

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 18 July 2023

Present:

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Jonathan Andrews, Peter Dean, Simon Fawthrop,
Christine Harris, Colin Hitchins, Alisa Igoe, Josh King,
Tony McPartlan, Tony Owen, Chloe-Jane Ross, Will Rowlands,
Shaun Slator, Alison Stammers and Melanie Stevens

Also Present:

Councillor Sam Webber (observing)

11 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Charles Joel and Councillor Kevin Kennedy-Brooks. No alternates were received.

12 DECLARATIONS OF INTEREST

Councillor Colin Hitchins declared that he knew and had met Mr Lee Thomas, speaker in support of Item 5: (21/05794/FULL1) Devonshire House at previous Mayoral functions. This did not affect his ability to participate in the decision and vote.

13 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

One oral question was received from a member of the public and is attached at Appendix A.

14 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 JUNE 2023

In considering Minute 8: Adoption of the Urban Design Guide Supplementary Planning Document, the Chairman requested that a typographical error in the fourth bullet point of paragraph six be corrected to state '*Healthy Streets Approach*'

RESOLVED: That the minutes of the meeting held on 13 June 2023 be agreed and signed as a correct record, subject to the above amendment.

15 (21/05794/FULL1) - DEVONSHIRE HOUSE, 29-31 ELMFIELD ROAD, BROMLEY, BR1 1LT (BROMLEY TOWN WARD)

Description of Application: Demolition of existing 6 storey 1970s office block and construction of new 5,241m² 10 storey Grade A office block (REVISED PROPOSAL).

The Planning Officer gave a brief presentation providing an overview of the application and update on the report and gave the following responses to Members' questions:

- The Planning Inspectorate's recent dismissal of an appeal with respect to a neighbouring development at 25-27 Elmfield Road was a material consideration for this planning application as it been dismissed on grounds of visual intrusion and overbearingness and the proposed scheme for Devonshire House would be higher. There were some taller buildings on the opposite side of Elmfield Road, but these were located closer to the town centre while Devonshire House site bordered a residential area of the Palace Estate. A degree of separation was created by the Kentish Way flyover, but this did not mitigate the visual impact of the proposed development on the residential area.

Oral representations in support of the application were received from the applicant who gave the following responses to Members' questions:

- There was a two-tier market for office space in London with an excess of low-quality office space and a shortage in high-quality office space, with demand driven in part by employers seeking to attract staff back to the office in the post-COVID period. Elmfield Road was designated as a Business Improvement Area and was the prime location for office space in Bromley town centre. However, the existing office space was of low-quality and some had been lost to residential schemes. The South East London Chamber of Commerce had endorsed the proposals for Devonshire House which, in seeking to establish Building Research Establishment Environmental Assessment Method (BREEAM) compliance, would deliver a sustainable development including in the areas of energy and health and wellbeing. In response to a question from Councillor Colin Hitchins, the applicant confirmed that there were currently no other office buildings in the Borough that were built to the standard proposed for the Devonshire House scheme.
- The lead-in time to commence building works on site would be approximately three years due to the scale of the development but it was not anticipated that there would be any significant changes to building regulations during this period. In response to a question from Councillor Simon Fawthrop, the applicant advised that space would need to be identified in the local area for the storage of building materials and equipment, but this was the case for any development on a constrained site. Work was underway to negotiate Section 106 Heads of Terms including contributions towards Carbon Offset and Healthy Streets. Councillor Simon Fawthrop queried what other public benefits the development would provide such as electric vehicle charging points and requested that water conservation and re-usage also be built into the design. This was agreed by the applicant, as was a public realm contribution and a suggestion by Councillor Tony McPartlan to include swift nesting bricks.

- Councillor Alisa Igoe was concerned to note that the overheating assessment of the development had acknowledged that it was not possible to account for the most extreme scenarios of climate modelling with the design presenting a 'high risk of overheating'. The architect explained that concerns around overheating would be mitigated through the installation of vertical louvres on the outside of part of the building which would give it a distinctive architectural form and would serve the dual purpose of minimising the overlooking of surrounding buildings.

The applicant had provided a scale model of the proposed future development of Elmfield Road and with the agreement of the Chairman, this was shown to Committee Members. The Planning Officer clarified that the model represented a master planning exercise and included buildings that did not have planning consent, therefore Members should not assume that these buildings would come forward in the form suggested.

In opening the discussion, the Chairman advised that written representations from the three Ward Councillors for Bromley Town had been tabled which supported the Planning Officer's recommendation that permission be refused. This was on the basis of height and dominance of the proposed development as well as its overbearing impact on existing occupiers.

Councillor Colin Hitchins observed that Elmfield Road was designated as a Business Improvement Area for Bromley and it was therefore appropriate for ageing office stock to be renewed. High-quality office space would attract flagship companies to the area and increase footfall and employment opportunities in the southern part of Bromley town centre. The proposed development was also comparable in height to other recent developments in Bromley town centre, including the St Mark's Square apartments.

