

Committee Date	5 th March 2024	
Address	Blenheim Shopping Centre High Street Penge London SE20 8RW	
Application number	23/00178/FULL1	Officer Agnieszka Nowak-John
Ward	Penge and Cator	
Proposal (Summary)	Phased development including demolition of existing buildings and erection of four blocks to facilitate a mixed-use development providing up to 230 dwellings, up to 2,714sqm of commercial/town centre floorspace and associated communal amenity space and play space, cycle parking, refuse storage and plant space in four buildings ranging between 3 and 16 storeys. Provision of public realm and new pocket park at ground floor with associated landscaping improvements. Provision of 24 commercial car parking spaces and 8 blue badge spaces for the residential accommodation.	
Applicant	Agent	
Hadley Penge LLP	Rolfe Judd Planning Ltd	
Reason for referral to committee	Major Development 20+ new dwellings	Councillor call in No

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

<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Conservation Area • Biggin Hill Safeguarding Birds • Biggin Hill Safeguarding Area • London City Airport Safeguarding • Renewal Area • Smoke Control • Town Centre Boundaries • Primary Shopping Frontage • Views of Local Importance
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Commercial (Class E)	4,416
Proposed	Commercial (Class E) Residential (Class C3)	2,714 19,545 (230 units)

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	73	84	0	0	157
Affordable (shared ownership)	25	12	0	0	37
Affordable (social rent)	3	20	13	0	36
Total	101	116	13	0	230

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Commercial	- 88 (multi-storey car park)	24 (commercial) - including 2 Car club/ EV charging; 1 EV charging and 2 Blue Badge	- 64
Residential	-	8 Blue Badge	+ 8
Cycle	0	Residential: 414 long stay 14 short stay (428) Commercial: 22 long stay and 82 short stay (104)	+428 +104

Electric car charging points	20% active and 80% passive
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Representation summary	<p>The application has been consulted previously in January and February 2023.</p> <p>The re-consultation of the amended application included neighbour consultation letters sent on 12/01/24, 5 site notices displayed around the site on 17th January and a press advert published on 24th January 2024.</p>
Total number of responses	TBC
Number in support	TBC
Number of objections	TBC
A petition raising objection signed by 2314 people was received on 15 th February 2023.	
A petition expressing support including details of 72 people was received on 8 th February 2024.	

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable Housing (37 Social Rented and 36 Shared Ownership)	n/a	YES
Early-stage affordable housing review mechanism	n/a	YES
Carbon offset	£176,047	YES
Healthy Streets	TBC	TBC
Legible London	£22,000	TBC
Considered construction (monitoring and compliance)	£25,000	YES
Contributions towards consultation on extending nearby CPZs and future implementation of CPZs	£25,000	YES
2 years free car club membership per dwelling	n/a	YES
Twenty free car club driving hours per dwelling in the first year	n/a	YES
Retention of original architects	n/a	TBC
Monitoring fees	£500 per head of term	TBC
Total	TBC	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would deliver 230 dwellings on a highly accessible, under-utilised previously developed land located at the heart of an Area of Renewal and Regeneration. The proposal would make a substantial contribution to the housing supply in the Borough and would help to address the Council's acute housing delivery shortages.
- The proposal would substantially improve the retail environment of Penge as a District Centre and would address the current lack of activation between the Blenheim Centre and the High Street with enhanced commercial frontages.

- The provision of new public realm within the site and improvements to the surroundings, including landscaping and biodiversity net gain would create a more secure, sociable environment for residents and the wider community.
- Adequate sustainability measures would be incorporated achieving a reduction in combined domestic and non-domestic carbon emissions (CO₂) by a minimum 73% and meeting BREEAM Excellent for non-residential floorspace. Environmental matters such as air quality, contamination, noise, light pollution and drainage, would be subject to appropriate conditions in any approval.
- The proposed development would provide a sustainable car free scheme and sustainable transport options and, with a suit of mitigation measures secured to address the potential increase in car parking stress, is not considered to result in an unacceptable impact on the surrounding highway network.
- Although the removal of the current shopping centre building which detracts from the conservation area is supported, the proposed development would result in 'less than substantial harm' to a range of designated heritage assets under the NPPF definition.
- Officers have also highlighted a number of areas where the proposed development would transgress from planning policy requirements, including the visual impact of the proposal on the wider townscape and the immediate low-rise suburban context, as well as the impact on the amenities of occupiers of some of the adjacent residential sites.
- However, given the Councils' inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, on balance, the considerations advanced in support of the proposal can be seen as sufficient to clearly outweigh the adverse impacts, when assessed against the policies in the Framework taken as a whole. Accordingly, the application is recommended for permission, subject to planning conditions, the prior completion of a S106 legal agreement and any direction from the Mayor of London.

1. LOCATION

- 1.1 The application site, measuring approximately 1.02ha, is rectangular in shape and is located southwest of Penge High Street, behind numbers 126-154. The site accommodates a part three, part four storey shopping centre building with a multi storey car parking facilities. The shopping centre comprises retail units (use Class E) with a combined Gross Internal Area (GIA) of approximately 4,416sqm.



Fig. 1.1 Existing Site Plan.

- 1.2 There is a pedestrian access to the shopping centre from Empire Square via the High Street and from the Clarion Estate via Evelina Road to the rear/southwest. There is vehicle access to the multi storey car park from Evelina Road and Burham Close, as well as vehicle access to the parking and service yards.
- 1.3 To the north the site adjoins the Royal Mail Sorting Office car park. At the southern and northern peripheries of the site there are areas of hardstanding used for parking and servicing in connection with the shopping centre and other shops along the High Street. There are 88 existing car parking spaces on site as the upper 2 floors of the multi-storey car park are no longer in use due to a lack of demand for spaces.
- 1.4 The surrounding area is characterised by a mix of commercial and residential buildings that range between 3 and 4 storeys. To the southwest of the site is the Blenheim Estate, which is characterised by red brick apartment buildings ranging between 2 and 4 storeys. To the northeast of the site there are a collection of buildings fronting the high street, which are three storeys with commercial uses at ground floor and apartments above, although the uses are variable.



Fig.1.2 Aerial Image of the Existing Site.

- 1.5 The site falls within Primary Shopping Frontage of Penge District Centre; Crystal Palace, Penge, and Anerley Renewal Area, as well as London Plan Strategic Area of Regeneration (ref. 82 London Plan?).
- 1.6 The application site is located within a Tier IV Archaeological Priority Area. A very small part of the site (Arpley Square) is located within the Penge High Street Conservation Area. The wider area contains a scattering of small conservation areas including the Alexandra Cottages Conservation Area located some 260m to the east, Crystal Palace Park Conservation Area some 630m to the north, as well as the Barnmead Road Conservation Area and the Aldersmead Road Conservation Area, both located in Beckenham. There are also a number of statutory and locally listed buildings in the vicinity of the site, including the Church of St John the Evangelist and listed almshouse complexes of the Royal Naval Asylum to the north-west of St John's Church, and the Royal Watermen's and Lightermen's which face the High Street.
- 1.7 The site lies within a designated view London Panorama 4A.2 (Primrose Hill summit to the Palace of Westminster) and a View of Local Importance – from Crystal Palace Park towards Beckenham, Bromley, West Wickham.
- 1.8 The site is located within an area that has a minimal risk of flooding (Flood Zone 1), although the Environment Agency flood map for planning indicates the potential for surface water flooding.
- 1.9 The application site has a Public Transport Accessibility Level (PTAL) of 4/5, on a scale where 1 indicates poor access to public transport and 6 is excellent. The site is located within a walking distance from Kent House, Penge West and Penge East Railway Stations and High Street forms part of the Strategic Road Network. There are some Controlled Parking Zone (CPZ) areas surrounding the site. They are: Maple Road north of Heath Grove (Monday – Saturday 8.30am – 6.30pm), Southey Street (Monday – Friday 8.30am – 6.30pm), Raleigh Road (Monday – Friday – 10am – 12 Noon) and A234 High Street (Monday – Saturday – 8.30am – 6.30pm).

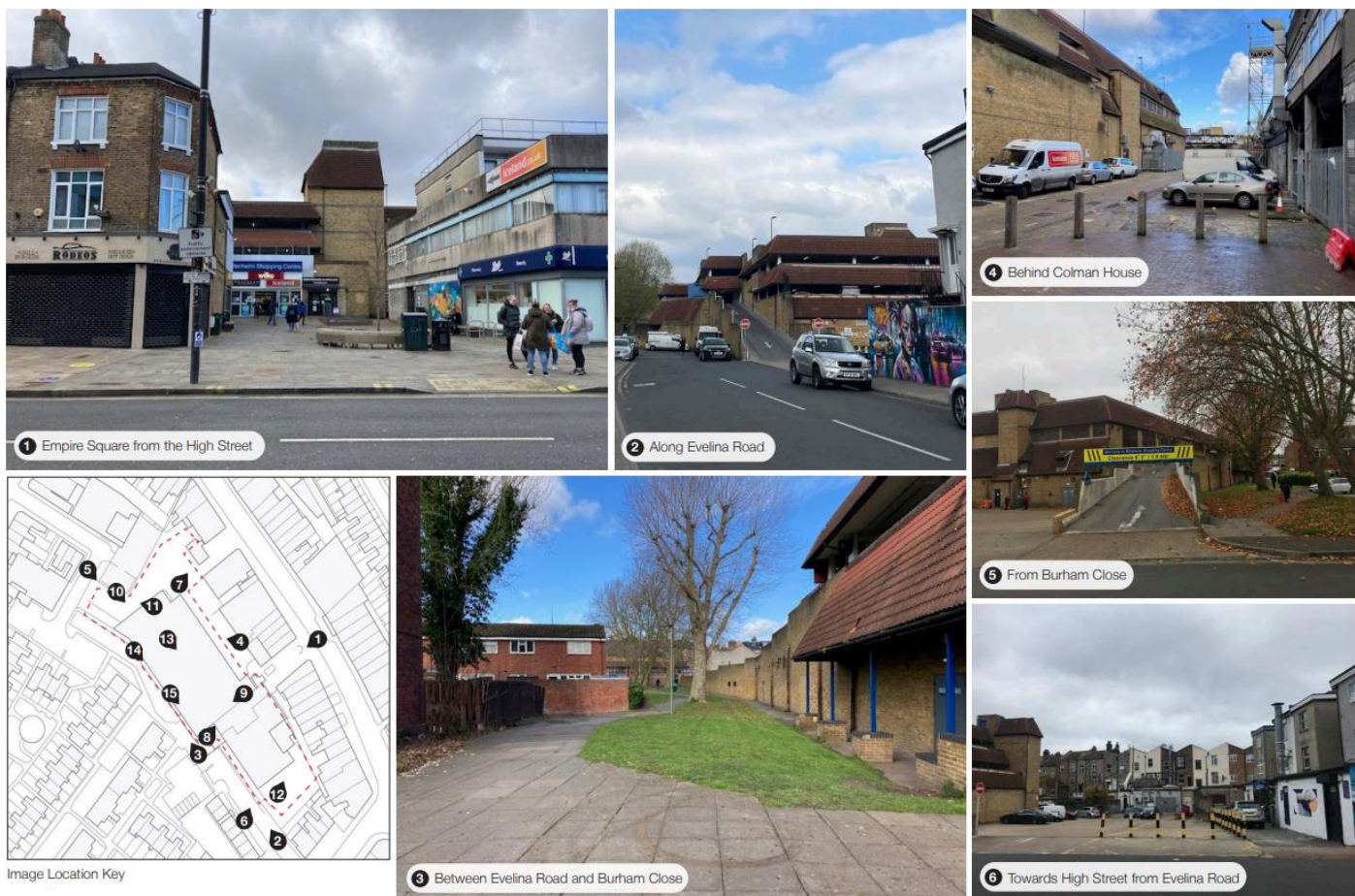


Fig.1.3 Application Site and its Context.

Land Ownership

1.10 In 2021 LB Bromley sold the freehold of a large proportion of the site to New River who was at the time a long leaseholder. A 35% affordable housing covenant was included within the purchase contract. New River has subsequently sold the freehold and leasehold to Hadley Penge LLP (The Applicant). A plan showing the planning boundary and ownership boundary has been included as part of the application. It is assumed that there are small areas of the site where the freehold is owned by LB Bromley and therefore these areas could be classed as public sector land. The submitted application form includes information relating to ownership of the site and only lists LB Bromley as another owner of land within the planning boundary.

2. PROPOSAL

2.1 The proposed development would comprise of demolition of existing buildings to facilitate a mixed-use development providing up to 230 dwellings, up to 2,714sqm of commercial/town centre floorspace and associated communal amenity space, play space, car parking, cycle parking, refuse storage and plant space in four buildings ranging between 3 and 16 storeys; alongside the provision of public realm and new pocket park with associated landscaping improvements.

2.2 The proposed blocks comprise the following:

- Block A would be 6 storeys with 136sqm of commercial space located on the ground floor (Sustainable Transport Hub) and 25 residential dwellings on upper storeys (2 to 5) accessed from Arpley Mews (extension of Arpley Square providing residential street with access for vehicle parking and servicing);

- Block B/C would be part 9 storeys (with 1 storey setback) and 16 storeys and would accommodate 759sqm of commercial floorspace, including commercial car park, on the ground and first floors and 152 residential dwellings on upper levels as well as maisonettes accessed independently at ground floor level. There would be a shared communal podium roof terrace located at 3rd storey to the south and accessed via both Block B and C stair cores. The main residential entrances would be off Arpley Mews and Blenheim Square (extension of Empire Square providing new full pedestrianised public realm and landscaping);
- Block D/E would be 8 storeys (Block D) and part 4/5-storeys (Block E) with 1,759sqm of commercial floorspace on the ground and first floor levels and 50 residential dwellings located above accessed from Evelina Road. There would be a shared communal podium roof terrace located at 3rd storey to the north and accessed via both Block D and E stair cores; and
- Block F would be formed from 3 x 3 storey residential townhouses located along Arpley Mews.

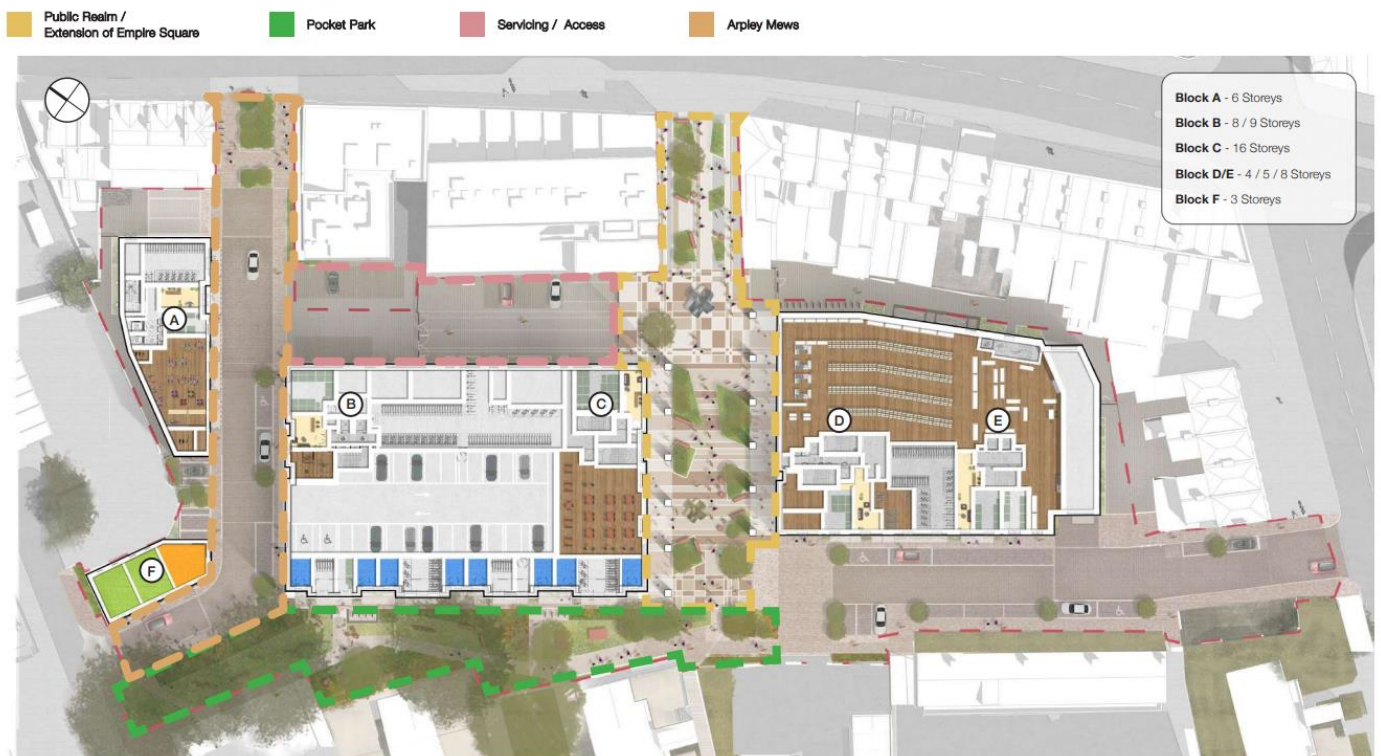


Fig. 2.1 Proposed elements of the revised scheme.

- 2.3 The proposal would also incorporate a Pocket Park – the existing green link between Evelina Road and Burham Close which is proposed to provide enhanced useable green space with play opportunities.
- 2.4 The existing space to the back of Colman House would remain as a dedicated space for servicing and/or vehicle circulation but would be improved with new surface treatment and greening along the proposed facade. The existing car parking and access to high street commercial units would be retained with the pedestrian route through the yard clearly demarcated through flush kerbs and in ground lighting. The road layout to existing Evelina Road would also be revised with improved hard landscape, street trees and planting.
- 2.5 Residential cycle parking would be provided for 414 residential long stay spaces within the buildings and 14 short stay spaces within the landscape strategy. 104 Commercial spaces would be provided, 22 of which would be located within a designated cycle store in Block D/E, and the other 82 spaces located within the public realm. Of the residential spaces required, 75% are provided as a double tier stacking system (Easylift Stand System or

similar), 20% are provided as Sheffield Stands and 5% are provided as Adapted/Accessible Spaces.

2.6 The scheme proposes 24 commercial parking spaces (inclusive of 2 accessible spaces and 2 car club spaces with accessible dimensions) and 8 residential accessible car parking spaces located along the Burham Close as well as on the Evelina Road access routes. 20% of spaces would have active charging facilities with the remaining 80% passive. 2 car club spaces would be provided on site within the podium car park to be used by both residential and commercial users.

Amendments

2.7 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 proposal has been revised to accommodate a second staircase in Blocks C and D.

2.8 Following the February submission, on 24 July 2023, the Prime Minister and Secretary of State for Levelling Up, Housing and Communities issued a long-term plan for housing, which required the provision of two stairs in buildings over 18m in height (measured to the finished floor level of the uppermost habitable floor). The scheme has been further revised by the submission dated 19th December 2023 and publicly re-consulted in January 2024. In summary, the following amendments have been made:

- The height of buildings reduced as shown in Table 2.1 below;
- The overall number of residential units has reduced from 250 to 230;
- Several of the 2 bed 4 person apartments have been changed to 2 bed 3person apartments;
- The tenure of the town houses (Block F) has changed from Private Sale to Social Rent and Shared Ownership;
- The cores of Buildings B/C, D/E have been adjusted to meet fire regulations;
- The internal layout of the units has been reconfigured, there are minor changes to the ground floor (bike and bin numbers), with adjustment to some window locations, bin and bike stores at ground floor level;
- Elevational alterations include adjustments to window locations and additional street art installation along Evelina Road;
- Changes to the proposed material palette, with the tallest building (Block C) featuring a lighter, stock brick; and Blocks A, B, D and E retaining a red brick finish, but with a darker tone;
- For Blocks D and E, a new south-facing roof garden and well-being space has been provided on the third floor;
- A landscape strategy has been further developed;
- Provision of new informal workspace at ground and first floors of Block D/E with activation to the corner of Evelina Road and Blenheim Square;
- Updates to servicing strategy and Evelina Road to accommodate Iceland supermarket.

	Submitted		Proposed	
	Storeys	Maximum height	Storeys	Maximum height
Block A	6	24m	6	22.5m

Block B / C	9 / 18	65m	9 / 16	59.0m
Block D / E	4 / 6 / 9	34m	4 / 5 / 8	31.2m
Block F	3	12.1m	3	12.1m

Table 2.1 The overall height reductions across the scheme.



Fig. 2.2 Image of Arpley Mews looking from the High Street towards the Pocket Park (left) and the view of Blenheim Square looking from Empire Square (right) (Planning Addendum Report).



Fig. 2.3 View of Blenheim Square looking from Evelina Road (Planning Addendum Report).



Fig. 2.4 View of Pocket Park looking from the townhouses (Block F) towards Evelina Road (Planning Addendum Report).



Fig. 2.5 View of the proposal looking from the junction of Croydon Road with Evelina Road (Planning Addendum Report).

3. RELEVANT PLANNING HISTORY

3.1 The planning records for the application site include several applications that date back to the early 1980's, prior to construction of the shopping centre and multi-storey car park as it exists today.

- 3.2 In December 1988, the Council granted outline planning permission for demolition of the existing supermarket building and multi storey car park building to be replaced by a detached building comprising 8,500sqft retail store and 18,000sqft part one, part two storey supermarket with service yard areas and 115 car parking spaces (ref. DC/88/04781/OUT).
- 3.3 Various applications have been submitted following construction of the Blenheim Centre in the early 1990's, including alterations to shopfronts, the erection of plant and air conditioning enclosures and the installation of security shutters.
- 3.4 In June 2020, permission was granted for the change of use and two storey extension to create a part one/three storey building comprising retail unit at ground floor level and 2 x 1 bedroom flats on the first and second floors (Use Class C3) (ref. DC/19/04276/FULL1). This permission has not been implemented and is now lapsed.
- 3.5 In November 2020, planning permission was refused for the change of use and a two-storey extension of the public conveniences located in Arpley Square to create part two/part three storey building comprising retail unit at ground floor level and 1 x 1 bedroom and 1 x 2 bedroom flats on the first and second floors (ref. DC/20/03249/FULL1). The reasons for refusal were as follows:
- 1 The proposed extension, due to its height and proximity to the rear of the neighbouring flats at No. 126-128 High Street Penge, would result in an increased sense of enclosure and significant loss of light, outlook and prospect to these neighbouring residents; thereby contrary to the objectives of the National Planning Policy Framework (2019) and Policy 37 of the Bromley Local Plan (2019).
 - 2 The proposed development would provide an unsatisfactory standard of residential accommodation for the prospective occupants of the first floor two bedroom flat, taking into account the paucity of internal space and lack of private amenity space, thereby contrary to Policy 3.5 of the London Plan (2016), Policy 4 of the Bromley Local Plan (2019), the Mayors Housing SPG (2016) and The National Technical Housing Standards (2015).
- 3.6 In August 2022, permission was granted for the temporary stationing (up to 5 years) of an eight station Brompton bike locker within Empire Square, associated with a bike hire scheme (ref. DC/22/02246/FUL).

Environmental Impact Assessment

- 3.7 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) identify certain development projects – Schedule 1 developments, for which an EIA is mandatory, and Schedule 2 developments, for which EIA may be required. The proposed development is not Schedule 1 development but is considered to be Schedule 2 development (under paragraph 10(b)), being an “urban development project”, including more than 150 dwellings. However, the site is not within a sensitive area as defined by the Regulations.
- 3.7 In August 2022 the applicant submitted a Screening Opinion Request under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (“EIA Regulations”), in respect of the application proposal. Taking account of the location and context of the site and the scale and likely significance of any environmental effects resulting from the proposed development it was determined that the proposals did not constitute EIA development. The Council issued a screening opinion to that effect on 12th October 2022 (22/03428/EIA).

Design Review Panel

DRP 1 (1st of April 2022)

- 3.8 The review proposal comprised mixed-use development of the site delivering 286 homes (35% by affordable housing) circa 3,000sqm of town centre uses and new and enhanced areas of public realm with associated landscaping, parking and amenity spaces. The proposal consisted of four main building elements ranging from 3 to 21 storeys. The key points:
- The Panel supported the principles of the site layout, however it recommended a reduction in the quantum of development to achieve a scale and massing appropriate to Penge's centre. The Panel did not support the proposal for 3 linked tall buildings of up to 20 storeys, in a context which is currently two to four storeys.
 - The Panel questioned whether it would be possible to achieve sufficient amenity and play space, without a reduction in the number of flats.
 - The Panel supported the proposed central space but thought this would have the character of a route, rather than a square, because of its proportions.
 - Podium gardens could be valuable for residents, but the panel suggested these would benefit from better sun and views facing south-west.
 - Wind and sun path analysis was considered to be essential to test the quality of spaces, and their suitability for proposed uses, such as a market.
 - The proportion of single aspect homes should be minimised.
 - The Panel also asked for more exploration of the scheme's relationship with the Royal Mail site, both in terms of residential quality for Block A, and this neighbouring site's future development potential.
 - The Panel encouraged further thought about how the architecture can respond more specifically to the character of Penge.
 - The drawings suggested a 'New London Vernacular' type of architecture that didn't yet seem to be at all rooted in its location, and which the panel thought needed further development to avoid being generic.
 - The approach to environmental sustainability and low carbon design appeared convincing, and The Panel encouraged the applicant to go beyond policy compliance as the scheme evolves.

DRP2 (5th of September 2023)

- 3.9 The proposed development comprised 250 dwellings, 2,775sqm of town centre floorspace, new areas of public realm and associated works. The Panel was pleased to see that microclimate and overshadowing studies had been conducted, along with calculations for play space provision. The introduction of townhouses fronting onto the pocket park was considered as a positive move, as was the simpler, calmer architecture and materiality. The reduction in height and the redistribution of massing, to respond better to the site's context, was also welcome. The panel felt that the tallest element might be acceptable (although it was still pushing the limit of what can be accommodated within the townscape) but it would like to see more long views to understand its visual impact, especially from Crystal Palace. The Panel urged the design team to be realistic about the form of the tower, which could no longer be accurately described as slender. The key points:
- The treatment of the service yard, separated from the public realm, was more successful, although some issues remain, including the management of delivery mopeds using the space. The need for residents to use the service yard to access the bin and bike stores for block BC was considered particularly unfortunate and, more generally, the experience of arriving at and moving around the development should feel safe at all times of day and night.
 - The ambitious landscape design was welcome, particularly for the central square, but the panel noted that the management and maintenance of these spaces would be critical to their success.

- The Panel was also supportive of the ambitions to integrate artwork into the scheme, although it needed to be resolved in detail how this was to be achieved and managed over the long term.
- The Panel noted that it had not had the opportunity to review the internal arrangement of the floor plans, so could not comment on the residential quality likely to be achieved. However, it did support the improvement to the quality of the amenity provided by the relocation of the podium garden of block BC, which allowed for a more positive aspect and greater access to sunlight. The podium garden of block DE in contrast remained less satisfactory, however, and the panel urged the design team to explore options for improving this.
- The Panel requested additional information to aid future assessment of the proposed development and suggested further revisions and amendments to the scheme, as summarised below:
 - Consideration should be given to the management of delivery mopeds using the service yard to the rear of Colman House;
 - Consideration needed to be given to the need for residents to use the service yard to access the bin and bike stores from Block BC;
 - The podium garden of Block D/E would be of a lesser quality when compared to BC due to its orientation and options should be explored to improve this so the affordable and private homes have equally good levels of amenity;
 - Consideration of increased planting on Evelina Road to provide more of a visual link between Block DE and the pocket park;
 - Although the reduction in overall height was welcome, the heights were still challenging within the context of Penge, and much of the reduction had been achieved at the expense of the slenderness and elegance of the tower (Block C);
 - Block A would benefit from being reduced by another storey;
 - Revisions to materiality were broadly supported, but the introduction of subtle differentiation in texture and tone could help reduce the risk that the consistent materiality becomes monolithic.

4. CONSULTATION SUMMARY

a) Statutory

4.1 Greater London Authority (GLA) – Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below: (a copy of the GLAs full report is attached at Appendix 3).

- **Land use principles:** The proposed mixed-use development of the site is accepted in principle, in line with Policies SD6, SD7, SD10 and H1 of the London Plan.
- **Housing:** The proposed development includes 35% affordable housing by habitable room including 59% social rent and 41% London Shared Ownership and therefore could be eligible to follow the Fast Track Route. An early-stage review and affordability levels should be secured.
- **Urban design and heritage:** Concern is raised with the proposed height and its response to the local context. Refinements to the height, scale, layout, architecture and materials, and public realm should be considered. GLA officers consider harm to be caused to the nearby conservation area which will need to be addressed prior to Stage 2.
- **Transport:** Further information is required on the proposed relocation of the Moped Bay and the bus stop, potential improvements to cycle parking facilities, and justification for the retention of commercial car parking. Contributions should be sought towards Legible London signage, bus stop and Healthy Streets improvements. The residential element will be car-free which is supported.

- **Sustainable development and environment:** Further information is required on energy, circular economy, whole-life cycle carbon, green infrastructure, air quality, sustainable drainage, and water efficiency.

4.2 Transport for London – Additional information required.

Site Description and Context

The site fronts Burham Close to the north and Evelina Road to the south-west, beyond which there is housing. Both are borough highway The A234 High Street is located to the east and is the main part of Penge town centre supporting multiple shops and other businesses. The A234 forms part of the Strategic Road Network (SRN) for which the Council is highway authority, but TfL is the joint traffic authority and has a shared network management duty under the Traffic Management Act 2004 to ensure expeditious movement of traffic on the SRN. The nearest section of the Transport for London Road Network (TLRN) is the A205 London Road which is approximately 3.25km away from the site and would not be impacted by the development.

Vehicular access is proposed from Evelina Road as now and an extension of Burham Close known as Arpley Mews. Pedestrian and cycle access would be via these roads and additional active travel links into the site from High Street via Arpley Square, Empire Square and the new proposed Blenheim Square. Evelina Road is off Croydon Road, also part of the SRN whilst Burham Close is accessed via predominantly residential streets from the High Street. Croydon Road and High Street support multiple bus stops which are served by routes 75, 176, 197, 227, 354, 356, 358 and N3 which link with Beckenham, Crystal Palace and other areas in the borough and also with inner and central London and with major destinations such as Croydon in outer London. Penge West, Kent House and Penge East National Rail stations and Beckenham Road tram stop are also within walking distance, but all are only just within reasonable distance for a station (960m). Consequently, the site currently records a public transport accessibility level (PTAL) of 4 to 5; on a scale of 0 to 6b. For the purposes of application of London Plan policy, the highest PTAL is taken. Furthermore, improvements in the permeability of the site consequent upon the development proposals would shorten the distance to public transport and thus raise the PTAL to a consistent level. For those requiring step free access to public transport whilst all buses are step free, only Beckenham Road tram stop has such provision. Penge West and East stations have limited provision and Kent House none. Cycleway 18/ National Cycleway Network 21 Waterlink Way, part of the Strategic Cycle Network (SCN), is about 600 m from the site accessible from Kent House Station. Development works on Cycleway 18 are ongoing though the route linking to the National Cycleway is currently used. The proposed development consists of the demolition of all existing buildings and the construction of four blocks ranging in height with retail and other commercial uses on the main ground floor frontages and residential elsewhere and above. There is associated car and cycle parking, access, and landscaping. 250 dwellings are proposed, and it would appear from the latest case documents that the commercial floorspace will be 3,397m² GEA compared with 2,828 m² assessed in the Stage 1 report. The application site takes in public highway and other land not within the control of the applicant and proposals are put forward for these areas.

Healthy Streets

All developments proposed should support the Mayor's Healthy Streets approach in line with Policy T2 of the London Plan, with respect to the 10 Healthy Streets indicators. The proposed redevelopment will see an increase in the number of pedestrian and cycle trips to/ from the site and in the local area and a reduction in the number of vehicle trips. The Active Travel Zone assessment (ATZ) has identified several potential improvements on and around the

site, notably the existing pedestrian facilities at the site, which link eastwards with the High Street and into the residential area to the west, and the north-south connection between Evelina Road and Burham Close, which lead on to St Johns Primary School and Robin Hood Surgery. Within the site, enhanced public space is to be proposed at Empire Square and Arpley Square, with trees and other planting, cycle parking and better natural surveillance encouraging active travel, albeit as these are outside the applicant's control, they will need to be delivered by s278 agreements and other mechanisms if they are to become a reality. These improvements are, though, crucial to creating a permeable, safe, and attractive development where pedestrians and cyclists have priority. Therefore, certainty of delivery will be required. Furthermore, the current design keeps existing parking for High Street and Colman House retail, related and offices uses, on or accessed via Arpley Mews, and is proposing additional loading bays/ accessible parking on Evelina Road and a new vehicle access off Evelina Road. This will result in these roads being vehicle dominant, which is contrary to the Healthy Streets Approach. As it is likely that primary residential access will be along Burham Close via Arpley Mews and Evelina Road, due to the location of cycle stores and block entrances, it is important that these provide a Healthy Streets environment. Appropriate footway widths, landscaping, and natural surveillance should be included and then implemented along these routes. As currently proposed, these access routes are dominated by vehicle parking and loading areas and do not provide a visually attractive, comfortable, and safe public realm that encourages safe walking and cycling, contrary to London Plan policy, Vision Zero and Healthy Streets objectives. The proposed Arpley Mews is primarily a vehicular route for the podium car park and parking at the rear of units along A234 High Street. Further justification is required as to the necessity of these car parking spaces, and of the loading bay and parking bay to the north of building A. These will impact directly on the key north south and east west active travel routes, and public realm improvements to the frontages of the development would effectively be neutralised through vehicle dominance. This is also the case for Evelina Road, where a new access road for units along A234 High Street is proposed where there is not currently, and no adequate justification for the necessity of this is provided. Where it is shown to be necessary for there to be vehicle access, suitable shared surface management measures and mitigation proposals should be provided and secured in any permission. Further review of the proposals for this part of the site is required to make it pedestrian and cyclist friendly in accordance with London Plan T2 Policy. Furthermore, as mentioned above, there are concerns that some of the proposed landscaping and permeability works to Empire Square and Arpley Square, which connect to A234 High Street, are outside of the site's red line boundary, and even if part of the application site they are not within the applicant's control. Therefore, it may not be feasible to deliver these improvements. We would therefore strongly suggest that Grampian conditions and obligations are imposed in any permission to ensure that these crucial elements of the development and its mitigation are actually delivered. This is particularly important for the north-south link via between Evelina Road and Burham Close. As also mentioned above, Evelina Road is largely car dominant, which will be exacerbated by the application proposals, and if the retained vehicle parking and loading and access can be justified, this must be backed up by robust management and mitigation measures. That said, the improvements to Empire Square extending to the new Blenheim square will provide a new pedestrian forecourt, increasing permeability with good natural surveillance provided it can be delivered and managed and maintained accordingly. Any improvements should be secured through the scheme design and section 106 agreement, including 24/7 public access, rights over land in other parties' ownership and control, and the s278 agreement in respect of the public highway. Funding towards and/or inclusion in the s278 agreement of other Healthy Streets improvements to the routes to/from public transport and other services and facilities in Penge should also be secured. This is to address deficiencies identified through the ATZ assessment and through other assessments and supporting the car-free residential development and low car parking provision of the other elements. This requirement is in line with Policy T2 part D (1). Suggested areas for improvements include the footway on the walk to Penge East station and pedestrian crossings between the site

and the opposite sides of the High Street and Croydon Road. Particular consideration should be given to the needs of those requiring step-free access given the limited amount of disabled persons' car parking which is proposed. Works should also consider measures to prevent mopeds serving takeaways on the High Street from accessing the site's new public realm. This development would benefit from new Legible London signs on the High Street and within the site. It is therefore requested that a contribution of £22,000 towards new signs and nearby existing Legible London signage map refreshes, is secured through the s106 agreement. This request is in line with Policy T3, by supporting "walk and cycle wayfinding improvements" in Table 10.1 and Policy T2 "Healthy Streets".

