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DATE: 7 December 2021

PLANS SUB-COMMITTEE NO. 2

Meeting to be held on Thursday 9 December 2021

Please see the attached report marked “to follow” on the agenda.

- 4.2 (20/04654/FULL1) - 25 ELMFIELD ROAD, BROMLEY, BR1 1LT**
(Pages 1 – 52)

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Agenda Item 4.2

Committee Date	9 th December 2021	
Address	Conquest House 25 – 27 Elmfield Road Bromley BR1 1LT	
Application number	20/04654/FULL1	Officer: Agnieszka Nowak-John
Ward	Bromley Town	
Proposal	Demolition of the existing building at 25-27 Elmfield Road and the redevelopment of the site for a mixed-use development comprising 9 storey plus 2 basement levels of residential (Class C3) and commercial floorspace (Class E) and associated car parking, cycle and waste storage.	
Applicant	Agent	
Kitewood Estates Limited	Chris Brown Rolfe Judd Planning Old Church Court Claylands Road Oval SW8 1NZ	
Reason for referral to committee	Appeal against non-determination	Councillor call in No

RECOMMENDATION	Resolve to contest appeal
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<p>KEY DESIGNATIONS</p> <p>Bromley Town Centre Opportunity Areas Business Improvement Area and Article 4 Direction Groundwater Source Protection Zone 2 Areas of Deficiency in Access to Nature PTAL 6a and 6b</p>

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	Commercial offices (637sqm of Class E use, formerly Class B1), Conservative Members Club (593sqm of Class D2 use), and a single residential unit at second floor level (98sqm of Class C3 use).	1,328
Proposed	Commercial (Class E) Residential (C3)	729 4,522

Vehicle parking	Existing number of spaces	Total proposed spaces	Difference in spaces (+ or -)
Parking spaces	23	0	-23
Wheelchair accessible car spaces	NA	6 (residential) 1 (commercial)	+7
Cycle	0	121	+121

Electric vehicle charging points		7	
Residential Use			
Tenure	Number of bedrooms per unit		
	1	2	Total
Market	37	19	56
Intermediate	6	2	8
Total	43	21	64

Representation summary	<p>Consultation on the original proposal took place in December 2020. Subsequent consultation on the revised scheme started in October 2021.</p> <p>Neighbour letters were sent on 14th October. A press advert was published in News Shopper on the 27th October. Site notice was displayed from 20th October.</p>
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Total number of responses	87
Number in support	0
Number of objection	85
Number of comment	2

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable housing: 8 intermediate units	NA	TBC
Early and late stage affordable housing viability review	NA	TBC
2 years free car club membership per dwelling	NA	TBC
Twenty free car club driving hours per dwelling in the first year	NA	TBC
Removal of rights for resident's permit	NA	TBC
Works to the underpass to be carried out	(estimated value up to £100,000)	TBC
Loss of income (P&D parking bays)	£36,000	Yes
Healthy Streets improvements	£15,000	TBC
Signage and wayfinding	£10,000	TBC
Obligation monitoring fee	£500 per head of terms	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application is being reported to planning committee as the applicant has exercised their right of appeal to the Planning Inspectorate on the grounds of non-determination. Members are advised to contest the appeal for the reasons set out in this report.
- The principle to redevelop this highly accessible, brownfield site to provide a mixed use, car free development is supported at this town centre location. The site is designated as a Business Improvement Area with an Article 4 direction which removes permitted rights for the change of use to residential.
- The proposal would provide improved office accommodation at Grade A, which would strengthen the competitiveness of the site and positively improve the office environment.
- This application includes the provision of 64 residential dwellings including 8 intermediate dwellings and would represent a significant contribution to the supply of housing within the Borough.

- The height and scale of the proposed building would be comparable to the existing and emerging development adjacent to the site and along Elmfield Road.
- The proposed internal layout demonstrates adequate and accessible internal and external living spaces and dedicated child play area.
- The development is considered acceptable from a highways, biodiversity and environmental perspective.
- However, the application fails to demonstrate that a reasonable attempt to reduce carbon dioxide emissions on the site/within the development has been made and that the remaining carbon reduction can be managed through a payment in lieu to offset the outstanding reduction.

1. LOCATION

- 1.1 The application site measures approximately 0.17 hectares in area and comprises a four-storey building that was historically used as offices (637sqm of Class E use, formerly Class B1), a Conservative Members Club (593sqm of Class D2 use), and a single residential unit at second floor level (115sqm of Class C3 use). A private car park accommodating 23 car parking spaces has historically been available at the rear of the site located underneath the A21 Kentish Way flyover, accessed from the eastern end of Palace View.
- 1.2 The site forms part of the Bromley South Business Improvement Area (BIA) in the Bromley Local Plan and the Bromley Town Centre Area Action Plan. There is an Article 4 Direction in place within the BIA which removes the permitted development rights to change from office to residential use.
- 1.3 The surrounding area comprises a mixture of office and residential uses in buildings ranging between four to ten-storeys in height.



Fig.1 Aerial photo of the site.

- 1.4 The A21 Kentish Way runs alongside the site's eastern boundary and the ground level of the trunk road is elevated against the application site. To the south of the site is a five-storey office building, known as Devonshire House and to the north the site adjoins a four-storey office block, known as Kingfisher House. The Bank of America building is up to ten-storeys in height and is located to the west of the site.
- 1.5 The site is located on a slope. The ground level of the site slopes down from Elmfield Road to Kentish Way (A21). The ground level also drops down from north to south towards the adjoining four storey office building, Kingfisher House.
- 1.6 The application site is not located within a conservation area and the application building is not listed. Bromley Town Centre is located over 200 metres north-west from the site. There are no listed buildings along Elmfield Road. There is no tree preservation order within the site.
- 1.7 The site is located within the Bromley Town Centre Controlled Parking Zone (CPZ) and with on-street parking bays along Elmfield Road. The CPZ operating hours are between 8am to 8pm on Monday to Saturday and 10am to 5pm on Sunday with a maximum of a 2 hour stay.
- 1.8 The public transport accessibility level of the site is rated at 6a and 6b on a scale between 0 to 6b where 0 is worst and 6b is excellent. Bromley South Railway Station is located 220m to the south west of the site (approximately a three-minute walk) and Bromley North Railway Station is approximately 900 metres north from the site (approximately an 11-minute walk). The A21 Kentish Way forms part of the TfL red route and provides a connection to the M25 and Kent in the south and East London in the north.
- 1.9 The site lies in Flood Zone 2 (the medium probability flood area). The Flood Zone is associated with the piped tributary of the Ravensbourne River (watercourse in culvert) located to the east of the site. The line of this piped river is located approximately 50 m to the east of the site and is designated as Main River. EA mapping shows the site lies in Groundwater Source Protection Zone 2 – Outer Protective Zone.

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of the existing building and the redevelopment of the site for a mixed-use development comprising 9 storey plus a basement level of residential (Class C3) and commercial floorspace (Class E) and associated car parking, cycle and waste storage.
- 2.2 A total of 729sqm of purpose-built Class E office floorspace would be located on the ground floor and at the basement level with entrances from both Elmfield Road and Palace View. The proposed residential accommodation would be located between levels 1 to 8 and would provide 64 dwellings. The primary residential entrance would be located on Elmfield Road.

- 2.3 The proposed building would measure approximately 28m in height on Elmfield Road and 21.8m at its widest point. The average depth of the proposed building on the ground floor would be 35.4m.
- 2.4 The main building line would be set back from the pavement along Elmfield Road by a minimum of 1.8m. An external outdoor amenity space with a dedicated play area measuring approximately 130sq.m would be provided at ground floor level within the north-west corner of the site. Green roof and solar panels are proposed at roof level to promote biodiversity and address climate change.

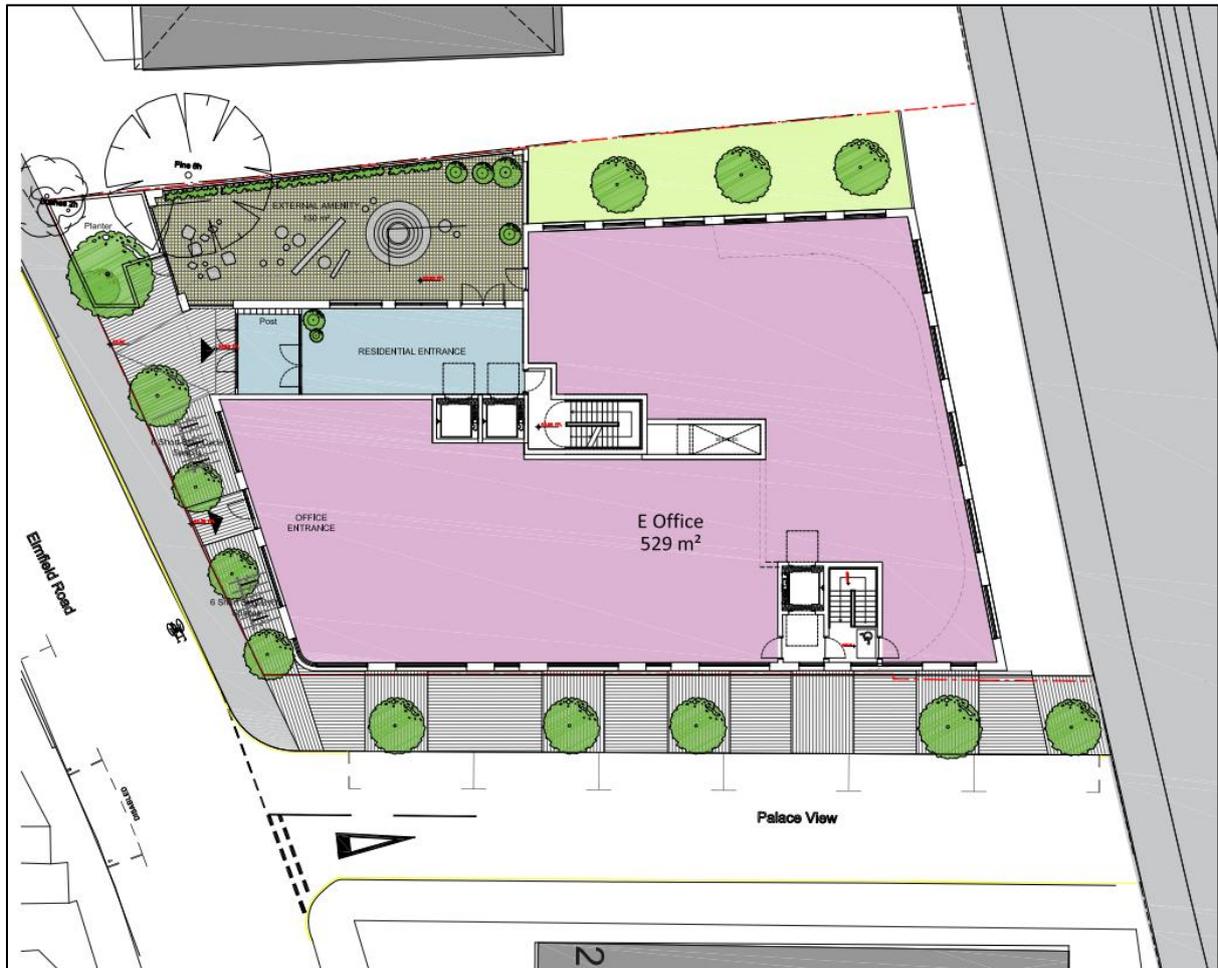


Fig. 2 Proposed ground floor plan.

