

# Blenheim Shopping Centre, Penge

Bromley Local Planning Authority reference 23/00178/FULL1

**Strategic planning application stage 2 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**

Demolition of existing buildings and construction of a mixed-use development in four buildings ranging in height from 3 to 16 storeys containing 230 residential units, up to 2,714 sq.m. of commercial/town centre floorspace and associated communal amenity space, play space, car parking, cycle parking, refuse storage and plant space; alongside the provision of public realm and new pocket park with associated landscaping improvements.

**The applicant**

The applicant is **Hadley Penge LLP** and the architect is **FCB Studios**.

**Key dates**

**GLA pre-application meeting:** 10 January 2022

**GLA stage 1 report:** 13 March 2023

**LPA Planning Committee decision:** 5 March 2024

**Strategic issues summary**

**Land use principles:** The proposed mixed-use development of the site is supported 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 60% Social Rent and 40% London Shared Ownership and therefore has followed the Fast Track Route. An early-stage review and affordability levels has been secured in the S106 agreement.

**Urban design and heritage:** The site is not identified as suitable for a tall building in accordance with Policy D9 of the London Plan. However, the visual, functional, environmental, and cumulative impacts are acceptable, and therefore the tall building is accepted on balance. The proposal would result in a low to medium level of less than substantial harm to heritage assets which will be outweighed by the public benefits of the scheme.

Other issues on **transport, sustainability** and **environment** have also been acceptably resolved on balance.

**The Council's decision**

In this instance Bromley Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

**Recommendation**

That Bromley Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

## Context

1. On 2 February 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. This was referred to the Mayor 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 or flats;*
  - **Category 1Cc:** *The building is more than 30 metres high and is outside the City of London*
2. On 13 March 2023, the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report GLA/2023/0077/01 (link to report [here](#))<sup>1</sup> and subsequently advised Bromley Council whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:
  - **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 materiality, 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.
3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

---

<sup>1</sup> <https://planning.london.gov.uk/pr/s/planning-application/a0i4J00000CGAdrQAH/20230077?tabset-c2f3b=2>

4. On 5 March 2024, Bromley Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement, and on 9 December 2024 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Bromley Council under Article 6 to refuse the application; or, issue a direction to Bromley Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 23 December 2024 to notify the Council of his decision and to issue any direction.
5. The decision on this case, and the reasons, will be made available on the City Hall website: [www.london.gov.uk](http://www.london.gov.uk)

## **Response to neighbourhood consultation**

6. Bromley Council publicised the application by sending notifications to local addresses and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.
7. Following the neighbourhood consultation process Bromley Council received a total of 1,571 responses (1,195 in objection, 337 in support and 15 comments). A petition of objection containing 2,314 signatures was also received, as well as representations of objection from the following local community groups: Alexandra Residents Association, West Beckenham Residents Association, The Blenheim – Arpley Estate Residents Association, Avington Grove Residents Association, Friends of Penge Recreation Ground, Penge SE20 BID, Penge Forum - Community Association for Penge and Anerley, Bromley Friends of the Earth, the Victorian Society, the Advisory Panel for Conservation Areas, CPRE London, and local councillors. The reasons for objection and support raised as part of the neighbourhood consultation process are collectively summarised below.

### Neighbourhood objections

- Loss of existing shopping centre, retail, and community uses
- Impacts on jobs, shops and businesses
- Development is not meeting the needs of Penge
- Inadequate replacement facilities
- Lack of leisure and quality retail units
- Loss of existing parking
- Lacks direct presence on the High Street
- Overdevelopment, excessive in density, height, bulk, and scale, and out of character with surrounding area

