

Application No : 13/01202/FULL1

**Ward:
Bromley Town**

Address : 25 Elmfield Road Bromley BR1 1LT

OS Grid Ref: E: 540519 N: 168817

**Applicant : Taylor Wimpey East London And Objections : YES
Leander Group**

Description of Development:

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.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area
Local Cycle Network
Flood Zone 2
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

Planning permission is sought for the demolition of the existing building at 25/27 Elmfield Road and the construction of a 16 storey building to comprise 2 commercial/retail units at ground floor level (to be used within Classes A1/A2/A3/B1) and office accommodation (within Class B1) at first floor level, with 82 residential units on the upper floors (comprising 32 one bedroom, 46 two bedroom and 4 three bedroom flats). Car parking will be provided in the part basement/part surface car park (with car stackers proposed), along with 2 on-street car club spaces in Palace View. Secure cycle storage will also be provided in the basement. Landscaping works, including off-site improvements, are also proposed. A refuse store located on the ground floor is accessed from Elmfield Road.

The full details of the proposal as described by the applicant are as follows:

Appearance and scale

- 16 storey building (max. height 57m)
- lower ground, ground and first floors to form 'plinth' faced with blue brickwork

- 14 storey 'core' rising from 'plinth' to be faced with smooth white brick panels, set back from Elmfield Road frontage
- mid-height 'screen' rising to between 8 and 10 storeys, to be faced with red brickwork recessed balconies to all elevations, with predominance of slim windows to northern elevation

Site layout

- residential/upper floor commercial entrance on Elmfield Road with shared entrance lobby
- ground floor retail units accessed from Elmfield Road and Palace View
- hard landscaping and limited planting to Elmfield Road forecourt, with visitor cycle parking and access to refuse store
- semi-basement and surface car parking provided, accessed from Palace View via gated entrance, with a total of 50 car parking spaces including 6 disabled bays, some of which will use stacking equipment to allow 2 cars to occupy a single space
- secure cycle parking for commercial and residential accommodation (total of 144 spaces)
- 2 car club parking spaces proposed in Palace View
- off-site public realm improvements proposed including resurfacing to Palace View and lighting to the underside of Kentish Way

Mix of uses

- the building will comprise a total of 82 flats, comprising 32 one bedroom units, 46 two bedroom units and 4 three bedroom units
- a total of 14 flats are proposed to be affordable shared ownership units, comprising 6 one bedroom and 8 two bedroom units, to be located on the second and third floors of the block (this equates to approx. 17% provision on site on a unit basis)
- all of the two and three bedroom units (and some of the one bedroom units) will have outdoor amenity space provided in recessed balconies or external terraces (12th floor only)
- all residential units will be built to the 'Lifetime Homes' standard and 10% wheelchair accessible
- the development will have residential density of approx. 482 units/ha or 1,282 habitable rooms/ha (based on site area)
- ground floor to comprise 2 commercial/retail units (with internal floor areas of 139.1m² and 348.8m²) which could be used flexibly within Classes A1, A2 and A3 (retail, financial and professional services, or restaurants and cafes) or B1(a) (offices other than A2)
- first floor to comprise single open plan commercial unit (area of 758.1m²) to be used within Class B1(a) (offices other than A2)

The application is accompanied by a Planning Statement, in which the applicant offers the following summary points in support of the application:

- The Application proposes the demolition of the existing mixed use building and the erection of a 16 storey mixed use development, comprising:
 - 1,246 sqm (GIA) of commercial floorspace (Use Class B1/A1/A2/A3) at ground and first floors;
 - 82 residential units (comprising a mix of one, two and three bedroom units) provided at second to fifteenth floors;
 - Basement car parking comprising 52 spaces and 144 cycle spaces; and;
 - Enhancements to the public realm.
- The proposals have been formulated in accordance with the adopted London Plan (2011), the London Borough of Bromley Unitary Development Plan Saved Policies and the Bromley Town Centre Area Action Plan.
- The proposed development is considered to accord with the relevant policies of the adopted and emerging development plan, as well as being consistent with national planning policy.
- The proposals have been developed in the context of extensive pre-application consultation with local residents, officers at the London Borough of Bromley, the Greater London Authority and Transport for London, and local Councillors. Full details of the consultation process undertaken are set out in the accompanying Statement of Community Involvement prepared by Remarkable. As a result of consultation, significant scheme changes have been introduced to address concerns raised throughout the pre-application consultant process. These include, but are not limited to:
 - A reduction in the height of the building from 25 storeys to 16 storeys;
 - Increase in office floorspace;
 - Enhancement to the architectural treatment of the building; and
 - Alterations to the design of the building to avoid unacceptable impacts upon residential amenity, specifically overlooking and privacy.
- The proposals will deliver an appropriate mix of uses and provide a high quality built environment which is well-related to the surrounding context. The proposals will enhance the town centre and respond to policy objectives for this location which set out the need for mixed-use development.
- The existing office floorspace on site is of poor quality and is in part vacant despite considerable marketing efforts. The proposed scheme provides for 1,246 sqm (GIA) of commercial floorspace, of which at least 758 sqm (GIA) is guaranteed as Class B1 use. This will secure an uplift in commercial floorspace of at least 19% over the existing situation (possibly rising to 95%). Furthermore, the redevelopment of the site affords an opportunity to provide modern commercial space that represents a significant improvement to its quality and flexibility, in line with planning policy objectives.

