

SECTION '2' – Applications meriting special consideration

**Application No :** 12/00304/FULL1

**Ward:**  
Cray Valley East

**Address :** 76 High Street Orpington BR6 0JQ

**OS Grid Ref:** E: 546461 N: 166699

**Applicant :** Churchill Retirement Living

**Objections :** YES

**Description of Development:**

Three/ four storey block comprising 50 sheltered flats for the elderly including communal facilities, refuse/ recycling storage and bicycle/ electric buggy parking, with 16 car parking spaces

Key designations:

Conservation Area:

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Flood Zone 2

Flood Zone 3

London City Airport Safeguarding

London Distributor Roads

**Proposal**

Members will recall that this application was deferred from PSC4 on August 16<sup>th</sup> 2012 to seek an increase in the number of car parking spaces on the site.

The applicant has submitted a statement which sets out their response to the concerns expressed by the Committee and relevant extracts are repeated below.

In addition an appeal against the non-determination of the current application within the target date has been submitted to the Planning Inspectorate.

*"The site cannot accommodate additional car parking up to that number and it would be difficult to incorporate any additional car parking spaces without having a detrimental impact on the usable amenity area, making for an unsuccessful development. Furthermore, the application was supported by a robust evidence base by virtue of the Transport Statement and the Car Parking Survey. Following comments from the Highways officer further work was undertaken to clarify matters, including an additional Car Parking Study of existing Churchill Retirement Living sites which was submitted to support the application proposal. Following this ... the highways officer raised no objections to the proposal.*

*The client purchased the site on an unconditional basis last November and is incurring empty property costs as well as other costs with staffing and machinery which were due to be moved onto the site in due course in order to fulfil Build Programme commitments. The delays in determining the application following the overrun of the 13 week timeframe were agreed to on the basis that the application would be determined at the Committee meeting on 16 August. However, with the item deferred to increase parking provision ... my client can ill afford to delay any further and has decided to progress an appeal in order to guarantee a decision in a timely manner*

*We (the applicant and agent) discussed that on the basis of the debate of the Councillors at the committee there was a clear case for award of costs if they decided to pursue this parking element as a reason for refusal and I spoke of an example from another Churchill development elsewhere in the country. I attach for your information a copy of the appeal decision for a development at Warwick Road, Solihull where a similar approach to a decision was adopted by the Planning Committee, in that case we were also awarded costs."*

#### **UPDATED RECOMMENDATION**

As an appeal has been lodged the jurisdiction for determining the planning application has passed to the Planning Inspectorate.

**Therefore, Members are invited to consider whether they wish to contest the planning appeal or not to contest the planning appeal.**

The original report submitted to Members on August 16<sup>th</sup> 2012 is repeated below.

Permission is sought for the following development

- Demolition of the existing 1970's vacant office building which ranges in height from 3.5 to 5.5 stories.
- Removal of the existing access roads into the site adjacent to 26 High Street and to the front of the existing building off the High Street .
- Erection of a building ranging from 2.5 stories adjacent to 26 Chislehurst to 3 stories, adjacent to Redwing Court to 3.5/4 stories for the remainder of the development.
- The main entrance to the building will be to the rear.
- A total of 50 sheltered flats are proposed; 31 are 1 bedroom and 19 are 2 bedroom.
- The applicant advises that the development will meet the needs of independent retired people. Based on recent research the average age of occupiers of similar sheltered schemes is 78 years. The flats are sold with a lease containing a restriction that only people over 60 years, or those over this age with a partner of at least 55 years, can live in the development.
- Additional internal accommodation comprises a guest suite, an owners lounge, a communal laundry, a plant room, refuse store. A warden will live off-site and have their own office near the entrance to the building.

- Vehicular and pedestrian access will be adjacent to Redwing Court using a shared space driveway leading to 16 parking spaces. A buggy/cycle store is shown with parking for 4 buggies and 2 cycles.
- Amenity space is provided as follows; patio space for all 12 ground floor flats, balconies for 12 flats, Juliette balconies for 17 flats. This leaves 9 flats on the top floor without any balconies. In addition there is a patio area with a small green space adjacent to the owners lounge, a seating area at the junction of Chistlehurst Road and the High Street and a small green area adjacent to the northern boundary.
- To the north and east a 1.8m high close boarded fence will enclose the site. Fronting the High Street and Chistlehurst Road will be a 1.2m retaining dwarf wall with railings above.

The applicant has submitted numerous specialist reports to support the application as follows; Planning Statement, Design and Access Statement, Heritage Statement, