

Babbacombe Road Residents' Association

Response to the LBB Local Plan

Dec 2016

This document outlines various policy contradictions and deficiencies in supporting evidence that appear in LBB's latest Local Plan draft dated November 2016. The Local Plan should be considered "unjustified" and "unsound" in these respects.

While we accept that the Local Plan is not to be reviewed from the same perspective as one would a site-specific planning application, the document is clearly likely to become the principal point of reference for both developers and committees when future planning application do come under consideration. It would therefore be appropriate for the Local Plan to avoid obvious policy contradictions at this early stage and to ensure that the policy proposals contained within it are fully supported by robust evidence. It is hoped that the following notes will identify where deficiencies in these might exist.

We accept also that the focus of this report is limited only to commentary on the Local Plan's proposals for the Opportunity Site around Bromley North station. This not only reflects the principal focus of interest of our members but also the limited time that has been made available to us to participate in this consultation.

Scale of the Development

Draft Policy 37 - General Design of Development

Massing studies of the Bromley North site undertaken by Montagu Evans and publicly released by LBB in June 2016 indicate that tall buildings up to 17 storeys will be required to fulfill the Local Plan's proposals for 525 residential units. A development of this magnitude would be in direct contradiction to Policy 37's requirement that developments "*should complement the scale, proportion, form, layout and materials of adjacent buildings and areas.*" Virtually every building in the vicinity with the exception of Sherman House is between 3-4 storeys tall.

These same massing studies would also violate the Policy 37 requirement that developments "*Positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.*"

It is likely also that buildings of 17 storeys would not fulfill the Policy 37 requirement that developments *“respect the amenity of occupiers of neighbouring buildings and those of future occupants [...] and ensuring they are not harmed by [...] privacy or by overshadowing.”*

The development at St Mark’s Square is perfect example of where this guidance has not been enforced permitting multiple homes to be overshadowed by the new build there.

We submit that the proposed development would fail to fulfill a number of policy 37’s requirements and recommend that it be reworked compliance with these policy objectives can be achieved.

Draft Policy 42 - Development Adjacent to a Conservation Area

The Plan ought to demonstrate how the proposed development would fulfill the Policy 42 requirement 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”*.

It would be expected that a formal environmental impact study be undertaken to assess the impact of a development proposal before its inclusion in a Local Plan. Such a study appears not to have been conducted.

We submit that development cannot fulfill the requirements of Policy 42 and recommend that an independent party (perhaps Historic England) undertake an environmental impact study on all proposals around the Bromley Conservation Area before their inclusion in the Local Plan.

Draft Policy 47 - Tall & Large Buildings

The Local Plan should demonstrate how the proposal for 17 storey blocks fulfils the Policy 47 requirement that tall and large buildings *“make a positive contribution to the townscape ensuring that their massing, scale and layout enhances the character of the surrounding area”*.

Policy 47 states that *“proposals for tall buildings will be required to follow the current Historic England Guidance”*. This guidance includes the following:

3.7 A successful urban design framework [...] can:

a. Identify those elements that create local character and other important features and constraints, including [...] Scale and height, streetscape and character assessment (including the history of the place).

We argue that a defining characteristic of the area is its predominantly low-rise aspect. The local plan should clearly identify this and state an intention to deliberately preserve this characteristic. The National Planning Policy Framework (NPPF) stresses that poor design *'that fails to take the opportunities available for improving the character and quality of an area and the way it functions' should be refused'* (paragraph 64).

Although Sherman House is 10 storeys high, the height of this building is unique in the area with nearly all other properties at around 3-4 storeys. The Historic England Guidance also states that:

"the existence of a tall building in a particular location will not of itself justify its replacement with a new tall building on the same site or in the same area, as it may improve the area to replace it with a lower building. A rigorous process of analysis and justification will be needed in each case".

Despite the Local Plan stating that policy will be to follow Historic England's guidance, no evidence has been produced that the recommended analysis has been undertaken at Bromley North to justify a development of the proposed scope.