- Strong support was expressed during the public consultation process for an A1 or A3 use unit to be introduced at ground floor level. The inclusion of such floorspace has been developed in order to allow active frontages, benefitting the pedestrian route which runs beneath the Kentish Way, linking the town centre and the Palace Estate.
- The delivery of new housing is a key policy requirement at all levels and the proposed development will provide high quality residential development within the town centre, with residents contributing to the viability of local services and the vitality of the wider centre. A mix of units is to be provided in line with local housing market requirements, and the decision to deliver primarily smaller units reflects the fact that Bromley is well served by larger private family units.
- We consider that the principle of a tall building in this location is wholly acceptable when considered against relevant policy considerations and other material guidance. During the design evolution of the scheme and as a result of the consultation process, the height of the proposed building has been reduced from 25 to 16 storeys.
- A Townscape and Visual Impact Assessment has been produced by Montagu Evans and accompanies this application. The assessment provides a rigorous analysis of the effects of the proposed development on the existing townscape character and setting of nearby heritage assets. It is concluded that the proposed development will have no material effect on the significance of any heritage assets or the character of any residential area studied.
- The protection of residential amenity has been an important element of the development of the application proposals. Following the consultation process, comprehensive design changes have been incorporated, including the re-orientation of balconies away from nearby houses and gardens, and the reorientation of balconies away from nearby houses and gardens.
- The proposals include the provision of 52 car parking spaces for use by residents, along with the provision of two additional spaces on Palace View for use by car club vehicles. 132 cycle spaces are to be provided for residents, along with 12 in association with the commercial use and 8 at street level for visitors and for public use.
- In conclusion, the proposed development is considered to be in accordance with relevant national and regional planning policy guidance, the Council's saved UDP policies and policy set out in the Bromley Town Centre AAP.

An addendum to the planning statement was received on 19th August 2013 which sets out the applicant's response to a number of matters raised in the local representations and consultee responses. This document also sets out 2 amendments to the proposal, comprising a proposed change to the detailed elevational treatment and the introduction of 14 shared ownership affordable residential units.

The application is supported by the following documents and reports:

Air Quality Assessment (Mott MacDonald - April 2013) - proposes mitigation measures in respect of construction impacts to avoid and reduce emissions in line with Mayor of London requirements, and concludes that during operation air quality impacts on future occupiers are considered to be negligible and the proposals are not considered to conflict with any air quality related planning policy.

Archaeological Desk Based Assessment (CgMs - March 2013) - concludes that the site can reasonably be shown to have low archaeological potential for all past periods of human activity. No further archaeological mitigation measures are recommended.

BREEAM New Construction 2011 Report (Mott MacDonald - April 2013) - sets potential target ratings of 'very good' for the retail and commercial floorspace.

Code for Sustainable Homes Strategy Report (Mott MacDonald - April 2013) - predicts that a likely Code Level 4 rating can be achieved.

Daylight/Sunlight Assessment (Anstey Horne - March 2013) - study undertaken in accordance with BRE Report 209 'Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice' which concludes that the layout of the proposed development follows BRE guidelines clearly and will not significantly reduce sunlight or daylight to existing surrounding (residential) properties. The report concludes the Bromley's policy on daylight and sunlight will be satisfied.

An update to the Daylight/Sunlight Assessment was provided as an appendix to the Planning Statement Addendum received on 19th August 2013. This assesses the impact of the development on daylighting to adjacent office buildings and concludes that whilst the development will result in reductions in daylighting to these buildings, this is partly due to the limited size of the existing building and the relative increase of any development on the site, and that office buildings are not normally afforded the same level of sensitivity regarding natural light and use of artificial lighting is more readily acceptable in office environments. The report finds with regard to overshadowing that whilst a new building will cast a longer shadow this should be of no particular concern to neighbouring commercial buildings and as the shadow will change throughout the day no one property will be materially affected for any length of time.

Design and Access Statement (RMA Architects - April 2013) - sets out the design rationale, the evolution of the scheme and the suitability of the site for a tall building. Includes Lifetime Homes checklist and details of wheelchair housing.

Energy Assessment (Mott MacDonald - April 2013) - demonstrates that the domestic and non-domestic units can meet the target carbon dioxide reduction of London Plan Policy 5.2 in their own right. The proposal includes an in-block communal heating system including natural gas CHP engine and boilers, and high efficiency photovoltaic panels will be located on the roof to provide power for central plant and to the non-domestic retail and commercial units.

Flood Risk Assessment (Mott MacDonald - April 2013) - concludes that the scheme will provide betterment over the existing site in terms of surface water management, whilst the site is at low risk of fluvial and other sources of flooding.

Heritage, Townscape and Visual Assessment (Montagu Evans - April 2013) - sets out the planning policy context for the site, outlines the historic context to the site and identified potential heritage assets, sets out existing townscape character and viewpoints and assesses the impact of the proposal on townscape including heritage and visual assets. The report includes visual representations of the development from key vistas identified in the AAP and other non-designated local viewpoints. The report concludes that the proposal will have no material effect upon the setting of any heritage assets or the character of any residential area studied, and that the development will help to better define the town centre and the location of Bromley South Train Station. The report notes that the design has been broken down through its massing, form and materials to reduce its scale impact; qualities which also introduce architectural interest and variety when seen from different angles, and as such that the building is well development and of high quality. The Assessment includes a detailed analysis of the development against the criteria set out in the CABE/English Heritage Guidance on Tall Buildings (2007).

Noise and Vibration Assessment Report (Mott MacDonald - April 2013) - proposes a scheme of noise control to protect habitable rooms from external (road traffic) noise. With suitable mitigation, the dwellings can achieve appropriate internal noise levels. The report provides external noise limits for plant associated with the development based on background noise levels. No need for a detailed assessment of ground borne vibration was identified.

Office Market Report (Knight Frank - April 2013) - concludes that whilst the Borough must be supported in ensuring the quantum of office employment space in the town centre is safeguarded where possible to meet potential future demand, the growth projections which underpin the assertions of the DTZ and GL Hearn reports are highly unrealistic. The report considers that it is beneficial to see dated, unattractive and possibly unlettable stock such as Conquest House replaced by new accommodation incorporating an increased and improved office element, and argues that the redevelopment of Conquest House will not compromise Bromley's strategic objectives for the for the intensification of office floorspace within the BIA as the site constraints mean that the large office floor plates which are most attractive to the market cannot be delivered, and there are other suitable suites in the BIA which could come forward and deliver accommodation with larger floor plates.

