

Waitrose, Bromley South

Local Planning Authority: Bromley

Local Planning Authority reference: 23/02633/FULL1

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Mixed-use redevelopment of the site up to 24-storeys in height to deliver 353 residential units (Use Class C3); food store (Use Class E); Flexible Commercial Space (Use Class E/F1/F2); alterations to the surrounding highway; associated improvements to streets, open spaces, landscaping and public realm; and provision of car and bicycle parking spaces and servicing spaces.

The applicant

The applicant is **John Lewis Partnership**, and the architect is **Assael**.

Strategic issues summary

Land use principles: The optimisation of this site for a mixed-use residential led development is supported in principle.

Housing: A Build to Rent scheme to be controlled and managed by John Lewis Partnership, with a minimum of 10% affordable housing (by habitable room) in the form of Discount Market Rent at London Living Rent levels. Considering the scale of development proposed on the site, the level of affordable housing proposed is significantly below expectation. Build to Rent tenure requirements must be appropriately secured.

Urban design and heritage: The site is not in an area identified as suitable for tall buildings in accordance with Policy D9(B) of the London Plan. Refinements to internal quality, landscape and public realm should be considered. There would be a less than substantial harm to nearby heritage assets and public benefits to outweigh the harm will be considered at Stage 2.

Transport: The residential element of the development is car-free, which is supported. There will be a reduction in the quantum of commercial car parking spaces. Further information is required on trip generation, Healthy Streets, car and cycle parking, construction, delivery and servicing, and travel plans. There are concerns regarding the impact to the TLRN and fly-over which needs to be resolved ahead of a decision.

Sustainability and environment: Further information is required on energy, whole-life cycle carbon, circular economy, green infrastructure, water, and air quality.

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 118. Possible remedies set out in this report could address these deficiencies.

Context

1. On 31 August 2023, the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following categories of the Schedule to the Order 2008:
 - **Category 1A:** *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”*
 - **Category 1B(c)** *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”, and*
 - **Category 1C. 1.(c)** *“Development which comprises or includes the erection of a building of more than 30 metres high and is outside the City of London”*
3. Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or, allow the Council to determine it itself.
4. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planning.london.gov.uk/pr/s/>

Site description

5. The 1.12-hectare site is located within the Bromley (Metropolitan) Town Centre on the corner of Kentish Way and Masons Hill. The site is located within the Bromley Opportunity Area (OA). The site is currently occupied by a Waitrose supermarket, comprising 7,620 sq.m. of floor space, back of house spaces, and 199 car parking spaces over 3 levels. The car park runs underneath the Kentish Way overpass along the railway line. Adjoining the site to the west is a recently developed mixed-use 17-storey building known as Perigon Heights. Adjoining the site to the north is Bromley South railway station. Opposite Masons Hill to the south are community facilities and residential development. Opposite Kentish Way to the east is existing low-rise residential development.
6. Bromley Town Centre Conservation Area is approximately 640 metres from the site. Two Grade II Listed buildings, Former Mark's School and St Mark's Church, are opposite the site to the south.

7. The site lies adjacent to Bromley South National Rail station and is within the Metropolitan Town Centre with its extensive bus services serving much of the borough, so the site consequently has a high public transport accessibility level (PTAL) of 6a, on a scale of 1 to 6b (where 6b is the highest). Bromley Town Centre is a hub of the local cycle network and the London Plan identifies it as a location with a higher propensity for cycling, with higher cycle parking standards than the rest of the borough for some land uses. Coupled with a wide range of services within walking distance in the town centre, the site is well placed to have a high active travel mode share. The site lies adjacent to Kentish Way which forms part of the Transport for London Road Network (TLRN). Masons Hill and St Marks Road, are adjacent borough roads, and it is understood Station Approach, the primary vehicle access to the site, is a private road outside of the ownership of the applicant.

Details of this proposal

8. The mixed-use redevelopment of the site to deliver a building up to 24-storeys in height to provide:
 - 353 new homes (10% affordable housing by habitable room);
 - Flexible commercial spaces and food store, including 4,358 sqm retained and altered Waitrose Supermarket with 140 car parking spaces and café and 131 sqm (GIA) Café. The existing Waitrose will be re-clad to upgrade the existing façade, with the form of the store retaining the internal layout and structure and the roofscapes replaced; and
 - Public realm improvements including alterations to the surrounding highway; associated improvements to streets, open spaces, landscaping and public realm; and provision of car and bicycle parking spaces and servicing spaces and other works incidental to the proposed development.

Case history

9. On 16 March 2022, a GLA pre-application meeting (2022/0025/P21) was held to discuss the above proposals. The applicant was advised of the following:
 - The proposed development of the site to deliver a mixed-use residential led is supported in principle in line with Policies SD6, SD7 and H1 and Objective GG2 of the London Plan, subject to further refinement to development layout, public realm, residential quality and building heights. However, the level of retail parking proposed raises significant concerns and is not supported. Further detail is required on the quantum of uses, affordable housing, housing mix, and play space as the proposals develop further.
10. Several follow-up pre-application meetings were held to discuss land use principles, affordable housing, urban design, heritage, sustainability, and environment.

