

Committee Date	30 th November 2023	
Address	2-4 Ringers Road and 5 Ethelbert Road Bromley BR1 1HT	
Application number	21/05585/FULL1	Officer Agnieszka Nowak-John
Ward	Bromley Town	
Proposal (Summary)	Demolition of existing buildings and construction of a mixed use development comprising residential units, ancillary residents' facilities (including co-working space) and commercial floor space (Use Class E) across two blocks, along with associated hard and soft landscaping, amenity spaces, cycle and refuse storage (Revised scheme incorporating a second stair into Block A and Block B, internal layout and elevational changes, and changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road).	
Applicant	Agent	
Ringers Road Properties Ltd	Mr Mark Batchelor 4TY Planning Gainsborough House 59-60 Thames Street Windsor SL4 1TX	
Reason for referral to committee	21+ dwellings in housing site allocation	Councillor call in No

RECOMMENDATION	<u>Planning Permission be Refused</u>
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Summary

<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Area of deficiency in access to nature • Archaeological Priority Area • Bromley Town Centre (Metropolitan) • Site 10 Local Plan Allocation
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Land use Details		
	Use Class	Floor space (GIA sqm) / number of residential units
Existing	Class E/ sui generis	1103
	Residential (Class C3)	6 units
Proposed	Class E	413
	Residential (Class C3)	94 units

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	32	29	0	0	61
Affordable (shared ownership)	7	6	0	0	13
Affordable (social rent)	11	9	0	0	20
Total	53	41	0	0	94

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	6 (informal)	0	-6
Disabled car spaces	n/a	2	+2
Cycle	n/a	201	+201

Electric car charging points	0
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Representation summary	Neighbour letters were originally sent on 25.02.2022 to 214 neighbouring addresses. A press advert was published in News Shopper on 09.03.2022.	
	A further round of neighbourhood consultation letters were sent on 10.07.2023. A site notice was also displayed on 12.07.2023 and a press advert was published in News Shopper on 19.07.2023.	
Total number of responses		107
Number in support		1
Number of objections		104
Number of neutral comments		2

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset payment (total)	£77,493	TBC
Children Playspace	£17,292.24	TBC
Affordable housing: 35% (20 SLR and 13 SO)	NA	TBC
Early-stage affordable housing viability review	NA	TBC
Loss of income (P&D parking bays)	£190,240	TBC
Value of the tree to be lost using 'i-tree' or 'CAVAT'	TBC	TBC
Removal of rights for resident's permit	NA	TBC
Legible London	£22,000	TBC
Healthy Streets	TBC	TBC
Obligation monitoring fee	£500 per head of term	TBC
Total	TBC	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle to redevelop this small, brownfield site in a highly accessible, metropolitan town centre location with a residential led, mixed use scheme is supported from a land use perspective. The site falls within a designated opportunity area in the London Plan and forms part of the housing allocation Site 10 in the Bromley Local Plan.
- The Council does not currently have a 5 year housing land supply. This application would deliver 94 (88 net gain) new residential dwellings including 35% provision of affordable housing, and would therefore

represent a significant contribution to the supply of housing within the Borough.

- The application demonstrates that the traffic and parking demand generated by the development would not have a significant impact on local highways infrastructure or road safety. Adequate sustainability measures would be incorporated achieving the required carbon reduction without causing unduly harmful environmental impacts and potential significant biodiversity improvements are acknowledged. Environmental matters such as air quality, contamination and light pollution would be subject to appropriate conditions if the application was deemed acceptable overall.
- The design, layout, massing, and density proposed is considered to be an excessive and over intensive form of development that fails to respond appropriately to the characteristics or constraints of the site and would prejudice the future development potential of the wider site allocation.
- The over-dominant scale and massing of the proposed buildings would visually compete with the modest market town character of the adjacent Bromley Town Centre Conservation Area, resulting in less than substantial harm to its setting under the NPPF definition.
- The proposed residential accommodation would result in a poor standard of living conditions for future residents, particularly with regard to outlook/aspect and daylighting conditions (typically in respect of affordable and wheelchair accessible units), as well as privacy and playspace provision. The proposal would also harm the amenities of the existing neighbouring occupiers in terms of overbearingness, overlooking and loss of light.
- The applicant has failed to provide a financial viability assessment to confirm if the scheme can support more affordable housing than what is offered. Therefore, on the basis of insufficient information, being the lack of a FVA, the application would fail to demonstrate that it would maximise the delivery of affordable housing. Additionally, the proposed housing mix due to lack of larger family size homes, would not address an identified housing need in the Borough.
- The proposed drainage strategy based on the proposed discharge rate of 5l/s in a densely urbanised area with known lack of capacity of main river downstream is considered unacceptable.
- The benefits arising from this development are not considered to outweigh the harm it would cause.

1. LOCATION

town centre, the boundary of which extends into Ethelbert Close and along Ethelbert Road to the west.

- 1.6 There are no statutorily or locally listed buildings within or close to the site and it is not within a conservation area. The boundary of the Bromley Town Centre Conservation Area is located approximately 50 metres to the north-east, at the junction of Ethelbert Road and Churchill Way.



Fig. 2 Site Photographs.

- 1.7 Bromley Park to the north includes Martin's Hill and Church House Gardens Site of Importance for Nature Conservation (SINC). There is one mature Sycamore tree within the site boundary and further trees adjacent to the site.
- 1.8 The Site is in a Groundwater Source Protection Zone (Zone I - Inner Protection Zone). The site is in Flood Zone 1.
- 1.9 Access to the site is taken from both the north and the south along Ethelbert Road and Ringers Road, respectively. Along Ethelbert Road, there is a pedestrian access at ground floor level as well as a vehicular access into a servicing yard. Along Ringers Road, there is no vehicular access, but there are two pedestrian accesses along the site frontage.
- 1.10 The site's PTAL rating is 6b with the southern extent of the site falling within the 6a category, demonstrating an excellent level of accessibility to public transport services within the vicinity of the site. Bromley South Station is located approximately 270m southeast of the site, whilst Bromley North Station is situated approximately 800m northeast of the site.

1.11 On Ringer's Road, a coach stand lies directly adjacent to the site, with a bus stop and stand immediately to the east of this, close to its junction with the High Street.

2. PROPOSAL

2.1 The proposal is for the demolition of existing buildings, including No.5 Ethelbert Rd, and the construction of two buildings to provide 94 residential units, with ancillary residential and commercial uses on the lower floors.

2.2 Block A would be situated to the south of the site and would extend to 14-storeys (43m). The development would step down to the north, with Block B rising to 12 storeys (36.7m). The two residential blocks would be accessed independently with Block A accessed via a residential entrance off Ringers Road and Block B, accessed off Ethelbert Road.

2.3 A breakdown of the residential accommodation proposed has been provided below:

- Block A – 45 units comprising 37 x one-bedroom and 8 x two-bedroom apartments;
- Block B – 49 units comprising 16 x one-bedroom 33 x two-bedroom apartments.

2.4 The scheme would provide a total of 413sqm of Class E use floorspace in Block B, of which 257sqm was annotated as office use at the lower ground and ground floor, and 156sqm as general commercial located over ground and first floor levels.

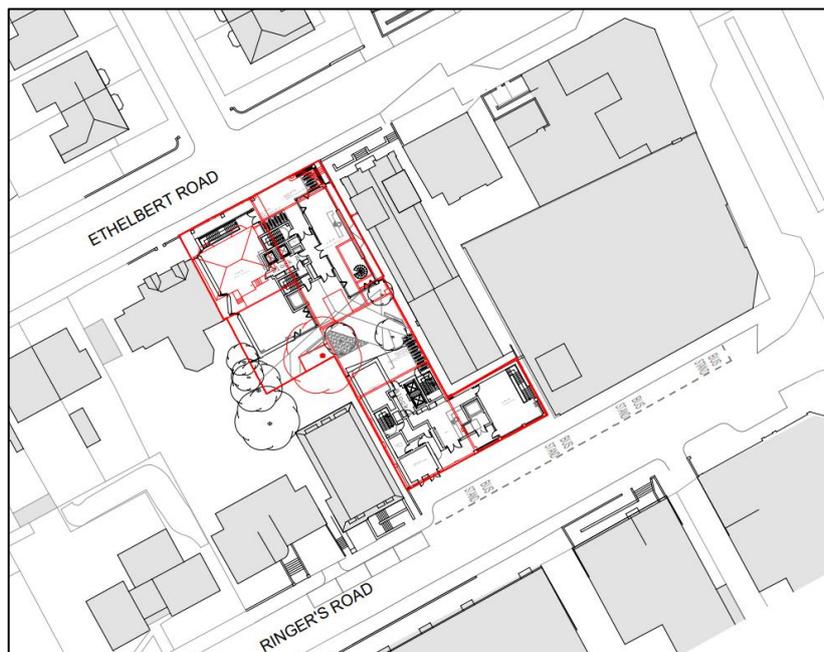


Fig.3 Proposed Ground Floor Plan.

- 2.5 With the exception of the disabled car parking space and accessible car club space which would be provided along the site frontage on Ethelbert Road, the proposals would be car-free as such no vehicle accesses to the site would be provided.
- 2.6 The affordable housing provision would comprise of 33 units (35%), of which 20 would be social rented and 13 shared ownership units.
- 2.7 The affordable housing provision would comprise of 33 units (35%), of which 20 would be social rented and 13 shared ownership units.

Amendments

- 2.8 On 14th February 2023 the Greater London Authority (GLA) announced, with immediate effect, that all planning applications for residential buildings over 30 metres in height must include at least two staircases to be considered by the Mayor of London for approval. Across the course of the application, there have also been changes to BRE daylight and sunlight standards and the GLA's energy guidance. As such the proposal has been revised to accommodate the updated requirements.
- 2.9 The originally submitted scheme has been revised by the submission dated 17th May 2023 and publicly re-consulted. In summary, the following amendments have been made:
- Incorporation of a second stair into Block A and Block B
 - Revisions to the proposed mix of units
 - Internal layout
 - Elevational changes:
 - A double height co-working lounge has been introduced with more glazing facing the street (Block A)
 - Addition of openable windows in the side elevation of Block A
 - Enlargement of the areas of glazing and bay windows in both Blocks
 - Introduction of a solid panel introduced to reduce overheating.
 - Changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road resulting in the removal of three bays on Ethelbert Road to provide a car club, disabled bay and enhanced servicing, and the removal of one bay on Ringers Road to provide an enhanced servicing area.





Fig.4 CGIs of the Proposal.

3. RELEVANT PLANNING HISTORY

2-4 Ringers Road

- 3.1 There is a long history of applications related to the ground floor of 2-4 Ringer's Road which was granted planning permission for the change of use from retail to restaurant/bar under application ref.87/03705.
- 3.2 Permission was granted for the change of use of first and second floors to a manager's three bedroom flat under application ref.93/01999.
- 3.3 Planning permission was granted for a gym at part of the ground floor and part of the first floor (use Class D2) on 30.05.2017 under ref.17/00004.

Neighbouring sites

Churchill Quarter

- 3.4 18/02181/FULL1 –Demolition of 1-40 Ethelbert Close, 2 Ethelbert Road, 102-108 High Street, and buildings to the north of Ethelbert Close, and redevelopment with a mixed use scheme of 407 homes and ground floor non-residential uses in buildings of up to 16 storeys, later amended to 14 storeys. The application was withdrawn (finally disposed).

66-70 High Street

- 3.5 19/04588/FULL1 – Demolition of existing buildings (No.66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area. The application was REFUSED on 26th April 2021 for two

reasons: the first being its scale, bulk, massing, materials and design would appear overly dominant and out of keeping with the immediate surroundings, and would be harmful to Bromley Town Centre Conservation Area and the surrounding area; and the second being that the introduction of an isolated tall building would represent a piecemeal and incongruous development that fails to fully follow a plan-led approach. The application was subsequently appealed and allowed.

- 3.6 21/03231/FULL1 – Demolition of existing buildings (66-70 High Street) and erection of a part 13 and part 16 storey building to provide 559 sqm retail floorspace (Use Class Ea) and 68 residential units with associated disabled car parking spaces, cycle parking and refuse storage area. The application was appealed against non-determination and subsequently dismissed.

Design Review Panel held on 15th April 2021

- 3.7 As part of the pre-application process, the scheme underwent an independent Design Review Panel process organised by Design South East. The scheme presented was similar to the current application. In their report dated 29th April 2021 the panel made the following key recommendations:

1. Reconsider the height and scale whilst providing a narrative for a tall residential building.
2. Study the topography and residential context further so that the sloped site assists with a sensitive transition from commercial high street uses towards residential uses.
3. Consider changing scenarios over time ranging from the Salvation Army building remaining for the foreseeable future to complete renewal of all adjacent buildings – and ensure the proposal works equally well irrespectively.
4. Produce an environmental strategy and ensure sustainability principles are embedded in the design proposals.
5. Create a community or civic offer at ground floor level, potentially in connection to the Salvation Army, informed by meaningful engagement with local stakeholders and the council.
6. Introduce generous communal and play spaces, that will make living in this development enjoyable. Greater consideration should be given to how people will meet their neighbours and form a community.

4. CONSULTATION SUMMARY

a) Statutory

- 4.1 **Greater London Authority (GLA) – Whilst the proposal is supported in principle, the application does not yet comply with the London Plan but the possible remedies, as set out in the GLAs full report,**

could address these deficiencies (a copy of the GLAs full report is attached at Appendix 1).

- **Land use principles:** The principle of intensified residential use, with an element of non-residential space, is supported on this under-utilised, Opportunity Area, town centre site; however, this is subject to addressing agent of change, design, and residential quality concerns. Affordable workspace is strongly supported and should be appropriately secured.
- **Housing and affordable housing:** 35% (habitable room) affordable housing (60% affordable rent and 40% intermediate). Subject to confirmation of the tenures of existing homes on the site and those proposed, which must meet affordability requirements, meeting all other policy requirements and obligations, and confirmation that grant funding has been investigated; the affordable housing proposed may be eligible to follow the fast track viability route. Family-sized housing should be provided. Door-step play provision is required as a minimum.
- **Urban design and historic environment:** The buildings are located in an area identified as potentially suitable for tall buildings in the Local Plan; however, significant concerns are raised with the design, layout, massing, and density of the proposals, as well as the consequent deliverability of adjacent sites through a masterplan approach. The proposals are considered to be over-development of the very restricted site. Further views analysis is required before GLA officers can confirm if any harm would be caused to the nearby Conservation Area. A revised fire statement is required.
- **Transport:** Concerns are raised about adverse impacts on the adjacent coach/bus stands/stop during both construction and operation. Contributions to Healthy Streets improvements and Legible London signage are required.
- **Climate change and environment:** Further information is required on energy, whole life carbon, circular economy, green infrastructure, water related matters, and air quality.

4.2 Transport for London – Additional information required

1. The site of the proposed development is approximately 340m from the A21 Kentish Way, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

2. The site has a Public Transport Access Level (PTAL) of 6b, on a scale ranging from 0 to 6b where 6b represents the greatest level of access to public transport services.
3. TfL understands that the proposal entails the construction of one 14 storey and one 12 storey building comprising of 94 residential units (50 x 1 bed, 44 x 2 bed) and 510sqm of flexible use floorspace (assumed that 156sqm will be a café and 354sqm will be flexible co-working office space for residents).
4. It is supported that a parking permit restriction will now be conditioned within a S106 Agreement to remove the ability of future residents obtaining on-street parking permits in the existing CPZ area.
5. It remains that the two BB spaces should be provided with access to Electric Vehicle Charging (EVC) from the outset. The EVC facilities should not obstruct the footway.
6. Despite the revised residential unit split and flexible floorspace sizes, the cycle parking provision still exceeds minimum London Plan standards, which is supported. It is understood that 181 long-stay and 20 short stay spaces will be provided, which should be located in a secure, sheltered and accessible location, and should meet design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS).
7. It is acknowledged that 5% of the long-stay cycle parking spaces will be provided as enlarged Sheffield stands in line with the LCDS. However, at least 20% of the cycle parking spaces should also be provided as Sheffield stands to comply with the LCDS.
8. It remains that Bromley council should secure a contribution towards Healthy Streets improvements towards some of the deficiencies as identified in the ATZ assessment in the TA, ideally complementing already-planned improvements and/or pooled with other s106 contributions from recently approved developments nearby.
9. It also remains that funding for a Legible London sign/local sign refresh should be secured. £22,000 would allow for one new sign adjacent to the site on each frontage to be provided, and a refresh of other town centre Legible London sign maps.
10. It is supported that all delivery and servicing activity is now proposed to be undertaken from Ethelbert Road, thus negating any impact on the coach and bus stands/stop on Ringer's Road. This will be facilitated through the removal of one parking bay on Ethelbert Road to ensure that a single yellow line in excess of 12m is provided.
11. Notwithstanding the above, it is understood that the existing coach bay has already been converted into parking bays and therefore TfL has no plans to utilise this area. It does however remain that the existing single

yellow line at the bus stands and stop should be converted to double yellow lines to prevent residents and their visitors from parking there. Protection of the bus stand is vital during the works and beyond. Although TfL would prefer coach parking retained over car parking, we acknowledge that it is a borough road and therefore a decision for the council. We would however expect that the bus stand remains accessible for buses. The applicant is proposing to remove and relocate one of these parking bays to provide an extended single yellow line section that could also be used for deliveries and servicing at the site. We question the need for this, as it seems to contradict the assertion mentioned above that delivery and servicing would take place from Ethelbert Road. However, this would again be a decision for the Council and we would once again emphasise that any changes on Ringers Road should not impact on the bus stand, or ability of buses to access the stands.

