

Application No : 15/03136/FULL1

Ward:
Bromley Town

Address : 25 Elmfield Road Bromley BR1 1LT

OS Grid Ref: E: 540519 N: 168817

Applicant : Taylor Wimpey

Objections : YES

Description of Development:

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

Key designations:

Article 4 Direction
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area
Bromley Town Centre Area Buffer 200m
Local Cycle Network
Flood Zone 2
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 5
Smoke Control SCA 12
Smoke Control SCA 13

Proposal

Planning permission is sought for the demolition of the existing building at 25/27 Elmfield Road and the construction of a 12/13 storey building to comprise 2 commercial/retail units at ground floor levels, B1 office space at first floor level and 69 residential units on the upper floors. Car and cycle parking will be provided in the part basement/part surface car park. Public realm improvements along Palace View and Elmfield Road are proposed. A refuse store located on the ground floor is accessed from Elmfield Road. Late modifications were made to the proposals and these are discussed later in the report.

Appearance and Scale

- o 12/13 storey building
- o facades are mainly constructed from a single type of Bromley red brick
- o the building is split in to four main parts:

- a plinth on the lower levels, meets the ground with solid brick columns, and glazing and composite stone cladding between;
- the mid-section is predominantly of red brickwork;
- the top reintroduces the composite stone cladding between brick columns; and
- the fourth element is a gridded composite stone screen on the lower levels of the eastern elevation up to the 8th floor which steps down towards the Palace Estate

Site Layout

- o residential/upper floor commercial entrance on Elmfield Road with shared entrance lobby
- o an area of hard landscaping and tree placing planting are provided on Elmfield Road with visitor cycle parking (8 spaces) and access to refuse store at ground floor.
- o lower ground/basement level provides car parking. The proposals provide a total of 46 spaces (64% provision), 10 of which use stacking equipment to allow 2 cars to occupy a single space
- o 120 secure residential and commercial cycle parking spaces and 3 motorbike spaces are also located in the basement
- o off-site public realm improvements to the public realm along Palace View and the provision of 2 car club spaces on street, replacing existing public parking. Neither of these is shown on the application drawings and they fall outside the red line application area.

Mix of Uses

- o the building will consist of total of 69 flats, comprising 27 one bedroom flats, 21 two bedroom flats and 11 three bedroom flats
- o a total of 7 of the flats are proposed to be affordable. These will be located on the third floor and consists of 3 one-bedroom flats, 3 two bedroom flats and one three bedroom flats. This constitutes 10.1% provision
- o private amenity space is provided in the form of balconies or terrace spaces to each unit
- o all residential units will be built to 'Lifetime Homes' standard and 10% wheelchair accessible
- o the proposals meet and in some areas exceed the Mayor's Housing Design Guide
- o the development will have a residential density of 414 units per hectare (1,099 habitable rooms per hectare)
- o the proposals offer 741.1sqm of B1 office space at first floor level and 140.4sqm of flexible commercial space (B1/A1/A2/A3/A4) on the ground floor

Changes from Appeal Application:

The Applicant has made a number of physical changes to the design of the current Application in response to the Appeal decision. They key changes are:

- o the building has been reduced in height by 4 storeys with the main part of the building becoming similar height to the adjacent Bank of America building
- o the height of building steps down in 3 stages towards the Palace Estate (previously it stepped down only twice)
- o "Bromley red brick" has become the primary material for main part of the building with composite stone cladding to highlight the top and bottom of the building - this combination has replaced the previous applications Blue Brick plinth at lower levels and large scale use of metal cladding
- o a composite stone screen has been added to the Palace Estate Elevation
- o to address amenity issues some balconies have been re-orientated and there are fewer balconies overlooking the Palace Estate (this is partially due to the reduction in height)
- o areas of ground floor glazing have been increased to further increase this activity and frontage
- o entrances to ground floor units are recessed along Palace View to make them more visible

Applicant's Submission

The application is supported by the following documents and reports:

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

- o The Application proposes the demolition of the existing mixed use building and the erection of a 12/13 storey mixed use development, comprising:
 - 881.5sqm (GIA) of commercial floorspace (Use Class B1/A1/A2/A3) at ground and first floors;
 - 69 residential units (comprising a mix of one, two and three bedroom units) provided at second to fifteenth floors;
 - car parking in a basement and on surface comprising 44 spaces for residents, plus two on street spaces for a car club, and 132 cycle spaces; and
 - enhancements to the public realm.
- o This Statement has provided an assessment of the proposals against the Statutory Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- o 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.
- o 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.

- o The proposals have been developed in response to the refusal of planning permission following a public inquiry commencing in April 2014. Amendments have been made to the proposed building to respond to the Inspector's single reason for refusal, that being the impact on residential amenity.
- o In summary, the key amendments made to the 2013 Application scheme are as follows:
 - reduction in height by 10.5 metres;
 - the proposed building now stands at 12/13 storeys, with the eastern façade fronting the Palace Estate stepping back at the eighth and tenth storeys;
 - reduction from 82 to 69 residential units; and
 - on the Elmfield Road frontage, the first floor commercial floorspace has been re-planned to provide two storeys of residential accommodation.
- o 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.
- o The existing office floorspace on site is of poor quality and is in part vacant despite considerable marketing efforts. The proposed scheme provides for 881.5sqm (GIA) of commercial floorspace, of which at least 741sqm (GIA) is guaranteed as Class B1 use. This will secure an uplift in commercial floorspace of at least 16% over the existing situation. 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.
- o 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.
- o The applicant considers that the principle of a tall building in this location is wholly acceptable when considered against relevant policy considerations and other material guidance. The proposed building stands at 12/13 storeys and takes its cue in terms of height from the adjacent Bank of America building.
- o A Townscape and Visual Impact Assessment has been produced by Montagu Evans and accompanies this application. In the applicant's view, 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.

- o The proposals include the provision of 44 car parking spaces for use by residents, along with the provision of two additional spaces on Palace View for use by car club vehicles. 112 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.
- o In conclusion, the applicant considers that the proposed development is 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.

The application is supported by the following documents and reports:

Air Quality Assessment (Mott MacDonald - July 2015) - was submitted in support of the previous planning application for a different design in April 2013. The report notes that since 2013 there have been many changes in guidance for assessing air quality impacts and any description of information being 'current' or 'latest' may therefore be incorrect. However, the report notes that the changes to the design for this new planning application are unlikely to change the conclusions of the report.

The report 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 - July 201) - 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 Ecology Report (Greengage - June 2015) - notes that the site is an office building and hardstanding with no features of vegetation or natural habitats and has negligible potential to support protected species or habitats of ecological value. The report recommends enhancements in the form of biodiverse green roofs.

BREEAM New Construction 2011 - Strategy Report (Mott MacDonald, July 2015) - sets potential target ratings of 'very good' for the retail and office floor space.

Daylight Sunlight Report (Anstey Horne, June 2015) - 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 and will not significantly reduce sunlight or daylight to existing surrounding properties. The report concludes that Bromley's policy on daylight and sunlight will be satisfied.

Design and Access Statement (RMA Architects August 2015) - 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 - July 2015) - demonstrates that the domestic and non-domestic units can meet the target reduction of London Plan Policies 5.2 and 5.7 as a whole. The proposals include an in-block CHP for domestic hot water, with heat interface units located within each apartment unit and communal photovoltaic panels located on the roof. Space heating is provided via a gas boiler system.

Flood Risk Assessment (Mott MacDonald - July 2015) - the assessment states that the current flood risk at the site is considered to be low, and the proposed development will not increase the flood risk. The proposed reduction in impermeable surfacing provides significant betterment over the existing site in terms of surface water management.

Heritage, Townscape and Visual Impact Assessment (Montagu Evans and Retina - July 2015) - 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 comparing the proposed development with the previous application from key vistas identified in the AAP and other non-designated local viewpoints.

The report concludes that the proposed development would have no material effect on the surrounding heritage assets. The report notes that the design has been broken down through its massing, form and materials to reduce its scale impact, and to introduce an architectural interest when seen from different angles and as such the proposals are well developed and are of high quality.

Noise and Vibration Assessment Report (Mott MacDonald - July 2015) - This document was issued in support of a previous application on the site in April 2013. However, given that the main change to the design is the reduction of the height of the building, it is not expected that the report's conclusions are likely to change. Whilst the 2014 edition of BS8233: Guidance on sound insulation and noise reduction for buildings was not available at the time of the previous report, it is noted that this updated guidance reinforces the criteria within the report and supports the validity of the conclusions.

The report proposes a scheme of noise control to protect habitable rooms from external road traffic noise. With suitable mitigation, the residential dwellings can achieve appropriate internal noise levels - therefore, the site is suitable for residential use in terms of noise. The report provides external noise limits for plant noise associated with the development based on background noise levels.

Phase 1 Geo-environmental Assessment (RSK - June 2015) - 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.

Sustainability Statement (Mott MacDonald - July 2015) - sets out how the proposal will contribute to sustainable development.

Statement of Community Involvement (Montagu Evans - July 2015) - sets out details of the pre-application consultation which was carried out with the local planning authority and the local community.

Transport Statement (Mott MacDonald - July 2015) - 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 - July 2015) - concludes that the wind conditions are predicted to be 'very comfortable' for pedestrians with only one monitoring point falling outside of acceptable and into tolerable.

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.

Consultations

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 from 28 August 2015; an advertisement was displayed in the local press on 9 September 2015 and the owners/occupiers of neighbouring properties were written to, with a total of 1,633 letters sent out.

A total of 135 representations were received, including 134 in objection and 1 in support.

The representations objecting to the application can be summarised as follows:

- o loss of amenity for both commercial and residential neighbours
- o excessive scale of the development, out of scale with its adjacent development
- o harmful to the character and appearance of the area
- o inappropriate location for a tall building
- o located in Business Improvement Area where residential development is not appropriate
- o insufficient provision of affordable housing
- o insufficient car parking
- o restriction of future development potential of adjacent site, Kingfisher House at 21-23 Elmfield Road
- o objection to potential retail use on Elmfield Road
- o potential impact on local services (schools, hospitals, GPs)
- o contrary to Planning Policy, especially the AAP
- o impact on the skyline
- o disruption and noise to both businesses and residents during construction
- o light pollution from residential tower at night
- o lack of serving bays/facilities for business units
- o concerns about loss of light and overshadowing
- o tower block is not a suitable type of housing for families

The representation in support notes that the revised development is no higher than the adjacent Bank of America building, and is a very welcome and necessary addition to the local economy which does not impact on the adjacent residential area, but complements it.

Comments From Consultees:

The following comments were received:

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

Highways stated that the applicant should be aware that the loss of on street bays to two car club bays require relocation, however if the relocation of these bays are not feasible, then the applicant must recompense the Council for loss of revenue.

Transport for London (TfL) stated that to accord with the London Plan the Development should be car free. They also raised concerns with the potential fire risk of having electronic car stackers under the A2 and wished to assess how the Applicant will facilitate access for TFL under the flyover to access and maintain the road carriageway. They request blue badge parking for the potential retail unit on Elmfield Road, electronic vehicle charging points for residents and an additional 3 cycle spaces.

Environmental Health (pollution) raised no objections in principle. The Borough's Officer recommends a number of conditions relating to the protection of the dwellings from traffic and plant noise, air quality and ground contamination. A condition was also suggested to obtain a demolition and construction noise management plan prior to work commencing. It was also observed that details of kitchen extraction systems will be required if any of the units are to be used within Class A3.

Thames Water has no objection in principle, but requests an informative be attached to any planning permission regarding minimising groundwater discharges into the public sewer. Thames Water requests conditions in relation to (i) details of how the developer intends to ensure the water abstraction source is not detrimentally affect by the proposals prior to commencement of development; and (ii) foundation design.

Drainage. The Borough's Drainage officer objected to the proposals. The Officer stated that the Surface Water strategy was not acceptable for the following reasons:

- o the Applicant has discounted the use of infiltration without carrying out a soakage test; and
- o the Flood Risk Assessment states that the proposed run-off rate will be the same

The Environment Agency (EA) did not consider this proposal to be high risk and did not provide any site-specific comments on contamination issues. The EA asked that the agency are informed if contamination is identified on site at any later date that poses a risk to controlled waters.

Metropolitan Police: The Metropolitan Police Designing Out Crime Officer required the standard 'secured by design' condition to be imposed.

Historic England raise no objections. They considered that the development would not affect archaeology and recommended that any additional pre - or post determination archaeological assessment/evaluation of the site be waived.

