

ROLFE JUDD
/ PLANNING

/ London Electricity Board Depot, BR3 4QY

Summary Proof of Evidence

22nd July 2025

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Summary Proof of Evidence
Tom Lawson MRTPI, MTCP
Associate Director - Rolfe Judd Planning

Appeal Refs: APP/G5180/C/25/3363900 and
APP/G5180/W/25/3365514

22nd July 2025

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01. SUMMARY

- 01.1.1 My name is Tom Lawson, and I am a Member of the RTPI and an Associate Director of Rolfe Judd Planning Ltd who has acted as town planning consultants for the Appeal Scheme.
- 01.1.2 My evidence supports the appeals submitted on behalf of the Appellant for the Appeal of the Application refused by the Council under reference DC/24/00815/FULL2 dated 17th October 2024, Appeal B, and the Enforcement Notice reference 23/00705/OPDEV served by the Council 11th March 2025, Appeal A.
- 01.1.3 My evidence is provided in association with that of Mr James Bancroft and Ms Innes Urbanski.

02. PRINCIPAL PLANNING POLICIES

- 02.1.1 The SOCG sets out the policies that are agreed between the Council and the Appellant as being relevant to this Appeal.

03. APPEAL B

- 03.1.1 In assessing the main issues, I will focus on the RfR specifically and highlight that the Appeal Scheme complies with other relevant London Plan (LP) and Bromley Local Plan (BLP) policies as well as recent amendments to the NPPF.

MAIN ISSUE 1

- 03.1.2 It is important to recognise that neither Policy D14 of the LP nor Policy 119 of the BLP states that all adverse impacts are unacceptable and contrary to Policy. Rather, the BLP seeks to ensure “**minimise adverse impacts**”, while the LP states that development should “**avoid significant adverse noise impacts**”.
- 03.1.3 The approach set out in is particularly important in London where there are competing pressures which it would be impossible to address if a policy of “no harm” were to be applied.
- 03.1.4 At the time of writing, there is a lack of evidence to substantiate the LPA noise concerns. The technical exercise undertaken by Ms Urbanski demonstrates the scheme does not cause any harm. The Council has provided no evidence to contradict the conclusions of her report.
- 03.1.5 Furthermore, the Council at no stage has the Council been able to show substantial harm and conflicts with Policy D14 and their own guidance.
- 03.1.6 The design of the site is compliant with Policy 37-part E of the BLP and Policy D3 parts 4, 5 and 9 of the LP. An Operational Plan from the tenant is provided in Appendix 1 of my Proof further demonstrating good working practices.

- 03.1.7** Overall, there is no specific evidence provided to show non-compliance with any noise related planning Policies within the Development Plan.

MAIN ISSUE 2

- 03.1.8** Policy 32 of the BLP outlines that the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.
- 03.1.9** A Road Safety Audit submitted with the Appeal concludes no issues with regards to highway safety. The Appeal Scheme is therefore considered to comply with Policy 32 of the BLP.
- 03.1.10** Furthermore, the Council's own Highway Officer did not raise any concerns with regards to the proposal. This includes access arrangements, trip generation and swept paths.
- 03.1.11** Overall, it is considered that through the evidence provided by Mr Bancroft that the scheme complies with Policy 32 of the BLP.

CONSISTENCY WITH THE DEVELOPMENT PLAN AND OVERALL PLANNING BALANCE

- 03.1.12** Based on the evidence provided by the Appellant the scheme complies with Policies 32, 37 and 119 of the BLP and Policies D3 and D14 of the LP. The RfR only relates to five policies. On this basis the Council consider the Appeal Scheme complies with all other relevant policies. As such it is evident that the Appeal scheme is consistent with the Development Plan.
- 03.1.13** I have undertaken an analysis of the scheme and in accordance with Paragraph 11 Part c) of the NPPF concluded that the scheme accords with the development plan.
- 03.1.14** Notwithstanding the Appellant's position that the scheme complies with all policies, even if conflict was found with the more stringent aspects of Policy 119, the LP is the more recent and takes precedence, and in those circumstances any conflict with Policy 119 is not enough, on its own, to mean that the application does not accord with the development plan as a whole.
- 03.1.15** The Council has started from a view to refuse the scheme and has sought to find issues while failing to acknowledge any positives. The Council has not demonstrated significant adverse impacts associated with Appeal Scheme and therefore have failed to demonstrate that it does not accord with Policy D14 of the LP which weights in favour of granting planning consent.
- 03.1.16** Beyond its concerns about noise and disturbance and highway safety, the Council has not identified any other material considerations which would weigh against the scheme. In my view, all their "other material considerations" are strongly supportive.
- 03.1.17** The NPPF is strongly supportive of the Appeal Scheme:

