rented units (53% affordable on a habitable room basis) can viably be provided.
- 6.1.18 Whilst the affordable housing provision at the site cannot viably be increased, the development will provide an uplift in affordable floorspace from 8,082m² to 9,463m² and will increase the number of affordable habitable rooms. A right of return has also been confirmed for the tenants of the social-rented units and the tenure (social-rent) has also been confirmed.
- 6.1.19 The Council have appointed an independent consultant to review the applicant's FVA. The Council broadly agree with the applicant's assumptions but consider that a £nil Benchmark Lane Value should be adopted for estate regeneration projects of this nature. This is because the existing stock is nearing the end of its operational life with accrued maintenance costs exceeding the value of the property as affordable housing. It is clear from Montagu Evans' FVA and Riverside's website that the poor condition of the estate and expense to maintain it is a motivating factor behind redevelopment.
- 6.1.20 On this basis the Council finds that the Revised scheme would result in a -£18.8 million deficit and the scheme would be unviable to provide

any uplift in affordable units. Whilst the Council's findings show less of a deficit than the Applicants, it has been agreed that the scheme results in a negative deficit and therefore no further affordable housing could be supported on Site. If the developer was to continue on this basis the net return would be -36% on GDV meaning that the developer would not make a profit return and would also be making a loss of £16.2 million, raising questions as to how the scheme is both fundable and deliverable.

6.1.21 Despite the provision of 53% social-rented units on site the proposal does not benefit from the Fast Track Route set out in Policy H5 of the London Plan 'Threshold Approach to applications'. In accordance with Policy H5 the scheme should therefore be subject to:

- a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough)
- b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough)
- c) Mid Term Reviews prior to implementation of phases

6.1.22 This is particularly important given that the scheme does not provide an uplift on the number of affordable units that already exist on site. The on-site social rented units and right of return, along with the viability reviews will need to be secured through a S106 legal agreement, in order that the viability can be assessed over the lifetime of the development.

Housing mix

6.1.23 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need. The highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis.

6.1.24 Existing affordable units are all one and two bedroom. The following unit mix is proposed:

Unit Type	No. of Private	No. of Affordable
1 Bed Flat	40	41
2Bed Flat	32	40
3Bed Flat	-	7
4Bed Flat	-	1

3 Bed Duplex	1	-
4 Bed Duplex	-	2
3 Bed House	5	-
4 Bed House	-	1
Totals	78	92

6.1.25 Reference is made to a Housing Needs Survey in the Planning Statement that was undertaken to help establish the housing needs of existing affordable tenants and to inform the proposed mix of units sizes.

6.1.26 It is considered that the proposal provides an acceptable range of housing unit sizes and an appropriate mix of tenures with the replacement affordable housing well integrated into the development, including the provision of some affordable 3 and 4 bedroom houses and a total of 18 affordable wheelchair user dwellings which the Council will have nomination rights over. This will help to ensure mixed and inclusive communities in line with the Council's objectives for Renewal Areas.

Community Engagement and Residential Ballot

6.1.27 The applicant has undertaken engagement with a number of key stakeholders. This has included both North Bromley Residents Association and local residents including both immediate neighbours and the wider community. A webinar was held with North Bromley Residents Association on the 19th May 2021, where the proposals were presented.

6.1.28 Following this, a consultation webinar was held with immediate neighbours of the Site on the 19th May 2021. Invitations were sent to approximately 300 addresses including residents from Kynaston Road, Ravensleigh Gardens, Sandringham Road, Rotunda Court and nearby residents on Burnt Ash Lane.

6.1.29 On the 26th May 2021, a wider public consultation webinar was held. This was open to all members of the public. Over 7,500 households within the surrounding area were invited. The key comments raised during the consultation are set out within the accompanying Statement of Community Involvement, prepared by Connect. The majority of comments received related to the height and design. It was perceived that the height of the tallest building would be too tall or imposing and the design would be out of keeping with the area, although many recognised that the proposal would be an improvement on the existing Burnt Ash Heights. A significant number of concerns were also raised in relation to parking and the potential for overspill parking on surrounding roads.

6.1 30 In accordance with the guidance 'Better Homes for Local People – the Mayor's Good Practise Guide to Estate Regeneration' any landlord seeing GLA funding for estate regeneration projects which involve the demolition of social homes, are required to demonstrate that residents have supported their proposals through a ballot. A ballot was held between the 22 March and 15 April 2019 on the redevelopment of the

Estate. Of the 86 eligible votes, 77 of the ballots were returned, of which 82% voted in favour for the regeneration of Pike Close. Residents also voted in favour of a single decant.

- 6.1.31 Prior to and after the ballot of the residents of Pike Close Estate, Riverside conducted extensive engagement activity with their tenants on the Estate. Tenants were consulted on the proposals and what would be important to them on a new Estate. The applicant contends that the proposals were shaped significantly by this activity.
- 6.1.32 The supporting information in the application demonstrates that the applicant has tried to engage with and involve the community in the development of these proposals. The applicant's responses to the topics raised through the various community consultation events are set out in the relevant sections of this report.
- 6.1.33 Overall, the principle of the demolition and redevelopment of the existing estate which will re-provide the equivalent number of affordable dwellings and a right of return for existing residents is acceptable in principle, in planning policy terms.

6.2 Design - Unacceptable

Density

- 6.2.1 The proposed residential density is approximately 198 units per hectare and 539 habitable rooms per hectare.
- 6.2.2 Policy D3 of the London Plan requires all development proposals to follow a design-led approach, making the best use of land to optimise the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.
- 6.2.3 The new London Plan moves away from the adoption of a more prescriptive formulaic approach when determining an acceptable density on a Site. Instead it seeks to ensure that developments make the most efficient use of land, with a focus on locating high density development within sustainable locations such as opportunity areas and town centres, that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling (Part B of policy D3). Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.
- 6.2.4 The application site is not in a town centre or an opportunity area but a Renewal Area and the surrounding development includes higher density flatted development as well as low-density suburban housing. In the Renewal Areas proposals will be expected to deliver high quality environments, which complement and enhance existing development

and 'assets', including built heritage and other environmental assets; support health and wellbeing by producing healthy environments through scheme designs.

- 6.2.5 The renewal area is served by local centres at Plaistow Lane and Burnt Ash Lane providing local shops and services. Being a predominantly residential area, these commercial centres also provide important employment opportunities, along with the Bromley Court Hotel, and local schools. Despite the low PTAL of the site, there are range of viable transport options available to residents.
- 6.2.6 The Mayor's Good Practice Guide to Estate Regeneration also advocates increasing the number of affordable homes as part of an estate regeneration scheme by building at higher densities wherever possible. Options for doing so should be discussed with residents as part of the consultation process. Increasing the density of an estate may improve the viability of a scheme and help to maximise the number of genuinely affordable homes.
- 6.2.7 Some increase in residential density at this site is therefore acceptable in principle, in line with Policy D3, subject to any potential harm or potential benefits which may result from building at an increased density.

Scale, height and massing

- 6.2.8 The existing buildings in the wider context of the site typically vary between 2 and 4 storeys in height with the exception of Rotunda Court, the block of flats located immediately to the south of the site, which rises to 5 storeys in height. The residential units to the north of the site along Burnt Ash Lane and Kynaston Road are typically 2 storey semi-detached dwellings, with the occasional detached property. These typically have tiled pitched roofs with hips, and bay windows with gables facing the street.
- 6.2.9 On approach to the local neighbourhood centre, located on the western edge of Burnt Ash Lane to the south of the site, the general building height increases to 3 storeys on the eastern edge of the carriageway and 4 storeys on the western edge; where the commercial units are located. The built form is more varied in the immediate context of the site, with 2 storey suburban houses to the north, the large flat-roofed Toyota garage to the east, the flat-roofed form of Rotunda Court and the utilitarian form of the 3 storey flats on Ryder Close.
- 6.2.10 Tall buildings are those that exceed the general height of their surroundings and cause a significant change to the skyline. The application proposes six new buildings, four of which will exceed the general height of their surroundings, ranging between 2 and 13 storeys:



Figure 11: Proposed Scale and Massing

6.2.11 Policy 47 (Tall and large buildings) of the LBB Local Plan states that proposals for tall and large buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout enhances the character of the surrounding area. Tall and large buildings will need to be of the highest architectural design quality and materials. The Policy further states that tall buildings should be reflective of their local and historic context, including strategic views. Proposals for tall buildings will be required to follow the current Historic England Guidance.

6.2.12 Furthermore, Policy 48 (Skylines) of the LBB Local Plan states that the Council will require developments which may impact on the skyline to demonstrate how they protect or enhance the quality of views, vistas, gaps and skyline listed in the supportive text.

6.2.13 Policy D9 of the London Plan is more up-to-date than policy 47 of the Local Plan and is clear that tall buildings should only be developed in locations that are identified as suitable in Development Plans. The Policy further requires developments which propose tall buildings to be of the highest architectural quality, reinforce the spatial hierarchy of the local and wider context, demonstrate the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people working and living in the building.

6.2.14 The application site is not a location which has been identified as suitable for a tall building in the development plan and the applicant acknowledges that, in the absence of specific allocations within the

Borough for tall buildings, the delivery of a tall building at this location would not comply with Part B of the London Plan Policy D9.

- 6.2.15 In accordance with Local Plan and London Plan requirements applications for tall buildings will be subject to a higher level of design scrutiny taking into account their visual, functional, environmental, and cumulative impact. Proposals for tall buildings are required to make a positive contribution to the townscape ensuring their massing, scale and layout enhances the character of the surrounding area.
- 6.2.16 The proposed development represents a significant step change in scale to that of the surrounding context and the existing buildings on site, for which limited townscape justification has been provided. Whilst it is acknowledged that the site includes an existing tall building constructed in the 1970s this does not in itself constitute sufficient justification for a replacement building of a similar scale. The existing 13 storey Burnt Ash Heights is the tallest building in the area and is visible from long distances such as the higher points of Burnt Ash Lane, for example at the Broadlands Road/Burnt Ash Lane junction, and stands out in marked contrast to the prevailing heights and built form in the local area.
- 6.2.17 As set out above, Block B has been reduced from 14 to 13-storeys; this is an equivalent number of storeys to the existing building on the Site. A one storey reduction on a building of this scale would not be read at street level or make any significant improvement from a townscape impact perspective and there is a general disconnect between the proposed scale and massing and the existing surrounding context.
- 6.2.18 The reduction in the height of Block A from part 6/part 9 storeys to part 5/part 8 storeys would (to some degree) improve the relationship with the closest neighbouring residents in Kynaston Road/Burnt Ash Lane. However, Blocks A, C and D would not read as 'mid-rise' buildings (as described in the D&A Addendum) within this context. At 8-9 storeys they would also read as tall buildings as indicated by the following views:



Figure 12: Existing View from Burnt Ash Lane at Ryder Close (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))



Figure 13: Proposed View from Burnt Ash Lane at Ryder Close (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))



Figure 14: Existing View from Burnt Ash Lane at junction with Briary Gardens (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))



Figure 15: Proposed View from Burnt Ash Lane at junction with Briary Gardens (Source: Heritage, Townscape and Visual Impact Assessment (Feb, 22))

6.2.19 The townscape views submitted clearly illustrate the significant visual impact on both the immediate setting and the surrounding context with the scale of the blocks clearly jarring with the low-rise suburban setting as indicated by the applicant's *Heritage, Townscape and Visual Impact*

Assessment. This will have an adverse effect, as acknowledged by the Assessment itself. This is evident in figs. 16 - 21.



Figure 16: Existing View from Burnt Ash Lane, outside No.160 (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))



Figure 17: Proposed View from Burnt Ash Lane, outside No.160 (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))



Figure 18: Existing view from New Street Hill, West of Railway (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))



Figure 19: Proposed view from New Street Hill, West of Railway (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))



Figure 20: Existing view from Kynaston Road at junction with Powster Road (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))



Figure 21: Proposed view from Kynaston Road at junction with Powster Road (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))

6.2.20 The revised Heritage, Townscape and Visual Impact Assessment highlights that in views from the east and west (views 3 and 8) the generous gaps between the three blocks along Burnt Ash Lane are appreciable. At the same time it acknowledges that the blocks have the potential to coalesce in views, as evidenced in figures 22 and 23.



Figure 22: Existing view from Brindley Way (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))



Figure 23: Proposed view from Brindley Way (Source: Heritage, Townscape and Visual Impact Assessment (Feb,22))

6.2.21 Overall, whilst the stepped forms of the blocks do help to mediate the scale and articulate the proposed mass, Officers feel that the stepped elements across the site would do little to mitigate the visual impact of the taller elements on the wider townscape and the immediate low-rise suburban context.

Views Impacts

6.2.22 Under policy 48 the presence of a view or vista listed in the policy will need to be taken into account in the design quality, configuration, height and site layout of new development which may impact them.

6.2.23 It is clear that the development will be visible from a significant distance, as evident from the model view from Sundridge Park contained in the applicant's Heritage, Townscape and Visual Impact Assessment (fig. 24). This viewpoint is around 1.1km to the east of the site.

6.2.24 Crystal Palace Park is approximately 6.6km due west of the application site. While the application site itself does not fall within any view cones as shown on the LBB proposals map, at around 60m AOD the application site is in an elevated position compared with development on land to the west and could therefore potentially impact on views of the mast BBC TV mast which is a protected landmark under policy 48 of the Bromley Local Plan

6.2.25 Whilst the Assessment concludes that the proposed development would not impact any views of local importance as identified by the London Borough of Bromley in the Development Plan, the applicant has omitted to provide evidence of the impact of the development on views of the mast (despite officer requests).

6.2.26 In addition, the GLA have requested the applicant undertakes further testing of the potential visual impact of the proposed development on the Parliament Hill Summit to St Paul's Cathedral as set out in the London View Management Framework (2012) Protected Vista 2A.1. The applicant has commissioned a verified view of the proposed development from 2A.1 which demonstrates that the proposed scheme would appear subservient in the view and would not impair the ability of the observer to recognise and appreciate the strategically important landmark of St Paul's Cathedral. The GLA are likely to want to comment on this further when the application is referred back to them for Stage 2.

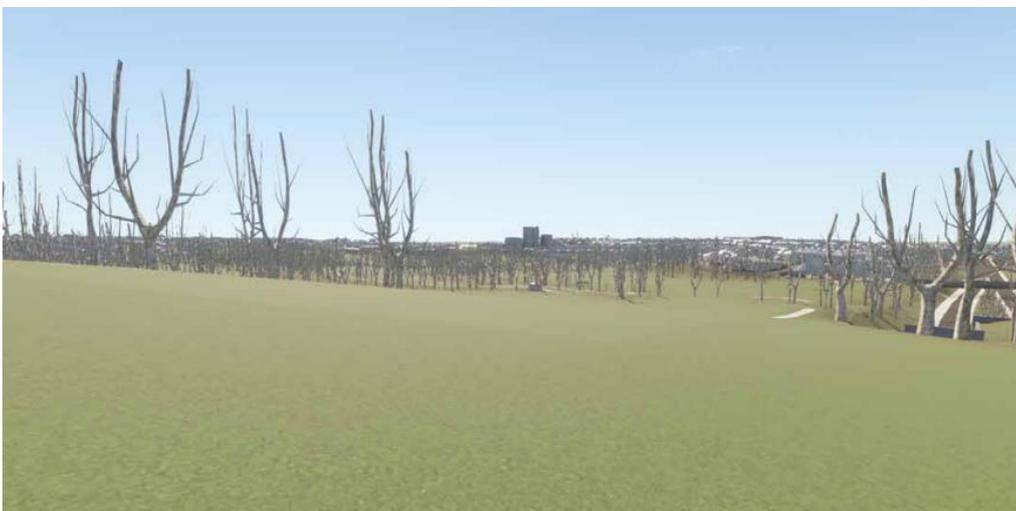


Figure 24: Proposed model view from Sundridge Park (Source: Heritage, Townscape and Visual Impact Assessment (Aug. 21))

- 6.2.27 The applicant has responded to some of the concerns raised during the course of this application. Officers acknowledge that the scale of blocks A and C are underpinned by the single-move rehousing strategy, which will see residents of Mede House and Wells House moved into Block C, and residents of Burnt Ash Heights moved into Block A. However, the number of units proposed in Block B is not derived from the desire to re-house existing social-rent tenants in a single decant as Block B will provide 100% private-market housing.
- 6.2.28 Where estate regeneration plans involve the demolition of existing homes the Mayor's Good Practice Guide to Estate Regeneration says that "*councils and housing associations should seek to phase projects wherever possible, with the aim of ensuring that households can remain on the estate by moving no more than once*". Whilst the Mayor's Guide is a material consideration it does not form part of the development plan and a single decant strategy does not in itself provide sufficient justification for causing a detrimental impact on the setting whereby the further reduction of the number of private units could potentially facilitate a re-distribution of the social-rent units across the site and a subsequent reduction in building heights.
- 6.2.29 Furthermore, it does not appear that the rationale for the proposed residential density and height does not appear to be viability driven given that there is a significant financial deficit and £nil profit return for the developer.
- 6.2.30 The applicant's rationale for the appropriateness of tall buildings/high density development on the site is partly based on 'an association with the existing ribbon of course grain development' along Burnt Ash Lane. This change in character is limited to a relatively small area and, as discussed, Burnt Ash Lane is predominantly characterised by finer grain low-rise residential properties stretching from the Sundridge Park area in the south to Grove Park Station to the north.
- 6.2.31 The applicant also refers to adjacent 'large swathes of open space' for recreation to support high density development. However, the adjacent open space is private allotments and the open land to the east is occupied by Sundridge Park Golf Club. The nearest recreation ground is King's Meadow Playing Fields situated 0.4 miles away to the south. Notably, the application site is an area which is identified in the Local Plan as being significantly deficient in access to open space.
- 6.2.32 Reference is also made to the poor design and layout of the existing estate and the applicant considers that the introduction of the Proposed Development provides a beneficial improvement to the townscape, and subsequent quality of the view as a result of the introduction of a high-quality development.

6.2.33 Whilst the opportunity for a new development to respond better to its surroundings and improve the public realm is acknowledged, in this instance it is considered that the design, by reason of its scale, height and overall massing, is at odds with the general pattern of development in the surrounding area and contrary to policies 37, 47 and 48 of the Local Plan and policies D3 and D9 of the London Plan.

Appearance and Architecture

6.2.34 Tall buildings need to be of the highest architectural design quality and should be grounded in their context with articulation and a clear narrative informed by local character and identity.