Strategic planning issues and relevant policies and guidance

11. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Bromley Local Plan 2019 and, the London Plan 2021.
12. The following are also relevant material considerations:
 - The National Planning Policy Framework and National Planning Practice Guidance;
13. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:
 - Good Growth - London Plan;
 - Economic development - London Plan; the Mayor's Economic Development Strategy; Employment Action Plan;
 - Opportunity Area - London Plan;
 - Housing - London Plan; Housing SPG; the Mayor's Housing Strategy; Play and Informal Recreation SPG; Character and Context SPG; Housing Design Standards LPG;
 - Affordable housing - London Plan; Housing SPG; Affordable Housing and Viability SPG; the Mayor's Housing Strategy;
 - Retail - London Plan;
 - Urban design - London Plan; Character and Context SPG; Public London Charter LPG; Characterisation and Growth Strategy LPG; Optimising Site Capacity: A Design-Led Approach draft LPG; Housing SPG; Play and Informal Recreation SPG; Housing Design Standards LPG;
 - Fire Safety – London Plan; Fire Safety draft LPG;
 - Heritage - London Plan;
 - Inclusive access - London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG
 - Sustainable development - London Plan; Circular Economy Statements LPG; Whole-life Carbon Assessments LPG; 'Be Seen' Energy Monitoring Guidance LPG; Energy Planning Guidance; Mayor's Environment Strategy;
 - Air quality - London Plan; the Mayor's Environment Strategy; Control of dust and emissions during construction and demolition SPG; Air quality positive LPG; Air quality neutral LPG;

- Ambient noise - London Plan; the Mayor's Environment Strategy;
- Transport and parking - London Plan; the Mayor's Transport Strategy;
- Green Infrastructure - London Plan; the Mayor's Environment Strategy; Preparing Borough Tree and Woodland Strategies SPG; All London Green Grid SPG; Urban Greening Factor LPG
- On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#).

Land use principles

Principle of residential units

14. Policy SD1 of the London Plan identifies opportunity areas (OAs) as one of the focal points for intensification. The site is located within the Bromley OA, for which the London Plan sets indicative development capacity targets of 2,500 new homes and 2,000 new jobs. Policy H1 of the London Plan sets a 10-year housing target of 7,740 for Bromley and promotes the redevelopment of brownfield sites in town centres and near to stations. The London Plan also recognises Bromley (Metropolitan) Town Centre as having high residential growth potential. The principle of the addition of 353 residential units is supported in this context.
15. The applicant proposes to deliver all the 353 residential units as Build to Rent units. Policy H11 of the London Plan outlines the criteria that must be met in order to qualify as Build to Rent which include:
 - the development, or block or phase within the development, has at least 50 units;
 - the homes are held as Build to Rent under a covenant for at least 15 years;
 - a clawback mechanism is in place that ensures there is no financial incentive to break the covenant;
 - all the units are self-contained and let separately;
 - there is unified ownership and unified management of the private and Discount Market Rent elements of the scheme;
 - longer tenancies (3 years or more) are available to all tenants. These should have break clauses for renters, which allow the tenant to end the tenancy with a month's notice any time after the first six months;

- the scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
 - there is on-site management. This does not necessarily mean full-time dedicated on-site staff, but that all schemes need to have systems for prompt resolution of issues and some daily on-site presence; and
 - providers have a complaints procedure in place and are a member of a recognised ombudsman scheme.
16. The affordable housing statement should be updated to reflect how the development meets the above requirements. These must be secured in the S106 agreement.

Re-provision of retail

17. Policy SD7 of the London Plan states that retail development should be focused on sites within town centres or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport (the sequential test). Policy E9 states that development proposals should support convenience retail in all town centres, particular in district centres.
18. The site is located within the Bromley Town Centre and is easily accessible by rail and bus. The proposal includes 4,359 sq.m. of retail floor space, which includes a retained and refurbished Waitrose supermarket. The principle of the retail floor space is accepted within this context.

Housing

Affordable housing

19. Policy H4 of the London Plan seeks to maximise affordable housing delivery, with the Mayor setting a strategic target for 50% of all new homes to be genuinely affordable. Policy H5 of the London Plan states that the threshold level of affordable housing is a minimum of 35%. Schemes can follow the Fast Track Route and are not required to submit viability information nor be subject to a late stage viability review if they meet or exceed the relevant threshold level of affordable housing on site without public subsidy; are consistent with the relevant tenure split; meet other relevant policy requirements and obligations to the satisfaction of the Council and the Mayor; and demonstrate that they have taken account of the 50% strategic target and have sought grant to increase the level of affordable housing.
20. Policy H11 of the London Plan states that where a Build to Rent development meets the criteria set out in Policy H11, the affordable housing offer can be solely Discounted Market Rent (DMR) at a genuinely affordable rent, preferably at London Living Rent (LLR) level. To follow the Fast Track Route, Build to Rent schemes must deliver at least 35% affordable housing, and the Mayor

expects at least 30% of DMR homes to be provided at an equivalent rent to LLR, with the remaining 70% at a range of genuinely affordable rents. Schemes must also meet all the other requirements of Policy H5. Further guidance is provided in the Affordable Housing and Viability SPG. The Mayor has also consulted on the Affordable Housing Draft LPG and the Development Viability draft LPG.