We submit that the proposal as stated cannot comply with Historic England guidance on tall buildings and should be reviewed until compliance with this guidance can be achieved.

AAP – "Taller" Buildings

The AAP indicates that the site behind Bromley North station could support "tall" or "taller" buildings while also stating also that the Council is *"committed to ensuring that the height and density of new development is, wherever possible, kept to a minimum"*. The Local Plan and any amendment to the AAP should take the opportunity to be much more concrete about what "tall" and "taller" means. Is it taller than the mean height of buildings in the local area? Taller than the current tallest building?

The Historic England guidance states (4.8) that:

"careful assessment of any cumulative impacts in relation to other existing tall buildings and concurrent proposals will also be needed to fully understand the merits of the proposal. The existence of a built or permitted tall building does not of itself justify a cluster or additions to a cluster or will an existing single tall building naturally justify further tall buildings so as to form a cluster. Each building will need to be considered on its merits, and its cumulative impact assessed."

BRRRA would expect that such assessments be completed well before any figures for residential capacity are able to be stated as specifically as they are in the Local Plan.

The BRRRA accepts the need for more housing, but, as the guidance continues:

“There may be good planning reasons to seek an increased development density in an area, but tall buildings represent only one possible model for delivering higher density development. Alternative forms may relate more successfully to the local context.”

We submit, again, that the probable impact of the proposal on the area has not been the subject of adequate research. Or, if this research has been carried out, then it has not been released for scrutiny and consultation. As such, LBB has failed to justify the legitimacy of the proposal and we recommend that such evidence be brought forward before the site be included in the Local Plan.

LBB’s Own Evidence Against Linden Homes

At LBB’s High Court case Vs Linden Homes on 31st Oct 2011, the Council has already publicly objected to what would have been a smaller development proposal of just 400 units on the following grounds:

- Its *“impact on adjoining properties which were generally three stories in height”*;
- It would be *“difficult to integrate with the surrounding area”*;
- ...*“the 400 [unit] scheme was unacceptable in terms of impact, density and tall buildings”*;
- ...*“around 250 [units] was the maximum for the town centre for amenity reasons”*;
- *“400 units was beyond what was acceptable in a town centre”*.

We submit therefore that LBB has not only failed to provide evidence in support of the Bromley North proposal but has itself raised concrete objection against it. Whilst we accept that the planning environment is liable to change over time, we would expect to see a well-developed explanation for why the Council’s own legal objections to the project should now no longer be considered relevant.

LBB’s Supporting Documentation

Bromley Council appends many documents in support of the Local Plan. Two relevant to the scale of the development at Bromley North are:

- *Site Assessments 2015 - Housing and Mixed Use* (LBB, Sep 2015)
- *Draft Allocations Further Policies and Designations* (LBB, Sep 2015)

Both the above supporting documents specifically suggest that the site at Bromley North would support only 250 units. The Local Plan’s proposal for 525 units represents a 110% increase in development scope over that given by its own supporting documentation. This constitutes a failure to provide adequate justification for the proposal.

It is noted that the June 2016 massing study undertaken by Montagu Evans which constituted the “viability analysis” for the Bromley North site was not included in the supporting documentation for the Local Plan. However, we understand that it was this massing study that first suggested that 525 units on the site would make the project viable from a developer’s point of view. At no point have the assumptions, methods, pricing or any of the calculations that produced this conclusion been released for public scrutiny.

In conclusion, we therefore submit that LBB has fully failed to provide evidence to justify the proposal for 525 units at the site. On the contrary, the evidence provided both now in support of this Local Plan and previously at the High Court against a similar plan would strongly suggest that only a much smaller development would be appropriate in this location.

Impact on Parking

The Local Plan should clearly state the number of parking places required both for the proposed residential units and the office space.

For the avoidance of doubt, if per Policy BTC25 of the Bromley Town Centre Area Action Plan (AAP) the intention is that *“Opportunity Site residents will not be eligible to acquire Resident’s Parking Permits”* then this should be clearly stated.

Although supporting documents indicate that the existing public parking facilities at station road and the station car-park are to be maintained the Local Plan does not explicitly state this. It would be expected that developers will always object to this requirement in order to minimise their overheads. If just for this reason alone, we therefore recommend that the Local Plan itself should clearly specify this parking requirement

The Local Plan should cite clear research of residential parking need around the site and then use the development at Bromley North as an opportunity to actively increase the number of local spaces for shoppers and residents. If this research has not been undertaken then it should form part of the Local Plan needs assessment.

Impact on Transport

Policy 31 - Relieving Congestion

Policy 31 states that developments *“likely to be a significant generator of travel [...] will require the submission of a Transport Assessment.”* We presume LBB intends that prospective developers will foot the bill for this although it is our recommendation that all such assessment are undertaken by an independent body. It appears very premature to us that concrete housing target numbers should be proposed for the site without reference to an assessment on the development’s likely impact on infrastructure.

The BRRRA supports the requirement that all developers enter into an agreement to submit and implement acceptable Travel Plans, Construction Logistics Plans, and Delivery and Servicing Plans.

The BRRRA supports the requirement that the development should improve the local highway network including traffic management measures that limit the significant impacts of the development and are designed to be sensitive to the surroundings as outlined in part D of Policy 31.

We submit that critical Transport Impact Assessments have not been conducted and that the justification for the development is unsound for this reason.

Draft Policy 35 Transport Investment Priorities

The text is high on aspiration but low on implementation, monitoring and accountability. If this Policy statement is to be implemented then there also needs to be an appropriate investment in manpower and promotion so that the stated policy objectives can be genuinely pursued and secured for the Borough.

We submit that the Policy 35 contains insufficient detail to be implementable and recommend that clearly defined targets and a commitment to budget expenditure be clearly stated.

Draft Policy 36 - Safeguarding Land for Transport Improvements

The Local Plan should clearly outline how any residential and office development on the Bromley North site will fulfill the policy requirement that:

“The Council will safeguard land and route alignments for the following public transport investment (including land for construction and operation): [...] Docklands Light Railway from Catford to Bromley South via Bromley North.”

We submit that any development on the Bromley North site in advance of a decision about the DLR connecting to Bromley would be premature and would unnecessarily jeopardise the ability of this policy objective to be realised.

Reasonable Alternatives

The NPPF’s ‘test of soundness’ suggests that justifications for plans should demonstrate that they are “the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.” No evidence of any “reasonable

alternatives” has been produced for scrutiny at this consultation and it is unclear how this test of soundness can be applied in their absence.

We submit that LBB has failed to produce a sound Local Plan for this reason.

Use of Weasel Words

The Local Plan states that the development at Opportunity Site A will:

- Provide a sensitive and effective transition between the adjoining low rise residential areas and the higher density town centre.
- Respect and enhance the setting of the Grade II Listed Bromley North station building

Words such as “sensitive”, “effective” “respect” and “enhance” are open to many different interpretations. Whilst we accept that the Local Plan is a vision document and, as such, should permit some flexibility of interpretation, we would recommend making clear statements on development limits which can be genuinely consulted upon now. For example, clearer statements on maximum building heights, minimum car-parking spaces to be provided and the minimum distance between new buildings and existing properties would be appropriate at this stage. Clear detail would enable interested parties to put forward well-reasoned statements of support or objection. Vague language only serves to postpone real debate on what are important local issues.

We submit that the Local Plan fails to use sufficiently clear and precise language and, as such, limits the ability of local stakeholders to assess its “soundness” or otherwise. Use of overtly aspirational language also reduces the degree to which the success or otherwise of the Local Plan can be ascertained in the future. We recommend that objectives be stated in much more concrete terms.

Conclusion

We have hereby identified numerous examples of policy conflicts and deficiencies in supporting evidence for Bromley Council’s Local Plan. We suggest that these be remedied and further drafts submitted for public scrutiny.

While our response has focused exclusively on the development at Bromley North, many of the policy conflicts and deficiencies in supporting data that we have identified above will no doubt be relevant to other sites across the Borough.