Trip Generation

The submitted trip generation predicts 1,909 two-way daily trips as a result of the proposed mixed-use residential and commercial development, with 826 two-way daily trips by train and 387 two-way daily trips by bus. The proposed commercial floorspace unit is now understood to be 3,397sqm GEA though previous mentions of floorspace were a 2,828sqm development. The impact on trip generation should be clarified. By virtue of the size of the shopping centre being reduced and because the development would be close to being car free, vehicle trips will be less than currently. However, public transport use and active travel will increase. Further work on the trip generation assessment is needed to establish the extent of the increase and the need for mitigation, particularly as the quantum and type of the proposed commercial floorspace is unclear. Furthermore, the updated transport assessment lists only office space as the TRCS data used in the assessment for the proposed commercial floorspace. As this commercial floorspace is currently proposed for any use in class E, a further review of the TRICS data is required to determine how accurate the assessment is, and a worst-case scenario should be assumed. The assessment for the existing shopping centre uses TRICS data from outside of London and food stores which whilst in London are in central London, or for larger stores, or those focussing on a different customer base than the existing Iceland store. In particular, Table 6-6, 6-7, 6-10, 6-11, 6-14, 6-15, 6-16, 6-17 includes an Underground category yet there are no nearby Underground stations, the nearest being Brixton many kilometres away. The Transport Assessment should therefore be revised accordingly to include only the stations within PTAL calculation distance, which have London Overground/National Rail services and trams. Information relating to which National Rail stations are considered for trip distribution should also be provided. The trip distribution per station should be presented, and thus the impact on services should also be considered (National Rail and London Overground Stations). TfL will undertake a similar assessment of the impact on bus services once there is an agreed bus trip generation figure. Once these have been provided, a view as to whether further mitigation on the existing public transport network can be provided, along with any need for bus mitigation on High Street and/or Croydon Road. Cycling Residential long stay cycle parking would seem to meet the minimum quantity standards in London Plan Policy T5 and would comprise 5% Sheffield Stands at wider spacing, 20% as Sheffield stands at normal spacing with the remainder being as double stackers. However, some amendments to the design, location, and space available for cycle parking are needed to meet other quality standards set in the London Cycling Design Standards (LCDS) as referred to in policy T5. These could reduce the overall quantity and/or proportion of Sheffield Stands if left to a later stage, and thus should be addressed now. Particular, but not the only, focus should be on ensuring appropriate provision for disabled people, aisle widths for areas with double stacked cycle parking and providing safe and convenient access to the stores. Access to all ground floor cycle stores is from the public realm, including less overlooked areas, which raises concerns over the personal security of users who could easily be followed into these stores or, given that there is only one door, pushed back in when they try to exit. The LCDS recommends that access to residential cyclists' facilities should utilise the communal entrances to the flats to improve safety. These provide a space, with a high probability of passing foot traffic, for a cyclist to wait before entering the cycle store, affording cyclists the same level of personal security as

residents without cycles, or allows them to escape from the store if tailgated in. If this is proved not to be possible, at least two access points to each cycle store should be created to provide a cyclist with an escape route and a choice of access points into the store. This is relevant to crime and disorder as well as planning considerations. Issues also arise where it appears on plans that cycle store doors along with bin store doors open outward onto the public realm reducing the footway space and causing a hazard to pedestrians and cyclists alike. Other than emergency access all doors should open inwards on public routes. This should be rectified prior to determination. Long stay cycle parking for the commercial uses has similar issues but also should be increased as necessary to at least meet minimum London Plan quantity standards applicable to the increased commercial floorspace now proposed. Facilities such as lockers and showers for staff who cycle should be provided and secured in any permission in line with Policy T5 of the London Plan. Short-stay cycle parking for commercial and residential uses are to be located around the site's public realm in the form of Sheffield stands. In total, 114 shortstay spaces are to be provided, comprising 16 short-stay residential spaces, 86 short-stay commercial spaces. An additional 12 spaces are to be provided as part of public realm improvements to Arpley Square/ Empire Square off High Street Penge. This provision would meet London Plan quantum standards, but this needs to be confirmed given the increase in commercial floorspace now proposed. Furthermore, some provision appears to be outside the site ownership boundary, such as the clusters around Empire Square and Arpley Square. Means of delivery of these stands should be clarified and secured in any permission. All short-term cycle parking should also be demonstrated to meet the LCDS, as set out in policy T5.

Car Parking

The residential element will be car-free, except for eight disabled blue badge (BB) bays located around the site, equating to 3% of the residential dwellings, which is broadly in line with the outset provision required by London Plan Policy T6. The London Plan does require identification of space to provide BB parking for the equivalent of a further 7% of dwellings in the future, should demand arise. However, given the town centre location, the need to prioritise active travel and other Healthy Streets objectives, the wide range of accessible bus services and some step free access at Penge East and Penge West stations, the requirement can be waived here, subject to complementary accessibility improvements. This should include routes to/from bus stops and the waiting environment at these, routes to/from rail stations, and exemplary provision for disabled people's cycle parking and pedestrian routes suitable for all within the development itself. As there are only eight BB spaces it is encouraged that all have electric vehicle charging provision (EVCP) from the outset instead of the 20% proposed as such with the remainder having passive provision. Page 8 of 11 Four of the BB parking spaces will be accessed via Arpley Mews, with two located outside the entrance to block B and two located between building A and building F. The other four BB parking spaces will be provided on Evelina Road, two outside Blocks D and E on the east side of the road and two on the west side adjacent to the existing residential properties on Evelina Road. Some discrepancies in the BB parking on Evelina Road exist, as it is unclear if the BB parking on the west side of Evelina Road is within the site's ownership boundary and instead appears to be Bromley highway. If this is the case, then a change in traffic regulation order and signage would need to be funded in the s106 agreement. This should be clarified and a view as to whether it is attainable, especially given that existing residents' parking would be lost, should be taken, with a possible need for re-provision. Furthermore, the parking for disabled people living in or visiting block C would be on Evelina Road or Arpley Mews located nearly 80 metres away. An alternative location for BB parking close to the entrance to this block should therefore be identified. New residents, unless a disabled person, should not be eligible for on-street residential parking permits, and this should be secured in the section 106 agreement. The existing 216 space Blenheim Shopping Centre car park is proposed to be demolished; however, 24 non-residential car parking spaces are proposed to be retained within a podium car park. Seven of these spaces would be to replace

informal parking on Evelina Road. This parking is not in officially marked out spaces and instead would appear to arise due to a lack of control or enforcement. We can find no evidence presented justifying this provision, which is contrary to London Plan policy for this site. The other 17 non-residential car parking spaces have been justified as replacements for existing parking in the multi storey car park that is rented out on a contract basis. It is not clear who these spaces are used by, given that the adjacent existing and to-be-retained properties like Colman House seem to have and will retain their own parking. Details of the justification for the re-provision of these spaces is therefore needed for TfL to be able to consider whether this aspect of the development aligns with London Plan policy. Should the council accept any, or all, of this non-residential car parking provision within the podium, a car parking management plan should be required, with monitoring regime and targets for reducing use and for repurposing of the space as soon as possible, given that it is not London Plan Policy compliant. The proposed two BB parking bays within the podium car park would be acceptable. However, to improve access for all and by higher vehicles and to aid management and enforcement, these would be better located on-street or elsewhere, not in an expensive structure but preferably secured on-street outside of the site's public realm. The Council may wish to consider implementing a controlled parking zone and extending the hours of the existing controls for streets adjacent to or near the development for which new residents would not be allowed permits. In the absence of these measures, there is potential for residents of this development to park on existing streets, so it will not be car free and thus contrary to London Plan policy. A similar point applies in respect of town centre parking, albeit it is understood that this currently is the case with drivers preferring on-street parking to that in the multi storey car park. On street parking controls would provide priority for existing car-owning residents and can be funded by the development via the s106 agreement. The swept-path analysis for Evelina Road shows vehicles turning in the private car park of the Clarion Housing Estate to the west of the development. Alternative provision should be made given Clarion would be within their rights to control access and use of their property. In this event turning would be difficult especially if a larger vehicle and potentially unsafe on what is proposed as the key north south pedestrian and cycle route. Furthermore, private parking at the rear of properties on High Street is proposed to be retained. Seven parking spaces would be at the rear of and for the McDonalds and a further six at the back of, and for occupiers of Colman House. Some of these spaces are within the red line application boundary the rest accessed via the site. This will result in the proposed public realm improvements being nullified by car parking and associated vehicle movements. If these spaces and their accesses are required for a property or other pre-existing contractual reason, then evidence and explanation for this should be provided, and the design and layout of the development amended to minimise and manage the car parking and associated movement of vehicles. One possibility in this case could be for the spaces to be relocated to the proposed podium car park. If there is no property right or contract then we would suggest they are removed, in line with London Plan Policy. It is understood that mopeds currently use Arpley Square as a turning and waiting area when taking deliveries from McDonalds and other takeaways on the High Street. Two proposals have been put forward to provide a marked moped parking area for delivery riders to reduce the risk of them using the new and improved public realm, and to manage the demand for such parking. As Evelina Road is on the opposite side of the development to McDonalds and the other takeaways, it is unlikely it will be used by mopeds, so a High Street option would seem better. However, the specific location proposed would impact bus operations and the general movement of traffic given the bus stop opposite. We would suggest instead an existing parking bay adjacent to Arpley Mews, or just to the north, is converted for moped parking. This would still place the moped parking close to McDonalds and indeed nearer to other takeaways on the High Street, whilst having less impact on bus operations and the movement of general traffic. Further discussion and agreement is therefore required, including with TfL, given the potential impact on bus services and the SRN prior to determination on this proposal.

Delivery and Servicing Plan

It is understood that the existing rear servicing for the properties on High Street will be retained. Thus Burham Close and Arpley Mews will provide access for servicing McDonalds, Colman House and other units adjacent to the north end of the site, as well as delivery and servicing access for the new development in blocks A, B, C and F. Evelina Road will provide service access for the new blocks D and E and a new two-way vehicle route for those properties adjacent to the southern end of the site. It appears that some of the loading bays on Burham Close/ Arpley Mews do not have room for vehicles to enter and egress in forward gear on site. In particular, the 8-metre loading bay marked for Pizza Hut requires vans to drive in and reverse out. This is not supported and having loading vehicles reversing out of site in a busy public realm poses what would seem to us to be an unacceptable safety risk, especially when alternatives would seem to exist, for example provision of loading bay/s on the High Street. Whilst in principle off-street servicing away from the SRN is supported by policy, the current proposals would appear to require revision and it is not clear why the marked on-street bays on High Street are not suitable for this purpose in this instance instead of car parking. Rapid EV charging should be provided for at least one of the proposed service bays. All vehicles should be able to enter and egress from site in forward gear and swept-path analysis should be provided to show this alongside proposals to manage pedestrian/cycle conflict with service and other vehicles on the access roads given the plans to improve active travel links along these. A full Delivery and Servicing Plan (DSP) is required by Policy T7. This should be secured through condition and developed in line with TfL guidance. The DSP should contain targets to minimise large service vehicle movements and encourage smaller and sustainable means especially at peak times and when the area is busy with shoppers and those walking and cycling. Consolidation/sharing of deliveries should be included.

Construction Logistics and Management

A full Construction Logistics Plan (CLP) should also be secured through condition and given the town centre location, should pay particular attention to managing and mitigating impacts on pedestrians, cyclists and buses on the High Street and Croydon Road and support Vision Zero. This should show vehicle access via Evelina Road and Burham Close, not via A234 High Street. Swept-path analysis, estimated vehicle numbers and mitigation should all be provided in line with TfL's current guidance. To minimise impacts on traffic flow, pedestrian amenity and bus operations, no construction vehicles/equipment, skips, or construction materials should be parked/stored on the SRN at any time. All construction vehicles exiting the site must undergo wheel-washing prior to entering the public highway and do so in forward gear. Demolition and construction workers should travel by active or sustainable means and not the private car. All haulage operators associated with construction should meet a minimum Freight Operation Recognition Scheme (FORS) rating of silver. All HGVs must comply with the Direct Vision Standard and HGV Safety Permit scheme. This should be secured by condition and s106 as appropriate.

Travel Plan

A full travel plan for both elements of the scheme should be secured. This should contain proposal for a monitoring regime and targets for higher mode shares for active and sustainable travel in line with London Plan policy T1 and the Mayor's Transport Strategy (MTS). These targets should be supported by clearly identified measures.

4.3 Historic England – Objection

- 21 February 2023

Summary

Historic England objects to these proposals because of the harmful impact the 18-storey building would have on the predominantly suburban character of the historic environment in this part of the borough. We would urge your Council to refuse this application and seek more modest forms of development for this site.

Significance of the historic environment

Penge is a suburban area of South East London characterised by largely Victorian residential buildings and tree-lined streets. The development of the area was spurred on by the arrival of the railways, with rapid expansion following the relocation of the Crystal Palace to the area in 1854.

The development site contains a 1980s shopping centre and car park which does not relate well to the surrounding townscape in our opinion due to its very large footprint and low-quality architecture. However, the site is located to the south of Penge High Street which contains a number of architecturally interesting retail, commercial, and residential buildings.

A portion of the high street (to the north west of the development site) forms the Penge High Street Conservation Area. The conservation area captures the low-rise suburban character of the Penge area, and incorporates a number of Grade II listed buildings within its boundary. These include the Church of St John the Evangelist which dates from 1847 and is of particular architectural interest for its striking stone broach spire which is also an important historic landmark in the conservation area.

The conservation area also includes two listed almshouse complexes dating from the very late Georgian period. These are the Royal Naval Asylum to the north-west of St John's Church, and the Royal Watermen's and Lightermen's Almshouses which faces the High Street. The latter is a surprisingly extensive complex for its suburban location, containing 46 houses. As a result, it has a large forecourt area which provides the listed complex with an attractive green setting, and sense of enclosure from the bustle of the High Street.

The wider area contains a scattering of small conservation areas which represent various different types of suburban housing. These include:

The Alexandra Cottages Conservation Area, located to the north of the development site. The conservation area is a rare suburban example of 'improved' housing established by various philanthropic housing associations (in this instance the Metropolitan Association) in Victorian London to provide affordable accommodation for the working classes. The conservation area is defined by its orderly plan comprising semi-detached, pitched roof houses arranged in several rows on a north-south axis.

The Barnmead Road Conservation Area, which comprises detached and semi-detached Victorian villas built around Kent House Station in nearby Beckenham for the emerging middle classes to the area. The Conservation Area Supplementary Planning Guidance (updated 2001) states that the character and appearance of the conservation area is derived from its "cohesive character, and from the "limited range plan forms and materials used in the development" (Para 3.1). It goes on to say that "the area's layout and spatial characteristics are a very important part of its character" (Para 4.25).

The Aldersmead Road Conservation Area, also in Beckenham, which contains Victorian and Edwardian detached and semi-detached houses built for the emerging middle classes. The conservation area includes Cator Park to the east from which these large suburban houses can be appreciated.

In all three of these conservation areas, there are many views from which the suburban character,

and cohesive forms of development can be appreciated with very little visual distraction. This is partly due to the consistent low-rise scale of development in this part of the borough. With the exception of Essex House - a post-war tower block in neighbouring Anerley, there is no tall building development in a considerable distance from the development site.

The proposals and their impact

These proposals involve the demolition of the existing shopping centre and the erection of a residential and commercial development comprising of 4 building between 3 and 18 storeys in height.

Due to the scale of the development, particularly the 18-storey building, the proposals would be visible across a wide area. The visual impact of the scheme on the historic environment is set out in the submitted *Heritage, Townscape and Visual Impact Assessment* (The Townscape Consultancy, December 2022).

The assessment demonstrates that the tall building would be highly visible in many views from the Penge High Street Conservation Area. It would rise considerably above the currently unbroken historic roofline in views along the high street (View 2). We consider that this impact would create a visual distraction in views of the characterful and low-rise historic high street, causing some harm to the conservation area.

The tall building would also be visible from Watermen's Square (View 3a and 3b). Whilst partially screened by the tree canopy when in leaf, the proposed winter view demonstrates that the tower would loom above the striking roofline of the Royal Watermen's and Lightermen's Almshouses, diminishing the ability to appreciate their architecture. The proposed tall building would also diminish the sense of enclosure and intimacy provided by the forecourt area. We therefore consider that these impacts would cause harm to the significance of the Grade II listed almshouse complex through development within its setting, as well as the conservation area.

We note that the document contains very little assessment of the proposals' impact on the Grade II listed St John's Church, despite it being an important listed building and local historic landmark in the immediate vicinity of the development site. Therefore, we have tested views of the proposed scheme from St John's Road using 3D computer modelling software to understand the potential extent of visibility in views towards the church. Our assessment suggests that the proposed tall building would appear above the north transept and nave roof when viewed from the far-side pavement along St John's Road.

Whilst the tree canopy would likely limit visibility when in leaf, the appreciation of the church's Victorian architecture and the prominence of its broach spire could be diminished, particularly during winter months. The tall building could also visually compete with the landmark qualities of the broach spire. Whilst a verified visual assessment would provide clarity on this matter, we consider it likely that some harm would be cause to the significance of the church as a Grade II listed building, and an important landmark in the conservation area.

The scheme would also be visible in views from the Alexandra Cottages Conservation Area (View 4). In the assessed view, the proposed tall building would terminate the south-facing vista along Albert Road where the planned layout and cohesive architecture of the conservation area can be well appreciated without visual distraction. The conspicuous presence of the tall building in this important view would undermine these important aspects of the conservation area's character, causing harm to its significance.

Similarly, the proposed tall building would terminate the west-facing vista along Barnmead Road (View 7). The current view allows the viewer to appreciate the cohesive architectural character of these large suburban houses and their leafy suburban surroundings. By terminating this vista and

rising significantly above the tree canopy, the eye would be drawn towards the tall building and away from characteristics that define this small but well-preserved conservation area. We therefore consider that some harm to the significance of the Barnmead Road Conservation Area would result from these proposals.

Finally, our own assessment using 3D modelling reveals that the proposed tall building would rise considerably above the distinctive and cohesive hipped roofline of the semi-detached houses lining Aldersmead Road. Whilst some distance away, the proposed tall building would create a visual distraction in picturesque views of these large Victorian and Edwardian houses from the park. Whilst visual testing would be helpful, it is likely that some harm would be caused to the significance of the Aldersmead Road Conservation Area as a result of these impacts.

Relevant Legislation, Policy and Guidance

In considering these proposals, we would draw your Council's attention to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which impose a statutory duty on planning authorities to consider the impact of proposals upon listed buildings and their settings. Section 72 of the Act requires local authorities to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

Government policy on how to carry out these duties is found in the National Planning Policy Framework (NPPF, July 2021). Section 16 of the Framework sets out how the historic environment should be conserved and enhanced, and makes clear at Paragraph 199 that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification (Paragraph 200). If the harm is deemed to be less than substantial, Paragraph 202 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

Historic England's recently revised Tall Buildings advice note supports an evidence-based and planned approach for the development of tall buildings. It encourages development plans to include "specific tall building policies to support area/sites identified as appropriate tall buildings" (p11). This is echoed in the London Plan, which has a specific policy relating to tall building development (D9)/ The Policy requires Boroughs to identify appropriate locations and heights for tall buildings and provides that "Tall buildings should only be developed in locations that are identified as suitable in Development Plans".

Bromley Council's Local Plan (2019) does not specifically identify the development site as potentially suitable for a tall building. The Local Plan does, however, contain a policy for the development of Tall & Large Buildings (Policy 47). The policy states that "Proposals for tall and large buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout *enhances the character of the surrounding area* [my emphasis]" (p127). The policy goes on to state that "Much of the Borough is not considered appropriate for tall buildings due to the *established suburban character of the Borough* [my emphasis]" (p128). It considers that some town centre locations may be potentially considered "where *no harm would be caused to heritage assets, the wider historic environment or important views* [my emphasis]" (p128).

Historic England's Position

The low-rise and leafy suburban townscape is a defining characteristic of this part of South East London, providing an important insight into the rapid expansion of housing for a range of social classes in 19th century London. Although the wider city has changed dramatically since this period, the suburban Victorian character remains largely intact and clearly legible around the development site, and this is reflected in the scattering of conservation areas and listed buildings in this area.

Your Council clearly understands the specialness of this suburban townscape in the designation of these conservation areas and the absence of policies supporting tall building development in this area. It is unfortunate that the applicant did not draw Historic England into pre-application discussions regarding these plans given the various heritage constraints.

Despite its conclusion, we consider that the submitted *Heritage, Townscape and Visual Impact Assessment* reveals that harm to a range of designated heritage assets would result from these proposals principally due to the incongruous scale of proposed 18-storey tall building within the low-rise suburban surroundings. The harm to the Alexandra Cottages Conservation Area would be particularly regrettable due to the rarity of this type of planned 'improved' housing within a suburban London context. However, this harm also relates to nationally significant sites, the most affected being the Grade II listed Royal Watermen's and Lightermen's Almshouses.

Whilst we have no issue with the principle of redevelopment in this location, and we welcome the potential improvements to the public realm, we do not consider the development site to be an appropriate location for tall building development due to the harm that would be caused to the historic environment, and the lack of strategic policy support for such development. Unfortunately, these proposals do not appear to reflect our recently updated tall buildings advice, which recommends an evidence-based and plan-led approach for such development.

The harm would be less than substantial in the terms of the Framework, but it would be contrary to the intent of the Framework's policies for the conservation of the significance of designated heritage assets, something to which great weight should be accorded (NPPF Paras 197, 199).

Such harm requires clear and convincing justification and should only be accepted if you conclude that there is such justification, and that the harm would be outweighed by the public benefits the proposals would secure (NPPF Paras 200, 202). Whilst this is ultimately a decision for your Authority, we would urge you to refuse this application and seek alternative forms of development that would avoid harming the historic environment.

- 16 February 2024

Historic England Advice

Historic England objected to the original plans for the site in February last year because of the harm we considered the 18-storey development would have on the predominantly suburban character of Penge and the surrounding area.

The revisions include a reduction in height of the tall building (Block C) from 65m to 59m, and the replacement of the red brick cladding with a buff colour, reflecting the prevailing stock brick materiality of the area.

The submitted *Heritage, Townscape and Visual Assessment Addendum* (The Townscape Consultancy, November 2023) assesses the impact of the revised plans on the historic environment which are helpfully presented alongside visuals of the original scheme. The assessment reveals that the visual impact of the revised tall building in the views we previously identified would be slightly less than the original scheme due to its lower height. The rendered views also suggest that the buff brickwork tones would slightly soften the impact when compared with the original scheme.

We therefore consider that the harm to the heritage assets we previously identified has been slightly reduced based on the updated visual assessment.

We previously identified some likely harm to the setting of the Grade II St John's Church from St John's Road, and the Aldersmead Road Conservation Area from Cator Park based on our own assessment using 3D modelling software. We note that no assessment of these views has been

provided in the amended submission. However, it is likely that the harm to these heritage assets has also been slightly reduced through the lower height of the proposed tall building.

Historic England's Position

Historic England considers that the harm previously identified has been slightly reduced through the lowering of the proposed tall building by approximately two storeys and the more complementary brickwork tones of its elevations. However, this remains a tall building development which, due to its overall scale and massing, would have harmful impact on a wide range of designated heritage assets in the area as previously set out.

Due to the harm identified, and the lack of local policy support for the development of a tall building in this location as previously set out, we remain unable to support this application. We would urge your Council to refuse this application and seek alternative forms of development that would avoid harming the historic environment.

Recommendation

Historic England continues to object to the application on heritage grounds.

4.4 Health and Safety Executive (HSE)

- 9th May 2023

Scope of consultation

- 1.1 The above planning application relates to a development containing five buildings, blocks A, B, C, D, E and F.
- 1.2 The proposed blocks comprise the following;
 - Block A has 6-storeys with ancillary accommodation (comms rooms, cycle and refuse store) and commercial space located on ground and mezzanine levels and residential dwellings on all upper floor levels (1st to 5th) and has an upper most floor height of 18.8m. The roof level comprises green roof and plant area.
 - Block B/C has adjoining towers of 9-storeys (block B – upper most floor height of 28.7m) and 18-storeys (block C – upper most floor height of 57.6m) with residential and commercial ancillary accommodation including commercial covered car park and residential/commercial plant rooms, refuse and cycle stores at ground and 1st floor levels. Commercial space is located on ground and 1st floor levels and residential dwellings on every floor level (ground to 8th (block B) and ground to 17th (block C)). There is a shared communal podium roof terrace located at 2nd floor level accessed via both block B and C stair cores. Block B/C roof levels comprise green roofs and plant areas. Eight residential duplex dwellings are accessed independently at ground floor level and there is a covered 'controlled vehicular access' to the High Street units.
 - Block D/E has adjoining towers of 9-storeys (block D – upper most floor height of 28.7m) and 6-storeys (block E – upper most floor height of 18m) with residential and commercial ancillary accommodation (including a caretaker's room and refuse and cycle stores) at ground level. Commercial space is located on ground and 1st floor levels and residential dwellings located on every floor level (1st to 8th (block D) and 1st to 5th (block E)). There is a shared communal podium roof terrace located at 2nd floor level accessed via both block D and E stair cores. Block E has a bio-solar and green roof at 4th floor level and both blocks D and E have roof top level green, bio-solar and plant areas.
 - It is noted that the 3-storey residential townhouses are located within the curtilage of the relevant buildings and are therefore within the scope of this consultation.

- 1.3 Blocks A, B, D and E are proposed to be served by a single staircase. The single staircases constitute the only escape staircase and the only firefighting staircase serving dwellings on upper floors.
- 1.4 Block C contains two staircases, one of which is a firefighting staircase serving dwellings on every upper floor level.
- 1.5 Section 6 of the fire statement confirms that the proposed non-residential space has been designed using British Standard 9999 ('BS9999'), and the residential accommodation has been designed using British Standard 9991 'BS9991'. HSE has assessed the application accordingly.
- 1.6 Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

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.

Means of escape

- 2.1 Section 7 of the fire statement and the relevant floor plans identify that a plant room in block B/C is located on the residential corridor at 1st floor, accessed via block B or C staircase and an Estate Management/BOH room accessed via core B residential entrance lobby. Additionally, there is a Caretaker's room located at ground floor level in block E.
- 2.2 Both blocks B and E are served by a single staircase. The fire safety standard cited in the fire statement states where a common stair forms part of the only escape route from a flat it should not also serve ancillary accommodation.
- 2.3 Additionally, if a common stair forms part of the only escape route from a dwelling it should not be connected to ancillary accommodation on the same storey as that dwelling.
- 2.4 It should be noted that reliance on past practice and precedents as the basis for new developments should not be relied upon in the context of an emerging, more stringent building safety regime. Building designs providing a single escape staircase can require compromises in relation to the convenience of occupant access to ancillary accommodation within buildings.
- 2.5 Design changes necessary to provide suitable separation of ancillary accommodation from the single staircases may not affect land use planning considerations in this instance, for example, where internal reconfiguration can remove the connections where external access is already provided, or where there is space available to provide alternative access (i.e., reduce the size of core B lobby to create a corridor providing access to the management/BOH room direct from outside). This will also be subject to later regulatory consideration.

External fire spread

- 2.6 The 2nd floor level plan of blocks B/C and D/E show communal roof terraces. Additionally, the roof level plans of blocks B and E, and the 4th floor plan of block E show proposed green/bio-solar roofs which are perpendicular to the adjoining residential accommodation walls. The external envelope of a building should not provide a medium for undue fire spread. The green roofs and terraces' construction will need to provide sufficient fire resistance to prevent fire spread to the adjoining residential accommodation wall.
- 2.7 It will be for the applicant to demonstrate that the proposed green/bio-solar roofs and terraces are viable in relation to fire safety. This will be subject to further consideration at a later regulatory stage.

Open-plan apartments

- 2.8 Section 7 of the fire statement states that "Where kitchens are to be unenclosed these shall be justified using radiation analysis, with the hob remote from the exit. Where the hob is

located such that, it is not remote from the escape route, a hob cut-off device may be required”.

- 2.9 Fire safety standards state that “the kitchen should be enclosed in open-plan flats having an area exceeding 8m x 4m. Cooking appliances in open-plan flats having an area smaller than 8m x 4m should not be adjacent to the entrance of the flat.” Cooking facilities should be located at the most remote part of the flat to protect the means of escape.
- 2.10 Design changes in this instance are unlikely to affect land use planning and will be subject to later regulatory consideration.

Hydrants

- 2.11 It is noted in section 13 of the fire statement that the usability of the existing public hydrants are “to be confirmed by the MEP engineer at a later design stage”. It should be noted that any requirement for additional hydrants may require design changes that may affect land use planning considerations relating to the landscaping of the development. This will be subject to later regulatory consideration. PV panels
- 2.12 Where the roof top installation of photovoltaic panels (PV panels) is proposed, it should be noted that fire safety standards require suitable support of cabling to avoid obstruction of escape routes and firefighting access due to the failure of fixings and consideration should be given to ensure that all power supplies, electrical wiring and control equipment is provided with appropriate levels of protection against fire.

• 6th February 2024

Scope of consultation

- 1.1. The above planning application relates to a development containing five buildings, blocks A, B, C, D, E and F.
- 1.2. The proposed blocks comprise the following;
- Block A has 6-storeys with ancillary accommodation (comms rooms, cycle and refuse store) and commercial space located on storey 1 and mezzanine levels and residential dwellings on all upper storeys (2 to 5) and has an upper most floor height of 17.7m. The roof level comprises green roof and plant area.
 - Block B/C has adjoining towers of 9-storeys (block B – upper most floor height of 29.775m) and 16-storeys (block C – upper most floor height of 51.825m) with residential and commercial ancillary accommodation including commercial covered car park and residential/commercial plant rooms, refuse and cycle stores at storeys 1 and 2. Commercial space is located on storeys 1 and 2 and residential dwellings on every storey (1 to 9 (block B)) and 1 to 16 (block C)). There is a shared communal podium roof terrace located at storey 3 accessed via both block B and C stair cores. Block B/C roof levels comprise green roofs and plant areas. Eight residential duplex dwellings are accessed independently at ground floor level and there is a covered ‘controlled vehicular access’ to the High Street units.
 - Block D/E has adjoining towers of 8-storeys (block D – upper most floor height of 26.4m) and 5-storeys (block E – upper most floor height of 16.5m) with residential and commercial ancillary accommodation (including a caretaker’s room and refuse and cycle stores) at storey 1. Commercial space is located on storeys 1 and 2 and residential dwellings located on every storey (1 to 8 (block D) and 1 to 5 (block E)). There is a shared communal podium roof terrace located at storey 3 accessed via both block D and E stair cores. Block E has a bio-solar and green roof at storey 5 and both blocks D and E have roof top level green, bio-solar and plant areas.
- 1.3. It is noted that the 6-storey residential block (block A), the 5-storey residential block (block E) and the 3-storey residential townhouses (block F) are located within the curtilage of the relevant buildings and are therefore within the scope of this consultation.
- 1.4. Blocks A and E are proposed to be served by a single staircase. The single staircases constitute the only escape staircase and the only firefighting staircase serving dwellings on upper storeys.

- 1.5. Block B, C and D contains two staircases, one of which is a firefighting staircase serving dwellings on every upper storey.
- 1.6. Section 6 of the fire statement confirms that the proposed non-residential space has been designed using British Standard 9999 ('BS9999'), and the residential accommodation has been designed using British Standard 9991 'BS9991'. HSE has assessed the application accordingly. Health and Safety Executive Previous consultation
- 1.7. HSE issued a substantive response (Content) dated 09/05/2023, under the reference pgo-3117 in relation to a consultation received on 13/04/2023.

Current consultation

- 1.8. Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified some matters that the applicant should try to address, in advance of later regulatory stages.

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.

Means of escape

- 2.1. Section 10 of the fire statement refers to open balcony deck approach to three flats at storey 2 to 6 of block A. Floor plan drawings illustrate the open balcony deck, adjoined the building wall where flat entrances are present, to be over 2m in width. Escape from each flat is by way of single direction of travel.
- 2.2. Consideration should be given to the risk of smoke logged balconies due to a fire incident in an adjoining flat and the probability of smoke spread laterally to the balcony ceiling and vertically to upper balcony levels. The adopted fire safety standard BS9991 states: "The soffit above a balcony or deck having a width of more than 2 m should be designed with down-stands placed at 90° to the face of the building (on the line of separation between individual flats or maisonettes). Down-stands should project 0.3 m to 0.6 m below any other beam or down-stand parallel to the face of the building, or should be determined by calculation. Where the balcony or deck is adjoined to the building wall only at the place where there is an entrance to a flat or maisonette, unless it is a minimum of 1.8 m away from the face of the building, it should, in the case of single direction escape routes, be proven by calculation that the escape route is not subjected to hazardous exposure levels or smoke-logging."
- 2.3. Design changes may affect land use planning considerations relating to the appearance of the building where, for example, provision of soffits are necessary and it will be for the applicant to demonstrate compliance at later regulatory stages. Health and Safety Executive Fire service access and facilities
- 2.4. Section 10 of the fire statement states that blocks A, D and E have provision of dry fire mains and blocks B and C having provision of wet fire mains. HSE notes that the location of staircases is remote from the external wall, therefore the riser inlets on the external elevations of each block will require the use of a horizontal pipe run to connect with the vertical run of the main.
- 2.5. Fire safety standard BS 9990:2015 states: "Any proposed use of horizontal fire mains should be discussed and agreed with the local fire and rescue service."
- 2.6. It is also noted that the design proposal for blocks B, C and D includes one fire-fighting shaft and one protected stair. It is unclear if the dry/wet riser inlet provided serves both risers or if there is access to two separate riser inlets serving individual risers.
- 2.7. BS 9990:2015, clause 4.2.3 states; "for large buildings or sites comprising multiple buildings, multiple horizontal or vertical fire main pipework runs should not be served from the same inlet connection."