12. During construction works, it is supported that all deliveries will now use the single yellow line located on Ethelbert Road and proposals for loading/unloading on Ringer's Road have been removed.
13. It remains that the Delivery and Servicing Plan (DSP) and Construction Logistics Plan (CLP) should be secured by condition, for approval by the council, should planning permission be granted. Given the proximity to the bus stand, we request that TfL is consulted on the draft DSP and CLP prior to the discharge of these conditions.
14. Given the adjacency of the development to coach and bus stands/stops, it remains that suitable noise insulation measures for habitable rooms on the Ringer's Road frontage should be provided. In addition, the developer should be required in any permission to advise the incoming residents of the proximity of the coach and bus stands/stop which could operate 24/7, and of their need to comply with the agreed mitigation measures.
15. With regard to the framework residential Travel Plan (TP), TfL has the following comments:
 - a) It is understood that a Travel Plan Coordinator (TPC) will be appointed prior to occupation and they will be responsible for the implementation, administration and monitoring of the TP.
 - b) It is acknowledged that that initial travel surveys will be undertaken within six months of first occupancy and further surveys will take place in Years 1, 3 and 5, following occupation of the units. Revised targets and actions will be proposed if necessary.
 - c) The aims and objectives of the TP are largely acceptable. However it is noted that one of the objectives is to promote the use of alternative modes of travel to single occupancy car travel,

yet the car driving mode share is not proposed to be reduced. This should be explained and addressed.

- d) The estimated baseline modal split suggests that 91.5% of the proposed development trips could be travelling by walking, cycling and public transport from the outset. However, the TP targets suggest that this mode share will remain at 91.5% by Year 5. Given this site is highly accessible by foot, cycle and public transport, the TP should aspire to increase the sustainable and active mode share to over 95%, acknowledging that BB holders may be less likely to travel by active or sustainable modes.
- e) It is understood that there are targets for cycling trips to be increased from 1.9% to 2.6% by Year 3 and 3.2% by Year 5. A cycling mode share target of 3.2% after 5 years is reasonable, given the very low cycle mode share in the borough, but this should be supported with detailed and effective actions to try to exceed this, given that the London Plan identifies the town centre/opportunity area as a location for higher cycle parking standards than the rest of the borough. Promotion of/support for E-bikes could be particularly fruitful, given the hilly nature of the town centre.
- f) Notwithstanding the above, the targets to increase walking trips from 12.6% to 16.9% by Year 3 and 21.3% by Year 5 are supported.
- g) The proposed measures include the provision of a 'Welcome Pack' and notice boards, promotion of local walking groups, establishment of pedometer / walking challenges between residents, promotion of local cycling groups and Dr Bike events, holding of 'Travel Plan days' to promote the plan, holding of sustainable travel weeks and competitions, and introduction of a further targeted Personalised Travel Planning programme, are acknowledged.
- h) It is understood that the applicant will fund the initial implementation of the TP for the initial five-year period. This will include the implementation of TP measures and initiatives, the monitoring of the TP and the funding of the TPC role. It is requested that the applicant confirms how much funding is being allocated to each measure.
- i) The TP should be secured by condition.

16. All vehicles associated with the works must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

TfL requests additional information to address points 5, 6, 8, 9, 10, 12, 14, 15 and 16(c, d, e, h, i) prior to being supportive of the planning application.

4.3 Health and Safety Executive

- 30th March 2022

Advice to LPA: Significant Concern

- 1.1 It is noted that the above application relates to two mixed-use buildings comprising residential and commercial uses, with respective storey heights of 43m and 36.7m. The residential elements of each building will be served by single staircases, which constitute the only escape stairs and only firefighting stairs.

Means of escape

- 1.2 Drawings show that the single staircases in both buildings A and B descend to the basements. The basements in both buildings contain ancillary accommodation and places of special fire hazard such as plant rooms, electrical switch rooms, refuse stores and electric cycle stores.
- 1.3 Where a staircase forms part of the only escape route from a flat it should not continue down to a basement; and should not serve a place of special fire hazard. It is noted that a ground floor drawing appended to the fire statement contains the comment 'A subdividing door should be provided to separate the basement leg of the stair from the upper floors'. However, this solution (the provision of a subdividing door) is acceptable only in buildings below 11m high.
- 1.4 When this matter is assessed during later regulatory stages, any necessary design changes will require reconfiguration of the plans presented to the LPA in order to ensure that fire safety precautions are sufficient. This will affect land use planning considerations such as layout and appearance of the development.
- 1.5 Drawings show that the lifts in both buildings A and B descend to the basement levels. A lift should not be continued down to serve any basement if it is in a building, or part of a building, served by only one escape stair. Again, when this matter is subject to later regulatory consideration, any necessary design changes will require reconfiguration of the plans presented to the LPA; and may affect land use planning considerations such as layout and appearance of the development
- 1.6 Drawings show the single staircase in building B serving both residential and commercial uses. Any stair serving a dwelling within a mixed-use development should not communicate with any other occupancy. When this matter is subject to later regulatory stages, design changes necessary to provide separate escape routes may affect land use

planning considerations such as the appearance and layout of the development.

- 1.7 The building A ground floor plan drawing shows the single staircase serving places of special fire hazard, including a plant room and an electrical intake room. Where a staircase is part of the only escape route from a flat, it should not also serve a place of special fire hazard. When this matter is subject to later regulatory stages, design changes necessary to provide separated access to these areas may affect land use planning considerations such as the appearance and layout of the development.

External fire spread

- 1.8 The building B first floor plan drawing shows the external window of the commercial use immediately adjacent, and at right angles to, the window of the escape route. This proximity and angle may allow the spread of fire from the commercial use to the residential escape route. When this matter is assessed during later regulatory stages, any necessary design changes may affect land use planning considerations such as the external appearance of this area of the development.
- 1.9 The building B ground floor plan drawing shows the access door to the single staircase immediately adjacent, and at right angles, to a platform lift serving the basement electric cycle store. This proximity and angle may allow fire spread from the basement immediately adjacent to the door to the single escape staircase. This could be exacerbated by the fire risks associated with electric and lithium battery powered cycle fires (including the difficulty in extinguishing such lithium battery fires). When this matter is subject to later regulatory stages, design changes necessary to provide separated access to these areas may affect land use planning considerations such as the external appearance and layout of the development.
- 1.10 The building A ground floor drawing shows space for electric cycle spaces next to the fire exit from the single stair, and immediately in front of a window. Given the fire risks associated with electric/lithium battery cycles, this proximity may allow the spread of fire or smoke to the escape route. Likewise, the building B ground floor drawing shows electric cycles spaces next to the doors to the commercial use. Again, this proximity may allow the spread of fire or smoke into the building. When this matter is subject to later regulatory stages, any necessary design changes may affect land use planning considerations such as landscaping and the external appearance of the development.

Fire service access

- 1.11 Building B drawings show that the only means of fire service access to the first floor of the commercial use (marked C.00.02 on the ground floor drawing) is via a spiral staircase. Manoeuvring a charged fire hose

around a spiral staircase may prove very difficult and could hinder firefighters accessing to the first floor, to extinguish a fire. When this matter is subject to later regulatory stages, any necessary design changes necessary to provide an alternative means of accessing the first floor may affect land use planning considerations such as the external appearance of the development.

- 28th July 2023 (Re-consultation)

Scope of consultation

- 1.1 The above application relates to two mixed-use buildings comprising residential and commercial uses, with respective storey heights of 43m and 36.7m.
- 1.2 The fire statement states that the adopted fire safety design standards are British Standard 9991 and Approved Document B. HSE have assessed the application accordingly. Previous consultation 1.3. HSE issued a substantive response (significant concern) dated 30/03/2022 in relation to a consultation received on 09/03/2022.
- 1.4 A further consultation was received on 23/11/2022 and a substantive response (significant concern) was issued on 12/12/2022.

Current consultation

- 1.5 The current consultation was received on 11/07/2023 providing an updated fire statement form and making revised drawings available on the planning register. For the avoidance of doubt, this substantive response is in relation to the information received with the consultation of 11/07/2023.
 - 1.6 Following a review of the information provided with this consultation, HSE is content with the fire safety design, to the extent that it affects land use planning.
- 2 Supplementary information

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

- 2.1 The design and access statement addendum states "A second stair has been introduced to both blocks for Fire escape provision". This is noted and welcomed and will also be subject to later regulatory assessment.
- 2.2 The previous substantive response contained a concern relating to the proximity of the platform lift to the block B staircase and the potential for fire spread from the basement to the means of escape. Revised drawings appear to show the division of this staircase into stairs

ascending from basement to ground, and stairs ascending from ground to upper floors. The platform lift is shown adjacent to the stairs ascending to upper floors. Whilst this does not remove the risk of fire spread from the basement to the means of escape from upper floors, the resolution of this matter is unlikely to affect land use planning considerations. This will be subject to subsequent regulatory assessment.

- 2.3 The previous substantive response contained a concern relating to the proximity of cycle stores to ground floor windows in buildings A and B, and the potential for fire spread from electric cycles to the building. It is noted that the cycle stores have been removed from this location. It will be for the applicant to demonstrate the suitability of charging locations at subsequent regulatory stages.
- 2.4 The previous substantive response contained a concern relating to fire service access to the building B first floor commercial areas being solely by a spiral staircase. In relation to this issue, the Design and Access Statement Addendum states: "The fire brigade will no longer need to use the spiral staircase. A fire door been provided on the first floor of the commercial space which allows access from the main fire stair."
- 2.5 This is noted. However, the adopted fire safety design standard, BS9991, states: "Any stair serving a dwelling within a mixed-use development should not communicate with any other occupancy". Accordingly, the connection between the commercial and residential staircase is not appropriate. In this instance, however, the resolution of this matter may be possible without affecting land use planning considerations. It will be for the applicant to demonstrate the suitability of fire service access at subsequent regulatory stages.

4.4 London Fire Brigade – Raise concerns

Evacuation Lifts

We note that evacuation lift(s) have been included in the design but are proposed to be accessed via the common corridor without the protection of a dedicated lobby. We question why further consideration has not been given to ensuring that any occupants waiting for the lift are provided a protected space to do so. Evacuation lifts should be protected by a dedicated lift lobby that acts as a refuge for occupants who may choose to evacuate at any time. The lobby should be afforded the same level of protection as the staircase(s), and therefore be designed to prevent the ingress of smoke at any time. That requires both suitable fire protection in the form of walls, doors, and ceilings/floors and an appropriate smoke control system. Residential corridors can be expected to be untenable for a period during the time when persons are escaping and untenable for anyone apart from attending fire crews during firefighting operations. Therefore, typical residential corridors are inappropriate for a refuge area for those using the evacuation lifts.

The safe egress of all potential occupants is required and proposing an evacuation lift without protection measures to enable it to be safely used is not appropriate in our opinion. Design teams and developers should be planning for the new requirements under the Building Safety Act for in scope buildings once occupied, including the need to provide a safety case review. The design as currently proposed will, in our view, have implications on those responsible for demonstrating the ongoing safety in the building. We therefore assume that you as the approving authority will ensure that the above detail is considered and all building users will be provided with provisions to support their safe and dignified evacuation, if they need to, or chose to, leave during a fire.

Number of evacuation and firefighting lifts

The premise of a 'stay put' evacuation strategy is that occupants may need to, or chose to, leave their demise at any stage of a fire and an appropriate method for vertical evacuation for all building users should be available for this duration. It is not acceptable in our view to rely on a facility needed for both the ongoing evacuation of occupants and the functional uses of firefighters simultaneously, as it is likely that the fire brigade will take control of the lift on their arrival, resulting in an inappropriate evacuation provision for the occupants.

A sufficient number of lifts should therefore be available at all times for both firefighters use and occupant evacuation. This number should also include a redundancy to ensure that there is at least one lift still available for use from all areas of the building, in the event of the lift being out of service (e.g., as a result of breakdown or maintenance). A hybrid lift may be suitable to compensate for this eventuality. We assume that you as the approving authority will ensure that an acceptable number of lifts are provided, for both firefighters use and occupant evacuation.

Connection between residential areas and commercial areas

We note in the Design and Access Addendum there is mention of the provision of access to the firefighting stair from the first floor of the commercial space, so that firefighters are not required to use the spiral stair. This staircase travels up and serves the residential floors. As stated in the HSE response, this is not in accordance with Clause 31 of BS 9991:2015. We assume further consideration will be given to this matter, and further information will be provided regarding this matter at the Building Regulations consultation stage.

Undercroft Areas

We note that due to the building structure, there are undercroft areas surrounding the building. We highlight that cars should not be parked close to the final exit, and the external wall system should not propagate fire spread from a car fire below the undercroft.

Ventilation systems

We note the provision of a protected lobby to the electrical intake cupboard provided within the southwestern stair. We expect there to be ventilation provided to this lobby in accordance with BS 9991:2015 Clause 14.1.6.

Electric Cycle storage areas

The proposals include a cycle storage area with areas specifically designated for electric bikes. It is our opinion that consideration is given to the storage (and potential charging) of electric bikes and electric scooters and the potential fire risk posed by these electric powered personal vehicles (EPPV)s which may be located within these areas. There is increasing evidence showing that EPPVs can spontaneously ignite and burn for long periods so there is an increased potential for toxic gases/smoke/fire spread. It is therefore our recommendation that adequate automatic fire suppression and smoke control systems for the area are necessary. As such storage would be deemed an ancillary area, we are also of the view that it should be provided with a ventilated lobby in accordance with the recommendations given in clause 32 of BS 9991:2015.

4.5 Thames Water – No Objections Subject to Conditions

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to

Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Surface water capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development” The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

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

Supplementary Comments

Wastewater: Due to proximity of River Ravensbourne and seepage risk into basements and drainage, any private drainage should be built to a high standard to guard against infiltration. If existing groundwater conditions change the surface water drainage design, please incorporate those during re-consultation. No updated drainage documents, so previous comments still relevant. Management of surface water from the site should follow London Plan Policy SI 13 Sustainable drainage, subsection B (the drainage hierarchy), development should 'aim to achieve greenfield run-off rates' utilising Sustainable Drainage and where this is not possible information explaining why it is not possible should be provided to both the LLFA and Thames Water. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows; Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer. Thames Water will have no objection to the SW discharge location if flows are reduced to lowest practical levels (1-2 l/s) in line with the London Plan, as 5 l/s is no longer the standard minimum achievable flow rates and lower flow rates of 1-2 l/s are possible. For foul water, the body of the report does not detail foul water plans, but the proposal in the pre-planning enquiry for proposed discharge by gravity into MH 2808 for 55 units on Ringer's Road and into MH 2910 for 53 units on Ethelbert Road is still acceptable. Slight reduction in unit numbers to 45 units for Block A and 49 units for Block B are acceptable.

Any changes to this proposal will require re-evaluation.

b) Local groups

• APCA - Objection

The development is overwhelmingly out of scale, incongruous and does not have regard to the desirability of preserving or enhancing the character or appearance of the immediately adjacent Conservation Area (CA). It is also harmful to important views from the west in the (CA) i.e. Queens Mead and

Shortlands Village CA. We note the main building is shown as designed with a huge blank wall facing the High Street which could never be acceptable and is obviously anticipating approval at appeal of the adjacent 70 High Street development proposals which would sit in front. Our objections are the same as those for the immediately 70 High Street which was refused and is currently subject to appeals.

We see that the applicant seeks approval based upon the draft, but never adopted, Master Plan for site G/10 and the adjacent Churchill Quarter (CQ) proposal both of which were objected to by Historic England and other important bodies. The CQ development is subject to amendment as yet not submitted as an application.

Apart from the harm to the setting of the Conservation Area, a designated heritage Asset, any consideration of this application for 2-4 Ringers Road is obviously premature until the outcome of the pending appeals on 70 High Street are known. It is also premature in the absence of the awaited Town Centre Supplementary Planning Guidance Consultation and design code which is expected to take full account of the adjacent conservation area considerations. Having been submitted in advance of any of these other considerations it is a stand - alone application and unacceptable for the reason stated above in para 1.

- **Shortlands Residents' Association - Objection**

10th March 2022

1. The two proposed blocks of 14 and 12 storeys in such a confined area will provide an overwhelming massing very close to the town centre. Policies 4, 8 and 37, Bromley Local Plan.

2. In particular the space between the two blocks will be wholly inadequate and the blocks will be out of all proportion to neighbouring buildings, for example the Salvation Army building which will be immediately adjacent. Above policies repeated.

3. Because of the height of these buildings they will be excessively prominent and visible from considerable distances, for example from the Recreation Ground and almost anywhere in Shortlands. To permit this development would be inconsistent with the refusals of proposed development of the Westmoreland Road/Sandford Road former DSS site.

4. There is no indication how this development would link with the proposed Site G plans to provide any kind of consistency and suggestion of an overall concept. What is proposed does not appear to comply with paragraph 2.1.56 of the supporting text to Policy 4, Housing Design, of the Local Plan. 'Good urban design including space around and between buildings and their landscaping must contribute to the quality of the built environment. In major development proposals a design statement... should provide sufficient

illustrations to demonstrate the relationship of the development to its wider surroundings'.