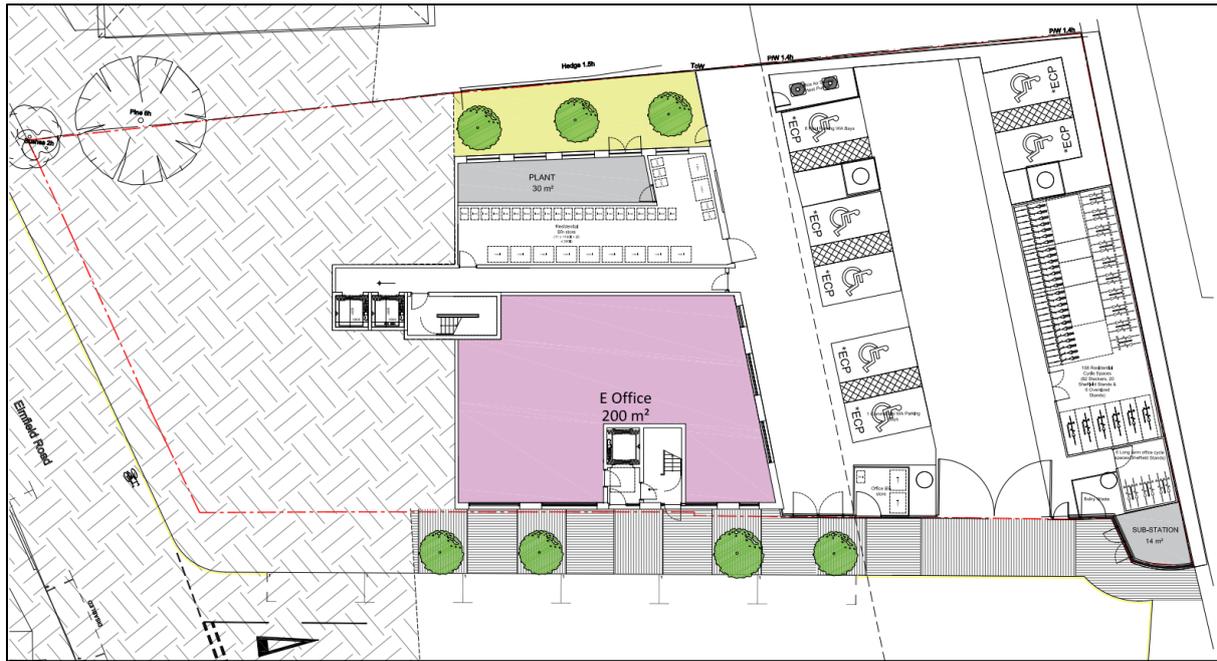


Fig. 3 Proposed basement level plan.

- 2.5 The existing vehicle access, which is located at the eastern end of Palace View underneath the A21 Kentish Way flyover, would be retained and reconfigured to include gated vehicle and pedestrian access points. A total of 7 disabled car parking spaces are proposed, 6 of which would be associated with the residential use and 1 of which would be dedicated for the office use. Long and short stay cycle parking would be provided within the development at the basement level, as well as visitor cycle parking fronting Elmfield Road.
- 2.6 The proposal would provide 64 new residential units comprising of 43 x 1 bed and 21 x 2 bed dwellings. This includes a total of 8 intermediate units provided on the first floor and comprising of 6 x 1 bed and 2 x 2 bed dwellings.
- 2.7 A total of 7 x 1 bed wheelchair units would be provided across the scheme. Two internal lifts would be provided for the proposed residential use.

Amendments

- 2.8 In response to various planning consultation comments and officers' feedback, the scheme has been amended and publicly reconsulted. The key changes are as follows:
- Inclusion of public realm works to Palace View, including widening of the pedestrian footway along the northern side by approximately 2.0m.
 - Reduction of parking spaces in line with London Plan and the consequential removal of basement level 2.
 - Addition of a further 200sqm of office floorspace within the basement level.
 - Reduction in size of plinth to North and East.

- Changes to the northern façade including further set back to the boundary.
- Internal layout rearrangement to reflect changes to the northern facade.

2.9 The current submission seeks to overcome the reasons for dismissal within Appeal Ref. APP/G5180/A/13/2210460 and Appeal Ref - APP/G5180/W/16/3146806 by reducing the overall height of the proposal and addressing the relationship the proposed building would have with the properties within the Palace Estate.

3. RELEVANT PLANNING HISTORY

Appeal Scheme 1 – LPA Ref. 13/01202/FULL1 and Appeal Ref. APP/G5180/A/13/2210460

3.1 An application (13/01202/FULL1) was refused on the 27th September 2013 for the demolition of existing building at 25-27 Elmfield Road and erection of 16 storey mixed use building to comprise 2 commercial/retail units at ground level (Class A1/A2/A3/B1) and office accommodation (Class B1) at the first floor level with 82 residential units on upper floors (32 one bedroom, 46 two bedroom and 4 three bedroom flats). Associated part basement/ part surface car parking (including 2 on-street car club spaces in Palace View), cycle and refuse stores and landscaping.

3.2 The refusal was appealed and subsequently dismissed on the 12th August 2014. The inspector's reasons for dismissal were as follows:

Para 46. '...the proposal's excessive height would result in an unduly overbearing new building that would damage, unacceptably, the living conditions of nearby residents. It is on this limited, but important, ground that the appeal is dismissed'.

Appeal Scheme 2 – LPA ref. 15/03136/FULL1 and Appeal Ref. APP/G5180/W/16/3146806

3.3 Following the decision on Appeal Scheme 1, another application (15/03136/FULL1) was refused on the 11th December 2015 for the demolition of existing building and erection of 12/13 storey mixed use building to comprise commercial 881.5 sqm (GIA)/ retail floorspace at ground and part first floor level (Class A1/A2/A3/B1) and 69 residential units at upper floors (27 one bed, 31 two bed and 11 three bed), 46 car parking, 132 cycle parking, refuse stores and landscaping and other associated works.

3.4 The refusal was appealed and subsequently dismissed on the 21st March 2017. The Inspector's reasons for dismissal were as follows:

Para 38. '...the harm that the proposals would cause to the character and appearance of the area, taken with the uncomfortable outlook, perceived loss of privacy and the failure of the design to attain the necessary quality to satisfy the policy requirements for tall buildings, would significantly and demonstrably

outweigh the benefits, even if the Council cannot demonstrate a 5-year Housing Land Supply. The scheme would be contrary to the development plan as a whole’.

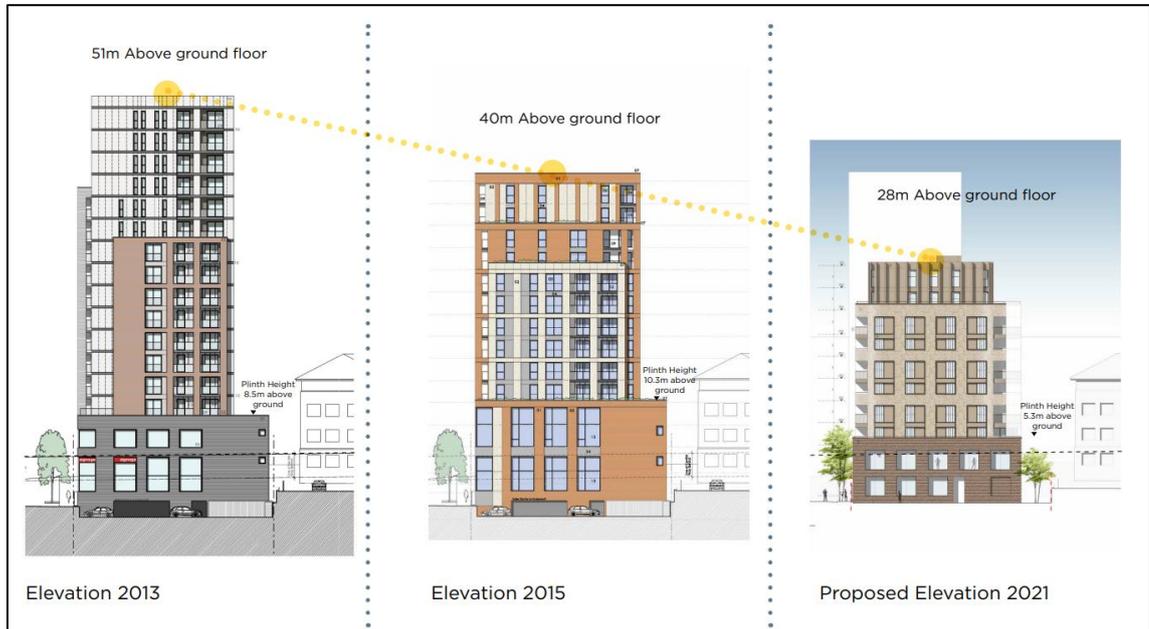


Fig 4. Elevation comparison. Appeal schemes 1 and 2 and the current proposal.

Surrounding Sites

- 3.5 Wells House, 15 Elmfield Road (19/03620/FULL1) - A Planning application was given resolution to grant by Bromley’s Planning committee on the 21st May 2020 for the demolition of Wells House building and the re-development of the site to provide a building of up to 8 storeys in height, comprising 11,464 sqm of B1(a) office space with associated landscaping and cycle/car parking.
- 3.6 Prospect House, 19 Elmfield Road (20/04296/FULL1) - A planning permission was granted for the demolition of the existing building and redevelopment of the site to provide commercial floorspace (Use Class E, GEA 1,738sqm) on the ground floor and first floor with 61 residential dwellings (Use Class C3) above and associated development.

4. CONSULATION SUMMARY

- a) Statutory

- 4.1 Transport for London – No objection

26th January 2021

I am assuming this planning application is not referable to the GLA. If it subsequently proves to be referable, please note the comments below are TfL officer comments

relating solely to transport matters. They should not preclude any subsequent Mayoral decision, nor do they necessarily reflect the views of the GLA.

The site lies adjacent to Kentish Way, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for Kentish Way. Kentish Way is elevated on a bridge in the vicinity of the site, as shown on this [streetview](#), and TfL also owns this structure. I note the site is now hoarded, but the existing building has yet to be demolished.

Car parking is proposed for both the residential and commercial elements. The publication London Plan (PLP), which is soon to be adopted, requires a substantially 'car free' development, bar limited disabled car parking. Bromley town centre is an outer London Opportunity Area and metropolitan town centre, and the site has excellent public transport accessibility and shops and other town centre services are within a short walk. Therefore the site is ideal for a 'car free' development, supported by car club provision for occasional car use. Reducing car parking will also reduce the risk of vehicle strikes on the bridge abutments/car fires, both of which could potentially damage the TRLN.

100% provision for electric vehicle (EV) charging is supported, given the likely rapid uptake of EVs in the next few years.

Cycle parking to PLP standards is supported.

The transport assessment states:

'It is not expected that the developer will need to contribute to or implement improvements that are identified through the ATZ assessment. Improvements identified in this assessment should be investigated further and if deemed appropriate, secured through a suitable channel such as through future development CIL contributions.'

However the active travel zone (ATZ) assessment does identify areas that could be considered to require 'site specific' mitigation, namely:

1) Route to Bromley South station (southern end of Elmfield Road)

The TA states:

'The worse part of the route, as identified in Photo 1 (in the TA), was due to the uneven footway and lack of dropped kerb provision outside the gated access to the railway. It was observed on the site visit that a person struggled to manoeuvre with a buggy at this location.'

We also note there is a pedestrian desire line across the grassy area and general poor pedestrian environment on the route to Bromley South station at the southern end of Elmfield Road, as shown on this [streetview](#). We therefore consider that a 'Healthy Streets' contribution towards improving this walking route should be secured, potentially pooling with s106 contributions from the other developments in planning along Elmfield Road, for example Wells House and Prospects House sites.

We understand that Network Rail has an aspiration for a second, eastern, entrance to Bromley South station at the southern end of Elmfield Road, which again would benefit from a s106 contribution from this and other developments on Elmfield Road, as this would make access to/from the station more direct.

2) Route to the Glades/town centre (northern end of Elmfield Road)

The TA states:

'Route 5 connects the site to The Pavilion and The Glades Shopping Centre. It is a pleasant route overall, with the worst part being identified at Elmfield Park where the dropped kerb is not on the pedestrian desire line as well as being very narrow and steep (Photo 9).' This is shown in this [streetview](#).

There is also a lack of 'raised tables' to improve crossing of Elmfield Road, particularly for wheelchair users, at the location above and also as shown on this [streetview](#), all of which contributes to a vehicle dominated environment. Again we consider it would be appropriate for a 'Healthy Streets' contribution to be secured from this and other developments along Elmfield Road for improving the local pedestrian environment in Elmfield Road itself.

Elmfield Road would benefit from inclusion in the Legible London signage system – there is a sign outside of Bromley South station for example. This would 'advertise' the commercial elements of the developments, directing visitors to and from Bromley South and town centre facilities. We therefore consider a contribution towards this should be sought from the development. £10,000 would fund a new sign and 2 existing map refreshes.