2.8. This matter may be resolved by way of internal alterations, which would be unlikely to affect land use planning considerations and will be for the applicant to demonstrate compliance at later regulatory stages.

4.5 London Fire Brigade

- 13th October 2023

Fundamental concerns relating to single stair for Block A 1.

We note that the design is for a tall residential building relying upon a single staircase. While it may not be appropriate for detailed design following a framework such as that set out in BS 7974 (including a qualitative design review – QDR) to be undertaken at the planning stage, the lack of multiple staircases for a building of this height is not an aspect of the design which, in our view, should be left until the Building Regulations consultation process to resolve. Therefore, further justification should be provided at this stage which demonstrates that the principles of the London Plan 2021 will be met.

In our opinion the information provided by the applicant at this stage should recognise that the further design analysis is required later, and that if the BS 7974 analysis including a QDR determines that additional facilities are required such as an additional stair, then the project may need to return to planning for review of those changes.

The National Fire Chiefs Council have issued a policy position statement indicating that in their view residential buildings of 18 metres or of at least 7 storeys, must become the threshold at which more than one staircase should be required in new residential buildings. We further draw your attention to the recent announcement from government stating their expectation that multiple staircases will be required in residential buildings above 18m. While the transitional arrangements are not yet available, and may not apply to this particular development, the intent of government is clear that the 18m threshold will be introduced and that the timeframe for introduction should be short.

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 may have implications on those responsible for demonstrating the ongoing safety in the building.

Fundamental concerns relating to single stair for Blocks B, D & E 2.

We note that the design includes the following features not supported by fire safety guidance and which, in our opinion, are not compatible with a single stair design:

- Amenity spaces at height, their connection with residential means of escape or potential conflict with the proposed ‘stay put’ design strategy for the residential accommodation.

This is relating to the shared amenity spaces for Blocks B/C and D/E. In our opinion, the planning authority should not consider these aspects appropriate given the reliance on a single staircase for occupant’s means of escape, and we question how the principles of the London Plan 2021 have been met by this design.

The National Fire Chiefs Council have issued a position statement indicating that in their view residential buildings of 18 metres or of at least 7 storeys must become the threshold at which more than one staircase should be required in new residential buildings. We further draw your attention to the recent announcement from government stating their expectation that multiple staircases will be required in residential buildings above 18m. While the transitional arrangements are not yet available, and may not apply to this particular development, the intent of government is clear that the 18m threshold will be introduced and that the timeframe for introduction should be short. 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 may have implications on those responsible for demonstrating the ongoing safety in the building.

Ensuring suitable means of escape for all occupants in open plan apartments

We note that the proposal is to include open plan internal flat arrangements where the kitchen and in particular the cooking appliance is positioned in close proximity to the internal escape route and the flat entrance door. Guidance (ADB V1 paragraph 3.18 and BS 9991:2015, clause 9.1) recommends that cooking facilities are remote from the main entrance door and located in such a way that they do not prevent escape if they are involved in a fire. In this case, we note that the location of the cooking appliance is close to the door and that an assessment has been carried out in the form of a radiated heat analysis, in order to demonstrate its suitability. While we acknowledge that this is primarily a matter for the approving authority, it is our view that other factors should have been considered in the assessment, some of which are detailed in a – e below:

- a. the human behaviour e.g., willingness to pass a fire;
- b. the (accumulated) radiated heat, toxicity, and time period for which they will be exposed;
- c. the potential fire spread;
- d. the visibility conditions;
- e. the requirement for an early warning of a fire which meets the recommendations of BS 5839 part 6 with regards to the inner room protection e.g., a smoke detection should be positioned in all access rooms and along the means of escape.

It is therefore our opinion that any analysis carried out should include the above factors and suitably demonstrate to the approving authority that the facilities are remote from the main entrance door and do not impede the escape route from anywhere in the flat.

Evacuation lifts for Blocks A, B, C, D & E

We note the proposal to include an evacuation lift, however, there should be sufficient numbers of evacuation lifts provided so that if an evacuation lift is out of service (e.g., as a result of breakdown or maintenance), there is at least one that is still available for use from all areas of the building. Therefore, we question how London Plan 2021 Policies D5 and D12 have been met in this regard. Design teams and developers should also be planning for the new requirements under the Building Safety Act for in scope buildings once occupied including the need to provide a safety case review. The design as currently proposed will, in our view, have implications on those responsible for demonstrating the ongoing safety in the building.

Access and facilities for the fire and rescue service for Blocks A, B, C, D & E

We note the proposal to include a firefighter's lift, however, there should be sufficient numbers of firefighters' lifts provided so that if a firefighter's lift is out of service (e.g. as a result of breakdown or maintenance), there is at least one that is still available for use from all areas of the building. Therefore, the level of provision should be reviewed for this design.

4.6 Environmental Agency – No Objection

- 3rd February 2023

We have reviewed the submitted information and have no objection to the proposed development. We note that the proposal is located atop a secondary (undifferentiated) aquifer, and the previous use of the site represents a medium risk of contamination. As such, please consider the following advice when determining this application. Advice to Local Planning Authority and Applicant Land Contamination The Guiding Principles for dealing with Land Contamination is available on

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. We recommend as best practice that all site desk study, site investigation, remediation strategies and verification reports submitted for planning purposes are undertaken by a suitably qualified person, preferably registered as a SILC/SQP. We recommend that for brownfield site developments – especially on sites with higher risk previous uses – desk study reports, site investigations, remedial strategies and verification reports are signed off under the National Land Quality Mark Scheme (NQMS). The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information. Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations. If developments are supported by NQMS reporting we can assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us. We can recommend that you take account of the conclusions and recommendations within an NQMS report. If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 174 of the National Planning Policy Framework and the Water Framework Directive, which places such duties on all public bodies. We also recommend that you consider the merits of advising the developer to handle any further land contamination management work that may be required under the NQMS. Any unexpected contamination encountered during development of a site should be reported to the Environmental Health Officer (EHO) in accordance with Building Regulations Approved Doc C. Foundation Design and Contamination Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment should be undertaken to confirm the proposed design does not pose risks to the groundwater, this should be in accordance with EA guidance document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73”. Drainage Design and Contamination Any SuDs design for clean roof drainage should be through sealed trap gullies and only sited in areas of clean naturally occurring materials in accordance with building regulations Approved Doc H (link below) and good practice design guidance (CIRIA R156). All infiltration drainage from roads and service areas that bypasses the upper soil layers via soakaway chambers or boreholes may require a permit to discharge to ground, unless additional pollution prevention measures are installed that prevent contaminated water reaching the aquifer body. Drainage may be restricted in a source protection zone or over an aquifer where groundwater is at shallow depths.

Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges. Submissions to the LPA should include all relevant information on foul drainage proposals using the following form: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Treated discharges to ground or surface waters may require an Environmental permit. Engineering works Any excavation and re-profiling works on closed landfill sites are likely to require an Environmental permit. Any new engineering works on permitted landfills will require appropriate variations to the permit as well as planning permission. Soils and Stones The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides developers/operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works can be sustainably re-used under an industry agreed Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution in accordance with an approved remediation strategy.
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA for a set number of development sites.
- some naturally occurring clean material can be transferred directly between sites for agreed re-use. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to:
 - the Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK Wastes Removed from development sites.Contaminated materials that are (or must be) disposed of are waste. Therefore, the handling, transport, treatment and disposal are subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2016
 - The Waste (England and Wales) Regulations 2011Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Refer to the hazardous waste pages on gov.uk for more information.

- 5th February 2024

The proposed changes do not change our advice, and therefore, we refer you back to our previous comments for our formal response to this application.

4.7 London Borough of Croydon – No Objection

Comments: In order to fully assess whether LB Croydon's roads would be affected as part of the construction process, the Council requests to be consulted as part of the Construction Logistics Plan, pursuant to any planning permission granted.

4.8 London Borough of Lambeth – No Objection

1 The applicant is advised of the necessity to consult the Highways team, with regard to any alterations affecting the public footway/ carriageway. You are required to liaise with the Highways team should any of the following be required;

Notification of neighbours with regard to specific works;

Advance notification of road/ footway closures; and

Any other impacts of construction upon the amenity of the area and the function and safety of the highway network (including parking on the footway, or extended loading on the carriageway). The developer is to contact Lambeth Council's Highways team on 020 7926 9000 / drw@lambeth.gov.uk, prior to the commencement of construction, to arrange for any such work to be done.

4.9 London Borough of Lewisham – No Objection

Impacts on Lewisham's Conservation Areas

- No view points from within LB Lewisham have been included in the THVIA study, and it is not clear whether any such views have been tested and scoped out.
- Most views of the development from within LB Lewisham are likely to be obscured by intervening built form and topography.
- The development may be visible however from a number of points within the Sydenham Hill & Kirkdale Conservation Area (CA). This CA stretches across the high ground of the Sydenham Ridge, and has spectacular open views to the south. There is no CA Appraisal for this CA but its position on the ridge is a key characteristic and the views to the south are an important element of its wider setting.
- It is advised that LB Bromley should ask the applicant to provide an assessment of likely visibility from the following locations:
 - The junction of Sydenham Hill and Kirkdale
 - The junction of Kirkdale and Mount Ash Road
 - Through the gap at the south eastern corner of the green open space within Lammas Green (a 1950s estate comprising listed buildings around a green, with a gap between buildings at the south east corner allowing expansive views to the south. (See listing refs: 1246822, 1246819, 1246890, 1246821, 1246889, 1246820).

Transport impacts

- It is noted the proposed construction routes will travel via strategic routes in Lewisham notably the A212 Sydenham Road and A2216 Kirkdale. The wider route plan does not show any other Lewisham Borough roads that are impacted.
- The wider map (Figure 8.3 'Logistics Routing') submitted is limited (for Lewisham's review and the impact on the borough). Lewisham highways would request that a wider plan is provided to show all Lewisham Borough roads including any strategic TLRN roads that will be impacted by construction delivery routes. Lewisham highways also requests the estimated number of vehicles expected. It is understood that this an early stage prior to contractors being on board however estimates can be provided at this stage.
- Additionally, the outline CLP states *"Where possible vehicles will be restricted to avoid school drop-off and pick-up times. LBB will be notified if any exceptional circumstances arise"*
- Lewisham highways requests that if any routes pass schools within the Borough that all deliveries should take place outside of school pick and drop off times.

4.10 National Grid – No Objection

There are no National Grid Electricity Transmission assets affected in this area.

4.11 Natural England – No Comments

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory

designated nature conservation sites. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

4.13 Thames Water – No Objection

Waste Comments

With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL 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. Foul 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 Foul 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 sewage 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. 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.

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 are considering working above or near our pipes or other structures.](https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes)

<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/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 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 will need to check that your development does not 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-scaleddevelopments/planning-your-development/working-near-our-pipes) <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> 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

Thames Water are currently working with the developer of application 23/00178/FULL1 to identify and deliver the off-site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 100 dwellings but beyond that upgrades to the water network will be required. Works are on-going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development does not outpace the delivery of essential infrastructure.

There shall be no occupation beyond the 100th dwelling 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 additional development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to low / no water pressures 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.

Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. 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. 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 on working near our assets to ensure your workings are in line with the necessary processes you need to follow if you are 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 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 will need to check that your development does not 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>

Supplementary Comments Waste

We have been engaging with the developer and have produced and agreed a drainage strategy for this development, however this information is not on the council website. Once this information has been uploaded to the planning portal, we will be in a position to formally change our response.

b) Non-statutory

• The Victorian Society - Objection

16th February 2023

The Victorian Society's attention has been drawn to this application. Having reviewed the documentation, we object to the proposals.

This site is situated close to the centre of Penge and the Penge High Street Conservation Area and other designated and non-designated heritage assets. Penge has a long history but saw significant development from the early 19th century onwards with the arrival of the Croydon Canal and railway which transformed it into a suburban hub. Despite serious bomb damage in the second world war, the area retains many 19th century buildings and is strongly characterised by its low-rise urban fabric.

The architectural and historical value of the area surrounding the site is recognised in the designation of two Conservation Areas. Penge High Street, which borders the site, and Alexandra Cottages, a short distance to the north. There are also listed buildings nearby such as 1840s The

Royal Watermen's and Lightermen's Asylum, and non-designated heritage assets: the former Penge Police Station and St John's Cottages, both dating from the 19th century.

This proposal would see the demolition of a late 20th century carpark and its replacement with a new development of commercial and residential units in a series of buildings between 3 and 18 storeys. The Victorian Society in principle accepts the suitability of the site for development and recognises that a high-quality scheme could deliver benefits for the local area. However, the proposal's height and quantum of development raise serious concern.

Penge has a strong urban character interspersed with buildings of high significance, generally constructed on a low scale. The introduction of buildings up to 18 storeys would seriously harm the character of the area and the setting of the Penge High Street Conservation Area and nearby listed buildings. Buildings of such a height would be completely out of character with their surroundings and overshadow nearby significant buildings. They would also introduce a dangerous precedent for future development in the area. It is also unclear how the proposal may affect important views of Penge from Addison Hills.

The NPPF states that: 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance' (para 206).

This proposal would not enhance the setting of the Penge High Street Conservation Area, nor the setting of other heritage assets. We recognise that the Bromley Local Plan highlights the area for renewal, but this does not equate that tall buildings are justified. The Bromley Local Plan states: 'Much of the Borough is not considered appropriate for tall buildings due to the established suburban character of the Borough. However, potential may exist for such development to be considered in town centre locations which benefit from good public transport, exhibit an existing local built character that would allow for taller buildings, and where no harm would be caused to heritage assets, the wider historic environment or important views.'

The Local Plan and Bromley Town Centre Area Action Plan go on to state that town centre locations, specifically 4 sites in Bromley Town Centre itself, may be suitable for tall buildings, albeit with the caveat 'the Council is committed to ensuring that the height and density of new development is, wherever possible, kept to a minimum.' It is evident that locations in Penge town centre are not considered suitable for tall buildings. This proposal would be harmful to the historic character of Penge and the setting of nearby designated and non-designated heritage assets. We urge your authority to refuse this application unless very substantial amendments are made which would see a development on a scale appropriate to its sensitive surroundings.

23rd February 2024

We submitted an objection previously on 16th February 2023, which we maintain.

The applicant has amended the proposal with small reduction in the heights of the proposed new buildings. However, these amendments do not alter the fundamental character of the proposals, and therefore our concerns remain. We reiterate below the comments we made in our original objection:

This site is situated close to the centre of Penge and the Penge High Street Conservation Area and other designated and non-designated heritage assets. Penge has a long history but saw significant development from the early 19th century onwards with the arrival of the Croydon Canal and railway which transformed it into a suburban hub. Despite serious bomb damage in the second world war, the area retains many 19th century buildings and is strongly characterised by its low-rise urban fabric.

The architectural and historical value of the area surrounding the site is recognised in the designation of two Conservation Areas. Penge High Street, which borders the site, and Alexandra Cottages, a short distance to the north. There are also listed buildings nearby such as 1840s The Royal Watermen's and Lightermen's Asylum, and non-designated heritage assets: the former Penge Police Station and St John's Cottages, both dating from the 19th century.

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This proposal would be harmful to the historic character of Penge and the setting of nearby designated and non-designated heritage assets. We urge your authority to refuse this application unless very substantial amendments are made which would see a development on a scale appropriate to its sensitive surroundings.

- **Advisory Panel for Conservation Areas - Objection**

7th March 2023

While the existing centre is very poor in its design and concept these replacement scheme, in particular the taller element, is seriously alien to the predominantly low-rise Victorian character of

the immediate area and to the setting of the adjacent Conservation Area and other nearby CAs due to the dominant scale and sprawl of the proposals. The design of the taller element is a generic tower block with repetitious detail with no apparent reference to local character or distinctive . It is visible in both nearby and distant views and seriously detracting from the intrinsic character of the adjacent CA and wider areas. There is clear overshadowing in many parts and detriment to the skyline particularly in views from the listed Watermans Alms Houses as clearly illustrated in the applicant's own documents and likely in the long distant protected view from Crystal Palace Park Conservation Area towards Penge, Beckenham, Bromley and many other Conservation Areas. The proposals do not reflect the Development Plan and given the impact on surroundings clearly needs a masterplan not just in relation to aesthetics but also relation to the housing and commercial implication for the wider area car parking considerations in terms of losses and increase pressure on local streets as well as impact on infrastructure.

Draft Supplementary Design Guide: It is noted that the draft guide stresses the need for new development to respond positively to context and existing character which the proposed scale, bulk and design of the development fails to do both in relation to the Section 5 Tall Buildings Guidance (particularly as Penge is neither a Metropolitan nor Major Town Centre as classified in the Local Plan) or in the terms summarised in draft policy DG1.

We do not believe whatever perceived public benefits from the scheme outweigh the obvious harm to the immediate setting of the adjacent Town Centre Conservation Area, setting of other adjacent Conservation areas or setting of Locally and Statutorily Listed buildings within or adjacent to the site. Policies 37 , 38, 39, 41, 42, Draft Urban Design Guide SPD .

Note: the applicant's visuals are based on wide angle photos which create a false impression of diminishing scale in relation to background and foreground i.e. the impact of the scale of the development will be much greater in reality than that shown.

- **CPRE London - Objection**

16th February 2023

"CPRE London is a membership based charity with 2500 members across London, concerned with the preservation and enhancement of London's green spaces. As part of this, we recognise the need for new development to go on brownfield and previously poorly developed sites.

We appreciate that there is a housing crisis and that people need affordable homes - but we believe this should be achieved through gentle increases in density not the building of soaring tower blocks.

In its current form, this proposal for an eighteen-storey tower is not an example of best practice in gently increasing population density but rather of town cramming. The scale of this development should be dramatically cut to more in the region of 5 to 8 storeys at the absolute maximum.

We are therefore writing to object to the above application in its current form on the following basis:

- Visual impact of the development. This eighteen-storey high-rise development will be overbearing, completely out of character with the surrounding Victorian streets and will have a visually adverse impact on the nearby Penge Conservation Area. It is contrary to Policy 42 of the Bromley Local Plan which states that 'A development proposal 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'.

- Loss of light / overshadowing: A significant number of nearby properties and streets will be adversely affected by a severe reduction in daylight due to shadows cast from the new tower blocks. This could be mitigated by placing taller blocks at the north end of the development, though we would not support blocks higher than 8 storeys.

The area is grey, run down, and suffers from high levels of air pollution, is deficient in green space and impacted by a main road. So planning consent should be conditional upon provision being made

and funded for new grassy public open spaces and outdoor sports facilities for residents, for example:

- A publicly accessible garden on the roof of the block has the potential to be a wonderful new green space for Penge which would soften the visual impact of the new building, while also giving local residents an opportunity to enjoy the wonderful views which can currently only be enjoyed from the top of the car park.

- Grey space, under-used roads, and even whole streets or sections of streets, surrounding the development could be converted to new rain gardens, pocket parks or streetparks (as has already been done successfully at Alfred Place in Camden).

- Nearby sites could be improved and/or enlarged to ensure there is enough good quality green space for all residents.

There are of course environmental benefits of encouraging car free living in cities. This site is well served by public transport being in easy reach of Penge East, Penge West and numerous bus services. However, clear plans will need to be in place to strengthen services further to keep up with increased public transport demand and it would be desirable to consider whether there is scope for improved pedestrian routes in the area. Wider use of controlled parking will also be needed.”

c) Local groups

- Alexandra Residents' Association – Objection

15th March 2023

1. Summary of Objections

Planning Officers and members of the council will doubtless be aware that the proposed redevelopment of the Blenheim Centre has generated massive opposition across the local community and this is reflected in the views of residents of the Alexandra Cottages. Many residents have commented as individuals but the Alexandra Residents' Association wishes to add a collective objection to the current proposals. The Association represents residents of the area off Parish Lane covering Albert Road, Edward Road, Hardings Lane, Princes Lane and Victor Road. There are just under 200 properties making up the Alexandra Cottages Conservation Area and they are a much-loved locale typifying the low rise suburban fabric of Penge threatened by the proposed development. While there are legitimate discussions that could take place about the provision of housing units in Penge (especially for affordable/social rent tenancies) and for making better use of the space covered by the proposals we wish to categorically state that this development is not an adequate answer to either issue. The association therefore adds its voice to the many hundreds of others demanding that this proposal be rejected and that plans for the site be reconsidered using the borough's Local Plan as the basis for any future proposal. While we are clear that the plan proposed would be unacceptable over development we would also urge the council to reject suggestions to implement the plans in part. The reasons why we consider them fundamentally flawed even in a reduced form are described below.

2. Context

We contend that development in local communities should be guided by the borough's Local Plan on which wide consultation takes place and competing priorities are weighed leading to measured and evidence-based conclusion and the identification of locations for major projects. Although Penge is identified as a 'renewal area', the current Local Plan (agreed in 2019) does not suggest any consideration of a development of this scale in the Penge area and hence we fear that the impact of this number of new residential units in the area on health, education and transport services has not received the formal consideration that the council must surely require.

3. Comments on Claims Made in the Planning Statement

Section 9.2 of Full Planning Statement sets out what the developers suggest is a 'Planning Balance' that they argue supports the development going ahead in spite of what they admit (but don't wish to describe) are negative 'impacts on the surrounding area in terms of height, amenities, and transport'. We wish to contend the majority of points set out in this list and hence that the balance lies significantly against the proposed development. Specifically those set out below where the numbers refer to direct quotes from Section 9.2:

3.1 'The optimisation of an accessible and under-utilised brownfield site located at the heart of an Area of Renewal and Regeneration'

We argue that the idea that the proposal optimises the site does not stand up to even basic scrutiny. The balance of excessive residential to diminished retail uses will lead to significant detriment to a thriving high street characterised by small scale units working in synergy with the three large anchor tenants of the Blenheim Centre. With only one of these likely to remain the impact on the rest of the retail ecosystem is likely to be significant and has been almost completely ignored by the developers. Additionally, while we are not planning experts, the common understanding of a 'brownfield site' is a previously developed site not currently in use; while the amount of car parking exceeds current need we would absolutely disagree that the current site in its totality does not represent an asset valued by the community, something borne out by the huge volume of objections that have been lodged.

3.2 The provision of 250 new homes

Both for heritage reasons (set out below) and because the strain on local services and infrastructure would be intense we contend that the site cannot possibly bear anything like 250 new residential units. This could only be achieved at very significant detriment to immediate neighbours and by permanently changing the skyline and character of one of an increasingly small number of cohesive suburban neighbourhoods in London. The comments and objections by Historic England go to the heart of this matter and we fully support those and set out our similar views from the perspective of a conservation area below. Furthermore we contend that the proportion of homes available for those in housing need is inadequate – social rent properties make up only a small proportion of the unit proposed given that shared ownership contributes a significant part of the developer's 35%. In passing we also note the poor reputation nationally and locally of Clarion Housing Association, something we have had cause to see first hand with disputes where the Alexandra Cottages has a border with properties they manage. The preoccupation of the Greater London Authority to provide housing of any description, whilst frequently ignoring/overriding their own balancing policies on design, heritage, economics, environment and sustainability, has led to a skewed consultation process. The fundamental objections from the GLA to this overdevelopment have therefore not been met by the developer or their design team, and the balance of harm far exceeds any purported public benefit. The GLA is at risk of creating a circular economy of overdevelopment on inappropriate opportunity sites, due to its unfair demands for so called 'affordable housing' which has to be subsidised by excessive private housing/flats (typically up to 65%), which in turn result in large Community Infrastructure Levy (CIL) and affect the viability. More private units are then required, which ups the affordable element and CIL, and the cycle perpetuates itself. London needs affordable housing, not overpriced private housing/flats, which lead to gross overdevelopment and serious detriment to local communities. The conclusion is that up to 250 homes is too many for this site, location and demographic, and provision should be encouraged elsewhere where it is sustainable. If the redevelopment had been a re-provision and enhancement of the commercial element, together with new provision of the affordable housing element only (at approximately 87 units based on 35% of the original inflated total), with realistic number of car parking spaces to serve the high street, tenants and additional households, and major greening and opening up of the public realm, then the height, scale and massing of the proposals would be appropriate and sustainable.

3.3 The provision of high quality homes meeting high design standards:

We fundamentally disagree that the proposal represents high design standards. The sheer volume makes this very unlikely and the rushed revisions to plans to address inadequate routes for exit in the event of fire call into question the fitness for purpose of the proposal and lead to the inevitable

conclusion that developers are seeking to maximise revenue by squeezing a constrained site beyond what it can possibly sustain. The proposed predominance of single aspect flats with meagre amenity space and low grade outlook immediately onto service yards/road and backs of commercial properties with ugly and smelly extraction ducts/flues, renders most of the development unsuitable for residential use. The allocation of flats for the affordable housing sector will be the lowest grade accommodation and this is felt to be discriminatory and unsustainable. Please refer to Appendix 2 to see photographs of typical views for those in flats immediately facing Croydon Road, Penge High Street and Burham Close/Post Office Sorting Office Yard, where no spatial, visual and/or environmental mitigation is planned as part of the overdevelopment of the small 7 hectare site. The 'design' is considered shoe box architecture with stick on cladding and balconies, to meet the unrealistic quantity of residential units and the natural confines of the site and local context. The design review, by Frame, had to work from the perspective of 'damage limitation' due to the unrealistic demands of the proposed enormous overdevelopment, and the overriding issue of excessive scale, massing and adverse impact on context was never addressed in any minor design reiterations. The combination of poor design, space, outlook, day/sunlight, amenity, tenure, services, connectivity, render this overdevelopment unacceptable in their own right but when combined with the serious harm to the townscape of Penge, its neighbours and communities the case for refusal of this planning application is overwhelming.

3.4 A range of innovative uses to support the local community:

These seek to offset the obvious harm of the over-massive proposal for residential units yet in practice the non-residential spaces are less suited to the needs of the Penge Community than those that exist currently in particular the reduction in retail space. In the view of residents of the association the loss of value outweighs any gain from the proposed gym and the high street already has sufficient food and beverage outlets. There is nothing innovative about this scheme or the uses. The purposed new public square is a paltry 15m x 13m (less than 200sqm) with limited day/sunlight, and scarcely bigger than Appleton Square or the Penge Triangle which are rarely, if ever, used for events due to their small size and through routes.

3.5 The creation of a new civic public square and improved permeability in all directions;

The use of the site is too cramped to achieve any significant benefits in this regard. Any public areas will have limited light due to the massive buildings surrounding them and subject to air turbulence from tall buildings. Similar areas in other parts of London are not in practice widely used in our view and add limited value compared to traditional parks. Our specific questions on the Landscape Plan which seem unresolved include:

- Promotional video shows this area, Blenheim Square, as sunny and being enjoyed by public. How much sun will this area get especially outside of summer months. We think very little.
- With the height of these building has an assessment been made of the 'wind tunnel effect' on this area and the project in general.
- Permeable paving shown on some areas only, why not universally within project e.g Evalina Rd. Flooding is an increasing issue.
- Planting schemes are unclear on planting depths for trees and shrubs for both public domain and roof planting. Trees need at least 1000mm of soil and shrubs between 300-450mm. Can this be clarified.
- What provision will be made for access for maintenance of roof planting.
- Will it have automatic irrigation?
- Who will be maintaining the public domain planting?
- What is the establishment period? *[period after which regular watering can stop and any stakes etc can be removed]?
- What requirements will be in place for replacement planting during the establishment period?

3.6 Providing a Sustainable Car Free Scheme

Our view that this is nowhere near demonstrated by the proposals and merely removing provision for car parking will not lead to a scheme being 'car-free'. In practice residents of the new units will continue to use cars for some years to come just as other residents of Penge will. The parking

demands this will lead to will mostly impact streets closest to the development but will undoubtedly ripple out including to the streets that make up our conservation area. There is no commitment or indication that public transport enhancements will follow the arrival of many hundreds of new residents; off peak and weekend train services from Penge East show no sign of returning to pre pandemic levels while overground and local buses are already often overcrowded. In conclusion we consider this statement to be wishful thinking with very little basis in the reality of the proposals.

4. Detrimental Impacts

The 'Planning Balance' statement acknowledges that there will be negative impacts though conveniently declines to list them. While we have observed that the positive aspects claimed do not stand up to scrutiny the list of negative impacts is substantial.

4.1 Heritage and Planning Detriment:

The seven part Design and Access Statement, prepared by architects FCBS, is inadequate as it provides insufficient explanation of the 'Design' or 'Access' and is largely a rehash of the main architectural and landscaping plans and elevations of the existing and proposed, with vague outlining of the existing townscape topography. No specific context is given to the proposed massive development and its overwhelming impact on that townscape or any of the historic and architecturally important buildings, complexes, views and conservation areas. The strategy on natural ventilation, lighting and solar shading is also missing or buried in other documents. The three part Heritage, Townscape and Visual Impact Assessment, prepared by The Townscape Consultancy is wholly inadequate and misguided in all of the required responses. The selection of viewpoints is unrepresentative for all of the detrimental impacts of the massive intervention within historic Penge and the medium to long ranging views from its surrounding routes and neighbourhoods. The proposed development is so huge that the 18 storey tower and flanking 7 storey wings do not even fit onto the CGI view from the High Street, through the narrow existing Empire Square, providing a telling example of gross overdevelopment and over shadowing of a modest, consistent and historic townscape. The image of this narrow roadway, formed into a pedestrianised street to the 1970's shopping centre and carpark, and renamed Empire Square (which is in fact a slim rectangular route rather than a usable public square), with the proposed redevelopment behind, has been used extensively in the limited consultation process and throughout the current planning application. It gives a false impression of width and scale, and omits to show the full impact on the historic environment and public realm. The assertion that the design and materials compliment the character and appearance of low rise (typically 2 to 3 storey Victorian and some Georgian, with limited post war infill of similar scale) Penge is without any substance or justification. The proposed use of yellow and red brick up to 18 storeys in the air and regimented facades is completely out of keeping with the historic landscape and buildings of Penge. The Heritage, Townscape and Visual Impact Assessment concludes that Views 10, 17, 18, 20 & 23 improve on the existing street scene, which we would contest in most instances. The statement therefore implies that all of the remaining views are not improved, and we would strongly concur with this fact. We are particularly concerned about the detrimental impact on the following views and the appreciation of these heritage and community assets, without undue distraction:-

- Waterman Square – View 3a,b & c
- Alexandra Cottages – View 4
- Barnmead Road – View 7
- High Road/Congregational Church/Kenwood – View 8
- Penge High Street – View 9a & b
- Croydon Road with Evelina Road – View 10
- High Street – View 18
- Crystal Palace Park – View 19 where more representative views should be included
- Southey Street – View 21
- Green Lane – View 22 and missing views:-
- St Johns Church/St Johns Road
- Aldersmead Road/Cator Park
- Penge War Memorial

- Former Police Station (front elevation)
- St Johns Cottages

We fundamentally disagree that the 18 storey residential tower and its flanking blocks are a pointer to the centre of Penge and new public square, as the core of Penge is already defined by its coherent and historic high street and iconic landmarks such as the Listed Lighterman's and Waterman's Almshouses with accompanying Waterman Square, and board stone spire of St Johns Church. The argument to celebrate an incongruous modern residential tower, of no particular architectural merit or positioning and over domination of the historic and cohesive townscape is untenable, especially as the public space alluded to would be dark and windy small pocket of near unusable space and amenity. The assessment of Tall Buildings in this location is completely flawed and does not follow the latest guidance from Historic England, with all of the required criteria unmet by the wishful and naive responses. We fully endorse the Historic England Advice, regarding this planning application, in respect of Significant of the Historic Environment, The Proposals and their Impact, Relevant Legislation, Policy and Guidance, Historic England's Position and Recommendation. Copy of letter dated 21st February 2023 by Alasdair Young (Inspector of Historic Building and Areas) is attached as Appendix 1 to this ARA objection for convenience and reference. The concerns particularly affecting our conservation area are highlighted in yellow, but we have major concern for all conservation areas/historic assets, and identity of our town of Penge. We are shocked and disappointed that the developer or their design/planning team did not engage or consult with Historic England on this clearly important and contentious application affecting the historic environment. We feel significant weight should be afforded to their admirable submission and firm objection.

4.2 Impact on Immediate Residents:

Many of those living closest to the site are likely to have objected themselves but we wish to add weight to the views of those whose day to day lives will be significantly impacted and to remind decision makers that they should not be ignored or considered an inconvenience as seems to permeate the proposal. In particular we find the document that identifies impact in terms of access to natural light deeply concerning in the way it suggests:

- A self-defined reduction in the required level of light that properties should be entitled to (a vague allusion to how reducing the published limits to just 15% could be acceptable);
- A recognition that a significant number of adjacent properties would not even meet this arbitrarily reduced level.

More broadly anyone living on or close to Penge High Street, including residents in the area bordered by Maple Road, Franklin Road and Croydon Road will find their immediate outlook dominated by a building completely out of keeping with the skyline of the area and as observed above this impact will be felt by those living considerably further away. The sheer scale of the proposed overdevelopment has far reaching consequences, beyond the impact on immediate residents, and would change the character, skyline and appreciation of Penge as a place and community. It is almost unprecedented that one massive potential development would blight six local conservation areas (Penge High Street, Alexandra Cottages, Barnmead Road, Aldersmead Road, Cator Road and Crystal Palace Park) together with Listed buildings and churches (including The Royal Waterman's and Lighterman's Almshouses, The Royal Naval Asylum – King William IV cottages, St John's Church, Congregational Church, White House, Penge War Memorial, Penge East Station) and Locally Listed buildings (such as the Alexandra Cottages, 101a Parish Lane, St Johns Cottages, Former Police Station and Harris Academy – Kenwood) .

4.3 Social, Economic, Community and Health Impact: This section covers less than a page of the Planning Statement with a supplementary annex but is a major area in which we have concerns about the proposals. Access to GP and other primary health services is already an issue in the area and we contend that this proposal is likely to exacerbate this and to create issues for local primary schools in terms of meeting the needs of new residents. We presume that a proposal of this sort would normally include a 'Community Infrastructure Levy' and while that would not be hypothecated to be solely spent in the area in which the development takes place we see little evidence that any

funding is being committed by the London Borough of Bromley or other authorities to ensure that public services are able to meet the enlarged population of the area.