5. There is no indication of what infrastructure will be needed and how such infrastructure will be provided given that the proposals allow for 94 residential units, working space and commercial space. Save for two disabled parking spaces there are no proposals for parking spaces which is unrealistic. It is equally unrealistic that there would be 250 people who will cycle to and from these buildings, as is proposed.

6. Given the location it is unclear how service and delivery buildings will be accommodated. It is likely that there will be unacceptable congestion and blockages on Ringers and Ethelbert Roads.

20th December 2022

These are the further objections of the Shortlands Residents' Association:

1. The redesign of the buildings is an attempt to allow for better sunlight access and to avoid overshadowing. As we understand the drawings and the statements there is an increase in glazing and a reduction in balconies.

2. No doubt this will improve upon the original design in terms of allowing light into the buildings but on the developers own analysis there still remain significant issues with some of the flats.

3. The fundamental problem is the proximity of 2 tall blocks in a very small area. This principle has not changed and the result is that we still have proposals for one 11 storey and one 13 storey building in a very small space with little amenity space and which will run the risk of overwhelming immediately adjacent properties. This will also be viewed from a considerable distance from to the detriment of the skyline.

4. One must also question the quality of the design and ask whether this adds to the appearance of the centre of Bromley and what it contributes to the adjacent conservation area.

5. We faced yet again an application for tall buildings in the absence of an overarching plan for Bromley town centre and an overall plan relating to infrastructure in every aspect in its ability to cope with 143 flats and therefore, say, some 300 people

27th July 2023

Our objection, previously submitted, remains. On considering the addendum to the Design and Access statement we note that there is a suggestion that what is proposed might link with the Churchill Gardens plans and form part of the masterplan. As we know the Churchill Gardens plans have been withdrawn and there is no masterplan, a continuing criticism from us regarding development in the centre of Bromley. Given yet another large-scale proposal for Bromley Town

Centre it seems to us absolutely crucial that a Town Centre Master Plan is devised urgently, to include all infrastructure issues, and not wait for the next Local Plan to be finalised.

- **The RSPB Bromley Local Group - Request Condition**

If Bromley Council intends to grant permission for the above planning application, we recommend you make installation of 12¹ integral swift nest bricks a planning condition, and that the proposal for these be submitted prior to the commencement of above ground works.

c) Adjoining Occupiers

- **One letter (1) of support has been received and the grounds are summarised as below:**

- We desperately need housing in the borough
- It's unfair that applications keep getting blocked with old fashioned views of how Bromley should look as tall buildings have nothing to do with areas 'being' like Croydon
- Clearly there's a group going around to each application trying to blocking tall developments - is this the opinion of the whole borough?
- There is a Town Centre planning document for this reason, highlighting where tall buildings can go. I don't understand why we are even questioning these topics.
- I hope our council doesn't lack the ambition to keep up with other London boroughs, that's equally not right for residence and no, I'm not a developer

- **One hundred and four (104) letters of objection have been received and the grounds are summarised as below:**

Policy

- The Local Plan should be reformulated to ensure any redevelopment in this entire area is proportionate and sensitive to the character of the high street. This is not the place for large numbers of residential dwellings
- Absolutely crucial that a Town Centre Master Plan is devised urgently, to include all infrastructure issues, and not wait for the next Local Plan to be finalised

Land Use

- High Street should be updated first itself by filling the empty shops not increasing the amount of residents that live there
- There is enough retail space in Bromley and empty buildings should be adapted rather than more created to go bust
- New homes will not be bringing significant new business to the town

¹ This is the number of swift bricks advised for this type of development in Murphy, B., Gunnell, K. and Williams, C. (2013) *Designing for Biodiversity: A technical guide for new and existing buildings* RIBA, London.

- The town will decline in appearance and attracting business and residents will leave
- Inadequate affordable housing. The proposal represents a financial gain
- 'Luxury' living in the very centre of Bromley is not needed
- More houses are needed in Bromley, not flats.
- Overpopulation of the site

Design (Height, scale, massing)

- Site is too compact for the scale of this development.
- Excessive and over-dominating height, scale and massing
- Any building on the slope that is Ringers Road should be lower in total -
- Out of scale and character with the rest of the local buildings
- The heights should, at most, be 5 storeys a cap at 7 storeys would provide housing whilst preserving the character of the town centre
- Out of character and scale with the surrounding townscape
- Harm to the skyline
- The density is excessive
- Premature in the absence of a Masterplan for Site 10 of which this project forms part and which requires public consultation
- The proposal does not take into account the development management standard No. 1 which concerns the space around new dwellings and flats
- Isolated applications such as this do not form a cohesive masterplan that will leave a legacy that respects the neighbourhood

Design (Appearance)

- Ugly, featureless, no redeeming aesthetic characteristics, bland without architectural merit
- An eyesore
- Already looking dated
- Characterless and sterile in appearance
- Dated tower blocks are unsafe as in the case of the Grenfell fire

Heritage and conservation

- Harm to the view of the skyline as seen from the Queens Mead Conservation Area
- Harm to the sky line as viewed from the Shortlands Valley
- These high-rises would be on top of the ridge over the Ravensbourne valley
- Overdevelopment of historic Bromley Town Centre Conservation Area
- Irreversible disfiguration of what remains of the charming and attractive historic market town centre and will destroy the soul and heart of Bromley
- Permanent alteration to the character of this historic market town
- Significant impact on the character of the conservation area
- Undermine the historic context of the area
- Loss of light to Library Gardens.
- Overshadowing of the Church House and Library Gardens

Amenity

- A right to light issue

- Loss of daylight, sunlight, privacy and outlook.
- The Daylight report does not include properties 11 and 13 Ethelbert Road
- Loss of privacy and overlooking
- Overshadowing of the surrounding properties
- Loss of light on High Street and overshadowing of local parks
- Impact on microclimate. The proposal would create wind tunnels
- Increase in crime and anti-social behaviour
- Air pollution, traffic pollution, noise pollution,
- Additional noise, pollution and dust during the long construction phase
- Noise disturbance to residents working from home
- Poor internal amenity of the proposed accommodation in terms on - sunlight and privacy and unit sizes
- Distance of at least 22 meters should be available between the windows of the 2 buildings
- The 45 degrees rule should be in place

Highway

- The proposal will take away the already the small number of resident bays
- Inadequate parking spaces. Despite being carless the proposal would increase traffic as there will be an influx of service vehicles (including for deliveries and refuse collection)
- Resulting burden on highway safety
- Inadequate servicing and delivery provisions
- At least another 5-10 parking blue badge parking spaces should be available
- Parking stress survey old and not representative
- Question whether there will be adequate access for emergency services vehicles
- Unrealistic to think that the 300+ new residents won't apply for permits to park in the nearby roads
- Major disruption during the construction

Impact on wildlife

- Adverse effects on the natural environment and wildlife

General

- Additional pressure on local infrastructure which are already oversubscribed: schools (especially primary), doctors surgeries, car parks, leisure, policing, fire brigade and ambulance provisions.
- Undue calls on local services such as drainage, sewerage, water supplies and gas and electricity supplies
- Increased prospect of long queues at bus stops and in shops, banks and supermarkets etc. which will impact on vulnerable people such as the elderly and disabled

Environmental

- Thames Water have said that there are over 40 'mis-plumbings' down the High Street around this building, that are leaking sewage into the river - the problem hardly needs the addition of all these new residents
- The building isn't as environmentally friendly as it should be, Ground source heat pumps should be used and no gas boilers
- Strain on natural resources such as the water table and managing effluent
- Increase in sewage and drainage needs to be addressed
- The over-abstraction of water may adversely affect the water table. 8. Given that there have already been sewage problems in the immediate neighbourhood, this scheme can only add to the problem
- The buildings will greatly increase abnormal airflow creating huge problems for our shoppers and stall holders

Other

- Property prices will drop
- Precedent for more tower blocks
- Will open the door to further terrible overdevelopment (Ringers Road, Maplin's)

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

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

National Policy Framework (NPPF) 2023

- 5.3 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Practice Guidance (NPPG)

- 5.4 Relevant paragraphs are referred to in the main assessment.

The London Plan (2021)

- 5.5 The relevant policies are:

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- SD10 Strategic and local regeneration
 - D1 London's form
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive design
 - D6 Housing quality and standards
 - D7 Accessible housing
 - D8 Public Realm
 - D9 Tall Buildings
 - D11 Safety, securing and resilience to emergency
 - D12 Fire Safety
 - D13 Agent of Change
 - D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- E1 Offices
- E2 Providing suitable business space
- E3 Affordable workspace
- E9 Retail, markets and hot food takeaways
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI-1 Improving air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
 - T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.6 London Plan Supplementary Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Air Quality Neutral LPG (2023)
- Air Quality Positive LPG (2023)
- Be Seen energy monitoring LPG
- Cargo bike action plan (2023)
- Circular Economy Statements LPG
- Homes for Londoners - Affordable Housing and Viability (2017)
- Draft Affordable Housing LPG
- Draft Development Viability LPG
- Draft Digital Connectivity Infrastructure LPG
- Housing Design Standards LPG
- Housing SPG
- Energy Assessment Guidance (2022)
- Draft Fire Safety LPG (2022)
- Optimising Site Capacity: A Design-led Approach LPG
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context (2014)
- Social Infrastructure SPG (2015)
- Sustainable Transport, Walking and Cycling London Plan Guidance (2021)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Urban Greening Factor LPG (Feb 2023)
- Whole life carbon LPG

Bromley Local Plan (2019)

5.7 Relevant policies are:

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 5 Parking of Commercial vehicles
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access to services for all
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent to a Conservation Area
- 46 Ancient Monuments and Archaeology
- 47 Tall and Large Buildings
- 48 Skyline
- 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
90	Bromley Town Centre Opportunity Area
92	Metropolitan and Major Town Centres
96	Neighbourhood Centres, Local Parades and Individual Shops
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure
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

5.7 Relevant Guidance are:

- Bromley Town Centre (October 2023)
- Planning Obligations (2022)
- Urban Design Guide (2023)
- Affordable Housing (2008) and subsequent addendums

Bromley Town Centre Area Action Plan

5.8 The AAP is an extant Development Plan Document, but its weight is very limited given its age and the fact that it has been superseded by the adoption of the Local Plan and London Plan. The London Plan sets out a design-led approach and detailed criteria to assess tall buildings; this would supersede any potential tall building locations identified in the AAP. Upon adoption of the Bromley Town Centre SPD, LBB intends to write to the Secretary of State for Levelling Up, Housing and Communities to request that the Bromley Town Centre AAP is revoked.

The Draft Site 10 Masterplan

5.9 Although a draft Masterplan was published for consultation, the document has not been adopted and does not form part of Bromley's Development Plan. It is not considered to be a relevant material consideration for the purposes of assessing this application.

6. Assessment

6.1 Principle of development

Opportunity Area/Local Plan Allocation / Masterplan - Acceptable

6.1.1 London Plan Policy SD1 supports the growth potential of Opportunity Areas and Table 2.1 gives an indicative capacity of 2,500 new homes and 2,000 jobs in the Bromley Opportunity Area.

6.1.2 The application site comprises Bromley Local Plan (2019) Housing Allocation Site 10 – West of Bromley High Street and land at Bromley South. It is one of 14 Housing Site Allocations set out in Policy 1 of the Local Plan which form a large part of the Council's planned housing supply over the life of the Local Plan.

6.1.3 The site policy expects redevelopment of the 4.54 hectares site for mixed use, including 1230 residential units, offices, retail and transport interchange (Fig.5). Proposals for this site will be expected to:

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

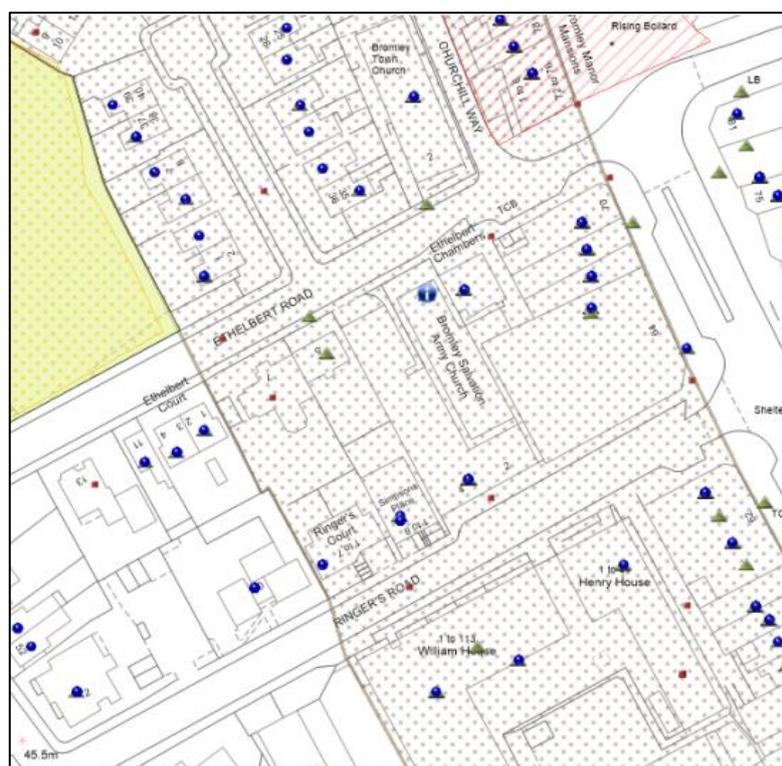


Fig.5 Extract from Proposals Map showing part of Site 10.

- 6.1.4 The proposal to redevelop this small and sustainable, yet underutilised brownfield site in a highly accessible, metropolitan town centre location with a residential led, mixed use scheme would make the best use of Bromley's limited brownfield land. The proposed development is supported, in principle, from a land use perspective.
- 6.1.5 Notwithstanding the above, in line with the allocation, individual sites within the Site 10 boundary need to be considered holistically. It is important to consider cumulatively how development would relate to 66-70 High Street (allowed at appeal), the Bromley Salvation Army Church, 1-6 Simpsons Place and 7 Ethelbert Road. Additionally, the impact of future development (within the wider allocation) upon the residential amenity of residential properties to the south-west of the allocation boundary should also be taken into account.
- 6.1.6 Officers consider that the proposal would benefit from the incorporation of the neighbouring church site into the proposals. It is noted that the applicants have attempted to enter into discussions with the Salvation Army, but this has not been successful. The townscape and amenity implications of the scheme in the form as currently proposed are considered in detail in the relevant sections of this report.

Non-Residential Uses - Acceptable

- 6.1.7 London Plan Policies SD6, SD7, SD8 and SD9 support mixed use development in town centres. These policies seek to enhance the vitality and viability of town centres through a town centres first approach by encouraging strong, resilient, accessible and inclusive hubs, with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses. Policy E2 supports the provision of a range of business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand. Policy E3 supports affordable workspace.
- 6.1.8 Bromley Local Plan Policy 92 Metropolitan and Major Town Centres makes reference to locations within the centres that are not covered by primary or secondary frontages. This is relevant to the application site which is not within a designated frontage. The policy states: *"Elsewhere within the Town Centre boundary development proposals will be encouraged and expected to contribute positively to the vitality and viability of the Town Centre."*
- 6.1.9 The application would result in the loss of commercial floorspace. There is currently approximately 1103sqm commercial floorspace on the site and Block B would deliver 413sqm of commercial Class E floorspace

over a lower ground, ground and first floor levels (annotated as 257sqm of office floorspace and 156sqm general commercial).

6.1.10 The inclusion of a co-working space at ground floor level in Block A is welcomed, however, it is assumed that this space would be for residents only and therefore not available for use to the wider community.

6.1.11 The proposal would result in a reduction in commercial space compared to that currently existing. On balance, however, considering the location of the site in a side-street off the High Street and its position on the boundary of residential and commercial uses, no objections are raised in this regard.

Affordable workspace – Acceptable

6.1.12 London Plan Policy E2.D states development proposals for new B Use Class business floor space greater than 2,500sq.m should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprise.

6.1.13 Despite the GLA's strong support for the provision of the affordable workspace, and whilst technically non-compliant with the above requirement, there has been no evidence that there is a need for affordable workspace in this location. In the absence of supporting evidence, potentially not needed affordable workspace could be provided at the expense of other policy considerations. Therefore, despite the provisions of Policy E2.D, officers consider that on balance the lack of affordable workspace may be acceptable in this instance.

Existing residential accommodation - Acceptable

6.1.14 Policy H8 Loss of existing housing and estate redevelopment of the London Plan specifies: *"A Loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace [...]"*

6.1.15 The replacement of the existing residential floorspace (6 flats) with 94 units would comply with the above criteria.

Housing Supply - Acceptable

6.1.16 The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

6.1.17 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

6.1.18 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.1.19 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

6.1.20 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.

6.1.21 This application includes the provision of 88 net additional dwellings and would represent a significant contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable Housing - Unacceptable

6.1.22 The London Plan requires affordable housing on sites of 10 units or more. London Plan Policy H4 Delivering Affordable Housing sets out specific measures to aim to deliver the strategic target of 50% of all homes in London being affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.

6.1.23 London Plan Policy H5 Threshold approach to applications, allows applications which provide affordable housing at or above a relevant threshold level, which in this case is a minimum of 35% by habitable room, and which meet the remaining criteria in part C of the policy, to follow a fast-track route.

6.1.24 Part C of Policy H5 states to follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:

- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy
- 2) be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure)
- 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant
- 4) demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing.