Given the proximity of the site to the TLRN, we request that a construction logistics plan is required to be submitted to the council for approval in consultation with TfL. Other licences may also be required from TfL, for example crane oversail. We also request that, should planning permission be granted, the applicant is required to consult the TfL Structures team (StructuresTechnicalApproval@tfl.gov.uk) and that, should technical approval be required, that TfL approves any demolition/excavation/piling/construction methodology as a condition of planning approval. This is to ensure that the TLRN is not adversely impacted.

Further to the above, TfL has a statutory duty to maintain the TLRN and ensure that it is structurally safe for users. In this respect we require access to the Kentish Way bridge to allow inspection and maintenance. This requires a minimum 'set back' of any building on the site to be at least 5m from the bridge parapet. This is the minimum distance required to allow a Mobile Elevating Work Platform (MEWP). A MEWP is required in this instance due to the height of the parapet above the ground. Due to restrictions associated with working from home, I have been unable to confidently scale off the distance of the proposed building from the parapet from the planning application drawings. I would therefore be grateful if you could ask the applicant to confirm this distance and let me know prior to determination. This is obviously a critical issue for TfL.

4th November 2021

There is no summary of the changes, but in relation to transport it seems that general car parking has been removed and the cycle parking relocated to under the Kentish Way viaduct.

The elimination of general car parking is strongly supported, as this is in line with London Plan policy for the town centre Opportunity Area. This should be supported by a restriction, within the s106 agreement, on residents and occupiers from applying for on-street residential and business car parking permits.

The 'externalisation' of cycle parking is not ideal, as security is naturally reduced, but it does seem a logical use of land under the flyover. The cycle stores must be weatherproof, secure and well lit, covered by security camera/s and signed accordingly, to deter potential thieves. I presume the Met Police will comment on this aspect.

My previous comments on contributions to local Healthy Streets improvements remain valid, as does the comment on maintenance requirements for the Kentish Way flyover. I reproduce the latter here to re-emphasise:

TfL has a statutory duty to maintain the TLRN and ensure that it is structurally safe for users. In this respect we require access to the Kentish Way bridge to allow inspection and maintenance. This requires a minimum 'set back' of any building on the site to be at least 5m from the bridge parapet. This is the minimum distance required to allow a Mobile Elevating Work Platform (MEWP). A MEWP is required in this instance due to the height of the parapet above the ground. I have been unable to confidently scale off the distance of the proposed building from the parapet from the planning application drawings. I would therefore be grateful if you could ask the applicant to confirm this distance and let me know prior to determination. This is obviously a critical issue for TfL.

6th December 2021

Whilst our maintenance contractor could still work with 4m, it will result in less space being available to manage our asset and this means we will have to exclude some access equipment, which could increase costs. We would much prefer 5m set back, but could, reluctantly, live with 4m as proposed.

4.2 Drainage (lead local flood authority) – No objection

4.3 Thames Water – No objection

Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission.

“No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.”

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: “A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

As required by Building Regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage.

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources.

Supplementary Comments

The proposed development is located within Source Protection Zone 2 of a groundwater abstraction source. Thames Water requests that further information on the proposed foundation design be submitted for detailed consideration. This will include –

- a. the methods to be used
- b. the depths of the various structures involved
- c. the density of piling if used
- d. details of materials to be removed or imported to site.

b) Local groups:

- The RSPB Bromley Local Group recommends the installation of at least 12 integral swift nest bricks is a planning condition.

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c) Adjoining Occupiers:

Design, Scale and Impact on character of the area -See Paragraph 6.1

- Damage to the character and appearance of the area.
- Out of keeping with the Palace Estate.
- Set a precedent for similar buildings in the future.
- Height, size and mass is wholly unacceptable and too dominant.
- Development is not appropriate and needs to remain in line with the urban grain of the lower buildings on the eastern side of Elmfield Road.
- 9 storeys is too high and excessive.
- There are enough tall buildings already, including St Mark's Square and Perigon Heights.
- Elmfield Road will end up being a row of tower blocks.
- The height of these buildings is not in keeping with Bromley's skyline.
- Inappropriate building for the surrounding residential area.
- Completely disproportionate to the building currently in place.
- Negative impact on the look and feel of the local area.
- More residents with change the quietness of the area.
- Bromley is beginning to look like Croydon.
- Bromley's Supplementary Planning Guidance emphasises that the Council is committed to maintaining the borough as a place that is "attractive, spacious, safe and green" and the proposal fails on three of these four points.
- The Heritage, Townscape and Visual Assessment Part 1 document gives no sense of the close connection of the Palace Estate to the proposed building and whilst the current buildings might not be of no particular merit and a poor urban environment, they at least have the merit of sitting back from the road and are low.
- The Heritage, Townscape and Visual Assessment Part 4 document includes views including the proposed development at 15-17 Elmfield Road but omits that of 19 Elmfield Road. The combination of the three proposed buildings would clearly result in a high wall on the east of the road and an unpleasant experience for pedestrians.
- View 03 in the Heritage, Townscape and Visual Assessment Part 5 document and View 08 in the Heritage, Townscape and Visual Assessment Part 8 document clearly show that the proposal does not respect the character of its locality, as required by the SPG (2.96)
- SPG (2.98) states that new buildings should contribute positively to the quality of the wider public realm and this proposal will fail to do so with its overall affect being negative on the Elmfield Road, Palace View and the Palace Estate.
- The design is ugly, blocky, lacking in creativity and will not enhance the area or skyline.
- The building will appear much taller than the Bank of America.
- Previous failed planning approvals are being used to justify the height but the only valid baseline is the current building height and those either side of it.
- Too large for the size of plot.
- Overdevelopment of the site and area.
- Closer to Kentish Way than any other building.

- This scheme takes one storey off the previous scheme which was rejected at appeal as the building was too high and dominated the residential properties on the Palace Estate.
- The building should be kept low and for business purposes only.
- The site is on the edge of the Bromley Town Centre area and borders the residential area of the town. Encroachment onto this residential area will have a detrimental effect and detract from its appearance.
- This is not one of the four sites identified within the BTCAAP on which applications for a 'tall building' could be considered and therefore a 'tall building' on this site is not appropriate.
- The BTCAAP sets down the principle that any tall building should be towards the centre of the town and the building heights should 'tailor' down to the perimeter and surrounding residential properties. The properties on the east side of Elmfield Road are lower than the properties on the westside conforming with this principle and therefore, the proposed building should conform with the properties on the east side.
- The base of the building virtually fills the whole site and gives no open space to contribute to the landscaping required in the area.
- Eyesore
- Adversely affect the view of the Bromley Town Centre.
- The top section of the building is particularly unattractive which is the most visible part.
- The building as proposed presents hard and uninteresting facades to both Palace View and Elmfield Road.
- Architectural details, while good to see do not overcome the fundamental problem of massing.
- The appearance would compare well with nearby buildings and if it was two floors lower and set further back from Kentish Way it would be closer to being acceptable.
- Design is an improvement on previous proposals but must still object as it is too tall.

Lack of affordable housing -See paragraph 6.2.3-6.2.7

- Developments have no real impact on the affordable housing shortages in the area and simply put pressures on the local area for things such as parking.
- It is wrong if a huge, intrusive development is not able to make a contribution to affordable housing.

Impact of the proposed development on the future development of 21-23 Elmfield Road, including the cumulative impact of both the development to the north and south
See Paragraph 6.4.11

- Proximity of the proposed development to 21-23 Elmfield Road would impede development at this property.
- There should be no north facing windows, as they would cause overlooking and loss of privacy and impede development coming forward at 21- 23 Elmfield.
- Any balcony on the northern side should have screening so that the users of the balcony cannot overlook the site to the north.
- Any north facing windows serving commercial space should be obscure glazed or have privacy screening to prevent overlooking.

- Appropriate boundary treatment around the proposed play area at ground floor level should be provided to ensure privacy to both the development site and No. 21-23 and ensure the safety of children using the area is not compromised by vehicles arriving and departing from 21-23 Elmfield Road.
- No regard has been given to the daylight and sunlight impact to 21-23 Elmfield Road.
- The determination of the current applications at No. 19 and No. 25 should not impede future growth in the Opportunity Area and BIA on Elmfield Road and should consider the future development potential on neighbouring sites to ensure that planning decisions do not inappropriately prejudice future development.

Impact on neighbouring residents **See paragraph 6.4**

- Contrary to Policy BE1.
- Overlooking to properties on the Palace estate in particular in Rafford Way, The Chase and the lower end of Palace View.
- Even with screens or frosted glass the balconies and windows above the height of the current building will give the perception of being overlooked.
- Balconies on floors 2 to 8 facing Rafford and Windows on floors 7 and 8 will cause overlooking to Rafford Way and The Palace Estate.
- Loss of privacy to properties on the Palace estate in particular in Rafford Way, The Chase, Harwood Avenue and the lower end of Palace View.
- Loss of light to gardens and houses in Rafford Way, Palace View and The Chase.
- Damaging effect on the residential amenity of the Palace estate.
- Loss of view.
- Huge visual impact on the low rise residential properties on the eastern boundary of the Palace Estate. No use has been made of 'stepping back' to reduce the visual impact.
- Devaluation of neighbouring property.
- Overshadowing.
- Impact on quality of life in the immediate area.
- Overbearing and oppressive to residents in Palace View, Rafford Way and The Chase.
- The construction of the building at 25 Elmfield Road obstructs the basic human right of freedom from fear.
- Noise from balconies and/or open windows will potentially roll across the Palace estate.
- Noises from traffic on the flyover may be reflected off a higher building back across the Palace estate.
- Increase in traffic noise and pollution.
- To prevent light and sound pollution, baffles should be erected behind the existing 'air grids' opening onto Love Lane.
- There is already a wind tunnel effect and a tall building will only make it worse.
- Anti-social behaviour will increase with the number of people increasing.

Impact on transport, highways and parking **see paragraph 6.5**

- Inadequate parking, putting increased pressure on surrounding residential streets.

- The Town Hall development will mean more parking demand close-by and this development would make parking an even bigger issue.
- Increased traffic.
- No reference has been made to prohibit owners of the new flats from purchasing 'on street' parking permits.
- Traffic impact does not appear to have been fully evaluated.
- Impact on an already crowded rush hour at Bromley South Station and any development should fund a new exit from Bromley South Station to Palace View or Elmfield Road.
- Proximity to Kentish Way may cause a distraction to drivers.
- Palace View should have its own unique zone to prevent residents and their visitors from other Zone C permits parking.
- A car pool for those living in the property should be considered.
- Aesthetically widening pavements on Palace View and planting is a good thing, but removing the pay and display car parking spaces doesn't make sense without alternatives.
- A 'car free' development doesn't work as we are a long way off being a car-free society.
- The Council does not support people who choose to move about the Borough without a car.
- More traffic will cause more accidents.

Impact on local infrastructure- **See section 7 CIL**

- Developments need to either be low rise, medium or low density properties, or invest in infrastructure and this does neither.
- Impact on Bromley's currently stretched infrastructure such as doctors, dentists and schools.
- A new surgery should be considered over retail space.
- The residents in the flats will need outdoor space.
- Introduce an excessive additional number of residents to an already densely populated area.

Impact of the proposed use -**See paragraph 6.1**

- Bromley has a large number of empty shops without the need for adding more empty commercial space.
- Excessive proposed use of this building for offices.
- Current empty spaces in Bromley should be renovated first.
- The problem of obtaining mortgages on residential properties built above restaurant or food outlets will impact on the development.
- Development should be for new amenities, not more flats.

Neutral/Supportive comments

- Aesthetically the rounding off of all corners has considerably improved the exterior design reducing the "concrete block" impression of the development.
- The building is a much higher spec than the one on Kingfishers House and has a modern but classic feel to it.
- The windows on Floors 1 to 6 facing the Palace Estate are to be fitted with restricted view windows thus reducing the ability of residents to overlook

adjacent properties. Floor 1 does have a large balcony but the potential to overlook neighbours is reduced by Kentish Way.