GLA: 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 as

it comprises a new building of more than 30 metres in height and is outside the City of London. The Greater London Authority provided its Stage 1 response on 20 October 2015, which concluded that whilst the application is broadly acceptable in strategic terms, it does not fully comply with the London Plan. The following areas of concern were identified:

- o The GLA welcomes the inclusion of seven shared ownership units. However, this amount is below policy requirements and the applicant has sought to justify the proposals in a separate viability appraisal report. The GLA recommends that the viability appraisal report should be independently assessed on behalf of Bromley Council and the findings shared with GLA officers.
- o The only provision of external space proposed on site is balconies and small, private amenity spaces. The applicants have stated that the requirement for play and informal recreation space would be met by the existing local provision of parks and public gardens within easy walking distance of the site. However, the GLA suggests that the design is missing the opportunity to include amenity space on the roof of the buildings and the applicant should set out if this option has been explored during the design evolution and why it was rejected.
- o The overall approach to the building height, scale, massing, appearance and layout is supported. Although the reduction in height to 12/13 storeys results in the building appearing somewhat truncated, the revised offset angular and stepped massing approach does somewhat alleviate its impact. The treatment of the upper levels results in an abrupt large flat roof. It is officer opinion that the roof could be made more of a feature to enhance the crown/top of the building through the adoption of a roof terrace which would also improve the provision of amenity space and on-site door step play space.
- o Further information is required in respect of the energy strategy to demonstrate to GLA officers that the proposed approach is sufficiently robust and compliant with the energy requirements of the London Plan.
- o Recommendations are made on increasing surface water attenuation and reducing flood risk to comply with Policy 5.13 of the London Plan, and it is suggested that this may be secured by an appropriately worded planning condition.
- o The applicants should provide additional information and hold further discussion with TfL to resolve outstanding issues.

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
- 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
- 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:

- o Affordable Housing SPD
- o Planning Obligations SPD

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

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

£175,508.19 for local education infrastructure

£77,211 for local health infrastructure

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, the S106 costs assumed in the FVA are higher than those set out above. This results in the residual land value calculated by the independent review being in excess of the benchmark land value, suggesting that the scheme could afford to deliver a greater number of affordable homes. The applicant has agreed to increase the affordable housing provision to 10 units in accordance with this assessment.

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.

Planning History

Planning permission was granted on 24 November 1967 (ref. 19/67/2522) for: Club premises on the ground floor, office accommodation on the first floor, caretakers flat on the second floor with twenty one parking spaces at the rear.

A subsequent permission was granted on 26 March 1979 (ref. 19/68/1263) for a two-storey side extension to the existing building. Since this time, applications for minor development have been granted at the Site, including an application for an enclosed lift shaft in 1990 (ref. 90/00724/FUL).

In September 2013, London Borough of Bromley (LBB) refused planning permission for an application submitted by Taylor Wimpey East London and the Leander Group in April of the same year for the redevelopment of Conquest House (ref. DC/13/01202/FULL1) comprising 16 storeys and 82 residential units.

The Council's decision notice was issued on 27 September 2013 and listed four reasons for refusal, as follows:

I. The proposed development would, by reason of its height, scale, siting and design which would not be of the outstanding architectural quality required by the development plan, appear as an unduly prominent and overbearing addition to the town centre sky line, 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.

II. The proposed development would, by reason of the height, scale and footprint of the building and its proximity to boundaries and the Kentish Way constitute over development 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.

III. The proposed development would fail to meet the Council's requirement 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.

IV. 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.

The Applicant lodged an appeal against the refusal to grant planning permission in December 2013. The appeal was confirmed as valid by the Planning Inspectorate in January 2014 and a Public Inquiry commenced in April 2014.

The Inspector published his decision on 24 July 2014, dismissing the appeal on the grounds that its excessive height would result in an unduly overbearing new building that would damage, unacceptably, the living conditions of nearby residents. An analysis of the differences between the two schemes is in the Conclusions section below. A copy of the Inspector's decision letter is attached to this report. The Inspector's report is material consideration in determining the latest application, although the differences should be taken into account.

Conclusions

The analysis of the proposals is structured as follows:

- o Comparison with the proposal recently turned down at appeal
- o the appropriateness of the site for a tall building and the relationship of the proposal to the wider townscape;
- o the impact on the amenity of adjacent properties;

- o the architectural quality of the building;
- o quality of residential accommodation;
- o affordable housing; and
- o transport and parking.

Comparison with the proposal recently dismissed at appeal

As stated earlier in this report the Applicant has made some physical changes to the design of their building since the Appeal. The most significant of these are:

- o A reduction in height from 16 to 12 storeys and associated change of mix/uses
- o Re-design of each elevation and changes to the materials
- o A change to the profile of the building so that it steps down in height more as it reaches the Palace Estate

However, the building remains similar in style and appearance to the previous scheme. These changes do not fundamentally change the issues raised by constructing a tall building in this location. The reasons why are explained in the following sections.