21. The Bromley Local Plan states that 35% affordable housing is the expectation, with a tenure mix of 60% social/affordable rent and 40% intermediate.
22. The applicant proposes a Build to Rent scheme with a minimum of 10% affordable housing by habitable room, with an uplift to 20% affordable housing by habitable room which is subject to grant. The affordable housing offer is DMR at LLR levels, to be controlled and managed by John Lewis Partnership. Considering the scale of development proposed on the site, the level of affordable housing proposed is significantly below expectation.
23. The applicant has provided a financial viability assessment, which is being robustly interrogated by GLA officers to ensure the scheme delivers the maximum amount of affordable housing. Comments will be provided in due course. The applicant must also investigate the potential for grant funding and any other public subsidy.
24. The applicant should note that the London Plan states that DMR is an intermediate product and is managed and allocated as such, therefore it is not appropriate to seek DMR at or close to social rent levels.
25. Should the Council resolve to approve any application, a draft of the S106 agreement must be agreed by GLA officers to ensure all requirements are met, including review mechanisms.

Childrens play space

26. The submitted documents indicate that a total of 744 sq.m. of play space will be provided, against a minimum of 499 sq.m. as per the GLA's population yield calculator. The proposed scheme provides a variety of different play spaces across the site for a variety of age groups, which is supported in line with Policy S4 of the London Plan and the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation'.

Urban design

27. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.

Site layout

28. The general location of uses at ground floor, which is heavily influenced by the retention of the existing Waitrose store and proposed back of house uses along Masons Road does not raise strategic concerns. However, this maintains the existing on site challenges of inactive edges along Mason Hill. GLA officers maintain pre-application advice concerns that a truly active edge would have the ability to transform this part of Masons Hill. The applicant has attempted to integrate activity by introducing two glazed cores within the elevation. However, this provides limited activity and natural surveillance of the street.
29. The location of car parking and new dedicated east-west pedestrian route via a covered walkway between the store and parking area, and new pedestrian route 'Woodland Link' is welcomed. The location of residential entrance along Station Approach would be highly visible from the junction with High Street and should aid legibility. A secondary residential entrance is proposed in the east elevation accessed from a sunken piazza. The piazza and entrance would be at a lower level to the street and therefore not clearly visible from Masons Hill or Kentish Way. There are no store windows fronting the piazza and as such has minimal natural surveillance. Whilst the east entrance is beneficial there are concerns about how well this entrance would be used assuming the primary route for residents would be from the high street/station.

Tall buildings, scale and massing

30. Policy D9 of the London Plan seeks to manage the development and design of tall buildings within London. It states that tall buildings should only be developed in locations identified as suitable in development plans, provided that their visual, functional, environmental, and cumulative impacts are addressed. The definition of a tall building is based on local context and defined by local Development Plans.

Appropriateness of the site for tall buildings

31. The Bromley Local Plan considers tall buildings as those that exceed the general height of their surroundings and cause a significant change to the skyline. As such the proposed development would be defined as a tall building. Policy 47 of the Bromley Local Plan does not set out locational requirements, however, the supporting text states that tall buildings could be considered in town centre locations which benefit from good public transport, exhibit an existing local built character that would allow for tall buildings, and where no harm would be caused to heritage assets, the wider historic environment or important views.
32. The site is located within the Bromley Town Centre and the proposal includes buildings up to 24-storeys in height. The area contains several tall buildings including the adjacent Perigon Heights at 17-storeys. The site benefits from good public transport, however, the applicant needs to demonstrate that the proposals do not harm the existing local built character or heritage assets. Heritage and character are considered in more detail from a strategic perspective in this report. The applicant should engage further with the Council

to confirm whether the site is an appropriate location for a tall building, should it satisfactorily address these matters.

33. Notwithstanding this, the proposal must also demonstrate how it satisfies the qualitative requirements of Part C of Policy D9 of the London Plan with regards to its visual, functional, environmental and cumulative impacts.

Visual impacts

34. The general approach to height does not raise strategic concerns. The tallest building, at 24-storeys (Northern Building) would terminate the vista east along Station Approach and the second tallest building (Southern Building) at 19 storeys would front onto Kentish Way. Their elevated height would act as gateway into the Town centre from the south-eastern edge. The stepped form of the Southern Building, to create a 12-storey shoulder provides a transition between the taller elements of the proposal and the lower-scale development to the south of the site. The set back from the main building façade along the eastern elevation also assists to articulate and break up the perceived mass of the building from Kentish Way, and longer views from the east of the development.
35. In considering visual impacts, the height of the proposal building would create a clear hierarchy of scale to the skyline. The Council should consider the architectural quality of the building and secure this accordingly.