- Overcrowding and associated negative impacts
- Poor architectural quality and materials
- Visual impact including on strategic views
- Environmental impacts of the tall buildings, including loss of daylight, sunlight, privacy, and outlook
- Lack of green space and trees
- Concern for precedent for further towers in the area as seen in Lewisham, Croydon and Greenwich Peninsula
- Does not comply with Policy D9 of the London Plan
- Issues with other tall buildings in the area, including the Travelodge which is an eyesore, the Surrey and Kent Towers which were demolished, and a previously refused tower in Parish Lane
- Development unsuitable to Penge's low-rise context
- Heritage and conservation impacts
- Neighbourhood amenity impacts
- Environmental impacts, including sinking, heating, air quality, and wind microclimate
- Poor sustainability credentials
- Impacts on local wildlife
- Flood risk and drainage issues
- Highways and transport impacts
- Financial contributions and obligations for transport should be secured
- Inadequate affordable housing, including tenure mix and management
- Poor quality of residential accommodation, particularly for families
- Poor quality open space
- Fire safety issues
- Social, economic and housing problems
- Inadequate play space and amenity provision
- Impacts on local infrastructure and services

- Accessibility issues
- Inadequate waste servicing arrangements
- Construction impacts
- Errors in application
- Inadequate cycle parking
- Inadequate consultation and ignoring local voices
- General non-compliance with the development plan
- No community benefits
- People may leave Penge
- Development would be at odds with Penge's communities
- Lack of equalities impact assessment
- Lack of public toilets
- Loss of property values
- Lack of technical information
- Impacts on aviation and TV, radio and phone signal
- Loss of artwork
- Inaccurate claims in application material and poor information provided
- Overall harm to the immediate area is not outweighed by the public benefits
- Not an appropriate location for development of this scale and quantum of residential units
- Inaccurate PTAL calculation
- Queries on how biodiversity net gain can be achieved

#### Neighbourhood support

- Need for housing including affordable housing
- Design and appearance
- Employment opportunities and economic investment
- Good location close to transport

- Good public realm, connections, and landscaping
- Good sustainability and environment credentials
- Good facilities
- Improve health and wellbeing, and bring young people to Penge
- Infrastructure improvements
- Existing carpark is rarely full
- Consistent with the development plan
- Retail offering
- Increased footfall on high street
- Car-free development is positive
- The existing shopping centre is an eyesore and unsafe
- Consultation process
- Development would support the regeneration of the town centre
- Construction jobs
- Acceptable heritage and townscape impacts

## **Responses from statutory bodies and other organisations**

### Historic England

8. Objection raised due to the less than substantial harm caused by the tall building which would have on the predominantly suburban character of the historic environment in this part of the borough.

### Health and Safety Executive

9. Content with the fire safety arrangements.

### London Fire Brigade

10. Concerns relating to a single stair on Block A, the design of the stairs for Blocks B, D and E, the amenity spaces at height, access, mechanical ventilation, electric vehicle charging, cycle storage area, means of escape, and evacuation lifts.

### Environment Agency

11. No objection raised.

### London Borough of Croydon

12. No objection raised.

### London Borough of Lambeth

13. No objection raised.

### National Grid

14. No objection raised.

### Natural England

15. No comments received.

### Thames Water

16. No objection raised.

## **Representations to the Mayor**

17. At the time of writing, over 370 representations to the Mayor were received, which were similar to those raised to the Council, and summarised below:

### Neighbourhood objections

- Overdevelopment, excessive in density, height, bulk, and scale, and out of character with surrounding area
- Development could be acceptable if several storeys reduced
- Loss of daylight and sunlight, privacy, and outlook
- Impacts on local services including on schools, GPs, and infrastructure
- Loss of existing businesses and inadequate retail re-provision
- Loss of parking spaces and lack of parking in new development
- Loss of vitality of the high street
- Lack of community floor space
- Construction impacts
- Poor consultation
- Significant opposition
- Heritage and townscape impacts

- Poor accessibility and safety concerns
- Highways and transport impacts
- Fire safety concerns particularly London Fire Brigade raising objection
- Concerns Penge could become another Croydon or Lewisham and lose its neighbourhood feel
- Inadequate affordable housing
- Developer greed
- Procedural issues with the committee and the way the process was followed
- Impacts on property values
- Poor residential quality
- Poor sustainability credentials and lack of open space and landscaping
- Crime and anti-social behaviour
- Damage to neighbouring buildings
- General non-compliance with the development plan
- Waste arrangements inadequate
- Poor vehicle and cycle parking design and access
- Inaccurate information
- Loss of walkway from Burham Road to Evelina Close
- Issues with the pocket park
- Windy and dark environment
- High carbon impact and increased pollution
- Concerns the units will be sold to overseas investors
- The application was only approved because it could be appealed
- The site was sold by Bromley to Hadley
- Issues with the design review panels
- Inappropriate housing mix
- Considerable objections from statutory authorities



