



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 10 July 2023

To: Members of the  
**DEVELOPMENT CONTROL COMMITTEE**

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

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY 18 JULY 2023 AT 7.30 PM**

TASNIM SHAWKAT  
Director of Corporate Services & Governance

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8461 7840**.

## A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, members of the public may submit one question each on matters relating to the work of the Committee. Questions must have been received in writing 10 working days before the date of the meeting - by **5.00pm on Tuesday 4 July 2023**.

Questions seeking clarification of the details of a report on the agenda may be accepted within two working days of the normal publication date of the agenda – by **5.00pm on Wednesday 12 July 2023**.

- 4 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 JUNE 2023**  
(Pages 1 - 6)
- 5 **(21/05794/FULL1) - DEVONSHIRE HOUSE, 29-31 ELMFIELD ROAD, BROMLEY, BR1 1LT (BROMLEY TOWN WARD)** (Pages 7 - 76)

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 13 June 2023

### Present:

Councillor Alexa Michael (Chairman)

Councillors Jonathan Andrews, Peter Dean, Sophie Dunbar, Simon Fawthrop, Kira Gabbert, Christine Harris, Alisa Igoe, Charles Joel, Kevin Kennedy-Brooks, Josh King, Tony McPartlan, Tony Owen, Will Rowlands, Shaun Slator and Alison Stammers

### Also Present:

Councillor Yvonne Bear

#### **4 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Keith Onslow (the Vice-Chairman) and Melanie Stevens and Councillors Kira Gabbert and Sophie Dunbar attended as their respective substitutes. Apologies for absence were also received from Councillors Colin Hitchins and Chloe-Jane Ross.

#### **5 DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

#### **6 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

#### **7 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 18 APRIL AND 10 MAY 2023**

In considering the minutes of the meeting held on 10 May 2023, Councillor Alisa Igoe requested that Minute 2: Members of Sub-Committees be updated for Plans Sub-Committee No.2 to show the political parties of each Member in line with the format used for other Sub-Committees and this was supported by the Committee.

**RESOLVED: That the minutes of the meetings held on 18 April and 10 May 2023 be agreed and signed as a correct record, subject to the above amendment.**

**8 ADOPTION OF THE URBAN DESIGN GUIDE SUPPLEMENTARY  
PLANNING DOCUMENT  
Report HPR2023/039**

The Committee considered a report recommending the adoption of the Urban Design Guide Supplementary Planning Document which provided guidance to inform development proposals coming forward in Bromley with the aim of ensuring consistent high-quality design.

The Head of Planning Policy and Strategy and the Planning Policy Officer made a presentation to the Committee outlining the development of the Urban Design Guide. This included a public consultation undertaken between 28 October 2022 to 9 December 2022 that had resulted in a number of amendments being made. The final draft Urban Design Guide Supplementary Planning Document would also be considered by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and for adoption by the Council's Executive at its meeting on 5 July 2023.

The Chairman thanked officers for the excellent work undertaken in developing the final draft Urban Design Guide and observed that the purpose of this document was to provide clear guidance on urban design to inform planning policy. The Urban Design Guide was not policy in itself but would carry weight in planning applications. A Member suggested a number of small amendments to be made to the draft final Urban Design Guide and underlined the need for guidelines relating to Tall Buildings to be sufficiently flexible to ensure that development within the Borough was appropriate in both scale and geographic location. In answering a related question from another Member, the Head of Planning Policy and Strategy confirmed that developers were required to submit detailed information within their planning applications regarding the anticipated impact of the development on local infrastructure, including discussions with local infrastructure providers. A Member was pleased to note that the Urban Design Guide recommended the use of solar tiles in place of solar panels in more sensitive areas of the Borough, including conservation areas.

In response to a question from the Chairman, the Head of Planning Policy and Strategy confirmed that while the majority of photographs within the Urban Design Guide depicted examples from outside the Borough it was anticipated that as more high-quality schemes were progressed, these could be replaced with Bromley images in future iterations of the document. A Member suggested that shop frontages in Chislehurst could provide excellent examples of good practice in the Urban Design Guide and observed that the Urban Design Guide itself had been informed in places by the original Chislehurst Shopfront Design Guide. The Member went on to emphasise the importance of promoting the Urban Design Guide to local businesses once adopted, as well as raising awareness around the requirement to obtain planning permission for certain changes which could help reduce future breaches of planning control.

With regard to other matters, a Member welcomed the dedicated section on access and inclusion in the final draft Urban Design Guide and suggested a minor amendment be made at Paragraph 5.254 to underline that development proposals 'should' rather than 'can' promote good health and wellbeing. Another Member saw that there was little mention of nuisance noise within the Urban Design Guide and the Planning Policy Officer advised that while there were limited references to noise in relation to environmental amenity, the Urban Design Guide was primarily focused on design. The issue of noise nuisance was specifically addressed in policies within the Local Plan, London Plan and National Planning Policy Framework. A Member observed that what was considered good urban design changed over time and there was a need to take a long term and holistic view for development in the Borough.

In summation, the Chairman moved that the following changes to the Urban Design Guide Supplementary Planning Document be recommended for agreement by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and this was put to the vote and CARRIED:

- Paragraph 3.11: Change to 'Petts Wood developed during the late 1920s and 1930s, ~~inspired by the Garden City movement~~ **following the Garden Suburb principle.**'
- Guidance Note DG14, Part B – Change from 'best practice' to 'good practice'.
- Paragraph 5.254 – Change from 'can' to 'should.'
- Guidance Note DG19, Parts A and B – Change to 'a) ~~Adopting~~ **Noting** the Health Streets Approach' and 'b) ~~Adopting~~ **Noting** an inclusive holistic approach'.
- Guidance Note DG20, Part C – Change to 'Incorporating internal **and external** ~~water saving~~ water consumption measures to ~~minimise consumption~~ **ensure efficient use of water resources**, and external Sustainable Urban Drainage Systems (SUDs) to manage surface water and flood risk.'

**RESOLVED: That the Renewal, Recreation and Housing PDS Committee be asked to agree the proposed above amendments and recommend the Council's Executive to:**

- 1) **Adopt the Urban Design Guide Supplementary Planning Document as a local development document, subject to any further minor changes (e.g. -. related to formatting or mapping) prior to adoption; and,**
- 2) **Withdraw the following documents:**
  - **Supplementary Planning Guidance 1 – General Design Principles;**
  - **Supplementary Planning Guidance 2 – Residential Design Guidance; and,**
  - **Design Guides for Shop Fronts in Beckenham, Chislehurst and Bromley North Village.**

**9 ADOPTION OF THE ORPINGTON TOWN CENTRE  
SUPPLEMENTARY PLANNING DOCUMENT  
Report HPR2023/038**

The Committee considered a report recommending the adoption of the Orpington Town Centre Supplementary Planning Document which provided guidance to assist with the determination of planning applications in the Orpington Town Centre area, including guidance on design requirements.

The Head of Planning Policy and Strategy and the Planning Policy Officer made a presentation to the Committee outlining the development of the Orpington Town Centre Supplementary Planning Document, including a public consultation undertaken between 9 March 2022 to 1 July 2022 that had resulted in a number of amendments being made to the final draft. The final draft Orpington Town Centre Supplementary Planning Document would also be considered by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and for adoption by the Council's Executive at its meeting on 5 July 2023.

The Chairman invited a Committee and Ward Member for Petts Wood and Knoll to open the discussion. The Member outlined some of the particular needs of Orpington which was described as a main town within the London Plan, but which he argued should be considered as having a number of business, leisure and retail hubs, including the Nugent Centre. Regional policy around car usage had the potential to significantly impact Orpington's economy moving forward, including the proposed expansion of the Ultra-Low Emission Zone. The Chairman observed that all forms of transport had a role in Bromley which was a geographically large and diverse Borough. The Member outlined a number of points raised by an Orpington resident on the final draft Orpington Town Centre Supplementary Planning Document including ensuring that development within Orpington town centre was not disproportionate in terms of density or height and that heritage continued to have appropriate protections. Another Member who was also a Ward Member for Petts Wood and Knoll suggested a minor amendment be made to SPD Guidance Note 11 to address ambiguity inherent to the statement that 'Tall buildings will need to be of the highest architectural design quality'.

In summation, the Chairman moved that the following changes to the Orpington Town Centre Supplementary Planning Document be recommended for agreement by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and this was put to the vote and CARRIED:

- SPD Guidance Note 11: Change to 'Tall buildings will need to ~~be of the highest~~ **achieve exemplary** architectural design quality...
- Section 6: Orpington East: Paragraph 6.4, Bullet 4 – Change to 'In accordance with Local Plan and London Plan requirements, particularly Local Plan policy 47 and London Plan policy D9, tall and large buildings will need to ~~be of the highest~~ **achieve exemplary** architectural design quality'

**RESOLVED: That the Renewal, Recreation and Housing PDS Committee be asked to agree the proposed above amendments and recommend the Council's Executive to adopt the Orpington Town Centre Supplementary Planning Document as a local development document, subject to any further minor changes (e.g. – related to formatting or mapping) prior to adoption.**

**10 ENFORCEMENT PLAN 2023  
Report HPR2023/029**

The Committee considered a report presenting the Enforcement Plan 2023 which had been updated to reflect the current status, including an additional procedural flowchart. This report would also be considered by the Renewal, Recreation and Housing and the Public Protection and Enforcement PDS Committees at their respective meetings on 15 and 28 June 2023.

In introducing the report, the Head of the Planning and Development Support Team advised that the Enforcement Plan 2023 had been designed to provide clarity on Portfolio responsibility for enforcement with all aspects of investigation sitting within the Renewal, Recreation and Housing Portfolio. Everything subsequent to an enforcement decision falls under the remit of the Public Protection and Enforcement Portfolio. The highest priority cases for enforcement were those that had resulted in irreversible changes, such as the destruction of a listed building or tree, and this was reflected in the scale of fines that could be levied which were intended to act as a deterrent. There had been a recent incident in the Borough in which a number of protected trees had been felled. An investigation was currently underway and should a person be convicted of having committed an offence in relation to this matter, any fine was likely to be substantial.

A Member queried the three-year timeframe for taking enforcement action in relation to the unlimited felling or destruction of protected trees outlined in the Enforcement Plan 2023. The Head of the Planning and Development Support Team clarified that this was the timescale for making a report of a breach to the Tree Team. Another Member asked whether failure to adhere to a Construction Management Plan came under the remit of the Enforcement Team and the Head of the Planning and Development Support Team confirmed that this was the case. Adherence to a Construction Management Plan was a condition in granting planning permission and should there be any concern that a developer was in breach of this requirement, the Enforcement Team would undertake an investigation which could culminate in a Breach of Conditions Notice or a Failure to Comply with Conditions Notice.

A Member asked for further information on timescales for members of the public reporting enforcement matters. The Head of the Planning and Development Support Team explained that anyone reporting an enforcement matter to the Planning Investigation Group would immediately receive an auto-receipt to their complaint (if reporting via e-mail) and would receive a letter within five working days providing details of the investigating officer and a reference number. A site visit must be conducted within ten working days

*Development Control Committee*  
*13 June 2023*

and further timescales were set from that point forward, dependent on the findings of the site visit. Matters were dealt with in the order in which they were reported although higher priority was given to irreversible changes including issues relating to a listed building or tree or matters raised by an elected Member.

**RESOLVED: That the revised Enforcement Plan and flowchart be noted.**

The Meeting ended at 8.40 pm

Chairman



# Agenda Item 5

<b>Committee Date</b>	18 July 2023	
<b>Address</b>	Devonshire House 29-31 Elmfield Road Bromley BR1 1LT	
<b>Application number</b>	21/05794/FULL1	<b>Officer</b> Agnieszka Nowak-John
<b>Ward</b>	Bromley Town	
<b>Proposal (Summary)</b>	Demolition of existing 6 storey 1970s office block and construction of new 5,241m <sup>2</sup> 10 storey Grade A office block (REVISED PROPOSAL).	
<b>Applicant</b>	<b>Agent</b>	
Fairlight Devonshire Ltd	Nick Smith Urban Infill	
<b>Reason for referral to committee</b>	Outside of delegated authority	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	<b>Permission to be refused</b>
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## Summary

<p><b>KEY DESIGNATIONS</b></p> <ul style="list-style-type: none"> <li>• Bromley Town Centre</li> <li>• Bromley Town Centre Opportunity Area</li> <li>• Business Improvement Area (Bromley South)</li> <li>• Area of Deficiency in Access to Nature</li> </ul>
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<b>Land Use Details</b>		
	Use Class or Use description	Floor space (GIA sqm)
Existing	Office (Class E)	1,381
Proposed	Office (Class E)	5,241

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	8	1	-5
Disabled car spaces	unknown	2	unknown
Cycle	unknown	85	unknown

<b>Electric car charging points</b>	3 no. (100%)
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<b>Representation summary</b>	<p>Neighbour letters were sent on 25.02.2022 to 214 neighbouring addresses. A press advert was published in News Shopper on 09.03.2022.</p> <p>A Member's Engagement Session with the Development Control Committee took place on 15 June 2021.</p> <p>A further round of neighbourhood consultation letters were sent on 14.06.2023 (14 day consultation). A site notice was also displayed on 14.06.2023.</p>	
Total number of responses		50
Number in support		4
Number of objections		45
Number of neutral responses		1

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Carbon Offset	£58,947	TBC
Healthy Streets	£15,000	TBC
Legible London	£15,000	TBC
LIP and public realm improvements	£12,000	TBC
Monitoring fee	£500 per head of term	TBC
Total		TBC

## **1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle to redevelop this highly accessible, brownfield site to provide a significant uplift of office and employment floor space within a designated Bromley South Business Improvement Area (BIA), thus in a location identified under policy for such a use, is supported.
- The proposal would strengthen the competitiveness and business character of the BIA, whilst making a positive contribution to the Borough's employment opportunities and quality of office stock.
- The proposal would provide adequate parking, cycle storage facilities, access and servicing and delivery arrangements without causing adverse impacts upon the transport network.
- Adequate sustainability measures would be incorporated achieving the required carbon reduction without causing unduly harmful environmental impacts.
- Significant biodiversity improvements are likely to be achieved.
- Nonetheless, whilst improvements have been made to the proposal over the course of the current application, the fundamental issues of siting, scale and height remain from both a townscape and amenity perspective.
- From the design perspective, the proposed development would project as an extremely prominent addition to the skyline looming over the Palace Estate, dominating views with little visual relief. This point was made by the Inspector in the most recent appeal decision in relation to 25-27 Elmfield Road (Conquest House) and is also applicable to the application site.
- From the amenity perspective, the proposed development would give rise to similar concerns highlighted by the above decision in respect of an overbearing presence in relation to the Palace Estate. The proposal would also have materially adverse impact on living conditions of the

occupiers of Nexus Apartments, by reason of overbearingness and loss of daylight.

## 1. LOCATION

- 1.1 The site measures approximately 0.06ha and currently comprises a five storey office building offering 1,381.5sqm (GIA) of floor space (Use Class E). The building occupies the vast majority of the site area, with the remainder taken up by hardstanding, retaining walls, railings and fencing. There is some soft landscaping in the form of ornamental planting to the frontage of Elmfield Road.