Functional impacts

36. The proposed development has a logical layout and would provide an uplift in housing including affordable housing, although the offer is currently below expectation. In addition, the scheme would introduce landscaping and public realm improvements. The site has a public transport accessibility level of 6a and sufficient public transport infrastructure exists to support the impact of the increased activity on the site. The applicant should work with the Council to ensure that any aviation or telecommunication impacts arising from the development are suitably addressed in line with Policy D9(C2f) of the London Plan.

Environmental impacts

37. The applicant has carried out a wind microclimate assessment of the proposed development. It is noted that a number of mitigations measures are recommended (including within building elevations, communal podium and terraced gardens). Should the Council seek to secure these recommended mitigation measures, these should be visually adopted to allow for a rounded assessment and ensure the areas are suitable for their intended uses. A daylight and sunlight assessment has been carried out which assesses the impact on surrounding buildings, including residential buildings. The Council should confirm whether the daylight and sunlight as well as the wind impacts of the development on neighbouring developments are acceptable. GLA officers will conclude on the environmental impacts of the tall building at Stage 2.

Cumulative impacts

38. In terms of cumulative impacts, the height and scale are broadly consistent with the prevailing context which is characterised by a range of tall buildings within a highly urban environment. The cumulative functional impacts with other tall buildings are acceptable and the environmental impacts will be considered at Stage 2.

Tall buildings summary

39. A final decision will be based on the overall compliance of the development with Policy D9 subject to the above issues being resolved in regard to appropriateness of the site, visual impacts, functional impacts and environmental impacts.

Public realm

40. The Station Approach piazza is a generous forecourt to the residential and retail/commercial entrances. The proposed seating, landscaping and café are welcomed addition to provide active frontages to the piazza. The landscaping proposals to integrate with the neighbouring sites is welcomed, including improved access to Perigon Heights and St Mark's Road.
41. The public realm improvements along Station Approach are welcomed, to connect Hight Street to Kentish Way and Mason's Hill. The new 'Woodland Link' from Langdon Road to the station is welcomed to improve pedestrian connectivity. This route should be carefully designed and secured to ensure it is a safe, inclusive and accessible connection. The pedestrian experience should be prioritised over vehicular, as discussed in the below transport section.

Internal quality

42. The proposal seeks to deliver 67% of the units as dual aspect. However, there are some north facing single aspect units on the upper floors of the Southern Building. Whilst these units would have an aspect of uninterrupted views over Bromley, the Council should consider if these receive adequate levels of daylight and sunlight or could be designed out of the scheme. A similar assessment should be considered for the single aspect south-west facing units onto the blank wall of the back of house facilities.
43. Any units without private amenity spaces should be clearly justified for the Council to further consider. The use of triangular shaped balconies within the Northern Building do not meet a consistent depth of 1.5 metres and it has not been demonstrated they will be useable spaces.
44. In considering the units fronting the Kentish Way flyover, it is acknowledged the upper-level flats within the link block would have compromised amenity spaces.

However, the applicant is encouraged to further consider the design, including options to flip the deck access to introduce amenity spaces. Furthermore, the lower-level flats will need to be carefully considered and secured by the Council (including any mitigation measures) to maintain an adequate level of privacy to these spaces.

45. The quantum of units per core (exceeding 8) is concerning and should be further considered by the applicant in line with London Plan policies D5, D6 and the Housing Design Standards LPG.

Architecture and materials

46. The general architectural approach does not raise strategic concerns, with robust brick elevations and openings. The Northern and Southern buildings include a defined base, middle and crown.

Agent of change

47. Policy D13 of the London Plan places the responsibility for mitigating impacts from existing noise and other nuisance generating activities or uses on the proposed new noise sensitive development through measures such as distance, screening, internal layout, soundproofing, insulation, and other acoustic design measures. The development must demonstrate how potential conflicts between the re-provided and the proposed uses have been mitigated, as well as mitigation for the noise generated from the site surrounds such as the railway line. This must be addressed prior to Stage 2 and appropriately secured.

Fire safety

48. Policy D12 of the London Plan requires a fire statement prepared by a suitably qualified third-party assessor, demonstrating how the 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.
49. A fire statement has been submitted which appears to meet the requirements of London Plan Policy D12. As the proposal includes residential buildings over 18 metres in height, two staircases have been provided in line with recent government announcement to meet London Plan Policy D12. Compliance with the fire statement must be secured by condition.
50. London Plan Guidance on Fire Safety restricts the use of combustible materials in the external walls of a building, limiting the use of green walls. The applicant mentions green walls within the specific technical complexities in the fire statement but does not go into any detail as to how this issue will be addressed. The proposed urban greening should therefore be reviewed against this guidance and updated as appropriate. Where this review finds it necessary to remove a green wall, opportunities should be sought to make up any

reduction in the UGF score by improving the quality or quantity of greening across the wider masterplan. For further information see [here](#)¹.