Phase 1 Geo-Environmental Assessment (RSK - April 2013) - recommends that intrusive investigation is conducted on demolition of the existing building to establish the contamination status of the made ground and a geotechnical investigation carried out for the design of piled foundations and other infrastructure.

Site Waste Management Plan (Reconomy - March 2013) - sets out the strategy for the management of waste arising from demolition works and construction of the proposal.

Statement of Community Involvement (Remarkable Engagement - April 2013) - sets out details of the pre-application consultation which was carried out with the local community.

Sustainability Statement (Mott MacDonald - April 2013) - sets out how the proposal will contribute to sustainable development.

Transport Assessment (Mott MacDonald - April 2013) - notes that the site has a high PTAL rating, and concludes that the level of parking provided will be adequate to cater for the needs of users of the site. Analysis of the potential impact of the development on the local highway network has concluded that there will be minimal impact on junctions in the vicinity of the site from development traffic, including the Elmfield Road, Elmfield Road/High Street and High Street/Westmoreland Road junctions.

Wind Microclimate Assessment (Mott MacDonald - March 2013) - concludes that wind conditions are predicted to be 'very comfortable' for pedestrians, with only one monitoring point falling outside of acceptable and into 'tolerable'. The report recognises that the development will have some impact on wind speeds in the locality, but that the increase is not predicted to be sufficiently problematic to warrant mitigation measures.

This concludes the applicant's submissions.

Location

The application site, which slopes downward from west to east, is located on the eastern side of Elmfield Road, Bromley, and is currently host to a two/three storey building and a private car park. The site area measures approx. 0.1665ha. The existing building is currently used as offices on the lower ground floor and a private members club on the ground floor. The first floor office accommodation is not currently occupied. A second floor flat is also vacant.

The site falls within the Business Improvement Area (BIA) designated in the Bromley Town Centre Area Action Plan. The site is mostly within Flood Zone 1 although part of the site (underneath Kentish Way) falls within Flood Zone 2.

The area immediately surrounding the site in Elmfield Road is commercial in character, with office buildings to the north, south and west. These adjacent buildings vary in height, with those to the north and south being of three/four/five storeys in height. Buildings to the west, on the opposite side of Elmfield Road, feature taller elements of around ten storeys in height. The eastern part of the site is positioned underneath an elevated highway (Kentish Way) which forms part of Transport for London's strategic road network (A21). The area immediately to the east of the site and elevated highway is residential in character, and is typified by mostly two storey inter-war detached and semi-detached dwellings, including the Palace Estate.

Comments from Local Residents

The following publicity was undertaken: site notices were displayed on the Elmfield Road and Palace View site frontages and in Rafford Way; an advertisement was displayed in the local press and the owners/occupiers of neighbouring properties were written to. A further consultation was undertaken by letter following receipt of the additional information on 19th August 2013.

A total of 130 representations were received, including 127 in objection and 3 neither in support of nor in objection to the development.

The representations received can be summarised as follows:

- poor design
- bulky and overbearing
- excessive height, out of scale with adjacent development
- overdevelopment
- harmful to character and appearance of the area
- loss of amenity to neighbouring commercial and residential development in Elmfield Road and the Palace Estate including overshadowing, loss of light, overlooking, loss of privacy and increased noise and disturbance (including from car lifting machinery)
- interference with TV signal
- negative impact on microclimate (with particular regard to wind)
- site inappropriate for tall building (is not identified as a site suitable for a taller building in the Bromley Town Centre Area Action Plan)
- proposal does not meet the CABE/English Heritage criteria for tall buildings
- located within Business Improvement Area (BIA) where residential development not appropriate
- acceptance of the proposal will lead to further mixed use/residential led development in the BIA
- inadequate car parking on site, which will have a detrimental impact on parking demand in the Palace Estate
- one way system will deter residents and visitors from using on-site parking who may choose to park in the Palace Estate
- no affordable housing proposed
- proposal exceeds recommended residential density in development plan
- some of the flats will be suitable for occupation by families and no gardens are proposed
- no need for additional retail or commercial (office) space in the town centre as there are currently many vacant properties
- other recent developments have provided the Borough with additional housing and there is no need for additional properties in this location
- proposal will place strain on local schools and healthcare provision, and services including gas, electricity and water and sewerage infrastructure

Comments were received from the Palace View Residents Association endorsing many of the above points.

A petition was received endorsing many of the above points and signed by 159 residents in Rafford Way, The Chase and Palace View.

Comments were received from Bromley Civic Society, making the following points on the application:

- no objection to some kind of redevelopment
- however proposal is too tall and harmful to the surrounding environment, particularly that of the adjacent two storey residential area of the Palace Estate
- would expect the proposal to be somewhere between the height of the Palace Estate and the Bank of America and not taller than both
- the proposals do not concur with the Town Centre Area Action Plan as the area is zoned for business improvement whereas the development is mostly residential, the site is not identified as suitable for a tall or taller building and the size of the building is likely to be detrimental to the setting of the Bishop's Palace
- the improvement to the ground floor of the building is welcome but it is felt this could be accommodated in a smaller development.

Comments from Consultees

Highways raise no objections in principle, with a number of conditions recommended relating to access arrangements, car parking, cycle parking, lighting, highway drainage, the construction works and to secure a travel plan.

Environmental Health (pollution) raise no objections in principle, and recommend a number of conditions relating to the protection of the dwellings from traffic noise, air quality and ground contamination. It is observed that details of kitchen extraction systems will be required if any of the units are to be used within Class A3. A further condition was suggested in light of the Planning Statement Addendum received on 19th August to control the noise level from the car lifting equipment in the absence of a technical specification at this stage.

The Council's Drainage Advisor requires the imposition of a condition to obtain details of the surface water drainage layout.