Fig.1 Site location plan (Source: Design and Access Statement).

- 1.2 A level change is present between the east and the west side of the site, with the far eastern extent of the site approximately 3.6m lower than the western. Pedestrian access to the site is taken from Elmfield Road, via a ramped access at the southern extent of the building. Vehicular access to the site is taken from the eastern extent of the site on Palace View, which leads to parking for up to 8 cars. Palace View is a narrow road on the south side of the site which slopes steeply down, eastwards from its junction with Elmfield Road, becoming just a pedestrian link located under the A21 Kentish Way flyover, before emerging as a road within the Palace View estate (the estate).
- 1.3 The Kentish Way overbridge that carries the A21, which is a major bypass road physically separating the site and the town centre from the residential areas, lies to the east. The east side of Kentish Way is of a markedly different character and scale, composed of two storey semi-detached and terraced properties on Rafford Way, The Chase, Murray Avenue and Palace View.

- 1.4 Elmfield Road can be characterised as a district of large office buildings, that sit behind the high street and form the eastern edge of the town centre. To the north is a vacant building (3 storeys), office buildings to the west (9 – 10 storeys), and a residential building to the south (Nexus Apartments). The retail heart of Bromley historically occupies the High Street to the North-West of the site.
- 1.5 The site is located within a designated Business Improvement Area (BIA) around Bromley South station intended for office use. It is also designated as part of Bromley Town Centre Opportunity Area. The BIA is subject to an Article 4 Direction which removed the Permitted Development rights to change use from office to residential.
- 1.6 The buildings along Elmfield Road can be said to be of limited architectural merit and there are no heritage assets on or adjoining the site. The closest listed buildings are The Old Palace (Bromley Civic Centre) to the north and Former St Marks School (8 Masons Hill) to the South. The site is not within any designated conservation area and the nearest conservation area is approximately 300 metres to the north. There is a protected view to the South of the site looking Southwards. There are no Areas of Special Archaeological Priority applicable to the site.



Fig. 2 Current views of the site (Source: Design and Access Statement).

- 1.7 A small portion of the site is located at the extent of the Flood Zone 2 outline, with the rest of the site located in Flood Zone 1.
- 1.8 There are no protected trees on the site.

- 1.9 Kentish Way forms part of the Transport for London Road network (TLRN). TfL owns the land under the Kentish Way flyover directly adjacent to the site. The site has a public transport accessibility level (PTAL) of 6a (on a scale of 0 – 6b, where 6b is the most accessible) and is within the Bromley Town Centre Controlled Parking Zone (CPZ) where on-street parking is restricted to permit holders only from Monday to Sunday between 8am and 8pm and on Sundays between 10 and 5pm. Outside the site, on Elmfield Road, there are marked parking bays on both sides. There are marked bays located on Palace View, whilst at the eastern extent of the site, there is a length of single yellow line, approximately 13m in length, in front of the existing vehicular access. Beyond the Central Area CPZ, the outer area of the town centre is split into two further zones, Outer Area North and Outer Area South, with permits required to park Monday to Saturday between midday and 2pm.
- 1.10 The site is situated approximately 100m northeast of Bromley South Station and some 750 meters south of Bromley North Station.

## **2. PROPOSAL**

- 2.1 Full planning permission is sought for the demolition of existing 6 storey office block and the construction of a new 5,241sqm 10 storey 'Grade A' office block.
- 2.2 The proposed building would occupy majority of the application site and would measure approximately 37m in height on Elmfield Road (rising to 40m towards the east) and 15.5m at its widest point. The average depth of the proposed building on the ground floor would be 31m.
- 2.3 The building would sit on a bronze panel rectangular 'plinth' integrated with the urban realm which would enclose the cycle, parking and changing facilities. The base level would form a double storey clear glazed street-scene from the unitized glazing system. The base level would be further articulated by an exposed lattice grid structural system resting on the plinth. The elevation would continue the bronze cladding system up the projecting core to the southern elevation of the middle section of the building to create a unifying feature that directly aligns with the flank of Nexus House. The fenestration would be articulated with a louvre system applied throughout the facade. The crown would mainly comprise the 'sky-deck' providing communal and ancillary spaces for the office(s). The level would be capped by an angular green roof.



Fig.3 Artist's impression - street level.

- 2.4 The applicant advises that the proposed internal layout of the building would comply with British Council for Offices (BCO) Specification for Offices (2019) Grade A.
- 2.5 The vehicular access, which fronts onto Palace View would be retained and the car park area reduced from 8 spaces to a total of 3 parking spaces (2 Blue Badge bays). All 3 car parking spaces would have electric charging points.
- 2.6 A total of 85 cycle parking spaces (73 long-stay bicycles and 12 short-stay) would be provided at lower ground floor level.

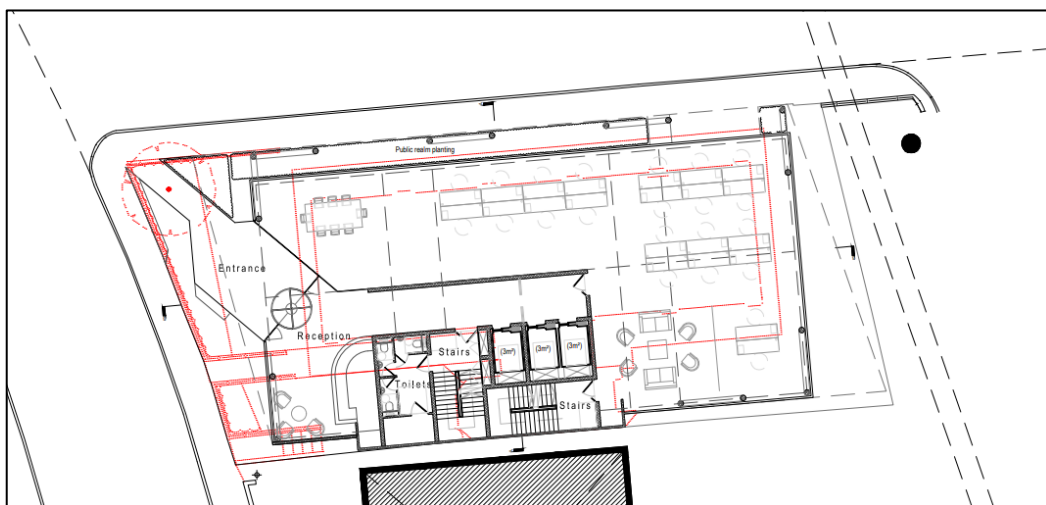


Fig. 4 Proposed ground floor plan.



## Amendments

2.7 In response to various planning consultation comments and officers' feedback from both the Local Authority and the GLA, the scheme has been amended and publicly re-consulted. The key changes are as follows:

- The height has been reduced to 10 storeys - this included losing a storey and the mezzanine level to the sky-deck;
- Boundary to Palace View has been installed with planting;
- The Elmfield Road elevation has been pulled back;
- The south elevation has a slight projection for the stair-core;
- Façade treatment and materials have been revised.



Fig.5 Artist's impression - aerial view.

### **3. RELEVANT PLANNING HISTORY**

#### Devonshire House, 29 – 31 Elmfield Road

3.1 04/03366/FULL2 - Change of use of 2 basement flats to offices (approved).

3.2 13/03415/FULL1 - Erection of a first floor rear extension (approved).

#### Surrounding Sites

##### *Wells House, 15-17 Elmfield Road*

3.3 19/03620/FULL1 - 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.

*Prospect House, 19 Elmfield Road*

- 3.4 20/04296/FULL1 - Demolition of the existing building. Erection of a 10 storey building plus basement to provide 1,759sqm office floor space Use Class Order Class E(g)(i) on the ground floor and first floor with 61 residential flats (9 studio, 38 x 1 bed and 14 x 2 bed) above and provision of 11 parking spaces.

*Conquest House, 25-27 Elmfield Road*

- 3.5 13/01202/FULL1 - 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 (refused and dismissed on appeal).
- 3.6 15/03136/FULL1 - 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. a 12/13 storey mixed use building providing commercial retail space together with 69 apartments (refused and dismissed on appeal).
- 3.7 20/04654/FULL1 - 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 (resolved to contest appeal and dismissed on appeal).
- 3.8 21/05420/FULL1 – Application submitted for a virtually identical proposal as 20/04654/FULL1 above. Withdrawn (finally disposed of) following the appeal decision.

*Title House, 33-39 Elmfield Road (Nexus Apartments)*

- 3.9 14/03181/RESPA - Change of use of Title House from Class B1(a) office to Class C3 dwellinghouses to form 38 one bedroom and 7 two bedroom flats (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO). Prior approval granted and assumed as implemented.

- 3.10 17/04313/FULL1 - Two storey roof extension to existing building to provide 10 additional residential units (4 x one bed, 3 x two bed and 3 x three bed) with cycle parking and refuse/recycling storage (refused but allowed on appeal).
- 3.11 22/00890/PLUD - Lawful Development Certificate (Proposed) for the construction of two storey roof extension to existing building to provide 10 additional residential units (4 x one bed, 3 x two bed and 3 x three bed) with cycle parking and refuse/recycling storage in accordance with the planning permission granted in appeal APP/G5180/W/18/3198494 (LPA ref 17/04313/FULL1). Pending decision.

#### **4. CONSULTATION SUMMARY**

##### **a) Statutory**

4.1 **Greater London Authority (GLA) – Whilst the proposal is supported in principle, the application does not yet comply with the London Plan but the possible remedies, as set out in the GLAs full report, could address these deficiencies (a copy of the GLAs full report is attached at Appendix 1).**

- **Land use principles:** The redevelopment of the site located within a town centre and an opportunity area to provide optimised office use is supported page 12 in land use terms. Affordable workspace should be provided and secured through S106 agreement.
- **Urban design:** The applicant is required to demonstrate how the proposal complies with Policy D9 of the London Plan.
- **Sustainable development and environmental issues:** Additional information and clarification is required regarding the proposed energy strategy, and submission of whole life carbon and circular economy statements before compliance with the London Plan can be confirmed.
- **Transport:** Car parking should be reduced to the extent a car-free development; contribution towards healthy streets improvements and legibility London signs should be secured, and DSP, car parking management plan, CLP and travel plan should be secured.

4.2 **TFL – Further information required (Comments received as part of the GLA Stage 1 response referred to above).**

- The site has a wide range of public transport options commensurate with its location within a metropolitan town centre so there is unlikely to be an unacceptable adverse impact on public transport capacity. However, the Council should discuss with Network Rail station access, capacity, and facilities at Bromley South station in case mitigation is required there, for example a contribution towards the planned second

eastern entrance to the station which would benefit this and other developments in Elmfield Road.

- Car parking will be reduced from 8 to 3 spaces, including one Blue Badge (BB) space. The transport assessment is not clear if the additional two spaces will be made available to non-BB holders or reserved exclusively for BB holders should they be required in the future, so this should be clarified. However, even this very low level of car parking, reduced from current, is contrary to Policy T6 of the London Plan unless it is for BB holders. Officers would be prepared to accept a case for the provision of no on-site BB parking if the scheme is otherwise car free, particularly if this could allow on-site servicing, as discussed below. Any car parking provided should have access to electric vehicle charging, which should be active from the outset.
- Cycle parking meets minimum London Plan standards. The long stay cycle store is a single level on the ground floor, accessed via Palace View, with generous internal space. The doors to the cycle store should be powered. Short stay cycle parking is adjacent to the long stay, external but under the building. This should be covered by the on-site CCTV system to enhance security. Healthy Streets/Active travel
- The Council should secure a contribution towards Healthy Streets improvements towards some of the deficiencies as identified in the active travel zone assessment in the transport assessment, ideally complementing already planned improvements and/or pooled with other s106 contributions from recently approved developments in Elmfield Road.
- Funding for a Legible London sign/local sign refresh should be secured. £15,000 would allow for one new sign adjacent to the site to be provided, and a refresh of other town centre Legible London sign maps.
- Deliveries and servicing is proposed to be on-street, as now, which is contrary to Healthy Streets and Vision Zero policies, and London Plan Policy T7 which requires on-site servicing with on-street loading bays only used where this is not possible. However, in this case it is accepted that on-site servicing would be difficult, due to the small site and level differences, and that the existing office is also serviced on-street, subject to the Council's views as highway as well as planning authority. Notwithstanding this, as mentioned above, no on-site car parking could allow off-street servicing to occur. This should therefore be considered by the applicant.
- A delivery and service plan (DSP), car parking management plan, construction logistics plan (CLP) and travel plan should be secured, for approval by the council, the CLP in consultation with TfL due to the proximity of Kentish Way. The use of cargo bikes for deliveries should be maximised and the number of motorised service vehicle trips

minimised through consolidation, particularly given the lack of off-street servicing.

- The site lies adjacent to the TLRN, and TfL require access to the Kentish Way viaduct for maintenance purposes. In this location, a 5m setback is required to accommodate a mobile elevating work platform (MEWP) to allow access for maintenance, inspection, repairs, investigations etc. The submitted plans appear to show a suitable set-back, but the applicant should confirm this. During the construction phase, the Kentish Way flyover and adjacent TfL land will need to be protected, so details of this should be included in the CLP and separately agreed with TfL.
- Technical Approval may be required from TfL to ensure the integrity of the TLRN is maintained, in line with CG300 of the DRMB. Other highway licences, such as crane oversail, may also be required from TfL. These requirements to consult TfL should be an informative of any subsequent planning approval.

#### 4.3 Network Rail – No objection

- Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Following a review of the proposal, our Asset Protection team would like to make the following comments.

##### Asset Protection

Any lighting or glare associated with the development must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting or glare from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

It is therefore recommended that the applicant / developer engages with Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the proposal does not interfere with the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

#### **4.4 Thames Water – No objection**

- The proposed development is located within 15 metres of a strategic sewer.
- Thames Water requests a piling method statement to be submitted for further approval.
- Thames Water has been unable to determine the foul water infrastructure needs of this application. Foul water drainage strategy to be secured under condition.
- With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Surface water drainage details to be secured under condition.
- An informative on Groundwater Risk Management Permit form to be attached.
- Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- No objection to water network infrastructure capacity.

#### **4.5 Drainage (lead local flood authority) – No objection**

- Pre-commencement drainage condition recommended.

#### **b) Local groups**

#### **4.6 The South East London Chamber of Commerce**

- The larger office sector is a significant player in sculpting the demographic of the town and elevating the spend per person in the retail and hospitality sectors. It is essential that we have quality ESG, BREEAM compliant new A grade offices such as those proposed with this Planning Application.
- Offices in prime locations such as Elmfield Road contribute healthily to the local economy and drive footfall. They also provide rate income that is much needed to support local projects and culture.
- The Chamber endorses this application developments which will attract talent and create an environment which will be seen as aspirational, both on the green and occupational levels.
- It is imperative that we retain, rather than lose this final foothold of prime Bromley office space and set out a quality aspirational vision for the future.

#### 4.7 **The RSPB Bromley Local Group**

- Recommends the installation of at least 12 integral swift nest bricks is a planning condition.

#### c) **Adjoining Occupiers/Residents**

#### 4.8 **Objections**

##### 4.8.1 Land Use (addressed in section 6.1)

- Lack of need for further commercial office space in Bromley, particularly Bromley North.
- Offices likely to be turned into residential usage when units cannot be rented out.
- No need for more shops.
- The existing office space should be converted into flats.
- There will be derelict offices in Bromley.
- With so many high rises and big plans for civic centre going on both sides of Rafford Way it will bring in 100's of people in a small area.

##### 4.8.2 Design (addressed in section 6.2)

- Overdevelopment for such confined space.
- Incongruous and cramped form of development that fails to have sufficient regard for the context and character of the site.
- Far too high, far too bulky, far too wide.
- It will loom over Palace View and Rafford Way.
- The design not in keeping with the surrounding area and will not enhance the skyline.
- Too tall for the proximity to local houses in Rafford Way.
- A concrete wall along Elmfield Road.
- Would destroy the little openness there is left.
- The naked "Croydonisation" of Bromley.
- The look of Bromley is a suburb town not Croydon or Lewisham.
- The area cannot take any further redevelopments.
- The building would appear taller than the Bank of America building due to proximity.
- Grey, ugly and imposing building.
- Negative impact on the public realm, the only concession being a metre and a half of scraggy bushes which will never see sunlight.

##### 4.8.3 Neighbouring Amenity (addressed in section 6.3)

- Loss of light and sun to Palace Estate.
- Actual and Perceived overlooking to Palace Estate.
- Overshadowing and overlooking of the gardens.
- Overbearing and over dominant impact. Building would loom over the Palace Estate.

- Too close to Nexus House.
- Detrimental to users of Elmfield Road.
- It is unhealthy to cram a lot of people in a very small area.
- Increase in crime and anti-social behaviour.
- Reduction in sun levels will lead to mental health issues.

#### 4.8.4 Environmental Impacts (addressed in sections 6.8 and paras 6.2.32 - 6.2.39)

- Create wind tunnels that make it unpleasant for pedestrians and hazardous for cyclists. It is already too windy due to tall buildings.
- Increase in pollutions, CO2, waste and vermin.
- Reflection of traffic noise from the fly over due to the height of the building.
- Construction noise.

#### 4.8.5 Highways (addressed in section 6.4)

- Parking allowance inadequate.
- The surrounding roads are already full of parked cars;
- The proximity to Bromley South is an irrelevance given that the majority of occupants will be locally employed and will drive to work
- Detrimental effect on road parking on neighbouring roads around Palace View, causing obvious congestion adding to the already difficult parking environment around the area, preventing the safe movement of vehicles thereby placing pedestrians, cyclists and drivers at unacceptable risk.

#### 4.8.6 Miscellaneous (addressed below)

- There has been no consultation of local residents by the developers – Design and Access Statement includes details of the wider consultations undertaken by the applicant.
- Potential reduction in the value of their properties – Issues concerned with property values are not material planning consideration.
- Lack of notification - Details of the public consultation can be found in summary table at the beginning of this report.

### **Support**

- Office space in Elmfield Rd is vital and this fact is very much reliant on the Bromley South Terminus.
- Whilst you can build residential properties anywhere in the borough within reason, it is not so for offices as they provide a specific function.
- It is imperative that we retain, rather than lose this final foothold of Prime Bromley office space, and set out a quality aspirational vision for the future. If not office space, the town centre is likely to become a dormitory town full of commuters living in residential tower blocks with a negative effect on the local economy.

- There are not seen any BREEAM buildings available in Bromley and this is very much needed as it will revolutionise the way business is conducted in Bromley as a whole.
- Most of the existing Bromley office stock was built during the 1980s' and apart from one or two exceptions, is now of second rate quality (or worse). As a result, the town is often bypassed by those companies and their agents, considering relocation in the southeast - this is known as the "flight to quality".
- Unless Bromley is able to provide prime office accommodation, the town will cease to be the serious business centre it once was and become merely a dormitory town which will, in turn, adversely affect the retail sector which would be relegated to mostly weekend use.
- The subject application sets out to address this issue by providing high-quality, well-connected office space.
- All recent market indicators have demonstrated that quality BREEAM compliant offices are extremely hard to find. Where they are available demand is strong. This is the perfect opportunity to start the process of returning Bromley as a first choice for companies looking to relocate.

## **5. POLICIES AND GUIDANCE**

### **Planning and Compulsory Purchase Act (2004)**

- 5.1 Section 38(5) states that if to any extent a policy contained in a development plan for an area conflict with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan].
- 5.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

### **National Policy Framework (NPPF) 2021**

- 5.3 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



5.4 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **National Planning Practice Guidance (NPPG)**

5.5 Relevant paragraphs are referred to in the main assessment.

### **The London Plan (2021)**

5.6 Relevant policies are:

Chapter 1 Planning London's Future - Good Growth

GG2 Making the best use of land

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Chapter 2 Spatial Development Patterns

Policy SD1 Opportunity Areas

Policy SD6 Town centres and high streets

Policy SD7 Town centres: development principles and Development Plan Documents

Policy SD8 Town centre network

Policy SD9 Town centres: Local partnerships and implementation

Policy SD10 Strategic and local regeneration

Chapter 3 Design

Policy D1 London's form character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D8 Public realm

Policy D9 Tall buildings

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

Chapter 6 Economy

Policy E1 Offices

Policy E2 Providing suitable business space

Policy E3 Affordable workspace

Policy E8 Sector growth opportunities and clusters

Policy E11 Skills and opportunities for all

Chapter 7 Heritage and Culture

Policy HC1 Heritage conservation and growth

Policy HC3 Strategic and Local Views

Policy HC4 London View Management Framework

Chapter 8 Green Infrastructure and Natural Environment

Policy G1 Green infrastructure

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature  
Chapter 9 Sustainable Infrastructure  
Policy SI1 Improving air quality  
Policy SI2 Minimising greenhouse gas emissions  
Policy SI3 Energy infrastructure  
Policy SI4 Managing heat risk  
Policy SI5 Water infrastructure  
Policy SI6 Digital connectivity infrastructure  
Policy SI7 Reducing waste and supporting the circular economy  
Policy SI8 Waste capacity and net waste self sufficiency  
Policy SI12 Flood risk management  
Policy SI13 Sustainable drainage  
Chapter 10 Transport  
Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.2 Office parking  
Policy T6.5 Non-residential disabled persons parking  
Policy T7 Deliveries, servicing and construction  
Policy T9 Funding transport infrastructure through planning  
Chapter 11 Funding the London Plan  
Policy DF1 Delivery of the Plan and Planning Obligations

#### 5.7 Mayor Supplementary Guidance

- Sustainable Transport, Walking and Cycling, Urban Greening Factor LPG
- Air Quality Neutral and Air Quality Positive LPG
- Energy Assessment Guidance (2021)
- Accessible London: Achieving an Inclusive Environment (2014)
- The control of dust and emissions during construction and demolition (2014)

#### **Bromley Local Plan (2019)**

#### 5.8 Relevant policies are:

Policy 30 Parking  
Policy 31 Relieving congestion  
Policy 32 Road Safety  
Policy 33 Access for all  
Policy 37 General Design of Development  
Policy 38 Statutory Listed Buildings  
Policy 47 Tall and Large Buildings  
Policy 48 Skyline  
Policy 72 Protected Species

Policy 73 Development and Trees  
Policy 77 Landscape Quality and Character  
Policy 78 Green Corridors  
Policy 79 Biodiversity and Access to Nature  
Policy 80 Strategic Economic Growth  
Policy 84 Business Improvement Areas (BIAs)  
Policy 90 Bromley Town Centre Opportunity Area  
Policy 91 Proposal for Main Town Centre Uses  
Policy 92 Metropolitan and Major Town Centres  
Policy 113 Waste Management in New Development  
Policy 115 Reducing Flood Risk  
Policy 116 Sustainable Urban Drainage Systems  
Policy 117 Water and Wastewater Infrastructure Capacity  
Policy 118 Contaminated Land  
Policy 119 Noise Pollution  
Policy 120 Air Quality  
Policy 122 Light Pollution  
Policy 123 Sustainable Design and Construction  
Policy 124 Carbon reduction, decentralised energy networks and renewable energy  
Policy 125 Delivery and Implementation of the Local Plan

#### 5.9 London Borough Bromley Supplementary Planning Documents

- Urban Design Guide (2023)
- Planning Obligations (2022)

## 6. Assessment

### 6.1 Land Use – Acceptable

6.1.1 The site is located within Bromley Town Centre Opportunity Area and within a designated Bromley South Business Improvement Area (BIA). Bromley is identified in the London Plan as an Opportunity Area with potential for 2,500 new homes and 2,000 new jobs by 2041.

6.1.2 London Plan Policy E1 states that improvements to the quality, flexibility, and adaptability of office space of different sizes (for micro, small, medium-sized, page 4 and larger enterprises) should be supported by new office provision, refurbishment, and mixed-use development. Bromley's Local Plan Policy 80 identifies Bromley Town Centre as one of three strategic priority areas for economic growth. In these areas the focus will be on bringing forward adequate development capacity, the coordination of public and private investment, and the delivery of enabling infrastructure. Bromley's Economic Development Plan identifies a demand for 122,000sqm net additional office space on top of the current stock of 146,000sqm.

6.1.3 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. The policy makes specific references to Class B1(a) floorspace throughout, however this form of floorspace has 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.

- 6.1.4 The proposal would replace the existing 1,381sqm of office floorspace with 5,241sqm of new commercial space (Class E) equating to uplift of 3,860sqm.
- 6.1.5 The proposed internal layout of the building would be based on a 1.5m grid for greater flexibility and compliance with British Council for Offices (BCO) Specification for Offices (2019). The BCO standards have been incorporated into the general space planning along with requirements for escape distances to create an efficient, high quality layout around a core that would be adaptable for cellularisation, thus should support the future flexibility of the space for potential change. The proposal would allow a single 'Grade A' tenant to occupy the entire building or allow division to multiple 'Grade A' tenants on a floor by floor basis. Both scenarios would provide office space to the latest market standards.
- 6.1.6 Given the office floor space is being re-provided at an increased quantum, the proposed development would comply with the London Plan and Local Plan (which require the supply of office floor space to be retained, managed, improved and increased) providing capacity to help accommodate the projected 23% increase in Outer London office employment growth up to 2041 (Table 6.1 of the London Plan).
- 6.1.7 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 have been facing a challenging recovery due to the recent pandemic, with more people working from home and/or on a hybrid basis. Nonetheless, whilst the demand for office accommodation is fluctuated in the short-term, due consideration needs to be given to the long-term demand and supply.
- 6.1.8 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.
- 6.1.9 Report by Michael Rogers, Commercial Property Advisors, has been submitted to demonstrate the shortage of 'Grade A' office space in Bromley and a shortage of and demand for larger offices (over 2,000sqm). The report advises that Bromley currently has extremely tight supply, with much of its available space falling below 5,000 sq. ft.

and the majority of the existing office stock being second-hand, 'Grade B' spaces which are very dated, of relatively poor quality and unlikely to meet sustainability credentials.

- 6.1.10 The report lists only two sites offering 'Grade A' space locally, namely, Hanover Place and Threadneedle's 'T-Bromley' (formerly Wren Court), with a large scale office development on Elmfield Road awaiting construction (Wells House). There are no other 'Grade A' buildings in the town centre that can immediately satisfy a requirement of over 20,000 sq. ft. demonstrating a severe shortage of large available high grade stock in the market.
- 6.1.11 The report also highlights that there is limited scope to improve the existing stock to the degree which would attract major new business into the town. Whilst the layout and configuration of some of the existing buildings might lend themselves to transformation into a full 'Grade A' standard, the existing leasing arrangements of a fragmented stock provide further hinderance to large scale refurbishment works.
- 6.1.12 Policy 84 (BIA) seeks to improve the supply of high-quality office floorspace and London Plan Policy E1(g) states that 'Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.'
- 6.1.13 These policies do not expressly state that 'Grade A' office space alone would be considered 'high quality'. There may be a range of prospective office occupiers for which an improvement of quality would be sought, but for whom 'Grade A' standard may not be required. The development proposal could allow for more than one company to occupy the building, for instance, and each of which may require a different typology and be compliant with Policy 84.
- 6.1.14 Officers agree that there is a shortage of 'Grade A' office space in Bromley and that higher quality office stock is required, but it is also considered that improvements are required to the existing office stock alongside new office provision to meet the forecasted demand.
- 6.1.15 It is also agreed that there is low stock of larger offices, but the report submitted does not provide any specific evidence except for an Appendix listing current availability, most of which is less than 1,000sqm or less. Current trends are discussed, but there is no other supportive evidence submitted clearly demonstrating that larger new office buildings at 'Grade A' standard specifically would be required to meet demand, either through evidence from larger prospective occupiers or through evidence of the need for 'Grade A' office space specifically. It is likely that a mix of office typologies and quality ratings across a range of rental levels would be required. No evidence has been provided on the above, or whether improvements to the quality of existing larger stock that isn't 'Grade A' could meet some of the demand.

6.1.16 The optimisation of the site as an office use would satisfy the relevant policies and support office floorspace needs of the area, whilst providing economic benefits, including local and regional employment set out in Bromley's Local Plan and Bromley Opportunity Area Framework. However, whilst officers remain supportive of the proposed development from a land use perspective (and note the positive discussion with prospective single occupiers of the entire building), no additional weight can be afforded to the 'Grade A' type of the office accommodation proposed.

#### Affordable workspace

6.1.17 London Plan Policy E2.D states development proposals for new B Use Class business floor space greater than 2,500sq.m should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprise.

6.1.18 Whilst technically non-compliant with the above requirement, there has been no evidence that there is a need for affordable workspace in this location. In the absence of supporting evidence, potentially not needed affordable workspace could be provided at the expense of other policy considerations. Therefore, despite the provisions of Policy E2.D, officers consider that on balance the lack of affordable workspace may be acceptable in this instance.

## **6.2 Urban Design – Unacceptable**

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

6.2.2 Policy 47 (Tall and large buildings) of the LBB Local Plan states that proposals for tall and large buildings will be required to make a positive contribution to the townscape ensuring that their massing, scale and layout enhances the character of the surrounding area. Tall and large buildings will need to be of the highest architectural design quality and materials. The Policy further states that tall buildings should be reflective of their local and historic context, including strategic views. Proposals for tall buildings will be required to follow the current Historic England Guidance.

6.2.3 Furthermore, Policy 48 (Skylines) states that the Council will require developments which may impact on the skyline to demonstrate how they protect or enhance the quality of views, vistas, gaps and skyline listed in the supportive text.

6.2.4 Policy D9 of the London Plan is more up-to-date than Policy 47 of the Local Plan and is clear that tall buildings should only be developed in locations that are identified as suitable in Development Plans. A tall building is defined as no less than 6 storey or 18 metres measured from ground to the floor level of the uppermost storey. In accordance with Policy D9, development proposals which propose tall buildings should address the follow impacts which are considered in turn in the following paragraphs of the report:

- Visual Impacts;
- Functional Impacts;
- Environmental Impacts; and
- Cumulative Impacts.

6.2.5 During the course of the application, officers raised design concerns mainly relating to overall height and the relationship with the Elmfield Road streetscene and public realm, especially the distance to the buildings to the west. The context of the application has also developed with the appeal on 25-27 Elmfield Road (Conquest House) being dismissed at appeal (see planning history section of this report). This revised proposal attempts to address these concerns and take into consideration the Inspector's findings.

#### Layout

6.2.6 The footprint of the proposed development in relation to the size of the plot remains large and represents a notable step change in scale from the existing building. However, at ground/lower floor level the 2.15 metre set-back (at the narrowest point) from the south west corner and 6 metre set-back from the north west corner fronting Elmfield Road represents a notable improvement from previous iterations. At Level 2 upwards the distance from the pavement edge reduces as the form of the building tapers towards the street.

6.2.7 The buildings on the eastern side of Elmfield Road at the southern end (which are smaller in scale to what is being proposed) are deliberately staggered and set-back from the street which creates important spatial relief given that the larger scale buildings on the western side of the road about the pavement edge (in part). The combined impact from the scale of the building and the proximity of the upper floors to the street edge remains a concern i.e. the presence of a very large block looming over Elmfield Road potentially creating an overbearing effect and a townscape pinch point when approaching Elmfield Road from the south. The latest physical model demonstrates an improvement from earlier iterations in this regard.

6.2.8 At level 2 upwards the building extends closer to the eastern boundary fronting Kentish Way from earlier iterations (extending to within 0.1m and 1.8m). It is noted that previous appeal decisions in relation to proposals for buildings of a similar scale on the adjacent site 25-27 Elmfield Road

(Conquest House) to that which is being proposed have highlighted amenity impact issues which included unacceptable levels of actual and perceived overlooking into the Palace View estate resulting from the close proximity between sites in this part of Elmfield Road and neighbouring low-rise houses to the east. The siting and scale of the proposed development would give rise to similar concerns although it is accepted that the proposed commercial use would reduce the actual and perceived level of harm given that the building would only be occupied during office hours. The proposed angled louvred facade system would also help to mitigate potential overlooking. This is considered further in the subsequent section of this report.

6.2.9 The revised proposal extends (in part) to the southern boundary shared with Nexus Apartments with a projecting element accommodating the lift/stair core. It is noted that the original scheme proposed an uninterrupted 1 metre separation gap from the southern boundary. The current proposal which largely replicates the existing condition (service core abutting the site boundary) does not represent good practice in terms of potentially compromising the future redevelopment of the adjacent site. This element of the revised scheme in particular should be reconsidered.

6.2.10 The proposed building is sited much closer to the southern boundary than the existing building and is therefore likely to amenity implications on the units within Nexus Apartments. This is further commented on in the later parts of this report.

### Height, Scale and Massing

#### *Height*

6.2.11 In terms of the wider townscape, Elmfield Road is an intermediate zone between taller larger buildings to the west and smaller scale low rise residential properties to the east. Officers have adopted a consistent approach with regards to establishing appropriate building heights specifically in relation to the corridor of buildings on the eastern side of Elmfield Road in order to ensure that new development respects and responds to the established townscape hierarchy, i.e. buildings stepping down to the east to provide a coherent transition in scale.

6.2.12 This approach has been supported in previous appeal decisions in relation to Conquest House (25-27 Elmfield Road), where proposals for a 16 storey building (2014) and a 13 storey building (2017) were dismissed on the grounds of height and design.

6.2.13 Further to this, the building heights of nearby neighbouring consented schemes including Prospects House and Wells House were also reduced from what was initially proposed in order to accord with the established pattern of development.



6.2.14 Building height and massing should be appropriate both in terms of the relationship with neighbouring buildings (immediate context) and the relationship with the wider context (townscape/skyline). The reduction in height from 12 storeys to 10 storeys in response to previous comments is welcomed. The reduction in height ensures that the building no longer exceeds the height of the Bank of America buildings to the west thereby retaining a transition in scale from east to west (albeit marginal) as illustrated by the Street-scene East elevation (Drawing No. 0493-PL-225 Rev D) shown below. It should be noted that the marginal transition in height means that the building would still read as 'tall' rather than 'mid-rise.'

6.2.15 Whilst the sloping topography of Elmfield Road is acknowledged, at 10 storeys the scale of the building would nevertheless appear extremely prominent particularly when viewed from the existing low rise properties to the east – as illustrated in Viewpoints 3, 6 and 7 which illustrate a significant visual impact (see figures below).



Fig.6 Viewpoint 3: South from Rafford Way (Source: Townscape and Visual Appraisal).



Fig.7 Viewpoint 6: West from Palace View – 150m east (Source: Townscape and Visual Appraisal).



Fig.8 Viewpoint 7: West from Palace View – 60m east (Source: Townscape and Visual Appraisal).

6.2.16 In assessing the appropriateness of the proposed scale and height it is important to acknowledge the emerging context within Elmfield Road



which includes recently consented schemes Prospects House (10 storeys) and Wells House (part 7/part 8 storeys). Within this context a building of similar scale may be broadly acceptable subject to detailed design considerations (assessed below).

6.2.17 It should be noted that the proposal for a 9 storey building on neighbouring site Conquest House (referenced in the wider context elevation and indicated within the TVIA) has now been withdrawn, the scale and massing of which (illustrated in the indicative TVIA views) is therefore no longer a material planning consideration.

### *Scale and massing*

6.2.18 In terms of the overall scale and massing the deep plan/wide proportions of the building make the building appear bulky, 'heavy' and visually dominant particularly when viewed from the south (Viewpoint 5) and north (Viewpoints 1 and 8), shown below (Fig.9 - Fig.11).



Fig.9 Viewpoint 5: North-west from Kentish Way (Source: Townscape and Visual Appraisal).



Fig.10 Viewpoint 1: South from junction at Kentish Way / Stockwell Close (Source: Townscape and Visual Appraisal).



Fig. 11 Viewpoint 8: South from Kentish Way (Source: Townscape and Visual Appraisal)

6.2.19 The appearance of bulk and mass would be lessened to some degree by the proposed lightweight glazed facade treatment, however, this

would do little to mask the overall scale of the building particularly when viewed from the north and the south.

- 6.2.20 The emerging wider context of Bromley South may help to reduce the visual prominence illustrated in mid-long range views (including Viewpoint 5) over time as the townscape of Bromley Town Centre continues to evolve. However, Viewpoints 3 and 7 demonstrate a significant visual impact on the low-rise residential context to the east particularly when assessed against the existing condition.
- 6.2.21 Whilst it is acknowledged that some residential areas on the fringe of Bromley Town Centre have a strong visual connection to the town centre i.e. with larger scale buildings being clearly visible from surrounding residential streets, it is important to note the difference between *visual connection* and *visual impact* i.e. the difference between ‘views through’ and ‘views of.’ Whilst a narrow visual break in the skyline (looking west) provided by Palace View would be retained, the building would nevertheless project as an extremely prominent addition to the skyline looming over the Palace Estate (as illustrated in Viewpoints 3, 6 and 7) dominating views with little visual relief.
- 6.2.22 The site’s proximity to the Palace Estate and subsequent visual impact would be exacerbated by the alignment of both Palace View and Rafford Way which intersect to the east which increases the site’s visibility to residents of the estate despite the location of the Kentish Way flyover – this point was made by the Inspector in the most recent appeal decision in relation to Conquest House (Ref. APP/G5180/W/21/3285554), the point raised is applicable to the application site. This is further expanded on in the Amenity section of this report.
- 6.2.23 As highlighted above, the decision to extend the envelope of the building (in part) to abut the southern boundary is not supported, the Street-scene East elevation (Drawing No. 0493-PL-225 Rev D) illustrates the effect of reducing the already limited ‘breathing space’ between buildings when compared with previous iterations. Given the wide proportions of the building created by the deep plan (north and south elevations) illustrated in short-mid range views, it is even more important to ensure that the eastern and western elevations remain as slender as possible.

### Architecture

- 6.2.24 The revisions made from previous iterations to simplify the form of the building with a clearly defined base (structural plinth), middle (glazing/louvre system), and crown (‘sky-deck’) are acknowledged and broadly supported.
- 6.2.25 The design intent to use a softer bronze plinth detail (in place of concrete) at the base of the building and the decision to replace the previously angled roof crown element (which appeared visually ‘heavy’) is welcomed by officers. The transparent curtain wall glazing (supported

by a diagrid structure) and proposed vertical louvred system designed to articulate and animate the facade is supported in principle. The contrasting bronze cladding system emphasising the stair core on the southern elevation is less convincing.

6.2.26 The design aesthetic follows that of Wells House (No. 15-17 Elmfield Road) conceived by the same architects. Page 44 of the Design and Access Statement indicates that the same principles would be applied with an external terrace, stone and timber finishes and planting. In this regard the degree of continuity is welcomed particularly given the range of architectural approaches and design influences being adopted for recently consented schemes in Elmfield Road.

6.2.27 However, it should be noted that the scheme has not been subject to independent design review at any point during the pre-application process and has therefore not benefited from the level of independent design scrutiny required for a development of this scale in a strategic town centre location. In this regard the application is contrary to Policy D4 of the London Plan.

6.2.28 The reluctance to engage with a Design Review Panel is an indication that speed of application submission has been prioritised over improving design quality – driven in part by proposals for a building of similar scale on the adjacent site (Conquest House), the timing of which being perceived to potentially influence the decision making process.

#### Landscape / Public Realm

6.2.29 The emerging (mixed-use) context will see the character of Elmfield Road change from a transport focused 'road' to a pedestrian focused 'street.' This change in character should be reflected in the landscape/public realm strategy. There is potential for the proposed development to make a positive contribution to the streetscene and wider public realm by improving the pedestrian environment and street level experience.

6.2.30 The creation of level access to the building entrance alongside planting and seating is welcomed, albeit that the functional appeal would be subject to microclimate effects (assessed below).

6.2.31 Page 8 of the Landscape Statement indicates the provision of street trees and ground cover planting fronting the site, opportunities for further improvements to the wider public realm including Palace View as part of the development proposals should be explored and could be secured by an appropriate planning mechanism.

#### Wind Assessment

6.2.32 The Wind Analysis Assessment conducted by Wilde Analysis Limited on behalf of the applicant (Document Ref. F2161 101 RO1\_RevB) confirms

that conditions surrounding the site would be windier as a result of the proposed development when compared to the existing condition.

- 6.2.33 Paragraph 6.2.2 states that as there are no buildings to the immediate north of the application site of a similar height this would lead to unobstructed wind flow impinging on the northern facade of the building, likely creating downdraughts at its base on Palace View and potentially extending through the underpass (a key pedestrian link) of Kentish Way.
- 6.2.34 Paragraph 6.2.3 states that the inclusion of the proposed development at 25-27 Elmfield Road (Conquest House) is expected to counteract downdraughts from the northern facade of the proposed development. However, this application has now been withdrawn, therefore the downdraughts being referenced would not be mitigated.
- 6.2.35 Paragraph 6.4.2 states that as there are no buildings to the immediate south of the application site of a similar height this would lead to unobstructed southerly winds impinging on the upper portion of the southern facade which would inevitably cause downdraughts. The report states that the affected regions need only be assessed to the lenient 'business walking' category of the Lawson Criteria for pedestrian comfort.
- 6.2.36 It is important to note that the adjacent site No.33-39 Elmfield Road (Title House) has been converted from office to residential use (Nexus Apartments), consequently the building now generates an increased footfall during the daytime and evening arguably placing more importance on climatic conditions in Elmfield Road for pedestrians.
- 6.2.37 Paragraph 6.4.3 states that there is a further possibility that south-easterly winds may create a downdraught from the southern facade deflecting to lead to higher velocity winds around the entrance to Unicorn House (Bromley Job Centre) on the opposite side of Elmfield Road. The report states that the impact cannot be properly determined without a more detailed study and accurate CAD. The need for a more detailed study is reiterated in Paragraph 7.1.7 of the Wind Analysis Assessment.
- 6.2.38 Paragraph 6.5.2 states that given that the buildings to the west of the application site are of a similar height to the proposed development there is the potential for high-altitude winds creating downdraughts which may create an accelerated area at the entrance to Unicorn House. Paragraph 6.5.3 states that these downdraughts will almost certainly create less favourable conditions along Elmfield Road itself.
- 6.2.39 The report concludes that in all wind directions, the proposed rooftop terrace is relatively exposed. Paragraph 7.1.4 suggests that as this is not a public space there is no requirement to comply with a public comfort criteria. However, in order for the proposed amenity space to function in the way that is being envisaged, the space should provide a reasonable level of climatic comfort for occupiers of the building, the absence of



which is likely to prevent and/or deter its use. The report indicates that wind mitigation measures should be considered. The Landscape Statement submitted (Document Ref. TM510RE01B\_January 2023) references the provision of raised seating areas and perimeter planting (Page 5) but provides no indication that wind mitigation measures have been considered.

## Heritage

6.2.40 The existing building was an early development on the street when the area was regenerated in the 1970s and 1980s, therefore its heritage value is limited.

6.2.41 There are no other listed buildings in the vicinity of the application site, except two listed buildings: The Old Palace (Bromley Civic Centre) and Former St Marks School (8 Masons Hill).

6.2.42 Bromley's conservation officer considers the proposed design to be too bulky and dominant in views in conjunction with distant views of the listed buildings around the Old Palace Park. Para 013 of the PPG is highly relevant and speaks about the harm that cumulative change can have on the setting of designated heritage assets. It is the conservation officer's view that the cluster of the high rise buildings causes substantial harm to the setting of the designated heritage assets using the wording in the NPPF.

6.2.43 The setting of a heritage asset is defined in the [Glossary of the National Planning Policy Framework](#) as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

6.2.44 The NPPG, at paragraph 013 explains:

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

6.2.45 Whilst the views of the conservation officer have been taken into consideration regarding the extent of harm that this proposal would cause, it is necessary to consider the effect upon the significance of the designated heritage assets, being the Listed Buildings around the Old



Palace Park and the former St Marks School. Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. Under the definition provided by the NPPF which recognises three categories of harm: substantial harm, less than substantial harm and no harm. The PPG notes that in general terms, substantial harm is a high test and may not arise in many cases.

6.2.46 Historically, the setting of the Grade II Listed former St Mark's School has undergone significant change and it is now experienced as a historic survivor set within a group of taller, higher-density buildings, close to a busy junction and a heavily trafficked route into the town centre.

6.2.47 Grade II Listed the Old Palace is situated approximately 300m to the north-east of the application site. It lies to the east of Kentish Way, among a complex of late 20th century institutional and administrative buildings in a parkland setting. The building's parkland setting contributes to its special interest and significance, as do the nearby ice house, summer house extension and separate ha-ha wall. The proposed building would fall within a cluster of similar height buildings forming part of the emerging context of Elmfield Road and area surrounding Bromley South station. To this end, the building would not significantly alter the urban background established by the existing town centre.

6.2.48 It is appreciated that the setting of these buildings will alter further as a result of the re-development of this site with a larger form of development; however, for the reasons outlined above it is considered that this would only have a minor adverse impact on the setting of the listed buildings. Accordingly, Officers consider that the development would result in less than substantial harm to the significance of the listed buildings under the NPPF definition.

6.2.49 The site is not within any designated conservation area and the nearest conservation area is approximately 300 metres to the north. Given the distance and scale of intervening development the proposals are unlikely to impact on the significance of this conservation area. For these reasons, no heritage impact has been identified at this stage.