6.1.25 Part F of Policy H5 states that applications which do not meet the above criteria are required to submit detailed supporting viability evidence.

6.1.26 Policy H6 of the London Plan sets out a preferred tenure split of at least 30% low-cost rent (London Affordable Rent or social rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy. It is the expectation, however, that the remaining 40% is weighted towards affordable rented products.

6.1.27 Policy 2 of the Bromley Local Plan states that for proposals providing over 11 residential units, the Council will seek 35% provision with 60% social rented/affordable rented housing and 40% intermediate provision. Low cost rented units must be appropriately secured at London Affordable Rent or social rented levels. The affordability of intermediate units must be in accordance with the Mayor's qualifying income levels, as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report, including a range of income thresholds. Affordability thresholds must be secured in the section 106 agreement attached to any permission, as well as the relevant review mechanisms.

6.1.28 The applicant proposes that 33 of the 94 units would be provided for affordable housing equating to a 35% affordable housing provision by

units and 34.9% by habitable room, with a tenure split of 60% affordable rent to 40% intermediate.

6.1.29 Under Part C (4) the applicant is required to demonstrate that they have sought grant to increase the level of affordable housing above this 35%. The Planning Statement advises that the Mayor's strategic 50% target has been considered in the context of the proposal, but "*given the significant costs involved in carrying out the development, an affordable housing contribution in excess of the 35% target would render the scheme unviable and undeliverable*".

6.1.30 Officers consider that in the absence of any grant funding being sought, it is premature to conclude that an affordable housing contribution in excess of 35% would not be viable. As such, the proposal fails to meet Part C(4) of Policy H5 and does not qualify for the Fast-Track Route.

6.1.31 The applicant has not provided a revised Financial Viability Statement to support the current proposal in accordance with Policy H5 (F). In the absence of a Financial Viability Assessment the application fails to demonstrate that the proposal would maximise the delivery of affordable housing, thereby contrary to Policy H4 and H5 of the London Plan.

Housing Mix - Unacceptable

6.1.32 London Plan Policy H10 states that schemes should generally consist of a range of unit sizes and sets out several factors which should be considered when determining the appropriate housing mix of a scheme. These factors include housing need and demand, the nature and location of a site, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods.

6.1.33 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis. Bromley's Housing Register (December 2019) also shows affordable need for social/affordable rented 3 bed units.

6.1.34 As originally submitted, the application proposed 37 one bedroom units (39%) and 57 two bedroom units (61%). Following the reconfiguration of internal layouts, the number of 2 bedroom dwellings has been reduced further, resulting in the final mix comprising of 53 x 1 beds and 41 x 2 beds. The affordable rent units would comprise 11 x 1 bedroom and 9 x 2 bedroom units.

6.1.35 Whilst the location of the site within an Opportunity Area, a metropolitan town centre and an area with very good public transport accessibility

level could justify the delivery of predominantly smaller units as part of a smaller-scale proposal, in light of this identified need, a scheme of a scale such as that proposed should include a proportion of family-sized homes. Paragraph 30 of the GLA's Stage 1 report makes reference to incorporating 3 bedroom affordable rent units.

6.1.36 Officers note that the delivery of larger units would need to be supported with an appropriate provision of amenity and play spaces both in quantitative and qualitative capacity. In this instance the failure to provide a more varied mix of unit sizes and the on-site shortfall in play provision is a further indication that the proposal is an overdevelopment of the site.

6.3 Standard of residential accommodation – Unacceptable

6.3.1 The NPPF paragraph 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

6.3.2 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.

6.3.3 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.

Internal Floorspace - Acceptable

6.3.4 The requirement to introduce a second staircase in accordance with revised fire safety regulations has resulted in changes to the internal layout of the blocks, however the submission confirms that the revised proposal maintains the compliance with the minimum internal space standards, as set in Table 3.1 of the London Plan and Nationally Described Space Standards.

6.3.5 The submitted floor plans contain details of furniture and layouts for each of the proposed residential units and the accompanying accommodation schedule indicates the total GIA for each unit.

Outlook and aspect - Unacceptable

6.3.6 The residential core of each block would not serve more than six units on each floor. The Planning Statement advises that the number of dual aspect units has been maximised as much as possible given the context of the site and that all units to the north would have balconies on the corner and angled windows on the side elevations in order to avoid single aspect north facing units.

6.3.7 Officers do not agree that the additional flank windows introduced in the latest revision should be regarded as providing a genuinely dual aspect because they would offer highly constrained outlook owing to the presence of the flank walls of adjoining buildings and should neighbouring sites come forward for development, the number of units with unacceptably poor outlook would likely to increase. At the lower levels (floors 1-3) of Block A, a number of 'dual aspect' units would feel like single aspect homes, including the north facing units facing the rear of Block B. In terms of Block B, the quality of the living experience for residents of the single aspect/'enhanced single aspect' north facing homes and those facing the rear of Block A would be oppressive, feeling hemmed in and unacceptably restricted (Fig 6).

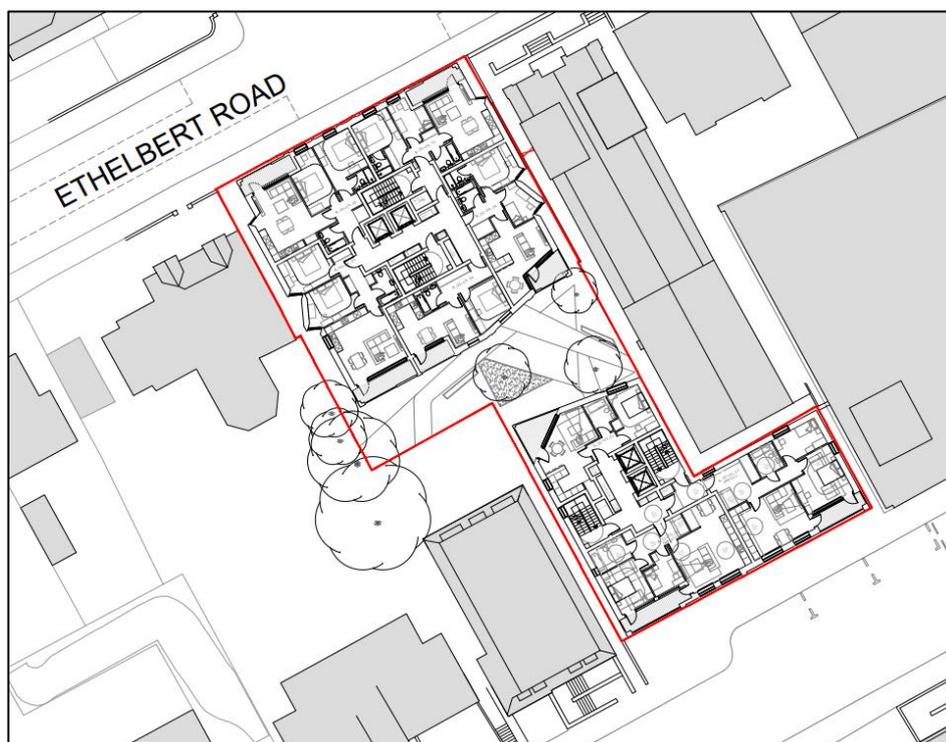


Fig.6 Proposed Typical Site Plan.

6.3.8 In officers view, the extent of the revisions proposed is considered to be minimal and tokenistic, as the enlarged/additional glazing indicated on the revised plans would do little to address the issue of poor-quality outlook. This issue is a consequence of building up to the boundary with minimal separation distances to neighbouring buildings and within the development itself, in order to prioritise quantum over quality; and is symptomatic of an overdevelopment of the site.

Privacy – Unacceptable

6.3.9 The minimum distance between the proposed blocks would measure 8-10m. Whilst the typical floor plan drawing shows the use of angled windows, the balconies would afford the views into habitable rooms. The very restricted separation distances between directly facing habitable

rooms raise fundamental concerns regarding the mutual overlooking and is indicative of an overdevelopment of the site.

Daylight and Sunlight - Unacceptable

6.3.10 The restricted separation distances also raise significant concerns in relation to daylight and sunlight conditions. The Design and Access Addendum states that the internal layout changes with the enlarged and additional glazing achieve improved DLSL compliance under the new BRE regulations.

Daylight

6.3.11 The updated BRE guidelines (2022) refer to the British Standard BS EN 17037 Daylight in Buildings recommendations. This stipulates the calculation of the amount of daylight in a space using one of two methods: prediction of illuminance levels using hourly data, or the use of the daylight factor.

6.3.12 The Daylight, sunlight and overshadowing report by XCO2 confirms that for the assessment of this proposal the method predicting illuminance levels using hourly data was used. The calculation is carried out taking into consideration the relative illuminance values, the amount of daylight hours, and the area of the room.

6.3.13 For daylight levels in dwellings, BS EN 17037 refers to the UK National Annex which outlines the illuminance level needed in a room according to its occupancy. These are as follows:

- 100 lux for bedrooms
- 150 lux for living rooms and
- 200 lux for kitchens, or rooms with kitchens.

6.3.14 For a room to be compliant with the BRE guidance it must reach the required illuminance levels for at least 50% of the daylight hours across 50% of the room area. This is measured by the Spatial Daylight Autonomy (sDA) metric. sDA is defined as the percentage area of the analysed space that is above a certain lux level for a certain percentage of time.

6.3.15 Report by XCO2 assessed a sample of rooms considered to be the worst-case units in terms of daylight access across the scheme have been included in the assessment (dwellings located on the floors 1-3 of both Blocks), but also includes for the top floors units of both Blocks. These included 27 units, consisting of 70 habitable rooms that encompass 27 KLDs and 43 bedrooms.

6.3.16 The results shows that 42 out of 70 rooms satisfy the recommendations set out by the BRE (a target of 50% sDA). Of the remaining 28 rooms, 11 are kitchen/living/dining rooms (KLDs) and 17 are bedrooms. In terms of the KLDs 3 of the 10 rooms achieve sDA of at least 40%, which, as

the report states, falls within approximately 80% or above of the BRE recommendations) and 3 achieve sDA of at least 30% (within approximately 60% or above of the BRE recommendations). The report explains that the 5 remaining KLDs that fall below the sDA of 30% have greater obstructions and the design has been adjusted as far as feasible to allow maximum daylight access.

6.3.17 Out of 17 bedrooms, 5 achieve at least 40% sDA (approximately 80% or above the recommended target of 50%) and 6 achieve at least 30% (approximately 60% or above of the BRE recommendations). The report advises that the remaining 6 bedrooms that fall below the sDA of 30% due to site obstructions as well as the prioritisation of the main living spaces for available daylight in the design process where occupants are expected to spend the majority of time.

6.3.18 Officers acknowledge the applicants' justification that the rooms with the illuminance below the sDA of 30% have greater obstructions. In officers view, however, these obstructions are largely self-imposed constraints (i.e. choosing to build up to the boundary with minimal separation distances to neighbouring buildings) and a direct consequence of the density/quantum of development proposed on site. Officers are also mindful that the daylighting conditions would deteriorate at upper floor level should neighbouring sites be developed on a similar scale (as is being envisaged by the applicant).

6.3.19 The presentation of the results in respect of the rooms falling below the required minimum threshold of 50% is questioned. The BRE guidance simply offers a recommended target of 50% and advises that the target sDA levels are set as a value that should be exceeded which means that any illuminance falling below this target indicate reduced levels.

6.3.20 Contrary to the assertion of "isolated shortfalls across the lower levels" - as concluded in the Planning Statement - Tables 1 and 2 below demonstrate that the highest degree of non-compliance is present within the first and second floors of Block A, where all of the KLDs and majority of bedrooms fail to achieve the required target and where the shortfalls are as large as 58% (LKDs) and 100% (bedrooms). In terms of Block B, the most significant shortfalls are localised within the south-eastern façade of the building facing Block A. Worth noting are the sDA values of 9% for LKDs and 30% for bedroom respectively.

6.3.21 Although the apportionment of significance to the shortfalls against the target sDA is a question of professional judgement, in this instance, the above levels of illuminance are undeniably low, even when applying appropriate flexibility for a dense urban context and a town centre location such as this.

6.3.22 A further point is that according to the accommodation schedule the units with the poorest performing rooms have been identified as social rented tenure and M4(3) – wheelchair accessible units. In effect, the future

occupants would not be able to choose whether the amenity provision meets their requirements and may not be able to actively improve the internal quality of their homes due to restricted mobility. Overall, the proposals give rise to significant residential quality concerns and are symptomatic of overdevelopment.

Table 1 Average sDA (living/kitchen/dining)

Block	Floor	Total Number of LKD	LKD not meeting Target	%Area in Receipt of 200lx for 50% Annual Daylight Hours (Low – High)	Average sDA
A	1	3	3	21 – 37	28.7%
	2	3	3	21 – 46	34%
	3	3	1	36 – 79	55.3%
B	1	3	1	47 – 86	61.3%
	2	5	2	9 – 93	61.6%
	3	5	1	22 – 99	70.8%

Table 2 Average sDA (bedrooms)

Block	Floor	Total Number of Bedrooms	Bedrooms not meeting Target	%Area in Receipt of 100lx for 50% Annual Daylight Hours (Low – High)	Average sDA
A	1	5	4	0 – 53	18%
	2	5	4	0 – 53	26%
	3	5	3	38 – 73	51%
B	1	5	2	30 – 99	62.6%
	2	8	2	34 – 99	74.8%
	3	8	0	56 – 99	82.8%

Sunlight

6.3.23 Sunlight is valued within a space, and according to the BRE guidance access to sunlight can be quantified. BS EN 17037 recommends that a space should receive a minimum of 1.5 hours of direct sunlight on the 21st of March – the equinox. The guidance rates the amount of access to daylight as below:

- 1.5 hours as the minimum
- 3 hours as a medium level
- 4 hours as a high level

6.3.24 The BRE guidance states that *“in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but*

especially in the afternoon. Sunlight is also required in conservatories. It is viewed as less important in bedrooms and in kitchens, where people prefer it in the morning rather than the afternoon.” The guidance states at least one habitable room is required to meet the criteria per dwelling.

6.3.25 A total of 27 living spaces were included in the assessment which were considered to be the worst-case units in terms of sunlight access across the scheme, but also included the top floors units of both blocks A and B.

6.3.26 The analysis has shown that 24 rooms satisfy the BRE criteria for sunlight exposure. The remaining 3 living rooms fall short of the BRE criteria however are located on the north/north-west façades which allows for a reduced amount of sunlight exposure. The number of dwellings with living rooms facing solely north or northwest has been minimised as far as feasible in this scheme. Overall, it can be concluded that the proposed design offers adequate accessibility to sunlight in living spaces considering the context and limitations of the site.

Overshadowing

6.3.27 Open spaces should retain a reasonable amount of sunlight throughout the year. The BRE states that for an amenity space to “*appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March*”.

6.3.28 The results show that 70% (122.93 sqm) of the ground floor courtyard area providing communal amenity space for the proposed development would receive more than 2 hours of sunlight on 21 March, thereby satisfying the BRE criteria.

Amenity Space and Children Playspace - Unacceptable

6.3.29 Local Plan Policy 4 c requires ‘sufficient external, private amenity space that is accessible and practical. Para 2.1.60 refers to the London Plan minimum standards and requires that ground floor flats have access to private gardens and upper floors should have access to private amenity space. Para 2.1.60 also indicates that developments should relate to the character of existing amenity space.

6.3.30 London Plan Policy D6. F.9 requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings (and an extra 1sqm for each additional occupant) – para 3.6.9 advises that this private space can be in the form of a garden, terrace, roof garden, courtyard garden or balcony. Additional private or shared outdoor space (roof areas, podiums and courtyards) is encouraged.

6.3.31 Paragraph 7.71 of the Planning Statement confirms that private amenity space standards are complied with in a form of appropriately sized balconies.

6.3.32 Standard B9.1 of the Housing Design Standards LPG advises that apartment buildings should generally offer at least one secure, communal outside green space, as a ground-level courtyard, a raised podium or a roof terrace. High density developments require high-quality amenity space for future residents to enjoy. The current proposal lacks sufficient amenity space both in terms of quantity and quality for this scale of development. The landscaped 'courtyard' space would essentially be leftover/infill space between residential blocks which proportionally occupy around 80% of the site. Although the proposed space can pass the BRE overshadowing criteria, in practical terms its useability would be affected by the heights and separation distances of Block A and B. The 'courtyard' would be overshadowed by 2 tall buildings, hemmed in on either side with limited sunlight, resulting in an enclosing, unappealing and heavily overlooked space.

6.3.33 The plans suggests that the courtyard space could be extended as part of any future masterplan proposals with temporary fencing which could be removed in order to expand the space. However, the space needs to work independently on its own merits providing social and ecological value and cannot be dependent upon future development scenarios in order to be considered acceptable.

6.3.34 Considering the substantial number of new homes being proposed little consideration has been given to the *living experience* for future residents, i.e. the provision of generous high-quality communal amenity space that supports the needs of residents and helps to foster a sense of community.

6.3.35 London Plan Policy S4 Play and Informal Recreation sets out the policy requirements, including in clause B2 for at least 10sqm of good quality accessible play space should be provided per child that:

- a) provides a stimulating environment
- b) can be accessed safely from the street by children and young people independently
- c) forms an integral part of the surrounding neighbourhood
- d) incorporates trees and/or other forms of greenery
- e) is overlooked to enable passive surveillance
- f) is not segregated by tenure

6.3.36 The applicants Updated Open Space and Play Space Impact Assessment references Policy 59 Public Open Space Deficiency in respect of contributions to secure improvements to open space in areas of deficiency. It also quotes from the Shaping Neighbourhoods: Play and Informal Recreation SPD 2012 with regard to the methodology for determining when contributions are required. However, it fails to acknowledge that the more recent policy position as set out in the London Plan 2021. Moreover, the site is not in an area deemed to be insufficient in access to local open space.

- 6.3.37 London Plan 2021 Policy S4 Play and Informal Recreation sets out in Clause B(2) that residential developments should incorporate good-quality, accessible play provision for all ages and 10 square metres of play space should be provided per child. Supporting text at para 5.4.5 states that formal play provision should normally be made on-site.
- 6.3.38 The policy does not set this requirement aside where there is existing provision within the acceptable distances, rather paragraph 5.4.6. advises that off-site provision, including the creation of new facilities or improvements to existing provision, secured by an appropriate financial contribution, may be acceptable where it can be demonstrated that it addresses the needs of the development whilst continuing to meet the needs of existing residents.
- 6.3.39 Based on the proposed housing mix and tenure, and the site's PTAL level, the estimated child yield of this proposal would be around 27 children. This gives rise to a total child play space requirement of approximately 270sqm, of which at least 146sqm should be allocated to an onsite doorstep play to cater for under 5s.
- 6.3.40 The applicant advises in para 6.4 of the Updated Open Space and Play Space Impact Assessment that: *"for children under 5, a play space requirement of 150m² is generated. The development is going to deliver 190m² of shared amenity space on site which addresses fully the play space requirement, and this provision is further bolstered by all residential units having private amenity space."*
- 6.3.41 The proposed development would include a ground level courtyard providing shared amenity area; however, the drawings provide no detail regarding the specific space requirement. The area of the amenity space as indicated in the overshadowing assessment is quoted as 176.75sqm as opposed to 190sqm mentioned above. Further to this, neither the Design and Access Statement nor the landscape information demonstrate how this requirement would be satisfied and how genuinely playable the proposed space would be, providing an age appropriate and stimulating environment for the under 5s group. The bespoke timber leaf seats referenced in the submission would not constitute as engaging play provision for under 5s and should not be regarded as a play equipment.
- 6.3.42 Officers also remain unconvinced that there would be sufficient space within the proposed courtyard to accommodate the required 146smq of dedicated playspace for under 5s, alongside the proposed provision of pedestrian paths, seating, water features, tree planting in raised beds and more importantly other landscaped and planted areas which would contribute to the achievement of the policy compliant Urban Greening Factor score of 0.4. This is symptomatic of the proposal being an overdevelopment of the site.

6.3.43 For older age groups, whilst on-site provision is preferable, off-site provision to mitigate for the failure to meet policy requirements may be acceptable and an off-site contribution to address the outstanding play requirement for 5-17 years and produce a policy compliant scheme in terms of play would need to be sought.

6.3.44 A contribution of £17,292.24 would be appropriate to mitigate the 45.79% of children (those over 5 years) for whom the applicant indicates no provision is to be made on site. This contribution can be used to enhance existing provision at Church House Gardens or Queens Gardens (both of which lie within 400m from the site). At the time of writing the applicant has not agreed to this sum.

Noise/Agent of Change - Acceptable

6.3.45 London Plan Policy D13 places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It states that development should ensure good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area; explore mitigation measures early in the design stage, with necessary and appropriate provisions, including ongoing and future management of mitigation measures secured through planning obligations; and separation of new noise-sensitive development where possible from existing noise generating businesses and uses through distance, screening, internal layout, sound proofing, insulation and other acoustic design measures.

6.3.46 London Plan Policy D14 seeks to mitigate and minimise the existing and potential adverse impacts of noise within new development. Policy 119 of Bromley's Local Plan seeks to ensure that the design and layout of new development ensures that noise sensitive areas and rooms are located away from parts of the site most exposed to noise wherever practicable. The policy also requires external amenity areas to incorporate acoustic mitigation measures such as barriers and sound absorption where necessary.

6.3.47 A Noise Assessment prepared by Lustre Consulting in support of the application advises that the assessment undertaken demonstrates complaint internal ambient noise levels can be achieved using readily available façade and glazing build ups for the majority of the proposed development. Higher performance glazing has been recommended for the upper floors along the most exposed facades to environmental noise. The report concludes that these measures would ensure that future residents benefit from suitable noise levels.

6.3.48 The noise assessment recognises the sources of potential noise at the site to be dominated by noise from Bromley High Street, Ringers and Ethelbert Road. Additionally, due to the height of the proposed development above that of existing nearby buildings, further

consideration has been given to impact from the A21, which is situated to the north east of the site.

6.3.49 However, the report does not consider the noise impact from the adjoining Salvation Army building (Bromley Temple). Officers note that the church provides live music and that there are some services offered on some Sunday evenings. Additionally, a consideration of the potential transmission of noise between the commercial elements of the scheme and residential bedrooms within the proposed development itself has not been provided. When considering the sound insulation required for the shared floor/ceiling and walls, an assessment of a predicted noise levels should be made for the worst-case scenario, given a flexible Class E use is being applied for.

6.3.50 The applicant was advised that the above matters need to be addressed and that should there be any subsequent changes in the design or layout of the proposal, these changes would need to be reflected in a revised noise impact assessment.

6.3.51 The revised proposal introduced openable windows within the flank elevations of buildings facing the church. This would affect the noise incident on these façades and a concern is raised over the resultant noise conditions with windows being opened for ventilation, particularly during summer months.

6.3.52 The revised Noise Impact Assessment confirms that the additional baseline noise survey showed that parts of the site could be exposed to elevated levels of noise due to the church, albeit for relatively short periods, when the church's windows facing the proposed development are open.

6.3.53 The assessment stipulates that internal noise levels in line with Local and British guidance limits can be achieved. Noise levels within the proposed private amenity spaces would also be in compliance with the relevant guidance. The following elements would need to be considered/implemented in the design and construction of the building:

- Acoustic glazing
- Acoustic vents (MVHR)
- Rooftop acoustic screen
- Block B acoustic separation between commercial and residential unit(s)
- Plant noise limits for commercial element.

6.3.54 The Environmental Health Officers confirm that the updated report is generally satisfactory subject to the above matters being secured in the event of planning permission being granted.

Overheating - Acceptable

6.3.55 As discussed in the Energy and Sustainability section of this report, the overheating strategy proposes a hybrid of passive and active measures in order to comply with Part O of the Building Regulations and to ensure there is no reliance on openable windows as the sole option for mitigating overheating risk to bedrooms overnight.

6.3.56 Whilst future residents would not be able to use some of the windows for cross ventilation, particularly during summer months, it is accepted that opening of windows is at the discretion of the occupant. Officers consider that due to the potential exceedance of acoustic levels the provision of mechanical ventilation (MVHR) to address overheating is acceptable in this instance.

Accessibility and Inclusive Living Environment - Unacceptable

6.3.57 Local Plan Policy 4 Housing Design addresses the accessibility of residential units requiring:

- i* Ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings; and
- j* Ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

6.3.58 Policy D5 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design, not just the minimum. Policy D7 of the London Plan requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

6.3.59 Paragraph 3.7.3 clarifies that to ensure that all potential residents have choice within a development, the requirement for M4(3) wheelchair user dwellings applies to all tenures. Wheelchair user dwellings should be distributed throughout a development to provide a range of aspects, floor level locations, views and unit sizes.

6.3.60 The updated accommodation schedule confirms that 9 units (10%) would be M4(3) wheelchair accessible and the remainder meeting the requirements of Building Regulation requirement M4(2).

6.3.61 Out of the 9 wheelchair accessible homes 8 would be Social Rented (SR) with the remaining single unit allocated for market housing. Officers note that any affordable wheelchair provision should be delivered to M4(3)(2)(b) and this requirement would need to be secured in any consent.

6.3.62 Six of the M4(3) dwellings would be located on floors 1-3 in Block A and the remaining three on floors 2, 3 and 4 in Block B. As discussed in the preceding paragraphs of this report, the Daylight and Sunlight report demonstrates that all of these units would have restricted daylight-provision. Further concerns are raised with the limited choice of aspect of these units.

6.3.63 The allocation of these poorly performing units to occupants who may have less options to decide whether the internal amenity meets their requirements and those who may not be able to actively improve the quality of their homes due to restricted mobility or visual impairment would not ensure inclusive development as required by Policy D5, D6 and D7 of the London Plan.

Secured by Design

6.3.64 London Plan Policy D3 states measure to design out crime should be integral to development proposals. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design).

6.3.65 The design out crime officer was consulted, and no objection was raised, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

Fire Safety

6.3.66 London Plan Policy D12 states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The policy states in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required.

6.3.67 For the purpose of assessing fire safety the proposed blocks are classified as 'relevant buildings' i.e. those that contain two or more dwellings and meet the height condition (18m or more in height, or 7 or more storeys whichever is reached first). From 1st August 2021, Health and Safety Executive (HSE) is a statutory planning consultee for applications concerning relevant buildings.

6.3.68 On 14th February 2023 the Greater London Authority (GLA) announced, with immediate effect, that all planning applications for residential buildings over 30 metres in height must include at least two staircases to be considered by the Mayor of London for approval. As such, the originally submitted proposal has been revised to accommodate this updated requirement and updated Fire Statement reflecting the revisions

made has been referred to both HSE and the London Fire Brigade (LFB) for comments.

6.3.69 The HSE's substantial response confirms that HSE is content with the fire safety design, to the extent that it affects land use planning (full response in paragraph 4.3 of this report).

6.3.70 The response received from the LFB highlights outstanding aspects of fire safety required such as protection of the evacuation lifts, number of evacuation and firefighting lifts, Connection between residential areas and commercial areas, ventilation system, undercroft areas, electric cycle storage areas. Should planning permission be granted, these aspects would be subject to subsequent regulatory assessment under the Building Regulations, which in this case would be dealt with by the Building Safety Regulator given the height of the buildings.

6.4 Design - Unacceptable

Optimising development capacity - unacceptable

6.4.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

6.4.2 London Plan Policy D3 encourages the optimisation of sites, having regard to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, including transport. It also states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered, including Opportunity Areas. Policy D3 also states that the higher the density of a development, the greater the level of design scrutiny that is required.

6.4.3 Policy D4 (D) also states that proposals that include residential component that exceeds 350 units per hectare, or a building defined as a tall building by the borough, or that is more than 30m in height where there is no local definition of a tall building, should be subject to a greater level of design scrutiny.

6.4.4 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality the quality of Local Places, and Policy 37 of the

Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.

- 6.4.5 The site measures 0.102ha and the 94 unit scheme, as proposed, would have a density of 921.6 units per hectare. Although officers recognise that the location of the site within an Opportunity Area, a metropolitan town centre, an allocation site, an area with very good public transport accessibility level and the emerging context of the high density development (including tall buildings) could make this site acceptable, in principle, for higher density development, , given the need for the development to remain contextually appropriate, respectful of neighbouring occupiers and offering good levels of internal amenity, the proposed quantum of development on site is considered excessive and unacceptable. Design and resulting amenity impacts are assessed in the subsequent sections of this report.

Layout - Unacceptable

Relationship with the street

- 6.4.6 Block B would project beyond the established building line on Ethelbert Road. The building would feature a modest colonnade and part recessed element at ground and first floor level, however the pedestrian experience would be largely constrained by a narrow footpath and a lack of public realm generosity of space – as indicated by the illustrative views shown in Figs 3 and 7 and Proposed Ground Floor Site Plan. Following the established building line of 66-70 High Street would be a more appropriate response to the site as indicated by the Design Review Panel (DRP).



Fig.7 Illustrative view Block B.

- 6.4.7 The siting of a building of this scale close to the pavement edge is evidence of an overdevelopment of the plot, the footway along this part of Ethelbert Road is narrow and of a scale akin to a residential street (representative of the character of Ethelbert Road). A more considered relationship with the street and a more generous public realm offer is required in order to accommodate the increased footfall that a building of this scale would generate.
- 6.4.8 The Ringers Road streetscape differs to that of Ethelbert Road, Ringers Road is characterised by larger flatted blocks but shares similarly narrow pedestrian footpaths. Whilst Block A would follow the building line established by No.64 Ringers Road (TKMaxx), the building would benefit from a setback/colonnade at ground floor level in order to extend the public realm, proportionate to the scale of development being proposed.

Relationship with Adjacent Plots

- 6.4.9 The site layout appears squeezed and 'forced'. Both Blocks would be built tight to the boundary edges with very little 'breathing space' and minimal separation distances between adjacent buildings. The siting of Block A replicates the existing condition; however, the existing building is of a much smaller scale (single storey) to that which is being proposed, replicating this relationship is not considered to be appropriate for a 14 storey building – given that the impact on the closest neighbouring buildings No.6 Ringers Road (Simpsons Place) and the rear of the Salvation Army building would be significantly greater.
- 6.4.10 The siting of Block B extends closer to, and up to (in part) the eastern site boundary shared with the Salvation Army building. In the case of both Block A and Block B little consideration has been given to *siting in relation to scale* of which there is a significant increase from the existing condition, or on the subsequent impact on the amenities of neighbouring occupiers.
- 6.4.11 Building tight against the respective site boundaries would also prejudice, to varying degrees, the redevelopment potential of the adjoining plots, particularly No.64 Ringers Road and the site currently occupied by the Salvation Army on Ethelbert Road.

Relationship between Block A and Block B

- 6.4.12 Although no longer a material consideration, the draft Site G/10 indicative masterplan (2018) proposed a central green space with blocks on either side fronting onto Ethelbert Road and Ringers Road with a permeable pedestrian route through the site. However, as highlighted by GLA Design Officers, the proposed buildings are of greater depth than those indicated in the draft masterplan (and Block B is of greater height) resulting in a very restricted separation distance between habitable rooms. The minimum separation distance between the blocks would

measure 8-10 metres, which raises fundamental concerns regarding the quality of homes already mentioned in this report.

Movement

6.4.13 The site lacks permeability, the opportunity to provide a pedestrian connection between Ethelbert Road and Ringers Road which would be a notable public benefit (required to help justify the scale of development being proposed) has been missed. The proposals suggest that the neighbouring site could provide a new pedestrian footpath from Ringers Road accessing Ethelbert Road via the lobby of Block B – the legibility and the practical use of such an arrangement is questionable.

6.4.14 It appears that safeguarding the scale and footprint (quantum) of Blocks A and B has been prioritised over the provision of a permeable link, reflected by the suggestion that this could/should be facilitated by the adjacent site.

Height, Scale and Massing - Unacceptable

Planning Policy Context

6.4.15 The Design and Access Statement makes several references to the Bromley Town Centre Area Action Plan (2010) which is considered to be imperative by the applicant, however, this document has been largely superseded by the Bromley Local Plan (2019) and the London Plan (2021). Furthermore, the Bromley Town Centre SPD has now been adopted (October 2023) and is a material consideration in assessing proposals in the Town Centre. Upon adoption of the Bromley Town Centre SPD, LBB intends to write to the Secretary of State for Levelling Up, Housing and Communities to request that the Bromley Town Centre AAP is revoked.

6.4.16 The draft Site G/10 indicative masterplan (2018) is also heavily referenced as a key document underpinning the design strategy in relation to height, scale and massing. However, the draft masterplan was only a consultation document and was never adopted. It is at best, an indication of how the redevelopment of this part of Site Allocation 10 could appear, providing an option for uses, layout and heights for the site – as part of a wider phased redevelopment of the (larger) allocation area.

6.4.17 The applicant has also given considerable weight to development proposals for neighbouring sites (which are discussed in more detail, below) in order to inform and justify proposed building heights.

Rationale for building heights

6.4.18 In accordance with London Plan and Local Plan policy requirements, tall buildings should be part of a plan-led approach. They require a strong townscape justification which usually includes visual emphasis, marking

thresholds or land use. The site has not been identified as an appropriate site for a tall building in the Local Plan and does not mark a key gateway in terms of location, threshold or land use.

6.4.19 Whilst the principle of a masterplan approach is supported given that the site forms part of a larger urban block/site allocation, it is important to recognise that there is no guarantee that neighbouring sites would be developed and delivered in the way that is being envisaged, or in a way that supports a particular development proposal.

6.4.20 The recent appeal decision in relation to 66-70 High Street (21 November 2022) where planning permission was granted for a 12 storey building and permission refused for a taller part 13/part 16 storey building is evidence of this. It is noted that the visual impact on the streetscene and the harm caused to the character and appearance of the area were among the reasons for refusal. The outcome of this appeal directly impacts on, and weakens, the design strategy proposed in relation to stepped heights, scale and massing and the rationale which underpins it. The maximum height deemed acceptable for the neighbouring 66-70 High Street site undermines the townscape rationale behind both the initial design iteration (19 storey/12 storey blocks) and the revised iteration (14 storey/12 storey blocks) – where heights were revised following comments made by the DRP which emphasised the need to consider scale and height in relation to townscape, topography and residential context.

Townscape/streetscape impact

6.4.21 Development proposals are assessed on their relationship with *both* the existing and emerging context and the impact on both the immediate and the wider setting. The development proposal needs to stand up on its own merits in terms of townscape contribution and quality of place – it cannot be solely dependent upon hypothetical scenarios which may not materialise in order to be deemed acceptable. As stated by the DRP, the scheme should be able to stand alone in its current context as well as working in the medium to long-term.