6.2.35 The applicant has revised the appearance/finishes of the proposed buildings during the course of the application. Whilst similar architectural detailing will be applied to all the buildings, the proposed brick types are being varied across all the buildings to better distinguish between them. A mixture of buff and contrasting black bricks to create a Flemish bond will be used at the lower levels with the predominant buff brick carrying on up the buildings. Contrasting white brick for the banding details and below the windows to emphasise the vertically expressed elements of the building. Olive green metal work for the windows is also proposed across the site and the balcony balustrades. In addition, Block B includes glazed green brickwork to demarcate its entrance on Burnt Ash Lane.

6.2.36 The balconies in Blocks A, C and D are all projecting. The corner balconies on Block B are fully inset and those in the centre of the building are partially inset which helps to provide some articulation and additional visual interest to the facades as well as helping to distinguish Block B as the focal building. Whilst some of the balcony balustrades across the scheme appear overly solid, it is noted that these have been designed in response to the wind analysis and to ensure safety for future occupiers.

6.2.37 Whilst the justification for the scale of Block B is not accepted (as highlighted above) the design intent for the tallest building to be the focal point of the development with its own identity expressed with a clear base, middle, and top is acknowledged. The open 'crown' helps to differentiate the 'centrepiece' from neighbouring blocks whilst retaining the appearance of a 'family of buildings'.

6.2.38 The proposed revisions and minor amendments to better distinguish the buildings are considered to be broadly acceptable. The proposed materials respond to the variations in the local context. The applicant's efforts to reference local materiality and detailing to inform the design language are also welcomed. Full details of the proposed materials and finishes are required by condition.

Access

6.2.39 London Plan policy T2D states that Development proposals should:

- 1) demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance
- 2) reduce the dominance of vehicles on London's streets whether stationary or moving
- 3) be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

6.2.40 One shared access point is proposed for all modes of transport via Kynaston Road. In addition, there are two pedestrian footpaths to the east of the site, leading to Burnt Ash Lane. Due to the constrained nature of the site with allotments and neighbouring residential properties to the west and a flatted development to the south, walking and cycling connection through the site are limited.

6.2.41 Access to the cycle parking in blocks A, B and C is via a single access from the public realm on Burnt Ash Lane which TfL have raised concerns over in terms of the personal security and safety of users who could be followed into these stores. These issues fall within the remit of TfL's and the Council's duties under Section 17 of the Crime and Disorder Act 1998.

6.2.42 In order to improve permeability and safety across the site TfL have requested the provision of more segregated walking and cycling routes across the site and provision of access to cycle stores through the residential lobby of each building. This provides a space, with a high probability of passing foot traffic, for a cyclist to wait before entering the cycle store, affording cyclists the same level of personal security as residents without cycles.

6.2.43 The applicant has not addressed these issues and is of the view that if additional segregated cycle routes in an east/west direction are provided onto Burnt Ash Lane, there is a risk that cyclists travelling from the site would interfere with existing pedestrians travelling north/south of Burnt Ash Lane footways. Furthermore, the applicant considers that, based on the London Cycle Design Standards (LCDS) guidance, the provision of residential cycle stores with direct access to the public realm are acceptable as they would be controlled by key fob, well-lit and avoid stairs and multiple doorways while providing convenient access to the street.

6.2.44 Whilst it is unfortunate that the applicant has not addressed the safety concerns at this stage, it is considered that a more acceptable access arrangement could be agreed as part of a cycle parking condition.

Fire Safety and Security

6.2.45 Following the Grenfell Tower fire and the subsequent Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt, on 1 August 2021 the government has introduced a number of

new requirements into the planning system (referred to as planning gateway one) by making amendments to The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and an associated instrument.

- 6.2.46 A Fire Statement is a requirement of all Major applications in order to ensure that applicants and decision-makers consider planning issues relevant to fire safety (e.g. site layout, water supplies for firefighting purposes and access for fire appliances) at the earliest possible stage in the development process and result in better schemes which fully integrate thinking on fire safety. Fire safety and security measures should be considered in conjunction with one another, in particular to avoid potential conflicts between security measures and means of escape or access of the fire and rescue service.
- 6.2.47 The application comprises one or more relevant buildings which meet the height condition (18m or more in height, or 7 or more storeys whichever is reached first) and in accordance with the gateway one regulations the Health and Safety Executive (HSE) has been consulted.
- 6.2.48 Following the comments received from the HSE the applicant has submitted a revised Fire Statement on the form published by the Secretary of State. The HSE have been re-consulted and is satisfied with the information provided.
- 6.2.49 The proposal has been designed in consultation with the Met Police Designing out Crime officer and he is of the view that the development would be able to achieve Secured by Design Gold standards.
- 6.2.50 Fire Safety and Secured by Design conditions are recommended.

Layout, Landscaping and Green infrastructure

- 6.2.51 Open spaces which are planned, designed and managed as green infrastructure provide a wide range of social, health and environmental benefits, and are a vital component of London's infrastructure (policies G1 and G4, London Plan). In areas deficient in access to open space the Council will seek to secure improvements in the amount and distribution of, and access to, open space (policy 59, Bromley Local Plan).
- 6.2.52 Policy G5 of the London plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

6.2.53 The sites' location in an area identified in the Bromley Local Plan as being deficient in access to public open space is pertinent meaning that delivering high quality green infrastructure as part of any development proposals for this site, will be key.

6.2.54 Burnt Ash Lane, to the east of the site is relatively well-treed, with 9 established trees existing along this boundary. The presence of these trees, in combination with the set-back building line behind areas of open space, provides a soft edge to the street which responds to the dominant suburban character of the development to the north of the site.

6.2.55 Along Burnt Ash Lane there is a distinct, continuous building line maintained regardless of the typology, age or character of the buildings. The existing layout of the northern part of the site respects this building line, and the podium level of Burnt Ash Heights is stepped well back from the highway frontage.

6.2.56 The set-back distances from the back edge of this pavement are a consistent feature within the wider context of the site. This setback building line allows for green planting to front gardens and/or boundaries, giving Burnt Ash Lane a suburban character with an open feeling for pedestrians using the pavements.



Figure 23: Illustrative landscaping plan

- 6.2.57 The applicant is proposing five blocks set around a landscaped central amenity area. Block A would be set back from the northern site boundary with Kynaston Road by around 9m which would enable the retention of some of the existing green buffer and 3 mature trees on the prominent corner of the site at the junction of Burnt Ash Lane with Kynaston Road. Blocks A and C would be set back from Burnt Ash Lane, to the east, by between 4m and 7m (approx.) allowing for the retention of some of the existing green buffer and the planting of around 13 trees along the site's frontage with Burnt Ash Lane.
- 6.2.58 Following comments from LB Bromley and GLA officers, as part of the revised scheme Block B has been moved westwards, away from Burnt Ash Lane, allowing for a continuation of the green, tree-lined buffer which not only enhances the visual amenities of the street scene but also provides enhanced ecological benefits.
- 6.2.59 Blocks C and D have been set away from the southern site boundary with Rotunda Court and car parking is provided, along with an access road which would facilitate a turning area for vehicles. The applicant is also proposing a substation and a separate generator building to this southern edge and the GLA have queried why these structures cannot be incorporated into the built form. The applicant has confirmed that the substation's location is driven by the requirement for it to be active and accessible by the completion of the first phase. While the residential blocks themselves would provide a generous separation to the boundary, these structures would abut the site boundary and, as no detailed elevations of the sub-station or generator have been provided, it isn't possible to make an assessment of the visual impact these structures will have. A condition is therefore recommended requiring details to be submitted to and approved by the LPA prior to the commencement of development.
- 6.2.60 The applicant's landscape strategy proposes three distinct typologies with the aim of providing a "*beautiful, robust and biodiverse environment in which people, nature and the community can thrive*" (p.62, Design & Access statement). At the centre of the site is a landscaped central amenity space designed to support social interaction, cohesion and play. One mature tree will be retained in this area and it will be supplemented by new planting, a hedge and railing boundary and natural play features.
- 6.2.61 In addition to the main central amenity space, 'pocket gardens' will be provided in the spaces between blocks A & B and B & C as well as providing pedestrian access to the site from Burnt Ash Lane. These 'pocket gardens' provide a good visual connection to the proposed central amenity space, helping to break-up the hard landscaping.
- 6.2.62 Following scheme revisions, the quantum of car parking has reduced by eight spaces which has allowed for the increased provision of soft

landscaping, including the introduction of 20 additional trees, improvements to the setting of the central landscaped area and prioritisation of pedestrian connections to it and enlargement of existing pockets of landscaping throughout the site, in addition to the enhancements along Burnt Ash Lane.

6.2.63 A tree replacement strategy will see 87 new trees planted across the site to replace the 35 existing trees which are to be removed (including a number of mature trees along the Burnt Ash Lane frontage). In addition, the landscaping strategy includes the delivery of green roofs, trees, seasonable meadow planting and green buffers to the interfaces of buildings. There will also be defensive planting to the building edge and 'green fingers' between parking spaces, that 'break up' the parking bays.

6.2.64 The revised strategy seeks to prioritise pedestrian movement and enhance the proposed connections throughout the site, specifically to the central amenity space. The introduction of additional soft landscaping provides additional greening to the site and provides further opportunities for habitat creation. Collectively, these revisions will noticeably improve the look and feel of the site and the narrowing of the central road and raised tables would influence the way in which the site functions in relation to vehicle movement, speeds, and parking.