The appropriateness of the site for a tall building and the relationship of the proposal to the wider townscape:

Policy 7.7 of the London Plan states that "Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings."

The UDP does not identify any specific 'tall building' sites for the town centre. Instead, whilst given assurance that each case will be considered on its own merits, the UDP makes it clear that there would be limited opportunities for tall buildings in the Borough.

The Bromley Town Centre Action Plan (AAP) identifies sites which, in accordance with policy BTC19 'Building Height', are considered suitable for the development of tall buildings. These locations have been carefully identified through a thorough process of urban design and townscape analysis which considered the environmental impacts of a tall building, their impacts on listed buildings and the town centre conservation area, impact on key views and integration in to the surrounding area. The application site is not one of the sites identified in the AAP as suitable for a tall building. As noted in the appeal decision for the previous scheme, the fact that the site is not identified in the AAP as suitable for a tall building is not necessarily fatal to the scheme, which can still be considered on its own merits, but it is a distinct disadvantage in that locating any 'tall building' here would not comply with a plan-led approach towards such development.

In considering the relationship of the proposal to the wider townscape, UDP Policy BE17 and London Plan Policy 7.7 are of particular 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, particularly at street level; and incorporate the highest standards of architecture and materials.

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.

A key theme running through these policies and guidance is that new tall buildings should respond to their physical context, respecting and complementing the form, proportion, layout and scale of adjacent development.

The proposed development will, at 12-13 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 be very slightly taller than the existing Bank of America building 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.

The site is partially covered by an 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 stepped transition between these two distinct areas, with development rising relatively gradually from 2 to 10 storeys in height.

The applicant states in the Design and Access Statement that the proposals will sit in a cluster of existing tall buildings. However, the applicant's Design and Access Statement shows through analysis of building heights that - rather than being within a cluster of tall buildings - the application site is located within an area characterised by lower buildings. The analysis indicates that, whilst building heights along Elmfield Road are variable, there is a distinct difference in general heights along the east and west sides of the street. Buildings along the eastern side are 20 metres or less in height, whereas three buildings on the western side exceed 30 metres in height. This height difference across the street reinforces the edge of the town centre, and signals the transition from edge of town centre

adjacent to Kentish Way to the heart of the town centre. The proposed development would not relate to this established urban grain, disrupting the increase in height from east to west by introducing an unusually tall building.

The applicant's Heritage, Townscape and Visual Impact Assessment provides a number of views of the proposals, including views from the east from the Palace Estate. These show that the height and scale of the development proposed would occupy a dominant and overbearing position in the street scene when viewed from Palace View and Elmfield Road and therefore be detrimental to the character of the area.

The site is not suitable for a tall building as the proposals:

- o do not comply with a plan-led approach to the location of tall buildings;
- o fail to respond to the physical context, particularly the established urban grain of lower buildings on the eastern side of Elmfield Road and higher building to the west; and
- o create a dominant and overbearing presence to the Palace Estate.

Impact on the amenity of adjacent properties:

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 demonstrates that the proposed development will not significantly reduce sunlight or daylight to existing surrounding properties. In planning terms, therefore, it may be considered that the development would not give rise to an unacceptable loss of daylight, sunlight or overshadowing.

With regard to the possibility of overlooking and loss of privacy to arising from this, the scale of the building and its proximity to the Palace Estate are such that this is an area of the proposal that requires very careful consideration. It is principally the eastern elevation that is likely to cause concern as this faces onto small scale residential dwellings with private external space, quite different in character from the commercial uses adjacent to other elevations.

The appeal decision on the previous application for this site stated that the scheme was overbearing in nature and as such would be 'unacceptably damaging to the living conditions of the affected residents, destroying the attractive, intimate, small scale and domestic outlook enjoyed by them.' The appeal decision goes on to

state that the 'psychological perception of there being "eyes in the sky" would add to the damage caused to residential amenity'.

The revised proposal is 3-4 storeys lower than the previous application. It also steps back in slightly further from the Palace Estate as it rises. However, despite this reduction in height, the number of windows to habitable rooms in the eastern elevation of the redesigned building has increased in comparison to the appeal scheme. There are 57 windows to habitable rooms in the revised scheme, compared to 55 in the previous application.