Councillor Tony McPartlan stated that in his view, the visual impact of the proposed development on Palace View and Rafford Way was minimal and that while there would be a greater visual impact on the Nexus apartments next to the site, Bromley's Business Improvement Area was the right place for such a development. Councillor Tony McPartlan expressed his support for the Devonshire House scheme, subject to an acceptable planning obligation for provision of the Carbon Offset Contribution, Healthy Streets, Legible London, LIP and public realm improvements, and the payment of monitoring and legal costs being entered into (Recommended Refusal Ground 3 of the report), as well as the installation of swift nesting bricks. Councillor Christine Harris, Councillor Alison Stammers and Councillor Alisa Igoe similarly expressed support for the development and in doing so, Councillor Alisa Igoe emphasised the importance of revitalising Bromley's office space to encourage quality companies to locate in this prime location which included excellent transport links.

In light of the support expressed by Members, the Legal Representative advised the Committee to consider their reason for granting permission to the

Devonshire House scheme which had been recommended for refusal. Following discussion, the Committee agreed the following reasons:

'It is accepted that the development would result in the adverse impacts and harm detailed in the recommendation and be contrary to the development plan. However, it is considered that the application ought to be determined otherwise than in accordance with the development plan and planning permission granted in light of the economic objective of sustainable development and the development's energy efficiency, Grade A nature, compliance with land use policies and contribution to the long-term vitality and viability of the town centre.'

Councillor Simon Fawthrop suggested further conditions be considered, including off-site electric car charging for community use and a contribution towards a Borough-wide tree planting initiative but Officers advised that these would be unlikely to meet the tests in the National Planning Policy Framework and, consequently, these were not supported by the Committee.

Councillor Colin Hitchins moved that the planning application be approved for the reasons agreed by Members and subject to notification to the Mayor of London, an acceptable planning obligation as set out in Recommended Refusal Ground 3 and the imposition of such conditions that the Head of Development Management considers necessary. Those conditions should include swift bricks, water conservation measures and a scheme for improvements to the Palace View underpass. The motion was seconded by Councillor Tony McPartlan, put to the vote and CARRIED.

RESOLVED: That PERMISSION BE GRANTED, subject to notification to the Mayor of London, an acceptable planning obligation as set out in Recommended Refusal Ground 3 and the imposition of such conditions that the Head of Development Management considers necessary. Those conditions should include swift bricks, water conservation measures and a scheme for improvements to the Palace View underpass.

16 THE CHAIRMAN MOVED THAT THE ATTACHED REPORT, NOT INCLUDED IN THE PUBLISHED AGENDA, BE CONSIDERED AS A MATTER OF URGENCY ON THE FOLLOWING GROUNDS:

'In order to enact a decision by the Full Council at its meeting on 17 July 2023 regarding committee memberships and proportionality with a view to ensuring that overall proportionality is maintained across the Council's committees.'

**16.1 SUB-COMMITTEE MEMBERSHIP
Report CSD23102**

The Committee considered a report requesting that Councillor Jonathan Laidlaw be appointed to Plans Sub-Committee No. 1 for the remainder of the 2023/24 municipal year.

RESOLVED: That Councillor Jonathan Laidlaw be appointed to Plans Sub-Committee No. 1 for the remainder of the 2023/24 municipal year.

The Meeting ended at 8.45 pm

Chairman

This page is left intentionally blank

DEVELOPMENT CONTROL COMMITTEE 18 JULY 2023

SPECIFIC QUESTIONS

THE FOLLOWING QUESTION HAS BEEN SUBMITTED FOR ORAL REPLY

From Mr Nick Smith to the Development Control Committee

Question: With regard to Item 5: (21/05794/FULL1) – Devonshire House, 29-31 Elmfield Road, Bromley, BR1 1LT:

The officer report states “Recommendation Permission to be refused” whereas the November 2022 design exercise (including revised massing options, daylight reports and models) were openly discussed resulting in a scheme where officers were “broadly supportive of the revised height, scale and massing”. Given the now stated reasons for refusal are for conditions noted and assessed prior to this statement, why has the LA not advised the applicant the scheme is no longer supported prior to the publication of the officer report, thus avoiding considerable additional costs?

Reply: *An informal meeting was held with the applicant and planning agent in the Devonshire House Marketing Suite on 1 November 2022, post-application submission, and a summary response was provided by email on 3 November 2022. The purpose of the meeting was to discuss the scale and form (design) of the building with the aid of the revised 3D model. Any feedback offered by officers during the course of an application is informal, designed to assist applicant’s in making a scheme more acceptable and are without prejudice to the officers’ final recommendation.*

The informal response stated that whilst officers were broadly supportive of the revised height, scale and massing which represented an improvement on earlier iterations, the applicant should progress with further detailed design work including a revised townscape impact assessment (in order to inform/assess the impact of the final design proposal).

Whilst the dialogue with the officers continued throughout the application process, the applicant was advised that officers would only re-consult once the complete suite of amended documents had been received and no formal re-consultation took place until June 2023, once all of the supporting technical documents had been updated to reflect the revisions to the scheme and the recent changes to policy requirements.

As no formal re-consultation and re-assessment was carried out until June 2023, officers were not in a position to formulate a recommendation up to that point, and no confirmation on the final view was provided. The overall acceptability of the proposed development was reassessed as part of the final assessment of the final scheme proposal (revised plans received June 2023).

Supplementary Question: Can you clarify the material difference made by the consultation documents that changed the broadly supportive Officer assessment in December 2022?

Reply: *I refer you to my previous response outlining information that was not provided in a timely manner.*