6.2.65 The landscaping amendments and site boundary revision have also resulted in an improved urban greening factor (UGF) score of 0.438 which exceeds the target requirement of 0.4 in policy G5 the London Plan. Overall, these amendments represent a marked improvement to the proposed layout and landscaping from the initial submission, resulting in a more pedestrian-friendly environment, with ample opportunities for on-site play and an attractive landscaped setting (including enhancing biodiversity), in line with Local and London plan policies.

6.2.66 The GLA have requested for some of the amenity space to be delivered as part of an earlier phase. However the applicant has confirmed that the current proposals for a single-move rehousing strategy means that the central space cannot be delivered until the last existing building has been demolished, after which as much of the amenity as possible can be constructed, during the last phase.

6.3 Heritage - Acceptable

6.3.1 The Site is located approximately 700m meters to the north of the Garden Road Conservation Area. The proposed redevelopment of the Site has no potential to directly affect the character and appearance of the Conservation Area; however, the applicant has given due consideration to the potential for the Proposed Development to impact its setting, by virtue of change to views into and from the CA. While the Assessment concludes that the uppermost storeys of Block B would be

visible from the conservation area, where visible it would be incidental to the character and appearance of the conservation area and would not detract from its significance or harm its setting.

- 6.3.2 There is one statutory listed building known as Hollow Bottom Cottage located around 650m from the application site. Given the separation distances there is no direct visual relationship between the listed building and the proposed development, as such it would not result in a significant change to the setting of the designated heritage asset and therefore its significance or the ability to appreciate it.
- 6.3.3 There are also a number of locally listed buildings (non-designated heritage assets) in the vicinity of the site. In all cases the applicant's report concludes that the proposed development would not be seen widely in conjunction with any non-designated heritage assets.
- 6.3.4 Sundridge Park is a Grade II listed Registered Park and Garden located approximately 690m to the south-east of the site, at the closest point. The Proposed Development would be seen from limited points within the park where there are significant openings between trees and at higher topographical points. The existing tall building on the site is currently visible from these points. The proposed development will therefore also be visible above the ridge line in the backdrop and as a consequence it will form a distinguishable element of the view. The proposed development will, however, be appreciated as a distant element as part the wider built environment that is seen from this more open view from within the park.
- 6.3.5 The visual assessments undertaken as part of the report support these conclusions and, overall, the proposals would not result in any substantial or less than substantial harm to the setting of designated or non-designated heritage assets.
- 6.3.6 Having considered the application submitted archaeological desk-based assessment report dated July 2021 by RPS Group, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are necessary.

6.4 Accommodation Standards - Acceptable

- 6.4.1 Bromley Local Plan (2019) policy 4 Housing Design requires all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places. London Plan policy D6 sets out a number of requirements which housing developments must adhere to in order to ensure a high-quality living environment for future occupants.

- 6.4.2 Each residential core does not propose more than six units on each floor and the main entrances to the individual Blocks have been designed to be visible and clearly identifiable.
- 6.4.3 The scheme does not propose any north facing single aspect units. However, Blocks A, B and C would all include single aspect units whose sole outlook would be onto Burnt Ash Lane, including from bedroom windows. The applicant contends that all other single aspect units have been designed to optimise levels of daylight/sunlight and meet other amenity standards. However, it is apparent from the information provided that residents of these flats would be unable to open windows or have access to a private external amenity space without an unacceptable impact from noise. Given the site's location in an Air Quality Management Area, residents may also be subjected to high levels of road traffic pollution.
- 6.4.4 An Environmental Noise Assessment was carried out by IDOM dated July 2021 reference: ENA-21949m-21-127 Rev D. Due to the elevated noise climate, the noise report recommends a 'closed window' solution should be provided for the majority of the units across the development together with alternative means of ventilation. While the applicant has considered the use of acoustic glazing for reducing noise, they do not appear to have fully considered the ventilation strategy at this stage. It is not clear for example how the trickle vents are being acoustically treated in order to not become a weak point.
- 6.4.5 Due to the elevated road traffic noise from the east of the development site, it is also likely that balconies on the north, east and southern façades of Blocks A, B and C would expose occupants to environmental noise in excess of guideline levels. The report finds that these balcony spaces would not provide occupants with acoustically suitable spaces for relaxation, and these are likely to be used for more 'functional' purposes. Accordingly, the report recommends solid balcony screening, together with suitable lining to the balcony interior. This constraint has been addressed by the applicant's design team whereby these balcony fronts will incorporate solid panels.
- 6.4.6 Mechanical cooling is not usually supported by the GLA and natural ventilation solutions should be prioritised informing building layout and facade designs at the early stages of the design process. However, it is acknowledged that this is a previously developed site and is highly constrained and, on balance, the measures proposed to mitigate noise and ventilate the flats are acceptable in principle. Full details of the noise mitigation measures should be secured via planning condition which should also take into account any noise associated with any mechanical plant at the site.
- 6.4.7 With regard to any potential for overlooking between residents of the flats, particularly into habitable rooms, the proposed separation distances between Blocks A and B and B and C (approx. 12.5m) would

help to ensure that no significant overlooking would not occur. It is also noted that due consideration has been given to the treatment of public and private space thresholds regarding the requirement for defensible space separating the ground floor residential units in Block A and Block C from pedestrian access routes into the site.

- 6.4.8 A daylight analysis was carried out on the proposed development to ensure good daylight levels according to the BRE guidelines. Overall, the results of the sunlight and daylight assessment show good levels of daylight within the proposed scheme. A total of 443 (88%) rooms achieve average daylight factor levels that are either in line or above the BRE recommendations. In addition to good levels of daylight ingress, good sky visibility can be seen in 414 (82%) of the proposed rooms.
- 6.4.9 The south-facing living rooms in Blocks A, B, C, D and E have also been assessed for sunlight. A total of 41 rooms were assessed against the criteria set out in the BRE guide. The results show that all the windows achieve appropriate annual APSh values. Positive results are also achieved in the winter period. Living rooms facing other orientations are not analysed as they fall outside the 90° criterion. Lower sunlight values will be achieved on these windows.

Internal Space standards & Wheelchair housing

- 6.4.10 The proposed development has been designed to ensure that all units achieve the minimum space standards set out both within Policy D6 of the London Plan.
- 6.4.11 In accordance with Policy 4 of the Local Plan and policy D7 of the London Plan at least 10 per cent of dwellings are required to meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 6.4.12 The Scheme proposes the delivery of 22 Wheelchair Accessible Units (M4(3)), 18 of which will be social-rented. All remaining units will achieve M4(2) standards. The Scheme therefore exceeds the policy requirements set out above. The social-rented wheelchair provision includes some 3 and 4 bed flats as well as 1 bed two person units, resulting in a good mix of wheelchair housing throughout the scheme. In addition to this, the wheelchair user dwellings also meet the South East London Housing Partnership (SELHP) standards, which is an LBB requirement.
- 6.4.13 The applicant has confirmed that all the apartment buildings have been provided with 2 lifts, one of which has been allocated as an evacuation lift, separate to the fire-fighting lift.

Outdoor Amenity and Play space

- 6.4.14 Policy S4 *Play and Informal Recreation* of the London Plan sets out in Clause B(2) that residential developments should incorporate good-quality, accessible play provision for all ages and 10 square metres of playspace should be provided per child. Based on the proposed unit mix and tenures, the play space requirement for the development is currently 715sqm for children aged up to 11 years old. This is based on an outer London site with a PTAL of 2.
- 6.4.15 The landscaping and communal amenity /play space strategy for the site is described more in section 6.2. The Scheme seeks to deliver the required 0-11 years playspace provision on site with a financial contribution to be secured for 12+ playspace provision. The Scheme proposes a total of 1020 sqm of playspace provision which is located throughout the Site.
- 6.4.16 Dedicated playspace for 0 to 4 year olds will be provided within the pocket parks which are situated between Blocks A and B, and Blocks B and C. A further area of 0-4 playspace will provided within the central green space (The Heart of the Community) within the Site. An element of 0-4 years playspace will also be provided within the private back gardens of Block E. The 5-11 year old's playspace will also be located within the central green space and will be equipped with a timber and rope structure and a basket swing.
- 6.4.17 Overall these spaces will receive good levels of sunlight and daylight. The applicant does not appear to have assessed these pocket parks for sunlight / daylight, however, the landscape design has been enhanced to improve the wind conditions by including four additional 1.6m high hedges and eight 1.8m high wind screens along with the gaps between Block A, B and C to further shelter the pocket gardens from the incoming prevailing south-westerly winds. As a result the summer comfort results show most areas to be suitable for the intended use with most of the areas suitable for sitting and standing.
- 6.4.18 With regard to 12+ playspace provision, the applicant proposes to accommodate this off-site through a financial contribution. However the applicant has only calculated this based on the 12-15 age group and does not take into account older teens. Accordingly, officers have calculated the off-site contribution based on the child yield of the development where 19% of the projected children are over 12 yrs old. This gives rise to an off-site contribution of £13,528. The contribution for the 12+ forms part of the heads of terms for the S106 and would be secured through the S106. The applicants highlight that King's Meadow, and Shaftesbury Park are all located within an 800m radius of the site and are in reasonable proximity to the site to undergo enhancements as part of this development.
- 6.4.19 In combination the Scheme exceeds the Policy requirements set out by the Mayor with regards to playspace provision.

6.4.20 In accordance with Policy D6 of the London Plan all new housing should be provided with a minimum of 5 sq.m. of private outdoor space for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant. This does not count towards the minimum Gross Internal Area space standards.