6.2.50 Notwithstanding the above, the less than substantial harm to the significance of the designated heritage assets which has been identified will need to be weighed against the public benefits of the proposal in the conclusions section of this report.

#### Fire safety

6.2.51 The proposed scheme does not comprise any relevant buildings which meet the height condition (18m or more in height, or 7 or more storeys whichever is reached first used as residential or educational building) of the Planning Gateway One regulations.

6.2.52 In line with Policy D12 of the London Plan the applicant has submitted a fire safety statement, prepared by a suitably qualified third-party assessor, which addresses the criteria of Policy D12, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. In line with Policy D5 of the London Plan, the development incorporates fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings. These measures will be secured by appropriate conditions.

#### Inclusive access

6.2.53 The applicant has submitted details of inclusive access as part of the design and access statement in line with Policy D3 of the London Plan which seeks to ensure that new development achieves the highest standards of accessible and inclusive design. The statement also demonstrated that the development: can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation, or special treatment.

6.2.54 Access at ground and lower ground floor would be level and dedicated accessible changing facilities would be provided alongside standard changing facilities. The central core would provide wheelchair access to upper levels and all doors and corridors would allow full use by the mobility impaired. The stairs would allow ambulant access to all levels.

#### Secured by Design

6.2.55 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).

6.2.56 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.

### **6.3 Neighbourhood Amenity – Unacceptable**

6.3.1 Within the existing 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 No. 1 Rafford Way and No.3a and 4 Palace View, as well as immediately abutting the site to the south - Nexus Apartments.

6.3.2 The proposed building would be located approximately 35m from the boundary with no.4 Palace View, some 50m away from no.3a Palace View and 50m from 1 Rafford Way (main dwelling). The distance between the proposed building and the north elevation of the east facing wing of Nexus Apartments would measure 16m.

#### *Palace Estate*

6.3.3 Officers note that objections were raised on the ground of overlooking, loss of privacy and overbearingness onto the Palace Estate.

6.3.4 When dismissing the appeal proposal at 25-27 Elmfield Road (Conquest House), the Inspector concluded that *“the orientation of the streets within the estate mean that few windows within the properties would face directly towards the site but there would be many more views from gardens, as indicated on my site visit from where the appeal scheme would be clearly viewed as a stark visual intrusion. It would have a looming ponderous presence by virtue of its height and massing and would dominate views from along Rafford Way and Palace View.”*

6.3.5 The applicant has submitted further supporting statement setting out how the current application takes account of the above appeal decision and that the two proposals are fundamentally different in a number of key aspects, outlined below:

- **Differences in proximity in relation to The Estate:** The appeal decision site is to the North of Palace View and consequently significantly closer to the buildings on Rafford Way which are most affected by development to the East of Elmfield Road. It therefore overlooks the private amenity of the nearby residential buildings from a closer distance than the application site.
- **Differences in elevation in relation to The Estate:** The appeal decision site, being significantly closer to the buildings on Rafford Way, is on higher ground and behind a less elevated section of Kentish Way. It therefore overlooks the private amenity of the nearby residential buildings from a more direct angle and with less cover than the application site, which is more oblique in relationship, at a lower starting level and further hidden by the rise in Kentish Way.
- **Differences in orientation in relation to The Estate:** The appeal decision site, as part of the urban grain to the North of Palace view, has a disjointed relationship with The Estate by virtue of the relative orientation of the buildings on Rafford Way. The application site follows the established East-West urban grain of the buildings to the Estate that

lie South of Palace View and therefore has a more integrated relationship with the existing urban fabric.

- **Differences in design and materials in relation to The Estate:** The appeal proposal uses a predominantly solid, heavy material palette with unobstructed fenestration and external amenity to upper levels. It therefore has a more solid, over-bearing effect on The Estate than the application proposal, which is glazed and uses angled louvers to prevent the direct sight-lines the appeal decision necessarily incorporates.
- **Differences in proposed use in relation to The Estate:** The appeal scheme is exclusively residential in function at upper levels. It therefore has a significantly more detrimental effect on the amenity of The Estate than the application scheme, which is exclusively for office use. This should be considered a multiplying factor when assessing the differences between the appeal decision and the application in terms of the impact of proximity, elevation, orientation and design and materials.
- **Differences in urban design in relation to The Estate and emerging context:** The appeal decision site is to the North of Palace View and consequently less covered by existing buildings to the West of Elmfield Road. The application site (having different proximity, elevation and orientation as outlined above) sits more comfortably within the skyline provided by the existing buildings to the West of Elmfield Road. Being to the South of Palace View its effects on the skyline also can be considered more closely as part of recent and emerging developments in that area (some of which are considerable in height).
- **Differences in effect on emerging context:** The appeal decision site, being residential, would impose constraints on the scale and form of subsequent developments in the area due to the need to preserve internal daylight levels to its residential units. The application would have no such requirements and not preclude or diminish nearby developments being brought forward by virtue of achieving basic amenity standards on our site. The application can therefore be assessed differently in terms of scale and massing in comparison to the appeal decision.
- **Differences in approach to public realm:** Although of less relevance to the Estate, the appeal decision site occupies almost the full footprint of the plot and predates the Draft Urban Design Guide SPD and Draft Bromley Town Centre SPD. The application includes public realm improvements within the site that contribute to the redevelopment of Elmfield Rad and Palace View in accordance with latest policies, thus offering an improvement to the connection between local amenities and the Estate.

6.3.6 The proposal would replace a largely blank façade of a 6 storey building with a 10 storey glazed office block positioned closer to Kentish Way. Whilst it is accepted that the proposal would not be viewed directly from within habitable rooms of properties on Palace View due to the perpendicular siting of Devonshire House relative to their main elevations, oblique views of the building would be afforded to the rear gardens of properties along Palace View and Rafford Way.

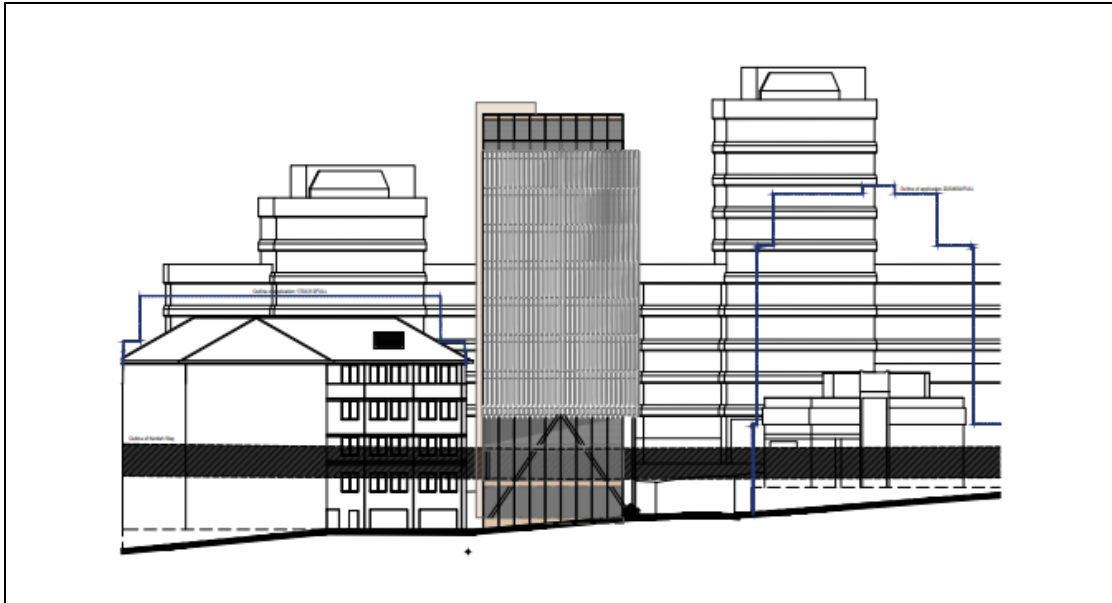


Fig.12 Eastern elevation.

- 6.3.7 Officers also recognise that Kentish Way, which is significantly elevated at this point (equivalent to 2 storeys), provides a significant degree of separation between the proposal and properties on Palace View, while the Conquest House site sits on higher ground given the sloping character of Elmfield Road and sits behind a less elevated section of Kentish Way.
- 6.3.8 Officers do recognise the reduction in height from the previous original submission and although an attempt has been made to account for the site's specific constraints which, in the applicants view, distinguish it from the Conquest House appeal, it is not considered that the special relationship with the estate resulting from the proposal would be as dissimilar as to conclude that the Inspector findings in respect of the appeal in question are not applicable to this proposal.
- 6.3.9 This is demonstrated by comparing the townscape visual assessments provided in support of both applications (Views 03 and 07), shown on the images below (Fig.13)



Fig.13 Views of the proposal with the dismissed scheme at 25-27 Elmfield Road (Conquest House) shown in blue (Source: Townscape and Visual Appraisal).

6.3.10 The above views demonstrate how the scheme would project as a dominant building into views through the estate and appear as overbearing and intrusive presence.

#### *Nexus House*

6.3.11 Permitted development rights introduced by the Government in 2013 have enabled a conversion of office formerly known as Title House to a residential use (see planning history). These rights remained in force until the Article 4 Direction came into effect on 27<sup>th</sup> July 2022.

6.3.12 The applicant is arguing that the residential use runs contrary to published policy and contributes to the shortfall of office space in the Borough, as by allowing such developments to go ahead, potential sites for office developments are lost and thus require remaining plots to accommodate greater net internal area (NIA) to address demand.

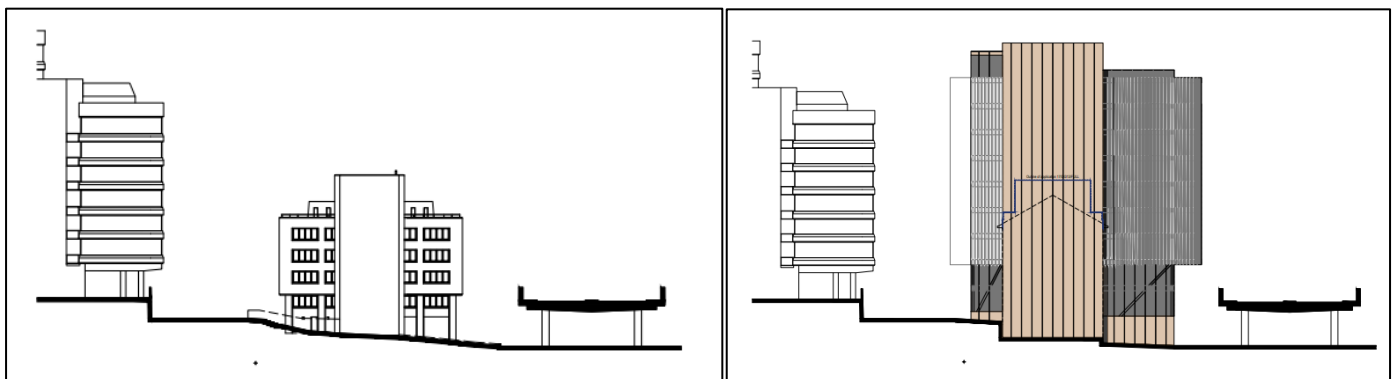


Fig.14 Existing and proposed south elevation.

- 6.3.13 The footprint of the proposal would be greater than the existing block, including along its southern boundary. Whilst the plinth would generally maintain the bulk of the existing building, the middle section would sit closer to Kentish Way.
- 6.3.14 The existing north facing elevation of the main part of Nexus apartments abutting Devonshire House does not have any fenestration that could be impacted by the proposed building. However, the north facing elevation of the rear wing separated from the proposal by approximately 16m would be affected by the proposal.
- 6.3.15 Upon review of the internal layout of the Nexus Apartments, it appears that the affected units have an internal floorspace below the threshold required for their intended occupancy and all are single aspect (Fig.15).
- 6.3.16 Whilst officers acknowledge that permitted development rights could result in developments that present challenging relationships within the urban environment and frequently provide unsatisfactory living conditions for their occupiers, once the residential use is implemented, there is a duty to consider the impacts on the residential amenity.



Fig.15 Typical floor plan - Nexus Apartments.

- 6.3.17 In this instance, the additional mass proposed in such close proximity to the units in question would result in uncomfortable and unduly enclosing spacial relationship, that would be oppressively intrusive and overbearing.

## Daylight, Sunlight and Overshadowing

6.3.18 The application is accompanied by a Daylight, Sunlight and Overshadowing assessment. A daylight/sunlight analysis was undertaken of the surrounding residential buildings using the Vertical Sky Component (VSC) test.

6.3.19 The Vertical Sky Component (VSC) quantifies the amount of available daylight, received at a particular window and measured on the outer pane of Proposed buildings Surrounding residential buildings the window. The maximum VSC value for a completely unobstructed vertical window pane is 40%. In order to maintain good levels of daylight the BRE guidance recommends that the VSC of a window should be 27%.

6.3.20 In London, the following principles have been established by the GLA and Planning Inspectorate:

- In a dense urban environment, VSC values in excess of 20% should be considered as reasonably good, and VSC in the mid-teens should be acceptable;
- In suitable locations there should generally be a high expectation of development taking place;
- In relation to new development it is reasonable to adopt an alternative living room target for combined living/kitchen/dining rooms; and
- In relation to new development, where lower results are caused by balcony overhangs, a future resident is likely to balance the amenity offered by the balcony with the lower daylight in the room and would not necessarily regard the accommodation as sub-standard.

### *The Palace Estate*

6.3.21 In term of the impact on daylighting conditions, the results show that all window receptors located to no.1 Rafford Way, no. 3a and 4 Palace View would retain over 80% or more of their existing daylight and sunlight value, therefore meeting and exceeding minimum requirements in accordance with BRE Guidelines. Applying the scale of impact, the report concludes that the impact on these window receptors can be classed as *Negligible* and would remain largely unaffected by the proposal.

### *Nexus Apartments*

6.3.22 Analysis shows a mix of results regarding the windows located within the east elevation, with the majority adhering to the default BRE Guidelines, except for five windows (25% of the total) which record between 20% and 30% VSC difference, which the BRE considers noticeable. These may be best understood as a *minor adverse impact*.



6.3.23 The report demonstrates, however, that all five windows mentioned above would nonetheless retain VSC values exceeding 20%, which are considered as 'good' levels for a dense urban context such as this.

6.3.24 In terms of the north elevation directly facing the proposed building, the results show that the majority (83.3%) of windows would experience material impacts in terms of daylight. Of the total of 24 windows present in the elevation:

- four windows (16.7%) would record unnoticeable VSC differences post-development or retain in excess of the default BRE Guidelines recommendations;
- eight windows (33.3%) would record between 20% and 30% difference, which the BRE considers may be noticeable. These may be best understood as a *minor adverse impact*;
- nine windows (37.5%) would record between 30% and 40% VSC difference, which the BRE considers noticeable. These may be best understood as a *moderate adverse impact*; and
- three windows (12.5% of the total) record over 40% difference, with the greatest difference being up to 45%. These are best understood as *major adverse impacts*.

6.3.25 Nine of the windows within the northern elevation reporting losses exceeding the 20% at which the BRE Guidelines consider they be noticeable to occupants are understood to serve combined kitchen dining living areas, which have a high demand for natural light. Four of these windows would experience 36% - 45% change, which represent *moderate* and *major adverse* effects.