- Reports funded by the developer and not reliable
- Poor example of regeneration
- Issues with the terrain and structural integrity
- Flooding issues
- Many empty residential properties in Penge
- The existing site is not under-utilised
- Concerns about the S106
- Penge is unfairly targeted as an area for development in the borough
- Request for a call-in

#### Neighbourhood support

- More housing including affordable housing
- The existing shopping centre is neglected and one of the only sites in Penge that is underdeveloped
- Anti-social behaviour at existing shopping centre
- Support the regeneration of the town centre
- New facilities that will benefit the community
- Make it easier for people to buy a property in Penge

#### **Response to public consultation - conclusion**

18. Having considered the local responses to public consultation, Bromley Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, and those representations made directly to the Mayor, where these raise material planning issues of strategic importance.

#### **Update**

19. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation and representations made to the Mayor.

## Relevant policies and guidance

20. Since consultation stage the following are now material considerations:
- Characterisation and Growth Strategy LPG (June 2023);
  - Housing Design Standards LPG (June 2023); and
  - Optimising Site Capacity: A Design-Led Approach draft LPG (June 2023); and
  - The National Planning Policy Framework was published on 12 December 2024 and is a material consideration for all planning decisions.

## Land use principles

### Town centre regeneration

21. As advised at Stage 1, the mixed-use regeneration of this part of Penge District Town Centre was accepted in line with Policies SD6, SD7 and SD10 of the London Plan.

### Residential units

22. As advised at Stage 1, the principle of the addition of residential units was supported as it contributes to Bromley and London's housing targets.

### Re-provision of retail

23. As advised at Stage 1, the provision of 2,828 sq.m. of flexible commercial floor space (Class E) was supported in line with Policies SD7 and E9 of the London Plan. The loss of floor space was accepted as it was primarily back of house functions.

## Housing

### Affordable housing

24. The proposed development includes 230 residential units as 35% affordable housing by habitable room including 60% Social Rent and 40% London Shared Ownership and therefore is eligible to follow the Fast Track Route. In line with the requirements of Policy H5 of the London Plan, an early-stage review and affordability levels has been secured in the S106 agreement. The housing and tenure mix is provided below:

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

### Children's play space

25. At stated at Stage 1, a total of 1,550 sq.m. of play space is provided, against a minimum of 955 sq.m, which satisfies the requirements of Policy S4 of the London Plan. Full details of the play space have been secured by condition.

## **Urban design**

### Development layout

26. As required at Stage 1, the Council has secured a pre-commencement condition for all areas of public realm and access outside of the applicant's ownership to be secured via an appropriate mechanism.

### Tall buildings, scale and massing

27. 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*

28. As set out at Stage 1, the site has not been identified as an area appropriate for tall buildings. The proposal therefore does not comply with Part B of Policy D9 of the London Plan.

### *Visual impacts*

29. At Stage 1, GLA officers raised concerns with the height and massing of Block C at 18 storeys due to heritage and townscape impacts, and the height and massing of Block A at 6 storeys and Block B at 9 storeys due to the inappropriate height transition to the adjoining low-rise residential properties. Since Stage 1, the applicant has reduced the height of Block C to 16 storeys, as well as introduce a setback on the upper level of Blocks B and E, reduced the height of Block D to 8 storeys, and removed the mezzanine level to Block A.

30. Overall, the revised height and massing strategy reduces the visual impacts compared to the original submission. Although the development represents a marked increase from the prevailing low-rise context, it would serve as a marker to, and support the regeneration of, the Penge District Town Centre. The siting of Block C reduces its dominance as it is well set back from the high street and partially screened by Blocks A, B, D and E, and existing neighbouring development, with only the middle to upper sections of the building visible in short, mid, and long-range views. Given the site constraints, the height transition and separation distances between the development and the neighbouring residential properties is considered acceptable.
31. Representations received by the Mayor raise concerns regarding the height of the proposed development and the impact of this height on the local character. As set out above, GLA officers acknowledge the proposed development would be taller than the prevailing height of the local area, however, it is considered that the visual impacts would not give rise to undue strategic planning concerns.