6.4.21 All units will have access to private amenity in line with the policy requirements set out above. For the units located within the flatted blocks, private outdoor amenity will be delivered in the form of a terrace or balcony. For Blocks E and F private amenity will be delivered in the form of terraces and gardens. The size of these spaces have been designed to meet or exceed the London's Housing Design Supplementary Guidance.

6.4.22 Whilst the majority of these private outside spaces would provide residents of the development with a high quality amenity space, the garden serving plot D131 which is a ground floor wheelchair accessible units would be somewhat overlooked by existing windows at No.1 Kynaston Road, leaving future occupiers with poor levels of privacy and amenity. In such circumstances where site constraints make it impossible to provide private open space for all dwellings, the London Plan Housing SPG advises that a proportion may instead be provided with additional internal living space equivalent to the area of the private open space requirement. In this instance, the internal area of the proposed flat is 138.6sqm, around 28sqm larger than the typical footprint required for a SELHP compliant wheelchair user home. In relation to the outside space, the poor level of amenity for future occupiers is therefore mitigated by the proposed GIA of the flat which significantly exceeds the minimum internal space standards.

6.5 Neighbourhood Amenity - Unacceptable

6.5.1 The site adjoins existing residential sites in Ravensleigh Gardens to the west, Kynaston Road and Sandringham Road to the north and a flatted development to the south known as Rotunda Court. The site is opposite two storey residential dwellings on Burnt Ash Lane to the north /north-east.

6.5.2 A Daylight, Sunlight and Overshadowing Assessment has been prepared by HTA and accompanies this Application. The results of the sunlight/daylight analysis have been updated to reflect the revised proposals. The applicant has used three measures of diffuse daylight (angular check, vertical sky component and no-sky line) to assess the impact of the proposed development on neighbouring properties:

- *Angular Check test*
- *Vertical Sky Component (VSC) test*
- *No-Sky line (NSL) test*

- 6.5.3 The Vertical Sky Component (VSC) test quantifies the amount of available daylight, received at a particular window and measured on the outer pane of the window. In order to maintain good levels of daylight the BRE guidance recommends that the VSC of a window should be 27%. Any reduction of more than 20% of the former value would be perceived by the human eye and careful considerations are required in assessing the degree of impact caused by the new obstructing element.
- 6.5.4 When comparing the No Skyline (NSL) test for existing buildings against that proposed following development, BRE guidelines state that if the no-sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.

1-11 Kynaston Road and 1-5 Sandringham Road

- 6.5.5 Block E (three storeys) and Block F (two storey houses) are around 25m to the rear elevations of houses on Kynaston Road and Sandringham Road but are in close proximity to the rear boundaries and gardens of these sites.
- 6.5.6 Block F is in close proximity to the boundary with neighbouring sites to the north. The rear gardens of these neighbouring properties are a minimum length of around 24m and are currently screened from the site by existing mature trees along the site's northern edge. The proposals involve the removal of a number of trees in this part of the site and along the sites northern edge and there is no opportunity for replacement tree planting in this area. Block F is two storeys with an enclosed roof terrace above. The three storey Lavisham House is in a similar location to proposed Block F however Block F is perpendicular to the site boundary as opposed to angling away from it.
- 6.5.7 At around 8m high, together with the loss of trees in this part of the site, Block F would be more prominent when viewed from No's 1, 3, 5 and 7 Kynaston Rd in particular. However, it is noted that the site levels fall away from these neighbouring sites which would help to mitigate the overall perception of height somewhat and, at around 25m away there is sufficient separation so as not to appear as over- dominant when viewed from the adjoining sites.
- 6.5.8 There are no windows in the northern elevation of Block F and its roof terrace would be fully enclosed to the northern side so no undue overlooking would occur.
- 6.5.9 Block E comprises three storey townhouses approximately 10m in height as scaled from surrounding ground level. This block is angled away from the northern site boundary presenting a relatively short edge to No's 3 and 5 Sandringham Rd. While it would introduce development into a part of the site which is currently open space, changing the view currently

experienced from neighbouring sites, it is not considered that it would have an adverse impact on neighbours to the north, given the relatively small elevation which would present itself, the separation distances and the change in site levels. Furthermore, no windows are proposed in the northern elevation which would overlook the neighbouring sites.

6.5.10 Block A ranges in heights between eight and five storeys. It is sited around 20.5m to the flank boundary and rear garden of No.1 Kynaston Road and includes a number of private balconies serving the flats as well as windows serving habitable rooms on its western elevation. While 20.5m might be considered a reasonable 'front to front' separation distance, rear facades are of a more sensitive nature than front facades.

6.5.11 It is noted that the scale of Block A has been reduced by one storey height from the original submission. However, as figures 20 and 21 illustrate, the introduction of additional tall buildings in this part of the site will have a significant visual impact from these neighbouring properties. Furthermore, given the proliferation of balconies proposed on the western elevation, the proposed development has the potential to lead to a significant reduction in residential amenity for occupiers of houses in Kynaston Road, by virtue of being overlooked, especially within their rear gardens. It is considered that a planning condition requiring balcony screening for the proposed balconies on the western elevation of Block A would help to mitigate the overlooking impact to an extent.

6.5.12 The Daylight/Sunlight Assessment finds that the proposal would not result in a significant loss of daylight or sunlight to properties in Kynaston Road or Sandringham Road. Some private gardens will experience some reductions in sunlight; however, the comparison with the existing configuration indicates that the reductions are within acceptable levels. An additional test was also conducted on 21 June to assess the sunlight conditions in the summer period when people usually spend longer hours outdoor and are most likely to use these spaces. All spaces would achieve adequate sunlight conditions and no reductions were found for this period.

1 – 9 Ravensleigh Gardens

6.5.13 Block E is positioned to the north of No.9 Ravensleigh Gardens and would project around 5m beyond the rear of this two-storey dwelling at a distance of approximately 4.5m away. There are no south facing flank windows which would overlook this adjoining site and No.9 has no north facing windows currently looking onto the site.

6.5.14 Whilst the introduction of new development in this part of the site would give rise to a change in outlook from the rear of the neighbouring site and this would be exacerbated by the loss of an existing mature tree on the site boundary, it is not considered that the amenities of the occupiers of the adjoining site would be significantly harmed by inadequate daylight, sunlight, privacy or by overshadowing.

- 6.5.15 Block D is located to the east of No.1 Ravensleigh Gardens and ranges between heights of 4 and 8 storeys. Whilst it is in a similar position to the existing 13 storey tower (Burnt Ash Heights) it would reside in much closer proximity to the site boundary with Ravensleigh Gardens (approx. 4m) compared to the existing Burnt Ash Heights (approx. 12m). It is noted that the existing tower has no residential balconies.
- 6.5.16 The applicant has positioned Block D forward of the adjoining houses in Ravensleigh Gardens so that their rear gardens would not be overlooked by any proposed windows or balconies on the western elevation of the Block D. However, there are 3 balconies proposed on the southern half of Block D which would be situated in close proximity to the front elevation of No.1 Ravensleigh Gardens. At around only 3m away from existing neighbouring windows this has the potential to give rise to significant overlooking, loss of privacy and noise impacts for occupiers of No.1 Ravensleigh Gardens.
- 6.5.17 Whilst the introduction of balcony screening to the balconies on the western side of block D would help to mitigate the impact to an extent, given the proximity of the proposed balcony to the neighbouring dwelling, the proposal would result in an uncomfortable relationship with No.1 Ravensleigh Gardens and, vice versa, for future occupants of plot D131 (as discussed above).
- 6.5.18 In addition, Block D would clearly appear prominent and somewhat obtrusive in views from the front of neighbouring sites in Ravensleigh Gardens.

Rotunda Court

- 6.5.19 Rotunda Court sits particularly close to the boundary line and there are single aspect units facing north which will face the new buildings, particularly Block C and Block D. Block C ranges between four and nine storeys and is around 16m to the north of Rotunda Court. Block D is around 18m to Rotunda Court.
- 6.5.20 The results of the daylight/sunlight assessment show that, following the development, all the windows of Rotunda Court will achieve VSC levels in line with the BRE recommendations. This means that either they will achieve a VSC value of at least 27% or that the reduction is no more than 20% of their former value.
- 6.5.21 The Daylight Distribution (DD) analysis undertaken for Rotunda Court confirms that the majority of the rooms meet the BRE requirements. However 11 rooms will achieve lower DD values than the BRE recommendations including two bedrooms on the ground floor, a kitchen/living/dining space and two bedrooms on the first and second floor and a kitchen/living/dining space on the third floor and on the fourth

floor. As these are all habitable rooms the impact on internal amenity will be significant.

6.5.22 In terms of potential overlooking/loss of privacy for occupiers of the existing building, there are a number of habitable room windows in the southern elevation of Block C which would be sited a minimum of around 15m away from Rotunda Court. However, given the separation distances and angling away of Rotunda court from the site boundary, it is not anticipated that this would give rise to any significant overlooking to existing habitable room windows at the adjoining site. Furthermore, there are no balconies proposed on the southern sides of Blocks C or D.

6.5.23 While the residential blocks themselves would provide a generous separation to the boundary with Rotunda Court, the proposed generator and sub-station buildings are in close proximity to the adjoining site and no detailed elevations have been provided to enable a meaningful assessment of the visual impact of these structures.