5. Conclusions

The Alexandra Residents' Association has undertaken a simple evaluation of the overarching Planning Statement and the supporting documentation, giving a weighting of 50% to the planning statement as this covers almost all aspects of the proposed development, and 2% for each supporting submission (such as the Design & Access Statement, Heritage and Townscape and Visual Impact Assessment, Energy Statement, Planning Drawings etc.). We conclude that compliance with policy and quality of the submissions would be in the region of 44% against an ideal minimum target of 75%. The overall balance in our view is therefore strongly against the granting of planning permission, where the substantial harm far exceeds any public benefit. Please see Appendix 3 for the evaluation scoring for each element against quality and policy. We note that the Levelling Up agenda has been ignored and is not covered under this planning application. Recent policy has confirmed that provision of housing should not impact so significantly as to change or harm the character of communities. Similarly, there has been no Masterplan carried out by the planning authority, London Borough of Bromley, or through the Greater London Authority, or the developer of this site, into the Penge Regeneration Area and any provision of housings/commercial mix. The redevelopment of the Blenheim Centre is an opportunity to improve the commercial offer and support the High Street and linkages through to Maple Road and other existing residential areas, with an appropriate mix of commercial, leisure and community uses, included an element of housing (predominately affordable) and enhanced public realm and greening of the environment/setting. The redevelopment of the Blenheim Centre is welcomed but it must be proportionate to what the site and community can bear, which means in practice a proposal at a quarter of the current size and with a proper masterplan for the whole town centre. We conclude that the proposed overdevelopment of the Blenheim Centre by Hadley Property Group and their partner Clarion Housing Association fails to comply with the majority of policy requirements under NPPF, Bromley Local Plan, GLA London Plan with the harm far exceeding any claimed public benefit. We would ask that the planning application be refused.

14th February 2024

Introduction to the Revised Submission by the Alexandra Residents' Association

This document provides an overview to the resubmission of a document previously submitted by The Alexandra Residents' Association in 2023 to the previous version of the proposals made by Hadley Group which have been withdrawn and revised. For the avoidance of doubt, we are clear that the revised proposals in no way address the substantial concerns raised not just by us but across the whole community of Penge and our opposition to them remains as strong as previously. The impact on local residents from the scale of over-development, the failure to adequately address housing need through tenancies at social rent and the likely impact on the delicate ecosystem of the Penge High Street retail footprint remain substantial concerns. Our previous objections have been reviewed and although we can see changes have been made we contend that the alterations proposed (with the possible exception of fire safety) are simply window dressing and that the objections lodged previously should be considered 'live' in relation to the new proposals.

Although some grounds for objection made previously have been slightly ameliorated in the revised proposals, we contend that the substance of our objections in each area of the attached remain valid and we wish them to be considered in the forthcoming deliberations. In particular the very small reduction in scale (from 18 to 16 storeys and from 250 units to 230) and the alterations to building materials to do not adequately address the concerns detailed by the Association and many others last year.

Summary of Objections

Planning Officers and members of the council will doubtless be aware that the proposed redevelopment of the Blenheim Centre has generated massive opposition across the local community and this is reflected in the views of residents of the Alexandra Cottages. Many residents have commented as individuals but the Alexandra Residents' Association wishes to add a collective objection to the current proposals. The Association represents residents of the area off Parish Lane covering Albert Road, Edward Road, Hardings Lane, Princes Lane and Victor Road. There are just under 200 properties making up the Alexandra Cottages Conservation Area and they are a much-loved locale typifying the low rise suburban fabric of Penge threatened by the proposed development. While there are legitimate discussions that could take place about the provision of housing units in Penge (especially for affordable/social rent tenancies) and for making better use of the space covered by the proposals we wish to categorically state that this development is not an adequate answer to either issue. The association therefore adds its voice to the many hundreds of others demanding that this proposal be rejected and that plans for the site be reconsidered using the borough's Local Plan as the basis for any future proposal. While we are clear that the plan proposed would be unacceptable over development we would also urge the council to reject suggestions to implement the plans in part. The reasons why we consider them fundamentally flawed even in a reduced form are described below.

Key

Comments on Claims Made in the Planning Statement

'The optimisation of an accessible and under-utilised brownfield site located at the heart of an Area of Renewal and Regeneration'

The provision of 250 new homes

The provision of high quality .. homes meeting high design standards

A range of innovative uses to support .. the local community

The creation of a new civic public square and improved permeability in all directions;

Providing a Sustainable Car Free Scheme

Detrimental Impacts:

Heritage and Planning Detriment

Impact on Immediate Residents

Social, Economic, Community and Health Impact

Conclusions

The Alexandra Residents' Association has undertaken a simple evaluation of the overarching Planning Statement and the supporting documentation, giving a weighting of 50% to the planning statement as this covers almost all aspects of the proposed development, and 2% for each supporting submission (such as the Design & Access Statement, Heritage and Townscape and Visual Impact Assessment, Energy Statement, Planning Drawings etc.). We conclude that compliance with policy and quality of the submissions would be in the region of 44% against an ideal minimum target of 75%. The overall balance in our view is therefore strongly against the granting of planning permission, where the substantial harm far exceeds any public benefit. Please see Appendix 3 for the evaluation scoring for each element against quality and policy. We note that the Levelling Up agenda has been ignored and is not covered under this planning application. Recent policy has confirmed that provision of housing should not impact so significantly as to change or harm the character of communities. Similarly, there has been no Masterplan carried out by the planning authority, London Borough of Bromley, or through the Greater London Authority, or the developer of this site, into the Penge Regeneration Area and any provision of housings/commercial mix. The redevelopment of the Blenheim Centre is an opportunity to improve the commercial offer and support the High Street and linkages through to Maple Road and other existing residential areas, with an appropriate mix of commercial, leisure and community uses, included an element of housing (predominately affordable) and enhanced public realm and greening of the environment/setting. The redevelopment of the Blenheim Centre is welcomed but it must be proportionate to what the site

and community can bear, which means in practice a proposal at a quarter of the current size and with a proper masterplan for the whole town centre.

We conclude that the proposed overdevelopment of the Blenheim Centre by Hadley Property Group and their partner Clarion Housing Association fails to comply with the majority of policy requirements under NPPF, Bromley Local Plan, GLA London Plan with the harm far exceeding any claimed public benefit.

- West Beckenham Residents' Association – Objection (22nd February 2023)

WBRA urges LB Bromley to refuse this application for high rise development. We urge the council to continue its policy of resisting high rise development in the Borough. Eighteen storeys is far too high for this part of Bromley. Beckenham is also under pressure from applications for high rise buildings which we do not wish to see, so we support our colleagues and close neighbours in Penge in objecting to the application.

Penge Forum, Community Association for Penge and Anerley– Original objection (15/03/23), updated comments outlined regarding revised proposal.

- The Blenheim - Arpley Estate Residents' Association – Objection (5th February 2024)

“The Blenheim - Arpley Estate Residents Association objects to Hadley Property Group and Clarion Housing Association proposed redevelopment of the Blenheim Centre. We are fully aware that more homes are required in Bromley, and this area would benefit from some regeneration. However, this area already has many new housing schemes which are in keeping with the neighbourhood. This application will change the skyline and alter the character of the area.

Our objections are:

1. The adverse effect on the residential amenity of neighbours, by reason of noise disturbance, overlooking, loss of privacy. This redevelopment will have an adverse effect on the residential amenity of neighbours. We live on the Blenheim – Arpley Estate which will be overshadowed by the proposed tower blocks as we are located directly behind the Blenheim Centre. Tower blocks will completely change the character of the area and massively increase overcrowding. Not to mention loss of privacy with the height of the development and loss of natural light. A 2-storey reduction from 18 storeys to 16 storeys will not address the concerns we residents have, which are planning objections. Currently this area is peaceful, and we are concerned this development will lead to overcrowding, increase in noise as well as pollution, waste and rubbish. We all believe our health and wellbeing will be directly affected due to the change in the quality of our lives should the development proceed. Currently the area has a positive quality of character, it is peaceful, well but not overpopulated. The plans are not in keeping with the area or respects the character of the neighbourhood in anyway.

2. Unacceptably high density / over-development of the site.

The proposed development damages the open aspect of the neighbourhood - the developers will be removing our resident's ability to see the sky. The look and feel of Penge High Street will be irrevocable changed. The homes will be super dense, with people being forced into tower blocks while the rest of the neighbourhood is generally low density. Again, we are concerned how dense the area will become without due regards to the local people currently living and how this increase density will impact on health and wellbeing. The development will bring an already stretched social and physical infrastructure e.g. GPs, Schools, Waste Management, green areas, public transport, traffic and parking. The developers have made no mention of the how they will support this and how the change in infrastructure will support the local community. Our traders do require parking to keep their shops running in the high street.

3. Effect of the development on the character of the neighbourhood

By granting planning permission to the developers, this may set a precedent and the low-rise Victorian character of the area will be irrevocably changed, if not destroyed. The Bromley local plan states that a range of decent homes of different types and sizes are available and housing supply is tailored to local needs. Any new housing complement and respects the character of the neighbourhood in which it is located, paying particular attention to the density of development... (1.3.6). We do not believe this has been considered in the developers plans.

4. The proposed development is over-bearing, out-of-scale or out of character.

The current proposals in terms of appearance when compared to neighbouring properties is out of character. The CGI images where the tower blocks destroy the skyline also show how out-of-scale and out of character the tower blocks are. The development is overbearing and not appropriate for the neighbourhood. There are no high-rise tower blocks in the area.

5. Too Tall

Similarly, our objection (over-bearing, out-of-scale or out of character) this development is simply too tall. As outlined throughout my objections, the proposal for the tower blocks is too tall, out of scale and really concerns me for reasons already mentioned above relating to health and safety as well as not being in keeping with the local nature of the neighbourhood. It destroys the skyline. The building, at 16 storeys, contravenes both the Bromley Tall Buildings Policy and the London Plan Policy D9. The GLA have already themselves stated that high rise buildings should not be used as a means of addressing the housing shortage, so why should the developers be allowed to breach Bromley's Tall Buildings Policy just so they can make a profit at the expense of people's lives. Additional points from Policy D9 Tall buildings that should be considered by the council, which have not been by the developers:

- Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations. This is not a suitable location, and the development did not adequately engage with locals in a meaningful way.

- Tall buildings should only be developed in locations that are identified as suitable in Development Plans. This is not a suitable location for this development due to the height of the development - it's simply too tall and not in keeping with the Victorian low-rise nature of existing properties.

6. Loss of light / overshadowing

We are very concerned that the development will negatively impact our right to natural light, and we will be cast into perpetual darkness. We do not want a dark overshadowed high street. If the developers truly are looking to support the neighbourhood, they should reconsider their plans to create properties that meet the needs of the local community and in keeping with the look and feel of the area. Not changing the skyline forever or destroying my quality of life. People over profits always. I do not believe the plans as they currently stand would create a positive impact to the community. Instead, this development is going to create more problems which did not need to be created to begin with"

- Avington Grove Residents' Association – Objection (5th February 2024)

"The Avington Grove Residents Association would like to object to the revised planning application for the development of the Blenheim Centre on Penge High Street on the grounds that the changes made to the original proposal (to which many of our members objected) are inadequate. The reduced height will still be too imposing, causing a loss of light and introducing a tall building to the area which is out of keeping with the low rise surrounding development. Although members of the association agree that the London wide housing shortage must be addressed, they do not feel that the proposed development - right in the centre of the busy shopping area - is the the right place. The affordable options both for renting and sale have been reduced. Local schools - especially at secondary level are already oversubscribed. GP appointments are already in short supply. We also

fail to see where residents of the building would keep cars (however much you imagine people will cycle and use public transport, most people who can afford London property keep a vehicle). These are all points made in objection to the previous scheme but we would like to draw attention to the fact this new proposal has not addressed these concerns. As residents of Penge we feel lucky to live in an area which has its own character – the almshouses, Victorian terraces and other unusual buildings make it a unique neighbourhood of London. The design and appearance of this development will take away from this and leave us all the poorer.”

- Friends of Penge Recreation Ground – Objection (7th February 2024)

“1. One of the three Aims and Objectives in the constitution of Friends of Penge Recreation Ground is to 'promote the wellbeing and health of the local population through exposure to high quality green space and nature in a restorative and healing environment.' The park is an oasis of green and a welcome escape for children many of whom do not have gardens. It is not overlooked by anything high other than the spire of St Johns Church. A huge development would spoil the view from the park and lose the secluded feel to the detriment of the above aim. The low-rise skyline around the park contributes to the restorative and healing environment.

2. Wildlife. We are concerned that kestrels or sparrow hawks that sometimes visit the park from the spire of St Johns might not come anymore because of disruption and noise from building works. We also have frequent sightings of bats.

3. Housing around the development would suffer from loss of light.

4. The building works and lack of car parking spaces would have a detrimental effect on the High Street shops.

5. It would cause significant harm to the Penge's heritage assets and conservation areas, is visually jarring, and is thoroughly out of keeping with the predominantly low rise Victorian sky line.

6. Little thought has been given to local amenities eg the difficulty of getting GP appointments and school places.”

- Penge SE20 BID – Objection (9th February 2024)

The Penge SE20 BID is a not-for-profit organisation run by a volunteer Board in SE20. We represent our 260 business members, who pay a mandatory levy on their business rates which enables us to supply services over and above those supplied by Bromley council. We also lobby on behalf of our members.

The proposals by Hadley for the Blenheim Centre are a once in a generational opportunity to reinvigorate the town centre but must be sensitively handled and it is a polarising proposal. These plans are welcomed by some of our members, but also fiercely opposed by others. Some see an influx of new customers, some the decimation of the town centre by loss of parking and congestion. Our comments refer to the commercial element of the development and parking.

The existing development provides the Town centre's only shoppers' car park, for many customers of the existing centre's retail units, but also using it as parking to visit successful destination retailers in and around the High Street. Many of the surrounding streets are in controlled parking zones (CPZ's), so there is limited on street parking capacity. The current plans show 24 parking spaces for retail customers. There is no allowance for residential parking.

The BID believes that this has been arrived at because the developers have applied Public Transport Accessibility Level (PTAL) 5. Having studied local PTAL levels, only a fraction of the site is PTAL 5, with the majority being level 4, which requires higher parking levels for residential development, but more importantly, from a business perspective allows for higher levels of parking spaces per square meter of commercial space.

Whilst we recognise that 10.6.4 of the London Plan states "When calculating general parking provision within the relevant standards, the starting point for discussions should be the highest

existing or planned PTAL at the site" we would urge that consideration should be given to local circumstances (as that same paragraph also states) given the high street need that we believe our members require to ensure Penge remains a thriving economic hive.

Further the BID believes that the PTAL calculations are outdated as many train services from the Penge Stations have been cut since the pandemic.

The BID believes that the loss of parking will damage the vitality and viability of the Town centre overall and harm the interests of our members.

Penge will be competitively disadvantaged compared to competing local town centres that will still have off street car parking facilities, ie Beckenham, and Sydenham.

We gather that the developer will require that the residential owners/tenants must agree to not own vehicles, but how is this to be policed? It is inconceivable that some residents will own vehicles and will utilise the few available on street parking spaces. This also does not consider residents whose employment provides a company or trade vehicle, and these will also have to park somewhere. Brownfield development has removed parking facilities for many businesses and it has led to changes in Business practice, with British Gas, Thames Water and indeed Clarion to have their vehicles parked at their operators homes overnight.

Lambeth Planning Methodology states that all developments cause displacement. The current car park has 47 remaining spaces, so would it not be equitable and reasonable for this level to be returned so that the impact of the development is minimised?

The loss of parking will also impact our members who have staff that travel to work by car.

This application lacks the balance to enhance Penge High Street. London Plan policy SD6 section 2.6.4 states "Boroughs and others should ensure their strategies, policies and decisions encourage a broad mix of uses while protecting core retail uses to meet demand." This protection of core retail is not in evidence on this proposal.

Penge SE20 Business Improvement District (BID) recognises positive economic regeneration and the benefits that it can bring to our BID members.

The BID acknowledges that the existing centre has few merits and that elements of the redevelopment will provide community and green spaces, but this must not come at the cost of the existing business community.

- Penge Forum, Community Association for Penge and Anerley – Objection (14th February 2024)

Penge Forum objects to the proposed planning application for the Blenheim Centre, SE20. Penge Forum is the Residents' Association for those who live in or care about Penge and Anerley. The Forum is not affiliated to any political party. We currently have 174 people registered on our mailing list.

On Wednesday 8th February 2023, Penge Forum, held an open meeting at the Melvin Hall, Penge, attended by well over 100 people to discuss the plans for redeveloping the Blenheim Centre. The general tone of the meeting was overwhelmingly against the proposals. Although most people attending accepted that a redeveloped Blenheim Centre could have advantages for Penge and the High Street, the vast majority thought the proposals were inappropriate and would be harmful to the area.

On Wednesday 7 February 2024, Penge Forum's AGM noted the limited changes in the new proposal and voted that previous concerns had not been addressed and were still valid objections.

In addition, a new concern was raised in relation to the loss of retail space. Comments from Penge Forum's membership highlighted:

- The sheer, height size and massing of the proposed units is out of scale with the existing mainly Victorian High Street. The proposed development is incongruous to the existing built environment in Penge and so does not offer architectural value. Overall, the meeting was against tower blocks in Penge.
- The size and massing of the blocks will be harmful to the living conditions of those in the existing houses and flats. The development would cast a shadow over both the existing residential and commercial properties.
- Although mixed development is welcome, the large number of flats proposed will overwhelm the current community. No new services are being proposed for the new residents. No social venue has been incorporated into the proposal which would likely have been welcomed.
- Not enough affordable housing.
- The parking provision in the development is inadequate for the number of flats. The applicants have attempted to mislead the council and residents over the legal requirements in this issue. The current proposals will lead to further, unsustainable pressure on parking in adjacent residential streets.
- The loss of the multi-story car park and the retail units in the current Blenheim Centre will be harmful to the High Street and lead to a reduction in trading as shoppers move to other nearby locations with better accessibility.

- Bromley Friends of the Earth – Objection (15th February 2024)

Bromley Friends of the Earth wish to object to the above application on the grounds of overdevelopment and residential amenity issues.

1. The developers have stated that they can lower carbon emissions from their proposals by reducing the number of floors to be built, see their Whole Life Carbon report; and therefore they should do more; and reduce the number of floors further, and the council should welcome such contributions to reducing carbon emissions. The Whole Life Carbon report also discusses how recycling the existing concrete frame will help reduce carbon emissions. We therefore request that the fullest possible exploration of both of these opportunities are taken before planning permission is granted.

2. The council has an excellent Biodiversity Partnership and plan however because, and understandably, much of the work so far in Bromley on biodiversity has been about protecting more greener and rural spaces from loss, less time and effort has so far gone into how new developments can enhance more urban and degraded (in biodiversity terms) sites, such as the Blenheim Centre site. The claim that the new development will increase biodiversity value by 61% is very welcome, however it's very unclear how this will happen. No planning permission should be granted until such important details are the subject of a report provided by an urban ecologist with experience of such sites.

3. The sustainable transport hub, and the aim of supporting more walking and cycling, are welcome ambitions; however it is not at all clear if the potential of these ambitions will be realised (see para 4.69 of the Transport Assessment supporting document) and therefore no planning permission should be granted until full and firm details of the sustainable transport hub are provided.

Summary

The design of the complex is of a dominating over-powering nature and the main high rise is aesthetically unpleasing both in shape and use of materials. The effect on the infrastructure in an area where there are already high demands, would be unsustainable.

- The Gardens Trust – No Comments (15th February 2024)

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Crystal Palace Park an historic designed landscape of national importance

which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II*.

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

d) Adjoining Occupiers

Objections

Land use (loss of existing retail)

- object to demolishing Blenheim Shopping Centre
- reduction in ground floor shops
- disturbance of the town centre
- loss of valuable amenities such as affordable shops such as Iceland and Wilko
- current shops are popular to local residents
- goes against what Penge needs
- more commercial/ shops needed in the High Street
- loss of jobs in the local area
- local shops and businesses will be negatively impacted
- will not help with regeneration
- Penge needs a central hub with more leisure and quality retail units
- will reduce footfall to existing traders
- loss of existing parking will impact existing businesses
- application does not address lack of direct presence on the High Street
- existing businesses may not return

Design (Height, scale, massing, density)

- huge overdevelopment of the site
- out of scale
- out of character
- harm to character and appearance of area
- the development is too tall / height is not in-keeping with High Street or local area
- negative impact on surrounding areas including strategic views
- detrimental visual impact / amenity
- impact on skyline
- will be seen for miles around
- not appropriate for suburban character
- has no local context in its extreme height
- unreasonably large for a high street / area
- will dominate the local landscape
- overbearing/ overly prominent
- Penge is low rise - total opposite of visual identity
- too dense
- unacceptable to cram in this many homes into such a small space
- pandemic taught us the importance of community green spaces and neighbourhood
- not in proportion to the area and local estate
- bulky in comparison to wider street scene
- layout and density of building is not fitting for the area

- will set a precedence for further towers to be built in the area
- do not want a skyline like Lewisham/Croydon/Greenwich Peninsula
- does not comply with London Plan policy regarding tall buildings
- reconsider overall massing – development should be lower scale
- higher than anything else in the Bromley
- vertical sprawl
- 12 storey buildings (Surrey and Kent Towers) were demolished in The Groves 22 years ago – believed to be an eyesore and unsuitable for residential living
- against policy 47, 48 of BLP, D6, D9 of LP
- Travelodge (8-10 storeys) already stands out
- tower block previously refused in Parish Lane
- would not be acceptable in other parts of the borough (e.g. Beckenham High Street)

Design (appearance)

- development will have a detrimental visual impact on the local area
- out of character for the local area
- design not in keeping with street scene of High Street
- incongruous and does not contribute positively
- lacks architectural merit or visual interest
- it looks horrible / badly designed
- designs are unremarkable and unattractive
- completely soulless
- will really affect the look and feel of the high street not for the better
- will be an eyesore in an already tired looking part of the area
- would radically impact ambience of Penge
- object to colour and style
- does not use best possible materials
- bricks should match those in other buildings
- would act as a marker for Penge
- CGI imagery used
- light will be blocked from the high street

Heritage and conservation

- no respect for history heritage of Penge
- no positive contribution to local character
- will not preserve or enhance Conservation Area
- low-rise Victorian - many residential homes surrounding site are Victorian 2-3 bedroom terraces
- would tower over listed and historic buildings nearby
- historic buildings would be overshadowed
- Grade II listed building near the site (Watermen's Almshouses) – historic and of wider significance
- close to St John's Cottages and Alexandra Cottages, St John's Church, Penge War memorial etc..
- will impact views to and from Crystal Palace Park - proximity to historical site
- Penge has an incredible history with amazing architecture
- this development will rip the heart and character out of Penge
- disfigure the landscape of historical Victorian high street
- would dominate the skyline and change character
- does not align with heritage of the area
- contrary to Policy 42

- Penge is Victorian jewel
- no attempt to reflect architectural styles building will face
- block historic landmarks
- subsidence and harm to listed buildings
- objections from Victorian Society and English Heritage

Neighbouring Amenity

- loss of light (sunlight, daylight, skylight)
- right to light under law
- overlooking/loss of privacy
- loss of sense of privacy
- visual amenity
- loss of existing views
- overshadow the surrounding areas
- light pollution - additional light from building
- will restrict the sunlight on a vast area of Penge
- appears to be little assessment on the lack of natural light on neighbouring properties
- wind effects of the towers on shoppers in the high street
- significant blocking of light for Burham close, in particular houses 1-4 and 29-32
- noise and disturbance from balconies
- environmental and noise pollution (long after construction)
- impact quality of life
- daylight report shows properties would be impacted beyond the guidelines
- existing balconies would be unusable
- overshadow small playground in Burham Close
- will affect mental health of existing residents (overshadowed etc..)
- noise, disturbance and pollution during construction work

Environmental Impacts

- no details about how development will address sustainability and on-site generation
- increased pollution
- influx will affect local traffic – air quality
- plans could do much more to incorporate green space and encourage biodiversity in the area
- loss of trees (including London Plane trees)
- detrimental to wildlife
- environmental impact of destroying the existing shopping centre
- lack of real green space (LP GG3)
- green space not large enough to benefit residents and proposed buildings
- increase in concrete/man-made materials
- does not make use of low environmental impact materials
- greening will die without ownership or maintenance
- create wind tunnels
- create unnatural heat
- tall buildings affect micro-climate of local surroundings
- developer needs to provide more clarity that payments will equate to genuine carbon extraction for this project
- possibility of ground source heating?
- is the development carbon neutral?
- no mention of green/renewable initiatives

- no information in Fire Strategy about where Spent Fire Water would be directed (should be agreed by EA)
- one of few seasonal breeding areas for large number of swifts
- Biodiversity Net Gain
- existing car park could serve as home to bats and rare species (have been seen there)
- only means to be certain about the use of a building by birds and bats is by a visual inspection of the interior for evidence of bat guano
- failure to undertake an interior inspection of the warehouse to ascertain the presence or not of bat roosts is in contravention of UK legislation
- bats in the area surrounding the site
- mitigation measures being used to avoid delays and complications
- artificial habitats are inferior to established habitat
- concerned proper bat and wildlife survey has not been carried out
- stag beetles found in neighbouring site
- owls can be heard at night
- right to access clean air
- carbon and fossil fuels needed demolish
- towers not eco-friendly
- impact on Blenheim-Arpley Community Gardens
- high risk flood area
- rivers and springs directly under Blenheim centre
- increase risk of flooding
- no provision of renewable energy generation (could include solar or wind)
- dust emission magnitude large – need mitigating measures (no submission to date)
- concerns about bat boxes – environmental health issue?
- more wind generated than in low rise areas
- drainage issues

Highways and Transport

- inadequate car parking
- loss of existing parking - less parking available
- problems with parking for the high street and for residents
- straddles 2 PTAL ratings – PTAL 4 and 5
- no town centre parking would remain
- issues regarding adequacy of parking/loading/turning
- highway safety
- when the parking has been closed at the Blenheim centre it has caused real problems on the high street
- residents parking restrictions and Blenheim car park have help alleviate
- if people can't park they won't shop in Penge and businesses will close
- increase traffic
- impact on traffic in neighbouring street
- will cause significant congestion on local roads
- to believe that owners will not have cars is naïve
- difficult to enforce that people moving in won't have cars
- residents will bring cars – impact on surrounding roads
- unreasonable to think future occupiers will not need cars for their jobs
- takes no account of the existing local infrastructure
- insufficient infrastructure
- not enough parking spaces to support the influx of people

- rely on parking to access high street shops
- tower blocks of this type are not allowed in Bromley town centre even though Bromley TC has well over 20 trains per hour - Penge has much fewer
- traffic spillover into the neighbouring roads
- the lack of parking is worrying for disabled people
- loss of parking will impact on the shops- development removes only off-street parking for the High Street
- will impact role as a shopping and dining destination
- road access impact – loss of two well used roads
- trains to/from Victoria and Penge East are already full
- buses full at peak times
- existing local residents will create driveways
- no dedicated cycle lanes into central London
- delivery area to the rear already busy
- could cause discrimination – accessibility issues for shopping
- local roads may require permits – at cost to residents
- delivery drivers will start parking on the high street
- should be allowances for disabled cyclists
- transport assessment does not include vehicle tracking
- CEMP – lack of information
- does not address waste servicing plan for rear of High Street
- access for emergency vehicles
- impact on access to rear of business
- EV charging facilities only abide by minimum requirements
- safety concerns during construction works including safety of construction access
- loss of Lidl in the High Street due to lack of parking
- errors in statements regarding existing transport links
- access to waste storage / recycling seems poorly planned – no appropriate turning space for refuse vehicles
- no increased train service to London – train service from Penge West to London Bridge cancelled
- site not within an existing CPZ – number of surrounding streets are not subject to parking controls
- disabled parking provided on the road
- 2021 census showed 0.41 vehicles per household – would equate to 103 cars for 250 units
- no assessment made of impacts of additional parking demand
- car free should not be in lower PTAL areas
- access – conflicts between users
- sustainable transport hub - no details
- concern for security of cycle storage
- little to no cycle lanes within Penge or surrounding area
- E-scooters not allowed in Bromley
- at odds with ULEZ aims
- if minded to grant, following should be secured via S106:
 - Permit-free designation to prevent residents from applying for parking permits for any future CPZ
 - Contributions towards parking surveys / future monitoring of parking stress
 - Contributions towards consultation on extending nearby CPZs
 - Contributions towards implementation of CPZs
 - Car Club membership for all residents for a minimum of three years

- Contributions to secure meaningful improvements to walking and cycling within the vicinity of the site, particularly linking to existing cycle routes, public transport nodes, schools etc (as per the Active Travel Zone routes identified within the TA)
- Provision of 12 months free public transport vouchers for all new occupants (as per the Outline Residential Travel Plan Action Plan)

Affordable Housing

- low percentage of affordable housing
- will end up being 'gated communities'
- the affordable homes will not be truly affordable
- small percentage affordable for everyday person seems to be no proposed provision of homes for rent at 'social' rent levels
- local people want local affordable houses, not flats, family homes that are truly affordable (as "affordable housing" is often not that affordable)
- concerns over the management of affordable units
- split of private and affordable not adequate
- must provide for existing residents
- not clear from the plan how many of the homes will be social housing
- need for social housing in Bromley
- affordability of the new residences will mean it is highly unlikely to benefit the existing local community

Quality of residential accommodation

- low quality housing
- most of units will not be suitable for families
- high rise flats are not suitable for families, and families forced to live in such housing are disadvantaged as a result
- will affect mental health of new occupiers
- need access to outdoor garden space
- quality of resulting accommodation – sizes, single aspect, ventilation etc.
- quality of the proposed accommodation
- no laundry facilities in the flats could result in mould
- some layouts would fail to provide a high standard of design or safety of the occupants
- the proposed flats/ maisonettes at the lower levels have very deep plans with just one façade with clear glazing proposed
- inadequate levels of daylight for the rooms proposed
- some maisonettes don't provide a habitable room or enough space at the entrance level for adaptability to a bedroom
- poor space layouts
- bedrooms too small, bedrooms with awkward configurations and too many windows
- some flats fail to provide a protect escape route out of the flat as to escape from the bedrooms the occupant will have to go through the open living / kitchen area
- fails to comply with requirement of 2 staircases for all new buildings above 30m
- density of home – not good quality for people who will live there
- concerned about the welfare of future tower block residents especially families
- easy access to outside space is vital for well-being and mental health
- soundproofing of flats for new residents
- no private outdoor space
- intimidating and unattractive places with significant social, economic and housing problems
- residents would not have their own outside area to grow vegetables plants
- no outside area for children to play in

- disabled access

Fire Safety

- concerns about fire safety (fire escapes)
- difficulties that the fire service would have in controlling situations
- unable to locate a sprinkler tank on any of the relevant drawings
- requirement for a wet rising fire main in block C
- complexity of tenures within the proposed development the appropriate level of (fire) maintenance may be difficult to achieve across the site
- inaccuracies undermine validity of Fire Report
- two internal first escape routes needed in high rise buildings over 30m
- changes to fire escapes are an after thought

Infrastructure and Services

- extra pressure on doctors, dentists, local schools, childcare for under 5s, local hospitals
- lack of community facilities
- people are already being pushed out to secondary schools in other boroughs
primaries are oversubscribed
- crime already high – will be made worse without extra funding for police, youth centres and education
- refuse from 250 dwellings add more strain to local services
- rubbish collection in Penge is already awful with rats in many areas
- development will massively exacerbate the problem
- pressure on local resources
- impact on services such as water supply and waste water
- how will CIL and the S106 capital be spent?
- lack of utilities assessment
- CIL – no guarantee that money will be spent on Penge infrastructure

General

- lack of consultation / community engagement by developer
- lack of consultation is a real concern / notification from Bromley Council
- information about proposed height not made clear by developer during consultation (website or leaflets)
- site notices hard to see
- Penge already has highest population density in borough
- voices of local residents should be heard
- tall buildings are not the answer for London's housing need
- Penge has local community feel
- powerful community spirit including the Art trail, Penge festival and Penge Heritage trail
- at odds with Bromley Local Plan
- Greater London Assemble found that "(the) Committee does not believe that tall buildings are the answer to London's housing needs"
-
- increase crime in an already deprived area
- attract anti-social behaviour
- no mention of increased security or policing the developed areas
- seems to be purely a profit exercise for the developers - are unlikely to be living in the area

- developers will have little long-term interest in the development's success after the sale of its units
- will not benefit the area
- will detract people moving to Penge
- Penge is a close community with a fantastic balance of culture and backgrounds
- this development would destabilise that balance
- detrimental to a sense of local community to have so many people suddenly in one place
- should start with updating the existing housing stock
- Blenheim Centre should be refurbished and improved
- impact on emergency services
- all the data shows high rises are problematic for their residents, causing associated mental, physical and societal problems
- any plans should consider Empire Square as a whole, including Colman House, as part of a holistic approach
- 'micro park' is clever marketing but inappropriate - too small and dangerous next to busy road
- pocket parks and outdoor areas will attract anti-social behaviour
- High street will become overcrowded
- Penge has village feel in London
- maintenance of buildings
- minimal community space
- disabled person's access
- will harm local businesses
- social impact
- tower blocks linked with social deprivation
- will set precedent for future developments
- concerns about subsidence for local properties
- would not meet the aims of the Penge Town Centre Renewal Plan
- Penge is already underfunded
- overcrowding known to trigger higher death rates and suicide rates
- damage from pile driving foundations and construction vehicles on older properties
- would remove Rooftop Gallery
- should investigate how proposed housing could be met in another way/place
- other brownfield sites could be used
- look at Rokewood Apartments in Beckenham as a sensible development
- informal surveys undertaken on the High Street (by residents)
- no Equalities Impact Assessment has been submitted
- will there be provision of public toilets for visitors to the area?