Thames Water advised that they were unable to determine the waste water infrastructure needs of the development on the basis of the information submitted, and would recommend a 'Grampian' style condition be applied to prevent commencement of works until a drainage strategy has been submitted. Thames Water further advised that the existing water infrastructure has insufficient capacity to meet the additional demands for the proposed development and recommended a condition to require impact studies of the existing water supply infrastructure to be carried out.

The Environment Agency (EA) advised that the proposed development is acceptable within Flood Zones 2 and 1 and supported the incorporation of SuDS, encouraging the use of green roofs and attenuation tanks. With regard to the basement car park the EA advised that the access ramp should be raised to have a crest 300mm above the 1 in 100 year plus climate change flood level so waters may not enter. It was strongly recommended that flood resilience is incorporated into the design of the basement and lower ground floors of the development.

The Metropolitan Police Crime Prevention Design Advisor required the standard 'secured by design' condition to be imposed.

English Heritage recommended the approval of the archaeological report submitted with the application and required no further archaeological investigation to be undertaken.

The Council sought external design advice on the application. In principle it was considered that a building of the size proposed is acceptable in as part of the continued development of Bromley Town Centre, however that whilst the design appears generally suitable, further thought is needed to address the impact of the northern elevation, perhaps with more articulation.

The application was referable to the Mayor of London under category 1C of the schedule to the Town and Country Planning (Mayor of London) Order 2008, since comprising a new building of more than 30m in height outside of the City of London. The Greater London Authority provided its Stage 1 response on 3rd June 2013, which concluded that whilst the application is broadly acceptable in strategic terms, on balance, the application does not fully comply with the London Plan. The following areas of concern were identified:

- it is clear that the lack of affordable housing can be attributed more to technical rather than financial viability reasons and that the exceptional circumstances to justify an off-site contribution in-lieu of on-site delivery are not sufficiently robust in this instance, given the failure to consider shared ownership alternatives
- if the off-site affordable option is to be pursued, the applicant should identify and secure a suitable other site
- the architectural design of the scheme needs further work to ensure that the building is inspiring and elegant, and reflects its prominence on the Bromley skyline. The applicant is advised to keep the massing simple and slender and focus on the quality of the detailing, and the designers encouraged to increase the use of brick over aluminium cladding
- further information required in respect of the energy efficiency of the building to demonstrate compliance with the London Plan
- recommendations given regarding surface water attenuation and reducing flood risk to seek to comply with the sustainable drainage hierarchy in Policy 5.13 of the London Plan.

The Mayor's Stage 1 response also incorporated comments from Transport for London. Whilst supporting the development proposal in principle, a number of strategic transport issues were identified which need to be addressed, as follows:

- verifying the provision of electric vehicle charging and parking for the commercial element
- securing a detailed travel plan by condition
- securing by condition a requirement for the applicant to submit a detailed construction methodology statement
- securing by condition a requirement for the applicant to submit a detailed public realm enhancement plan

- considering how the potential objection by TfL to the provision of car parking stackers and cycle stores under the A21 Kentish Way flyover can be satisfactorily overcome.

Any further consultee comments made in light of the Addendum to the Planning Statement received on 19th August 2013 will be reported verbally at the meeting.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

Unitary Development Plan

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T18 Road Safety
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE17 High Buildings
- S9 Food and Drink Premises
- ER9 Ventilation
- IMP1 Planning Obligations

Bromley Town Centre Area Action Plan (AAP)

- BTC1: Mixed Use Development
- BTC2: Residential Development
- BTC3: Promoting Housing Choice
- BTC4: New Retail Facilities
- BTC5: Office Development
- BTC8: Sustainable Design and Construction
- BTC9: Flood Risk
- BTC11: Drainage
- BTC12: Water and Sewerage Infrastructure
- BTC16: Noise
- BTC17: Design Quality
- BTC18: Public Realm
- BTC19: Building Height
- BTC20: Play and Informal Recreation
- BTC24: Walking and Cycling
- BTC25: Parking
- BTC28: Car Clubs

IA2: Business Improvement Areas

London Plan

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town centres
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young peoples' play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy and development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning Obligations.
- 8.3 Community Infrastructure Levy

The National Planning Policy Framework (NPPF) is also a consideration. Sections 2 'Ensuring the vitality of town centres'; 6 'Delivering a wide choice of high quality homes' and 7 'Requiring good design' are of particular relevance here.

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD.

The following documents produced by the Mayor of London are relevant:

- The Mayor's Economic Development Strategy
- Housing Supplementary Planning Guidance
- Providing for Children and Young People's Play and Informal Recreation Supplementary Planning Guidance (SPG)
- Housing Strategy
- Accessible London: achieving an inclusive environment
- The Mayor's Transport Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Sustainable Design and Construction SPG

The following non-statutory guidance is also relevant:

CABE/English Heritage Guidance on Tall Buildings (2007)

In accordance with the adopted Planning Obligations SPD, the Council would be seeking the following contributions:

- £159,729.90 for local education infrastructure
- £79,786 for local health infrastructure.

The development will also be liable for payment of the Mayoral Community Infrastructure Levy.

A financial viability assessment (FVA) was submitted confidentially with the application. An independent review of this information was commissioned by the Council. The review found that the assumptions in the FVA are generally reasonable. However, with some adjustment to the value of the commercial space, the sales and marketing costs, and the developer's profit (to reflect CIL) the development would achieve a higher residual value than the FVA predicts. In addition, sensitivity analysis was undertaken as part of the independent review, which concluded that it would be possible to introduce a quantum of affordable housing (shared ownership) on site, without significantly impacting on the viability of the scheme. In response to these findings, the applicant put forward a late offer of 14 affordable (shared ownership) units on 19th August 2013. The independent assessor acting on behalf of the Council to advise on viability matters has initially indicated that whilst this offer is positive, the development could support a higher offer of on-site affordable and continue to be viable. Members will be provided with a further update on this matter at the meeting.