6.3.26 In the baseline condition most windows would record good VSC values in excess of 20%, with a significant number (11no. out of 24 equating to 45% of total) exceeding the default BRE target of at least 27%. This is reflective of the relatively open aspect at the rear of the application site, which is currently used as surface car parking without any substantial massing. As a result, the existing windows in some cases receive baseline natural light levels which would be considered more commensurate with a typical low-rise suburban context as opposed to a central urban one. To this end, the impacts of the proposed development would be noticeable, however this is considered inevitable if significantly increasing the density of the current massing on the site.

6.3.27 Considering the general daylighting acceptability principles established by the GLA, the report demonstrates that 8 windows (33.4%) would retain 'good' VSC values of 20% and above and 7 windows (29.1%) would retain 'acceptable' values of 15%-20%. The retained VSC of the remaining 9 (37.5%) windows would fall below the mid-teens acceptable value of 15%.

6.3.28 The four living room windows mentioned above likely to experience minor to major adverse effects would retain low-teen and single figure

(9.16%) VSC values post development, which confirms a material impact.

6.3.29 It is noted that the single figure VSC value would be recorded in relation to a window with existing low baseline value of 14.6%, and it is accepted that where baseline VSC values are low, even small absolute changes of VSC can be expressed as potentially misleading high percentage differences.

6.3.30 It could be argued that due to the internal layout of Nexus Apartments being north facing single aspect units directly facing the proposal, the windows affected are dependent on their light from the direction of the application site. However, the northern elevation of this property is located approximately 16m away from its own boundary – such separation, albeit modest, is not considered to be unduly constraining in the dense urban context.

6.3.31 The main influencing factor producing the observed daylighting effects appears to be the proposed building itself – its siting, footprint, height and bulk.

6.3.32 In this instance the overall number of BRE transgressions and the degree of non-compliance are considered to be significant and whilst the guidance needs to be applied flexibly, in officers' opinion the impact on living conditions for occupants of Nexus Apartments would be significant. Bearing in mind that the units in question are undersized single aspect north facing dwellings, this impact would be materially adverse and unacceptable.

6.3.33 In terms of sunlight, all windows that face directly onto the proposed development face in an easterly and northerly orientation and are therefore exempt from the Annual/Winter Probable Hours analysis as per BRE Guidance.

6.3.34 Overshadowing analysis to the garden/amenity areas located to No.1 Rafford Way and No. 3a and No. 4 Palace View indicates that these areas retain over 80% of their former sunlight value and therefore meet and exceed the minimum requirements for overshadowing in accordance with the BRE Guidance.

## Privacy

### *The Palace Estate*

6.3.35 Officers accept that the retention of office use would be less harmful to the amenity of the dwellings to the Palace Estate than the introduction of a residential accommodation on the upper floors, as the office would be mainly occupied during the office hours and would not be used in the same way as a residential building. It is also acknowledged that the proposals include areas of angled louvres to the upper levels and that

the 'Sky-deck' has been designed to control orientation and features perimeter planting which would limit over-looking to the estate.

6.3.36 Further to this, consideration should be given to the distances between the proposed building and the houses beyond Kentish Way which generously exceed standard window to window distances.

6.3.37 As such, whilst it is considered that the proposal could give rise to a perception of overlooking, no material loss of privacy can be demonstrated as to warrant a refusal. The conclusion of the Inspector considering the appeal proposal at Conquest House validates this view.

#### *Nexus Apartments*

6.3.38 At 16m, the separation would be below the typical standard for window-to-window distances of 18m - 35m (as recommended by the BRE Guidance), however it would not be dissimilar to other urban and town centre locations. Given the proposed use and the mitigation measures employed mentioned above, it is considered on balance that the degree of potential overlooking would not be harmful enough to justify a refusal.

#### Conquest House

6.3.39 Conquest House currently accommodates commercial floorspace, hence there is no standard requirement to test commercial properties for daylight and sunlight as per the BRE industry guidelines.

6.3.40 Given the siting, height and mass of the proposed office building, it is likely that there would be impact on the privacy and amount and quality of the daylighting conditions to this site should it be redeveloped for residential purposes, however, there is a potential to retain light levels and privacy which would be considered commensurate with a typical urban context. It is therefore considered that the future development of the Conquest House site would not be prejudiced by the proposals, with no direct over-looking occurring and daylight levels ensured.

6.3.41 Notwithstanding that, in the light of the above assessment, the proposed development would lead to unacceptable material harm to the living conditions of the neighbouring residential occupiers of the Estate and the Nexus Apartments. A reduction in footprint and overall building height would help to reduce the visual/amenity impacts on the low-rise residential properties to the east and immediate neighbouring buildings to the north and south.

## 6.4 Transportation and highway - Acceptable

### Access

6.4.1 The vehicular access, which fronts onto Palace View, would be retained. The main pedestrian access would be taken from Elmfield Road (western elevation), however, there would also be an alternative route for cyclists from the eastern elevation. There would be a pedestrian/cyclist space/footway, segregating vulnerable road users to drivers.

### Car Parking

6.4.2 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.

6.4.3 London Plan Policy T6 Car parking advises that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport.

6.4.4 Policy T6.2 sets out maximum parking standards for office developments. In well-connected parts of outer London, including town centres, in close proximity to stations and in Opportunity Areas, office developments are encouraged to be car-free. For Outer London Opportunity Areas, the maximum provision is 1 space per 600sqm GIA should be provided in line with policy T6.5. While the policy states that 5% of spaces should be for disabled parking (table 10.6), it also states that all non-residential elements should provide access to at least one on or off-street disabled persons parking bay.

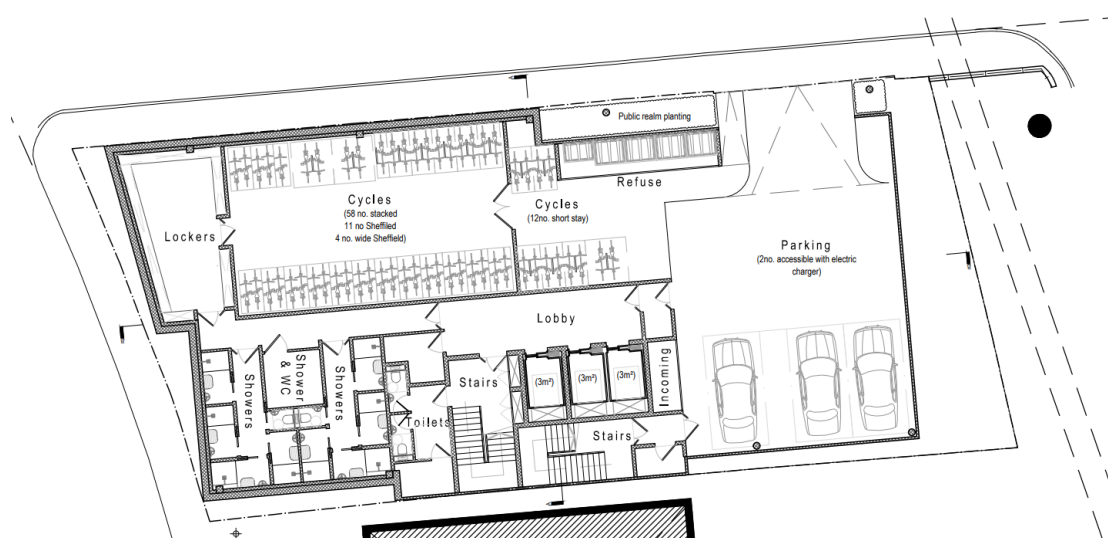


Fig.16 Lower ground floor layout.

6.4.5 Parking is currently offered on-site for approximately 8 vehicles. It is proposed that a total of 3 parking spaces are provided for the new development in line with policy initiatives to reduce the reliance on the private car. Two of these spaces would be allocated for blue-badge holders. Should further demand arise for blue badge parking spaces in the future, the applicant would explore the potential to convert existing on-street bays. The proposed car parking provision is considered acceptable.

#### Trip Generation

6.4.6 The development is expected to generate 111 additional people arriving at the site by all modes in the morning peak hour and 101 persons departing in the evening peak hour.

6.4.7 It is estimated that the additional office space would generate 28 arrivals by car in the morning peak hour and 25 departures in the evening peak hour. This level of activity is not expected to cause an impact on the local highway network. Given that the site would offer 3 car parking spaces only and that the site is located within a CPZ, it is envisaged that those driving to the site would make use of local town centre car parks. Also, some staff would choose to park on the edge of the CPZ and walk into the town centre.

6.4.8 An assessment of the additional reliance on each bus route and each rail station has been undertaken. The new floor space is expected to generate 30 two-way bus trips by bus during the AM peak (28 arrivals / 2 departures) and 27 two-way trips during the PM peak (2 arrivals / 25 departures). The bus impact assessment indicates that there would be up to 8 additional trips on Route 320 travelling in the morning peak hour. This is on the basis there are 5-6 services per hour on Route 320 in each direction. In terms of rail trips, it is expected that additional 28 people would use Bromley South in the morning peak and 26 in the evening peak period.

6.4.9 Of the 10 deliveries, it is expected that 8 would be by LGV and up to 2 by OGV, based on the TRICS data. It is also worth acknowledging that the existing building already generates a need for mail, occasional catering, refuse collection, stationery and personal deliveries and consequently, there is expected to be a net increase in the order of 7-9 delivery vehicles serving the site daily as a result of the proposal. Moreover, there could be additional deliveries by cargo bike or motorcycle made to the development.

6.4.10 Overall, the trip rate analysis suggests that the development would not result in demonstrable harm to the operation of the highway network or public transport infrastructure local to the site. A travel plan including a range of measures and initiatives to promote walking, cycling and use of

public transport was provided in support of the proposal and is considered acceptable.

6.4.11 Given the site's location within the CPZ, there would be limited opportunity for future users of the proposed office to park on surrounding streets to the detriment of highway safety in the area.

### Cycle

6.4.12 Table 10.2 under Policy T5 of the London Plan sets the standards for long-stay and short-stay cycle storage provisions. Policy T5 requires cycle parking be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

6.4.13 Cycle parking would be provided at lower ground floor level and would be accessed from the site's frontage to Palace View. There would be storage for a minimum of 73 long-stay bicycles and 12 short-stay cycle parking spaces. The cycle parking has been designed in accordance with the London Cycle Design Standards. Of the long-stay provision, there would be a minimum of 15 (20%) cycle parking spaces in the form of Sheffield stands and 4 (5%) in the form of wider Sheffield stands suitable for accommodating tricycles and cargo bicycles. The remaining stands would be provided in the form of Josta two-tier stands. Showers, lockers, and changing facilities would be provided for cyclists.

### Healthy Streets and Vision zero

6.4.14 TfL have introduced the Healthy Streets approach aiming to improve air quality, reduce congestion and help make London's diverse communities greener, healthier and more attractive places to live, work and play. The Healthy Street approach prioritises walking, cycling and public transport over car use.

6.4.15 An Active Travel Zone (ATZ) assessment submitted within the Transport Assessment identifies the routes to local services that would be used by site users within a 20-minute walk and a 20-minute cycle.

6.4.16 The site is within appropriate proximity to numerous local facilities and amenities, with step-free and formal crossing points provided along key routes relevant to the development. The ATZ assessment recognizes a number of well-used routes in the vicinity of the site which would benefit from public realm and highways improvements. Accordingly, the developer is required to contribute towards some of the deficiencies identified. Funding for a Legible London sign/local sign refresh is also sought, potentially pooling with other contributions from the consented schemes along Elmfield Road, for example Wells House and Prospects House. These would need to be secured through S106 legal agreement.

## Servicing and Delivery

- 6.4.17 Currently, delivery and servicing activity takes place on-street informally, with vehicles utilising yellow lines and parking bays. It is proposed for the existing arrangement to be retained.
- 6.4.18 The TfL officer advised that this would be contrary to Healthy Streets and Vision Zero policies, and London Plan Policy T7 which requires on-site servicing with on-street loading bays only used where this is not possible. The applicant was encouraged to consider omission of all on-site car parking to allow for off-street servicing to occur.
- 6.4.19 In response to this suggestion the applicant confirmed that the ability for the rear courtyard area to accommodate service vehicles is not limited by the inclusion of 2 Blue-Badge parking spaces, but there is a height limit of 3m at the entrance and 2.5m above part of the remaining courtyard area which does limit the size (height) of the vehicles able to use this space. It is proposed that the 2 Blue Badge spaces remain and that the extra 'space' serves as the opportunity for a light panel van (e.g. 3.5t Transit-type vehicle) to enter the courtyard, make a delivery, turn on site and return to Palace View in a forward gear, and consequently facilitate the relocation of a number of delivery vehicles on-site, rather than be reliant upon the carriageway for servicing activity.

## *Refuse and Recycling Collection*

- 6.4.20 Waste would be stored at lower ground floor level. There would be general waste bins, recycling bins, glass bins, food waste bins, and bins for confidential/shredded waste. Commercial waste would be privately collected, and it is considered that a waste strategy outlined is acceptable.
- 6.4.21 It is expected that the waste vehicle would stop on Palace View when collecting waste, in line with the existing arrangement for the building. Swept path analysis demonstrating a refuse vehicle collecting waste from the Palace View frontage have been provided and found to be acceptable. In this case officers accept that on-site servicing would be difficult due to the restricted size of the site and level differences. Therefore, given that the existing office is also serviced on-street, no objection is raised in this regard.

## **6.5 Drainage and Flood Risk - Acceptable**

- 6.5.1 Policy SI13 of the London Plan states that drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

- 6.5.2 Policy 116 (Sustainable Urban Drainage System) of the LBB Local Plan states that all developments should seek to incorporate Sustainable Urban Drainage Systems or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 6.5.3 The application is accompanied by a Flood Risk and Surface Water Assessment carried out by Base Energy. The report identifies that a small portion of the site is located at the extent of the Flood Zone 2 outline, with the rest of the site located in Flood Zone 1.
- 6.5.4 In order to refine the flood zone classification of the site, an information request was submitted to the Environmental Agency (EA). However, the EA confirmed that no further data is available for the site. Based on the desktop study of underlying ground conditions, there may be a risk of groundwater flooding when groundwater levels are high, which should be considered given that lower ground floor development is proposed.
- 6.5.5 The EA surface water flooding map show that the whilst the site itself is at very low risk of surface water flooding, there are areas in the vicinity of the site which are at high risk of surface water flooding with depths up to 900mm. However, given that the site itself is at very low risk, there would be no displacement of floodwaters as a result of the replacement building. Furthermore, the surface water drainage strategy for the site, should ensure that surface water is appropriately managed over the lifetime of the development and would ensure that the proposals would not exacerbate surface water flooding at the site or surrounding areas.

#### Flood Risk Mitigation

- 6.5.6 Proposals are for offices, which are considered 'less vulnerable' to the risks of flooding.
- 6.5.7 Given the constraints associated with the site layout (the vehicular entrance is on a slope and the eastern end of the site is at the lowest level) a difference in height between the parking area and the internal area would not be feasible. Therefore, finished floor levels would be set at existing ground level. Flood resilient construction techniques would be incorporated into the design of both the lower ground floor and the ground floor, in line with best practice guidance.