The proposed reduction in height and increased step back from the Palace Estate has not addressed the issue of impact on amenity of residents and the increase in habitable room windows on the eastern elevation has increased the potential for impact. The proposals would have an unacceptably damaging impact on local residential amenity.

The architectural quality of the building:

The fundamental planning policy principle underpinning the design of tall buildings is that they should be of outstanding architectural quality. Policy BE17 of the UDP states that tall buildings should be of 'outstanding architectural quality' and Policy 7.7 of the London Plan states that tall buildings should 'incorporate the highest standards of architecture and materials, including sustainable design'.

In considering what is outstanding architectural quality, the CABE/English Heritage 2007 'Guidance on Tall Buildings' is helpful. This guidance sets out a number of criteria which the design of tall buildings should address in achieving outstanding design quality. The key ones considered in this section are:

- o The architectural quality of the building including its scale, form, massing, proportion and silhouette, facing materials and relationship to other structures. The design of the top of a tall building will be of particular importance when considering the effect on the skyline. The design of the base of a tall building will also have a significant effect on the streetscape and near view
- o The contribution to public space and facilities, both internal and external, that the development will make in the area, including the provision of a mix of uses, especially on the ground floor of towers, and the inclusion of these areas as part of the public realm. The development should interact with and contribute positively to its surroundings at street level; it should contribute to safety, diversity, vitality, social engagement and 'sense of place'.
- o The provision of a well-designed environment, both internal and external, that contributes to the quality of life of those who use the buildings, including function, fitness for purpose and amenity.

Form, massing and materials

The concluding section to the applicant's Heritage, Townscape and Visual Impact Assessment states that 'The design has been broken down through its massing, form and materials to reduce its scale impact. These same qualities introduce an

architectural interest and variety when seen from different angles as any such building will be.'

The building is composed of three elements: plinth, middle section and top. These elements step back on the Kentish Way elevation, with a composite stone screen being added to the middle section on this elevation. The other three elevations are largely flat, with little three-dimensional modelling to help break down the building's mass. This lack of modelling, together with the large flat roof, means that the building appears squat and slab-like in oblique views along Elmfield Road from the north and south. At the widest point, the building's north and south elevations are almost as wide as they are tall.

The squat, slab-like appearance of the building is due, in part, to overdevelopment of the site. The approach of 'filling' the available site area with the building and extruding the form upwards with limited modelling does not give opportunities to achieve design of the quality required by policy.

These squat proportions are reinforced through the materials and detailing. The middle section of the building (between floors 3 and 10) is largely made of a single material of red brick with horizontal bands of brickwork every two storeys. This horizontal banding emphasises the horizontal proportions of the elevations.

The applicant's submission makes many references to the Appeal Decision's comments on the architectural quality of the previous scheme, implying that - by default - they also apply to the new application. The Appeal Decision stated: 'The detailed architectural design is excellent. Particularly notable are the fine proportions of the windows and the precise detailing of the inset balconies...' It is important to note that the new application is a wholly different design from the previous scheme: not only is it 3 to 4 storeys lower, the detailed design is different. In particular, the windows are 'spread' much more evenly across the elevations, resulting in less distinct contrasts between vertical groups of windows and blank areas of elevation. This lack of distinct vertical contrasts means that the vertical proportions have been lost, further reinforcing the squat and slab-like nature of the building, particularly in the commonly experienced oblique views along Elmfield Road.

As noted in the CABE/English Heritage Guidance, the design of the top of a tall building is particularly important. The stone cladding between brick columns has the potential to create an elegant 'cap' to the building. However, this is not achieved because:

- o the unrelieved scale of the flat roof dominates these vertical elements;
- o except on the eastern elevation, the 'cap' is not set back from the middle section of the building - the change in materials alone is not sufficient to differentiate it from the middle section of the building;
- o the strong horizontal band of brickwork running around the top of the elevation at the roofline undermines the verticality of the brick columns, reinforcing the extent of the flat roof.

The applicant has proposed photovoltaic panels on the flat roof. These are not shown in the elevations or section, and so it is not possible to fully assess their likely impact on the design and appearance of the building.

Contribution to public space and facilities

The proposals will bring active ground floor uses to the area, and this would improve the public realm by providing surveillance of the area and so introducing a feeling of security for passers-by. The proposals include new hard landscape and tree planting to Elmfield Road that would create an appropriate setting for the development.