6.5.24 The applicant has provided an Environmental Noise Assessment. Residential developments are not typically considered as a source of noise during the occupational phase. As a result, the report concludes that the completed development is unlikely to introduce any significant noise sources that would have a negative impact on existing neighbouring sensitive receptors.

6.5.25 Regarding the proposed generator and sub-station, IDOM have confirmed that preliminary calculations have been undertaken for two pieces of equipment with an assumed sound pressure level of 59 dBA and 64 dBA. Attenuation has been allowed for a minimum of 10 dBA and the report concludes that, given the measured background sound levels at the site, it is unlikely but possible that a tone from the plant may just be perceptible. As such, the strategy has allowed for a penalty to be added for tonality of +2dBA at the nearest proposed and existing sensitive receptors.

6.5.26 Bromley's Local Plan policy 119 states '*in most cases where there is a risk of cumulative impact on background level over time or where an area is already subject to an unsatisfactory noise environment, applicants will be required to ensure that the absolute measured or predicted level of any new noise source is 10dB below the existing typical background LA90 noise level when measured at any sensitive receptor.*'

6.5.27 Taking the lowest measured background sound level, the expected noise level from the proposed plant is expected to be at least 6 dBA below the lowest measured background sound level at the existing noise sensitive receptor (closest receptor to the proposed plant). As such it will require additional noise mitigation in line with Policy 119.

6.5.28 Conditions are recommended requiring that full details of the siting and design of the proposed generator and sub-station, as well as details of a scheme of noise mitigation measures, are submitted to the Council for approval.

152-162 Burnt Ash Lane

6.5.29 Block A ranges in heights between five and eight storeys and is around 25m from the front elevation of houses on Burnt Ash Lane. Block B (13 storeys) is not directly opposite any existing residential dwellings but is positioned opposite the Toyota Garage on Burnt Ash Lane. It is separated from the nearest residential dwelling on Burnt Ash Lane (No.152) by around 30m.

6.5.30 A total of 25 windows were analysed for daylight/sunlight impact at the front of No's 152 – 162 Burnt Ash Lane. The majority of the existing windows currently receive 27% VSC or above (only 2 currently receive under 27%). The reduction in building height results in some improvement upon the mediation between the proposed and existing contexts. The retained values are marginally higher than the previous assessment, with two additional windows now showing full compliance with the BRE criteria for Vertical Sky Component. However, 13 windows would still receive less than 27% VSC and a reduction of more than 20% of their former value and would therefore notice a material change in accordance with BRE guidance.

6.5.31 The Daylight/Sunlight report suggests that these reductions are mainly caused by the existing obstructions rather than by the proposed development. However, the results in the report clearly demonstrate a reduction of more than 20% the former value at the majority of the windows assessed with some windows receiving up to 39% of their former value. While an upper threshold of 40% may be acceptable in the circumstance where the application site was currently undeveloped and a more significant change would be expected, this is a currently developed site in a low-density suburban environment, where a VSC target of 27% would normally be expected.

6.5.32 It is noted that the No-Sky line (NSL) test results indicate that all the rooms analysed meet the BRE recommendations. However, based on the above, the loss of daylight to No's 152 - 158 Burnt Ash Lane would be significant.

6.5.33 The provision of 20 No. balconies on the eastern elevation of Block A providing private amenity space for the proposed flats could also lead to a perception of being overlooked for occupiers of 152-162 Burnt Ash Lane. However, it is considered that frontages are of a less private nature than rear facades and amenity areas and, at a distance of 25m, it is unlikely that any significant loss of privacy would actually occur.

167 Burnt Ash Lane and 2-12 Kynaston Road

6.5.34 These residential properties are located to the north of the site on the opposite side of Kynaston Road. Block A is located around 28m from the southern side of No.167 Burnt Ash Lane. There are no proposed balconies on the northern elevation of Block A and given the separation distance between the Block and the site to the north, no significant overlooking or loss of privacy for the occupiers of No.167 is anticipated.

6.5.35 Furthermore, the results of the daylight/sunlight assessment show that all of the assessed windows meet the BRE criteria for daylight availability.

6.5.36 To summarise, whilst some of the harmful impacts of the development could be mitigated, to an extent, through appropriate balcony screening and the use of noise mitigation measures, the development, as proposed, would still lead to a significant loss of amenity for residents in Kynaston Road, Rotunda Court, Burnt Ash Lane and Ravensleigh Gardens. This harm will need to be weighed-up against the overall planning benefits of the estate regeneration and the provision of additional housing.

6.6 Transport and Highways - Acceptable

Car Parking

6.6.1 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision with Policy T6.1 of the London Plan setting maximum car parking standards.

6.6.2 Section 38(5) of the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended) states: *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."* Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) goes on to state that decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The London Plan car parking standards would therefore take precedence over those set out in the Local Plan.

6.6.3 The site has a PTAL rating of between 1b and 2. Based on the unit size mix proposed, for a PTAL 2 site the maximum parking provision for this development as set out in the London Plan is 137 spaces.

6.6.4 The existing site provides 90 car parking spaces. A housing needs survey undertaken in 2018 showed that 50 of the 91 households currently on the site owned or had access to a private vehicle. Almost all of these (88%) had only one vehicle. Of the 90 spaces on the site (which includes 30 garages, 35 private spaces and 25 on Pike Close, which is a public highway), the overnight parking survey indicates that

66% of spaces were occupied (assuming half the garages are used for parking and half are used for storage). On the public highway surrounding the site (within a 400m radius) there is the equivalent of 483 vehicle spaces on the kerbside. Of these, the overnight parking survey indicates that only 62% of the kerbside was parked.

- 6.6.5 Based on the housing needs survey undertaken, the proposed parking strategy seeks to provide 48 parking bays for existing residents (all existing units with access to a car receive a parking bay) and an additional 35 for the proposed units (83 total). The additional bays will be allocated to the larger units first meaning all 3 bed units will have a parking bay with the remaining spaces offered to the 2 bed units. The parking proposals result in a parking ratio of 0.48 per unit.
- 6.6.6 The forecast trips for the proposed development result in approximately one car per minute during the AM peak hour and less than one per minute during the PM peak hour. This level of trip is not considered to have a material effect on the local highway network and acceptable in transport terms.
- 6.6.7 While the level of parking proposed is below the maximum standards in the London Plan the applicant has demonstrated that this amount of parking would be acceptable to meet the level of demand which the development would generate. Also, given they are 'maximum' standards there is no requirement to provide 137 spaces, particularly in this case where the housing needs survey demonstrates an under-utilisation of the existing parking spaces on and around the estate.
- 6.6.8 5No. Blue Badge Parking spaces will be provided which meets the requirement for 3% of the total number of dwellings to have access to at least one designated disabled persons bay from the outset, as set out in London Plan policy T6.1. All blue badge parking would be allocated on a needs basis rather than tied to a partial home and rented on short-term lease. This will be managed through a Parking Management Plan which should be secured through a planning condition.
- 6.6.9 EV charging is provided in line with the London Plan March 2021 with 20% active charging from the outset and the remaining 80% equipped with passive provision. This is acceptable in principle and would need to be secured by condition should the development be deemed acceptable overall.

Cycle Parking

- 6.6.10 303 long-stay and 8 short-stay cycle parking spaces have been proposed, which is in accordance with the standards identified in Policy T5 of the London Plan. Cyclists in Blocks A, B and C would have direct access to the internal cycle stores from Burnt Ash Lane, while cyclists in blocks D would have access to their internal cycle store via Kynaston Lane.

6.6.11 Each of the house units across Block E and F will have a dedicated cycle shed type facility within the private amenity which is capable of storing the required 2 cycle parking spaces per unit. For Block E this will be located in the back gardens and for Block F in lockable storage in the front gardens.

6.6.12 The proposals provide a mix of cycle stands including, two-tier, Sheffield and accessible Sheffield stands within the internal stores to cater for all users. TfL have raised concerns over the proposed mix of cycle stands as two-tier racks are not suitable for children and older or disabled residents. A larger proportion of Sheffield stands should therefore be provided. TfL have also advised that the spacing of the stands does not meet the minimum spacing requirements in the London Cycling Design Standards.

6.6.13 As discussed in the preceding sections, there are additional concerns over the accessibility and safety of the cycle stores due to the direct access from the public realm which the applicant has not addressed.

6.6.14 It is recommended that the detailed design of cycle parking to LCDS is reserved for approval by the Council as part of a cycle parking condition should planning permission be granted.

Travel Plan

6.6.15 A residential travel plan has been provided. The target proposed is to increase the proportion of residents travelling to or from the site by cycle and on foot by 5% over 5 years. It is expected that this reduction will come from a reduction in car trips, rather than public transport, given that the modal shift currently is 43 per cent driving. The mode shift target should be more ambitious in order to better reflect Policy T2 of the London Plan, reducing car dominance and the Mayor's Strategic Mode Shift which aims to have 80 per cent of trips to be using an active travel mode.

6.6.16 An updated travel plan would be required through condition. Furthermore, a condition to secure a car park management plan which explores opportunities to monitor and manage approach and repurpose of parking should the opportunity arise, is required.

Vehicular Access

6.6.17 The proposals retain the existing vehicular access to Pike Close via the Kynaston Road priority T-junction. The internal layout provides parking facilities and a route for vehicles to service the site. Following the recent updates which include improved landscaping and surface treatment, it is no longer proposed to retain Pike Close as public highway. On that basis, it is proposed to stop-up Pike Close to its junction with Kynaston Road.