From the conservation perspective it is noted that the site is approximately 300 metres to the south of the Bromley Town Centre conservation area and given the nature of development in this area it is not considered that the proposal would impact upon views into or out of the conservation area. The nearest listed buildings

are the Former Bishops Palace off Rafford Way and the St Marks School on Mason's Hill. Again given the separation and changes in topography it is considered that there would be no visual harm to the setting of these heritage assets. In particular, views from the grounds of the Palace Gardens would not be impacted upon due to the screening provided by existing development and trees.

Analysis

Amount of development, height, siting and design of the building and its impact on the character of the area

The Bromley Town Centre Area Action Plan (AAP) recognises that the majority of buildings in the town are between 2-5 storeys in height, however south of Elmfield Road, some buildings are up to 10 storeys high. The AAP identifies four sites which, in accordance with policy BTC19 'Building Height', are considered to be suitable for the development of taller buildings, subject to design and environmental considerations, impact on listed buildings and the Bromley Town Conservation Area, impact on views of the Keston Ridge and integration with the surrounding area. Members will be aware that Opportunity Site K, located at Simpsons Road at the southern gateway to the town centre, is one such site which the AAP identifies as suitable for a taller building, and that development is currently underway to comprehensively redevelop the site, with a mixed use development of up to 19 storeys in height.

The application site is not one of the sites identified as having potential for a taller building in the AAP subject to various considerations. This is significant because they represent the AAP's policy on a suitable location for tall buildings, based on urban design and townscape analysis.

The application includes a Heritage, Townscape and Visual Impact Assessment, which analyses the impact of the development upon key town centre views (including strategic views identified in the development plan). The report concludes that the development would not impact detrimentally on the setting of any heritage assets (including Listed Buildings) or the Bromley Town Conservation Area.

With particular regard to taller buildings, UDP Policy BE17 and London Plan Policy 7.7 are of relevance. Policy BE17 states that proposals for buildings which significantly exceed the general height of buildings will be required to provide a design of outstanding architectural quality that will enhance the skyline and a complete and well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level. London Plan Policy 7.7 states that taller buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building. Among other considerations, London Plan Policy 7.7 also states that taller buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; and incorporate the highest standards of architecture and materials. Tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence,

overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference, and should not impact on local or strategic views adversely.

More generally, UDP Policy BE1, which relates to the design of new development and London Plan Policies 7.6 'Architecture' and 3.5 'Quality and design of housing developments' are also of relevance. A key theme running through all of these policies is that new development should respond to its physical context, respecting and complementing the form, proportion, layout and scale of adjacent development.

The CABE/English Heritage Guidance on Tall Buildings (2007) sets out criteria for the evaluation of tall building proposals, including relationship to context, the effect on the historic context, architectural quality and credibility of design. The guidance advises that to be acceptable, any new tall building should be in an appropriate location, be of excellent design quality in its own right and should enhance the qualities of its immediate location and wider setting.

The proposed development will, at 16 storeys in height, be significantly taller than the existing building on the site (2/3 storeys in height), neighbouring buildings on the eastern side of Elmfield Road (4/5 storeys in height), and adjacent residential development in the Palace Estate (typically 2 storeys in height). The development will also be taller than the existing development on the opposite side of Elmfield Road, which at 10 storeys in height is noted as the tallest existing development in this part of the town centre, and visible as such in the wider townscape. Whilst buildings heights are varied in this part of the town centre, there are no existing buildings of the height proposed in this case.

The site is partially covered by the elevated roadway (Kentish Way/A21) which itself is around the equivalent of 3 building storeys in height, sitting just below the rooftops of the nearest dwellings in Rafford Way. This existing townscape feature acts as a clear marker in delineating the eastern edge of the town centre and the taller, higher density development in Elmfield Road from the smaller scale, lower density residential development in the Palace Estate. Currently, the lower building heights on the eastern side of Elmfield Road facilitate a soft transition between these two distinct areas, with development appearing to rise relatively gradually from 2 to 10 storeys in height.

The proposed development, which will be of significant height and mass, will be positioned very close the elevated roadway, rising sharply upwards and appearing as a dominant and overbearing built form in the local area, particularly when viewed from Kentish Way and the Palace Estate to the east. The full height of the building will be unrelieved when viewed from the east, with no set-back proposed for the uppermost floors as incorporated in the western elevation. The development will relate poorly to its neighbours on the eastern side of Elmfield Road, being of significantly greater scale, appearing discordant with this part of the Bromley town skyline. Set against the adjacent 4/5 storey development in Elmfield Road, the development would appear jarring and out of character. The proposal would not therefore relate well to the form, proportion, scale and character of surrounding buildings as required by UDP Policy BE1 and London Plan Policy 7.7.

The proposed building will be set on a two storey 'plinth', which will itself be located around 3.4m from the elevated roadway to the east, a minimum of approx. 0.8m to the northern flank boundary and approx. 0.6m from the southern flank boundary (fronting Palace View). As the site is partly underneath Kentish Way, the actual area of the site than can reasonably be developed is limited. The proposal maximises the use of the developable area, and proposes that only very limited space is retained to boundaries (particularly the flank boundaries), with limited opportunity to provide an attractive setting at street level as a consequence. Indeed, the development would appear to rise to its full 16 storeys almost from the pavement edge in Palace View.

In view of the height and scale of the development proposed, the set back from boundaries would be insufficient to offset the scale of the building when viewed from street level and as a result, it is considered that the development would occupy a dominant and overbearing position in the street scene in Palace View and Elmfield Road. For these reasons, the development would not be of the high standard of design and layout required by UDP Policy BE1.

As noted in the GLA's Stage 1 response, the proposal exceeds the density guidance set out at Table 3.2 in the London Plan at 482 units/ha or 1,282 habitable rooms/ha. London Plan Policy 3.5 states that residential development should accord with the density matrix at Table 3.2 and take account of the physical context, local character, density, tenure and land use mix. In this case, the local area is characterised predominantly by non-residential development, being within the Business Improvement Area designated in the AAP and is characterised by built development which is typically of lesser height and scale than that proposed in this case.