#### *Functional impacts*

32. At Stage 1, the development was found to have a logical layout which would provide a significant number of new residential units, including affordable housing. The assessment identified the benefits of the landscaping, public realm improvements, and public transport accessibility. The servicing strategy for the development is acceptable, as detailed in the transport section below, and the development would not have an adverse impact on aviation, telecommunication, or neighbouring solar energy generation.

#### *Environmental impacts*

33. The Council's committee report confirms that a daylight, sunlight, and overshadowing analysis of the impact of the development on surrounding properties and within the site itself had been undertaken by the applicant. The assessment found that whilst there would be noticeable daylight, sunlight and overshadowing impacts, the proposal is considered to be acceptable. GLA officers support this conclusion.
34. The Council's committee report confirms that a wind microclimate assessment had been undertaken by the applicant. The assessment found that the proposals are largely acceptable, however, mitigation measures will be required. Further details on this have been secured by condition. GLA officers support this conclusion.

#### *Cumulative impacts*

35. In terms of cumulative impacts, the height and scale are over and above the prevailing context which is characterised by low-rise development. As such, the development would not result in cumulative impacts with other surrounding tall buildings. The cumulative visual, functional, and environmental impacts are also acceptable.

#### *Tall buildings conclusion*

36. Whilst the application does not satisfy the locational requirements of Part B of Policy D9, GLA officers are satisfied that the proposed development acceptably addresses the qualitative criteria set out in Part C of Policy D9; the visual, functional, environmental, heritage and cumulative impacts of the proposal are acceptable. On balance, and taking into account the public benefits of the scheme, GLA officers consider that the tall buildings proposed are acceptable.

#### Public realm

37. As requested at Stage 1, the applicant has provided further landscaping on Evelina Road and added a new, south facing roof garden on Level 4 of Blocks D/E. Overall, the development provides high quality public realm and landscaping, which allows for permeability and connectivity through the site, urban greening, and outdoor play and amenity space for residents and visitors to enjoy.

#### Internal quality

38. At Stage 1, the applicant was encouraged to increase the proportion of dual aspect units and consider overlooking and privacy issues in Blocks BC and DE. Since Stage 1, the applicant has confirmed that 149 (65%) units would be dual aspect which is the maximum practical. It is noted that none of the single aspect units are north facing and there would be no single aspect family units. There will be opportunities for overlooking between Blocks A and B/C and Blocks B/C and D/E due to the 12 metre separation distances. However, the positioning of windows and balconies would result in oblique rather than direct views and is therefore considered acceptable. GLA officers are satisfied the units would have reasonable internal quality.

#### Architectural quality

39. At Stage 1, the overall architecture and materials were broadly supported. However, the applicant was encouraged to explore opportunities for further variation, including the colour of the bricks in the tallest element. Since Stage 1, the scheme has been amended to reduce the height of the tallest element by two storeys and introduced a lighter shade of brick, which introduces variation and reduces the visual impact of the development. Further details on materials have been secured by condition.

#### Fire safety

40. As stated at Stage 1, the applicant has provided a fire statement that has been prepared by a suitably qualified assessor and acknowledges the fire safety requirements of Policies D5 and D12 of the London Plan, which is acceptable. Compliance with the agreed fire safety statement has been secured by condition.
41. A second stair is provided in Blocks B/C and D/E which are the buildings over 18 metres. It is noted that the London Fire Brigade raised an objection to Block A only having a single stair, the design of the second stairs in Blocks B/C and D/E, evacuation lifts, and means of escape. The finished floor level of the uppermost storey of Block A is 17.7 metres which is below the 18-metre threshold, and therefore a second stair is not required. The other matters will be considered in

subsequent building control consultations. GLA officers' approach to second stairs is consistent with current Government advice.

### Inclusive access

42. As required at Stage 1, the LPA has secured appropriate planning conditions to ensure inclusive access and wheelchair accessible units. This aspect of the application is therefore compliant with Policies D5 and D12 of the London Plan.