Miscellaneous

- devalue local properties
- concerns about the housing association, Clarion, as a landlord and in terms of long-term maintenance and update
- council should also look at the empty shops we currently have on Penge High Street, work with the Traders and Penge BID team to improve High Street
- inconsistencies within the planning statement
- sinkhole is Penge High Street in 2013 – Thames Water could not explain
- problems with subsidence
- damage to nearby buildings due to works and foundations
- no evidence of proper plans for piling foundations

- lack of technical information about this area – no groundwater monitoring and contaminated land assessment, piling methodology and risk assessment or ground conditions assessment
- Settlement Surveys will be required
- tenures and leaseholds – questions about how the site was acquired
- very bad past experiences living in a tall tower block
- speaking at committee limited to 1 person for 3 mins – inadequate
- only given 3 weeks to respond
- online portal – some documents did not open
- problems with using the Portal to comment
- will the block interfere with Crystal Palace tower signal?
- how will block impede flight paths?
- impact on TV and radio reception
- no information displayed within the shopping centre
- residents expected to review 100s of documents to make comments
- many of the support letters are the same (cut and paste), developer has gone door to door for support

Summary of Petition (Hosted by Penge Preservation Society, 2314 signatures)

- detrimental effect on the character area
- visual impact
- insufficient infrastructure for increase population (e.g. doctors, schools, greenspaces, parking,)
- out of keeping with area
- would destroy village atmosphere
- impact on residential amenity of neighbours
- noise, disturbance, overlooking, loss of privacy, loss of light, overshadowing
- overdevelopment
- high density
- over-bearing and out of scale
- loss of views
- will not provide genuinely affordable housing (need housing people can afford)
- deprives local people of local resources
- too high
- will not be able to shop locally
- disruption during construction
- not learn from previous high-rise buildings
- will not improve Penge
- loss of shops
- increase crime
- area already has heavy traffic
- make area congested and ugly
- overcrowding
- should start with community's needs (not profit)

Support

- love the look of the development
- style is modern and fresh
- beautiful development
- provides much need investment in the area
- provides much needed housing
- new jobs

- new residents will boost high street (increase footfall)
- pleased to see 'no car' development
- consultation process has been clear – community has been involved
- Penge is well connected
- should not be encouraging people to drive short distances
- existing residents should consider the benefits to the whole community in terms of reduced local traffic and air pollution
- whole area is lacking in new housing
- shopping centre is an eyesore (and immediate surroundings)
- proposed commercial units next to pedestrian spaces look good
- massing seems OK
- new pedestrian routes through the site are positive
- Penge needs change – cannot survive as it is
- Blenheim centre is old and tired – eyesore, no architectural merit
- existing car park is normally empty
- massively needed opportunity for regeneration
- will attract new businesses and residents to the area
- NPPF states that planning decisions should "allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene"
- fantastic plans, responsible and progressive
- will be an asset to the area
- will replace a dated building which is hardly used and create much needed energy efficient housing
- generally approve of the plans with one exception - an 18 floor building is too high to keep the character of the area
- would like to see opportunity for a cinema rather than gym
- more likely to visit, live, work in Penge
- will lead to further gentrification
- will put Penge on the map
- area suffers from lack of affordable housing
- good provision of cycle storage
- green public spaces
- good transport links
- Penge has a community feel that is not reflected in the high street
- will bring more young people to the area
- improve health and wellbeing of Penge
- will link Maple Road with the High Street
- hope to see higher quality / variety of eating and drinking establishments
- in-line with NPPF, LP and BLP policies
- sustainability benefits
- S106 to secure infrastructure improvements
- adding density to suitable location
- will support viability of local area
- Blenheim centre is currently not safe at night
- get rid of chain stores that provide little to the economy
- overflow towards surgeries and dentists will be worked out
- car park is dangerous and rarely full
- listed buildings not threatened or adjacent to development
- private garden overlooked part of urban living
- will create 2,600 sqm new commercial floorspace including new Iceland

- new public route connects High Street and Burnham Road, creating new civic square
- creation of pocket park – quiet green space
- 250 new homes – 35% affordable will help release pressure on housing in surrounding area
- 100 trees planted on site
- Helping to achieve biodiversity net gain of 65% in excess of GLA target (10%)

Further consultation letters were sent to residents on 12th January 2024 seeking views on the revised proposal. The points raised in the responses received are summarised as follows:

Objections

- insufficient notification – confusion about consultation period
- lack of site notices
- consultation period too short
- concerns that previous objections will not be taken into account
- revisions to not make a material difference – objections remain
- do not address issues with original application
- previous objections repeated
- inadequate response to local criticism
- lack of consultation by Hadley and Clarion Housing
- barely adjusted the scheme – plans have not changed much
- reduction in height minimal
- 18 storeys was too high and 16 is no better
- change to brick colour not enough
- excessive bulk
- overall design, scale, appearance and material still not acceptable
- Penge not central London
- out of character – not in-keeping with local area
- out of context with Penge's architecture/ heritage / conservation area / listed buildings
- too high
- out of character with surrounding area
- proximity to heritage sites/conservation area
- overdevelopment
- overbearing
- overcrowding
- loss of light (neighbouring buildings)
- Impact on sunlight/ daylight to surrounding area/properties
- loss of privacy and overlooking
- overshadowing
- poor architectural design
- too dense
- lack of parking
- loss of parking
- travel plan out of date
- additional traffic on local roads
- environmental damage/ disruption during construction
- no renewable energy provision onsite
- Penge already overcrowded
- basic infrastructure not in place for increase in dwellings
- GPs / school, oversubscribed
- insufficient landscaping to offset carbon generation

- loss of visual amenities – visual impact
- loss of existing views / skyline
- impact on businesses
- existing shops displaced and may not return
- loss of affordable shops
- loss of jobs
- change to access arrangements for existing retailers
- will not regenerate High Street
- impact on community
- reduction in train/ transport services
- noise and disturbance from new residents
- waste management
- set precedent for high rise development
- drainage issues
- remains contrary BLP policies
- retail floorspace inadequate – reduction in available retail space
- pocket park inadequate – lack of open space
- inadequate affordable housing / units will be unaffordable
- could cause subsidence and damage to surrounding buildings
- road safety concerns
- may result in increased crime
- outdated transport assessment
- not opposed to the redevelopment on Blenheim but objections to this proposal
- low quality housing
- no increase in dual aspect provision
- no reduction in internal kitchens
- no significant change to access routes to bike stores
- flats too small to make lasting homes
- concerns about wind
- cash payment to offset environmental concerns contradicts BLP
- inappropriate location for development
- harmful to residents
- harmful to wildlife
- loss of trees
- confirmed presence of bats
- Empire and Arpley Square should remain public space
- loss of artwork
- insufficient attention to hydrological conditions – survey of ground water condition should be carried out before permission granted
- fire safety including access for fire and rescue service vehicles
- shouldn't approve this plan on the need to meet housing targets
- should prioritise transparency and accountability
- concerns regarding access points

Support

- current building is an eyesore
- much needed development into the area
- huge boost for local businesses
- investment into the area
- economic benefits

- increase property values
- similar buildings in vicinity (Sydenham and towards Anerley)
- well connected to public transport
- appropriate density
- old building replaced with safe modern home
- not many cars use the existing car park
- in need of refurbishment
- much needed housing
- tall buildings bring necessary density
- will not affect Penge's cultural heritage
- important that the development is sustainable and run environmentally/ ethical way
- affordable housing provided
- social/ affordable housing should be fairly distributed through development
- Almshouses are sufficient distance away
- housing that is argued will be overshadowed is to the south
- face east-west so will not have sunlight/views obstructed
- good to see car free development – close to railway stations
- Victorian history and modernity can coexist and flourish
- New homes for Penge (35% affordable)
- New play space and landscaping
- sustainable development - improved bio-diversity, solar panels and sustainable transport hub
- improved public realm, community and commercial uses

Neutral

- need more homes
- not opposed to new modern building
- developers should be held accountable and build to high standards

Full copies of all the representations are available to view on the electronic file (ref.23/00178/FULL1).

e) Officers' response to objections raised on the grounds of planning process, such as insufficient notification, confusion about consultation period, lack of site notices and consultation period being too short:

- Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in [article 15 of the Development Management Procedure Order](#) (as amended), which requires a statutory consultation period to last for at least 21 days.
- Local planning authorities have discretion about how they inform communities and other interested parties about planning applications, however [Article 15 of the Development Management Procedure Order](#) sets out minimum statutory requirements for applications for planning permission.
- Where an application has been amended, although there is no legal requirement to do so, the Council endeavours to re-notify if the amendments would materially affect the considered views of interested parties. It is up to the Council to decide whether further publicity and consultation is necessary in the interests of fairness.
- Generally, a shorter period of 14 days is allowed for re-consultation on amended applications (in line with Paragraph 4.4.9 of the Council's Statement of Community Involvement (SCI), prepared under [section 18 of the Planning and Compulsory Purchase Act 2004](#)).
- The amended planning application was re-publicised through all the original consultation methods, including site notices (5 No.), neighbour notification letters, newspaper advert and

publication on Planning Public Access on the Council's website; each allowing a period of full 21 days from the commencement of each individual consultation procedures.

- Different ways of consulting local residents often result in different expiry dates of the said 21-day period, most frequently due to the press advert cut off dates.
- As no resolution on the planning application can be legally made before the formal consultation period is completed, the latest consultation expiry date is taken as the overall expiry of the consultation exercise. This in practice often results in a slightly extended consultation period lasting longer than 21 days.
- Whilst it is appreciated that various dates stated on the website may appear confusing, each form of publicity does clearly specify a deadline for responses, therefore no responses made within the timescales given, regardless of which form of notification they respond to, should be affected by these differing dates or result in local residents missing the deadline given.
- All comments received until the end of overall consultation period are guaranteed to be taken into consideration in the assessment of the proposal and addressed in officer's report. However, the Council will take into account any representations received up to the date on which the decision is made.
- All representations made need to be taken forward and taken into consideration in the final assessment of the proposal and are summarised above.

5. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

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

National Policy Framework (NPPF) 2023

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

National Planning Practice Guidance (NPPG)

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

The London Plan (March 2021)

- 5.5 The relevant policies are:

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- SD6 Town Centres and high streets
- SD7 Town centres: development principles and Development Plan Documents
- SD10 Strategic and local regeneration
- D1 London's form, character and capacity for growth
- D2 Delivering good design
- D3 Optimising site capacity through the design-led approach

D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
D7 Accessible housing
D8 Public realm
D9 Tall buildings
D11 Safety, securing and resilience to emergency
D12 Fire safety
D13 Agent of Change
D14 Noise
H1 Increasing housing supply
H4 Delivery affordable housing
H5 Threshold approach to applications
H6 Affordable housing tenure
H7 Monitoring of affordable housing
H10 Housing size mix
S4 Play and informal recreation
E9 Retail, markets and hot food takeaway
HC1 Heritage conservation and growth
HC3 Strategic and Local Views
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI1 Improving Air quality
SI 2 Minimising greenhouse gas emissions
SI 3 Energy infrastructure
SI 8 Waste capacity and net waste self-sufficiency
SI 13 Sustainable drainage
T2 Healthy Streets
T3 Transport capacity, connectivity and safeguarding
T4 Accessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
T6.3 Retail parking
T6.5 Non-residential disabled persons parking
T7 Deliveries, servicing and construction
DF1 Delivery of the plan and planning obligations
M1 Monitoring

Mayor Supplementary Guidance

5.6 London Plan Supplementary Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Air Quality Neutral LPG (2023)
- Air Quality Positive LPG (2023)
- Be Seen energy monitoring LPG (2021)
- Cargo bike action plan (2023)
- Circular Economy Statements LPG (2022)
- Green Infrastructure and Open Environments: The All London Green Grid SPG (2021)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Housing Design Standards LPG (2023)
- Housing SPG (2016)
- Energy Assessment Guidance (2022)

- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Providing for Children and Young People's Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context (2014)
- Social Infrastructure SPG (2015)
- Sustainable Transport, Walking and Cycling London Plan Guidance (2021)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Threshold approach to affordable housing on public land (2018)
- Urban Greening Factor LPG (2023)
- Whole Life Carbon LPG (2022)
- Draft Affordable Housing LPG (2023)
- Draft Development Viability LPG (2023)
- Draft Digital Connectivity Infrastructure LPG (2023)
- Draft Fire Safety LPG (2022)

Bromley Local Plan (January 2019)

5.7 Relevant policies are:

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 13 Renewal Areas
- 15 Crystal Palace, Penge and Anerley Renewal Area
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 38 Statutory Listed Buildings
- 39 Locally Listed Buildings
- 42 Development Adjacent to a Conservation Area
- 47 Tall and Large Buildings
- 48 Skyline
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 80 Strategic Economic Growth
- 94 District Centres
- 113 Waste Management in New Development
- 116 Sustainable Urban Drainage Systems
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

Bromley Supplementary Guidance

5.8 Relevant Guidance are:

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

6. Assessment

6.1 Principle of development/Land Use Considerations

Town Centre Regeneration/Renewal Area

- 6.1.1 The site is located within Penge District Town Centre and is identified as a Strategic Area for Regeneration in the London Plan and within the Crystal Palace, Penge and Anerley Renewal Area in the Bromley Local Plan.
- 6.1.2 London Plan Policies SD6 and SD7 of the London Plan support the vitality and viability of London's town centres and encourage mixed-use developments and intensification. Policy SD8 Town centre network sets out in clause E that district centres should focus on the consolidation of a viable range of functions, particularly convenience retailing, leisure, social infrastructure, local employment and workspace, whilst addressing the challenges of new forms of retailing and securing opportunities to realise their potential for higher density mixed-use residential development and improvements to their environment.
- 6.1.3 Policy SD10 of the London Plan 'Strategic and local regeneration' supports boroughs in identifying strategic areas for regeneration in Local Plans and develop policies that are based on a thorough understanding of the demographics of communities and their needs and consider local circumstances.
- 6.1.4 London Plan Policy SD10 also specifies that development proposals should contribute to regeneration by tackling inequalities and the environmental, economic and social barriers that affect the lives of people in the area, especially in Strategic and Local Areas for Regeneration.
- 6.1.5 Local Plan Policy 13 states that the Council will seek to maximise opportunities for enhancement and improvement within the Renewal Areas. Proposals should provide demonstrable economic, social and environmental benefits and address identified issues and opportunities. Local Plan Policy 15 of the Local Plan states that proposals within the Crystal Palace, Penge and Anerley Renewal Area will be expected to take advantage of opportunities:
- a - to maximise contributions to, and benefits from the thriving cultural and leisure economy, which has evolved in the Crystal Palace District Centre and, in the Crystal Palace Strategic Outer London Development Centre;
 - b - which create benefit to the wider area by contributing to the conservation and enhancement of Crystal Palace Park through development that respects its character area and ensures a positive relationship with natural and heritage assets;
 - c - to support renewal in Penge Town Centre.
- 6.1.6 The redevelopment of an accessible, brownfield site within the Penge and Anerley Renewal Area / London Plan Strategic Area of Regeneration is supported. The proposal would, in principle, contribute to mixed-use regeneration of this part of Penge District Town Centre. The activation of the public realm at ground floor represents opportunities to create an open space with potential civic uses to benefit both future residents and a wider community. Consideration of detailed impacts of the proposal would provide an overall view on the benefits (or not) for Penge.

Non-residential uses

Retail

- 6.1.7 The Blenheim Shopping Centre is located within Penge District Town Centre. The Blenheim Centre itself is designated as primary shopping frontage in the Local Plan. As such, Policies SD6 and SD7 of the London Plan and Local Plan Policy 94 are relevant.
- 6.1.8 Policies SD6 and SD7 of the London Plan support the vitality and viability of London's town centres and encourage mixed-use residential development and intensification.
- 6.1.9 Policy 94 states that within the primary frontages of District Centres the Council will consider a change of use away from Class A1 where the proposal would:
- a - not harm the predominant retail character of the shopping frontage,
 - b - generate significant pedestrian visits during shopping hours,
 - c - complement the existing shopping function of the centre,
 - d - not create an inappropriate over concentration of similar uses which would be harmful to the function or viability of the centre, and
 - e - not result in adverse effects caused by crime, disorder or anti-social behaviour and have no adverse impact on residential amenity.
- 6.1.10 Use Class E of the Town and Country Planning [Use Classes Order 1987](#) (as amended) was introduced on 1st September 2020 and covers the former use classes of [A1](#) (shops), [A2](#) (financial and professional), [A3](#) (restaurants and cafes) as well as parts of [D1](#) (non-residential institutions) and [D2](#) (assembly and leisure) and puts them all into one new use class¹.
- 6.1.11 The proposed development would re-provide 2,714sqm of flexible commercial floor space (Class E), therefore resulting in a loss of 1,702sqm of commercial floor space in a district town centre. It needs to be stressed however, that as only 843sqm of food retail floor space (Iceland supermarket) is to be delivered as part of the proposal (see Table 1 below), the scheme would lead to a significant reduction in actual retail floor area (-1,871sqm).

¹ Use Class E – Commercial, Business and Service –

Use, or part use, for all or any of the following purposes—

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Building	Commercial Use	Floorspace [sqm]
A	Sustainable Transport Hub	136
B/C	Workspace (FF – Arpley Mews) Food and Beverage (GF and FF – Blenheim Square)	208 551 Total = 759
D/E	Food Retail (GF) Gym/Leisure (FF)	843 916 Bike store/Refuse store – 60
F	None	n/a
Total		2,714 (including bins/bikes)

Table 1 Proposed Non-residential Floorspace.

6.1.12 Alongside the re-provision of Iceland supermarket in Block D/E, the proposed commercial strategy for the site includes the provision of the following (Table 1):

- Approximately 136m² of commercial floorspace in Block A identified as the Sustainable Transport Hub offering internal cycle storage for residents and visitors, as well as bike repair workshops and bike repair facilities, e-cargo bike rentals, bike sharing, hire and leasing, bike parking stands;
- Approximately 760m² of commercial floorspace across levels 00 and 01 in Block BC, envisaged as Food and Beverage (F&B) use, with a potential allocation of level 01 to a separate workshop or flexible working area;
- Approximately 916m² of commercial floorspace at level 01 of Block D/E immediately above the proposed location for Iceland. The large floorplate provides a level of flexibility that means a series of uses could successfully operate from this space, such as adult learning or a leisure use (such as a gym).

6.1.13 The applicant has stated that whilst there is a reduction in overall floor space, this is due to the existing shopping centre containing a significant amount of non-publicly accessible storage and back of house functions. Table 2 outlines the existing commercial uses and confirms that out of 4,416sqm, only 2,678sqm is currently useable retail floorspace.

Unit	Use Class	Retail Floorspace [sqm]	Back of House [sqm]	Total [sqm]
Iceland	Class E	559	493	1,052
<u>Wilkos</u> (closed)	Class E	1,457	874	2,331
Peacocks	Class E	580	201	782
Card Factory	Class E	63	24	87
Key cutters	Class E	19	n/a	19
Other (Plant/Warehousing)	n/a	n/a	146	146
Total	-	2,678	1,738	4,416

Table 2.2 Summary of Existing Uses.

6.1.14 It is being argued that as the existing useable retail areas of the centre which people experience equates to approximately 2,680sqm, and the proposed areas of flexible commercial floor space (Class E) t 2,714sqm, this reflects a comparable re-provision of floorspace.

- 6.1.15 A Marketing Report prepared by Kalmars included with the application states that the existing retail units are all inward facing with no direct presence on the High Street, other than a small key cutting kiosk that faces Empire Square. The primary access route is currently from Empire Square to the north-east of the site and Evelina Road to the south, however the site is lacking in terms of active frontage, signage and any destination type benefits such as public realm. The immediate surrounding area of the site largely comprises parking and poorly coordinated servicing areas. The report demonstrates that there is demand in this location for quasi retail including dry cleaners, barbers and nail bars, generally being those businesses that cannot be done on the internet, as well as food and beverage use. Generally, these uses can be carried out under Class E.
- 6.1.16 The new development, although still set back, would have a greater presence when seen from the High Street. The primary commercial units in Blocks B/C and D/E would front onto a new public square that would form an improved and highly permeable route into the development enhancing footfall to the commercial units, whilst also providing a new destination space. The use of street art as visual cues would provide new signage opportunities, something the existing site lacks.
- 6.1.17 The applicant argues that redevelopment of the site would improve the efficiency and quality of the commercial space provided on site, designed in consultation with future tenants to meet the requirements of modern store layouts.
- 6.1.18 Officers acknowledge the argument that modern retail practices no longer require significant areas of storage, meaning that even the reduction of the back of house and storage areas supporting the commercial uses might not affect the vitality and vibrancy of the centre.
- 6.1.19 Further to that, officers accept that the existing retail units now fall within Use Class E, which was introduced by the Government in August 2022 in order to facilitate a wider range of uses in town centres to allow High Streets to adapt to changes and challenges. None of the units are subject to any restrictive conditions limiting use and notwithstanding the intent of Policy 94, the existing shops within the Blenheim Centre could change to other uses within Class E without planning permission. This effectively reduces the weight that can be given to Policy 94 as a tool to manage changes from retail (former Class A1) uses.
- 6.1.20 In the light of the above considerations, notwithstanding the reduction of the retail floorspace, officers are satisfied that the proposal would fulfil the overall land use policy aims of ensuring that the vitality and vibrancy of the district centre is not harmed. Should the application be considered acceptable, the proposed Class E floor area should be conditioned to retain the amount of floor area, as proposed, for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Residential Use

- 6.1.21 London Plan Policy H1 sets 10-year housing targets for each borough including a target of 7,740 for Bromley. 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. Policy D3 of the London Plan requires all development to make the best use of land by following a design led approach. Policy H1 of the London Plan supports the delivery of new housing on sites within town centres and close to stations.
- 6.1.22 Alongside the requirements relating to the location of the application site within a District Town Centre, the principle of residential accommodation at the application site may be

considered acceptable as part of a mixed-use scheme. Further consideration as to the type, quality and design of the proposed accommodation will be made within the remainder of the report.

Housing Supply

- 6.1.23 The current published five year housing land supply (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 in 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; this 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.
- 6.1.24 The Housing Delivery Test 2022 results (published in December 2023) indicate that housing delivery against Bromley's housing requirement has fallen below 85% over the HDT period; this requires the addition of a 20% buffer to the Council's housing requirement over the FYHLS period (in accordance with Footnote 8 of the NPPF). Applying this buffer to the appeal derived figure noted above gives a supply of 2.96 years. The Council acknowledges this amended appeal derived figure for the purposes of determining this application and considers this to be a very significant level of undersupply.
- 6.1.25 The Council is in the process of preparing an updated FYHLS position, reflecting changes since the last published position in November 2021.
- 6.1.26 The NPPF (2023) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.1.27 Having regard to footnote 8 of the NPPF, the policies which are most important for determining this application, including Policy 1 of the Bromley Local Plan, are out-of-date and consequently the presumption in favour of sustainable development as set out in Paragraph 11(d) is engaged.
- 6.1.28 This proposal would provide 230 new dwellings representing a significant contribution to the supply of housing within the Borough. This would be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Affordable Housing

- 6.1.29 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.
- 6.1.30 London Plan Policy H5 Threshold approach to applications, allows applications which provide affordable housing at or above a relevant threshold level, which is set at a minimum of 35% for schemes which are not on public sector land or 50% per cent for public sector land where

there is no portfolio agreement with the Mayor, and which meet the remaining criteria in part C of the policy, to follow a fast-track route.

6.1.31 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.

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

6.1.33 Policy H6 'Affordable Housing Tenure' of the London Plan specifies that the following split should be applied to residential developments: 30% for social/affordable rent; 30% for London Living Rent/London Shared Ownership; with the remaining 40% to be decided by the borough as either low cost rent (social/affordable) or intermediate units. The Local Plan requires a 60:40 (social-rented/affordable rented: intermediate) split which is consistent with Policy H6, unless it can be demonstrated that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities.

6.1.34 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 and applicable review mechanisms.

6.1.35 Based on Table 3 below, there would be 35.3% habitable rooms proposed for affordable housing with a tenure split of 60% Social Rent and 40% Shared Ownership. The proposal accords with Policy H6 of the London Plan and Policy 2 of the Local Plan if the proposed affordable housing provision is based on a threshold applicable to private land.

	Number of units	Number of habitable rooms
Private Sale		
1 bedroom	73	146
2 bedroom	84	252 (398 in total)
Shared Ownership		
1 bedroom	25	50
2 bedroom	12	36 (86 in total)
Social Rent		
1 bedroom	3	6
2 bedroom	20	60
3 bedroom	13	65 (131 in total)
TOTAL	230	615

Table 2.3 Mix of habitable rooms and units proposed.

6.1.36 As set up in paragraph 1.11 of this report, the Council sold its Freehold in the centre to the long leaseholder, who subsequently sold the freehold and leasehold to the applicant. Whilst the land bought by the applicant was in private ownership, the Mayor's Affordable Housing SPG 2017 states at para 2.36 that the public land threshold of 50% does apply to land that

has been released from public ownership and on which housing development is proposed. The Mayor's guidance does not give an indication as to when this restriction falls away.

- 6.1.37 The GLA Practice Note (July 2018) 'Threshold approach to affordable housing on public land' advises that where the public sector land interest is in the form of a freehold or similar interest and a long leasehold is in place which is not held by the public landowner, the 35% threshold would apply in relation to the Fast Track Route.
- 6.1.38 Further to that, officers also note that a small proportion of the application site remains in Council's ownership and could trigger the 50% threshold on these parts of the site. The GLA Practice Note mentioned above sets out the approach where part of a site comprises public land. In those circumstances the overall threshold of the site as a whole should be taken as a combination of both thresholds (i.e 35% and 50%), calculated according to a formula given. However, the practice note advises that *"where only a small proportion of a site is public land and this does not contain a functional building or land use, the 35 per cent threshold should apply for the whole site"* (Paragraph 24).
- 6.1.39 The applicants have set out in the relevant supporting information that the area in question which is located behind Colman House and is currently used for car parking and servicing measures approximately 222sqm equating to only 2.17% of the overall site area. The proposal does not comprise a functional building or any substantive works in this area other than resurfacing and new paving to tie into the works on Empire Square. On this basis, officers agree that the 35% threshold should apply, however, the proposal needs to address all other relevant criteria in Policy H5 to allow the application to be determined under the Fast Track Route, including the grant and additionality clause.
- 6.1.40 The Planning Statement advises that Latimer Developments, the development arm of Clarion Housing Group, are one of the Joint Venture applicants and have been closely involved in the development of the scheme. It also advises that Latimer would seek to utilise grant funding where possible. The applicant submitted further supporting email on 21st February confirming that Clarion has sought grant funding from the GLA's investment team and that while the applicant has actively sought the confirmation of the grant, as required by Policy H5 C (4), at the time of writing it has not been confirmed by the GLA's investment team whether any grant funding would be available for the scheme. The applicant further explained in the email dated 23rd February 2024 as follows:

"Under the new AHP programme (which post-dates the London Plan) the GLA are averse to formally committing to providing grant until the contractual position between Clarion and Hadley is legally completed which in turn cannot happen until after the legal grant of planning consent has been issued. This is not uncommon situation. In fact, we are not aware of any schemes which have been awarded grant prior to planning consent being issued under the new AHP programme. The proposed mechanism resolves this by requiring the JV to apply for grant post consent and then to use any subsidy provided on terms on which it is awarded. If the GLA do provide Clarion grant funding in line with the recent Accelerated Funding Route guidance, this will be required to be delivered by the JV within agreed timeframes and secured for use as affordable housing by a legal agreement entered into by Clarion and the GLA (referred to as a 'grant agreement')."

On this basis, officers accept that the 35% threshold should apply to the proposal and the Fast Track route is applicable.

Dwelling Mix

- 6.1.41 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need. The highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2

bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis. Bromley's Housing Register (December 2019) shows affordable need (social/affordable rented) for 3 beds.

6.1.42 In response to officers' comments, the unit mix has been amended to achieve a 60:40 affordable housing split for habitable rooms. A number of the 2 bed 4 person units have been converted to 2 bed 3 person homes and the tenure of the town houses (Block F) has changed from Private Sale to Social Rent and Shared Ownership (Intermediate Sale) to better reflect the policy requirements. The updated unit mix is summarised in Table 2.4 below.

	STUDIO	1-BED	2-BED	3-BED	TOTAL
Social Rent	0 (0%)	3 (8%)	20 (56%)	13 (36%)	36 (16%)
Intermediate Sale	0 (0%)	25 (68%)	12 (32%)	0 (0%)	37 (16%)
Private Sale	15 (10%)	58 (37%)	84 (54%)	0 (0%)	157 (68%)
Across Tenure	15 (6%)	86 (37%)	116 (50%)	13 (6%)	230 (100%)

Table 2.4 The Updated Unit Mix.

6.1.43 The proposed mix includes 15 x 1 bed 1 person "studio" flats which appear to have separate bedrooms. Whilst officers do not consider small studio flats intended for single person occupation to provide a long term, sustainable solution to housing need, there are no local or London plan policies specifically precluding the provision of studio accommodation and this type of accommodation is generally found acceptable in town centre locations with high PTAL ratings.

6.1.44 The social rent element would comprise the provision of 33 x two and three- bedroom homes with the mix informed by Latimer by Clarion's understanding of local housing need in Penge. Clarion's core objective is to design, build and manage inclusive neighbourhoods and Clarion's design brief states that the external design of all buildings must be tenure blind.

6.1.45 Overall, it is considered that the proposal provides an acceptable range of housing unit sizes and an appropriate mix of tenures. The affordable units would be well integrated into the development (Blocks D/E and F), which would help to ensure mixed and inclusive communities in line with the Council's objectives for Renewal Areas.

Inclusive Access

6.1.46 Policy D5 of the London Plan seeks to ensure that proposals achieve the highest standards of accessible and inclusive design (not just the minimum). Policy D7 of the London Plan states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people, and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

6.1.47 Policy 4 of the Bromley Local Plan also requires housing developments to achieve a high standard of design and layout, which includes meeting the minimum standards for dwellings

required by the London Plan. The Policy also requires 90% of dwellings to meet Building Regulation requirement M4(2) and 10% to meet requirement M4(3).

6.1.48 The scheme and its immediate surroundings would incorporate suitable means of access for all people from the entrance points, sufficiently wide routes and access ways to allow people to pass each other, principal entrances and lobbies that are identifiable and accessible (for both residential and commercial spaces) as well as independent horizontal and vertical movement that is convenient and ensures that people can make use of all relevant facilities.

6.1.49 The scheme would deliver 18 (M4(3)(2)(a) wheelchair adaptable units and 5 social rented M4(3)(2)(b) wheelchair accessible dwellings across Blocks B/C and D/C. All remaining units would achieve M4(2) standards. The wheelchair user dwellings which the Council would have nomination rights over (SR), would need to meet the South East London Housing Partnership (SELHP) standards, which is a LBB requirement, and this would be secured in any approval.

6.2 Internal Standards and Quality

6.2.1 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.

6.2.2 Policy D6 of the London Plan 2021 sets out a number of requirements which housing developments must adhere to in order to ensure a high-quality living environment for future occupants and to meet the needs of Londoners without differentiating between tenures.

6.2.3 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.

Internal Floorspace - Acceptable

6.2.4 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 Accommodation Schedule submitted 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 and that the units have been designed with functional and practical layouts. The submitted floor plans include details of furniture and layouts for each of the proposed residential units and the accompanying accommodation schedule indicates the total GIA for each unit. All dwellings would have a minimum floor to ceiling height of 2.5m.

Outlook and aspect - Acceptable

6.2.5 The application site is linear in its nature along a north / south axis, with existing vehicular access points at either end of the site. Due to this, the buildings have principally become linear blocks with a defined north / south orientation (Blocks BC / DE). To maximise dual aspect dwellings, the floorplate has evolved to form a cruciform around a central buried core. This allows for articulation of the buildings' facades with a return of approximately 3m to provide a dual aspect outlook to the dwellings in the centre of the linear block, rather than just those at the end which is a common feature of a typical linear building. The residential core of each block would not serve more than 7 units on each floor. All habitable rooms would be provided with openable windows, in addition to any glazed doors, allowing them to be ventilated.

6.2.6 Across the 230 units within the updated scheme, 149 (65%) dwellings would achieve a dual aspect outlook. On a block-by-block breakdown the scheme achieves the following dual aspect ratios:

- Block A - 25 units - 15 (60%) Dual Aspect
- Block BC - 152 units - 88 (58%) Dual Aspect
- Block DE - 50 units - 43 (86%) Dual Aspect
- Block F - 3 units - 3 (100%) Dual Aspect.

6.2.7 The efforts to minimise the number of single aspect units are recognised and although some north-eastern units would be included in the scheme, officers note that none of the single aspect units would be north facing and there would be no single aspect family homes.

6.2.8 The proposed layout of the scheme and internal distribution of dwellings means that windows serving habitable rooms would generally not be enclosed by adjacent parts of the development. Officers note that outlook from bedrooms orientated inwardly towards the Blenheim Square within the Blocks B/C and D/E and those facing Arpley Mews in Block A would not be optimal given the modest spatial separation between these blocks, however the effect on the living conditions in these rooms would not be unacceptable, therefore, on balance, no objection is raised in this respect.

Privacy

6.2.9 With regard to any potential for mutual overlooking into habitable rooms between residents of the proposed development, the proposal has been generally designed to avoid mutual overlooking between units with directly facing windows.

6.2.10 Officers acknowledge that at approximately 12m the separation distances between Blocks A and B/C and Blocks B/C and D/E would be below a usual window-to-window distances of at least 18m (as recommended by the BRE Guidance). However, such distances are considered as typical to many housing developments in the borough and as such would not be dissimilar to other urban and town centre locations. Further to that, it is noted that the window openings would be positioned in a misaligned manner to afford oblique rather than direct views into habitable rooms (bedrooms). Therefore, notwithstanding these modest distances, it is considered on balance that the degree of potential overlooking would not be harmful enough to justify a refusal.

6.2.11 Direct views between balconies would also be very difficult as they would be blocked by privacy screens and the masonry balcony structure of the adjacent units. Due consideration has also been given to the treatment of public and private space thresholds. Defensible spaces would be provided at ground floor and podium levels to provide privacy buffers between the windows and private balconies/terraces and shared amenity spaces. This is considered necessary to ensure that the privacy of the future occupiers of these units would be adequately protected and would be secured via condition.

Daylight and Sunlight - Acceptable

6.2.12 In order to ascertain the levels of daylight within the proposed development, all habitable rooms have been assessed for daylight quantum using the illuminance method. As such, climate-based daylight simulation has been carried out and the results are compiled by means of the Spatial Daylight Autonomy (sDA) metric.

6.2.13 The application is supported by a technical report by GIA which comprises an internal daylight, sunlight and overshadowing assessment. Given the degree of interest in the proposal, the Council has commissioned an independent review of the report submitted to

verify its findings. This is referred to as the Avison Young review. The amended proposal has been subsequently reassessed in the GIA report dated 7th December 2023.

- 6.2.14 In terms of daylight, the updated assessment results show that 538 (87%) of the 616 rooms assessed would achieve the minimum levels of spatial Daylight Autonomy (sDA) recommended within the UK National Annex for residential buildings. This figure considers the higher recommendation of 200 lux for large, combined L/K/Ds but it would increase to 573 (93%) should 150 lux (suggested for living rooms) be considered acceptable as has been historically common in urban developments.
- 6.2.15 In relation to sunlight, all 230 dwellings have been assessed and 171 (74%) of these achieve at least one and a half hours of sunlight on the equinox within the main living space, as recommended as preferable by BRE. This is an increase of 4% from the previous iteration of the scheme.
- 6.2.16 The report asserts that all the rooms which fall short of the BRE recommendations are situated beneath either projecting or recessed balconies. This is a common situation, one which is anticipated in the BRE guidance as balconies inherently limit the daylight and sunlight ingress into the rooms beneath them by obstructing the direct view of the sky and intercepting the sun rays before they reach the windows below or behind these. The provision of private amenity space to all units is a policy requirement and normally considered as inevitable trade-off of amenity as balconies offer desirable private outdoor spaces for future occupants and mitigation for overheating.
- 6.2.17 The Avison Young review confirms that sunlight exposure is heavily dependent on factors outside the control of the designers, i.e. site context, orientation and local sun path. When aiming to make efficient use of a site this will usually mean the design has to necessarily include some north facing areas, however, the general aim should be to limit these as far as is practicably possible. The review confirms that in overall terms, 89% of the rooms would achieve the recommended target, which is a high level of provision and compliance with the BRE guidance, especially when bearing in mind the inherent site constraints and provision of projecting balconies for private amenity space.
- 6.2.18 In relation to daylight, Avison Young review confirms that in overall terms, the level of compliance with the adopted targets is very good, especially given the density of the proposals and context. A small percentage of proposed habitable rooms which do not meet the UK national Annex target are located whereby the projecting balconies above inevitably reduce their access to daylight. This is a common situation, one which is predicted in the BRE guidance and requires the inevitable trade off/ balanced judgement regarding the provision of private amenity space / overheating mitigation on one hand and reduced daylight on the other.
- 6.2.19 The updated GIA report demonstrates proposal would improve its compliance when compared to the previous submission dated February 2023, with 93% of the living/kitchen/dining and living rooms meeting the recommended target of 150lux.
- 6.2.20 Therefore, given the urban nature of this development within an area planned for renewal, the proposed scheme is considered to provide future occupants with good levels of daylight and sunlight, especially when bearing in mind the inherent site constraints and provision of required private external amenity space.