The application material also includes proposals to improve the public realm adjacent to the site in Palace View with new paving and tree planting. These proposals are outside of the red line boundary, and would need to be secured via a S106 Agreement.

The provision of a well-designed environment, both external and internal
The site is located within the designated Business Improvement Area (BIA) in the AAP. Policy IA2 relates to BIAs 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.

To meet policy requirements, as a minimum the existing B1 office floorspace (637sqm) should be re-provided. The application seeks a flexible consent for the ground floor commercial units. Only the first floor unit (741.1sqm) is guaranteed to be delivered as B1 office floorspace. The access to this floorspace is via the lobby which is to be shared with the residential units. The unit will not therefore have a strong street presence as it does not have its own front door or windows that are visible from Elmfield Road. The attractiveness of such a 'hidden' unit to commercial occupiers is questionable.

As delivery of commercial B1 floorspace is important to supporting the function of the area as a BIA, the Council will consider securing this floorspace through S106 or planning condition should the scheme be approved.

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. 10% of the flats (i.e. 7 flats) are proposed to be wheelchair accessible. The quality of residential accommodation proposed is considered to be satisfactory.

Affordable Housing:

The original offer from the applicant of 7 shared ownership units on-site did not meet the Council's affordable housing policy set out at Policy H2 of the Unitary Development Plan. At 10%, the offer is below the requirement of 35% affordable housing. The applicant has revised that offer following discussions with the Council's Viability Consultant to 10 units which meets the required provision taking into account the viability of the scheme.

The applicant has justified the proposed affordable housing through a Viability Appraisal and through a number of points in the Planning Statement, including the management difficulties presented by access via a single vertical circulation core which does not allow for separation of market and affordable dwellings. It is not clear from the application material whether any of the shared ownership units would be provided as wheelchair accessible.

The affordable housing provision is considered acceptable subject to details being received.

Transport and Parking

From the technical Highways perspective, the proposed 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. However, the two car club spaces to be located on Palace View are currently Pay and Display spaces. These would have to be relocated. If relocation is not feasible the Applicant would have to recompense the Council for loss of revenue.

TfL has provided comments which identified a number of areas which require further consideration, and raise two major issues with the Applicant's proposed use of the area under the Kentish Way flyover as car parking. Primarily these relate to the potential structural impact and potential fire risk of placing electrically operated car stackers under the flyover. Furthermore TfL require HGV access to the flyover and have concerns over how the development would affect the serving and maintenance of the carriageway above.

In addition, TfL take a different view on the proposed level of car parking to the Council's highway officer and suggest that the development is car free - i.e. zero parking except for that needed for occupiers of the wheelchair accessible flats.

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 negative impacts on the character of the surrounding area. It disrupts the established urban grain of Elmfield Road and will be a

dominant and overbearing addition to the street. By virtue of its height, massing and the presence of windows and balconies to habitable rooms, it will have an unacceptably damaging impact on the residential amenity of the Palace Estate.

The proposed development is not of the highest architectural quality, as the proportions of the building are squat, the flat roof dominates and the materials and organisation of detailed elements such as windows further reinforce the horizontality of the building. The form and massing of the building is indicative of overdevelopment. The failure to propose a building of outstanding architectural quality further exacerbates its negative impact on the character of the area.

Whilst the applicant has proposed 7 affordable (shared ownership) units on site (10%), which falls short of the 35% on-site provision required by UDP Policy H2. A 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.

Planning Statement Addendum and changes made to the scheme

In November 2016 the Applicant submitted additional information in support of the application, including proposed alterations to the fenestration of the elevation to the Palace Estate. These do not affect the analysis of the application for the following reasons:

1 - Suitability for a tall building

The changes to the design do not address the concerns relating to the construction of a tall building on this site as outlined on pages 16-18 of this document. The proposed changes relate to the design of the Palace Estate elevation only and do not change the height of the building, and its impact of on the site and its surroundings.

The Applicant makes reference in the addendum to the Planning Statement to the recent appeal decision for the HG Wells site in Bromley Town Centre. This decision gave permission for a tall building on a site that is not identified for a tall building in the Bromley AAP. The addendum states that this sets a precedent that supports the principle of developing a tall building on Elmfield Road. He states that the site; 'Shares all the characteristics of the HG Wells site and as such a tall building is not in principle unacceptable in this location.'