6.6.18 Internal aisle widths have been kept to a minimum width of 6m. The proposal would maintain access to the private dwellings at Ravensleigh Gardens to the south west of the application site. All vehicles can enter and exit the site in a forward gear.

Delivery and Servicing

6.6.19 The operational waste arisings leads to a requirement for approximately 28 No. 1100 l bins and 64 No. 240 l bins for the residential blocks A, B, C and D. However, 1100 l bins can be used instead of 240 l bins to save space where necessary. The operational waste from blocks E and F are managed per plot, accounting for 2 No. 55 l bins and 1 No. 240 l bin per dwelling. The bin stores are located on the ground floor within each block and are accessed from Kynaston Road. The residential refuse will be collected by the local authority and collections will be managed in accordance with the borough policy. A refuse storage condition is recommended.

6.6.20 All delivery and servicing activity will be undertaken on site with all vehicles entering and exiting in a forward gear. Following updates to the masterplan which include alterations to landscape and car parking, all swept path analysis has been updated to ensure vehicles can enter and exit the site in forward gear without any impact or encroachment onto amenity space or parking bays, which is satisfactory.

6.6.21 A total of 26 delivery and servicing trips (12 net additional trips) are expected daily, which is a significant reduction from the 52 HGV and LGV servicing trips in the peak hours in the original application. The majority of these trips are expected outside of the typical AM and PM peak hours and are not expected to have a material impact on the local highway network.

6.6.22 An updated Delivery and Servicing plan is required through condition, also forecasting the impact that home deliveries will have on trip numbers.

Construction Management

6.6.23 Adjoining residents have raised concerns over the impacts during construction, including damage caused to properties by construction vehicles and as a result of subsidence. These are private legal matters which would be addressed through separate legislation such as the Party Wall Act. An informative is recommended. In addition, the use of good practice measures and standard controlled working hours will help to minimise any negative impact on adjoining residents during the construction works. A construction and environmental management plan condition is recommended.

S106 Heads of Term (Highways)

- 6.6.24 'Bus cage relocation' – This has been agreed in principle with TfL. Further discussion is ongoing between the applicant and TfL in order to finalise the move. The applicant has agreed in principle to enter into a S106 agreement to cover all of TfL's costs of the relocation.
- 6.6.25 'Widening of pedestrian refuge on Burnt Ash Lane' - The applicant has agreed in principle to enter into a S278 agreement or highways licence (secured as part of the S106) for the proposed improvements to the pedestrian crossing refuge on Burnt Ash Lane. The detailed design will need to be subsequently agreed through S278.
- 6.6.26 'Car Club Membership and Financial contribution towards converting an existing parking bay on Burnt Ash Lane to a car club bay'.
- 6.6.27 'Agreement to cover Council's legal costs of Stopping-up Order'.

6.7 The Natural Environment - Acceptable

- 6.7.1 NPPF Policy 174 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity & Protected Species

- 6.7.2 London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that "Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process."
- 6.7.3 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.
- 6.7.4 The application is accompanied by an Ecological Appraisal, prepared by Aspect Ecology. The Appraisal identifies that there are no statutory or non-statutory nature conservation designations present within or adjacent to the Site. Furthermore, it is also concluded that none of the

designations within the surrounding area are likely to be adversely affected by the proposals. The Appraisal further identifies that the Site is dominated by habitats not considered to be of ecological importance.

- 6.7.5 The site generally offers limited opportunities for protected species and no evidence of any such species was recorded during the survey work. A number of buildings within site were considered to offer some low potential to support roosting bats. Accordingly, further specific bat survey work (including emergence/re-entry surveys) was undertaken, which recorded no evidence for any use by roosting bats.
- 6.7.6 The site provides potentially suitable nesting habitats for common bird species, which could therefore potentially be adversely affected by the proposals. There are recent GiGL recorded swift records at the site. The report recommends appropriate mitigation measures, centred on the careful timing of works or prior confirmation that nesting birds are absent, to safeguard nesting birds during relevant site clearance works.
- 6.7.7 These proposals present the opportunity to secure a number of biodiversity net gains, including additional native tree and shrub planting, new roosting opportunities for bats, and more diverse nesting habitats for birds. The application is also accompanied by a Biodiversity Net Gain calculation and considers the change in ecological value of the site in light of the proposed development. The Biodiversity Net Gain report identifies that as a result of the proposed landscaping scheme, the development will result in a net gain of 0.67 biodiversity units. This equates to a net gain of 12.33% which accords with the policy requirement.
- 6.7.8 The recommendations and mitigation measures set out in the application should form planning conditions alongside lighting and a swift nesting brick condition.

Trees

- 6.7.9 Within the London Plan, Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. The Policy further states that if planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.
- 6.7.10 Policy 73 of the Local Plan requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

- 6.7.11 An Arboricultural Impact Assessment has been prepared by Aspect and accompanies this submission. The Arboricultural Impact Assessment and Tree Survey provides an assessment of the arboricultural value of the trees within the site based on their current quality. The Assessment also provides a number of recommendations to ensure those trees retained as part of the proposed development are appropriately protected during construction.
- 6.7.12 The Assessment identifies that at present, there are 44 trees of individual distinction and six parcels or ornamental shrubs and young trees within the site boundary. In order to facilitate development and ensure the health of existing trees are retained following the completion of the Proposed Development, the applicant is proposing the removal of 35 individual trees, four collections of ornamental shrubs and partial clearance of a fifth collection of shrubs. The trees identified for removal are a mix of Class B, C and U trees.
- 6.7.13 Officers agree agrees with the findings of the Arb report, which can be summarised as 'the relative replaceability of the trees present is high'. Nonetheless, since so many trees are to be removed, the adherence to a tree planting scheme at least as extensive as that proposed is important. Therefore, in the event that permission is granted a requirement to adhere to the tree planting plan should be included within any soft landscaping condition. Protection of the retained trees, through condition, should also be secured.

6.8 Energy & Sustainability – Acceptable

- 6.8.1 The London Plan Policy SI2 – Minimising greenhouse gas emissions - states that Major development should be net zero-carbon, reducing greenhouse gas emissions in accordance with the energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
 - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
 - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
 - 4) be seen: monitor, verify and report on energy performance.
- 6.8.2 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.
- 6.8.3 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required – Of the 35% residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.

- 6.8.4 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
 - 2) off-site provided that an alternative proposal is identified and delivery is certain.
- 6.8.5 Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.
- 6.8.6 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.8.7 In 2019, the London Borough of Bromley approved a ten-year plan to ensure that the Council will have net zero emissions by 2029. The commitment is one of the most ambitious targets of any London borough. Work to move towards the net zero emission target will include tree planting, an energy efficiency programme, expanding renewable energy and LED street lighting, and other initiatives.
- 6.8.8 The application is accompanied by an Energy Statement by EEABS (July 2021) and a Whole Life-Cycle Carbon Assessment by HTA (July 2021).
- 6.8.9 Addressing the "Be Lean" element of the policy the report set out that savings have been made at the Be Lean stage thanks to increased performance of the building's constructions and air permeability. Further savings have also been realised through the use of highly efficient ventilation and lighting systems.
- 6.8.10 By implementing the Be Lean measures there would be an improvement on carbon emissions of 11.18% when using SAP 2012 emission factors. The 10% carbon reduction through energy efficiency measures alone target would therefore be met.
- 6.8.11 Addressing the "Be Clean" element of the policy, the applicant is proposing a site-wide heat network supplied by a centralised energy centre. They have also provided an updated drawing showing the DH network route to all blocks and houses and the energy centre location and layout that includes space allocation for future plate heat exchangers, to allow for a future connection to a district heating network.
- 6.8.12 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The London Heat Map showed that the nearest Proposed Heat Network is over 7km away from the development and

as such connection to an existing or even proposed Area Wide Heat Network would be unfeasible.

- 6.8.13 The energy statement goes through the potential renewable energy technologies (“Be Green”) that could be used to bring the carbon reduction to the minimum of 35% on-site. It concludes that air source heat pumps (ASHPs) and Photovoltaic panels (PVs) would be the most feasible renewable technologies to install for the proposed development.
- 6.8.14 Air Source Heat Pumps with an efficiency of 3.19% (SCOP 3.19) will provide 80% of the energy centres total heating demand with the remaining 20% being provided by ultra-low NOx gas fired boilers with assumed efficiencies of 94%. These will be provided in the on-site energy centre within the ground floor of Block B.
- 6.8.15 Following further energy comments from the GLA, the Energy Statement has been updated to demonstrate further how the provision of PV panels has been maximised on the Site. This has included the introduction of additional PV panels on Block E. A total of 222No. 340 Watt PV Panels are proposed which would generate an estimated 75kWh/yr of electricity. A carbon off-setting payment should be secured as part of a S106 legal agreement.
- 6.8.16 In order to demonstrate compliance with the ‘be seen’ post-construction monitoring requirement of Policy SI 2 of the London Plan, the applicant has agreed in principle to entering into a legal agreement to comply with the energy monitoring requirements of Policy SI 2.