- The developers should include improving the area under the bridge as this is a scary place at night.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2021

5.2 NPPG

5.3 The London Plan - March 2021

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD1 Opportunity Areas
- SD6 Town Centres and high streets
- SD7 Town Centres Development principles and development plan documents
- SD8 Town centre network
- SP9 Town Centres: Local partnerships and implementation
- SD10 Strategic and local regeneration
- D1 London's form
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D9 Tall Buildings
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- E1 offices
- E2 Providing suitable business space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

- G9 Geodiversity
- S4 Plan and informal recreation
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI-1 Improving Air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure
- SI-4 Managing heat risk
- SI- 5Water infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI -13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.2 Office Parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.4 Mayor Supplementary Guidance

- Housing (March 2016);
- Affordable Housing and Viability Supplementary Planning Guidance (2017);
- Energy Assessment Guidance (2020);
- Accessible London: Achieving an Inclusive Environment (2014);
- The control of dust and emissions during construction and demolition (2014);
- Play and Informal Recreation Supplementary Planning Guidance (2012);
- Character and Context Supplementary Planning Guidance (2014).

5.5 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 31 Relieving congestion
- 32 Road Safety
- 33 Access for all
- 34 Highway Infrastructure provision
- 37 General Design of Development
- 47 Tall land Large Buildings
- 48 Skyline
- 59 Public open space deficiency

- 72 Protected Species
- 73 Development and Trees
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 84 Business Improvement Areas (BIAs)
- 90 Bromley Town Centre Opportunity Area
- 91 Proposal for Main Town Centre Uses
- 92 Metropolitan and Major Town Centres
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

5.6 Bromley Town Centre AAP (2010)

- Policy BTC1: Mixed Use Development
- Policy BTC2- Residential Development
- Policy BTC3- Promoting Housing Choice
- Policy BTC4 - New retail facilities
- Policy BTC5- Office Development
- Policy BTC8 Sustainable Design and Construction
- Policy BTC9-Flood Risk
- Policy BTC14- Recycling
- Policy BTC15-Biodiversity
- Policy BTC16 Noise
- Policy BTC17 Design Quality
- Policy BTC18 Public Realm
- Policy BTC19 Building Height
- Policy BTC20 Play and Informal Recreation
- Policy BTC24 Walking and Cycling
- Policy BTC25-Parking

5.7 Bromley Supplementary Guidance

- Planning Obligations (2010) and subsequent addendums
- Bromley Town Centre Area Action Plan (2010)

5.8 Other Guidance

- Tall buildings: Historic England Advice Note 4

6. ASSESSMENT

6.1 Land Use - Acceptable

Whether the quantum of replacement office floor would be acceptable

- 6.1.1 The application site forms part of the Bromley South Business Improvement Area (BIA) in the Bromley Local Plan adopted in 2019 (BLP) and the Bromley Town Centre Area Action Plan adopted in 2010 (BTCAAP). BLP Policy 84 seeks to manage and improve the supply of high-quality office floor space in Bromley Town Centre. Redevelopment proposals resulting in the loss of office floorspace or compromising the primary function of the BIA will not be permitted.
- 6.1.2 The policy makes specific references to Class B1(a) floorspace throughout, however this form of floorspace has now been superseded by Class E (Use Class Order 2020) which encapsulates a range of town centre uses including but not limited to, retail, professional services, restaurant, gym, nurseries, medical services and office floorspace.
- 6.1.3 The proposal would replace the existing range of uses, including 637sqm of office floorspace, with 729sqm of new functional and flexible commercial space (Class E) across ground floor and basement level with two dedicated entrances on Elmfield Road and Palace View. The purpose built floorspace would be a vast improvement upon the existing vacant Conservative Club floorspace which offers very little to the objectives of the Business Improvement Area.
- 6.1.4 The office element should contribute to the borough's demand for office floorspace at a 'high quality'. The office accommodation is intended to achieve category Grade A specification, and this has been reflected in build and fit out cost. However, as full details of the proposed features of the office space and its professional management have not been provided, it is considered necessary that further details are provided to demonstrate the efficiency and user-experience of the space. These details should also support the future ease with which the space can be marketed and its desirable for a range of future tenants, along with the adaptability of the space for future change. A condition is recommended to this effect.
- 6.1.5 The improved office quality would complement the primary function of the BIA, and an increase in floor area, albeit modest, would comply with the London Plan and Local Plan (which require the supply of office floor space to be retained, managed, improved and increased) to provide capacity to help accommodate the projected 23% increase in Outer London office employment growth up to-2041 (Table 6.1 of the London Plan).
- 6.1.6 Objections concerning the demand for the future office spaces in Bromley have been received. Undoubtedly, the London office market along with all other sectors of business and industry are facing a difficult recovery due to the pandemic, with more people working from home on a temporary basis. As such,

officers consider that the long-term impact on office demand would likely to be less severe. Bromley Town Centre Page 98 remains as a prime location for office and employment. Despite the site benefiting from public transport and being within the M25 office market in London, there was a continued decline in office stock in the Borough due to a number of factors, including permitted development rights which was introduced by the Government in 2013.

- 6.1.7 The London Office Policy Review 2017 published by the GLA indicates that there was a substantial loss of office stock in Bromley between 2000 and 2016 at around 70,000sq.m. This is equivalent to 20 to 30% of the Borough's office stock. This report also indicates that there is a general burden of dated office accommodation in Bromley. This is consistent with the condition of this site and planning application records within Bromley South Business Improvement Area.
- 6.1.8 Therefore, whilst the demand for office accommodation is fluctuated in the short-term, the improved office accommodation would ensure the competitiveness of this established office site and enable the site to remain as an office in the market at this highly sustainable location.
- 6.1.9 The Planning Statement outlines that the design of the development takes into account the most likely use of the building under Class E as an office use, given the BIA location. Should planning permission be granted, a condition should be imposed to restrict the office floorspace to use within Use Class E(G)(i) only in order to prevent other Class E uses within this BIA location.

Whether the introduction of residential use would be acceptable

- 6.1.10 Housing is a priority use for all London boroughs and London Plan encourages to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 which welcomes the provision of housing as part of mixed-use developments in suitable locations. Paragraph 86 (f) of the NPPF sets out that policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 6.1.11 The site is located within an area of Town Centre and the majority of the existing buildings along Elmfield Road are occupied by commercial and office uses. Nonetheless, BLP Policy 84 does not preclude other proposed uses within BIA, except an Article 4 Direction removing the permitted development to change from existing office to residential use. As such, it is considered that the principle to introduce residential use to this highly accessible, brownfield site would not be incompatible with the prevailing uses along Elmfield Road and would not conflict with the relevant land use policies.
- 6.1.12 As such, the principle of the proposed mixed-use redevelopment scheme is, considered as acceptable from a land use perspective.

6.2 Housing - Acceptable

Housing Supply

- 6.2.1 The current position in respect of Bromley's Housing Trajectory, including the Five Year Housing Land Supply (FYHLS), was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply (paragraph 11(d) of the NPPF 2021).
- 6.2.2 This application includes the provision of 64 residential dwellings and would make a substantial contribution to the housing supply in the Borough, at a time when there is a significant under delivery and rising demand as evidenced by the latest Housing Trajectory report.

Affordable housing

- 6.2.3 In accordance with the requirement of London Plan Policy H5 and the Local Plan Policy 2, a Financial Viability Assessment and an addendum appraisal reflecting the revised scheme has been submitted to the Council. The report has been assessed by an independent consultant appointed by the Council who confirmed that the scheme, including 8 intermediate units generates a deficit of £70,000 (0.3% of GDV) which is broadly a breakeven position. On this basis, the 8 units is the maximum reasonable in viability terms. As such, it is considered that the level of affordable housing is acceptable in this instance.
- 6.2.4 In line with the London Plan Policy H5 schemes that do not provide the threshold level of affordable housing must follow the Viability Tested Route and are subject to viability scrutiny and review mechanisms. Given the viability position of this proposal, should planning permission be granted, a clause to manage and monitor the progress on implementation of the development including an early and late stage viability reviews would be secured in the S106 agreement, in line with the Mayor of London's Affordable Housing and Viability SPG (2017).
- 6.2.5 Officers considered that the proposed affordable housing would significantly contribute to the Council's affordable housing stock. The proposal would provide a total of 64 units (149 by habitable room) including 8 intermediate units (13.1 percent by unit or 12.1 percent by habitable room). The proposal would comprise of a mixture of 1 bed and 2 bed units. The details of housing mix, size and tenure are as follows:

Units	1 bed	2 bed	Total (by Unit)	Total (by Habitable room)
Market	37	19	56	131
Intermediate	6	2	8	18
Total	43	21	64	149

Table.1 Proposed housing mix, size and tenure.

6.2.6 The current council's agreed local intermediate housing income thresholds were reviewed in March 2018 and the following upper limit household income thresholds will apply in any s106 legal agreement associated to the intermediate units:

- 1 bed units £55,000
- 2 bed units £68,800

6.2.7 As such, it is considered that the proposal including the enhanced affordable housing provision providing a total of eight intermediate units would contribute to the affordable housing provision and would carry weight in favour of the proposal. The proposal is designed with social inclusivity in mind. Given the viability position of this proposal, the level of affordable housing is therefore supported in this instance. Should planning permission be approved and in line with the GLA's SPG guidance, a clause to manage and monitor the progress on implementation of the development including an early and late stage viability review would be secured in the S106 agreement.

Housing mix

6.2.8 Pursuant to London Plan Policy H10, schemes should generally consist of a range of unit sizes. Table 13 of the 2017 London Strategic Housing Market Assessment sets out the requirement for new homes across the housing tenure and housing size in London. There is a higher requirement for low cost rent units in terms of housing tenure. There is also a higher requirement for one or two bed units in terms of housing size.

6.2.9 The proposed development would deliver 43 x 1 bed units (67%) and 21 x 2 bed units (33%). Whilst there would be no family units (3 bedrooms or more) provided within the scheme, given the location of the site within the metropolitan town centre with excellent PTAL rating and business designation, as well as the positioning of the residential accommodation above the office use, it is considered that proposed housing mix and tenure focusing predominantly on the delivery of smaller units is acceptable in this instance.

Density

6.2.10 London Plan Policy D3 requires development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. BLP Policy 4 requires housing schemes to respect local character, spatial standards, physical context and density.

6.2.11 Bromley being a Metropolitan Town Centre falls within the Central group classification within the density matrix in the superseded London Plan (2016). The density of development indicated within the matrix for sites in Central areas with a PTAL rating of 4-6 is 215-405 units per hectare (based on 2.7-3.0 habitable rooms per unit). Although the new London Plan does not contain a

comparable density matrix, but it does indicate that densities above 405 units per hectare for central, very accessible sites may be possible.

6.2.12 The proposal would make more efficient use of the land providing 64 residential units with an indicative density of 400 units/ha and thus would sit at the higher end of the recommended density ranges. The quantum of the proposal is considered acceptable at this town centre location. The design, layout and standard of accommodation proposed is outlined in the following section of this report.

Standard of accommodation

Internal Floor Areas

6.2.13 All of the proposed units would meet or exceed the minimum requirements for gross internal (floor) area at a defined level of occupancy as set out in 'Technical housing standards - nationally described space standard'.

Aspect/Outlook

6.2.14 Standard 12 of the London Plan's Housing SPG states: 'Each core should be accessible to generally no more than eight units on each floor'. Although the proposed layout allows for the provision of 9 units per core, given the predominant mix of units which would comprise seven x 1 bed flats and two x 2 bed flats per floor, the number of people using the shared core would be limited which, in turn, should limit the frequency of people using this space and the shared lifts. This would give residents a sense of ownership over the space, as encouraged by the Housing SPG. On balance, the number of units per core may be considered as acceptable in this instance.

6.2.15 The proposal would Planning Statement submitted asserts that a total of 69% of the units would be dual aspect and all single aspect units are south facing and would therefore receive suitable levels of daylight and sunlight.

6.2.16 In officers' view, the stepped form at first/upper floor levels on the northern elevation would not provide the benefits of a full secondary aspect, however, it is acknowledged that the revisions made to the building footprint have increased the separation distance (in part) from Kingfisher House which would be beneficial to residents should the adjoining site be redeveloped in a similar way.

6.2.17 It is further noted that due to the concerns relating to the amenity impact on the Palace Estate, windows within the eastern façade would have a restricted outlook, however these windows would serve bedrooms with primary living spaces and balconies/terraces located on the other elevations. Officers agree that the design intent to insert obscured glazed louvres on the east facing windows to direct views away from the nearby Palace Estate is considered to be an appropriate measure given the level of sensitivity regarding 'perceived' overlooking following public consultation.