With particular regard to the design of the building, both UDP Policy BE17 and London Plan Policy 7.7 are clear requiring taller development to be of the highest architectural quality. In the GLA's Stage 1 response, it was advised that the architectural design of the scheme needs further work to ensure that the building is inspiring and elegant, and reflects its prominence on the Bromley skyline. The response further advised the applicant to keep the massing simple and slender and focus on the quality of the detailing, and the designers encouraged to increase the use of brick over aluminium cladding. In response, a revised elevational detail, incorporating light coloured brick panels in place of the aluminium cladding, was submitted as part of the addendum to the Planning Statement received on 19th August 2013. No revisions to the massing of the building were proposed, however.

Notwithstanding the independent design advice received by the Council, it is considered that in its current form, the proposal is not of the highest architectural quality and would not reflect the prominent siting of the building on the edge of the town centre. The overall form of the building is relatively simplistic, with only limited detailing to add interest and break up the mass of the building. It is considered that the northern elevation is particularly unsuccessful, with its predominance of narrow windows adding a strong vertical element and emphasising the height of the building. This elevation will be one of the more prominent views in the wider townscape, being visible in longer distance views to the south from Kentish Way and beyond. In addition, the predominant use of dark

brickwork (blue engineering bricks for the plinth and red stock bricks for the mid-height screen) does little to soften the significant mass of the building, compounding the dominance of the building and the harm caused to the character of the area in this case.

Impact on amenities of adjacent properties (including adjacent commercial property in Elmfield Road and dwellings in the Palace Estate)

UDP Policy BE1 applies to all development proposals and requires that the relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings. In addition, the policy requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. With particular regard to tall buildings London Plan Policy 7.7 states that such development should not adversely affect their surroundings in terms of microclimate, wind turbulence overshadowing and noise (among other factors).

The application includes a Daylight and Sunlight Assessment which concludes that neighbouring residential properties in the Palace Estate will not suffer an unacceptable loss of daylight or sunlight as a result of the development, with impacts falling comfortably within the Building Research Establishment (BRE) Guidelines. The Council commissioned an independent review of the Assessment, which found that it had been carried out in accordance with BRE guidelines but highlighted the lack of any assessment on the adjacent commercial buildings in Elmfield Road, and advised that the inclusion of these buildings would have been a more reasonable approach.

A further submission from the applicant (received 19th August) assessed the impact of the development on the daylighting and sunlighting to adjacent commercial buildings in Elmfield Road in response to this advice. This report found that the reduction in daylight values to adjacent commercial buildings would exceed the values set out in the BRE Guidelines, but that this is in part due to the limited height and mass of the existing building, with any building of more material height being likely to fall foul of the guidelines when rigidly applied. An independent review of this additional submission advised that the results were sufficient to conclude that the reduction in daylight would be 'noticeable' to occupiers of the affected rooms in adjacent commercial buildings but that as it is a non-domestic building the likelihood of any such impact actually being 'noticeable' in the same way as it might be in a domestic property is reduced. However, it should be noted that Policy IA2 of the AAP, which relates to the Business Improvement Areas, seeks the creation of a high quality business environment, and it is questioned whether the proposal would meet the aims of this policy in compromising the level of daylight which is currently enjoyed by the adjacent commercial buildings.

Members will be aware that the BRE Guidelines are not an instrument of planning policy but may agree that the technical reports submitted with the application provide a good indication as to the likely impact on the levels of daylight and sunlight which are currently enjoyed by neighbouring residential and commercial

properties, to inform the acceptability of any impact in planning terms. In this instance, the impact on neighbouring dwellings in the Palace Estate appears to fall within the tolerances set out in the BRE Guidelines. The applicant's report concludes that the daylight enjoyed by No. 1 Rafford Way, 3a and 4 Palace View will suffer little or no impact, with full BRE adherence demonstrated. Levels of sunlight received to No. 1 Rafford Way will be fully BRE adherent for winter and annual sunlight. With particular regard to sunlight to surrounding gardens and open spaces, the rear gardens to Nos. 1 and 3 Rafford Way will receive at least 2 hours of direct sunlight on 21st March to 91.35% and 82.89% of their areas and would comfortably meet the BRE guideline of 50%. With regard to overshadowing, the report notes that the development will result in additional transient overshadowing to the rear gardens of residential properties to the east, occurring from late early to late afternoons for the key dates tested, however that this is not adverse with these amenity areas continuing to enjoy good sunlight for much of the day before and after the shadows have passed.

In planning terms, it may be considered that the development would not give rise to an unacceptable loss of daylight, sunlight or overshadowing. With regard to the impact on adjacent commercial buildings, Members will note the conclusions of the assessment undertaken by the applicant which find that the reduction in levels of daylighting would be 'noticeable'. However, the expectation for levels of daylight and sunlight to commercial buildings may be lower than domestic properties and as a consequence, Members may agree that any impact in this instance would not be so significant to warrant the refusal of planning permission for this reason.

With regard to the possibility of overlooking and loss of privacy to arise, the scale of the building and its proximity to the Palace Estate are such that this is an area of the proposal which will require very careful consideration. It is principally the eastern elevation that is likely to cause concern, with views from the southern elevation facing primarily towards adjacent commercial properties in Elmfield Road, and the inclusion of narrow windows in the northern elevation which will limit the possibility for oblique views towards Rafford Way to the north/east.

With particular regard to the eastern elevation, it is anticipated that views towards neighbouring dwellings in Rafford Way will be afforded from the windows serving habitable rooms and balconies proposed. In particular, the views towards the front elevations of Nos. 2 and 4 Rafford Way are likely to give rise to a strong sense of overlooking to these properties given the proximity of the building, its height and the number of windows and balconies in the eastern elevation, giving rise to a loss of amenity to the dwellings in question. Whilst existing buildings in Elmfield Road contain windows facing to the east, the nearest buildings to the Palace Estate are typically of lower height than the proposed development and are predominantly non-residential, with the likelihood for overlooking significantly reduced as a consequence.