Overshadowing

- 6.2.21 The proposed development would provide a variety of outdoor amenity spaces (see para 6.2.25 below) and all of these areas have been assessed by means of a Sun Hours on

Ground test, as recommended by the BRE. The result of this assessment demonstrates that all areas would comfortably exceed the BRE default recommendations achieving at least two hours of sunlight to well in excess of 50% of their areas on the equinox (21st March).

External Amenity Space and Children Playspace - Acceptable

6.2.22 Policy D6 of the London Plan requires new housing developments to meet minimum standards for external and internal spaces. For private outdoor spaces, the policy requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings (and an extra 1sqm for each additional occupant). Additional private or shared outdoor space (roof areas, podiums and courtyards) is encouraged.

6.2.23 Local Plan Policy 4c 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.

6.2.24 The proposed development includes a private balcony for all of the units. The Accommodation Schedule submitted confirms that all balconies would either meet or exceed the minimum size requirements for private outdoor space set out in the London Plan.

6.2.25 In addition to that, a variety of communal outdoor amenity spaces are proposed including the podium level gardens of Blocks B/C and D/E, as well as a generous area of public realm proposed at the centre of the site as a shared space with public access. The development would also facilitate the upgrade to the existing area outside of the application boundary - a 'Pocket Park'. The provision of additional external amenity space with a southerly aspect on Level 4 of Block E is welcomed. The size of this additional amenity space is relatively small in relation to the number of residents it could serve but nevertheless represents a positive move.

6.2.26 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

Supporting text at para 5.4.5 states that formal play provision should normally be made on-site.

6.2.27 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.

6.2.28 The landscape report produced by Farrer Huxley provides analysis for Penge and its immediate surroundings and shows that whilst there is a range of play space provision within 1km of the site, including Penge Recreation Ground, Alexandra Recreation Ground and Royston Field, within 500m there is a shortfall of provision for play for children up to 11 years old.

6.2.29 Based on the proposed housing mix and tenure, and the site's PTAL level, the estimated child yield of this proposal would be 88 children. This gives rise to a total child play space requirement of 880sqm, of which approximately 433sqm should be allocated to an onsite doorstep play to cater for under 5s.

6.2.30 The proposed development provides 1,550sqm of landscape and routes, including 750sqm of informal play and 550sqm of dedicated equipped/family play. There would be range of different opportunities for dedicated doorstep play for younger children under 5 in the podium gardens and the pocket park, including formal and informal play features. Each podium garden would have an active centre with equipment set in a generous sand play area. The pocket park would introduce trim trails, see saws and sculptural equipment providing opportunities for balancing, jumping and climbing alongside informal play on the way. Youth play for ages 12+ would include spaces to congregate, socialise and participate in informal recreation or physical activity such as wifi points, interactive features, table tennis tables and swings.

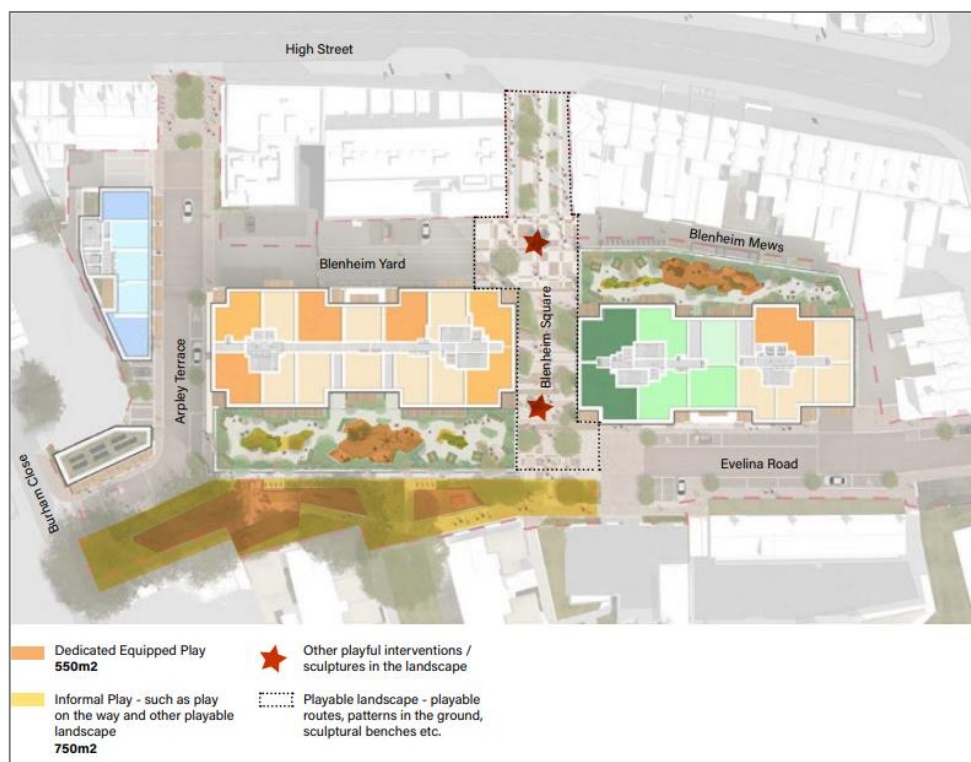


Fig. 6.2 Play Space Provision.

6.2.31 Blenheim Square would provide opportunities for incidental and informal play for all ages, which would link to the overall art and wayfinding strategy for the square with playable landscape, patterning and sculptural elements to explore. Two areas have been indicated for 'playful interventions', interactive art and sculptures. Although no specific detail has been provided, officers are satisfied that the proposal is able to deliver a play space provision of sufficient capacity to ensure that children living in the development would be adequately catered for. Further details of play equipment and its maintenance would need to be secured in any consent through planning condition to ensure it would be genuinely playable and of good quality.

Noise and Vibration - Acceptable

6.2.32 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.

6.2.33 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.

6.2.34 A Noise Assessment prepared by Acoustic and Engineering Consultants Ltd in support of the application advises that there are five main noise sources in the area are traffic on the surrounding roads, the building services plant associated with surrounding commercial units which front on to High Street and Croydon Road, respectively; commercial refuse collection activities, activities associated with Royal Mail Anerley Delivery Office which is open 24 hours a day during the week, and The Pawleyne Arms Public House, which has a small external seating area to the rear and a license to play amplified music. Units with external plant facing the site include a McDonalds, KFC and Pizza Hut.

6.2.35 The report details the baseline noise levels measured at the development site, presents the assessment criteria and discusses the implications on the building design, to achieve acceptable internal noise levels as required by the Local Authority. The report concludes that appropriate acoustic measures can be implemented into the design of the proposed development to achieve appropriate acoustic standards as outlined in the assessment. The Council Environmental Health were consulted and considered the proposed noise mitigation measures outlined in the NIA as acceptable. It is noted, however, that one of the suggested measures require mitigation to the KFC plant, which falls outside of the site boundary and applicant's control. The NIA report advises that if mitigation measures are not provided to the KFC plant, the habitable rooms on the north-eastern elevation of Block B/C would need to be provided with mechanical cooling to prevent the need to open a window to control overheating as the external noise levels on elevation at night would be above the allowable external noise level limit and therefore, alternative means to control overheating would need to be provided to all bedrooms in the scheme.

6.2.36 Whilst officers acknowledge the principle of Agent of Change, the location of the site within the town centre location which is a 24h environment is acknowledged and officers consider it reasonable to expect the future residents of the proposed scheme to appreciate the general activity levels and noise to be higher than in other suburban areas. Considerations in relation to the acceptability of potential use of active cooling are included in paragraph 6.9.13 of this report.

Fire Safety

6.2.37 Policy D12 of the London Plan requires a fire safety statement should be submitted which has been prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

6.2.38 Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users. In all developments, where lifts are installed, as a minimum, at least one lift per core (or more subject to capacity assessments)

should be suitably sized fire evacuation life suitable to be used to evacuate people who require level access from the buildings.

6.2.39 Paragraph 3.1.5 of the Housing Design Standards LP states that Fire safety requirements for a second staircase in taller buildings should be incorporated into the layout of the ground and upper floors and accounted for in the overall form of the building. Second staircases should be successfully integrated with the design of the building to ensure the development meets the housing design standards and the affordable housing requirements in the London Plan.

6.2.40 If approved, the development would also be required to meet the Building Regulations in force at the time of its construction – by way of approval from a relevant Building Control Body. As part of the planning application process the Health and Safety Executive (HSE) and London Fire Brigade (LFB) were consulted and their respective comments are reported in the consultation section of this report.

6.2.41 The latest revisions to the scheme were undertaken in response to the change in fire safety regulations. The proposal has been revised to accommodate a second staircase in Blocks C and D and consequently the cores of Buildings B/C and D/E have been adjusted. Block A measures 17.7m in height from L00 to L05 (six storeys), therefore a second stair is not required in accordance with the design guidance BS 9991.

6.2.42 The application is supported by a Fire Safety Statement prepared by Design Fire Consultants Ltd which confirms that there are sufficient passive and active design measures incorporated within the proposed scheme, along with suitable emergency procedures in place to protect person and property should a fire occur. 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 4.4 of this report), however, HSE has identified some matters that the applicant should try to address, in advance of later regulatory stages. At the time of writing, no response has been received from the LFB and Members will be updated verbally at the meeting.

6.2.43 It is considered that any outstanding matters 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.

Secured by Design - Acceptable

6.2.44 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).

6.2.45 It is considered the proposed scheme would generate significantly greater pedestrian footfall and would provide opportunities to reduce crime and anti-social behaviour with greater natural surveillance. However, as the increased permeability of the site would increase the amount of potential escape routes in the event of a crime, it is suggested to restrict out of hours pedestrian access and movement through the rear of Blocks B/C and D/E to secure the rear of the High Street properties.

6.2.46 The design out crime officer was consulted during the course of the application and visited the site. No objection was raised, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

6.4 Urban Design

- 6.4.1 Paragraph 131 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 6.4.2 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 HC3 of the London Plan requires boroughs to identify and include all designated views in their Local Plans, which should also contain local views. Policy HC4 provides a framework for assessing proposals that are sited in the foreground, middle ground and background of designated views and protected vistas. Development proposals should not harm, and should seek to make a positive contribution to, the characteristics and composition of Strategic Views and their landmark elements.
- 6.4.5 Policy 37 of the Bromley Local Plan requires all development to contribute positively to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.
- 6.4.6 Local Plan Policy 47 relates to tall and large buildings, which are defined as "those that exceed the general height of their surroundings and cause a significant change to the skyline". Local Plan Policy 48 states that the Council will require developments which may impact on the skyline to demonstrate how they will protect or enhance the quality of the views, vistas, gaps and skyline of views of local importance. This includes the view from Crystal Palace Park of Bromley, Beckenham and West Wickham.

Optimising development capacity - Acceptable

- 6.4.7 Whilst the London Plan does not contain prescribed density thresholds, it does advocate optimisation of sites at sustainable densities. Whilst the NPPF does not advocate optimisation of sites with significant uplifts in the average density of residential development if the resulting built form would be wholly out of character with the existing area, officers have regard to Paragraph 129 of the Framework which advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and that developments make optimal use of the potential of each site. Paragraph 124(d) further advises that planning policies and decisions should also promote and support the development of under-utilised land and buildings and cites car parks as such land.
- 6.4.8 Penge being a District Town Centre would fall within the urban classification with a PTAL rating of 4/5. The site measures 1.02ha and the consequently the proposed scheme would

achieve a density of 225 units per hectare or 603 habitable rooms per hectare. It is considered that the proposed quantum of development on site and the resulting density are generally considered acceptable. Detailed assessment of the townscape and amenity impacts are assessed in the subsequent sections of this report.

Layout - Acceptable

- 6.4.9 The opportunity to replace Blenheim Shopping Centre – an ageing building of poor quality and redevelop the site to provide new homes, an improved commercial offer, and new public realm/amenity space is welcomed. It is important that any new development makes a positive contribution to the High Street setting and has an appropriate relationship with neighbouring buildings and the wider surrounding context.
- 6.4.10 The site layout informed by the historic street structure and urban grain to create a series of legible routes and connections is supported by officers. The characteristics of the site suit a linear layout. The creation of a new east-west pedestrian link and clearly defined public realm spaces each with their own character and purpose including Blenheim Square, Arpley Terrace, and a new linear pocket park have the potential to transform and humanise the existing austere and car dominated environment.
- 6.4.11 The proposal would enable the smaller commercial unit to activate, and benefit from, greater pedestrian footfall generated by the east-west link and Blenheim Square – compensating for the lack of direct visual presence on the High Street. The latest reconfiguration of the ground floor of Block B/C and Block D/E creates more efficient commercial spaces fronting Blenheim Square.
- 6.4.12 The proposed changes to the ground floor plan of Block D/E to further activate the western edge (fronting Evelina Road) with the introduction of a residents co-work space with additional glazing along with the provision of ‘feature wall’ panels for potential public art installations to create a more engaging and appealing street level environment are welcomed. The proposals represent a notable improvement to what was previously a predominantly blank inactive frontage.
- 6.4.13 Officers are also supportive of the introduction of maisonettes fronting the pocket park animating the space and activating the western edge.
- 6.4.14 The proposed gated enclosure of the service yard to the rear of Coleman House and the treatment (and management) of the existing loading area(s) would be key to resolving the inherent conflict between the functional servicing (vehicle) requirements of the site and the new public realm (pedestrian) spaces being created. An effective servicing strategy would therefore be fundamental to the placemaking aspirations of the scheme, as the success of the new public realm would be dependent upon the management of the service yard area and the high volume of motorcycle couriers which would continue to access/egress the site and potentially compromising the function and feel of the public realm spaces/character areas being created.
- 6.4.15 Further to the above, as several key spaces fall outside of the applicant’s ownership including Empire Square, Arpley Square, and the existing amenity green to the west, appropriate planning mechanisms would need to be put in place to deliver the full extent of the masterplan as proposed and to secure the future maintenance.

Height, Scale and Massing - Unacceptable (Marginally)

- 6.4.16 In accordance with London Plan and Local Plan requirements, tall buildings should be part of a plan-led approach and require a strong townscape justification. Building height and massing should be appropriate both in terms of the relationship with neighbouring buildings

(immediate context) and the relationship with the wider context (townscape/skyline). The site has not been identified as an appropriate site for a tall building in the Local Plan and forms part of a low-rise local District Centre.

6.4.17 The proposed development represents a significant step change in scale from the existing low-rise surrounding context and would have a considerable impact on the wider townscape in terms of views and visual prominence. Whilst it is accepted that the site can potentially accommodate a single taller element as a visual marker for the District Centre, throughout the application process officers have maintained their opinion that further reductions in height across the scheme should be considered. The views from the west (looking east) are also of particular importance in demonstrating the extent of the proposed step change in scale across the scheme as a whole. View 23 of the Heritage and Townscape Views Impact Assessment Addendum by Townscape Consultancy submitted in support of the revised application illustrates the importance of minimising the actual and perceived step change in scale, bulk and mass.



Fig. 6.4.1 View 23 - Amended Proposed Development: footpath southwest of site (HTVIA Addendum).

Block A

6.4.18 Block A remains at 6 storeys. Both the GLA Design Officers and the Design Review Panel advised that the building would benefit from a further reduction in height, by another storey in order to respond better to low-rise neighbouring buildings.

6.4.19 As part of post-submission negotiations, the applicant presented to officers in September 2023 an iteration of the proposal with a reduction in the height of Block A to 5 storeys. Officers have confirmed that the proposed height reduction was welcomed. It is therefore disappointing to see this amendment has been removed from the revised plans submitted. It is noted that the proposed mezzanine has been removed from Block A reducing the maximum measured height from 24m to 22.5m whilst still providing 5 storeys of residential accommodation above ground floor commercial space. However, it is likely that the block would still 'read' as a 6-storey building at street level.

Block B

6.4.20 The proposed reduction in the height of Block B to part 8/part 9 storeys (from 9 storeys) is welcomed. However, similar to Block A above, the extent to which the 9th floor setback element shown to officers in September 2023 was much greater than that which is currently proposed in the revised plans. As previously advised, a maximum height of 8 storeys for Block B is considered to sit more comfortably as a backdrop to the smaller scale High Street datum.

6.4.21 The HTVIA Addendum View 18 illustrates how the visual impact of the 9th floor setback element would not be too dissimilar to the full storey initially proposed – due to the minimal extent of the setback. As a result, the extent to which the revised scale/height of Block B would be ‘read’ at street level and/or result in a reduced townscape impact is considered to be minimal – this is evident when comparing the previously submitted and revised elevations and HTVIA Addendum views (Fig.6.4.2 below).

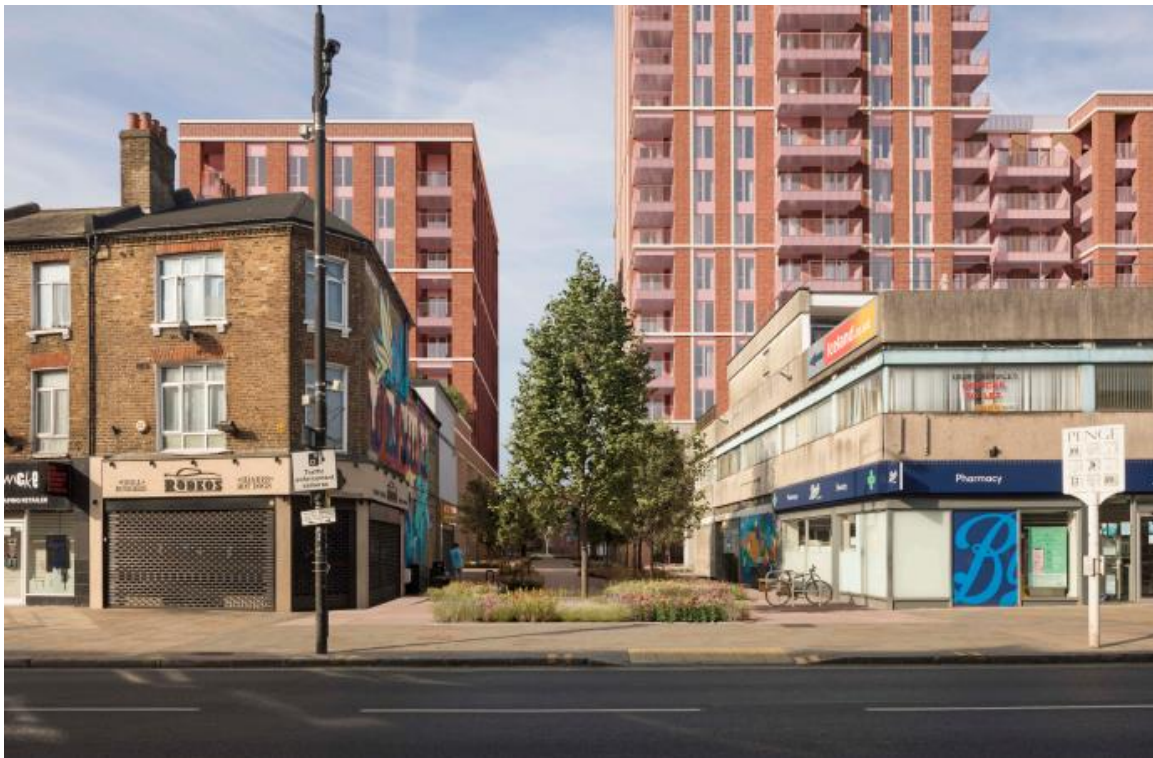




Fig. 6.4.2 View 18 - As Submitted and Amended Proposed Development: High Street, looking west (HTVIA Addendum).

6.4.22 The proposed use of coloured metal cladding for the treatment of the 9th floor 'setback' on Block B to 'lessen its visual prominence' (Fig. 6.4.3) is questionable. Given the minimal setback provided, it is considered that the use of a different material may have the opposite effect to that which is intended – i.e. increasing the visual prominence and drawing attention to the top floor element of the building (Fig. 6.4.2 and Fig 6.4.3).





Fig. 6.4.3 Previous and amended Massing (Planning Addendum Report).

Block C

6.4.23 The reduction in the height of Block C from 18 storeys to 16 storeys is welcomed and considered to be a more acceptable maximum height for a single taller element providing a visual marker for the District Centre.

Blocks D/E

6.4.24 The reduction in the height of Block D from 9 storeys to 8 storeys is welcomed as is the reduction in the height of Block E by one (part) storey.

6.4.25 Overall, the revised building heights, scale and massing represents an improvement on the scheme initially submitted. However, the height reductions are relatively minor and would not significantly reduce their townscape impact. As such, officers feel that the amendments made do not fully mitigate for the visual impact of the proposal on the wider townscape and the immediate low-rise suburban context. The prominence and visual impact of the proposed buildings in this setting would remain significant.

Architecture - Acceptable

6.4.26 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.

6.4.27 The proposed changes to the material palette retaining a buff brick podium base and introducing a lighter stock brick for Block C and a darker red brick for Blocks A, B, D and E are welcomed. The decision to differentiate the tallest element with a contrasting brick tone whilst still retaining the 'rule of 3' across the scheme is considered to be the right approach. This would avoid the perception of a singular unbroken red 'wall of development' and enable the blocks to read individually whilst forming part of a cohesive whole.

6.4.28 The revised colour of the tallest element (Block C), in particular, makes it appear more recessive and less visually imposing. The removal of the solid infills at the top of the block to create a more refined open crown is welcomed as it would further reduce its visual impact and help to establish a stronger sense of identity within the wider townscape skyline. However, the proposed use of coloured metal cladding for the treatment of the 9th floor

'setback' on Block B to 'lessen its visual prominence' is questionable, as already highlighted above.

6.4.29 Full details of the proposed materials and finishes are required by condition. It is also considered appropriate that a retention of original architect clause is included within a S106 Agreement in order to maintain the quality and integrity of design through the delivery phase.

Tall Building Impacts - Acceptable

6.4.30 The applicant has also provided in Appendix 1 of the Planning Statement an assessment of the proposed development against the criteria of Policy D9 which sets out specific criteria to assess the acceptability of tall buildings, including their visual, functional, environmental and cumulative impacts. From a technical perspective, the proposed development would not interfere with aviation, navigation or telecommunication and the utilities and services of adjoining buildings as outlined in the construction management plan. Air quality, noise and vibration impacts are considered in the appropriate sections of this report. With the identified mitigation, the proposed development is also expected to have a suitable and safe wind microclimate for the intended use at all areas. This is further analysed below. It is also accepted that there are no other emerging developments in the vicinity of the site which would warrant inclusion of cumulative assessments.

Wind Microclimate Assessment

6.4.32 The Pedestrian Level Wind Microclimate Assessment conducted by RWDI confirms that conditions would be windier as a result of the proposed development when compared to the existing site condition. Wind conditions would range from suitable for sitting to walking use for all uses during the windiest season. During the summer season, wind conditions would range from suitable for sitting to strolling use at ground and terrace level. Although the majority of wind conditions would be suitable for the intended use, several locations, including isolated areas of Blenheim Square, commercial entrances to Block A and Block D, the seating areas at the Building B/C Level 2 terrace and the south-west balconies at Building A required mitigation measures to achieve a suitable wind environment.

6.4.33 Following the findings of the report, mitigation measures were subsequently developed and incorporated into the design of revised proposals submitted. These included changes to the ground level landscaping with additional planted hedging and trees, the relocation of seating and a revised proposed balustrade design for balconies on the south-west corner of Block A. RWDI have undertaken a qualitative review of the likely wind microclimate impacts of the adjustments to the design of the proposal. Their Statement of Conformity dated 1st December 2023 concludes that with the proposed mitigation strategy in situ all wind conditions would be safe and suitable for the intended use and proposed development and that no further wind mitigation measures would be required. It also confirms that the additional emergency exits and additional amenity terrace in Block E would be expected to have suitable wind conditions for the intended use.

6.5 Heritage

6.5.1 The existing shopping centre building is not listed, and its heritage value is limited. The small portion of the site that falls within the boundaries of the designated Penge High Street Conservation Area conservation area is Arpley Square. None of the proposed buildings would be within the conservation area. The immediate surrounding area contains a number of designated and non-designated heritage assets. The application site is located within a Tier IV Archaeological Priority Area.

Impact on the Heritage Assets - Unacceptable

- 6.5.2 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) impose a statutory duty on planning authorities to consider the impact of proposals upon listed buildings and their settings. Section 72 of the Act requires local authorities to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.5.3 Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes clear at Paragraph 205 that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm or loss should require clear and convincing justification and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 208). Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. The NPPG notes that in general terms, substantial harm is a high test and may not arise in many cases.
- 6.5.4 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.
- 6.5.5 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.
- 6.5.6 The application is supported by the Heritage and Townscape Visual Impact Assessment (HTVIA) by the Townscape Consultancy and its subsequent addendum – HTVIA Addendum (November 2023) which consider 24 views of the proposal. The assessment identifies that the setting of the following heritage assets could be impacted by development:

Listed Buildings:

The Church of St John the Evangelist High Street (Grade II)
The Royal Naval Asylum, St Johns Road (Grade II)
The Royal Watermen's and Lightermen's Asylum (46 Almshouses), High Street (Grade II)
50 High Street (Grade II)
The White House, High Street (Grade II)
Penge War Memorial, High Street (Grade II)
The Cattle Trough, Green Lane (Grade II)
The Congregational Church, High Street (Grade II)
Penge Holy Trinity War Memorial, Holy Trinity Church (Grade II)
Penge East Railway Station, Station Road (Grade II)

Registered Parks and Gardens of Special Historic Interest:

Crystal Palace Park (Grade II*)

Conservation Areas:

Penge High Street

Alexandra Cottage (Parish Lane)
Barnmead Road, Beckenham
Aldersmead Road, Beckenham
Cator Road, Sydenham
Crystal Palace Park

Locally Listed Buildings:

St Johns Cottages
Former Police Station (175 High Street)

- 6.5.7 The HTVIA reaches the conclusion that the proposed development would enhance the character, appearance and setting of the Penge High Street Conservation Area and there would be no harm caused to the significance of any heritage assets in the surrounding area. Despite this conclusion, both Historic England (HE) and the Council's Conservation Officer objected to the application on the grounds of harm to a range of designated heritage assets. The level of harm using the NPPF definition was considered to be less than substantial.
- 6.5.8 In their original comments, HE considered that the HTVIA reveals that harm from the proposal would result principally due to the incongruous scale of proposed 18-storey tall building within the low-rise suburban surroundings. The proposals would be visible across a wide area including the Penge High Street Conservation Area, Watermen's Square, the Alexandra Cottages Conservation Area and Barnmead Road, and would cause harm to their significance. Additionally, HE's own assessment using 3D modelling identified some likely harm to the setting of the Grade II St John's Church from St John's Road, and the Aldersmead Road Conservation Area from Cator Park. The harm to the Alexandra Cottages Conservation Area was found to be particularly regrettable due to the rarity of this type of planned 'improved' housing within a suburban London context. However, this harm also related to nationally significant sites, the most affected being the Grade II listed Royal Watermen's and Lightermen's Almshouses.
- 6.5.9 Based on the updated visual assessment which presented alongside visuals of the original scheme (Heritage and Townscape and Visual Impact Assessment Addendum) Historic England and the Council's Conservation Officer confirmed that the visual impact of the revised tall building in the views previously identified would be slightly less than the original scheme due its lower height. The rendered views also suggest that the buff brickwork tones would slightly soften the impact when compared with the original scheme. Consequently, the harm to the heritage assets previously identified is considered to be slightly reduced.
- 6.5.10 Although no additional assessment on the impact on Grade II St John's Church from St John's Road and the Aldersmead Road Conservation Area from Cator Park has been provided in the amended submission, HE advised that it is likely that the harm to these heritage assets has also been slightly reduced through the lower height of the proposed tall building. Amended corresponding views from/to the Penge High Street Conservation Area (Fig. 6.5.1), Watermen's Square (Fig. 6.5.2 and Fig. 6.5.3), the Alexandra Cottages Conservation Area (Fig. 6.5.4) and Barnmead Road (Fig. 6.5.5) are provided below.



Fig.6.5.1 View 2 - Amended Proposed Development: High Street, adjacent to Watermen's Square (Penge High Street Conservation Area), looking south-east (HTVIA Addendum).



Fig. 6.5.2 View 3a - Amended Proposed Development: Watermen's Square (Penge High Street Conservation Area), looking south-east (HTVIA Addendum).



Fig.6.5.3 View 3b - Amended Proposed Development: Watermen's Square (Penge High Street Conservation Area), looking south-east (HTVIA Addendum).



Fig. 6.5.4 View 4 - Amended Proposed Development: Albert Road (Alexandra Cottages Conservation Area), looking south-west (HTVIA Addendum).



Fig. 6.5.5 View 4 - Amended Proposed Development: Albert Road (Alexandra Cottages Conservation Area), looking south-west (HTVIA Addendum).

6.5.11 Notwithstanding the above, in the view of Historic England this remains a tall building development which, due to its overall scale and massing, would have harmful impact on a wide range of designated heritage assets in the area as previously set out. Due to the harm identified, and the lack of local policy support for the development of a tall building in this location as previously set out, HE remain unable to support this application (full comments from HE in section 4 of this report).

6.5.12 Although not statutory, objections to the proposal were received from the Victorian Society and the Advisory Panel for Conservation Area (see section 4 of this report).

6.2.13 The harm identified is weighed against the public benefits of the proposal in the conclusions section of this report.

Archaeology - Acceptable

6.5.14 The application site is located within a Tier IV Archaeological Priority Area.

6.5.15 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.

6.5.16 A desk top assessment undertaken by Prospect Archaeology concludes that the potential for any archaeological activity to exist within the site is generally low and where there is a medium potential, the significance of the archaeological resource is assessed as no more than on local level. Prospect Archaeology recommended that any geotechnical test pits should be monitored to allow an assessment of the potential for archaeological survival outside the footprint of the existing buildings.

6.5.17 The assessment submitted was reviewed by Historic England (Archaeology) Team who confirmed that the development could cause harm to archaeological remains and field

evaluation is needed to determine appropriate mitigation although the NPPF envisages evaluation being undertaken prior to determination, in this case given the nature of the development, the archaeological interest and/or practical constraints are such that a two-stage archaeology condition could provide an acceptable safeguard. This would comprise firstly evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. A suggested pre-commencement condition is recommended to this effect.

6.6 Impact on Residential Amenity

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.

Daylight, Sunlight and Overshadowing - Acceptable

6.6.2 The application is supported by a technical report by GIA which comprises an assessment of daylight, and sunlight impact on neighbouring properties. A daylight/sunlight analysis was undertaken of the surrounding residential buildings using the Vertical Sky Component (VSC), No Sky Line (NSL) and Annual Probable Sunlight Hours (APSH) tests².

6.6.3 A significant level of objections has been received as acknowledged in section 3 of this report regarding the potential sunlight, daylight and overshadowing impacts. Given the number of the objections received on these grounds, the GIA November 2022 report has been subject to a third-party review by Avison Young (referred to as the Avison Young review) on behalf of Bromley Council, dated June 2023.

6.6.4 Changes in daylight and sunlight occur to the following 18 out of 69 properties relevant for assessment. The impacts are fully discussed in the following paragraphs:

- 126-128 High Street
- Colman House
- John Baird House
- 2, 4 and 8 Croydon Road
- 132-138 High Street (Evens)
- 144 and 146 High Street
- 1-11 Strood House
- 1-11 Greatstone House
- 137-141 High Street (Odds)
- 153-155 High Street
- 5 Burham Close
- 10 Pawleyne Close

² The Vertical Sky Component (VSC) quantifies the amount of available daylight, received at a particular habitable window. The maximum VSC value for a completely unobstructed vertical window pane is 40%. In order to maintain good levels of daylight the BRE guidance recommends that the VSC of a window should be 27%. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, then the occupants of the existing building will notice the reduction in the amount of skylight. The No Sky Line (NSL) measures internal Daylight Distribution, i.e. identifies those areas within the room where there is direct sky visibility. Annual Probable Sunlight Hours (APSH) method is based on the long-term average of the total number of hours during the year with direct sunlight exposure. The default recommendation is 25% APSH, of which 5% should be in winter months. Where existing windows do not face within 90° of due south, as set out in the BRE guidance these do not need to be assessed.

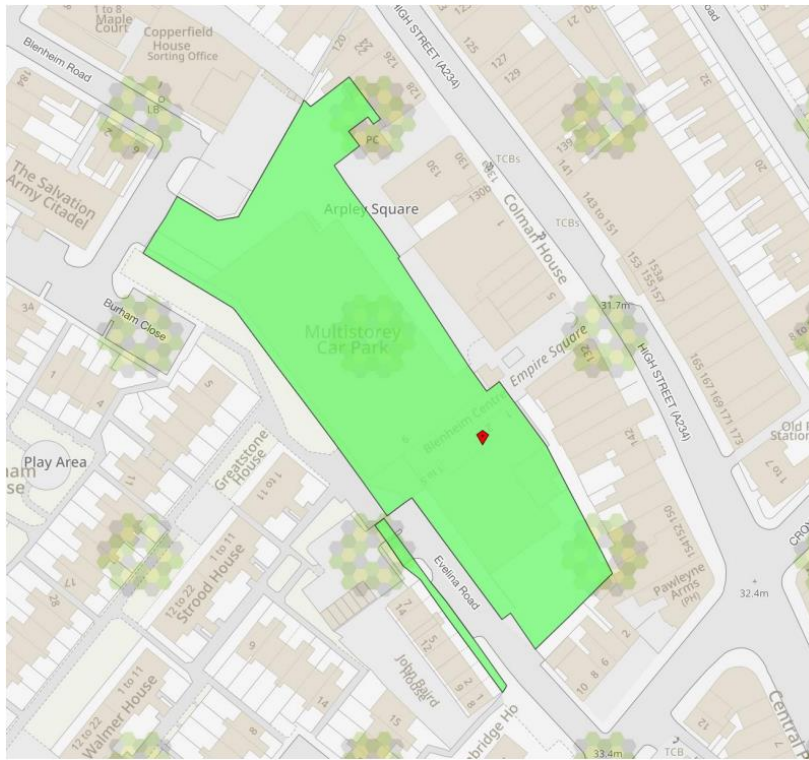


Fig. 6.6.1 Proposed Development and the Surrounding Neighbouring Properties (Daylight and Sunlight Impact on Neighbouring Properties Report).