Inclusive access

51. Policy D5 of the London Plan seeks to ensure that proposals achieve the highest standards of accessible and inclusive design (not just the minimum). The application material sets out that the development meets the requirements of Policy D5 in that it can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation or special treatment. These measures should be appropriately secured.
52. The Planning Statement states that 10.8% of the proposed units comply with Building Regulation M4(3) for wheelchair user dwellings with all units complying with Building Regulation M4(2) for accessible and adaptable dwellings. The Council should secure 'wheelchair user dwellings' (M4(3)) and 'accessible and adaptable dwellings' (M4(2)) requirements by condition as part of any permission.

Heritage

53. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local authorities to have special regard and attention to preserving listed buildings, including their settings, and to preserving or enhancing the character and appearance of Conservation Areas. The NPPF makes clear that when considering the impact of a scheme, any conflict with a heritage asset's conservation should be avoided or minimised (Para 195). Para 199 and caselaw indicate that great weight should be given to a heritage asset's conservation. Harm should be clearly and convincingly justified and, if less than substantial, weighed against any public benefits (Paras 200, 201 and 202).
54. Policy HC1 of the London Plan requires development proposals to conserve significance by being sympathetic to the assets' significance and appreciation within their surroundings and avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. London Plan Policy D3 Optimising site capacity through the designed approach requires development proposals to respond to the existing character of a place and respect, enhance and utilise the heritage assets that contribute towards local character.
55. Policy D9 requires development proposals for tall buildings to take account of and avoid harm to London's heritage assets and their settings and requires clear and convincing justification for any harm, and demonstration that alternatives have been explored and that clear public benefits outweigh that harm.

¹ <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/london-plan-guidance/fire-safety-lpg>

56. No map of a Zone of Theoretical Visibility has been submitted and this is required to verify the assessment of impacts. GLA officers consider that the following levels of harm are caused by the proposed development (in all cases the assessment is based on the cumulative scenario):

Heritage asset	Category of harm	Extent of harm	View reference
Former St Mark's School, listed Grade II	Less than substantial	Low to middle	View 20, 21
The Old Palace and associated Ice House, Ha-Ha Wall, Pulhamite Waterfall, Victorian Folly of "Medieval Ruins", Pulhamite Fernery, all listed Grade II	No harm	No harm	No intervisibility
Bromley Town Centre Conservation Area	Less than substantial	Low	View 6
Crystal Palace Upper Terrace, listed Grade II and in Registered Park and Garden, Grade II*	Less than substantial	Low	View 23

57. The views provided show potential harm to the significance of heritage assets by reason of harm to their settings as follows:

- View 20 and View 21 show the development in the context of the Grade II listed Former St Mark's School. This view shows a low to middle level of harm to setting by reason of the overtopping and backdropping of the historic roofline. In a view which is possible from slightly further west than View 20 it is likely that the dwarf fleche and the bell cupola will be backdropped and this will cause more harm. The proposed development will cause harm to the setting of this building since it is almost immediately opposite and, in views in Mason's Hill (such as View 21) will represent a dramatic and uncharacteristic change of scale.
- View 23 from Crystal Palace Terrace (a Grade II listed structure in a Grade II* Registered Park and Garden) shows the development clearly discernible, rising above other development in the historic view along the Paxton Axis, in a view which otherwise mainly features low scale development and trees. This causes a low extent of less than substantial harm since it harms a key view out of the asset, detracting from the appreciation of the setting. This harm may be more apparent in a view from the upper terrace (no view provided).

58. As some harm is caused, the proposal does not comply with Policy HC1 and the harm must be given considerable importance and weight. The NPPF states that any harm to heritage assets must be clearly and convincingly outweighed by the public benefits of the proposal. The public benefits will be considered at Stage 2, once robustly secured to assess whether or not they outweigh the harm caused by this proposal.

Transport

Car parking

59. Reflecting the high PTAL location, the residential element of the development will be car-free, bar 10 spaces for Blue Badge holders. This represents a level of 3% Blue Badge provision. The London Plan calls for space for Blue badge spaces to the equivalent of a further 7% of homes to be identified, however given the site location next to Bromley South station, which is step free to platform, and fully accessible bus network close by and a wide range of services in the town centre, this is considered acceptable. Residents, unless holding a Blue Badge, should be excluded from applying for on-street car parking permits for the controlled parking zone (CPZ) which already exists in the area, and electric vehicle (EV) charging should be provided at least as per London Plan policy, albeit it is encouraged that all the disabled persons' spaces have active provision from the outset. A parking management plan will be required to ensure that only Blue Badge holders use the Blue Badge car parking, that spaces are allocated on the basis of need not tied to a particular dwelling, and to prevent use of retail car parking by residents and their visitors.
60. Retail car parking will be reduced from 199 to 140, thus freeing up the land for the proposed housing. This provision would include 10 accessible spaces, 5 parent and child spaces, and 8 EV charging spaces (2 rapid and 6 fast charging). Two additional Click and Collect spaces are proposed.
61. If the store was new, it should be car free to accord with the London Plan, however it is acknowledged that the store is proposed to be refurbished, with a similar floorspace to now and itself is not included within the application. The parking management plan should also set out how these retail car parking spaces will be actively managed, including how long stay parking by staff and commuters will also be prevented.