With regard to the nearest properties to the site at Nos. 1 and 3 Rafford Way, these are positioned and orientated at an angle to the site and direct views are likely to be limited, particularly in view of the close relationship of these properties to Kentish Way. Whilst the eastern elevation will have direct line of sight along the rear gardens to properties on the northern side of Palace View, the perception of

overlooking to these properties is likely to be softened by their orientation north-south, with the development located to the west.

Quality of residential accommodation

The application states that all dwellings will meet or exceed the minimum space standards set out in the London Plan and will be built to Lifetime Homes standards. The majority of the flats proposed provide dual-aspect accommodation, and all flats will have access to a private balcony or terrace. 8 of the flats (approx. 10%) are proposed to be wheelchair accessible. The quality of residential accommodation proposed is considered to be satisfactory.

Affordable Housing

The current offer from the applicant of 14 shared ownership units on-site does not meet the Council's affordable housing policy set out at Policy H2 of the Unitary Development Plan. The offer is below the requirement of 35% affordable housing by habitable room (equating to around 14% by unit), and no rented housing is proposed with no justification as to why rented units cannot be provided onsite (through redesign if necessary). In addition, none of the proposed affordable units are suitable for larger family size housing; and none of the affordable units will provide wheelchair adapted housing.

Whilst the applicant has indicated that this is justified by both design and development viability issues, the independent assessor working on behalf of the Council has indicated that the current offer does not represent the maximum level of affordable housing that can be viably provided onsite. In conclusion, the application does not comply with Policy H2.

Development in the Business Improvement Area

The site falls within the designated Business Improvement Area (BIA) in the AAP. Paragraph 5.15.1 sets the background to the designation, which seeks to create a high quality business environment for the retention of existing businesses and new business development. Policy IA2 relates to Business Improvement Areas and states that development proposals resulting in the loss of B1 office floorspace will not be permitted in the Business Improvement Areas, and further that the Council will work with businesses to secure improvements to premises and facilities and the appearance of the public realm to create a high quality business environment.

AAP Policy BTC5 deals specifically with office development in the town centre and advises that the Council will seek to maximise the opportunities for new employment generating activity through the development of around 7,000sq m (gross) of additional office space on Opportunity Sites A and C. Since the AAP was adopted in 2010 there have been a number of material events that have occurred that need to be considered in the assessment of the current proposal. Firstly, opportunity site A has been successfully challenged and following a High Court ruling the Council was ordered to remove Policy OSA from the AAP and prepare a new policy for the site. This is currently being undertaken as part of the Local Plan review. Second, Opportunity Site C (the former Old Town Hall site) has

been successfully marketed and the Council has reached agreement with a potential development partner to redevelop the site for a high quality hotel and conference centre. As a consequence there is now a need to secure 7,000m² of office floorspace under Policy BTC5 over the plan period.

It is considered that the office marketing evidence submitted with the application is inconclusive. Feedback from local agents on the state of the office market in Bromley would suggest that there is a strong demand for Grade A office stock in the town, which is not met by supply because of the lack of suitable sites coming forward for redevelopment. We do not accept the applicant's assertion that the growth projections in the reports by DTZ and GL Hearn are unrealistic. The conclusions of the DTZ and GL Hearn reports; that there is a substantial requirement for office floorspace and that Bromley Town Centre, in particular the area close to Bromley South Station are the favoured locations, should be taken into account.

In this case the Council considers that the quantum of office floorspace proposed is unacceptable. There is an inadequate net increase of office floorspace; the balance has to be predominantly of office floorspace because the site is located in a Business Improvement Area. Given the quantum of residential units proposed in the development (82 units) the residential element dominates the development while the office element is supplemental and incidental to it. This detracts from the objective of policy IA2 which seeks to promote new business development in the Business Improvement Areas, and the proposal does not maximise the new employment generating opportunities that are required under Policy BTC5.

Transport and Parking

From the technical Highways perspective, the development raises no significant concerns. The level of parking provision (including disabled bays) is acceptable, as is the level of cycle parking to be provided. It is recommended that 1 in 5 car parking spaces should include charging points to encourage the uptake of electric vehicles. The car club spaces proposed in Palace View are considered acceptable. It is observed that the application includes a summary of the predicted impact of development traffic on junctions in the vicinity of the site. It is predicted that there will be a 6% increase in traffic at the Elmfield Rd junction, a 5% increase at the Elmfield Rd/High St junction and a 1% increase at the High Street/Westmoreland Rd junction as a result of traffic from the proposed development. A number of conditions have been recommended in the event that planning permission is granted.

Transport for London (TfL) have provided comments as part of the GLA's Stage 1 response, which identified a number of areas which required further consideration. Some of the matters, including the provision of electric vehicle charging points, submission of a travel plan and construction methodology statement, were also raised by Highways and could be the subject of suitable conditions in the event that planning permission is granted.

Conclusions

The existing building on the site makes a neutral contribution to the area and there is no objection in principle to the redevelopment of the site with a slightly taller development incorporating an appropriate mix of uses having regard to the Business Improvement Area (BIA) designation.

However, the development currently proposed is excessive in terms of height and scale, and would result in excessive site coverage constitute an overdevelopment of the site, with inadequate separation to boundaries and space retained at ground floor level to offset the significant height and mass of the building. The residential density of the development, which exceeds policy guidance, is a further symptom of overdevelopment in this case.

The proposed development is not of the highest architectural quality and will have a negative impact on the character of the area appearing as an overly dominant and overbearing addition to the eastern side of Elmfield Road. In this case, it is not considered that the site can suitably accommodate a building of the height and scale proposed given its restricted size and sensitive location on the edge of the town centre adjacent to small scale, low density residential development in the Palace Estate.