#### Surface Water Management

- 6.5.8 Through redevelopment of the site, there would be no increase in hardstanding areas. Recognising the constraints of the site, the underlying ground conditions, and in line with the London Plan hierarchy, the following is proposed to manage surface water from hardstanding areas and to restrict surface water run-off to 0.3l/s:
- Simple rainwater recycling (water butt);
  - Roof garden (~170m<sup>2</sup>); and



- Attenuation storage with a controlled outlet set at 0.3ls (the existing 1 in 100 year greenfield rate of runoff) to manage flows from the remaining hardstanding areas (~430m<sup>2</sup>).

6.5.9 Thames Water commented that whilst greenfield run off rates were calculated in the flood risk assessment, no actual flow rates of the site were calculated and the only form of surface water attenuation is a green roof that only covers a portion of the roof. With no existing or proposed drainage calculations, the proposition that the roof garden would provide significant betterment in terms of surface water runoff when compared with the existing situation is unsubstantiated.

6.5.10 The Council's drainage officer and Thames Water have raised no objection to the proposal, except conditions to secure the details of the foul water and surface water drainage 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.

## **6.6 Green infrastructure and Natural Environment - Acceptable**

6.6.1 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

6.6.2 The application site itself does not support any statutory or non-statutory designated sites for nature conservation. There are no statutory designated wildlife site within 1km of the application site.

6.6.3 There are three non-statutory SINC's within 1km of the application site, the nearest is 250m northeast. Due to the nature of the development, it is considered that there is no potential risk of direct or indirect damage to any of the designated sites.

6.6.4 The site is dominated by the existing building, hardstanding (developed land; sealed surface) and ornamental planting which is under active management. There are no protected trees on the site.

6.6.5 The application is accompanied by a Preliminary Ecological Appraisal (PEA) prepared by SLR Consulting Limited, which evaluates these habitats as being of low intrinsic ecological importance. It is not considered likely that any local species would be reliant on the application site to maintain its local population.

## Flora

- 6.6.6 No legally protected plant species were recorded on the site; therefore, the plant species present on site do not represent a constraint to the proposed development.
- 6.6.7 Invasive Cherry Laurel was recorded within the ornamental planting within the southeast of the site. It should be removed and disposed of responsibly to stop any spread.

## Badger

- 6.6.8 Badgers are unlikely to use the site but during demolition and construction holes should not be left open that may trap badgers as disturbed ground may provide foraging opportunities.

## Bats

- 6.6.9 The site has a small amount of planting but does not appear to provide much foraging opportunity for bats. The building has negligible potential to support roosting bats, however, the cracks in the brick work under the steps in the southwest part of the site have been identified in the PEA as having low potential to support bats and the report recommends that a dusk or dawn emergence/ re-entry survey including an endoscope inspection should be carried out to establish presence or likely absence. In accordance with this recommendation a bat inspection was carried out on 5th August 2021 and no bats or evidence of bats was found during the survey visit.
- 6.6.10 As suitability may change over time, an updated survey should be undertaken immediately prior to removal of the steps. This precaution would have to be secured by a condition in any permission.

## Amphibians

- 6.6.11 The site is dominated by building and hardstanding with poor connectivity to waterbodies, it is unlikely any amphibians access the site although one body of water was identified during the desk study 40m south of the site.

## Birds

- 6.6.12 The site provides minimal opportunities for nesting birds, primarily restricted to the ornamental planting to the southeast of the site. It is possible the planting could support nesting birds during the breeding season (March-August inclusive) and therefore any clearance should be undertaken outside the nesting season if possible or checked by a suitably qualified ecologist immediately prior to removal.

6.6.13 The PEA recommends the following ecological and biodiversity enhancements include planting, the establishment of the green roof, the installation of bird boxes and bat boxes, and the use of appropriate lighting with cowls and hoods to minimise light spill.

6.6.14 With the implementation of appropriate ecological mitigation, compensation and enhancement into the development design, it is considered that the development proposals could result in an overall enhancement to the biodiversity and ecological value of the application site.

#### Biodiversity Gain

6.6.15 London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that “Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”

6.6.16 The proposed landscaping scheme comprises the use of the intensive green roof in two areas: one using sedum and the other using a variety of introduced grasses and flowering plants, as well as planting new trees.

6.6.17 A detailed biodiversity impact assessment calculation has been undertaken using the DEFRA Biodiversity Metric 3.0. This has demonstrated that the proposal would achieve 185.07% on-site net gain in habitat units, thereby significantly exceed the required threshold of 10% gain in biodiversity for habitat units.

#### Urban Greening Factor

6.6.18 Policy G5 of the London Plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

6.6.19 The proposed landscaping scheme comprises intensive green roof, as well as areas of planting around the base of the building and the Sky deck. The Urban Greening Factor score has been calculated as 0.323 which is compliant with Policy G5 of the London Plan.



Fig.17 Urban Greening Factor Masterplan.

## 6.7 Energy and Sustainability – Acceptable

### Minimising Greenhouse Gas Emissions

6.7.1 The London Plan Policy S12 ‘Minimising greenhouse gas emissions’ states that Major development should be net zero-carbon, reducing greenhouse gas emissions in accordance with the energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

6.7.2 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

6.7.3 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required – Of the 35% residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.

6.7.4 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough’s carbon offset fund, or

- 2) off-site provided that an alternative proposal is identified and delivery is certain.
- 6.7.5 Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life Cycle Carbon Assessment and demonstrate actions taken to reduce life cycle carbon emissions.
- 6.7.6 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.7.7 The updated Energy Statement by Base Energy demonstrates that improvements have been made to the energy efficiency of the scheme such that it would meet the minimum London Plan requirement of a carbon reduction of at least 15% through energy efficiency measures.
- 6.7.8 A combination of Air Source Heat Pumps (ASHP) to provide both heating, hot water and cooling, and PV panels is proposed. The PV array should provide 40.5 KW and the roof plan submitted shows the proposed installation.
- 6.7.9 Unlike with residential development it is appreciated that some buildings for other uses will need to include mechanical and active cooling (air conditioning) in order to address current and future summer temperature scenarios. The overheating assessment acknowledges that it is not possible to account for the most extreme scenarios of climate modelling and that the design presents a “high risk of overheating”. The use of active cooling is not ideal as it adds to the energy requirement of the building, however officers recognise that efforts have been made to use vertical louvres on the outside of part of the building.
- 6.7.10 The proposal should be able to reduce its overall carbon emissions by a total of 57%, exceeding the minimum threshold of 35% on site as set out within the London Plan and the LBB’s Local Plan. However, notwithstanding the policy compliant carbon saving, to achieve the required net zero carbon a financial payment is required. Based on the use of the SAP 10 emission factors a financial contribution of £58,947 would be required and would need to be secured through S106 legal agreement.
- 6.7.11 In accordance with the 'be seen' element of the energy hierarchy, developers of major applications are also required to monitor, verify and report on energy performance. The GLA have provided supplementary planning guidance to support this approach and, should planning permission be granted, the reporting strategy will need to be secured through a condition.

## Reducing Waste and supporting the Circular Economy

6.7.12 Policy SI7 (Reducing waste and supporting the circular economy) of the London Plan sets out that referable applications should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted, to demonstrate:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled
- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- 3) opportunities for managing as much waste as possible on site
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- 6) how performance will be monitored and reported.

6.7.13 The adoption of circular economy principles for referable applications means creating a built environment where buildings are designed for adaptation, reconstruction and deconstruction. This is to extend the useful life of buildings and allow for the salvage of components and materials for reuse or recycling. Un-used or discarded materials should be brought back to an equal or comparable level of quality and value and reprocessed for their original purpose (e.g. recycling glass back into glass, instead of into aggregate).

6.7.14 In accordance with Policy 113 of the Local Plan Major development proposals will be required to implement Site Waste Management Plans to reduce waste on site and manage remaining waste sustainably.

6.7.15 The applicant submitted a Circular Economy Statement in line with London Plan Policy SI7 and GLA guidance, which will be reviewed separately, prior to Stage 2 should Members resolve to grant planning permission.

## Whole Life-Cycle Carbon (WLC) Assessment

6.7.16 The applicant has submitted a WLC assessment, which will be reviewed separately, prior to Stage 2 should Members resolve to grant planning permission.

## **6.8 Environmental Issues - Acceptable**

### Land contamination

6.8.1 The application has been accompanied by a Phase 1 Preliminary Land Quality Assessment by SLR Consulting Limited which indicates that the site was undeveloped until around 1896 when two residential dwellings

were constructed in the west of the site with gardens to the rear. The current office building and site layout was constructed in 1979 with demolition of the previous residential buildings. The surrounding area was initially mixed agricultural/open land and residential land, with extensive development occurring by the beginning of the 20th century. Sporadic commercial redevelopment of portions of the residential areas to the north, south and west of the site occurred from around the 1970's, generally comprising offices, shopping centres and leisure centres.

- 6.8.2 Potential sources of contamination on-site comprise possible Made Ground with demolition material from the previous buildings. Potential off-site sources of contamination comprise possible contaminants within soils at the railway station and lines to the south, and an infilled gravel pit c. 150m southwest. Surface water sensitivity is considered low given the lack of nearby surface water features and abstractions. Groundwater sensitivity is considered high given the secondary aquifer beneath the site, location within a source protection zone 2, and potable abstraction points within 1km from site. Qualitative risk assessment indicates that there is a low risk of contamination impacts to future site users from on-site and off-site sources and a moderate/low risk to controlled waters from on-site Made Ground associated with the proposed development. Despite the moderate/low risk to controlled waters, no further assessment is considered necessary for the proposed application given the potential contaminants in Made Ground are likely to derive from demolition of residential buildings and therefore unlikely to be present in significant quantities.
- 6.8.3 No further investigation of land contamination risk is considered necessary for the proposed development. However, consideration may be given to assessment of the shallow soils on-site after demolition of the existing building and before construction commences, to inform the short-term human health risks to construction workers and short-term environmental risk from surface water runoff during construction, given the potential presence of contaminants in Made Ground which may include asbestos.
- 6.8.4 The Council's Environmental Health Team were consulted and raised no objection to the proposal.

#### Air quality

- 6.8.5 Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet "air quality neutral" benchmarks in the GLA's Air Quality Neutral report.
- 6.8.6 The proposed development site is located within the Bromley AQMA. However, given that the Proposed Development is for commercial use

only, the annual mean AQAL will not apply at the premises as it is not a location of relevant exposure.

6.8.7 The application is supported by an Air Quality Assessment prepared by SLR. A qualitative assessment of the potential dust impacts during the construction of the development has been undertaken. Through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated, with resulting impacts considered to be 'not significant'. All dust impacts are considered to be temporary and short-term in nature. Due to the low additional number of HDV trips anticipated during the construction phase of the development, there is predicted to be a neutral impact / insignificant effect on air quality from road vehicle emissions. Furthermore, emissions from plant / NRMM on-site are predicted to result in a 'not significant' impact on air quality. The proposed redevelopment would only provide three parking bays. Therefore, the trip generation associated with the Proposed Development is below the air quality assessment screening criteria, within an AQMA, published by the EPUK & IAQM and a detailed air quality assessment has been screened out. On this basis, the potential effect of road traffic emissions associated with the Proposed Development is considered to be 'insignificant'. All three onsite parking bays would be serviced by EV charging infrastructure.

6.8.8 The air quality and air quality neutral assessment has been reviewed by the Council's Environmental Health and confirmation was requested that no emergency diesel-fired generators will be installed in the proposed development. As it is understood that there are no plans to install emergency diesel-fired generators within the proposed development, no further assessment works are required. An updated Air Quality Assessment, which includes consideration of the final heating and energy strategy for the scheme has been provided and is currently being considered by the Environmental Health Officer and Members will be updated verbally at the meeting.

#### Noise and disturbance

6.8.9 Given the proposed office use of the site, no undue noise and disturbance issues would likely to arise.

6.8.10 Demolition and construction activities are likely to cause some additional noise and disturbance, traffic generation and dust. Should permission be granted, a number of conditions would be imposed to minimise these impacts.

#### Lighting

6.8.10 External lighting would be minimal, with hours of use not likely to extend beyond office hours except at street-level. However, given the need to



reduce the light spillage for biodiversity reasons, further details would be required through a planning condition should permission be granted.

## **7. Other Matters**

### Equalities Impact

- 7.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 7.2 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.
- 7.3 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.
- 7.4 It is also necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it.
- 7.5 The protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 7.6 The building has been designed to take account of the specific needs of disabled people. The development can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation, or special treatment.
- 7.7 The development proposal offers new opportunities to access employment, aligning with the Council's aspiration for the Business Improvement Area set out in the Local Plan. Given the nature of the

proposed use, there might be a negative impact for people in the categories of age, disability and pregnancy who could be less mobile/able users.

- 7.8 In the light of the wind study, the downdraughts caused by the proposed building would create less favourable conditions along Elmfield Road itself, which might have a negative impact on people in the categories of age, pregnancy and maternity who are less likely to take a full advantage of the career prospects.
- 7.9 There are also negative impacts expected in relation to construction, such as increased vehicular movements, noise and air quality would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the impacts.
- 7.10 In conclusion, it is considered that the Council has had due regard to section 149 of the Equality Act 2010 in its consideration of this application and resulting recommendations to the Development Control Committee.

#### Community Infrastructure Levy

- 7.11 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable for the Mayoral CIL.
- 7.12 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.
- 7.13 In line with the Community Infrastructure Levy (CIL) Charging Schedule (April 2021), the gross internal area of a new office floorspace is not CIL liable.

#### S106 Legal Agreement

- 7.14 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that

planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.15 Policy 125 of the Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

7.16 Officers have identified a number of planning obligations which are required to mitigate the impacts of this development, the reasons for which have been set out in this report. The development, as proposed, would necessitate the following obligations:

- Carbon Offset Contribution: £58,947;
- Healthy Streets: likely £15,000;
- Legible London: £15,000;
- LIP and public realm improvements: £12,000 (Signing, £2,000, Crossing points £5,000, Footway repairs, £5,000); and
- Monitoring fee: £500 per head of term.

7.17 The site is within Bromley Town Centre which is identified as an Opportunity Area (Policy 90) and a Metropolitan Centre in the London Plan (Policy SD8 and Annex 1). Should planning permission be granted, in line with Policy SD1 of the London Plan which requires that a range of investments and interventions will be needed to deliver the vision and ambition for the area contributing to regeneration, an appropriate public realm improvement/town centre management contribution would also be sought, in addition to the above.

7.18 The applicant would also be required to pay the Council's legal fees in relation to the completion of the legal agreement.

7.19 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

7.20 At the time of writing, the applicant has not confirmed the above planning obligations nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is recommended.