6.4.22 At part 10/part 12 storeys Block B represents a significant step change in scale within the context of Ethelbert Road creating an uncomfortable relationship with neighbouring buildings, including the adjacent Salvation Army building and No.7 Ethelbert Road – this impact would be exacerbated by the siting of the building projecting beyond the established building line and minimal separation distances on either side (as highlighted above).

6.4.23 The step change in scale would also be exacerbated by the topography of the area whereby the site levels fall steeply from east to west along Ethelbert Road, the site sits on higher ground than the low-rise properties to the west which would further increase its visual prominence. The rationale for the siting of a tall landmark building mid-

way down a sloping residential street is unclear, building heights should typically reduce in response to topography/low-rise residential backdrop with the tallest elements marking key nodal points (occupied by 66-70 High Street) where scale is commensurate with the commercial High Street setting.

6.4.24 The scale and height of Block B is considered to be excessive and at odds with the character of Ethelbert Road. The unapologetic scale would have a significant visual overbearing impact on what is effectively a residential side street and on the low-rise residential properties within, including the existing context of Ethelbert Close to the north. A more coherent and sympathetic transition in scale is required in order to address and respect the neighbouring residential context more sensitively, the transition in height should be more considered and proportionate.

6.4.25 It is accepted that the southern part of the site would be more suitable for a taller building than the northern part. The scale and height of Block A would have a less jarring impact on the streetscene within the context of Ringers Road which is characterised by larger flatted blocks with building heights ranging from 3-10 storeys. However, at 14 storeys Block A would be the tallest building outside of Bromley South which forms the backdrop to Ringers Road, exceeding the height of Henry House and the recently consented 66-70 High Street scheme. It should be noted that Bromley South has a very different character to the High Street and town centre (reflected by an emerging cluster of taller standalone buildings), given the location of the application site officers share the view of the DRP that it would be more appropriate to benchmark the Churchill Theatre (the tallest landmark building within the town centre) as a point of reference on which to establish an appropriate height.

Townscape views

6.4.26 The Townscape and Visual Impact Assessment (TVIA) submitted contains only 6 views (3 long-range, 2 mid-range, and 1 immediate view), this is very limited analysis considering the height and scale of development being proposed – as highlighted by GLA Design Officers.

6.4.27 The views include redevelopment proposals for the neighbouring Churchill Quarter site, along with height and massing indicated within the now obsolete draft Site G/10 masterplan ('development zone 2 and 3'). Members are advised that the application for the Churchill Quarter scheme has now been withdrawn, therefore its scale and massing is no longer a material planning consideration. Consequently, the views provided illustrate a hypothetical context which differs considerably to the existing town centre skyline, suggesting that the proposed development would sit more comfortably within the wider context (and appear less prominent) than it actually would i.e. indicating that the buildings would only be partially visible behind the Churchill Quarter scheme (View A – Fig.8) and visually subservient in Views B, D and E.



Fig.8 View A.

6.4.28 The topography/elevated position of the site would further increase the visual prominence of the buildings and the perception of height, particularly in views from the west. The buildings would also coalesce in many views reading as a single mass due to their minimal separation distance. In long-range views the buildings would equal the visual prominence of St Mark's Square (currently the tallest building in Bromley Town Centre) as indicated in View A. The mid-range views shown below on Figs 9 and 10 (Views B and C), demonstrate a significant visual impact on the lower-rise residential context when assessed against the existing condition and their acceptability is dependent upon neighbouring sites being developed at a scale and height similar to that which is being proposed in order to mitigate/offset the visual impact.



Fig.9 View B.



Fig.10 View C.

6.4.29 Short-range immediate views are particularly important as they represent how the majority of people would experience the buildings, these are limited to illustrative CGIs included within the Design and Access Statement (Figs 4 and 5). The CGIs illustrate the extent of the abrupt change in scale, in the case of both Block A and Block B the stepped height at levels 10 and 12 respectively would not be 'read' at street level. On Block A the massing steps up from east to west at odds with the topography of the street and the surrounding low-rise residential context.

6.4.30 In summary, proposals for tall buildings require a robust townscape and visual impact assessment, the views provided within the TVIA are limited in number and appear to have been carefully selected using future townscape scenarios to mask the true visual impact and present the scheme in a more favourable way.

Appearance – Unacceptable

6.4.31 In accordance with Local Plan and London Plan requirements applications for tall buildings will be subject to a higher level of design scrutiny due to their scale and visual prominence and need to be of exemplary design quality.

6.4.32 Tall buildings need a narrative and should be grounded in their context, the quality of materials and detailing and the extent to which they derive from, and reference, local character and identity is key to creating a sense of place. The contextual analysis undertaken appears to be limited to a materials study of the immediate context, no commentary has been provided on how this study has informed the design.

6.4.33 The initial design strategy of a concrete frame (base) at street level, brick 'plinth' (middle) relating to the surrounding brick architecture, with lighter materials to upper floor levels (top) responding to the wider context (Bromley South skyline) is broadly supported. The use of red brick, with brick detailing including inset brick panels, feature banding and textured brickwork is also supported. However, the initial design strategy conceived during the design development stage was primarily developed in response to the form and massing of previous design iterations which differs considerably to that of the final scheme proposal particularly in the case of Block A.

6.4.34 The distinction and legibility of the (top) upper floor levels has diminished significantly, the 'lighter top' is now limited to a stepped 2 storey part glazed section. The legibility of the 'lighter' tops on both blocks is minimal and limited to principal elevations only. The crowns of tall buildings in this location would be visible townscape markers and would therefore require a stronger identity.

6.4.35 Both Blocks A and B are large deep plan blocks which do not appear slender or elegant in key views, the design-led 'expression of verticality' (a key driver throughout the design development stage) has undoubtedly been compromised by the quantum-led massing. The wide proportions and bulky massing of Block B in particular coupled with prominent blank elevations and limited fenestration would appear as a stark addition to the town centre setting in the short to medium-term at least. The latest amendments made to the glazing / insertion of solid panels as indicated on Elevation AA (for the respective blocks) are acknowledged. These changes are considered as minimal and do not address the concerns raised in relation to the external appearance of both blocks.

Elevation AA

6.4.36 The interface between the building and the street is particularly important, the height and proportions of the exposed concrete frame 'base' to Block A appears out of scale and visually at odds with the topography of the street. The 4 storey frame creates a 'civic' city-scale feel, the opportunity to introduce a human-scale element to the base of the building has been missed. The fenestration on the Ringers Road elevation (AA) also appears slightly chaotic with regard to size, alignment, and positioning of openings and would benefit from a more rational simplified approach.

Landscape - Unacceptable

6.4.37 The landscaped 'courtyard' space is essentially leftover/infill space between residential blocks which proportionally occupy around 80% of the site. The 'courtyard' would be overshadowed by 2 tall buildings, hemmed in on either side with limited sunlight, resulting in a dark, unappealing and heavily overlooked space.

6.4.38 Considering the substantial number of new homes being proposed little consideration has been given to the *living experience* for future residents, i.e. the provision of generous high-quality communal amenity space that supports the needs of residents (including children's play space) and helps to foster a sense of community. This has been further commented on in the proceeding section of this report.

6.4.39 The plans suggests that the courtyard space could be extended as part of any future masterplan proposals with temporary fencing which could be removed in order to expand the space. However, the space needs to work independently on its own merits providing social and ecological value and cannot be dependent upon future development scenarios in order to be considered acceptable.

6.5 Heritage Assets - Unacceptable

6.5.1 The application is located within a Tier II Archaeological Priority Area and northeast of the site of a former Medieval moated manor house called Simpson's Place.

6.5.2 The existing buildings on site are not listed and their heritage value is limited. There are no statutorily or locally listed buildings within or close to the site, however, the boundary of the Bromley Town Centre Conservation Area (BTCCA) lies approximately 50 metres to the north-east. BTCCA was first designated in 1985 to manage and protect the special architectural and historic interests of Bromley Town Centre.

Archaeology – Acceptable

6.5.3 Section 16 of the NPPF and London Plan Policy HC1.D requires that a development proposal should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation.

6.5.4 A desk-based archaeological assessment report by RPS concludes that the scope of past interventions mapped against the scoped limited archaeological potential indicate that there remains no discernible on-going archaeological interest.

6.5.5 The material submitted was reviewed by Historic England (Archaeology) Team who confirmed that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and that no further assessment or conditions are necessary.

Impact on the Adjoining Conservation Area - Unacceptable

6.5.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. Whilst no statutory protection is afforded to the setting of conservation areas,

paragraphs 189 and 190 of the NPPF require an assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting. The NPPF defines setting as the surroundings in which the asset is experienced, recognising that elements of setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate that significance, or may be neutral.

- 6.5.7 Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. Under the definition provided by the NPPF which recognises three categories of harm: substantial harm, less than substantial harm and no harm. The NPPG notes that in general terms, substantial harm is a high test and may not arise in many cases.
- 6.5.8 NPPF Paragraph 193 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.5.9 NPPF Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.5.10 NPPF para 206 states *“Local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”*.
- 6.5.11 London Plan Policy HC1.C states development proposals affecting heritage assets, and their settings, should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. Policy D9 on tall buildings states that proposals should avoid harm to the significance of heritage assets and their settings.

6.5.12 BLP Policy 42 states proposals adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.

6.5.13 The Council's Conservation Officer considers that the over-dominant scale and massing of the proposed buildings would visually overwhelm the modest market town character of the Bromley Town Centre Conservation Area. The officer also considers that the proposal, alongside the existing and other emerging tall buildings in this location, including the allowed appeal scheme for the re-development at 66-70 High Street, would cause negative cumulative impact which would be against Historic England's guidance on the setting of heritage assets.

6.5.14 The NPPG refers to the harm that cumulative change can have on the setting of designated heritage assets and explains in paragraph 013 as follows:

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

6.5.15 It is the conservation officer's view that the resulting cluster of the high-rise buildings would cause less than substantial harm to the setting of the designated heritage asset (BTCCA) as defined in the [Glossary of the National Planning Policy Framework](#).

6.5.16 The TVIA includes two unverified views of the proposals from within the Conservation Area – viewpoints F and G shown below (Figs 11 and 12) and also views C, L, and M just outside. The TVIA concludes that assessment demonstrates that the proposed development would not adversely affect the key views and vistas from the High Street and the Conservation Area.



Fig.11 Viewpoint F.

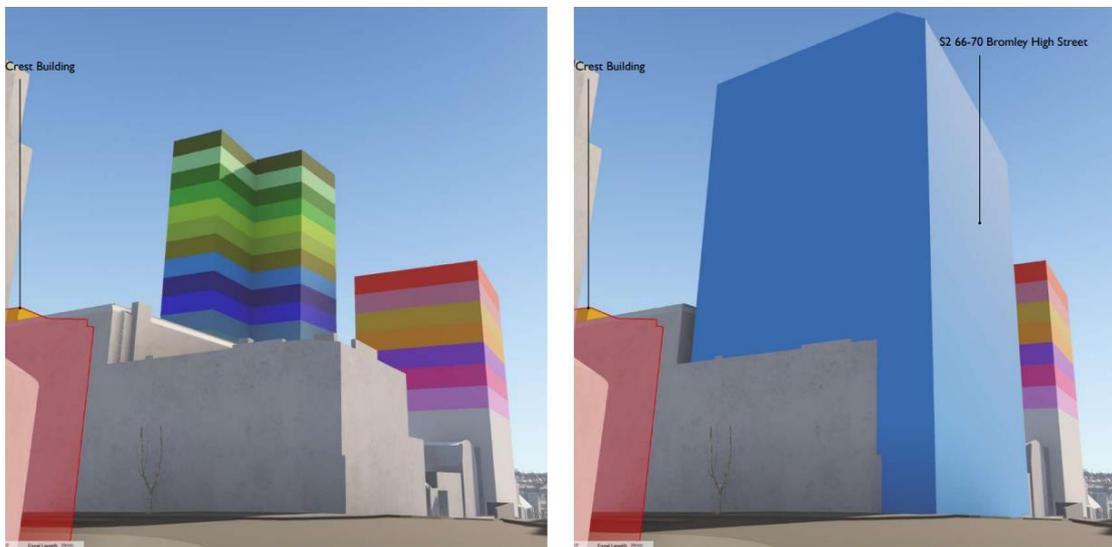


Fig.12 Viewpoint G (Excluding and including allowed appeal at 66-70 High Street).

6.5.17 Although officers acknowledge that the topography of the location which falls away from the High Street (and the boundary of the conservation area) towards the site would help to reduce the impact of the proposed buildings, both blocks would be visible, extending above buildings along the High Street. Officers consider that the proposed height, scale and massing of the proposal would negatively impact on the setting of the Bromley Town Centre Conservation Area causing visual harm by dominating views within. The views mentioned above demonstrate this impact, with views from the High Street being particularly harmful.

6.5.18 As already mentioned in the design section of this report, the justification for the acceptability of the visual impact of the proposal on the BTCCA appears to rely heavily on the hypothetical future baseline buildings, which are to reduce the visibility of the proposed development. It needs to be reiterated that the reference to the Churchill Quarter proposals and their indicative massing included within the TVIA document is irrelevant,

given that no planning permission was granted for such scheme and there is currently no live application for the redevelopment of this site.

6.5.19 For this reason, officers conclude that the development would result in less than substantial harm to the setting of the conservation area under the NPPF definition. The harm identified will be weighed against the public benefits of the proposal in the conclusions section of this report.

6.6 Impact on Residential Amenities - Unacceptable

6.6.1 BLP Policy 37 requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

6.6.2 The closest residential units are predominantly to the west and south of the site, comprising a four-storey flatted development at 6 Ringers Road, 6-10 storey apartments buildings to the south (William House and Henry House), as well as further residential development to the west along Ringers Road and Ethelbert Road.

6.6.3 There are also residential properties to the north on Ethelbert Close which at the time of the submission of this proposal were subject to a planning application for a mixed-use development (Churchill Quarter) which has been subsequently withdrawn/disposed of.

6.6.4 In general terms, the amenity impacts do increase significantly as a result of the scale and mass of tall buildings. As proposed here, the height of Block A would be more than 3 times greater than that of existing buildings on the northern side of Ringers Road, whilst the height of Block B would be 6 times greater than that of existing residential dwellings in Ethelbert Road (see Fig.13 below).

Outlook/Privacy – Unacceptable

6.6.5 With a separation of only 12.5m-14m between the rear elevation of Block B and No.6 Ringers Road (Simpsons Place), direct views onto the rear elevation of this property would be available, leading to an actual and perceived overlooking of the neighbouring flats. Views would also be available from the corner balconies of Block A. The Planning Statement argues that that there would be no harmful privacy impacts for 6 Ringers Road and consequently the submission does not offer any explanation on how the proposed windows and balconies would be designed to respect the privacy of its occupiers.

6.6.6 It is further considered that the additional mass of the proposed development in such close proximity to No.6 Ringers Road, together with the loss of the sycamore tree to the rear of the site which currently provides occupiers with a degree of visual screening between the two sites, would result in a poor and uncomfortable spacial relationship, that

would be oppressively intrusive and overbearing for its existing occupants. This is particularly objectionable given that the building in question comprises some single aspect residential units that rely solely on its northern aspect for daylight, sunlight and outlook.

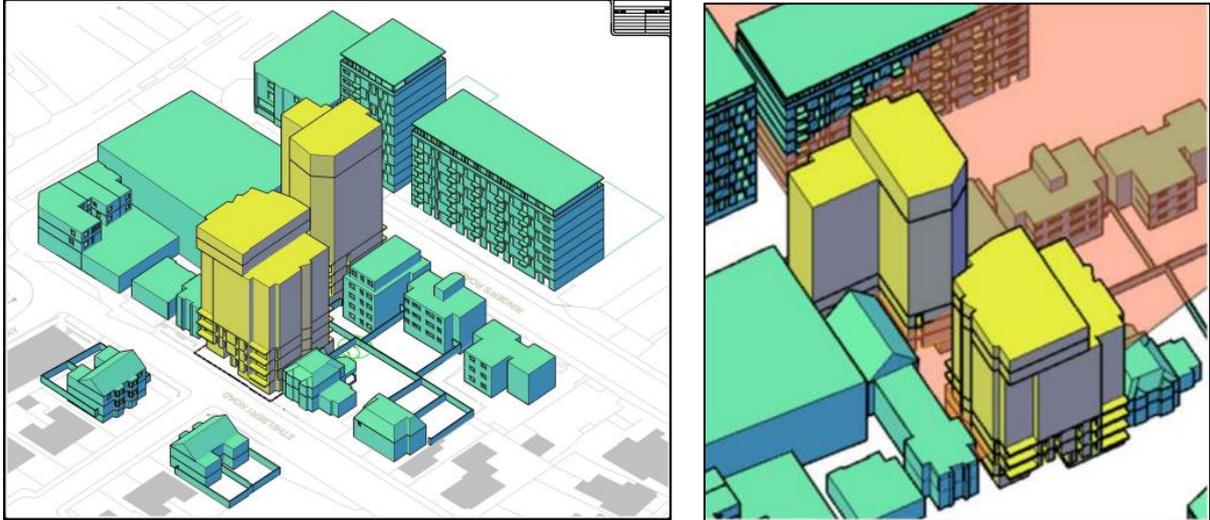


Fig.13 Model of the Proposal.