Daylight

6.6.5 The Avison Young review confirmed that in terms of the VSC majority (i.e. 335 of 515 windows assessed or 65%) would record unnoticeable VSC differences post-development or retain in excess of the default BRE Guidelines recommendations. In general terms this may be considered a relatively good level of adherence with the default BRE Guidelines when taking into account the context and proximity of existing neighbours.

- 62 windows (12% of the total assessed) record between 20% and 30% difference, which the BRE considers may be noticeable. These may be best understood as a minor adverse impact;
- 27 windows (5% of the total assessed) record between 30% and 40% VSC difference, which the BRE considers noticeable. These may be best understood as a moderate adverse impact;
- 91 windows (18% of the total assessed) record over 40% difference, with the greatest difference being up to 100%. These are best understood as major adverse impacts. These major adverse VSC effects would be mainly recorded at Colman House, John Baird House, 2-8 Croydon Road, 126-128, 132-138 and 144/146 High Street.

6.6.6 The review sets out that the majority (i.e. 268 of 352 rooms assessed or 76%) would record unnoticeable NSL differences post-development or retain in excess of the default BRE Guidelines NSL recommendation. In general terms this may be considered a good level of adherence with the default BRE Guidelines when taking into account the context and proximity of existing neighbours.

- 24 rooms (7% of the total assessed) record between 20% and 30% difference, which the BRE considers may be noticeable. These may be best understood as a minor adverse impact;
- 15 rooms (4% of the total assessed) record between 30% and 40% VSC difference, which the BRE considers noticeable. These may be best understood as a moderate adverse impact;

- 44 rooms (13% of the total assessed) record over 40% difference, with the greatest difference being up to 72%. These are best understood as major adverse impacts. These major adverse NSL effects would be mainly recorded at Colman House, John Baird House, 2-8 Croydon Road, 126-128, 132-138 and 146 High Street.

126 – 128 High Street

- 6.6.7 The property is located to the northeast and is directly adjacent to the site. In terms of both daylight and sunlight impact, the changes would represent a major adverse effect (with up to 100% losses) and demonstrate low retained values. This is due to a combination of the proximity to the proposed development site, lack of any meaningful obstructions in the existing scenario and presence of self-limiting projecting walkways and overhangs. The Avison Young review advises that the affected rooms would be mainly non-habitable, or bedrooms. These rooms are either predominantly night-time use or used for short periods and on this basis these room types have a lowered requirement for natural illumination and therefore these affects may be considered to have less impact to the overall amenity of the dwelling. Therefore, a balanced judgement should be undertaken of the entire dwelling when determining acceptability. In this instance, the main living areas, where access to natural light is typically most important, are unaffected given they face towards the High Street.
- 6.6.8 When also considering the impact to the daylight of the rooms, it is also important to take into consideration the existing condition with overhanging walkways. When reviewing the 'Without Obstruction' assessment, there is marked improvement to the retained daylight and sunlight levels of these rear facing windows.

Colman House

- 6.6.9 This property is located to the northeast and is directly adjacent to the site. Each living room would achieve the default sunlight values recommended by BRE. In terms of daylight, the changes would represent major adverse effects, including some 100% VSC losses. The affected windows serve five living rooms or living kitchen diners, in each case due to the open plan nature of these rooms, there are additional windows allowing light to these rooms facing onto the High Street and therefore away from the site. The NSL results for the affected living areas take into account all windows serving them, as such the results are all fully adherent with the default BRE guidelines recommendations. Noticeable NSL changes would be observed in respect of the remaining affected windows which serve bedrooms and non-habitable kitchens. Most of these windows have low existing levels of light due to a substantial overhanging roof located above the windows. As these rooms are either predominantly night-time use or used for short periods and have a lowered requirement for daylight, a balanced judgement should be undertaken of the entire dwelling when determining overall acceptability.
- 6.6.10 It was considered in the Avison Young review that to better understand the daylight levels in the affected living rooms, a Climate Based Daylight Modelling assessment (CBDMM) should be undertaken.
- 6.6.11 The results of the CBDMM analysis provided in the updated GIA report demonstrates that, in both methods of assessment (the Illuminance and the Daylight Factor), with the proposed scheme in place, the living rooms would exceed the target values for a living room (i.e 150 lux and 1.1% DF - 1.4% DF). The CBDMM assessment therefore confirms that whilst there would be impacts in numerical values, the daylight levels in the main habitable spaces of the Colman House (living rooms) would not be affected by the scheme also given that the main windows serving these rooms face away from the site.

John Baird House

6.6.12 This property is located to the south-west of the site, comprising duplex apartments. The potentially affected windows are northly facing and therefore do not require sunlight assessment, as set out in the BRE guidance. In terms of daylight impact, the changes would represent negligible to major adverse effects, however, the Avison Young review generally confirms limited effect to the potentially affected areas of the property, on the basis of retained values being acceptable for a dense urban context and the self-limiting design of the property (located opposite the open part of the existing site and affected by the tallest elements of the proposed development).

2, 4 and 8 Croydon Road

6.6.13 This property is located to the north-east of the site. The potentially affected windows would either achieve the default BRE guidance for sunlight (No. 2 Croydon Road) or are northly facing and therefore do not require sunlight assessment. In terms of daylight impact, the changes would represent minor to major adverse effects, due to some windows having low baseline VSC (whereby even small absolute changes of VSC can be expressed as potentially misleading high percentage differences) which indicates disproportionate reliance on light from the direction of the application site with the actual/ absolute loss being small. The Avison Young review confirms limited effect to the potentially affected areas of these properties, on the basis of retained values being acceptable for a dense urban environment or the self-obstructing location/ design of the properties.

132-138, 144 and 146 High Street

6.6.14 These properties are located to the north-east of the site. The potentially affected windows would achieve the default BRE guidance for sunlight or would retain good values for a dense urban environment (No. 136 High Street). In terms of daylight, the changes would represent moderate to major adverse effects, however, the Avison Young review confirms limited effect to the potentially affected areas of these properties, on the basis of retained values being good or reasonable for a dense urban context.

1-11 Strood House

6.6.15 This property is located to the south-west of 1-11 Greatstone House and most of its windows appear to be facing away from the site. The sunlight assessment showed limited effect, with all windows achieving the default BRE sunlight recommendation. In terms of daylight impact, the changes would represent a minor adverse effect. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being good for a dense urban context.

1-11 Greatstone House

6.6.16 This property is located to the southwest of the site. The sunlight assessment showed limited effect, with good annual sunlight values retained throughout. In terms of daylight impact, a small number of windows would experience a loss greater than 20% and retain VSC values ranging from low double to mid-teens (minor adverse impact). The Avison Young review advises limited effect to the potentially affected areas of the property, on the basis of retained values being acceptable for a dense a dense urban environment. It appears that the main windows face away from the proposed development and therefore unaffected.

137-141 High Street

6.6.17 These properties are located to the north-east of the site. The potentially affected windows would retain sunlight values in excess of the default BRE guidance. In terms of daylight

impact, the changes would represent minor to moderate adverse effects. The Avison Young review generally confirms limited effect to the potentially affected areas of these properties, on the basis of retained values being very good for a dense urban context.

153-155 High Street

6.6.18 This property is located to the north-east of the site. The potentially affected windows would retain sunlight values in excess of the default BRE guidance. In terms of daylight impact, the changes would represent negligible to minor adverse effects, with one room considered to experience major adverse effect in terms of the NSL. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being very good for a dense urban environment.

5 Burham Close

6.6.19 This property is located to the south-west of the site. The potentially affected windows would retain sunlight values in excess of the default BRE guidance. In terms of daylight impact, the changes would represent minor to moderate adverse effects. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being good for a dense urban environment.

10 Pawleyne Close

6.6.20 This property is located to the south of 1-11 Strood House. The potentially affected windows are northly facing and therefore do not require sunlight assessment, as set out in the BRE guidance. In terms of daylight impact, the changes would represent negligible to minor adverse effects. The Avison Young review confirms limited effect to the potentially affected areas of the property, on the basis of retained values being good for a dense urban environment.

Sunlight

6.6.21 The review confirms that the majority (i.e. 304 of 359 windows assessed or 85%) would record unnoticeable differences post-development or retain in excess of the default BRE Guidelines ASPH recommendation. In general terms this may be considered a good level of adherence with the default BRE Guidelines when taking into account the context and proximity of existing neighbours. The remaining 55 windows would record losses of up to 100% in places.

Overshadowing

6.6.22 The inherent site orientation and degree of overshadowing are outside the control of the designer and the BRE guidelines accept that it is not always feasible to have all living areas facing south, especially in denser development when seeking to make most efficient use of the available site area. The neighbouring amenity spaces have been assessed by means of a Sun Hours on Ground test, as recommended by the BRE. The result of this assessment demonstrates that all areas would comfortably exceed the BRE default recommendations achieving at least two hours of sunlight to well in excess of 50% of their areas on the equinox (21st March).

Summary

6.6.23 The application site context is dense/ urban with several self-obstructed neighbours (projecting walkways and overhangs) in close proximity. The existing site has several areas in use as surface car parking meaning it features no significant buildings and massing. This

is confirmed by some baseline daylight and sunlight values which are usually high and more consistent with a rural environment as opposed to a dense urban setting. As set out in the BRE guidance, in these circumstances increasing massing of the site would inevitably result in changes to baseline values, therefore a degree of flexibility needs to be applied.

6.6.24 The GLA and Planning Inspectorate have established that in a dense urban environment, VSC values in excess of 20% should be considered as reasonably 'good', and VSC values of 15%-20% should be 'acceptable'. Further to this, it is accepted that in suitable locations there should generally be a high expectation of development taking place.

6.6.25 In general conclusion, the impacts of the proposed development would be noticeable, however the inherent site factors summarised above are considered to place a potentially unfair burden on this highly accessible and brownfield site, as any meaningful intensification of the proposed development would inevitably produce the observed effects or similar. In the light of this, and on balance, the proposal is considered to be acceptable in respect of the sunlight, daylight and overshadowing impacts. s

Privacy/Outlook – Unacceptable



Fig. 6.6.2 3D Perspective View of the Proposed Scheme (Daylight and Sunlight Impact on Neighbouring Properties Report).

Blenheim Estate

Greatstone House and Burham Close

6.6.26 The resulting distance to the closest properties of Greatstone House and Burham Close would generally exceed 22m on the upper levels of the blocks and 15m within the podium. It is considered that such spatial relationship would adequately ensure that the privacy and aspect currently enjoyed by the occupiers of these properties would not be unduly compromised. Additionally, officers note that only flank elevations of Greatstone House and 5 Burham Close would directly face the tallest parts of the proposal (Block B/C). These

elevations feature limited secondary and/or non-habitable windows, and due to the orientation of the buildings would offer oblique views of the development.

John Baird House

6.6.27 The main habitable rooms of properties in this building would directly face the proposal, however Block E opposite would only extend to 6 storeys, with two top floors being recessed. A minimum distance of at least 18m would be achieved. Such spatial relationship represents a typical privacy distance recommended by the BRE guidance and is characteristic for urban locations in the borough.

High Street

132-154 High Street

6.6.28 The window-to-window distance from Block D/E to residential properties located above the commercial ground floors would range from at least 22m on the upper floors to over 16m within the podium. The resulting relationship would be comparable to many urban locations in the borough and on balance acceptable considering the staggered mass of the proposed block and heights not exceeding 8 storeys. The planted zone around the perimeter of the podium amenity space would act as an additional buffer zone that would soften the visual impact and ensure that the neighbouring buildings are not overlooked from the communal amenity space.

Colman House

6.6.29 The proposal would maintain a window-to-window separation distance of at least 21m. Such spatial relationship is typical and generally considered as adequate to ensure that the privacy and outlook would not be unduly affected. Whilst officers fully acknowledge the rear windows of this property would directly face the tallest element of the development (Block B/C) which would raise to 16 storeys, it is noted that majority of these windows serve bedrooms and non-habitable kitchens. The 5 living rooms/living kitchen dining rooms that could be affected are open plan and have additional windows facing onto the High Street and therefore directed away from the site. It is therefore considered that on balance that the degree of potential overlooking and/or sense of overbearingness would not be harmful enough to justify a refusal.

126-128 High Street

6.6.30 At 6 storeys, the relevant part of Block A, which would feature a blank recessed elevation, would be located approximately 18m away from the rear windows of No. 126 High Street. A distance to No.128 would achieve an approximate separation of 12.5m, therefore raising concerns over the potential amenity impacts. The main living areas would remain unaffected given they face towards the High Street. The rear of 126-128 High Street accommodates entrance spaces and small kitchens on the first floor, and bedrooms on the second floor. These rooms are either predominantly night-time use or used for short periods of time and on this basis have a lowered requirement for outlook. Further to this, the rear windows are restricted by an overhanging walkway at first floor and overhanging roof eaves on the second floor (Fig. 6.6.3). These obstructions serve to limit both the 'in' and 'out' views thereby affecting the outlook and privacy. On balance, the degree of potential perceived overlooking and/or sense of enclosure is not considered harmful enough to justify a refusal.

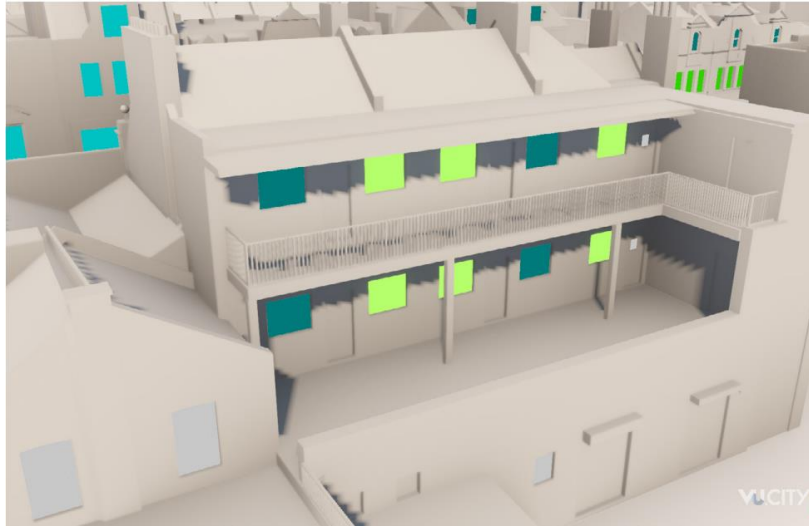


Fig. 6.6.3 The Rear Elevation of 126-128 High Street (Daylight and Sunlight Impact on Neighbouring Properties Report).

2 – 10 Croydon Road

6.6.32 The minimum separation distances of between 9m (No. 2 Croydon Road) and 12m (No. 10 Croydon Road) would fall short of the typical privacy distance recommended by the BRE guidance. It is noted that due to the distribution of height and mass in Block D/E the closest element of the proposed development would only extend to 4 storeys in height, the resulting spatial relationship would be uncomfortable and likely to materially affect the levels of privacy and outlook currently enjoyed by the occupiers of these properties.

Noise and Vibration - Acceptable

6.6.33 Given the proposed mixed-use of the site no undue noise and disturbance issues would likely to arise over and above those currently experienced by the surrounding residential properties. In order to protect the amenity of the residential properties, should planning permission be granted, appropriate conditions would be attached regulating the hours of operation and deliveries to the commercial units within the proposal. 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.

6.6.34 In an overall summary, whilst the proposal is considered to satisfactorily respond to the constraints of the site, there would be isolated instances of material impact on residential amenities currently enjoyed by the existing neighbouring occupiers, particularly in respect of outlook and privacy. Officers need to have due regard to the regeneration benefits of the scheme which are considered in the conclusions section of this report.

6.7 Transport and Highways

Sustainability of location for significant development - Acceptable

6.7.1 Paragraph 109 of the NPPF requires “Significant development” to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Policy T1 of the London Plan requires that development proposals should facilitate the delivery of the Mayor’s strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

6.7.2 Policy T2 of the London Plan also states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. In particular, Policy T2 (D) states that:

“Development proposals should:

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

6.7.3 The TfL WebCat Connectivity Assessment Tool is used to assess the connectivity of a site to public transport and determine the site’s public transport accessibility level (PTAL). The possible PTAL values range from 0 to 6, with 0 being the worst and 6 the best.

6.7.4 The majority of the site lies within the zone of public transport accessibility level of 5 with the north-western part of the site achieving a PTAL of 4. These PTALs are at the higher end of the range and are classified as ‘Very Accessible’ and ‘Accessible’ respectively.

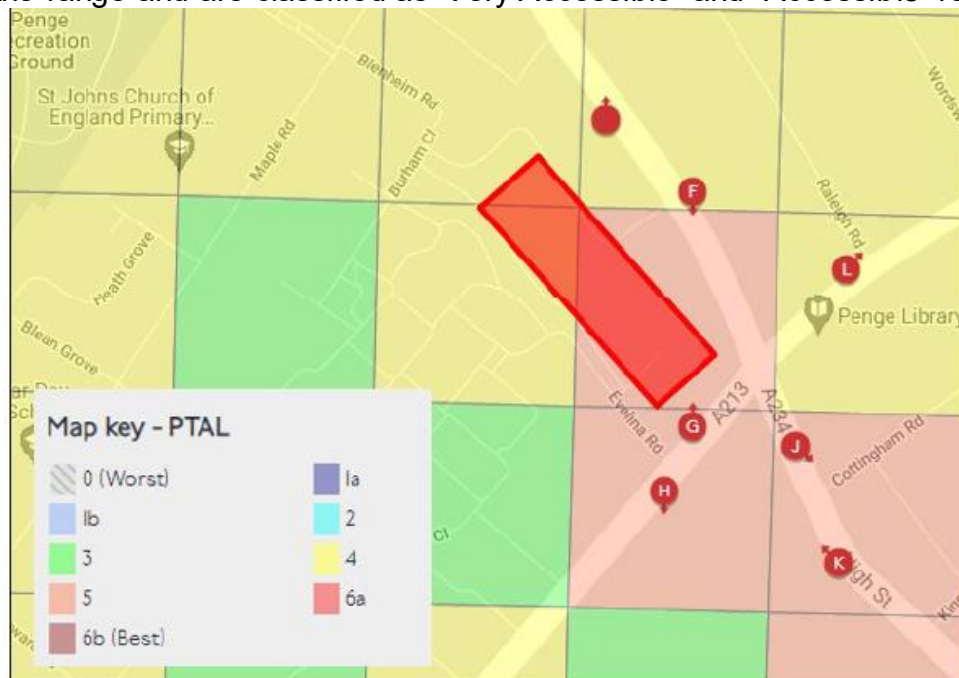


Fig 6.7.1 Map of public transport accessibility level (PTAL) of the site.

6.7.5 Kent House Station is located within 700m (an eight-minute walk) of the site and Penge West Station is within 800m (an 11-minute walk). Kent House Station is served by Southeastern with frequent services to Victoria, Bromley South and Orpington. Penge West Station is served by Southern and London Overground services, with frequent links to London Bridge, Highbury and Islington and West Croydon. Beckenham Road Station is located within 900m (a 12 minute walk of the site). The site is located within 1km of Beckenham Road Tram stop.

6.7.6 The closest bus stop to the site is stop F (High Street / Green Lane) on Penge High Street which provides a southbound service for the 176, 197 and 227 buses towards Beckenham or Norwood Junction. Bus Stop E (High Street/Maple Road) provides access to northbound to buses 176, 197, 227 and 354. Bus stops G and H (Penge / Pawleyne Arms) along Croydon Road provide a northbound and southbound service respectively towards Beckenham, Lower Sydenham or Sydenham. These bus stops are served by buses 75, 176, 197, 356, 358 and N3.

Proposed Site Vehicular Access – Acceptable

6.7.7 Two vehicle access points are proposed to serve the proposed development. An internal vehicle access road (Arpley Mews) leading into the site from Burham Close with a turning head at its north-eastern end (adjacent to Arpley Square). This access route would form a shared surface route with the footway flush with the carriageway (although a demarcated footway would be provided along both sides) and would provide access for:

- delivery/service vehicles serving Blocks A/B/C/F;
- drivers wishing to access four proposed residential accessible spaces;
- drivers accessing the podium car park;
- High Street properties which will retain vehicle access through the service yard.
- Evelina Road will be retained and will provide vehicle access for the following:
 - Delivery and servicing vehicles serving the residential and commercial uses in Block D/E within the Proposed Development.
 - A two-way vehicle access route running through the southern side of Block D/E to ensure access is retained to the rear of the 132-156 High Street properties. This will be gated.
 - The two existing pay-by-phone bays on the eastern side of Evelina Road.
 - The six existing on-street parking bays on the western side of Evelina Road serving the adjacent residential properties.
- Cars accessing the existing Clarion Housing Estate car park at the north western end of Evelina Road.
- Four accessible residential car parking spaces associated with the proposed development.
- Maintaining access for delivery/servicing vehicles (including refuse vehicles) accessing the existing flats along the western side of Evelina Road.

6.7.8 A minor extension would be required to the northern end of Evelina Road to enable delivery/servicing vehicles serving the Proposed Development to turn around at the northern end of Evelina Road, using the existing Clarion Housing Estate car park entrance. The Highways Officer has been consulted and raised no objections. These arrangements would be subject to S278 agreements.

Car Parking – Acceptable

Existing Traffic Situation

6.7.9 A total of 4 sets of traffic surveys were conducted and discussed in the submitted Transport Assessment (TA) by Steer. They were:

- Site access point entry and exit vehicle counts
- Multi-storey car park occupancy surveys
- Interview Surveys with users of the Blenheim Shopping Centre Car Park
- On-street parking surveys

Site access point entry and exit vehicle counts

6.7.10 Site access point entry and exit vehicle counts on Thursday 24 March and Saturday 26 March 2022 (07:00 -19:00), at the following locations:

- Burham Close northern service yard access point (entrance and exit)
- Multi-storey car park entrance at Burham Close
- Multi-storey car park exit at Evelina Road.
- Evelina Road southern service yard access point (entrance and exit)
- Service road serving 132-154 High Street properties from eastern side of southern service yard.

6.7.11 Based on the total number of vehicles entering and existing Blenheim Shopping Centre, including the service yards, the site generates 69 two-way vehicle trips in the AM peak, 179 two-way vehicles trips in the PM peak and 1,640 two-way vehicle trips daily.

6.7.12 Within the total 1,640 vehicles going in and coming out from the application site, only 477 2-way trips were identified going in/ out from the shopping centre car park. 41% of these trips were motorcycles/ mopeds using the service yard accessed from Burham Close.

Multi-storey car park occupancy surveys

6.7.13 Parking occupancy surveys were taken place within the northern service yard, southern service yard and multi-storey car park on Thursday 24 March and Saturday 26 March 2022 (07:00 -19:00).

6.7.14 It is noted that the overall capacity of the multi-storey car park during the surveys was 88 parking spaces for two-day surveys as Levels 4, 5 and 6 of the car park have been permanently closed. The car park experienced low levels of occupancy on both days, with a maximum of 41 vehicles parked (47% occupancy) on the Thursday from 12:00 – 12:30 and 47 vehicles parked (53% occupancy) on Saturday from 12:30 – 13:00.

Multi-storey car park interview survey results

6.7.15 Carpark interview surveys were undertaken within the Blenheim Centre multi-storey car park to establish the main trip purpose of visitors parking at the shopping centre and how many of these were associated with the shopping centre or wider town centre uses. It should be noted that the car park is a private car park for Blenheim Shopping Centre only, with a maximum three-hour parking restriction for customers.

6.7.16 The survey shows that during the peak parking occupation numbers:

- On Thursday, of the total 41 vehicles parked in the multi-storey car park, only 11 of these are users who just visit the Blenheim Shopping Centre.
- On Saturday, of the total 47 vehicles parked in the multi-storey car park, only 17 of these are users who just visit the Blenheim Shopping Centre.

6.7.17 Whilst it is noted that the total vehicles counted on both days (41 and 47 vehicles) have exceeded the proposed parking provision in this application (24 parking spaces proposed), the surveys show that only 11 and 17 of the overall visitors on each day respectively solely visited Blenheim Shopping centre with most of the visitors parking at the Blenheim Shopping Centre car park for linked trips during the survey periods.

On-street parking stress surveys

6.7.18 Overnight on-street parking stress surveys were conducted around the site. In the transport assessment, a 200m-wide area which includes a total of 61 on-street parking spaces was identified for this parking count carried out on two weekdays (04:30-05:30) Wednesday 23 and Thursday 24 March 2022.

6.7.19 In regard to the commercial on-street parking surveys, a 500m-wide area (a total of 1,296 on-street parking spaces) were included in this survey which was carried out on weekdays Wednesday 23, Thursday 24 March and Saturday 26 March 2022.

Residential overnight parking stress survey (200m radius)

6.7.20 The overnight parking survey results show that when the residential parking demand must be getting close to the maximum, the existing parking stress level within 200m of the site was 67%, i.e. well below the 85% threshold when issues may arise.

6.7.21 However, it is noted that parking stress on Wednesday evening (from 20:00 to 22:00) has exceeded 100% with the highest level of 113% observed from 20:00 – 21:00. On Thursday morning (10:00 – 11:00), afternoon (14:00 – 15:00) and evening (18:00 – 23:00), the parking stress has exceeded 100%, with levels over 120% from 19:00 – 21:00. According to the applicants, this high-level parking stress is most likely due to be to visits to other town centre land uses such a commercial, retail and leisure.

Commercial on-street parking stress survey (500m radius)

6.7.22 The TA demonstrates that the daytime parking stress levels within 500m of the site are below the Council's 85% threshold. On Wednesday 23 March the highest parking level was 1,072 of the 1,296 spaces being occupied, a parking stress level of 83%. On Thursday 24 March the highest occupancy was 1,058 out of 1,296 spaces, a parking stress level of 82% from 13:00 – 14:00. Parking stress levels were slightly lower on Saturday 26 March compared to the weekdays with the highest occupancy being 1,033 out of 1,296 spaces (80% stress) from 13:00 – 14:00 and from 20:00 – 21:00.

6.7.23 It is noted the following roads have exceed the parking stress level of 85%:

- Blenheim Road (capacity of 6 spaces) - parking stress levels exceeded the 85% threshold at times on all three days.
- Burham Close (capacity of 9 spaces) - parking stress levels were below capacity on Wednesday 23 March but exceeded the threshold at times on Thursday 24 March and Saturday 26 March.
- Evelina Road (capacity of 16 spaces) - parking stress levels exceeded the 85% threshold at times on all three days.

Proposed Car Parking Provision

Blenheim Shopping Centre Commercial Parking

6.7.24 Table 10.5 of London Plan indicates that the maximum retail parking standards for “all areas of PTAL 5-6” should be car-free. The proposal includes the re-provision of a total of 24 public car parking spaces within a dedicated parking podium car park at ground floor in Block B/C.

6.7.25 The submitted plan shows that the proposed podium car park accessed via Burham Road and located at ground level within Block B/C would accommodate 24 car parking spaces. 2 of the spaces within the car park are proposed to be accessible spaces, with 3 electric vehicle charging spaces also provided. 2 of the electric vehicle charging spaces would also be car club bays. Table 6.7.1 summaries the net reduction of both parking and loading spaces within the application site.

Scenario	Location	No. Parking/ Loading Spaces
Existing Site	Multi-storey car park active spaces (Levels 1-3 = 88 spaces, closed levels 4-6 include an additional 130 spaces)	88
	Northern Service Yard (Blenheim Shopping Centre plus adjacent High Street parking/ loading facilities)	45*
	Southern Service Yard	9
	Evelina Road unmarked parking spaces adjacent to multi-storey car park exit ramp.	7
	Total	149
Proposed Development	Residential accessible parking spaces (3% of total units at outset)	8
	Burham Close Podium Car Park (Relocation of 7 Evelina Road spaces and additional 17 spaces for wider town centre uses)	24
	Retained parking spaces associated with adjacent High Street uses.	16*
	Proposed Development Arpley Mews loading bays (1 x 12m long loading bay and 1 x 8m long loading bay north of Block B/C)	2
	Proposed Development Evelina Road loading bay (12m long)	1
	Total	51
Net Change		-98

Table 6.7.1 The net reduction of both parking and loading spaces within the application site.

6.7.26 It is noted that the proposed car parking provision would not technically comply with London Plan Policy which advocates car-free development, however as the proposed commercial parking provision has been significantly reduced, compared to the existing multi-storey car park (88 parking spaces), it is considered that this would be acceptable in this instance. Officers are also mindful that the commercial on-street parking stress is very close to the Council's parking stress threshold (85%). Again, given that the overall commercial floorspace provision would be reduced, it is expected that the proposal would not make parking stress any worse.

Residential Blue Badge Parking

6.7.27 The proposed residential development would be car free due to the scheme's PTAL 5 rating, with the exception of accessible car parking spaces.

6.7.28 Eight accessible car parking spaces for 3% of the residential dwellings would be provided on-site as per the London Plan. These spaces would be provided from the outset upon completion of the development with four spaces provided along the eastern side of the Burham Close access route and four spaces provided on Evelina Road.

6.7.29 In line with the London Plan, 20% of the residential parking spaces would be equipped with active charging infrastructure at the outset whilst the remaining spaces will be equipped with passive charging infrastructure.

6.7.30 The London Plan also requires an additional 7% of the total residential units to be provided with accessible spaces post occupation if there is demand in the future. This would equate to a theoretical requirement for a further 18 spaces which could not be accommodated within the public realm due to the constrained nature of the site and the severe adverse impact it would have on the proposed pedestrian/ circulation space and landscaping in the public realm. In the Transport Assessment, it is suggested that some proposed parking spaces

could be converted into these additional blue badge spaces. However, it would be subject to post on-site parking survey and car parking management plan.

6.7.31 Overall, whilst the surveys show that the existing parking stress remains below the Council's parking stress threshold, it is expected that the development, without proper mitigation measures, could add additional pressure on the nearby residential on-street parking. Therefore, as discussed in the Transport Assessment, it is envisaged that the existing Controlled Parking Zones (CPZ) may need to be extended and the future occupiers/residents should not be allowed to apply for any on-street parking permits. These measures would be secured by S106 and an appropriate condition.

Cycle parking - Acceptable

6.7.32 Policy T5 of the London Plan states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should also demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people. It states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. The cycle parking spaces should be "well-located – convenient, accessible, as close as possible to the destination, and preferably sheltered."

6.7.33 There would be a total of 22 long stay cycle parking and 82 short stay for the commercial element of the scheme. A total 12 spaces would be re-provided in Arpley Square/ Empire Square. For residential cycle parking, there would be a total of 414 (long stay) and 10 short stay. It is considered that the proposed cycle parking provision would comply with London Plan and Bromley Local Plan policies and the locations would be subject to planning conditions.

Sustainable Transport Hub – Acceptable

6.7.34 A key sustainability feature within the proposed development is the provision of a Sustainable Transport Hub. This would be located in Block A and would be accessible to both future occupiers and the residents from the surrounding area. The hub could potentially include:

- Bike repair unit;
- Additional cycle parking spaces including Brompton lockers;
- Secure lockers for cycling clothing accessories;
- Changing facilities and toilets;
- A bike cleaning area with pressure hose and drainage;
- A bike workshop;
- Vending machines containing bike parts (inner tubes etc.);
- Water fountains to fill water bottles; and
- Future capacity for e-scooters.

Transport Improvements - Acceptable

Pedestrian Network

6.7.35 The scheme creates enhanced public realm and permeability within the site by providing pedestrian routes between the High Street, Evelina Road and Burham Close. This includes enhancing the public realm within Empire Square and the extension of this route further westwards, passing between Blocks B/C and D/E, to provide a direct pedestrian connection to Evelina Road and enhanced public realm and pedestrian routes to the west of Block B/C providing a link through to Burham Close.

6.7.36 The public realm would also be enhanced within Arpley Square to provide a more direct connection into the site. This would connect to Arpley Mews, a shared surface access route (include demarcated footways along both sides) that passes through the site to connect with Burham Close. The public realm along Evelina Road would also be enhanced. Fig 6.7.2 shows all these routes within the site.

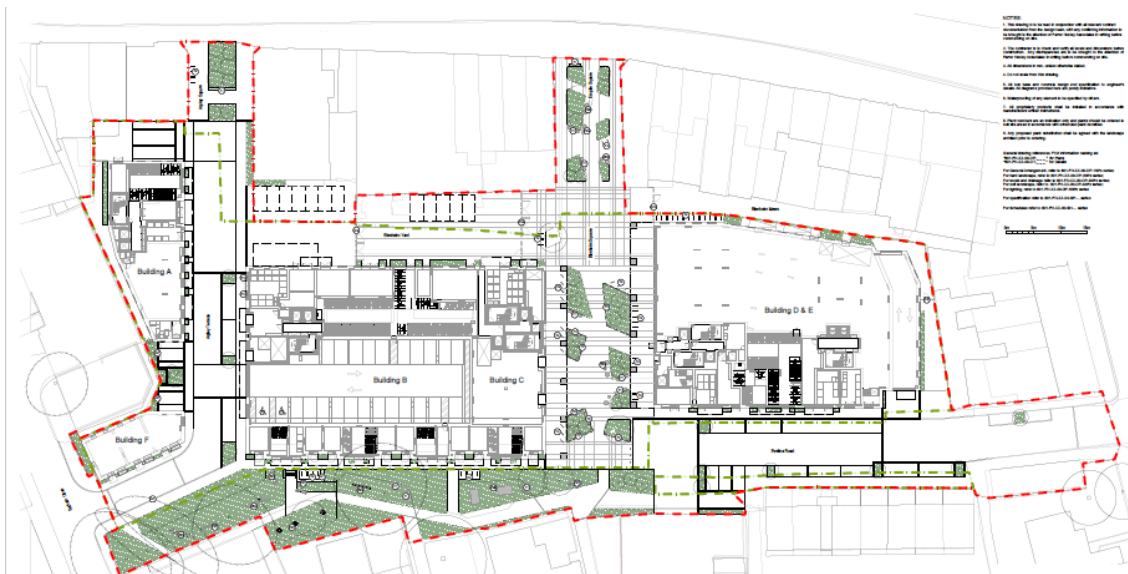


Fig 6.7.2 Proposed Public Realm Enhancements.