Active travel

62. The current site layout is vehicle focussed and has poor pedestrian permeability and legibility, particularly from the southeast, which is the main residential catchment area. A number of improvements are proposed in this respect, including moving the car park access further west on Station Approach, improving and decluttering the footway on Station Approach and removing a drop off bay, providing a central 'plaza' between the store and residential entrances, and a new 'town centre gateway' and pedestrian route from Kentish Way to the plaza, opening up the site from the southeast.
63. A new cycle and walking route from Langdon Road under Kentish Way is also proposed, which will help overcome severance of the road and further improve links to the south east. Improvements to St Marks Road and crossings on Masons Hill are also proposed.
64. These improvements should be appropriately secured. Any changes to the public highway will require a S278 agreement with TfL or Bromley Council as the relevant highway authority.

65. The development should be integrated into the local Legible London signage system to support active travel, so appropriate funding should be secured in the s106 agreement. £22,000 would provide for two new signs on/adjacent to the site, and local existing sign map refresh to ensure this development is shown on existing signs.
66. The cycle parking accords with the minimum in London Plan policy and short stay cycle parking will be within the public realm, not on highway. The long stay cycle parking for the residential element is proposed for first floor level, accessed by two lifts by direct routes, however all doors should be automated. There is a high proportion of double stackers (90%) so this should be reviewed to see how the proportion can be reduced. The stackers should also be power/hydraulic assisted.
67. Further information should be provided on the detail of the long stay cycle parking in terms of space between and in front of the stackers to ensure compliance with the space standards in the London Cycle Design Standards (LCDS), as referenced in London Plan Policy T5

Impact on transport network

68. The primary increase in trips will be from the substantially car-free residential element. However, given the site's high PTAL and wide range of services, there is unlikely to be a severe adverse impact on public transport capacity, though Network Rail should confirm this for National Rail services at Bromley South.
69. A reduction in car parking numbers will mean no significant increase in car trips, so there will be a neutral to beneficial impact on the local road network.
70. The bus stops on Masons Hill have Countdown but would benefit from new shelters and accessible kerb works, so this should be secured via the s106 agreement.

Deliveries and servicing

71. Servicing for the retail and some residential elements will be via St Marks Road, as the store is now, with some residential deliveries via Station Approach using two loading bays in the car park. A delivery and servicing plan (DSP), with the aim of reducing overall service vehicle trips and increasing zero emission vehicles and cargo bikes should be secured. Rapid EV charging facilities in the servicing areas would be supported in line with Policy T7 of the London Plan. Home delivery capacity from the store is proposed to increase, which is supported as it can help to decrease car parking demand.

Travel plan

72. The outline travel plan in the TA should be secured by way of condition or S106 agreement. A pool bike share scheme would be a good offer to match the 'build to rent' model, so the Council should consider securing this also.

Construction and interface with Kentish Way

73. A construction logistics plan (CLP) and a construction management plan should be secured by way of condition or S106 agreement.
74. The site is immediately adjacent to the Kentish Way flyover. Excavation and construction close to the flyover will require Technical Approval from TfL. Licences such as crane oversail may also be required. It is unlikely traffic will be impacted on the TLRN during construction as it is assumed most of the construction activity will take place from the south and west, however pedestrians and cyclists may need to be managed when improvements to the western footway of Kentish Way are delivered. Safety of exiting store users will clearly need to be maintained during construction of the residential element. The bus stop on Masons Hill directly adjacent to the site should remain open during construction, though if this is not the case, TfL should be consulted at the earliest opportunity.
75. The application proposes buildings close to the flyover (within 1.8 metres). TfL maintains great concerns that the current proposal will severely restrict access for maintenance and in emergencies. This must be discussed further with TfL, including the impacts on the structure and foundations of TfL infrastructure and the ability to repair, maintain and improve. This must be resolved ahead of a decision, as a matter of urgency.

Sustainable development

Energy strategy

76. The London Plan requires all major developments to meet a net-zero carbon target. Reductions in carbon emissions beyond Part L of the 2021 Building Regulations should be met on-site. Only where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site a contribution to a carbon offset fund or reductions provided off site can be considered.