### **Heritage**

43. At Stage 1, it was identified that the proposed development would result in less than substantial harm to the Grade II Royal Waterman's and Lighterman's Asylum (at a middle level), the Grade II listed Penge Congregational Church (at a low level), the Penge High Street Conservation Area (at a middle level), the Alexandra Cottages Conservation Area (at a low level), and the Barnmead Road Conservation Area (at a low level). The harm was attributed to the height of the Block C and the choice of red brick, which does not relate to the dominant colour in the area (buff London stock brick) and adds to the visual dominance of the tower.
44. Since Stage 1, the scheme has been amended to reduce the height of Block C to 16 storeys and to introduce a lighter stock brick. Whilst it is acknowledged these amendments reduce the visual impacts of the development to these heritage assets, GLA officers consider there will be low to medium level of less than substantial harm caused to these heritage assets. The Council committee report supports the conclusion of GLA officers and notes that Historic England raise objections to the height. It goes on to state that the harm identified to heritage assets is outweighed by the public benefits of the scheme, including housing and affordable housing delivery, redevelopment of an under-utilised site in a highly accessible location, regeneration, and public realm and biodiversity improvements.
45. The harm caused to designated and non-designated heritage assets is contrary to Policy HC1 of the London Plan (which seeks to avoid harm), and therefore the NPPF heritage planning balance must be engaged. GLA officers consider the less than substantial harm caused to the Grade II listed buildings and conservation areas is clearly and convincingly outweighed by the public benefits of the scheme, which includes regeneration of the town centre, optimising the use of the site, an uplift in housing including affordable housing, retail and commercial floor space, public realm improvements, and financial contributions.

### **Strategic views**

46. As stated at Stage 1, the site falls within the Protected Vista Extension of London View Management Framework London Panorama 4A.2 from the summit of Primrose Hill to the Palace of Westminster. Since Stage 1, the applicant has provided a view demonstrating the development will be fully obstructed by the Palace of Westminster and therefore not visible in the viewing corridor.

## **Sustainable development**

### Energy

47. At Stage 1, the applicant was required to fully refine the energy strategy and provide additional information on carbon savings, heating strategy, connection to the district heating network, PV panels and heat pumps.
48. Since Stage 1, further information has been provided and the energy strategy has been assessed as acceptable. Conditions have been secured in relation to energy and efficiency standards, air quality, overheating, PV array, CO2 reduction and whole life cycle carbon to ensure compliance with the information provided.
49. The applicant has also reviewed the 'Be Seen' energy monitoring guidance which is secured by condition.
50. The proposed development would achieve carbon savings of 74% and 8% against 2013 Building Regulations for the domestic element and non-domestic element respectively. This falls short of the zero-carbon target set out in Policy SI2 but exceeds the 35% minimum reduction required by this policy. A carbon offset payment of £176,047 has been secured in the S106 agreement to address this shortfall. The development therefore generally meets the requirements of Policies SI2, SI3 and SI4 of the London Plan.

### Whole life-cycle carbon assessment

51. At Stage 1, the applicant was advised to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint and submit a whole life-carbon assessment to the GLA using the reporting template. Conditions securing further details on maximising on-site carbon dioxide savings, including a post-construction monitoring report have been secured. This acceptably addresses the WLC requirements in Policy SI2 of the London Plan in this instance.

### Circular economy

52. At Stage 1, a circular economy statement was provided as required by Policy SI 7 of the London Plan demonstrating how materials will be reused, recycled, and managed. Further details on circular economy to be provided to the LPA and a post construction monitoring report have been secured by condition. This acceptably addresses the requirements of Policy SI 7 in this instance.

## **Environmental issues**

### Biodiversity

53. As required at Stage 1, the ecological management plan has been secured by condition. It is noted the development will achieve a biodiversity net gain of 2652.50% and trading rules are satisfied, which meets the requirements of Policy G6 of the London Plan.