Daylight, Sunlight and Overshadowing

6.2.18 The results of the daylight assessment show that while over 50% of the proposed habitable windows tested (a sample of 1st and 4th floors have been tested, which represent the lowest residential and typical floors respectively) do not meet the strict numerical Vertical Sky Component (VSC) target value of 27%, this is typical for higher density urban developments. Officers acknowledge that BRE is based on a suburban two-storey type of development and should be treated with flexibility in higher density locations.

6.2.19 Nonetheless, 16 of the remaining windows would still achieve the VSC values at 15% or more, therefore, 43 windows tested (c. 67%) achieve the VSC values of 15% or more. The remaining windows with more compromised VSC levels are primarily located behind/beneath balconies which provide an important amenity function across the scheme, and they are also constrained by the massing of the surrounding buildings.

6.2.20 In respect of the more comprehensive interior daylight tests of Daylight Distribution/No Sky Line (DD/NSL) and Average Daylight Factor (ADF), the results show that out of the total of 40 habitable rooms tested, 34 rooms (c. 85%) would fully comply with the BRE guide levels. Finally, the ADF results show that 35 rooms (c. 88%) would meet the ADF target values for the respective room uses. Furthermore, the distribution of light and ADF values (representing the quality of light) to the main living spaces of the north-facing units have improved significantly with the design revisions.

6.2.21 The sunlight results, as shown above that c. 29% and c. 71% of the south-orientated main living spaces fully meet the annual and winter sunlight criteria. Furthermore, three living spaces which do not fully meet the sunlight criteria would still receive acceptable levels of sunlight above 15% of APSH (and, therefore, 50% of the rooms will have acceptable annual sunlight results). We reiterate our previous conclusions that the amenity will be pleasant to enjoy by the development's residents despite its constrained location and obstruction caused by the surrounding buildings.

6.2.22 Finally, with regards to overshadowing to the proposed amenity space, the sunlight contour plans show that while sunlight would be compromised in winter, acceptable levels would be received during the summer months (i.e. vast majority the area would be receiving at least one hour of direct sunlight in the summer).

Privacy

6.2.23 With regard to privacy, the proposal has been designed to avoid mutual overlooking between units with directly facing windows. Screens and buffers would be provided to separate individual terraces. This is considered necessary to ensure that the privacy would be adequately protected and would need to be secured via condition.

Private Outdoor Amenity Space

6.2.24 Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm. All of the proposed residential units would be provided with a private balcony or terrace complying with minimum size requirements.

6.2.25 It is recognised that due to proximity to Kentish Way achievement of the noise standards within the external amenity spaces may not be possible. While officers consider that provision of balconies and terraces be of significant advantage to the residential amenities of the future occupiers, further exploration of the potential acoustic treatment to minimise noise should be required via condition.

Children Play Space

6.2.26 Based on the site's PTAL and the proposed housing mix and tenure, the estimated child yield of this proposal would be 8.6 children. This gives rise to a total child play space requirement of 85.9sqm, of which at least 48.9sqm should be allocated for a doorstep play for under 5's.

6.2.27 The total area of the outdoor play space proposed alongside the entrance on Elmfield Road would exceed 100sqm, thereby exceeding the minimum threshold required. Officers consider that the proposed play space provision would be of sufficient capacity to ensure that children living in the development would be adequately catered for in terms of access to play space. Further to this, the design elements of the children's play area appear to be well considered and subject to a planning condition securing the details of play equipment, including its maintenance, it is considered that the proposed play space provision would be of good quality. A decorative Arts & Crafts inspired metalwork screen is proposed to provide privacy and protection to the external amenity area.

Accessible Housing

6.2.28 11% of the proposed units will be Wheelchair Adaptable (M4(3)(2)(a)) units which exceeds the 10% required by Policy 3.8 (Housing Choice) of the London Plan and Standard 11 of the London Plan's Housing SPG. The wheelchair accessible units would be distributed across the scheme. Two internal lifts would be provided and each accessible units would have a dedicated disabled car parking space in the basement. As such, it is considered that the proposal would achieve an inclusive living environment and would comply with the policies above.

Secured by Design

6.2.29 London Plan Policy D3 states measure to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal

activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by BLP Policy 37 (General Design).

6.2.30 The design out crime officer was consulted and confirmed that following discussions with the architect, majority of the SBD requirements and security considerations recommended have been incorporated within this design. No objections are raised in this respect, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

Fire Safety

6.2.31 London Plan Policy D12 states in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required.

6.2.32 The application was originally submitted prior to the adoption of the London Plan 2021, nonetheless, the Design and Access Statement submitted confirms that the fire strategy has been developed in conjunction with BB7 Fire engineering. The building would be sprinklered, and the escape distances have been checked and would be all compliant. Compliance with the Building Regulations will be required at the appropriate stage of the development.

6.3 Design – acceptable

Layout

6.3.1 The opportunity to redevelop the site and replace a vacant building of little design merit is acknowledged. Officers have expressed their initial concerns regarding the proposed footprint which sought to utilise the full width of the plot extending to the northern and southern site boundaries at ground level. Whilst it was acknowledged that the building would be set back at upper floor level (from the northern boundary), it was considered that at street level the building would appear squeezed with little breathing space between adjacent neighbouring developments and the public realm, particularly given the narrow width of the footway along Palace View.

6.3.2 In response to these concerns, the revised proposal introduced a cut back of the plinth to the north and east which would reduce the size of the building footprint, increase the separation distance to Kingfisher House and provide the opportunity for additional landscaped greening. This key change is therefore supported.

6.3.3 Nonetheless, the proposed development would still extend fully to the southern boundary and whilst it is noted that the upper floor balconies would be inset,

they would nevertheless front the pavement edge contributing to the sense of narrowing. In order to allow for some visual relief and greater feeling of openness, the revised scheme proposes to widen the footpath on the northern side of the road to 4m. This widening would increase the breathing space between the building line and the edge of the pavement and offer a significantly improved pedestrian experience with the provision of a dedicated, tree-lined pavement (Fig.5). The distance between the proposed building and Devonshire House would be over 13m which is considered as a typical separation distance between buildings within Bromley Town Centre. The proposed improvement works to the public realm in and around Palace View are welcomed and would be secured as part of a S278 agreement.



Fig. 5 Proposed public realm improvements to Palace View.



Fig. 6 Artist impression of Palace View.

6.3.4 The site layout is designed to maximise active frontage onto the public realm and ensure that this development brings vitality and activity to Elmfield Road and Palace View. The majority of the ground floor of the building would be in office use with large scale repeating windows, maximising active frontage and opportunities for surveillance onto the street. Whilst the proposed front building line would be closer than the existing building to Elmfield Road, it should be noted that the proposed office entrance would be centrally sited and the proposed front building line would be staggered and set away from the road. New street trees along Elmfield Road and Palace View are proposed as well as a new outdoor play area. This will significantly help to enhance this part of the TCA and establish a more user-friendly street frontage.

6.3.5 Officers support the desire to utilise all available space within the Land Registry boundary line in order to increase the external amenity area to the north and west. The extended section of amenity space fronting Elmfield Road would retain a public feel and would function as a piece of shared public realm. The building is also set back on Elmfield Road itself, allowing a more generous pavement and landscaping zone. Proposals have also been made to improve the surrounding environment both on Palace View to the south of the site, the underpass and the landscape zone, including Love Lane to the East

Height, Scale and Massing

6.3.6 London Plan Policy D3.D.1 states development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout orientation, scale, appearance and shape,

with due regard to existing and emerging street hierarchy, building types forms and proportions. BLP Policy 37 states all development proposals will be expected to be of a high standard of design and layout. Criteria (a) to (b) states that developments will be expected to be imaginative and attractive to look at, of good architecture quality and should complement the scale, proportion, form layout and materials of adjacent buildings and the area; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.

- 6.3.7 The site is located on the edge of the town centre. Whilst the site is neither allocated nor identified for tall buildings in the Bromley Town Centre Area Action Plan and Bromley Local Plan, the building typology within the Bromley South Business Improvement Area is distinct from the buildings located along Bromley High Street to the west of the site and the domestic suburban houses outside Bromley Town Centre boundary beyond Kentish Way. The immediate area of the site is characterised by sizeable buildings in significant plots. The existing buildings located on the western side of Elmfield Road are relatively more significant in size and scale. Unicorn House and Bank of America are office buildings up to 10 storeys in height. Elizabeth Wheeler House is a residential block above a commercial multi-storey car park and comprises of 13 floors. The existing buildings on the eastern side of Elmfield Road range between four to five storeys in height and form a transition towards the domestic houses beyond Kentish Way.
- 6.3.8 Both the previous appeal schemes sought to secure much taller buildings which were deemed by both Inspectors to be unacceptable. The Inspector determining the first appeal considered that the proposed height of 16 storeys was excessive and would have an unduly overbearing effect on the living conditions of nearby residents. The 2015 scheme responded to this by reducing the height to 12/13 storeys, however the Inspector judged that the building would '*appear too tall to be part of the cluster of existing office buildings and too stocky to be acceptable as a stand-alone tower*'. The Inspector also deemed the design aesthetic of the scheme unsuitable, as the building would appear unattractive in some of the most critical and prominent views and thereby cause substantial harm to the character and appearance of the area. The current proposal is substantially lower than these earlier proposals.
- 6.3.9 The design intent to mediate between the scale of the larger buildings to the west and the low-rise residential development to the east is supported. The revisions made to the northern elevation to improve separation distances and reduce the appearance of mass are also welcomed. Given the emerging context along Elmfield Road and the recently consented Wells House (part 7 and part 8 storeys) and Prospects House (10 storeys) the proposed scale and massing is, on balance, considered to be acceptable.

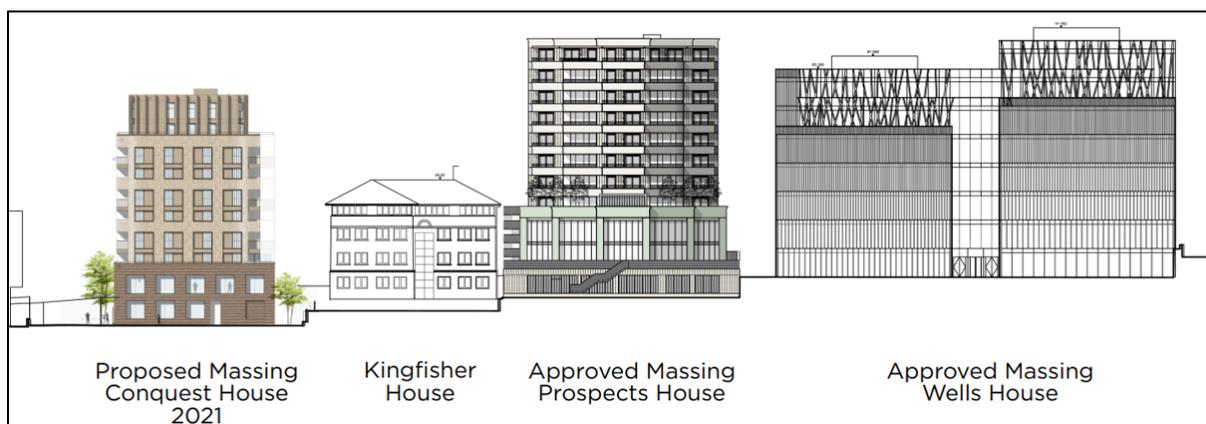


Fig.7 The emerging context on Elmfield Road.

Appearance

6.3.10 There is a clear narrative to the building with a suitably robust brick 'base' plinth, lighter brick tone 'middle' and a clearly defined copper clad 'top'. The plinth of the proposed building would be of rusticated red brick. The upper floors would be of buff brick with inset balconies on curved corners, a traditional material and used in many of the other large-scale buildings seen in the town centre. The articulation would be simple with a grid of double height openings creating a rhythm across the elevations. The inset balconies with brown powder coated steel balustrades would further help to add visual interest to the elevations. Dark grey aluminium windows and steel detailing to the balconies would create an additional layer of detail to the elevations. The top element would be set back and would be articulated with vertical fins, clad in copper coloured cladding. The ground floor commercial space would feature full height glazed elements to animate the street frontage. Next to the residential entrance, a decorative metalwork privacy screen marks the entrance to the outdoor play area.