Energy strategy compliance

77. An energy statement has been submitted with the application. The energy statement does not yet comply with Policies SI2, SI3 and SI4 of the London Plan. The applicant is required to further refine the energy strategy and submit further information to fully comply with London Plan requirements. Full details have been provided to the Council and applicant in a technical memo that should be responded to in full; however outstanding policy requirements include:

- Be Lean – further clarifications on specification and further measures required on non-domestic.
- Managing heat risk – further details to demonstrate the cooling hierarchy has been followed;
- Be Clean – Further information on energy strategy and energy strategy to be futureproofed for connection to future DHN;

- Be Green – demonstration that renewable energy has been maximised, including roof layouts showing the extent of PV provision and details of the proposed air source heat pumps;
- Be Seen – confirmation of compliance with this element of policy, with compliance to be secured within the S106 agreement;
- Energy infrastructure – further details and justification of the energy strategy and on the design of the district heating network connection is required, the future connection to the DHN must be secured by condition or obligation;

Carbon savings

78. For the domestic element, the development is estimated to achieve a 66% reduction in CO2 emissions compared to 2021 Building Regulations. For the non-domestic element, a 35% reduction is expected.
79. The development falls short of the net zero-carbon target in Policy SI2, although it meets the minimum 35% reduction on site required by policy. As such, a carbon offset payment is required to be secured. This should be calculated based on a net-zero carbon target using the GLA's recommended carbon offset price (£95/tonne) or, where a local price has been set, the borough's carbon offset price. The draft S106 agreement should be submitted when available to evidence the agreement with the borough.

Whole Life-cycle Carbon

80. In accordance with Policy SI2 of the London Plan the applicant is required to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint. The applicant should submit a whole life-cycle carbon assessment.
81. A condition should be secured requiring the applicant to submit a post-construction assessment to report on the development's actual WLC emissions. The template and suggested condition wording are available on the GLA [website](#)².

Circular economy

82. Policy D3 of the London Plan requires development proposals to integrate circular economy principles as part of the design process. Policy SI7 of the London Plan requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, following the Circular Economy Statements LPG.
83. It is welcomed that the applicant has provided a very well written and detailed Circular Economy Statement, in line with the adopted London Plan Guidance:

² <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/whole-life-cycle-carbon-assessments-guidance>

Circular Economy Statements (March 2022), including the completed CE template and an accompanying written report.

84. Minor updates and clarification are required throughout the CES including clarification on the BoM material intensities, and inclusion of the SWMP in order to confirm the anticipated waste estimates for the construction waste.
85. Where the applicant has exceeded beyond the minimum targets, it is strongly encouraged these targets are set in order to ensure best practice is continued throughout the next stages of the design.
86. A condition should be secured requiring the applicant to submit a post-construction report. The template and suggested condition wording are available on the GLA [website](#)³.

Digital connectivity

87. A condition should be secured requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development in line with Policy SI6 of the London Plan.

Environmental issues

Open space

88. The applicant demonstrates consideration of access to public open space across the site, including a play trail, raised planters and seating terraces within the public piazza on the ground floor, in accordance with Policy G4 of the London Plan. This is particularly important as the site is located in an area identified as being deficient in public open space within the London Green Infrastructure Focus Map, further information can be found [here](#)⁴.

Biodiversity

89. Policy G6 of the London Plan states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 further states that development proposals should aim to secure net biodiversity gain. Trading rules should also be satisfied.
90. The applicant provides quantitative evidence that the proposed development secures a net biodiversity gain of 2.48% habitat units and +0.02 hedgerow units. This is a minimal increase in biodiversity net gain, as such opportunities to increase the biodiversity within the scheme should be considered. The applicant has stated that trading rules have not been satisfied.
91. Recommendations in the Preliminary Ecological Appraisal should be implemented, or robust justification provided. The applicant should prepare an

³ <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/circular-economy-statement-guidance>

⁴ <https://data.london.gov.uk/dataset/green-infrastructure-focus-map>

Ecological Management Plan (EMP) to support long-term maintenance and habitat creation. The EMP should be secured by condition.

Green infrastructure and urban greening

92. The proposed development presents a well-considered approach to integrating green infrastructure and urban greening across the masterplan which is strongly supported. This includes the incorporation of rain gardens and intensive green roofs, which supports multifunctionality, in accordance with Policy G1 of the London Plan. The opportunity for the provision of biosolar roofing should be explored.
93. As the site boundary front onto the public highway, the proposal contributes to the greening of the public realm, with street trees and rain gardens on the site boundaries.
94. The applicant has calculated the Urban Greening Factor (UGF) score of the proposed development as 0.57, which exceeds the target set by Policy G5 of the London Plan. This should be treated as a minimum and any improvements to the quality and quantity of urban greening made where possible. In line with the above fire safety section, any urban greening should be reviewed against guidance.