- / Paragraph 85 - The Appeal Site is an underused non-designated industrial site in the Borough. By making effective use of the land, the Appeal Scheme supports the objectives of the Council in supporting economic growth in this area.
- / Paragraph 116 - As shown by the evidence presented there would be no severe harm to the highway network.
- / Paragraphs 124 and 125 – The Appeal Scheme makes effective use of brownfield land which should be given substantial weight.

PLANNING CONDITIONS

The SOCG has an agreed set of Planning Conditions and draft Planning Obligations

04. APPEAL A

- 04.1.1** The Appeal on behalf of the Appellant was under grounds (e), (f) and (g) as summarised by the Enforcement Appeal Statement of Case.

GROUND E

All parties are agreed that the respective enforcement notice was not served on London Power Networks Plc (LPN). As such:

- LPN has not had the opportunity to appeal the Enforcement Notice and has therefore been denied the opportunity to argue that its site should be excluded from the notice.
- LPN are not part of discussions where the Council has sought to introduce a planning condition which would remove the ability for HGV to access the UKPN site without prior approval of the LPA.
- LPN are not part of discussions during the inquiry to regarding HGV movements which may impact on the future use or changes to the Enforcement Notice site.

- 04.1.2** In my view, the only way in which this prejudice can be remedied is either the quash the Enforcement Notice, or to remove the LPN yard from the Notice.

GROUND F

- 04.1.3** When considered in isolation from conjoined Appeal B is a key aspect and the Appellants Statement of Case with regards to the Enforcement Appeal considers the ground at length. However now that it has been confirmed that Appeal A is conjoined with Appeal B it is this issue can be considered under Appeal B.

GROUND G

04.1.4 It is my view that this is not a practical timeframe given the steps required to undertake the actions identified by the LPA. These amount to shutting down the site and business as well as removing all structures.

04.1.5 I refer to the statement by Mason Scaffolding which outlines the timeframes associated with renting the Churchfields Road Site. We consider 15 months is a more realistic estimate of the time which is likely to be required. If the enforcement notice is not quashed, and the time for compliance is not extended it will result in the near immediate closure of the site, the business, and redundancies.

05. THIRD PARTY REPRESENTATIONS

05.1.1 The key themes of the representations made during the planning application and the Appeal Scheme are in my Proof of Evidence and Response to Third Party Representations Document. It is my view that the technical reports submitted with the planning application address these points in depth and displace the assertions.

06. CONCLUSIONS

APPEAL B

06.1.1 It is my view that the Appeal Scheme complies with all relevant development plan policies and will deliver jobs for the immediate local and wider area.

06.1.2 The Evidence prepared by Ms Urbanski and Mr Bancroft in particular addresses comments made by the Council during determination of the Appeal Scheme. The redevelopment of the Appeal Site will deliver a range of substantive benefits for the Borough.

06.1.3 Notwithstanding the above assertions that the scheme does not cause harm, I also consider that any harm the Council may seek to identify would be minor and would be outweighed by other Policies within the Development Plan and the benefits the Appeal Scheme will deliver as scheduled above. Having regard to Section 38(6) of the 2004 Act and to the evidence and material accompanying my Proof of Evidence, I would respectfully ask the Inspector to allow this appeal and grant planning permission.

APPEAL A

06.1.4 Having regard to the evidence and material accompanying this statement, it is my view that with regards to the Enforcement Notice issued by the LPA:

/ where ground (e) is established, the Enforcement Notice is quashed pursuant to section 176 of the 1990 Act, or the Notice is amended to exclude the LPN land.

/ where ground (e) is not established, that ground (g) is established and the Enforcement Notice is varied in accordance with the terms set out in this Appeal at section 5.5 of this Proof as applicable pursuant to section 176 of the 1990 Act.

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