6.3.11 The proposed strategy and ratios of void to solid elements within the elevations would help to break up the massing and visually reduce the height and scale of the building. Overall, the proposal is considered to be a balanced approach to addressing the contrasting townscape characters both east (residential area) and west (Town Centre) of the site. The architectural expression of the building would successfully draw inspiration from the surrounding context. However, as the success of the proposed design would depend on the quality of materials and architectural detailing (such as brick detailing and window reveals), these would be secured by condition.

Skyline and Townscape Impact

6.3.12 London Plan Policy D9 states that development should address the long-range, mid-range and immediate visual impact. Tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding. Development should address the visual, functional, environmental impact and cumulative impacts. Buildings should have a direct relationship with the street,

maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy. BLP Policy 37(b) and Policy 48 requires development which may impact on the skyline to demonstrate how they will protect or enhance the quality of the views, visual, gaps and skyline. London Plan Policy HC3 states boroughs should clearly identify local views in their Local Plans and strategies.

- 6.3.13 The site is not designated or located near to any identified strategic or local view in the London Plan, Local Plan or Bromley Town Centre Area Action Plan (BTCAAP). The nearest local view of local importance in the BLP and BTCAAP is the view of Keston Ridge from southern section of Bromley High Street.
- 6.3.14 A townscape and visual impact assessment by Bridges Associates has been submitted with the application. A total of 8 viewpoint locations have been analysed, including a selection from the adjacent conservation area, main transport routes and surrounding residential locations. Additionally, a Zone of Theoretical Visibility has also been prepared to illustrate the visibility of the proposed development within 500m radius of the site boundary.
- 6.3.15 The proposed development would not have any impact on any protected views or landmarks as defined in the BLP. The immediate views above indicates an active and commercial frontage would be maintained at street level. The immediate surrounding properties are between 4 to 10 storeys in height. It is considered that the proposal would suitably respond to the existing setting as well as the emerging context of Elmfield Road.
- 6.3.16 In respect of the views from Palace Estate, the proposed building would form part of an emerging cluster of new buildings along eastern side of Elmfield Road and would fall within the silhouette of the Bank of America buildings, and the other taller buildings behind. Rather than punctuating the skyline when viewed from the East, it would effectively sit within the developing skyline, appropriately mediating between the varying scales of development on opposite sides of Kentish Way.



Fig.8 View 08 Palace View.



Fig.9 View 06 Palace View.

Impact on Heritage Assets

6.3.17 The significance of all heritage assets within the study area (including aspects of setting that contribute toward the significance) would be preserved. Visual analysis of the proposal has further demonstrated that there would be little visual impact on the settings of these assets. The character and appearance of the Bromley Town Centre Conservation Area would be fully preserved.

6.3.18 In summary, the visual assessment indicates that the proposal would not have a high level of impact in terms of the local views and landmark buildings, identified in the BLP and BTCAAP. The level of visual effects and impact upon the skyline is considered to be moderate when viewed from the surrounding neighbourhoods. However, the proposal would be adjacent to an existing

cluster of buildings with a building portion comparable to its immediate surroundings. The impact on skyline is therefore considered acceptable. As a matter of planning judgement, officers conclude that the proposed height, massing and design has an appropriate relationship to the contextual setting.

6.4 Impact on neighbouring amenities – Acceptable

6.4.1 Within the immediate context of the development site, the neighbouring residential accommodation includes the properties on the other side of Kentish Way (collectively known as the Palace Estate), with the most immediate neighbours being Nos. 1-3 Rafford Way and 3a – 5 Palace View.

6.4.2 In appeal scheme 2, the height of the building, combined with the windows facing East across the properties along Rafford Way and Palace View (collectively known as the Palace Estate) were perceived by the Inspector to cause concerns about the potential for overlooking and privacy issues for local residents. Paragraph 23 of the second planning appeal decision made specific reference to the impact upon the residential amenities and a number of domestic houses on Rafford way and The Chase. It states *“Notwithstanding that many gardens are already overlooked by their neighbours, that the building height has been reduced, that the separating distance would be granted than those usually required for privacy, and that the lower floors would be largely obscured by the Kentish Way, I accept that the building’s windows would still result in an uncomfortable outlook and sense of lost privacy to a majority of residents in and around the Palace Estate both during the day and when lit up at night”*. Further to this, the Inspector stated that the large windows at high levels resulted in ‘eyes in the sky’.

6.4.3 The current proposal seeks to overcome the reasons for dismissal of the previous appeals by attempting to address the relationship the proposed building would have with the properties within the Palace Estate. Officers note that in terms of scale the current scheme is approximately 45% lower than the 2013 design and 30% lower than the 2015 design. The figure below demonstrates the resulting separation distances.

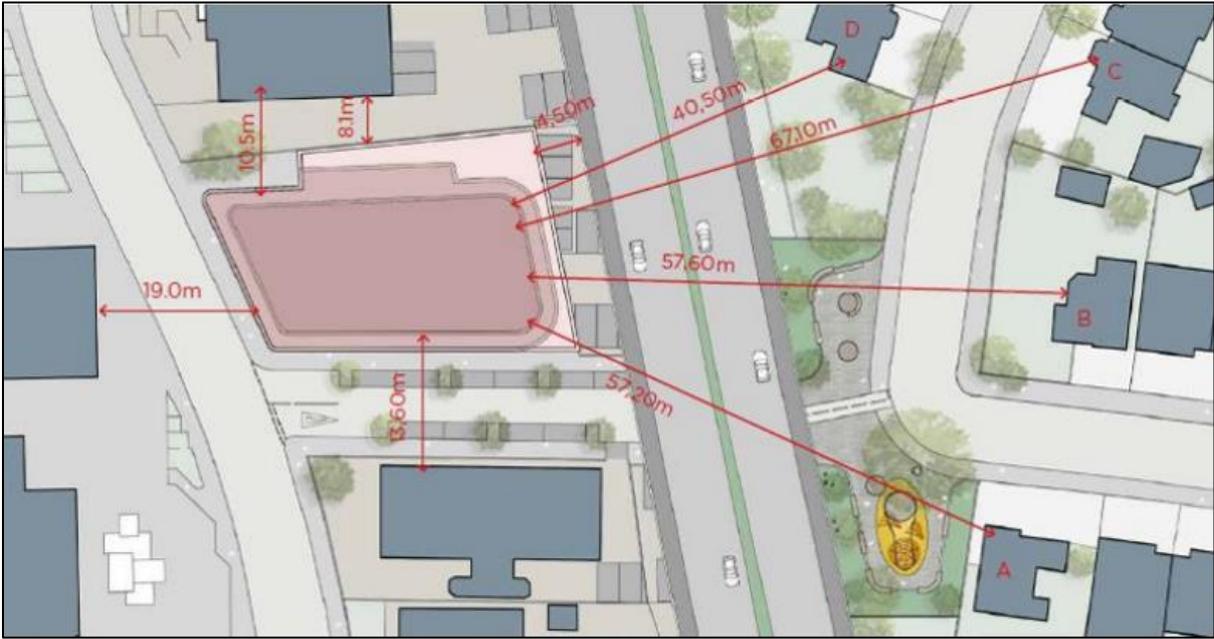


Fig.10 Proximity of the proposed building to the closest neighbouring properties.

Privacy and Outlook

- 6.4.4 The current scheme proposes to address issues of overlooking through the reduced fenestration, utilisation of setback floors, reorientation of balconies, curved elevations, internal layout resulting in secondary rooms located to the rear elevation, and the use of an innovative window solution (outlined below) in order to respect the privacy of local residents.
- 6.4.5 The windows facing the Palace Estate would have directional glass with obscured louvres which direct views away from the Palace Estate, thereby alleviating any concerns relating to overlooking of neighbouring properties from these floors. Elsewhere, the windows on the 7th and 8th floors would be obscured to 1.5m, with only bedrooms facing this direction and there would be no access to the terrace at 7th floor level.



Fig.11 Windows installed along the East facing elevation (Palace Estate Side).

- 6.4.6 Objections were received on the grounds of loss of outlook and privacy as the proposal would introduce new residential windows and balconies. It is noted that the existing use is office, with no residential windows or balconies facing the Palace Estate at present. As such, it is considered that the proposal would have an impact on the perception of overlooking, outlook and privacy.
- 6.4.7 However, consideration should be given to the distances between the proposed residential and the houses beyond Kentish Way which generously exceed standard window to window distances. The proposed residential windows and balconies would be positioned at least 40.5 from the main building line of the houses on Rafford Way. The primary outlook and external amenity of the proposed apartments facing east have been designed to minimise any direct facing of the Palace Estate, through innovative window solutions outlined above (Fig.11). In addition to the aspect, the gardens are further protected from overlooking by the raised Kentish Way viaduct and tree cover that lines the edge of the road.
- 6.4.8 It is also noted that the number of windows has been significantly reduced from the previous appeal proposals and overall, it is considered that the plan form of the residential units and the façade detailing proposed overcome any perceived perception of overlooking. Given that the site is located within Town Centre and the distances between the buildings mentioned above, it is considered that a good degree of privacy can be maintained between the Palace Estate and the proposal would not lead to a significant loss of privacy or loss of outlook which would warrant a refusal of planning consent. As such, the proposals are considered to satisfactorily respond to the constraints of the site without

creating an undue sense of enclosure or resulting in any material harm to the levels of privacy currently enjoyed by the existing occupiers.

Daylight, Sunlight and Overshadowing

- 6.4.9 A full Daylight and Sunlight report has been conducted by BLDA consulting and submitted in support of the application. The technical assessment has quantified the potential loss of daylight and sunlight to the neighbouring residential properties resulting from the implementation of the proposed development. The results of the technical assessment concluded that 100% of the windows/rooms serving the neighbouring residential properties would fully comply with all the daylight and sunlight tests in accordance with the BRE guide. These results confirm that the development would not cause any daylight and sunlight impact on the neighbouring residential properties.
- 6.4.10 Furthermore, the assessment confirmed that the gardens of the neighbouring residential properties would remain well sunlit throughout the year and, therefore, no overshadowing effect would be caused.

Impact on Kingfisher House

- 6.4.11 An objection has been received raising an issue of the “loss of light to the existing building” and impact on the “future development potential of Kingfisher House”. Kingfisher House located approximately 5m to the North from the common boundary currently accommodates an office floorspace. There is no standard requirement to test commercial properties for daylight and sunlight as per the BRE industry guidelines, however, the results of the testing demonstrates that overall, the impact of the proposed development on the existing office space at Kingfisher House is considered fully acceptable in accordance with the BRE guidelines. As such it can be concluded that the proposed development would not adversely impact on the quality of the working environment in the building.
- 6.4.12 In response to the concern relating to the potential adverse effect on the future redevelopment potential of the Kingfisher House site, the mirror-massing study has been undertaken to test the potential impacts. In accordance with the BRE guidelines, a hypothetical massing at Kingfisher House has been built, which is a mirror-image of the proposed scheme. It is of the same size and height and placed an equal distance away from the common boundary. Whilst this is a purely hypothetical scenario as it is unlikely that any redevelopment proposals would have the footprint/shape of the mirror massing, the study goes some way to identify the degree of impact the current proposal might have on the development potential of the adjoining site.
- 6.4.13 The assessment results show a good level of compliance for the southern façade; therefore, it is concluded that in the context of the proposed redevelopment activity and other neighbouring emerging schemes, there is a potential for good daylight and sunlight provision to be retained. The latest revision, by setting back the northern façade, the gap between the proposed

building and Kingfisher House has been widened improved the relationship between the sites.

6.5 Transport and Highways - Acceptable

6.5.1 Elmfield Road is a one-way road located within Bromley Town Centre Controlled Parking zone which operates between 8am to 8pm on Monday to Saturday and 10am to 5pm on Sunday with a maximum stay of 2 hours. There are on-street parking bays outside the application site and along Elmfield Road.

Accessibility by Sustainable Modes

6.5.2 The proposed development is in an area with a PTAL of 6a, which is considered excellent. The area around the site has a comprehensive pedestrian network that is well connected to the wider area and local amenities. This includes wide footways and signalised crossings provided at locations where pedestrian and/or traffic movements are high. There are cycle routes in the local area, and Bromley South Rail Station is located 220m from the site.