The characteristics of the two sites are very different. As described above, the application site has a very distinctive relationship with its context that is wholly different from the HG Wells site. It is situated on the edge of the town centre on an elevated position where the impact of a tall building will be maximised. Furthermore, it breaks the established pattern of development along Elmfield Road that helps to make the transition from the town centre to surrounding low-rise residential development.

The amended Application remains contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan London Plan Policies 7.4 and 7.7.

2 - Residential amenity

In response to concerns raised in consultation regarding the impact on residential amenity the Applicant has made the following changes to the Palace Estate elevation:

- o introduction of angled bay windows facing the Palace Estate;
- o introduction of angled winter garden screens to balconies facing the Palace Estate; and
- o introduction of obscured or opaque glass to the windows facing the Palace Estate.

The Applicant states that the revised design will: 'Allow windows within the proposed building fronting the Palace Estate to be focused with views to the south away from the Palace Estate with opaque glazing preventing overlooking.' He states that this will make overlooking physically impossible.

The inspector is very clear in his 2014 Appeal Decision that his reasons for dismissing the case related to the *'psychological perception of there being eyes in the sky'*. He states:

'Although there would be some additional harm from overlooking any loss of privacy would not be sufficient reason, on its own, to dismiss the appeal. No windows directly face one another and distances between the appeal scheme's windows, which would have a view over the houses and gardens below, would be significantly greater than the 21m normally considered sufficient to prevent any material problems. The inset design of the eastern facing balconies, framing and defining views out, is a further ameliorating factor. Notwithstanding all this, the psychological perception of there being "eyes in the sky" would add to the damage caused to residential amenity. This extra emotional concern would further damage the quality of life of those affected'

The new angled bay windows still read as openings in the façade. Whilst they will make overlooking very difficult they will still give a *'psychological perception of there being 'eyes in the sky''*. Furthermore, the drawings show that the windows are not opaque but translucent. Light will have to pass through these windows to provide day lighting to the interior spaces. In the hours of darkness light will be able to pass through these windows and they will appear as openings in the facade. The use of obscured or opaque (or translucent as it should more correctly be called) glass would potentially reduce the quality of the interior and exterior spaces for the new occupants by reducing daylight and obscuring views out.

Some of the bays are winter gardens with sliding screens that open to the elements. These are effectively projected balconies, which will bring activity closer to the Palace Estate than earlier designs.

The number of habitable rooms facing the Palace Estate remains unchanged. As stated in this report this is unacceptable.

The proposals remain to have an unacceptable impact on the residential amenity of neighbouring properties contrary to Paragraph 17 of the NPPF, Policy 7.6 of the London Plan, Policy BE1 of the UDP and Policy BCT177 of the AAP.

3 - Architectural Quality

This report outline concerns about the architectural quality of the proposals, namely:

- o the contribution to public space and facilities;
- o the provision of a well-designed environment, both external and internal;
and
- o the form massing and materials.

The changes to the Palace Estate elevation do not address the concerns set out in the analysis section above, and so the proposals continue to fail to meet the highest standards of architectural design, are overdevelopment of the site and fail to meet the design standards set out in the AAP. This is contrary to Policy BE1 of the UDP, Policy 17 of the AAP, Paragraph 56 of the NPPF and Policies 7.6 and 7.7 of the London Plan.

4 - Affordable Housing

The proposed development now meets the Council's requirements for the provision of on-site affordable housing, in accordance with Policy H2 of the Unitary Development Plan (to be updated)

On balance, the application proposal is considered unacceptable and refusal is recommended

as amended by documents received on 13.11.2015

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 01 The site is not a suitable location for a tall building. The proposed development would by virtue of its height, scale and massing be 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 London Plan Policies 7.4 and 7.7.**

- 02** The proposals would have an unacceptable impact on the residential amenity of neighbouring properties contrary to Paragraph 17 of the NPPF, Policy 7.6 of the London Plan, Policy BE1 of the UDP and Policy BTC17 of the Bromley Town Centre AAP.
- 03** The proposals are not of the highest architectural design quality, are overdevelopment of the site and fail to meet the design standards set out in the Bromley Town Centre AAP. This is contrary to Policy BE1 of the UDP, Policy 17 of the AAP, Paragraph 56 of the NPPF and Policies 7.6 and 7.7 of the London Plan.