6.7.37 Pedestrian access control railings would be provided in the following two locations to restrict pedestrian access:

- At either end of Blenheim Yard (the servicing yard to the east of Block B/C) - This would include gates at either end but would only permit access to authorised pedestrians requiring access to the rear of the High Street properties, or cyclists accessing the Block B/C cycle store. The latter would be directed to use the gate at the southern end adjacent to Empire Square, to ensure they are kept away from the main servicing bay area and vehicle turning head immediately west of Arpley Square.
- At the northern end of Block D/E - This would include a gate to only allow authorised pedestrians requiring access to the rear of the High Street properties to pass through.

6.7.38 Cyclists would be able to access the site using any of the above access points and internal routes.

Moped Bay Relocation – Acceptable

6.7.39 Two potential options have been identified for providing a formalised 10m long moped parking bay on the High Street outside McDonald's. TfL has been consulted and the final location would be secured by S278 agreements.

Delivery/ Servicing - Acceptable

6.7.40 The application is supported by a Delivery and Servicing Strategy prepared by Steer. It is proposed to retain vehicle access and parking spaces to the rear of the following High Street properties as per existing for parking/loading/unloading goods. The following three additional new servicing bays would be provided for the proposed development to serve the residential and commercial uses:

- Two servicing bays at the northern end of the Proposed Development accessed via Arpley Mews from Burham Close comprising:

- One large 12m x 4m loading bay to the northwest of Block B/C directly adjacent to the building. This can be used by vehicles up to 10m rigid lorries and a 10.3m LBB refuse vehicle.
- One 8m x 2.5m loading bay to the north of Block B/C capable of accommodating vehicles up to a c. 7m sprinter van.
- One 18.6m x 2.7m large servicing bay will be provided on Evelina Road, to serve the Proposed Development residential and commercial uses. This could be used by one larger c 10m rigid lorry or a 10.3m LBB refuse vehicle on their own, or two smaller 7.5T van vehicles at the same time.

6.7.41 The report forecasts that the future delivery and servicing trip generation of the proposed development is circa 86 per day and demonstrates how these can be sufficiently accommodated without detriment to the local highway network.

6.7.42 A toolkit of measures is proposed to be taken forward as the DSP evolves over time in order to encourage sustainable freight movements to / from the Site and to reduce unnecessary servicing and delivery trips, particularly during peak times. The building management company would be responsible for creating a delivery schedule once the tenants have occupied the various land uses, and targets will be developed following occupation.

6.8 Green infrastructure and Natural Environment

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.

6.8.4 The latest amendments impacting the landscaping strategy are summarised below:

- Addition of new, south facing roof garden to level 04 of Block D/E;
- Improved residential access through Blenheim Yard with clear demarcation and improved lighting;
- Landscaping on Evelina Road to accommodate Iceland's servicing requirements;
- Revisions to the Urban Greening Factor (UGF) calculations to account for the additional roof garden and general updates to layout of green roofs.

Trees, Landscaping and Urban Greening - Acceptable

6.8.5 An Arboricultural Survey and Impact Assessment prepared by Greengage submitted with the application provides an assessment of the arboricultural value of the trees within the site based on their current quality. The assessment also provides a number of recommendations

to ensure those trees retained as part of the proposed development are appropriately protected during construction.

- 6.8.5 The assessment identifies that at present, the site accommodates several urban trees, including a medium and five small. A line of mature London Planes is also present to the south of the site. As part of the proposal a single Category U tree (T7), being a stump of a common lime, is to be removed. No additional trees would be removed as part of the updated scheme and the retained trees would be protected throughout construction by employing the measures described in the Arboricultural Method Statement which would be secured by condition in any permission. While it is noted that objections were received on the grounds of the loss of mature plane trees, the submission demonstrates that these would be retained. The "Landscape Strategy 3.0" referenced in one of the objections shows an Urban Greening Factor diagram to support the UGF site calculations for the proposal.
- 6.8.6 The GLA Stage 1 response stated that the applicant should provide a review of the urban greening and UGF score, as at 0.35 it was below the predominantly residential development target of 0.4 set by Policy G5 of the London Plan. GLA officers were of the view that whilst there were many positive design features embedded in the scheme, the applicant should review the urban greening proposed, seeking to improve the quality or quantity, to increase the application's UGF. Should the target score cannot be achieved, the applicant should set out robust justification. The Stage 1 response also requested that the applicant states the number of trees to be proposed within the scheme and to confirm that no trees are to be removed as part of the updated landscape proposals to determine compliance with Policy G7 of the London Plan.
- 6.8.7 With the amended proposal the UGF score remains at 0.35, hence still technically below the policy target. The applicant put forward the following arguments to justify the shortfall:
- the proposed development is a mixed-use proposal with a large quantum of non-residential uses at ground floor, the UGF score between the 0.3 target score prescribed for commercial and 0.4 target score required for residential is therefore considered acceptable;
 - the development has the opportunity to include green walls in the form of climbers on various elements of the building; however, these have been removed at the request of the GLA in line with the latest fire regulations. The score of 0.35 is shown without the green walls which would increase the UGF to between 0.37 and 0.38;
 - there could be further opportunities for greening, however this would be at the expense of the useability and future maintenance of the public spaces;
 - the site area also includes existing areas such as the yard at the back of Colman House and the mews to back of commercial and residential units to the east. The potential for greening in these areas are limited due to requirements to maintain shared vehicular access, parking spaces, fire and refuse servicing as well as pedestrian links.
- 6.8.8 The proposed landscape strategy provides a variety of soft landscape and greening interventions. At ground level, there is a variety of planting proposed including seasonal, biodiverse vegetation, areas of meadow or tall grass and trees in planters. In the pocket park, the planting would provide screening from the road as well as creating pockets for play. In the square, the planting would be more formal with groups of planting helping to create a microclimate and establish comfortable seating pockets. At the podium level, the proposals would provide a woodland feel and character. A variety of intensive and extensive green roofs are also proposed to soften and bring greenness to the top of the buildings.
- 6.8.9 The proposed landscape strategy involves planting of 50 new trees on the ground floor and 73 trees on the two podium gardens. Whilst the introduction of new planting is supported, officers acknowledge that the new trees would take minimum 30 years to mature and that majority of the new trees proposed would not be native. Should permission be granted, a

condition should be imposed securing a detailed landscaping plan with revised planting schedule including native species.

6.8.10 On the whole, the landscaping proposals are considered to contribute positively to the overall scheme design with the introduction of greening, biodiversity enhancements and improved pedestrian routes connecting the High Street with the wider surrounding areas.

Biodiversity and Protected Species - Acceptable

6.8.11 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.

6.8.12 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.”

6.8.13 Preliminary Ecological Assessment by Greengage submitted in support of the application confirms that there are no statutory sites of European or National statutory designations within 2km of the site, however, 2 Local Nature Reserves (LNRs) are present comprising Dacres Wood, located 2km north and South Norwood Country Park located 1.3km south. The site does not sit within any Site of Special Scientific Interest (SSSI) Risk Zones. There are 12 non-statutory Sites of Importance for Nature Conservation (SINCs) within 2km of the site boundary, the closest being Betts Park approximately 890m southwest of the site.

6.8.14 The site inspections undertaken on 11th November 2021 and 11th May 2022 confirmed that habitats on site consist predominantly of hardstanding which is used as a service yard and pedestrian walkway, and a shopping centre building with areas of modified grassland, scattered urban trees and a line of mature London Plane trees also present. Invasive species of Buddleia were also recorded growing adjacent to the car park. The surveys undertaken confirmed that the habitats within the site boundary had potential, albeit low, to support bats (roosting, commuting and foraging) and nesting birds.

Bats

6.8.15 The site survey identified the existing building to have ‘low’ potential to support foraging, commuting and roosting bats, however there was a limited potential for bats to roost under the roof tiles of the building. Nonetheless, given the records of bats species within the surrounding area (2km of the site) and the legal protection afforded to bats, a single emergence survey was undertaken on the existing building on the 26 July 2022 to establish the relative importance of the site for local bat populations and to identify the presence/likely absence of roosting bats.

6.8.16 An objection was received based on the grounds of the survey undertaken being *‘casual and superficial, inadequate and unacceptable, and not conforming to UK law’* and stating that *‘a full survey is required to determine what species are present’*.

6.8.17 The overall ecological value of the site and the presence/likely absence of other notable and legally protected species are reported in the Preliminary Ecological Appraisal prepared by Greengage based on the desk top review as well as on-site walkover surveys. The Bat Survey report by Greengage Environmental Ltd (Ref. 551893mc29Jul22FV3) advises that the bat emergence survey was undertaken in accordance with the Bat Conservation Trust (2016)

Bat Surveys for Professional Ecologists: Good Practice Guidelines and the Bat Workers Manual (2004) by a qualified ecologist. The survey was carried out following the guidance in the 3rd addition of the guidance which was the relevant guidance at the time. The weather was warm and clear, and the survey commenced 30 minutes before sunset and continued for 2 hours after the sunset. Two locations on the frontage facing Evelina Road were surveyed. Officers are satisfied that there are no known or significant limitations to the bat survey undertaken. The survey was conducted at a suitable time of year and in generally suitable weather conditions.

6.8.18 The bat emergency survey confirmed the likely absence of roosting bats in the building. Additionally, no foraging or commuting activity from bats was recorded on site at the time of the survey. Although no mitigation actions are required given the result of the survey, measures to enhance the site for both roosting and foraging bats are recommended and would be secured via condition. As the guidance has been updated in 2023 which has changed the survey requirements and bearing in mind that bat surveys are typically valid for one to two years a pre-commencement repeat survey would be required if more than 3 years pass before the site clearance is commenced (from July 2022). Additionally, a condition requiring a precautionary approach to the removal of the ridge tiles of the existing building would also be imposed in any consent.

6.8.19 These measures include the use of bat sensitive lighting regime following guidance from The Institute of Lighting Professionals and Bat Conservation Trust (including measures to limit additional light spill, such as the use of directional, downward facing and shielded lights with low-UV warm-white LED bulbs, curfew controls with movement sensors where possible), provision of six integrated bat boxes into the fabric of the new building, suitable for summer roosting, as well as wildlife-friendly landscaping to enhance the site as foraging and commuting resource.

Birds

6.8.20 The site may support a range of common and widespread bird species and habitats of value including branches and crevices of trees and buildings. The surrounding residential green spaces provide good foraging opportunities due to the range of habitats available. The site therefore has a low potential to support breeding birds.

6.8.21 Nesting birds are protected from disturbance, and it is therefore recommended that demolition and any site clearance of suitable vegetation is undertaken outside of the bird nesting season or, if clearance is required within this period, after an ecologist has confirmed the absence of nesting birds. This requirement will be added to any consent granted.

6.8.22 Compensatory planting should focus on the provision of winterberry producing species as well as species with dense shrubby growth within which birds may construct nests. Bird boxes should be provisioned within the development including swift boxes and sparrow terraces. One bird nest site should be provided per 1000m² of floor space for commercial development and one nest site for every two residential flats. This requirement is included in the recommended biodiversity enhancement condition.

Other Protected Species

6.8.23 The site offers no suitable habitats for badgers, hedgehogs, great crested newt or reptiles. With this in mind, the site is therefore considered to have negligible potential to support these species.

6.8.24 The site may support a range of common invertebrate species within habitats of value including trees. The floral diversity of the habitats on site is poor and the extent of these

habitats is limited, with preferable habitats in the surrounding landscape. The site is therefore considered unlikely to support the rarer invertebrates meaning that overall the site is classified as being of negligible potential to notable/priority invertebrate species such as stag beetle or Jersey tiger moth. Other common invertebrate species may be attracted to the invasive species of buddleia and light sources on site.

Biodiversity Enhancements

6.8.25 The ecological enhancements measures specified in the submission include the following:

- provision of invertebrate habitat features such as bee posts/bricks, habitat panels a stag beetle logs, insect bug hotels and rope coils;
- provision of bird (including swift boxes and sparrow terraces);
- provision of bat sensitive lighting and 6 bat boxes;
- provision of permanent hedgehog houses;
- provision of a biodiverse living roof on new flat roof buildings with a variety of substrates and habitat types including wildflowers for pollinators. micro-pools an invertebrate features;
- removal of invasive species; and
- removal of vegetation outside of the nesting bird season.

6.8.26 Officers recommend that Landscape Ecological Management Plan (LEMP) and biodiversity enhancement conditions are imposed on any planning consent for the redevelopment of the site requesting further details of biodiversity enhancement measures along with details of a long-term site management and monitoring plan for the biodiversity enhancements and landscaping management at the site.

Biodiversity Net Gain

6.8.27 The Biodiversity Net Gain Update submitted as part of the revised proposal states that the Biodiversity Net Gain for the development would be 2652.50%. Although this has reduced from the original scheme due to a change in methodology and based on the updated landscape proposals, it is still a high Biodiversity Net Gain, well above and beyond the statutory minimum 10% requirement and the trading rules continue to be satisfied. As such, the proposed development would be compliant with Policy G6 of the London Plan.

6.9 Energy and Sustainability

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 proposed development meets Building Regulations compliance through Be Lean energy efficiency alone, with further reductions made through Be Clean and Be Green installations of a Communal Heat Network and PV panels.
- 6.9.7 The development would achieve a total regulated CO2 saving of 76% for the residential units therefore exceeding the benchmark, and 12% for the non-residential units, falling short of the target.
- 6.9.8 It is acknowledged in the accompanying GLA note issued with the GLA Energy Assessment Guidance (2022) that non-residential developments may find it more challenging to achieve significant on-site carbon reductions beyond Part L 2021 to meet both the energy efficiency target and the minimum 35 per cent improvement. This is because the new Part L baseline now includes low carbon heating for non-residential developments but not for residential developments.
- 6.9.9 The proposed development achieves a total regulated CO2 saving of 73% which exceeds the 35% minimum set out in the London Plan. Therefore, although not technically fully policy compliant, the proposal would achieve and exceed the minimum London Plan Policy SI2 carbon reductions *across the site as a whole*. The carbon shortfall in regulated carbon emissions to achieve zero carbon would be made up of a cash-in-lieu payment of £176,047 to be secured in the s106 Agreement.

Whole Life Carbon and Circular Economy

- 6.9.10 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.
- 6.9.11 The applicant has submitted a Whole life Carbon Assessment and Circular Economy Statement. 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

- 6.9.12 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.
- 6.9.13 Given the findings of the submitted Noise Impact Assessment in respect to the impact of the existing KFC plant there is a concern about the potential for overheating due to the need to comply with noise standards. Officers acknowledge that there is a practical solution using

mechanical ventilation and/ or active cooling but that is clearly at the lower end of the cooling hierarchy and not usually supported. Officers consider it appropriate that a condition is attached to any approval requesting a review of the energy assessment should active cooling be used as any changes to the approach to minimise overheating must calculate the impact on energy use and carbon and therefore a recalculation of the carbon reduction and offsetting payment may be required.

6.10 Environmental Matters

Air Quality - Acceptable

6.10.1 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.

6.10.2 The application is supported by an Air Quality Assessment prepared by Phlorum. The report reaches the following conclusions with respect to construction phase impacts, operational phase impacts and achieving air quality neutrality.

Construction Phase Impacts

6.10.3 The construction phase of the development could give rise to emissions which could cause dust soiling effects on adjacent uses. Following the IAQM guidance, the construction phase of the development can be considered to be High Risk for nuisance dust impacts, Medium Risk for PM10 health effects, and to be Negligible for ecology, in the absence of mitigation.

6.10.4 Following the implementation of the mitigation measures provided in the report, emissions from the construction programme would be reduced and the residual significance of impact for the construction phase is expected to be reduced to Negligible.

Operational Phase Impacts

6.10.5 The proposed development is not expected to generate volumes of traffic in exceedance of the indicative screening thresholds prescribed by the relevant guidance. Therefore, it can be reasonably assumed that the operation of the proposed development would have an insignificant impact on local air quality.

Air Quality Neutral Assessment

6.10.6 The proposed development would generate a total of 198 car trips (AADT), which is comfortably below the travel benchmarks set out within both the 2014 and 2021 air quality neutral guidance. The proposed development's energy strategy comprises the use of ASHPs, and as such, the proposed development is not expected to generate building emissions of NOx or PM10. Therefore, the proposed development is expected to achieve air quality neutrality with regard to both transport and building emissions.

6.10.7 As such, the proposed development is expected to comply with all relevant local and national air quality policy. Air quality should not, therefore, pose any significant obstacles to the planning process. The mitigation measures noted above would be secured through planning conditions.

Contaminated Land - Acceptable

6.10.8 Phase 1 and Phase 2 Site Appraisals were undertaken by Patrick Parsons. The findings of the two reports are noted below. None of the findings indicate major concerns in terms of contamination or sensitive uses such as residential being located on site subject to mitigation where necessary.

- The site has been classified as being moderate to high risk with regards to unexploded ordnance (UXO). The following were the findings from the detailed UXO risk assessment. Following this assessment the north eastern and central sections of the site have been given a medium risk and the north western and southern sections of the site a low risk.
- The bedrock geology beneath the site is recorded to comprise clay of the London Clay Formation. Superficial Head Deposits are present on site.
- The site is not recorded to be within a Coal Authority Coal Mining Reporting Area. There is 1no. records of BritPits within 250m of the site associated with a surface clay pit. There is 1no. other surface working located within 250m of the site which is a brickfield 166m southwest of the site. There are 13no. records of historical underground workings on site associated tunnels the nearest located at 717m northwest. There are 3no. 103 non coal mining records within 1000m of the site. All relate to chalk mining with the closest being 545m to the east of the site.
- The site is not within a Radon Affected Area, as less than 1% of properties are above the action level; radon protection measures are therefore not required for new properties.
- The bedrock geology of the London Clay Formation is recorded to be an unproductive aquifer. The superficial head deposits are recorded as a Secondary (Undifferentiated) Aquifer. The site is not recorded to be within any Source Protection Zone.
- There are 3no. records of groundwater abstractions within 2000m of the site. The nearest record is located 1119m southeast and is related to general use at Beckenham Road, Bromley and is currently active. There are no surface water features within 250m radius from the site. • There are no EA/NRW recorded historical landfill sites within 500m of the site. There are 13no. waste exemptions records within 500m of the site, the nearest is recorded 202m east of the site and relates to recovery of scrap metals.
- There are 83 no. recorded historical industrial land uses within 500m of the site. The nearest is located 18m east of the site and is recorded as a police station.
- There are 7no. recorded historical tanks within 500m of the site, the nearest being 78m northeast of the site and is an unspecified tank.
- There are 14no. records of Licensed industrial activities (Part A (1)) within 500m of the site, the nearest three are related two dry cleaning and are located at 48m southeast, 105m east and 119 northwest. Other two close records are located at 167m southwest and 176m southwest relating to unloading of petrol into storage at service station.
- There are 23no. records of recent industrial land uses, the nearest is located on site relating to repair and servicing electrical equipment. Other records within the 250m zone include curtains and blinds, pets and vermin control, electrical features, vehicle components, distribution and haulage, textiles, fabrics, silks and machinery, scrap metal merchants, vehicle servicing and cleaning, and water pumping stations.
- There is 3no. record of current or recent petrol station within 500m, the nearest is located at 172m southwest and its operational status is open. The other two records are located 391 -southeast and 486m northwest.
- Based on given history of the site and the BGS borehole records it is considered that there is likely to be a significant depth of made ground on-site. Based on historic development on-site and immediate surrounding area the potential for contamination is likely to be encountered on site. 104
- There is a multistorey car park on site, therefore the potential contaminants associated with vehicles are likely to be encountered. The specific contaminants of concern are

likely to include heavy metals, polyaromatic hydrocarbons (PAHs), total petroleum hydrocarbons (TPHs) and asbestos.

6.10.9 The Phase 2 report notes that the chemical analysis has identified exceedance of PAHs within WS06 when compared against the relevant Patrick Parsons GACs for residential end-use without plant uptake. As such, it is considered that soils at the site do pose a risk to human health; however, due to the construction of the buildings over the source there will be no pathway linking it to end users. It is therefore considered that the risk to end-users is negligible and no specific remedial measures are required.

6.10.10 Based on the results of the first ground gas monitoring visit it is considered that the site does not require ground gas precautions, however confirmed recommendations will not be provided until the completion of the ground gas monitoring programme. A final gas risk assessment will be compiled on completion of the four monitoring visits.

6.10.11 In terms of controlled waters, a source of contamination has been identified within WS06 at 0.40m begl. However, due to the locality of the exceedances being within the footprint of a proposed structure the source material will most likely be removed during the construction phase breaking the source-pathway-receptor linkage with regard to risk to controlled waters, it is also noted that the site is not within an area with a sensitive receptor and significant thicknesses of low permeability natural soils underlay the elevated made ground soils limiting the pathway. It is therefore considered that the risk to controlled waters is negligible and no remedial measures are required for the proposed development.

6.10.12 The above findings were considered as acceptable by the Environment Agency and the Council's Environmental Health Team and no objections were received subject to the impositions of appropriate conditions.

Lighting - Acceptable

6.10.13 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.

6.10.14 Lighting plans and calculations by ESD were provided with the application, the aims and principles of which are acceptable. A lighting condition would be required to ensure that lighting in the new development is at an appropriate level so as to minimise impact on amenity whilst ensuring safe and secure places and minimising disturbance to wildlife.

Noise and Vibration – Acceptable

6.10.15 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.

6.10.16 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.

6.10.17 The Environmental Health Officers confirm that subject to the above matters being secured through appropriate conditions in the event of planning permission being granted no objections are raised to the proposal.

6.11 Flood Risk and Drainage - Acceptable

- 6.11.1 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.
- 6.11.2 Policy 116 (Sustainable Urban Drainage System) of the LBB Local Plan states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SuDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 6.11.3 The application is supported by a Flood Risk Assessment and Drainage Strategy prepared by Patrick Parsons. The FRA identifies that the site is within Flood Zone 1 and has a very low risk of fluvial flooding. All other sources of flooding have been investigated and shown to be of minimal risk. The proposed development is concluded as being appropriate and sustainable in the terms as set out in the NPPF.
- 6.11.4 In terms of drainage, the SuDS hierarchy has been followed and SuDS features have been incorporated into the drainage strategy including green roofs, permeable paving and attenuation tanks. The underlying bedrock geology classification is London Clay formation which results in there being no infiltration allowable in the drainage strategy.
- 6.11.5 The surface water network is a network that incorporates the SuDS features mentioned above and works via gravity in conduits and manholes. There is one surface water rising main of 17m, with a surface water pump modelled at 1.8l/s. There is one outfall for the site which is Thames Water manhole 5164 in the proposed Empire 106 Square. The flow is controlled via a Hydro Brake Vortex flow control that is placed in manhole SW-13; the proposed flow rate is 1.9l/s which is the Greenfield runoff rate Q_{bar} . The foul water network runs via gravity and there is one outfall which is in the proposed Empire Square which connects into the 900mm diameter existing foul water sewer.
- 6.11.6 The Council's drainage officer and Thames Water raised no objections to the proposal as the proposed development is considered to be at a very low risk of flooding from all sources, and the drainage strategy has been designed in accordance with the London Plan drainage hierarchy and shown to be acceptable.

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 The proposed development has been designed to take account of the specific needs of disabled people. It would incorporate suitable means of access for all people from the entrance points, sufficiently wide routes and access ways as well as independent horizontal and vertical movement that is convenient and ensures that people can make use of all relevant facilities. The scheme would deliver 18 M4(3)(2)(a) wheelchair adaptable units and 5 social rented M4(3)(2)(b) wheelchair accessible dwellings, i.e. designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users and those whose mobility may become impaired with age. All remaining units would achieve M4(2) standards.
- 7.7 The proposal would generate various benefits for the local economy and offer new opportunities to access employment in the renewal area. Although the exact number of jobs generated by the proposed development would depend on the final land uses occupying the site, as stated in the Socio-economic Assessment by Tetra Tech, it is estimated that the commercial floorspace would generate between 88 to 173 additional Full Time Employees (FTE)³. Additional job opportunities would be generated through the operational management of the development. It is further estimated that the construction of the proposed development could create 66 permanent FTE construction jobs for the construction period (2.5 years) and further 62 induced and indirect jobs (i.e. related and supporting activity in the supply chain) in the local area. This would have a positive impact on economically inactive people and those unemployed which are those in the categories of age, sex and disability, as well as indirectly on children (workless households).
- 7.8 The provision of housing, including affordable homes, would have a long-term beneficial impact, addressing the Council's affordable housing delivery shortages and the existing rates of deprivation which identified significant barriers to housing availability. Some of the new homes are likely to be occupied by existing local residents buying first homes, local residents trading up (or down), or, in the case of affordable units, existing residents on Housing Association' or Council waiting lists. This would have a positive impact on people with lower household income ranges and therefore those in the categories of age, pregnancy and maternity, race, and sex (women) who are less economically active.

³ Calculation undertaken in accordance with the Homes and Communities Agency Employment Density Guidance 2015.

- 7.9 The overall regeneration of the site with the provision of public realm, enhanced pedestrian routes, active frontages and balanced mix of land uses would improve safety and of security by increasing activity on-site and levels of natural surveillance throughout the day and in the evenings. The impact of the proposed development on crime and anti-social behaviour is therefore expected to have varying degrees of beneficial impact on the most vulnerable people including age, disability, sex, pregnancy, race, religion/belief and sexual orientation.
- 7.10 The proposal is expected to give rise to negative impacts in relation to demolition and construction, such as increased vehicular movements, noise and air quality aspects. These impacts would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the likely impacts.
- 7.11 In conclusion, it is considered that LB Bromley has had due regard to section 149 of the Equality Act 2010 in its consideration of this application and resulting recommendations to the Development Control Committee.

Community Infrastructure and Community Infrastructure Levy

- 7.12 Objections have been received on the grounds of Insufficient provision of local infrastructure, such as schools and doctor surgeries. The Socio-economic Assessment by Tetra Tech demonstrates that in terms of the impact on the provision of educational facilities, based on the Department for Education data on capacity and the “Schools Pupils and their Characteristics 2022” data there is sufficient surplus capacity within the existing area to accommodate both additional primary and secondary aged pupils.
- 7.13 The assessment of the existing healthcare facilities provision within the 2km radius of the site shows that nearest 2 NHS GP practices currently operate over the recommended capacity, sufficient availability for new patients remains in the other 6 surgeries within the catchment area. ⁴
- 7.14 Notwithstanding the above, under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable for the Mayoral CIL (subject to applicable affordable housing relief). The CIL regulations require CIL to be spent towards “the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”.
- 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

⁴ Figure recommended by the General Medical Council (GMC) and used by the Department of Health (DoH) and Clinical Commissioning Groups (CCGs) is 1,800 people per GP.

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, should permission be granted. The development, as proposed, would necessitate the following obligations to which the applicant has agreed to in principle, unless otherwise indicated:

- Affordable Housing 35% (37 Social Rented and 36 Shared Ownership)
- Early-stage affordable housing review mechanism
- Carbon off-set payment-in-lieu £176,047
- Signage and wayfinding (Legible London) £22,000
- Healthy Streets TBC
- Considered construction (monitoring and compliance) £25,000
- Contributions towards consultation on extending nearby CPZs and future implementation of CPZs £25,000
- 2 years free car club membership per dwelling
- Twenty free car club driving hours per dwelling in the first year
- Retention of original architects TBC
- Monitoring fees £500 per head of term.

7.19 Officers consider that these obligations these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

8. Conclusion and Planning Balance

8.1 This application is for a re development of the existing shopping centre with a mixed-use development providing up to 230 dwellings and up to 2,714sqm of commercial floorspace together with associated communal amenity space and play space, cycle and car parking, and refuse storage.

8.2 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.

8.3 The proposed development would deliver 230 dwellings on this highly accessible, under-utilised previously developed land located at the heart of an Area of Renewal and Regeneration. The proposal would make a substantial contribution to the housing supply in the Borough and would help to address the Council's acute housing delivery shortages.

- 8.4 The proposal would substantially improve the retail environment of Penge as a District Centre and would address the current lack of activation between the Blenheim Centre and the High Street with enhanced commercial frontages. The proposal would result in the provision of 2,714 sqm of flexible commercial uses which would provide job opportunities, services, facilities and economic activity. Additional residents residing within the town centre would also help to stimulate the local economy.
- 8.5 Although the removal of the current shopping centre building which detracts from the conservation area is supported, the proposed development would result in 'less than substantial harm' to a range of designated heritage assets under the NPPF definition.
- 8.6 Officers have concerns in regard to the height and massing of some of the blocks and their townscape impact, however the quantum and density of the scheme is considered to be generally acceptable, reflecting the need to optimise the development potential of all available and under-utilised brownfield sites, particularly in highly accessible locations such as this. Officers consider the layout of the proposal to be an appropriate response to the site and its surroundings and support the proposed detailed design and material palette.
- 8.7 Both the layout of the development and the arrangement of the individual residential units would constitute the optimum design in response to the constraints of the site and access requirements. The proposed residential accommodation would comply with the minimum standards in terms of size and overall would provide an adequate level of internal and external amenity.
- 8.8 Whilst the impacts of the proposed development on the neighbouring amenity would be noticeable and would result in some isolated BRE transgressions and restricted spacial relationships, these would be reflective of the context and constraints of the site with several self-obstructed properties in close proximity. The inherent site factors are considered to place a potentially unfair burden on the site, as in such circumstances any meaningful increase in massing and density would inevitably result in changes to the level of amenities currently enjoyed by adjoining occupiers, therefore a degree of flexibility needs to be applied to the locations with a high expectation of development taking place, such as renewal areas and town centres.
- 8.9 Officers are mindful of the 35% affordable housing covenant which was included within the purchase contract, and which affects the quantum of development required to achieve an acceptable viability position.
- 8.10 The provision of new public realm within the site and improvements to the surroundings, including landscaping and biodiversity net gain would create a more secure, sociable environment for residents and the wider community.
- 8.11 Adequate sustainability measures would be incorporated achieving a reduction in combined domestic and non-domestic carbon emissions (CO₂) by a minimum 73% and meeting BREEAM Excellent for non-residential floorspace. Environmental matters such as air quality, contamination, noise, light pollution and drainage, would be subject to appropriate conditions in any approval.
- 8.12 The proposed development would provide a sustainable car free scheme and sustainable transport options and, with a suit of mitigation measures secured to address the potential increase in car parking stress, is not considered to result in an unacceptable impact on the surrounding highway network.
- 8.13 In considering the benefits of the scheme, officers attach very substantial weight to the significant contribution that the proposed 230 housing units would make in the context of the

Councils' inability to currently demonstrate a five-year housing land supply, and the recent failure of the Housing Delivery Test. The development proposal would offer new opportunities to access housing in the renewal area, with a quantum of dwellings providing almost 30% of the Council's annual housing target as set out in the London Plan.

- 8.14 Whilst it could be argued that a policy compliant provision of Affordable Housing should not be attributed any significant additional weight, officers are mindful of the poor Affordable Housing delivery in Bromley in recent years. Affordable delivery figures released from the GLA Pipeline Website have highlighted the Council has been unable to deliver significant numbers of affordable homes in the past two years. In 2021/22, a total of 63 affordable homes and in 2022/23, a total of 73 affordable units were approved respectively. The application scheme would contribute a total of 37 social rented and 36 shared ownership units, which would be equivalent to the annual approvals of affordable homes in Bromley in the last two years. This is considered to be a significant material factor in the light of the acute affordable housing need which attracts further very significant weight in support of the proposal.
- 8.15 Significant weight is apportioned to the positive long-term benefits the proposal would have in supporting the vitality and viability of the District Town Centre, the local employment and economy. The proposal would generate significantly greater pedestrian visits and would provide opportunities to reduce crime and anti-social behaviour with greater natural surveillance. The regeneration benefits of the scheme would contribute to the wider regeneration of Penge.
- 8.16 Officers attach substantial weight to the proposed public realm improvements and significant biodiversity gain.
- 8.17 As discussed, the proposed development would result in 'less than substantial harm' to a range of designated heritage assets under the NPPF definition. In accordance with paragraph 208 of the NPPF 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.
- 8.18 In considering the impact of the proposed development on the significance of designated heritage assets, officers have afforded great weight to the asset's conservation. However, in this instance, the public benefits of the proposal (as discussed in the preceding sections of this report) are considered to outweigh the less than substantial harm which has been identified.
- 8.19 Officers have also highlighted a number of areas where the proposed development would transgress from planning policy requirements, including the visual impact of the proposal on the wider townscape and the immediate low-rise suburban context, as well as the impact on the amenities of occupiers of some of the adjacent residential sites. However, given the Councils' inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, on balance, the considerations advanced in support of the proposal can be seen as sufficient to clearly outweigh the adverse impacts, when assessed against the policies in the Framework taken as a whole. Accordingly, the application is recommended for permission, subject to planning conditions, the prior completion of a S106 legal agreement and any direction from the Mayor of London.
- 8.20 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty and, as discussed in the preceding section, officers consider that these proposals would not conflict with the Duty.

9. **Recommendation: Permission, subject to the following conditions, the prior completion of a S106 legal agreement and any direction from the Mayor of London**

SUMMARY OF CONDITIONS AND INFORMATIVES

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

PRE-COMMENCEMENT

- **Slab Levels**
- **Construction and Environmental Management Plan**
- **Contamination**
- **Archaeology (WSI)**
- **Tree Protection**
- **Piling Method Statement**
- **Lighting Scheme**
- **Circular Economy Statement**
- **Construction Phase Noise and Vibration Assessment**
- **Digital Connectivity Infrastructure**
- **Biodiversity Enhancements**
- **Additional Bat Survey**

ABOVE-GROUND WORKS

- **S278 Works**
- **Landscaping Scheme**
- **Landscape Ecological Management Plan**
- **Architectural Details/ External Material Samples**
- **Hard Landscaping including Boundary Treatment**
- **Pocket Park**
- **Children Play Space**
- **Privacy Screens**
- **Noise Mitigation**
- **Refuse Storage and Waste Management Plan**
- **Cycle Storage**
- **Secure by Design**
- **Method of Ventilation/Cooling**

PRE-OCCUPATION

- **Surface Water Capacity**
- **Foul Water Capacity**
- **Post-Construction Whole Life-Cycle Carbon Assessment**
- **Verification report**
- **Travel Plan**
- **Parking Management Plan**
- **Delivery and Servicing Plan**
- **Moped Bay Relocation**
- **Kitchen Extract System**
- **Water Infrastructure Phasing Plan (100th Dwelling)**

COMPLIANCE

- **Any Unexpected Contamination**
- **Rights of Way**
- **No Parking Permits**
- **Air Quality**
- **Retention of Retail Floorspace**
- **Hours of operation (Commercial Uses)**
- **Delivery Hours (Commercial Uses)**
- **Wheelchair units**
- **Car Parking**
- **Electric Vehicle Charging Spaces**
- **Low NOx Boilers**
- **Non-road Mobile Machinery**
- **Drainage**
- **No piling**
- **Water Usage**
- **Fire Safety Measures**
- **Wind Mitigation**
- **PD Removal**
- **Ecological Assessment**
- **Precautionary Approach to the Removal of the Ridge Tiles**