Layout, Access and Street Improvements

6.5.3 The existing vehicle access, which is located at the eastern end of Palace View underneath the A21 Kentish Way flyover, would be retained and reconfigured to include gated vehicle and pedestrian access points. Access to the proposed building would be available from the Ground Floor Level via Elmfield Road and the Basement Level via the reconfigured car park. Access to the development for emergency services would be available from Elmfield Road and Palace View.

6.5.4 It is proposed to widen the width of the footway along the northern side of Palace View by approximately 2.0m to improve the pedestrian amenity. This would create a footway of generally 4.0m, with some minor variations in length along the full Place View frontage of the proposed development. In order to create this widened footway, it is proposed to remove the 4 Pay and Display (P&D) parking bays located on the southern side of Palace View and reconfigure the P&D bays on the northern side of Palace View, which would still accommodate the 6 P&D bays that are currently located on the northern side of the road. The alterations maintain a fully functioning highway which would continue to facilitate the servicing of Devonshire House and the proposed servicing arrangement the proposed scheme. Full tracking diagrams have been included within the reports which demonstrate acceptable arrangements would remain. The Council's Highway Engineer raised no objections to the proposed access and changes to Palace View.

6.5.5 An active travel zone (ATZ) assessment submitted in support of the application identified some deficiencies in healthy street improvements. Transport for London have advised that the route to Bromley South station (southern end of Elmfield Road) and the route to the to the Glades/town centre (northern end of Elmfield Road) can be improved and a contribution should be secured to

improve the walking environment along Elmfield Road. Additional £10,000 planning contribution towards way finding and other town centre legible London sign maps should also be secured by a s106 legal agreement.

Car Parking

- 6.5.6 London Plan Policy T1 states that 80 percent of all trips in London should be made by foot, cycle or public transport by 2041. The London Plan seeks to encourage more sustainable travel, enabling car-free lifestyles that allow an efficient use of land and improve well-being by encourage cycling and walking. London Plan Policy T6.1.and Table 10.3 of the London Plan sets the maximum parking standard for new residential development and Table 20.4 for the office development. New development in Metropolitan and Major Town Centres with a PTAL rating of 6 should be car free.
- 6.5.7 London Plan Policy T6.1.G states that residential disabled persons parking should be provided at grade. A minimum of 3 percent disabled parking spaces should be provided from the outset and the proposal should demonstrate how the proposal could provide the remaining 7 percent disabled parking spaces as part of the parking design and management plan, should demand arises.
- 6.5.8 The proposal would intensify the use of the site with a net increase of 64 residential units and an uplift of office floor space. The development proposals comprise the provision of 7 disabled car parking spaces, 6 of which would be associated with the residential development and 1 of which would serve the office development. The site is located within the Metropolitan Town Centre with a PTAL rating of 6a, no general parking would be provided, and this approach is supported.
- 6.5.9 As part of the proposal and to mitigate the demand for parking, the applicant has confirmed the following would be provided for each of the proposed residential units:
- Two years free car club membership per dwelling;
 - Twenty free car club driving hours per dwelling;
 - Rights to apply for residents parking permits be removed;
- 6.5.10 London Plan Policy T6.1 states all residential car parking spaces must provide infrastructure for electric or ultra-low emission vehicles. At least 20 percent of spaces should have active charging facilities with passive provision for all remaining spaces. The proposal shows active electric charging points provided for all the disabled car parking spaces in the basement. A condition would be attached to ensure the delivery of these provisions.
- 6.5.11 This revised proposal indicates that adequate disabled car parking spaces would be provided from the outset exceeding the minimum requirement. A car park management plan detailing the management, allocation and uses of the

disabled parking spaces would be required to ensure the use of the parking spaces can be optimised.

6.5.12 In summary, the site has an excellent accessibility rating to public transport and the principle to provide a car-free development is supported. Whilst the proposal would intensify the use of the site and increase the demand for parking spaces and traffic in general in the area, it is considered that the car-free development should be promoted at this town centre location. Subject to the mitigation measures and the required planning conditions and obligations to be secured by a legal agreement, it is considered the level parking provision would be acceptable at this location.

Cycle Parking

6.5.13 London plan Policy T5 states proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Appropriate levels of cycle parking should be secured and designed in line with the London Cycling design standards. Table 10.2 of the London Plan sets the minimum long stay and short stay cycle storage requirement for new development.

6.5.14 Short stay cycle parking is proposed for the development in the form of 2 sets of 3 Sheffield stands located along the Elmfield Road frontage of the development at the ground floor level. This would equate to a total of 12 visitor cycle parking spaces associated with the development, which would be in excess of what the standards would require.

6.5.15 The basement level identifies access to a secure cycle parking area that would be available for use by the occupiers of the proposed development. The identified lockable area is shown to accommodate a total of 108 residential cycle parking spaces, of which 82 would be proposed to be stackers, 20 would be in the form of Sheffield stands, and there are 6 oversized stands. A further 6 Sheffield stands are identified for the long stay office cycle parking, which would provide a total of 12 cycle parking spaces. Based on the proposed cycle provision, it is acknowledged that there would be more cycle parking provided for both the residential and office uses than the London Plan standards require.

Servicing and Delivery

6.5.16 Delivery and Servicing Plan submitted assesses the delivery and servicing demand using TRICS database and demonstrates that the proposed 64 residential units would generate up to three LGV delivery and servicing trips per day, whilst 729sqm of office use would generate one OGV delivery trip per day outside of the peak hours. Overall, the proposed development would result in up to a total of four daily service trips. The Council's highway division has raised no objection to this element of the proposal and consider that the details of servicing and delivery arrangement should be secured by a planning condition.

Waste Management

6.5.17 The residential waste storage area would be located at basement level; due to the site levels, this corresponds with ground level at the rear of the proposed

development. The residential waste stores would accommodate 11 x 1,100 Litre Eurobins for the residual waste, 22 x 240 Litre wheeled bins for recyclables and 4 x 240 Litre wheeled bins for food waste generated within the proposed development prior to collection. Residents would be required to transport the waste from their units directly to the residential waste store using the passenger lift and deposit their segregated waste.

6.5.18 The waste storage area for the residential element would be separated from the commercial storage area. Commercial waste would be privately collected, and it is considered that a waste strategy outlined is acceptable.

6.5.19 Access for collection would be via Palace View at the rear of the site, with the Refuse Collection Vehicle (RCV) performing a turning manoeuvre as necessary. As part of this manoeuvre, the RCV would reverse into the site through the access gates to a position within 18m of the residential waste store. The LBB collection crew would collect the bins directly from the residential waste store, returning them once emptied. The Council's Waste Services were consulted and considered that the proposal would be acceptable in principle, however a clearance of at least 2m would need to be provided. Currently, it appears that a clearance of 1.4m would be achieved between the disabled car parking spaces.

6.6 Biodiversity – Acceptable

6.6.1 A Preliminary Ecological Appraisal (PEA) submitted confirms that the site has low ecological value and comprises very limited features of vegetation or natural habitats. The building is currently boarded up and has been vacant for several years. The site survey, undertaken in September 2020, alongside data received from a desktop study, confirmed that the site has a negligible potential to support roosting bats and negligible potential to support foraging and commuting bats. However, the ivy-covered fence at the site boundary alongside the boundary trees and shrubs have a low to moderate potential to support nesting birds. Therefore, any planned removal of vegetation and trees should take place outside of the breeding bird season or following confirmation of absence by a suitably qualified ecologist. Suitable landscaping should be provided to replace nesting opportunities for breeding birds. Assuming these recommendations are implemented effectively, no adverse impacts on biodiversity within or adjoining the site are predicted.

6.6.2 Whilst the application was originally submitted before the adoption of the London Plan 2021 and the supporting information makes reference to the BREEAM New Construction 2018: Land Use and Ecology rather than DEFRA Biodiversity Metric guidance, officers recognise that achieving a net gain should be easily achieved on a site with such low ecological value. Although no measurable biodiversity net gain has been demonstrated, biodiversity enhancement measures including the provision of a biodiversity roof with 25 plant species (as recommended within the PEA) would have a high biodiversity value. Given that there are no targeted enhancements proposed, to satisfy the requirements of London Plan Policy G6, a scheme of biodiversity enhancements would be secured through a planning condition alongside the

landscaping scheme. This should include a variety of artificial nesting opportunities for bats and birds, particularly swifts as the development is a tall building in an urban location. A lighting condition should also be imposed to ensure minimal impact on foraging bats.

- 6.6.3 In order to address the requirements of Policy G5 of the London Plan the proposed development would include urban greening with 391sqm of combined green roof areas alongside new tree and shrub planting. Two Urban Greening Calculations have been provided by the applicant. The first analyses the entire site and generates a score of 0.21. This falls short of the London Plan's UGF recommended target of 0.4 for predominantly residential developments, however officers note that part of the site falling under Kentish Way (594 sqm) provides little scope to incorporate greening measures. As such, the second calculator removes the area under Kentish Way from the site area which leads to a score 0.33 which is, on balance, considered satisfactory.

6.7 Environmental Health – Acceptable

Noise

Acoustic Assessment

- 6.7.1 The results of the noise assessment indicate that the majority of the facades are at medium noise risk category during both day and night-time while the east facades facing Kentish Way viaduct is at high-risk of noise during the night-time.
- 6.7.2 In order for the development to meet internal ambient noise levels stated in BS8233:2014 appropriate glazing and specification is required. The assessment has provided examples of suitable elements but has not been specific. The specification also applies to glazing, frames, seals, openable parts and any ventilation or condensation control mechanisms. Further mechanical ventilation is proposed. To ensure that the mitigation proposals are suitable this element of the application should be conditioned to require details and post completion testing. Where mechanical ventilation is proposed as a resolution to opening windows (other than for purge ventilation), the impact that this would have on internal noise levels should also be detailed. A condition is recommended to this effect.

External Noise Considerations

- 6.7.3 The assessment recommends that the design facilitates the '*lowest practicable levels in the external areas*' and that a '*high quality, dimensionally stable noise barrier should be erected around gardens*'. The assessment does not consider this any further and the extent to which a reduction in noise levels would be possible. Further in paragraph 5.22 it is stated that such a barrier '*can be used to reduce noise levels...to ensure amenity areas would meet the required 55dB LAeq,16hrs*'. This target noise level is considered to be the onset of serious annoyance, it also represents a decrease of 13dB from the surveyed 68dB LAeq,16hr. Typically a 5-10dB reduction would be considered the range of

reduction achievable by a barrier near to the traffic source. The position of the site sits on lower ground than Kentish Way, this has not been mentioned or considered in relation to the impact that this may have on noise levels or barrier design.

- 6.7.4 Paragraph 5.23 states - *'it is recognised that these guideline values are not achievable in all circumstances where development might be desirable...a compromise between elevated noise levels and other factors, such as convenience of living in these locations ...might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external spaces but should not be prohibited'*. This is consistent with the principles of policy in this area and the Noise Policy Statement for England where there is a requirement to minimise and mitigate. As 55dB is considered to be the onset of serious annoyance this would be considered a SOAEL (Significant Lowest Observed Adverse Effect Level) and 50dB the onset of annoyance a LOAEL (Lowest Observed Adverse Effect Level), officers would expect further consideration and demonstration to be presented as to how these levels shall be reduced and condition is recommended to that effect.

Air Quality

- 6.7.5 The proposed development site lies within the Council's Air Quality Management Area (AQMA) not far from two main transport routes: Kentish Way (road), and Bromley South Station (railway). It is unclear to what extent the Air Quality Assessment (AQA) provided has accommodated emissions from rail transport.
- 6.7.6 The AQA shows that heating and hot water for the proposed development would be provided using electricity and as such there would be no building emissions. It is not clear to what extent this is intended to apply to any commercial uses in the development but as the AQA has been based on there being no combustion of fuels on site post development this may be ensured by way of condition. The proposed parking provisions are limited to the extent that the AQA shows that traffic emissions should fall due to the lower levels of car dependency and use that should result from the development. Consequently, as there should be no building emissions and transport emissions should reduce, the AQA shows the development to be Air Quality Neutral. The AQA includes a dust risk assessment and recommends that a dust management plan be drawn up and be included within an Air Quality and Dust Management Plan (AQDMP) which should be submitted to the Council for approval prior to commencement of work on site. It is recommended that post-construction, fuel combustion would be prohibited on site, with heating and hot water provided by electrical means.