Whilst the applicant has been able to revise the development to provide an offer of 14 affordable (shared ownership) units on site, which falls short of the 35% on-site provision required by UDP Policy H2 and would not provide any rented units with insufficient justification provided to demonstrate that this cannot be provided on site. A revised Financial Viability Assessment has been considered by the Council's appointed independent assessors, and initial comments received suggest that the scheme could support a higher offer of on-site provision and continue to be viable.

The proposal involves the replacement (and potentially an increase) over the existing office accommodation on site, but by introducing a significant proportion of residential development into the designated Business Improvement Area, the scheme will compromise the overall aims of the Council to seek improvements to and the delivery of office accommodation in this part of the town centre.

As amended by documents received 19.8.2013

RECOMMENDATION: PERMISSION BE REFUSED
Subject to any direction by the Mayor of London

The reasons for refusal are:

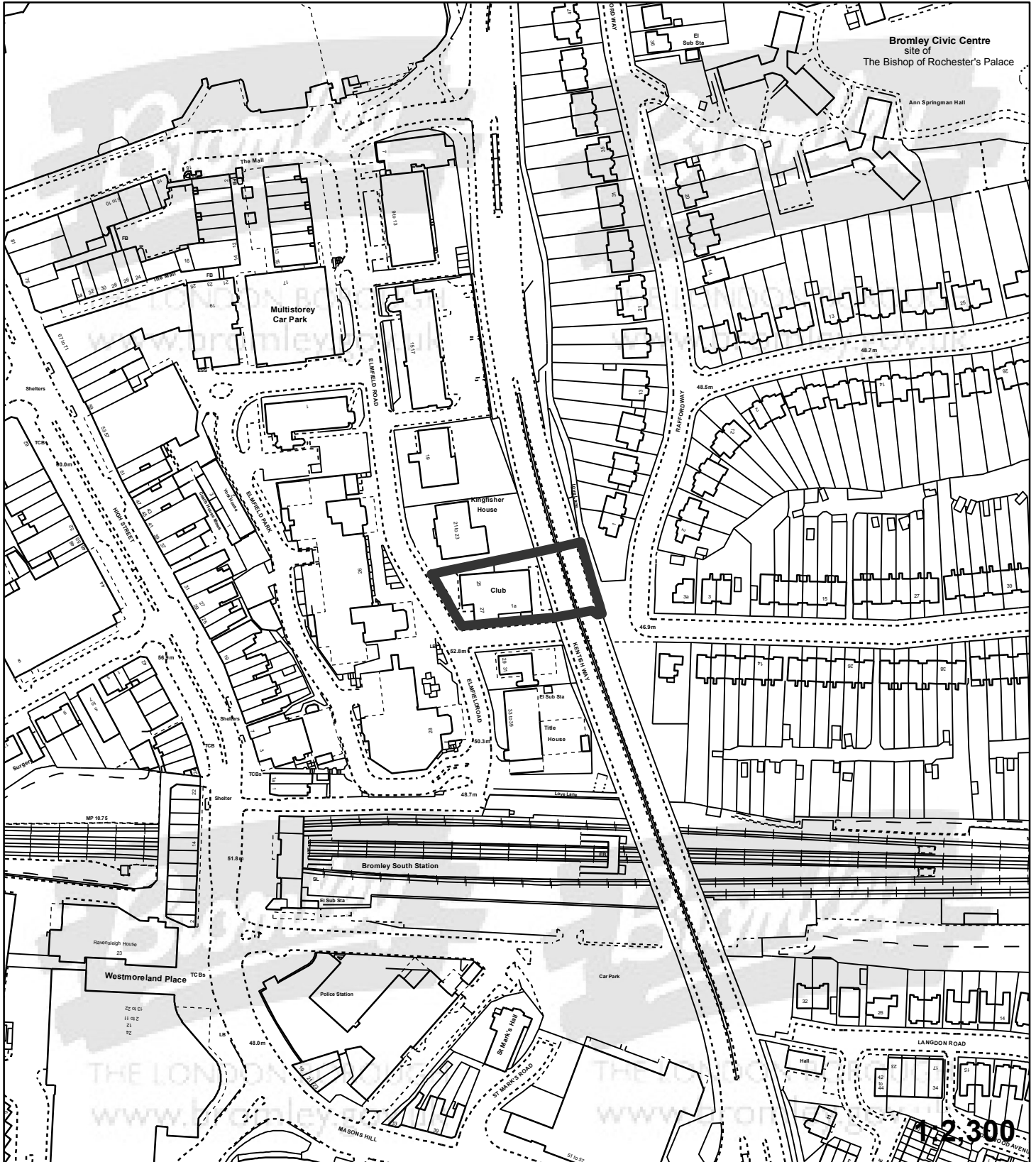
- 1 The proposed development would, by reason of its height, scale, siting and design appear as an unduly prominent and overbearing addition to the town centre skyline, out of character with the scale, form and proportion of adjacent development, giving rise to an unacceptable degree of harm to the character and appearance of the area including the adjacent Palace Estate, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan and London Plan Policy 7.7.

- 2 The proposed development would, by reason of the height, scale and footprint of the building and its proximity to boundaries and Kentish Way constitute an overdevelopment of the site, with very limited space retained at street level to offset the significant mass of built development and provide a satisfactory setting for the development, and would give rise to a loss of amenity to neighbouring residents with particular regard to overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan and London Plan Policy 7.7.
- 3 The proposed development would fail to meet the Council's requirements for the provision of on-site affordable housing, with insufficient justification provided to demonstrate that a lower level of on-site affordable housing or different tenure mix should be sought in this case, contrary to Policy H2 of the Unitary Development Plan.
- 4 The proposed development would, by reason of the proposed land use mix , result in an inadequate provision of employment floorspace, which would not maximise the opportunity for new employment generating activity in the Business Improvement Area, contrary to Policy BTC5 and Policy IA2 of the Bromley Town Centre Area Action Plan.

Application:13/01202/FULL1

Address: 25 Elmfield Road Bromley BR1 1LT

Proposal: 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



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"