6.6.7 Due to the height, scale and siting of the proposed development in close proximity to the site boundary, concerns are also raised with regard to the resulting relationship with No. 7 Ethelbert Road which would be overbearing for its existing occupants.

6.6.8 The proposed development would loom over the Salvation Army building (Bromley Temple) with the courtyard area offering little relief from the height, scale and mass of the blocks (Fig.13 above). Reference is made in the submission to the Salvation Army building being part of the allocation with 'obvious development potential' and officers note that the eastern elevation of Block B features angled windows to limit direct overlooking over the church site. It is unclear, however, what consideration was given to the impact the proposal would have on the existing context, except for the conclusion that currently the building is in non-residential use.



Fig.14 Site location and neighbouring buildings assessed.

Daylight, Sunlight and Overshadowing - Unacceptable

6.6.9 A Daylight, Sunlight and Overshadowing report by XCO2 provided in support of the proposal concludes that overall, the impacts would be in line with the daylight and sunlight levels to be expected in urban environments within associated masterplan schemes. The report also finds that there would be no significant impacts on sunlight access to amenity spaces surrounding the site.

6.6.10 The following neighbouring buildings were tested (see Fig.14 above):

- 66-70 High Street
- 62 High Street
- Henry House
- William House
- Bromley Temple (Salvation Army)
- 6 Ringers Road (Simpsons Place)
- Ringers Court
- Harestone Court
- 35-36 Ethelbert Close
- 1-2 Ethelbert Close
- 7 Ethelbert Court
- 1 Ethelbert Court

6.6.11 In summary:

- 18no. out of 341no. windows passed the 25- degree line test;
- 127no. of the remaining 323no. windows achieved VSCs greater than 27%;
- 27no. windows achieved relative VSCs over 0.8 of their former values and the reduction in daylight is unlikely to be noticeable based on the BRE guidelines;
- 31no. windows are just marginally below the relative VSC target of 0.8;
- 64no. windows attain a VSC of over 20% which is generally deemed satisfactory level of daylight for urban environments, indicating these windows would retain good levels of daylight;
- 48no. surrounding windows are seen to retain levels of daylight more typical for dense urban and possibly city environments (VSCs 10-20%);
- 11no. windows out of the remaining 26 windows were found to meet the no skyline test criteria;
- 15no. windows are associated with commercial spaces, 1no. of them belongs to the retail space at 66—70 High Road and 14no. belong to the Bromley Temple and its offices.

6.6.12 While the results of the report are acknowledged and although it is accepted that the site is located in an urban location and within an allocated site prescribing the intensification of the area and significant delivery of housing for the borough, notable reductions in daylighting conditions would result from the proposal, particularly in respect of William House, Henry House, Simpsons Place and Bromley Temple (noting comments in para 6.6.7 above).

6.6.13 Officers consider that for completeness, the daylight, sunlight and overshadowing report should also include the assessment of properties Nos 11 and 13 Ethelbert Road, 2 Ethelbert Road (Bromley Town Church), 72-76 High Street as well as the allowed appeal scheme at 66-70 High Street and the emerging proposals for No. 62 High Street.

6.6.14 The proposed development would sit on the boundary of the allocation site and would be extruded upwards with little respect towards its neighbours. Further to that, the proposed blocks would be built right up to the site's boundaries with minimal separation distances to neighbouring buildings. As a result, the proposal represents unneighbourly development that raises residential amenity concerns and would effectively preclude future development of the adjacent sites.

6.7 Transport and Highways - Acceptable

6.7.1 Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.7.2 Policy T1 of the London Plan advises that development proposals in outer London should facilitate the delivery of the Mayor's strategic target of 75 per cent of all trips to be made by foot, cycle or public transport by 2041.

Healthy Streets and Access - Acceptable

6.7.3 London Plan Policy T2 relates to Health Streets and states that development proposals should demonstrate how they will deliver improvements that would support the TfL Healthy Streets Indicators, as well as being permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

6.7.4 The supporting Transport Assessment includes an Active Travel Zone Assessment which TfL has advised is deemed acceptable, subject to contributions towards Healthy Streets improvements towards some of the deficiencies as identified in the ATZ assessment in the TA, ideally complementing already-planned improvements and/or pooled with other s106 contributions from recently approved developments nearby.

6.7.5 No formal vehicular access to the site has been provided. Access to the accessible car parking bays would be provided via the existing dropped kerb arrangement along the site frontage.

Proposed Changes to Highway - Acceptable

6.7.6 The Council's Traffic Team are currently proposing to convert the coach bay back to four pay and display parking bays. The applicant is proposing to remove one space from Ringer Road and relocate the permit holder bay outside 6 Ringers Road to provide three bays where the coach bay was together with an extended single yellow line section that could be used for deliveries and servicing at the site as well as other neighbouring uses.

6.7.7 Overall, the proposed changes on Ethelbert Road and Ringers Road would result in the removal of three bays on Ethelbert Road to provide a car club, disabled bay and enhanced servicing and the removal of one bay on Ringers Road to provide an enhanced servicing area.

6.7.8 The three bays on Ethelbert Road are currently pay at machine bays in operation Monday to Saturday 08:00-20:00 whilst the bay on Ringers Road is a permit holder only bay. The cost of loss of four bays would need to be reimbursed to the Council and the total cost inclusive of the initial estimate (95,120) would be £190,240. This cost would be secured in the section 106 agreement should planning consent be granted. Any changes to the existing Traffic Order (TRO) would also need to be met by the applicant. The additional highway works on Ringers Road would be implemented either through a Section 278 agreement or under a Highway Licence. This would be determined at the detailed design stage should permission be granted.

Car Parking - Acceptable

- 6.7.9 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. The policy states that 'car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport'.
- 6.7.10 Considering the location in the heart of the metropolitan town centre and Opportunity Area, coupled with the excellent PTAL rating of 6b, the site represents a prime opportunity to promote car-free development. As such, with the exception of the disabled car parking space and the accessible car club bay, which would be provided along the site frontage on Ethelbert Road through the conversion of two on-street bays, the proposals would be car-free. This is strongly supported. In order to ensure that the proposed development does not impact on local streets, future residents will be prohibited from applying for parking permits for the local Controlled Parking Zones (CPZ).

Disabled Car Parking

- 6.7.11 Policy T6.1 of the London Plan states that for three percent of dwellings at least one designated disabled persons parking bay per dwelling is available from the outset with the potential for an additional seven percent to be provided in the future. For a scheme of 94 units this equates to three spaces from Day 1 and the potential for an additional seven spaces in the future, a total of 10 disabled spaces.
- 6.7.12 The level of proposed Blue Badge (BB) parking is lower than the London Plan standard and both spaces would be on-street. On balance, however, considering the provision of dropped kerbs, tactile paving, flush crossings and wide footways together with a wide variety of step-free buses and step-free access to Bromley North and Bromley South Railway Stations, a wide range of services very close by, and a taxi rank 50 metres away in the High Street (all London taxis being accessible); TfL and the GLA have considered that this may be acceptable in this instance. Furthermore, for the reasons stated, it is not considered that the objectives of the Public Sector Equality Duty would be prejudiced by these proposals.
- 6.7.13 Also, the Transport Statement (TS) highlights that there are five additional disabled bays within a 50m walk of the site, alongside 152 additional disabled parking spaces provided within public car parks within close proximity of the site. Allocation of BB parking should be managed through a Parking Management Plan which would be secured through a planning condition in the event of granting approval.

6.7.14 London Plan Policy T6.1.C relates to electric charging point which requires 20 percent of the spaces be installed with active charging facilities and the remaining be installed with passive. No EVCP spaces are proposed, however, should permission be granted a condition could be imposed to require that the two BB spaces should be provided with access to Electric Vehicle Charging (EVC) from the outset.

Cycle Parking - Acceptable

6.7.15 The quantum of cycle parking should be in line with Policy T5 of the London Plan, and the quality should follow the London Cycle Design Standards (LCDS), as also required by Policy T5.

6.7.16 The proposed development quantum would require a minimum of 169 long stay cycle parking spaces and 13 short-stay cycle parking spaces. In accordance with the London Cycle Design Standards 5% (10 spaces) should be suitable for accommodating adapted cycles.

6.7.17 The proposed redevelopment would provide a number of separate cycle stores at basement and ground floor level which together would provide a total of 201 cycle parking spaces. This represents an overprovision of both short-stay and long-stay cycle parking compared to the minimum standards outlined in the London Plan:

- Block A Residential – Basement level cycle store for residents providing 70 long stay spaces (two tier stackers) and four enlarged Sheffield stands for adapted bikes and e-bikes;
- Block A Commercial – Three Sheffield stands at basement level providing six long stay spaces;
- Block A Short Stay – 12 Sheffield stands at ground floor level for short stay use by residents and the commercial uses;
- Block B Residential – Basement level cycle store for residents providing 91 long stay spaces (two tier stackers) and five enlarged Sheffield stands for adapted bikes and e-bikes;
- Block B Commercial – Three Sheffield stands at ground floor level providing five long stay spaces;
- Block B Short Stay – 8 Sheffield stands at ground floor level for short stay use by residents and the commercial uses.

Trip Generation - Acceptable

6.7.18 The total proposed development is anticipated to generate approximately 83 two-way person trips during the AM peak hour period, approximately 71 two-way person trips during the PM peak hour period and approximately 821 two-way person trips across the daily period.

6.7.19 Of the 83 two-way total person trips during the AM peak, approximately 26 are anticipated to travel by train, 23 by bus, 14 on foot and 9 by car. During the PM peak, of the 71 two-way person trips, 15 are anticipated to be undertaken on foot, 20 by bus, 16 by train and 13 by car.

6.7.20 When compared to the existing trip generation the proposed development is anticipated to result in an additional 49 two-way person trips during the AM peak period, a reduction of nine two-way person trips during the PM peak period and a reduction of 12 two-way person trips over the 12-hour period.

Vehicle Impact

6.7.21 The proposed development is anticipated to result in a marginal net increase of seven two-way car driver trips during the AM peak period when compared to the existing uses at the site. These would be vehicle trips associated with the site are likely to be limited to essential vehicle trips by eligible users of these bays in addition to a small number of residents using season ticket car parks within the vicinity of the site. This level of change is considered to be negligible and would be imperceptible to the flow of vehicles along Ethelbert Road / Ringer Road, being likely to fall well within the day-to-day variation of traffic on the surrounding highway network.

6.7.22 During the PM peak hour, the proposed redevelopment would generate a net reduction of six two-way car trips and a reduction of 12 two-way car trips over the daily period.

Bus Impact

6.7.23 The proposed development is anticipated to generate approximately 16 additional two-way bus trips in the AM peak hour (08:00-09:00) and a three two-way bus trips in the PM peak hour (17:00-18:00). The TA advises that there are circa 67 buses an hour serving the stops in the vicinity of the site. Due to the frequent nature of bus services, these additional bus trips are considered to have an imperceptible impact on the capacity of the services.

Train Impact

6.7.24 The proposed redevelopment will generate an additional 22 rail passengers in the AM peak hour (08:00-09:00), equating to an extra 0.28 passengers per service across the two stations. During the PM peak hour (17:00-18:00), the redevelopment is anticipated to generate an additional 12 rail passengers, equating to an extra 0.15 passengers per service. The marginal increase of less than one person per service during each of the peak hours is not considered to represent a significant increase in the demand for services and is likely to fall within the current fluctuations of passenger numbers per service.

Walking and Cycling Impact

6.7.25 The number of cycle trips and the number of trips undertaken on foot can be accommodated within the existing network.

Delivery and Servicing - Acceptable

- 6.7.26 The applicant is proposing to remove the need to maintain vehicle access to the site at all times and will ensure that the single yellow line section on Ethelbert Road can be used by other neighbouring sites on Ethelbert Road. This is welcomed; however, the vehicular crossover should be reinstated to the footway level at the applicants cost.
- 6.7.27 It is anticipated that the residential element of the proposed development is likely to generate 6-13 delivery and servicing trips per day, equating to less than one trip per hour across core delivery hours. It is likely that the majority of delivery and servicing trips will take place outside of the network peak hours. For the café and co-working space, it is anticipated that these uses would generate up to three delivery and servicing trips per day combined, through the delivery of food/goods, cleaning products and other essential produces and refuse collection. Based on this, the total development is anticipated to generate between 9-16 delivery and servicing trips per day.

Waste management

- 6.7.28 Basement level bin stores would be provided in each Block with a lift to transport the bins to street level. Given the distance from the bin stores to the kerb side, a storage area for an electric bin tug machine has been provided to assist with the movement of the bins. Although it appears that residential bin stores would have sufficient capacity to accommodate the required quantum, it is not clear what the waste strategy would be for the commercial element of the scheme. Therefore, in the event of planning consent being granted, further details of the proposed waste management would need to be conditioned.

6.8 Green infrastructure and Natural Environment - Acceptable

- 6.8.1 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.
- 6.8.2 Within the London Plan, Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

6.8.3 At a local level, Policy 73 (Development and Trees) of the LBB Local Plan states that proposals for new development will be required to take particular account of existing trees on the Site and on adjoining land, which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Landscaping, Trees and Urban Greening - Acceptable

6.8.4 The sites' location in an area identified in the Bromley Local Plan as being deficient in access to nature meaning that delivery of high-quality, landscaped open spaces on the site would be key to the success of this scheme.

6.8.5 There is one tree within and three trees adjacent to the site, none of which is covered by the Tree Preservation Order. The applicant has provided an Arboricultural Report, which states that three out of four trees are Category C Sycamore trees and a single Yew Category B tree.

6.8.6 One of the Sycamore trees (T1) would need to be removed to facilitate the proposed development. As discussed, this tree does provide some visual screening between the site and No.6 Ringers Rd; however, its long-term viability is considered poor and it is not significantly visible from the wider area/street scene.

6.8.7 The proposal would also require an incursion into the Root Protection Area of the Yew (T4) along with an insignificant incursion for one of the Sycamore trees. Providing that adequate tree protection from soil compaction and impact damage is implemented, the amenity value of these trees would be adequately preserved.

6.8.8 The indicative landscape plans some tree planting and the Council's tree officer considers that this should adequately mitigate the loss of the above tree. However, the GLA have requested an assessment of the value of the tree to be lost using 'i-tree' or 'CAVAT', or another appropriate valuation system in order to demonstrate compliance with Policy G7 of the London Plan. The applicant has not prepared such an assessment; therefore, this information would be required should planning permission be granted. A diverse range of tree species, including large-canopied trees to target urban heat island effects should be provided.

6.8.9 The landscaping scheme achieves a policy compliant urban greening factor score of at least 0.4, in accordance with Policy G5 of the London Plan.

Nature Conservation and Protected Species - Acceptable

6.8.10 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.

6.8.11 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.*”

6.8.12 The application is accompanied by a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment. The PEA confirms that there are no European or National statutory designated nature conservation sites near to the site boundary and that there are no Sites of Special Scientific Interest (SSSIs) or Local Nature Reserves (LNRs) within 2km of the site boundary. There are two SINC's within 1km of the site, Martins Hill and Church House Gardens and Bromley Civic Centre Grounds, which would not be subject to any direct or indirect effects.

6.8.12 Martins Hill and Church House Gardens is located 30m from the site boundary, however potential impacts from construction pollution would be controlled through a Construction and Environmental Management Plan.

6.8.13 As the site is predominantly existing buildings, hardstanding and amenity grassland, the majority of the habitats to be lost as a result of the proposed development are of negligible ecological importance. The loss of Sycamore tree (T1) is considered to be mitigated through suitable habitat creation and replacement planting.

6.8.14 The Preliminary Bat Roost Assessment found that Building B2 (2-4 Ringers Road) had negligible suitability for roosting bats and therefore required no further survey. Building B1 (5 Ethelbert Road) was found to possess a low potential to support roosting bats and therefore an emergence/re-entry survey was undertaken on the site to confirm the presence/likely absence of roosting bats. This survey found no evidence of bat roosts being present in building B1. As no emergences were observed during the emergence survey, building B1 is not subject to legal protection with respect to bats and as such no specific mitigation is required. It is therefore considered that the demolition of the building will not have an impact on local bat populations.

6.8.15 Tree T1 and the onsite buildings have the potential to support nesting birds, whose nests and eggs are protected under the Wildlife and Countryside Act (WCA) 1981, as amended. Surveys for breeding and wintering birds are not considered necessary as given the limited extent and quality of the habitats present, the site is not deemed likely to be of importance for breeding or wintering bird assemblages. Should trees or

buildings at the site be removed during the 'core' nesting bird season (March – August inclusive), prior to the commencement of any works a check by an Ecological Clerk of Works (ECoW) would need to be undertaken to determine if nesting birds are present. Should nesting birds be present in these areas, an appropriate buffer will need to be put in place and retained until an ECoW confirms that the young have fledged, or the nest is no longer active.

6.8.16 No other protected species are considered to be onsite or likely to be affected by the development.

Biodiversity enhancements - Acceptable

6.8.17 The development offers the opportunity to enhance the site, through the establishment of native green wall planting and the inclusion of enhancements for specific species groups could be provided, including bird boxes to increase the number of nesting sites and native planting to increase foraging opportunities for bats, birds and mammals that may use the site. A sensitive lighting strategy has been recommended to ensure that the value of the site is maximised for foraging and commuting bats in the long term. Soft landscaping design could also allow for the integration of woodpiles or standing deadwood habitat could benefit hedgehogs and invertebrates such as stag beetles, which have been recorded in the local area. Native planting could be used to provide suitable habitat for common and widespread amphibians.