### Green infrastructure and urban greening

54. As discussed at Stage 1, the development achieves an urban greening factor (UGF) of 0.345, which is below the 0.4 target for a predominately residential scheme set out in Policy G7 of the London Plan. The applicant has provided justification for the shortfall including it being a mixed-use scheme, green walls being removed for fire safety reasons, and the useability of the public realm. Given there is a significant increase in greening compared to the existing, the shortfall is accepted on balance. The UGF score as a minimum and full details of landscaping have been secured by condition.

### Trees

55. As required at Stage 1, further information on the trees to be removed, retained, and planted has been provided. Details of the tree planting have been secured by condition.

### Sustainable drainage and water harvesting

56. As required at Stage 1, further information has been provided on the drainage strategy and water harvesting, which is considered acceptable. Appropriate conditions have been secured.

### Air quality

57. At Stage 1, an air quality assessment was submitted demonstrating the development would be Air Quality Neutral. Appropriate conditions relating to air quality have been secured.

## **Transport**

58. At Stage 1, a number of strategic transport issues were raised, the outcome of which is set out below.
59. A £10,000 Healthy Streets / Active Travel Zone contribution has been secured in the S106 agreement in line with Policy T2 of the London Plan. In addition there is a S106 obligation to provide new and improved pedestrian cycle routes through and servicing the site via the development itself, a S278 and through agreement with the Council as the adjoining landowner where these links would be located.
60. The requested funding towards Legible London signage of £22,000 has been secured in the S106 agreement in line with Policies T2 and T3 of the London Plan.
61. At Stage 1, concerns were raised regarding the trip generation assessment. Whilst these have not been fully addressed, the Council in discussion with TfL has concluded that mitigation of public transport impacts or those to the highway are not required in this case.
62. At Stage 1, concerns were raised about disabled persons' cycle parking provision. 5% of cycle parking provision is suitable for wider and adapted cycles in line with Policy T5 B of the London Plan. Cycle parking design in line with the LCDS has been secured by condition.



63. The residential element of the development is to be car free in line with London Plan policy. While the commercial car parking provision does not align with Policy T6, the Council has considered this to be acceptable considering the significant reduction from the existing which serves similar uses and parking stress levels in the town centre A car park management plan (CPMP) has been secured by condition, detailing how an additional 7% of disabled persons' parking spaces can be provided, along with the re-purposing of other car parking if there is a lack of demand. It will also include a suitable charging and management regime for the commercial spaces.
64. A contribution towards a CPZ, along with a permit free agreement and management arrangements, has been secured in the S106 agreement to ensure the residential element of the site remains car-free.
65. A delivery and servicing, construction logistics plan, and travel plans have all been secured by condition.
66. In summary, whilst not all strategic transport matters raised at Stage I have been fully resolved, taking account the secured conditions and obligations, the application is acceptable in strategic transport policy terms.

## **Section 106 agreement**

67. The Section 106 agreement will include the following provisions:
  - 35% affordable housing by habitable rent including 37 social rent units and 36 London Shared Ownership units
  - Early-stage review mechanism
  - Carbon offset payment of £176,047

## **Legal considerations**

68. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## Financial considerations

69. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.
70. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.
71. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

## Conclusion

72. The strategic issues raised at consultation stage with respect to the land use principles, affordable housing, urban design, heritage, transport, sustainability, and environment have been addressed, and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, and considering the material planning considerations of strategic importance raised in responses to the public consultation and representations to the Mayor, the application is, on balance, acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Bromley Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

---

For further information, contact GLA Planning Unit (Development Management Team):

**Zeb McInnes, Senior Strategic Planner (case officer)**

email: [zeb.mcinnnes@london.gov.uk](mailto:zeb.mcinnnes@london.gov.uk)

**Matt Christie, Team Leader – Development Management**

email: [matt.christie@london.gov.uk](mailto:matt.christie@london.gov.uk)

**Allison Flight, Deputy Head of Development Management**

email: [alison.flight@london.gov.uk](mailto:alison.flight@london.gov.uk)

**John Finlayson, Head of Development Management**

email: [john.finlayson@london.gov.uk](mailto:john.finlayson@london.gov.uk)

**Lucinda Turner, Assistant Director of Planning**

email: [lucinda.turner@london.gov.uk](mailto:lucinda.turner@london.gov.uk)

---

We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.