Construction

- 6.7.7 Submission of further details regarding construction management covering environmental aspects of dust and noise control.

Contamination

6.7.8 The Contamination/Soil Investigation study undertaken by RSK considers there to be a low risk of contamination but recommends additional investigation. For this reason, the Council's standard contamination condition is recommended with part a) already complied through the submission of the desktop study.

6.8 Energy and Sustainability - Unacceptable

6.8.1 The energy strategy proposes utilisation of heat pumps in each dwelling and the provision of PV panels enabling on-site electrical generation. The Energy Statement submitted states that commitment to energy efficient design and renewable technologies would enable a reduction in Regulated CO₂ of 65% and 40% for the residential and non-residential units respectively using SAP 10.1 CO₂ emissions factors. The remaining emissions would be offset via a Zero Carbon payment contribution and this has been calculated at £46,620.

6.8.2 The applicant has been advised by the officers that the GLA advice is to use SAP 10 CO₂ emission factors in energy assessments and that this is the Council's adopted approach until there is a formal announcement from the government on the new Building Regulations. As no revised calculations have been provided, the application fails to demonstrate that a reasonable attempt to reduce carbon dioxide emissions on the site/within the development has been made and that the remaining carbon reduction can be managed through a payment in lieu to offset the outstanding reduction. It is therefore recommended that Members contest the appeal on the grounds of insufficient information.

Overheating

6.8.3 The proposed overheating strategy incorporates passive design measures in line with the London Plan cooling hierarchy set out in Policy S14 'Managing heat risk'. These include a highly efficient building fabric and systems, external shading, reduced glazing ratio with solar control glazing, maximised window free area and mechanical ventilation to assist natural ventilation to remove heat. A Dynamic Overheating Assessment (DOA) submitted demonstrates that majority of units would achieve the mandatory DSY1 for the year 2020 weather file condition as per London Plan requirements. The east facade facing Kentish Way viaduct is at high-risk of noise during the night-time; therefore, it is recommended that the use of openable windows is limited to protect resident's exposure to noise nuisance (particularly during the night-time) for the dwellings from the 1st up to the 3rd levels. For these dwellings an active cooling system is proposed. It is acknowledged that the overheating assessment confirms that these apartments would pass the overheating assessment if windows were open – this gives the residents the flexibility to open the windows if they wish, or to use the cooling system if they find the external noise level to be unacceptable.

- 6.8.4 The GLA energy assessment guidance (2020) states that: *'the increased use of air conditioning systems is generally not supported, as these have significant energy requirements and, under conventional operation, expel hot air, thereby adding to the urban heat island effect. However, once passive measures have been prioritised if there is still a need for active cooling systems, such as air conditioning systems, these should be designed in a very efficient way and should aim to reuse the waste heat they produce'*.
- 6.8.5 The DOA confirms that alternative means of passive ventilation to overcome noise constraints such as acoustic louvres combined with natural ventilation limited to the daytime and enhanced mechanical ventilation rates have been tested through dynamic thermal modelling. However, those measures have not been sufficient to control the risk of overheating without exposing residents to unacceptable noise levels. It is further confirmed that the applicant is committed to ensuring that a high-efficiency cooling system will be specified to minimise carbon emissions.
- 6.8.6 The proposed overheating strategy was also assessed under more extreme weather file conditions (DSY2 and DSY3) as required by the GLA energy assessment guidance although the guidance acknowledges that full compliance under these extreme weather files is not mandatory. The overheating assessment identifies that some bedrooms would slightly exceed the temperature threshold by 0.9% and 1.7% (in the worst case tested) under DSY2 and DSY3 weather scenarios, respectively. It is noted, however, that kitchen/living rooms spaces would maintain acceptable indoor comfort levels even under extreme summer conditions (DSY2 and DSY3).
- 6.8.7 In officers view, whilst not fully compliant with the overheating guidance, the proposal would successfully control the risk of overheating while providing future residents with a choice of how to balance external noise and ensure acceptable indoor condition during the summer months. Given the potential reliance on the active cooling would only affect 6 of the proposed units (9% of the dwellings), the resulting small degree of non-compliance is, in this instance, and on balance, considered as acceptable.

6.9 Flooding and Drainage - Acceptable

- 6.9.1 The application site lies in Flood Zone 1/2 (the low and medium probability flood area). A Flood Risk Assessment submitted indicates that the proposed building is to be located in the west of the site, in the low probability flood area (Flood Zone 1). On site attenuation would be provided in order to manage flows up to and including the 1 in 100 annual probability storm event inclusive of 40 % climate change allowance.
- 6.10.5 The Council's drainage officer and Thames Water have raised no objection to the proposal, except conditions to secure the details of the drainage strategy, ground water source protection strategy and a pilling method statement be provided in consultation with Thames Water. Subject to the conditions and

informative, it is considered that the proposal would be acceptable with regards to the surface water run-off and drainage.

7. Planning Obligations and CIL

CIL

- 7.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 7.2 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021.

Heads of Terms

- 7.3 The following planning obligations would need to be secured as part of an S106 legal agreement, which the applicant has agreed to in principle, should permission be granted:
- Affordable housing: 8 intermediate units;
 - Early and late stage affordable housing viability review;
 - 2 years free car club membership per dwelling;
 - Twenty free car club driving hours per dwelling in the first year;
 - Removal of rights for resident's permit;
 - Works to the underpass to be carried out (estimated value up to £100k);
 - Loss of income (P&D parking bays) £36000;
 - Healthy Streets improvements – likely £15k;
 - TfL access right to Kentish Way for maintenance;
 - Signage and wayfinding - £10k (confirmed); and
 - Obligation monitoring fee: £500 per head of terms.
- 7.4 The amount of the carbon off-setting payment required should be confirmed based on the revised energy assessments using SAP 10 CO₂ emission factors.
- 7.5 The Heads of Term have not been agreed at time of writing this report. An update will be updated given at committee.

8.0 Planning balance and conclusion

- 8.1 As the Council cannot at present demonstrate a 5 year land supply of deliverable housing sites, the housing policies of the development plan are out-of-date and the presumption of sustainable development set out in Para. 11 of the NPPF applies to the application. This means a presumption in favour of granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

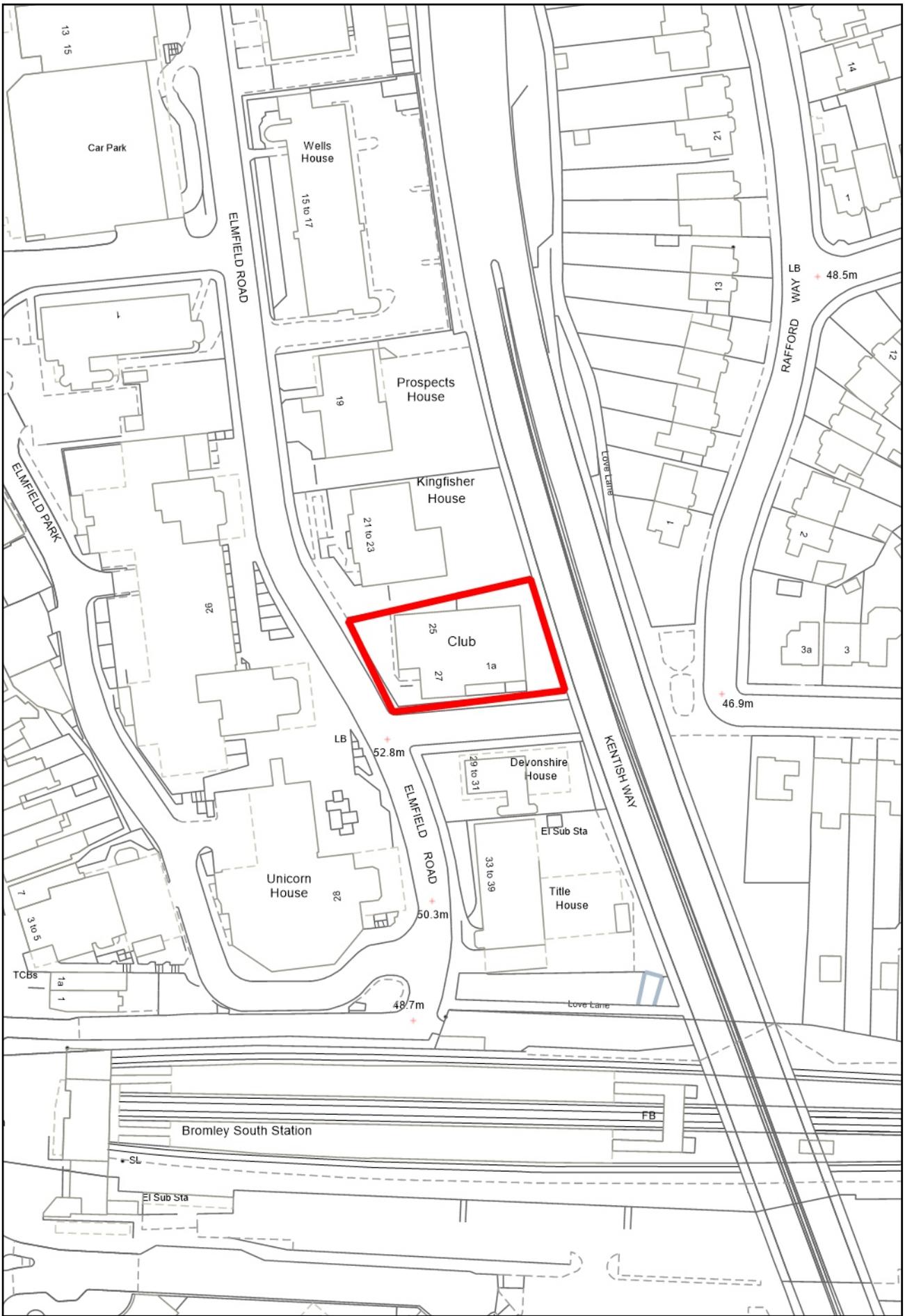
- 8.2 The proposed development would deliver 64 residential dwellings, including 8 intermediate affordable units on a highly accessible, brownfield site. The proposal would make a substantial contribution to the housing supply in the Borough, at a time when there is a significant under supply, including affordable housing, and rising demand as evidenced by the latest Housing Trajectory report. This benefit of the scheme attracts a very substantial weight. Further to this, planning permission would be subjected to early and late viability mechanisms in order to determine whether any additional affordable housing can be provided at a later stage.
- 8.3 The proposed residential units would generally offer a good quality of internal amenity alongside a suitable provision of external amenity spaces and children play area.
- 8.4 The proposed new office accommodation would strengthen the competitiveness of the site and provide an improved office environment within the designated Bromley South Business Improvement Area and the wider Bromley Metropolitan Town Centre. The additional residents residing within the town centre would also help to stimulate the local economy by making the area more diverse and dynamic. Significant weight should be placed on the need to support economic growth and productivity.
- 8.5 In design terms officers consider the proposed height, scale and mass of the proposal to be an appropriate response to existing surroundings as well as the emerging context of Elmfield Road. The density of the proposal would be intensified which reflects a highly accessible town centre location.
- 8.6 A great deal of focus has been given to ensuring that the residential properties within the Palace Estate are not overlooked by the development due to the previous concerns with the Appeal Schemes on this site, where the perceived impact of “eyes in the sky” formed a reason for dismissal for the Inspectors. The current proposal is considered to satisfactorily address the previous concerns.
- 8.7 The proposal would provide sufficient and appropriately laid out car parking for disabled persons, bicycle and refuse/recycling storage.
- 8.8 The proposal represents a well-balanced development solution; however, the application fails to demonstrate that a reasonable attempt to reduce carbon dioxide emissions on the site/within the development has been made and that the remaining carbon reduction can be managed through a payment in lieu to offset the outstanding reduction. It is recommended that the appeal be contested for the reasons set out below.

9. Recommendation

9.1 RESOLVE TO CONTEST APPEAL Grounds for contesting the Appeal are as follows:

- 1 Insufficient information has been provided to demonstrate that a reasonable attempt to reduce carbon dioxide emissions on the site/within the development

has been made and that the remaining carbon reduction can be managed through a payment in lieu to offset the outstanding reduction. As such, the proposal is contrary to Mayor of London's Energy Strategy and London Plan Policy SI-2, and Bromley Local Plan 124.



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Page 51

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