Flood risk management

95. The site is located in Flood Zone 2. A Flood Risk Assessment (FRA) has been submitted as required under the NPPF.
96. Product 6 data was requested and is presented in the FRA. Flood outlines from 2015 modelling completed by the EA demonstrates that the site is no longer at risk of fluvial flooding, which is supported.
97. The site is at low, medium, and high risk of pluvial flooding. The applicant should confirm the proposed FFL, which should be higher than the estimated 100-year pluvial flood level, and should demonstrate that the development would not displace pluvial flood water off site.
98. Flooding from artificial sources is not considered within the FRA. An assessment of flood risk from reservoirs and/or canal systems should be provided.
99. The FRA adequately assesses the risk of flooding from fluvial/tidal, sewers and ground water, which is considered to be low.
100. The FRA provided for the proposed development does not comply with Policy SI.12 of the London Plan.

Sustainable drainage

101. The drainage strategy proposes to restrict runoff to 5 l/s for the 100-year event plus 40% climate change. The reason given for not achieving the greenfield runoff rate is "a hydrobrake flow control device (or similar) smaller than 75 mm

would be required” which would cause blockage of the system. Modern flow control devices can restrict flows to below 5l/s without blockage. This is therefore not supported. To fully comply with Policy SI.13 of the London Plan every effort should be made to reduce the site wide runoff to QBAR rates.

102. Section 7.2.4 states that full details of the greenfield runoff rates are provided in Appendix E. Appendix E does not include calculations for the estimation of the greenfield runoff rate which must be provided and the FRA should be updated to include this information. Furthermore, Table 10 provided the runoff rate in units of l/s/ha. Greenfield runoff rates should be presented in l/s and calculated using the relevant impermeable area(s) within the Site boundary.
103. In terms of SuDS, the drainage strategy proposes green roofs, permeable paving and an underground attenuation tank, which is welcomed. Rainwater harvesting should be provided to satisfy the requirements of Policy SI.13. The applicant should revise the drainage strategy to incorporate a range of SuDS to provide the required water quantity, quality, biodiversity, and amenity benefits.
104. A maintenance plan detailing the maintenance arrangements for the different elements of the surface water drainage system needs to be provided. This should include who is responsible, maintenance activities/frequencies and access.
105. An assessment of exceedance flood flow routes above the 100-year event plus 40% climate change should be provided.
106. The applicant should ensure that the London Borough of Bromley’s version of the London Sustainable Drainage Proforma is completed and accompanies the planning application. The proformas for all local authorities can be found [here](#).⁵
107. The surface water drainage strategy for the proposed development does not comply with Policy SI.13.

Water efficiency

108. No information is provided as to the targeted Wat 01 credits for the non-residential uses on site.
109. Water efficient fittings, and smart meters are proposed, which is welcomed. The applicant should also include water harvesting and reuse to reduce consumption of water across the site. This can be integrated with the surface water drainage system to provide a dual benefit.
110. The proposed development does not currently meet the requirements of Policy SI.5 of the London Plan.

⁵ <https://www.london.gov.uk/what-we-do/environment/climate-change/surface-water/london-sustainable-drainage-proforma>

Air quality

111. The Transport Emission Benchmark calculation as per the Air Quality Neutral guidance needs to be undertaken. The residential element is considered car-free, however, the trip rates associated with Waitrose Car Park needs to be calculated.
112. The number of parking spaces must not exceed that accounted for in the submitted air quality neutral calculation.
113. Use of the backup generators is restricted to emergency use and operational testing (less than 50 hours per year).
114. Conditions requiring London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards and measures to control emissions during the construction phase are required.

Local planning authority's position

115. Bromley Council planning officers are currently assessing the application. In due course the Council will formally consider the application at a planning committee meeting.

Legal considerations

116. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application; or, issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application (and any connected application). There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

117. There are no financial considerations at this stage.

Conclusion

118. London Plan policies on land use principles, affordable housing, urban design, heritage, transport, sustainability and environment are relevant to this

application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- **Land use principles:** The optimisation of this site for a mixed-use residential led development is supported in principle.
- **Housing:** A Build to Rent scheme to be controlled and managed by John Lewis Partnership, with a minimum of 10% affordable housing (by habitable room) in the form of Discount Market Rent at London Living Rent levels. Considering the scale of development proposed on the site, the level of affordable housing proposed is significantly below expectation. Build to Rent tenure requirements must be appropriately secured.
- **Urban design and heritage:** The site is not in an area identified as suitable for tall buildings in accordance with Policy D9(B) of the London Plan. Refinements to internal quality, landscape and public realm should be considered. There would be a less than substantial harm to nearby heritage assets and public benefits to outweigh the harm will be considered at Stage 2.
- **Transport:** The residential element of the development is car-free, which is supported. There will be a reduction in the quantum of commercial car parking spaces. Further information is required on trip generation, Healthy Streets, car and cycle parking, construction, delivery and servicing, and travel plans. There are concerns regarding the impact to the TLRN and fly-over which needs to be resolved ahead of a decision.
- **Sustainability and environment:** Further information is required on energy, whole-life cycle carbon, circular economy, green infrastructure, water, and air quality.

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