Managing heat risk

- 6.8.17 London Plan Policy SI4 sets out expectations for developments to minimise adverse impacts on the urban heat island, reduce internal overheating and reduce the need for air conditioning through their design, layout, orientation, materials and the use of green infrastructure. Major developments should include information in their energy strategy as to how they propose to meet policy requirements in accordance with the cooling hierarchy in Policy SI 4.
- 6.8.18 The applicant has carried out a Dynamic Overheating Analysis, using the CIBSE TM59 methodology, which demonstrates compliance with DSY1 is achieved assuming a g-value of 0.4, blinds and mechanical purge ventilation. They have noted that there are acoustic constraints to opening certain windows. The applicant has confirmed that guidance will be provided to occupants on minimising future dwelling overheating risk. The applicant has outlined the purge mechanical ventilation noise levels and demonstrated that they will be acceptable to residents. They have also justified the decision not to use Brise Soleil and confirmed that comfort cooling will not be required. This is acceptable.

Construction Waste Management

- 6.8.19 In accordance with London plan policy SI 7 Referable applications should promote circular economy outcomes and aim to be net zero-waste. The applicant has submitted a Circular Economy Statement which the GLA has provided detailed comment on. Following the GLAs stage 1 response the applicant has provided updates to the report where relevant.
- 6.8.20 In accordance with Policy 113 of the Local Plan Major development proposals will be required to implement Site Waste Management Plans to reduce waste on site and manage remaining waste sustainably. The applicant confirms that a Site Waste Management plan will be commissioned by the contractor to reduce waste during demolition and construction. This will need to be secured through a pre-commencement condition.

6.9 Drainage and flooding - Acceptable

- 6.9.1 The application is accompanied by a The Flood Risk Assessment & Drainage Report carried out by PRICE & MYERS with Job No. 27912 dated Nov 2021 Rev. 4.
- 6.9.2 Surface water run-off from the development area, which is not subject to adopted highway, will be attenuated via green roofs, permeable paving and underground attenuation tanks. Preliminary calculations show that a total volume of approximately 290m³ will be required, split between two tanks, each to attenuate to 3.1 l/sec for the 1 in 100 year plus 40% climate change storm event. The remaining storage will be accommodated in the permeable paving.
- 6.9.3 Both the GLA and Thames Water have requested for rainwater harvesting to be explored. The applicant states that the possibility of using rainwater systems has been explored, however there is insufficient space to provide a harvesting storage tank below or above ground due to the other services serving the site. As a result, it is not feasible to utilise rainwater harvesting within the buildings or public amenity areas. There is however potential to harvest rainwater for irrigation in resident's private gardens and water butts will be provided in the gardens of the private houses.
- 6.9.4 The proposed surface water drainage strategy is acceptable. Had the application been acceptable overall a planning condition ensuring compliance with the submitted Report would be recommended.

6.10 Environmental Health: Air quality / Contamination/ Lighting - Acceptable

Air Quality

- 6.10.1 The site lies wholly within an Air Quality Management Area (AQMA) declared in 2007 for NO_x where increased exposure to existing poor air quality should be minimised by avoiding introduction of potentially new sensitive receptors in such locations: particular attention should be paid to development proposals such as housing in this respect.
- 6.10.2 The application is accompanied by an Air Quality Assessment by IDOM Merebrook Limited (IDOM), reported dated July 2021, Ref: AQA-21949m-21-230 which considers the air quality impacts from the construction, referencing the Control of Dust and Emissions from Construction and Demolition Supplementary Planning Guidance (2014), as well as the impacts from the operational phase.
- 6.10.3 The proposed scheme will introduce new, highly sensitive (residential) receptors into the AQMA. Several receptor locations have been selected along the façade of the proposed blocks fronting Burnt Ash Lane. The predicted total NO₂ concentrations (after adjustment) with the scheme in place are summarised in Table 10 of the AQA. Predicted annual mean NO₂ concentrations at new Blocks on Burnt Ash Lane are predicted to be below the Air Quality Objective (AQO) at all modelled receptor locations.
- 6.10.4 Furthermore, the impact of the development on existing receptors in the vicinity of the site is also found to be negligible.
- 6.10.5 The report also includes an Air Quality Neutral Assessment. In terms of Building -related Emissions (BRE), these are estimated to be well below the Building Emissions benchmark for NO_x.
- 6.10.6 Transport-related emissions (TRE) are found to be slightly above the benchmark for both NO_x and PM₁₀, however, this figure does not take into account trips associated with the use of electric vehicles (EV).
- 6.10.7 While the report concludes that the scheme can be considered 'air quality neutral' overall and that no further action is required in terms of mitigation/offsetting, the Council's Environmental Health officer recommends conditions relating to the use of low NO_x boilers, the provision of active and passive electric vehicle charging spaces and Non Road Mobile Machinery to comply with the emission standards within the GLAs 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or any subsequent guidance.

Contaminated Land

- 6.10.8 A Geo-Environmental Assessment, written by IDOM, July 2021 was submitted as part of this application, presented results from a site investigation report where there were elevated levels of Lead, Zinc, and PAH species. The report recommended that capping material should be provided, comprising a 300mm thickness of clean, inert

topsoil/subsoil in all proposed areas of soft landscaping and a thickness of 600mm in private gardens.

6.10.9 A land contamination condition is recommended.

Lighting

6.10.10 A lighting strategy was provided with the application, the aims and principles of which are acceptable. A lighting condition would be required to ensure that lighting in the new development is at an appropriate level so as to minimise impact on amenity whilst ensuring safe and secure places.

6.11 Other Matters

CIL & S106

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

6.11.2 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

6.11.3 The applicant has identified the following Heads of Term for this application:

- Carbon off-setting Contribution;
- Playspace Contribution (12+ provision);
- Affordable Housing Provision;
- Travel Plan;
- Securing Wheelchair Accessible Units;
- Legal Costs; and
- Monitoring Fee.

6.11.4 Notwithstanding the applicant's suggested Heads of Term, the Council has identified a number of planning obligations which it considers necessary to mitigate the impacts of this development, the reasons for which have been set out in this report. These are set out in Table 6 of this report.

6.11.5 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. The applicant has agreed, in principle, to enter into a

S106 legal agreement to secure the above Heads of Term, should planning permission be granted.

Environmental Impact Assessment (EIA)

6.11.6 The Council issued an EIA screening opinion on the 21st September 2021 which confirmed that the proposed development is not “EIA development” within the meaning of the 2017 Regulations and, taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, would not be likely to have significant effects on the environment generating a need for an EIA.

7. Conclusion

- 7.1 This application includes the replacement of existing poor quality affordable homes and an overall net gain of 78 (market) residential dwellings and would represent a moderate contribution to the supply of housing within the Borough.
- 7.2 Whilst the introduction of any further affordable housing units would not be viable and the provision cannot be increased at this point in time, the new affordable housing will be of a modern specification providing significantly enhanced accommodation standards for the residents. It is also noted that there is an increase in both the total floorspace of affordable units and the number of affordable habitable rooms across the site as a result of this development.
- 7.3 As set out in this report, insufficient townscape justification has been provided for the height, scale and massing of the development which is at odds with the general pattern of development in the surrounding area and contrary to policies 37, 47 and 48 of the Local Plan and policies D3 and D9 of the London Plan.
- 7.4 Furthermore, in the context of scheme viability where the number of homes proposed would still result in a very significant financial deficit, there is limited justification for the residential density proposed.
- 7.5 It is also clear that a loss of amenity for occupiers of neighbouring residential sites will be unavoidable if this development goes ahead in its current form.
- 7.6 Notwithstanding the harm identified, given the Councils’ inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, on balance, it is concluded that the scheme would not give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.7 Accordingly, the application is recommended for permission, subject to the prior completion of a S106 legal agreement and any direction from the Mayor of London.
- 7.8 The Section 106 agreement will include viability review mechanisms so that, if the viability of the scheme improves sufficiently during the delivery of the scheme, additional on-site affordable housing or an equivalent offsite payment will be due.
- 7.9 This application must be referred back to the Mayor of London in accordance with the request of the GLA in its Stage One Response.

**RECOMMENDATION PERMISSION SUBJECT TO ANY DIRECTION
BY THE MAYOR OF LONDON**

SUMMARY OF CONDITIONS AND INFORMATIVES

- **Time limit of 3 years**
- **Compliance with approved drawings**

PRE-COMMENCEMENT

- **Slab levels**
- **Construction and Environmental Management plan**
- **Circular Economy Statement**
- **Lighting Scheme**
- **Details of Sub-Station and Generator**
- **Tree Protection**
- **Remediation Strategy**
- **Thames Water underground infrastructure**
- **Digital connectivity infrastructure**
- **Biodiversity Enhancements**

ABOVE-GROUND WORKS

- **Landscaping Scheme**
- **Landscape Management Plan**
- **External Materials / samples**
- **Balcony Screening**
- **Noise Mitigation**
- **Refuse Storage**
- **Cycle Storage**
- **Secure by Design**

PRE-OCCUPATION

- **Post-Construction Whole Life-Cycle Carbon Assessment**
- **Verification report**

- **Travel Plan**
- **Parking Management Plan**
- **Visibility Splays**
- **Delivery and Servicing Plan**
- **Thames Water network upgrades**

COMPLIANCE/NO FURTHER DETAILS

- **Wheelchair units**
- **Car Parking as approved**
- **Electric Vehicle charging spaces**
- **Low NOx Boilers**
- **Non-road Mobile Machinery**
- **Drainage**
- **No piling**
- **Water usage**
- **Fire Safety Measures**
- **PD Removal**
- **Adherence to the recommendations in the Ecological Assessment**

INFORMATIVES

- **CIL**
- **Street naming and numbering**
- **Building control**
- **Part M4**
- **Party Wall Act**
- **TFL**
- **Piling**
- **Contaminated soil**
- **Thames Water assets**
- **Thames Water Mains**