6.8.18 The accompanied Biodiversity Net Gain calculation and considers the change in ecological value of the site in light of the proposed development. The Biodiversity Net Gain (BNG) Assessment Report states that there will be a net gain of 424.9%, which is welcomed and in accordance with the policy requirement.

6.9 Energy and Sustainability - Acceptable

Minimising Greenhouse Gas Emissions - Acceptable

6.9.1 The London Plan Policy S12 '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.

6.9.2 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.

- 6.9.3 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.
- 6.9.4 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.
- 6.9.5 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.9.6 The updated Energy Statement by XCO2 (2023) demonstrates that the estimated regulated CO2 savings on site would be 75% for the domestic part and 44% for the non-domestic part of the development, against a Part L 2021 compliant 'baseline' scheme.
- 6.9.7 A fully electric communal ASHP system is proposed to serve the whole development. The system would provide heating and hot water to the residential element; and heating, hot water and cooling to the commercial component of the scheme. Photovoltaics would also provide electricity to the non-domestic parts of the development.
- 6.9.8 Notwithstanding the policy compliant carbon saving, to achieve the required net zero carbon a financial payment is required. Based on the use of the SAP 10.2 emission factors a financial contribution of £64,398 for a residential element and £13,095 for a non-domestic element would be required, equating to a total payment of £77,493 to be secured through S106 legal agreement.

Whole Life Carbon and Circular Economy - Acceptable

- 6.9.9 London Plan Policy SI-2 requires that 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. London Plan Policy SI7 requires such applications to submit a Circular Economy Statement, whilst London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process.
- 6.9.10 The applicant has submitted a Whole life Carbon Assessment and Circular Economy Statement. Should planning permission be recommended and in line with the GLA recommendation, a post-construction assessment to report on the development's actual WLC emission and a post-completion report setting out the predicted and

actual performance against all numerical targets in the relevant Circular Economy Statement would be secured by planning conditions.

Overheating - Acceptable

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

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

Water consumption - Acceptable

6.9.13 London Plan Policy SI5 states that development proposals should minimise the use of mains water; incorporate measures to help achieve lower water consumption; ensure that adequate wastewater infrastructure capacity is provided; and minimise the potential for misconnections between foul and surface water networks.

6.9.14 The sustainability Statement submitted confirms that the proposed development aims to reduce water consumption to less than 105 litres per person per day for the dwellings, in line with the recommended target. Nonetheless, paragraph 69 of the GLA Stage 1 report states that *“the applicant should also consider water harvesting and reuse to reduce consumption of water across the site, which can be integrated with the surface water drainage system to provide a dual benefit”*. No additional information has been received.

6.11 Environmental Matters – Acceptable

Air Quality - Acceptable

6.11.1 The area falls within Bromley’s Air Quality Management Area. Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet “air quality neutral” benchmarks in the GLA’s Air Quality Neutral report.

6.11.2 The Air Quality Assessment (AQA) by Lustre Consulting, dated September 2021 confirms that the site meets the Air Quality Neutral for the building and transport emissions. The impact of dust soiling and PM10 can be reduced to negligible through appropriate mitigation

measures. Implementation of these measures would help reduce the impact of the construction activities to an acceptable level.

6.11.3 The proposal is in general compliance with the with London Plan air quality policies, however the GLA officers requested a confirmation that no emergency diesel-fired generators would be installed; that no gas-fired plant are proposed; and the future air quality conditions would be compared to the GLA target value for PM2.5 (10 µg/m³). The Council's Environmental Health raised no objections subject to an appropriate condition regulating the demolition and construction processes.

Contaminated Land - Acceptable

6.11.4 A Phase 1 desk study, was submitted by Lustre Consulting Limited (July 2021) as part of this application, and it found there is a potential for contaminants such as asbestos, heavy metals, TPH, and PAH species. The report recommended that a site investigation is carried out and consequently a standard land contamination condition should be attached to any approval to prevent harm to human health and pollution of the environment. Given the site's location in a groundwater source protection zone and, based on Thames Water's comments, conditions requiring a piling risk assessment and a piling method statement would also be imposed on any grant of planning permission.

Lighting - Acceptable

6.11.5 The lighting should be designed to meet the guidance from the Institute of Lighting Professionals, 'The reduction of obtrusive light' Guidance Note 01/21, with respect to the sites lighting environment and will not exceed 2 lux at any habitable window, meeting the illuminated limits on surrounding premises for E3 Medium Brightness zone respectively.

6.11.6 Whilst a Lighting Strategy has not been submitted in support of the proposal, given the characteristics of the scheme, its layout and location, officers accept that the development should comfortably fall within the recommended guidance levels at any habitable window within the development itself and on surrounding premises. Further details would be required through a planning condition should permission be granted.

Noise and Vibration - Acceptable

6.11.6 Given the proposed use of the site, no undue noise and disturbance issues would likely to arise. Should planning permission be granted, appropriate conditions would be attached regulating the hours of operation of the commercial units within the proposal.

6.11.2 Demolition and construction activities are likely to cause some additional noise and disturbance, traffic generation and dust. Should permission be granted, a number of conditions would be imposed to minimise these impacts.

6.12 Drainage and flooding – Unacceptable

- 6.12.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy S112 requires development proposals to ensure that flood risk is minimised and mitigated, and that residual risk is addressed. London Plan Policy S113 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible, in line with the drainage hierarchy.
- 6.12.2 Policy 116 (Sustainable Urban Drainage System) of the LBB Local Plan states that all developments should seek to incorporate Sustainable Urban Drainage Systems or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 6.12.3 No flood risk assessment is required for this site. The Outline Sustainable Drainage Assessment by Water Environment (April 2023) advises that the site is located in Source Protection Zone 1 (SPZ1) which requires that any SuDS which discharge to ground (other than clean roof water) to undertake a hydrogeology risk assessment to ensure the SuDS systems does not become an enabler of contaminates to the groundwater supply and this would be secured through a condition in any approval.
- 6.12.4 In terms of the SuDS, the proposed discharge rate of 5l/s is subject to LLFA's approval of the sequential approach to the disposal of surface water. Whilst Thames Water does not wish to object to the proposal subject to the imposition of various conditions, however, the Council's drainage officer considers that with the acceleration of the impact of Climate Change the proposed discharge of 5l/s would be high for such urbanised area and not acceptable knowing the lack capacity of main river downstream.
- 6.12.5 The applicant was requested to increase its storage volume to restrict the rate to maximum of 2l/s for all events including the 1 in 100 year plus 40% climate change. As no additional information has been received from the applicant, the proposed drainage strategy is considered contrary to London Plan Policies S112 and S113 and BLP Policy 116, and a reason for refusal is recommended on this ground.

7. Other Issues

Equalities Impact

- 7.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 7.2 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.
- 7.3 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.
- 7.4 It is also necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it.
- 7.5 The protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 7.6 Although the supporting information states that all units have been designed to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of the dwellings (2) would meet Building Regulation requirement M4(3) 'wheelchair user dwellings', officers note that all of the M4(3) units, being located at the lowest floors of the proposed blocks would have limited choice of aspect, restricted daylight provision and inadequate noise and ventilation conditions. The allocation of these poorly performing units to occupants who may have less options to decide whether the internal amenity meets their requirements and those who may not be able to actively improve the quality of their homes due to restricted mobility or visual impairment would not ensure a genuinely inclusive development thus not helping to facilitate equality of opportunity between disabled people and non-disabled people.

- 7.7 The units with the poorest performing rooms have also been identified as social rented tenure which means that the future occupants would not be able to decide whether the amenity offered by those dwellings meets their requirements. This would have a negative impact on people currently on Bromley's housing register which are those with lower household income ranges and therefore those in the categories of age, pregnancy and maternity, race, and sex (women) who are less economically active.
- 7.8 Negative impacts may also arise from the proposed housing mix, which does not comprise any family sized units, including for disabled occupiers; and affected people would be in the categories of age, disability, pregnancy and maternity, race, religion and children.
- 7.9 The proposal would feature a ground floor communal courtyard space, however no dedicated playspace would be provided for the estimated 27 children that are likely to reside in the development. Genuinely playable space should be integrated in the scheme to encourage accessibility for all children (but in particular for under 5s), creating an age appropriate, stimulating and sensory environment. The lack of required on-site playspace provision is expected to have varying degrees of negative impacts on children, age, disability, pregnancy and maternity.
- 7.10 The development proposal offers new opportunities to access affordable housing, however, as the affordability of the units has not been confirmed, the affordable housing units could be inaccessible to some of the highest need customers on Bromley's housing register and therefore might have a negative impact for people in the categories of age, disability, pregnancy and maternity, race, and sex (women) who are less economically active and who may find the price or the type of affordable units prohibitive.
- 7.11 There are also negative impacts expected in relation to construction, such as increased vehicular movements, noise and air quality which would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the impacts.
- 7.12 In terms of the economic objective, as stated in the Economic Benefits Report prepared by Boyer, the proposals would generate various benefits for the local economy. This report outlines that during the 'Construction Phase' the proposal would directly contribute to the creation of 89 (FTE) jobs, further generating a total GVA impact of £58,220,000. During the 'Operational Phase' a further 31 (FTE) jobs will be created through the proposed Class E uses, including the proposed affordable workspace, and maintenance associated with the building and the C3 Residential Uses.

7.13 In conclusion, it is considered that LB Bromley has had due regard to section 149 of the Equality Act 2010 in its consideration of this application and resulting recommendations to the Plan Sub Committee.

Community Infrastructure Levy

7.14 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable for the Mayoral CIL (subject to applicable affordable housing relief).

7.15 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. Proposals involving social, or affordable, housing (conditions apply) can apply for relief from CIL for the social housing part of the development. This is set out in Regulation 49 of the CIL Regulations 2010 (as amended).

S106 Legal Agreement

7.16 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

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

7.18 Officers have identified a number of planning obligations which are required to mitigate the impacts of this development, the reasons for which have been set out in this report.

7.19 Without prejudice, should planning permission be granted, the development, as proposed, would necessitate the following obligations:

- Affordable Housing 35% (20 SLR and 13 SO)

- Early stage affordable housing review mechanism
 - Carbon off-set payment-in-lieu £77,493
 - Playspace £17,292.24
 - Loss of income (P&D parking bays) £190,240
 - Value of the tree to be lost (assessed using 'i-tree' or 'CAVAT' system) TBC
 - Signage and wayfinding (Legible London) £22,000
 - Healthy Streets TBC
 - Reimbursement of the Council's legal costs
 - Monitoring fees £500 per head of term
- 7.20 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.
- 7.16 At the time of writing, the applicant has not confirmed the above planning obligations nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is recommended.

8. Planning Balance and Conclusion

- 8.1 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing, including Policy 1 Housing Supply of the Bromley Local Plan, as being 'out of date'. In terms of decision-making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.
- 8.2 The principle to redevelop this brownfield site in a highly accessible, metropolitan town centre location with a residential led, mixed use scheme is supported from a land use perspective. The site falls within a designated opportunity area in the London Plan and forms part of the housing allocation Site 10 in the Bromley Local Plan.
- 8.3 The proposed delivery of housing, resulting in a net gain of 88 homes, including 33 affordable units (at least 20 of which would be socially rented), would make a substantial contribution to the housing supply in the Borough, at a time when there is a significant under supply, including affordable housing, and rising demand as evidenced by the latest Housing Trajectory report. This benefit of the scheme attracts a very substantial weight.
- 8.4 The application demonstrates that the traffic and parking demand generated by the development would not have a significant impact on local highways infrastructure or road safety. Adequate sustainability

measures would be incorporated achieving the required carbon reduction without causing unduly harmful environmental impacts and potential significant biodiversity improvements are acknowledged. Environmental matters such as air quality, contamination and light pollution would be subject to appropriate conditions if the application was deemed acceptable overall.

- 8.5 Nonetheless, at 921.6 units per hectare the proposed density would be extremely high; while recognising that these standards are to be flexibly applied, the scheme does not provide sufficient justification to show why such density should be acceptable in this case. Despite the site's location within an Opportunity Area, a metropolitan town centre, an allocation site and an area with very good public transport accessibility level; and although the emerging context of a high-density development including tall buildings is acknowledged, higher densities should not be at the expense of the quality of the accommodation proposed. In this instance the proposed quantum of development is considered unacceptably excessive and results in various townscape/heritage and amenity impacts.
- 8.6 The design, layout, massing, and density proposed is considered to be an excessive and over intensive form of development that fails to respond appropriately to the characteristics or constraints of the site and would prejudice the future development potential of the wider site allocation.
- 8.7 The over-dominant scale and massing of the proposed buildings would visually compete with the modest market town character of the adjacent Bromley Town Centre Conservation Area. The development would result in less than substantial harm to its setting under the NPPF definition.
- 8.8 The proposed residential accommodation would comply with the minimum internal standards in terms of size. However, technical compliance with national minimum space standards does not equate to quality, as highlighted within Policy D6 of the London Plan. A number of units proposed would have defects in layout that would result in a poor standard of living conditions for future residents, particularly with regard to outlook/aspect, daylighting (typically in respect of affordable and wheelchair accessible units), as well as privacy and playspace provision. All of these factors validate the officers' view that the proposal would represent an over-development of the site. Officers agree with the GLA that should neighbouring sites come forward for redevelopment, even at lesser height, residential quality of the proposed development would be likely to deteriorate even further. The proposal would also harm the amenities of the existing neighbouring occupiers in terms of overbearingness, overlooking and loss of light.
- 8.9 The applicant has failed to provide a financial viability assessment to confirm if the scheme can support more affordable housing than what is offered. Therefore, on the basis of insufficient information, being the lack

of a FVA, the application would fail to demonstrate that it would maximise the delivery of affordable housing. Additionally, the proposed housing mix due to lack of larger family size homes, would not address an identified housing need in the Borough.

- 8.10 The applicant was requested to increase its surface water storage volume to restrict the rate to maximum of 2l/s for all events including the 1 in 100 year plus 40% climate change. As no additional information has been received from the applicant, the proposed drainage strategy based on the proposed discharge rate of 5l/s in a densely urbanised area with known lack of capacity of main river downstream is considered unacceptable.
- 8.11 Substantial wider public benefits would be required to justify the scale and impacts of development being proposed. In this instance, the scheme would offer little to the wider community and consequently the harm identified would significantly and demonstrably outweigh the benefits arising when assessed against the policies in the Framework taken as a whole.
- 8.12 Bearing all of the above in mind, there are no material considerations, including the Framework, that would strongly indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, planning permission should be refused.
- 8.13 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty and, as discussed in the preceding section, officers consider that these proposals would conflict with the Duty.
- 8.14 The applicant has not confirmed the required planning obligations, as stated within paragraph 7.19 nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is also recommended.
- 8.15 The application is therefore recommended for refusal, subject to any direction by the Mayor of London.

9. RECOMMENDATION: REFUSE SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON on the following grounds:

- 1 The application does not demonstrate that the strategic 50 per cent target for affordable housing in London Plan Policy H4 has been taken into account, and no grant funding has been sought to increase the level of affordable housing proposed as required by Policy H5C. The application therefore fails to meet the criteria necessary to qualify for the Fast Track Route and in the absence of a Financial Viability Assessment the application fails to demonstrate that the**

proposal would maximise the delivery of affordable housing, thereby contrary to Policy H4 and H5 of the London Plan and Local Policy 2.

- 2 The proposed development, by reason of not providing any larger family sized units (3 bedroom +), would fail to address the identified need in the Borough, contrary to London Plan Policy H10 and Local Plan Policy 1 and policy 2.**
- 3 The proposed development, by reason of its siting, height, scale, massing and appearance would appear as an over-intensive development within a confined site and would prejudice the development potential of the adjoining sites within the allocated Site 10 in the Local Plan. The proposal would appear as an overly dominant and overbearing addition to the town centre skyline and out of context with its immediate surroundings. The proposed development would therefore cause harm to the character and appearance of the area and fail to preserve or enhance the setting of the setting of the Bromley Town Centre Conservation Area, contrary to London Plan Policies D1, D3, D4, D7, D9 and HC1; Local Plan Policy 37, 42, 47, 48 and Site Allocation 10; Bromley Urban Design SPD and Bromley Town Centre SPD.**
- 4 The proposed development, by reason of a high proportion of single aspect units offering poor outlook and daylight conditions, mutual overlooking and inadequate provision of children's play space, is reflective of an over-development of the site resulting in a compromised internal layout, which would not provide a satisfactory standard of residential accommodation. Consequently, the proposal is contrary to the provisions of London Plan Policies D3, D5, D6, D7 and S4; Local Plan Policies 4 and 37; Housing Design LPG; and Play and Informal Recreation SPG.**
- 5 The proposed development, by reason of its siting, height, scale, massing and design would appear as overbearing when viewed from nearby residential properties and their external amenity spaces and would lead to an adverse loss of light and privacy, thereby harming the living conditions of the surrounding residential occupiers, contrary to Local Plan Policies 37 and 47, and Site Allocation 10 and Bromley Urban Design SPD.**
- 6 The proposed drainage strategy based on the proposed discharge rate of 5l/s in a densely urbanised area with known lack of capacity of main river downstream is considered unacceptable and contrary to London Plan Policies SI12 and SI13 and Local Plan Policy 116.**

- 7 Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to London Plan Policies DF1 and M1, and Local Plan Policies 125 and Bromley Planning Obligations SPD (2022) and subsequent addendums.**