## **8. CONCLUSION AND PLANNING BALANCE**

- 8.1 The application involves the demolition of the existing 6 storey office block and the construction of a new 10 storey 'Grade A' office block.
- 8.2 The proposal would replace the existing dated office building with high quality office floorspace. The proposal would strengthen the competitiveness and business character of the BIA, making a positive contribution to the Borough's employment opportunities and quality of office stock. The proposal would be consistent with the Policy 84 aim of qualitative and quantitative improvements of office space in the BIA, and a significant increase would contribute towards the accommodation of the projected employment growth forecasts. For these reasons, the proposal is supported.
- 8.3 However, a demand for a specific 'Grade A' large scale accommodation has not been substantiated by clear evidence and therefore the type of the office accommodation proposed cannot be, based on the information submitted, given any additional weight above the land use support.
- 8.4 Whilst the concerns of local residents in respect of insufficient car parking and impact on road safety are acknowledged, the application demonstrates policy compliant car parking provision and it is recognised that given the site's location within the CPZ, there would be limited opportunity for future users of the proposed office to park on surrounding streets to the detriment of highway safety in the area.
- 8.5 Adequate sustainability measures would be incorporated achieving the required carbon reduction without causing unduly harmful environmental impacts and potential significant biodiversity improvements are acknowledged.
- 8.6 It is considered that the less than substantial harm to the significance of the designated heritage assets (to which great weight is given) would be clearly outweighed by the public benefits of the development and this would not provide a clear reason for the refusal of planning permission.
- 8.7 Nonetheless, the scheme fails to respond effectively and sensitively to the constraints of the site and the immediate, and surrounding context. Whilst improvements have been made to the proposal over the course of the current application, the fundamental issues of siting, scale and height remain from both a townscape and amenity perspective.
- 8.8 From the design perspective, the proposed development would project as an extremely prominent addition to the skyline looming over the Palace Estate, dominating views with little visual relief. This point was made by the Inspector in the most recent appeal decision in relation to 25-27 Elmfield Road (Conquest House) and is also applicable to the application site.

- 8.9 From the amenity perspective, the proposed development would give rise to similar concerns highlighted by the above decision in respect of an overbearing presence in relation to the Palace Estate. The proposal would also have materially adverse impact on living conditions of the occupiers of Nexus Apartments, by reason of overbearingness and loss of daylight.
- 8.10 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The application proposals are not considered to conflict with the Duty.
- 8.11 Overall, the harm caused in this case would significantly and demonstrably outweigh the benefits identified when assessed against the policies in the Framework taken as a whole.
- 8.12 Bearing all of the above in mind, there are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, planning permission should be refused.
- 8.13 The applicant has not confirmed the required planning obligations, as stated within Section 6.13 nor submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is also recommended.
- 8.14 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:**

- 1 The proposed development by reason of its siting, height, scale and massing would appear as an overly prominent and overbearing addition to the town centre skyline resulting in a detrimental impact on the immediate setting and the wider surrounding context, giving rise to unacceptable environmental impacts and harm to the character and appearance of the area, contrary to London Plan Policies D3, D4 and D9C(1) and (3), and Local Plan Policies 37 and 47 and the Council's Urban Design SPD.**
- 2 The proposed development would, by reason of its siting, height, scale and massing, appear as overbearing when viewed from nearby residential properties within the Palace View Estate and Nexus Apartments and would lead to an adverse loss of light to the units served by windows in the north elevation of Nexus apartments, thereby harming the living conditions of the**

**surrounding residential occupiers, contrary to Local Plan Policies 37 and 47 and the Council's Urban Design SPD.**

- 3 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 has not been entered into. The application is thereby contrary to Policy 125 of the Bromley Local Plan (2019), Policy DF1 of the London Plan (2021), and Bromley Planning Obligation Supplementary Planning Document (June 2022).**



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## Appeal Decision

Site visit made on 15 March 2022

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> July 2022**

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**Appeal Ref: APP/G5180/W/21/3285554**  
**25-27 Elmfield Road, Bromley, BR1 1LT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Kitewood Estates Ltd against the Council of the London Borough of Bromley.
  - The application Ref 20/04654/FULL1, is dated 1 December 2020.
  - The development proposed is demolition of the existing building at 25-27 Elmfield Road and the construction of mixed use development comprising residential and flexible Class E floorspace and associated car parking, cycle and waste storage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal was submitted following the failure of the Council to determine the application within the prescribed period.
3. Subsequently, both parties agreed a Statement of Common Ground which identifies that there are no areas of disagreement.
4. Following my consideration of the written representations received from interested parties who expressed concerns over the impact of the building on their living conditions, I asked all parties to provide evidence on a single main issue, outlined below which is concerned with the impact of the scheme on living conditions by reason of outlook. The Council wrote to all parties on 8 April 2022 seeking views on this issue. I have taken account of the representations received in this decision.
5. The appeal before me is accompanied by a Unilateral Undertaking (UU), dated 16 May 2022. This includes a range of covenants in favour of the Council. I address this further in this decision.

### Main issue

6. The effect of the proposed development on the living conditions of existing occupiers in Rafford Way and Palace View having regard to its height and location.

## Reasons

7. The appeal site lies on the east side of Elmfield Road towards its southern end close to Bromley South rail station. The road slopes steeply up from the station towards the Glades shopping centre. Palace View is a narrow road on the south side of the site which slopes steeply down, eastwards from its junction with Elmfield Road, becoming just a pedestrian link located under the A21 Kentish Way flyover, before emerging as a road within the Palace View estate (the estate).
8. The estate comprises predominantly 2 storey semidetached and terraced residential properties. This is in stark contrast to the scale, massing and form of development along both sides of Elmfield Road which includes offices and residential buildings of around 4-10 storeys.
9. The Kentish Way delineates the eastern edge of the Bromley Action Area Plan area and the Bromley Town Centre Opportunity Area identified in Policy SD1 of the London Plan 2021. The appeal site lies within Bromley South Business Improvement District, supported by planning policies included in the Area Plan and the Local Plan. The London Plan designates the site as lying in an Opportunity Area as defined by Policy SD1. This designation promotes the growth and regeneration potential of the area for business and 2,500 new homes. The site is not allocated in either the Action Plan or the Bromley Local Plan (BLP) for tall buildings.
10. Significantly, the height of the commercial properties on the east side of Elmfield Road is generally lower than those on its west side which is dominated by the towers of the Bank of America building located opposite the appeal site. For example, the appeal site's neighbouring commercial buildings, Kingfisher House and Shaw Trust House to the north and Nexus House to the south are around 4-6 storeys in height.
11. However, recent permissions have altered this pattern of development involving mixed use schemes of up to 10 storeys. These include Wells House and Prospect House at 15 and 19 Elmfield Road respectively, north of the appeal site.
12. The appeal scheme has been designed to address 2 previous schemes dismissed on appeal<sup>1</sup>. These were dismissed for reasons of character and appearance, design quality and impact on living conditions of surrounding occupiers. The proposed scheme would have an overall height of around 28m above ground floor compared to 51m and 40m for the 2013 and 2015 schemes respectively. The appeal scheme before me comprises 8 storeys above basement level with commercial floorspace on the ground floor and in part of the basement with residential use on the floors above.
13. The site has several constraints which distinguish it from other sites along the east side of Elmfield Road. The road bends eastwards towards the estate resulting in the appeal site having relatively less depth than those sites to its north. The site's proximity to the estate is exacerbated by the alignment of both Palace View and Rafford Way which intersect to its east. This increases the site's visibility to occupiers of the estate despite the location of the flyover.

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<sup>1</sup> APP/G5180/W/13/2210460 & APP/G5180/W/16/3146806



14. The footprint of the appeal scheme would fill virtually the whole of the site. This contrasts with that of the existing buildings along the east side of Elmfield Road which have a form of development comprising an office block on the frontage with parking to the rear. This has the effect of setting the built form further away from the estate than what is proposed in the scheme before me.
15. The appeal scheme would sit squarely within its site with its east elevation facing directly into the estate. Storey heights on its eastern elevation would be stepped with floors 1-6 stepped away from the eastern edge of the ground floor and with floors 7 and 8 stepped slightly further away. This would result in the upper floors being around 40-65m away from the properties in The Chase, Rafford Way and Palace View.
16. The scheme's stepped profile is designed to articulate its most sensitive elevation on its eastern façade. However this together with the use of contrasting materials of rusticated red brick for the basement with upper floors of buff brick and curved balconies with the 7<sup>th</sup> and 8<sup>th</sup> floors completed in copper coloured cladding is insufficient to reduce the dominance of the building when looking from within the estate.
17. Objections from local residents are concerned with a range of matters. However, consistent through these are concerns regarding the height of the proposed building and its intrusive nature, its dominance and overbearing effect. Other comments identify that given its location it would appear higher than the towers of the Bank of America Building when viewed from the estate.
18. Both main parties through the Statement of Common Ground state that the design intent of the scheme is to mediate between the larger buildings to the west and the low scale buildings to the east within the estate in a new context of taller buildings.
19. I recognise the attempts to achieve this given the reduction in height from the previous appeal scheme. However, the mediation between the contrasting townscape determined by both the estate and Elmfield Road does not account for the site's specific constraints which distinguish it from others along its east side which have been granted permission.
20. The failure to address these constraints is clearly demonstrated in the 'visual assessments' included in the HTVA<sup>2</sup>. In particular, from Views 06 and 07. These demonstrate how the scheme would project as an unwelcome and dominant building into views through the estate. The size of the scheme and the configuration of the roads result in the eye being taken to it.
21. I recognise that the orientation of the streets within the estate mean that few windows within the properties would face directly towards the site but there would be many more views from gardens, as indicated on my site visit from where the appeal scheme would be clearly viewed as a stark visual intrusion. It would have a looming ponderous presence by virtue of its height and massing and would dominate views from along Rafford Way and Palace View.

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<sup>2</sup> Heritage Townscape and Visual Assessment

22. A common thread running through policies of both the London Plan and the Local Plan is a recognition that a design led approach can allow high quality buildings at high densities. However, included in policies D3, D4 and D9 of the London Plan and Local Policies BLP4, BLP37 and BLP47 is a recognition that local character and physical context should be respected. Furthermore, these policies require that new buildings should positively contribute to the existing streetscene and respect the amenity of occupiers of neighbouring buildings complementing the scale, proportions, form and layout of adjacent areas.
23. I have considered the concerns of interested parties about the physical impact of the scheme on their living conditions by reason of its impact on outlook. The building design has been informed by its relationship to the other properties along Elmfield Road, the 'emerging context', but less so by its relationship with the properties to its east. In this respect, it fails to afford the transition required by Policy D9C1iii. The varied materials and stepped profile are insufficient to overcome the scheme's impact on the estate.
24. For these reasons the appeal scheme's location and height conflicts with London Plan Policies D3, D4 and D9C1iii and Local Plan policies BLP4, BLP37 and BLP47 in protecting the living conditions of occupiers in Rafford Way and Palace View.

### **Other Matters**

25. I recognise that considerable work has been carried out to overcome the comments of an Inspector colleague regarding the previous scheme in respect of the impact of the scheme on the living conditions of surrounding occupiers through loss of privacy<sup>3</sup>. The appeal scheme includes a re-design of fenestration on the scheme's eastern elevation.
26. The windows on floors 1-6 which face the estate serve bedrooms or are secondary windows to the main living areas. These have been designed to include directional glass with obscured louvres designed to orientate the viewer from within proposed flats towards the south and not east towards the estate. The windows on the top 2 floors would be set back to an extent that they would not be overlooking east and include obscure glazing to around 1.5m above floor level.
27. Other measures, designed to preserve privacy for the residents of the estate include recessed balconies for the 2-6 floors for the flats on the scheme's northern and southern elevations. Furthermore, those balconies located on the scheme's eastern elevation are curved in profile to dissuade occupants to look into the estate. For the same reason there will be no access to that section of the 7<sup>th</sup> floor roof terrace which faces the estate.

### **Section 106 Agreement for Infrastructure**

28. The Framework confirms that planning obligations should only be sought to mitigate the effects of unacceptable development therefore making it acceptable. The Framework in paragraph 57 and CIL Regulation 122 set out 3 'tests' for seeking planning obligations. They must be necessary to make the development acceptable in planning terms, be directly related to the

development and fairly and reasonably related in scale and kind to the development.

29. A Community Infrastructure Levy (CIL) compliance statement provided by the Council concludes that the obligations meet the tests of the Framework and CIL Regulations. However, in the light of my findings above, it is unnecessary for me to consider this matter further.

### **Planning Balance**

30. Both parties acknowledge that the Council cannot demonstrate a 5 year supply of deliverable housing. In these circumstances, paragraph 11(d)ii and footnote 8 of the Framework state that the policies which are the most important for determining the application should be considered as out of date, and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
31. However, the fact that policies have to be considered as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219 which amongst, other things, explains that the closer that policies in the plan are to policies in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date for reason of an inadequate land supply to still carry significant weight.
32. I consider that this to be the case for this appeal as all the policies cited by the parties are consistent with the Framework. This is particularly so of those policies referred to above which reflect Chapter 12 of the Framework, related to well designed places.
33. Set against the conflict with adopted policy, the appeal scheme includes a range of benefits when assessed against the policies of the Framework as a whole. In terms of the social objectives of the Framework the appeal scheme would include a policy compliant amount of affordable housing and market units. This would address the strategic regeneration policies of both the Council and the GLA and would partially address housing need and also contribute to the Council's undersupply of housing land.
34. In terms of the environmental dimensions of the Framework, it would involve the redevelopment of brownfield land with a high density scheme. The site lies in PTAL Zone 6b reflecting its excellent location to both a concentration of bus services in the town centre and Bromley South Station. This negates the requirement for a large amount of on site parking which is a matter of concern for the interested parties. Furthermore, despite its height, the scheme would not adversely impact on sunlight and daylight for residents of the estate.
35. The scheme would also result in the creation of additional employment opportunities both in the short term through construction jobs and in the long term through the spending power of additional households in the scheme in local shops and services.
36. The redevelopment of the site represents an opportunity to maximise its capacity for residential development in line with the strategic objectives of

both the GLA and the Council. This is the third appeal to be lodged on this site following the dismissal of 2 previous schemes of 16 and 12-13 storeys in 2013 and 2017 respectively<sup>4</sup>.

37. This appeal scheme has been significantly remodelled to address these previous decisions with a reduction in height and revised elevational treatment, particularly to Elmfield Road and its eastern elevation. However, despite these changes it would still sit square in its site facing eastwards and in so doing appear as an overbearing presence in relation to the estate.
38. I acknowledge that taller schemes have been granted planning permission in recent years on sites to the north along Elmfield Road but no evidence is before me regarding their physical relationship with the estate.
39. The officer's report identifies that the scheme would form part of an emerging cluster of similar buildings and would fall within the silhouette of the Bank of America building. This fails to fully account for the particular circumstances of the location of this site, the relation of the building in the site and its overall height in relation to the estate. The concerns of interested parties are an important matter which together with the importance I attach to the design policies of the Development Plan weigh strongly against the scheme in this instance.
40. I am aware of the points made by an Inspector colleague on the previous decision in respect of this issue but having regard to the comments of interested parties and my own assessment, consider that this is the matter on which this decision turns.
41. Overall, I conclude that the harm caused in this case would significantly and demonstrably outweigh the benefits identified when assessed against the policies in the Framework taken as a whole. As such the proposed development does not benefit from the Framework's presumption in favour of sustainable development.
42. Bearing all of the above in mind, there are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Stephen Wilkinson*

INSPECTOR

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<sup>4</sup> APP/G5180/W/13/2210460 and 3146806



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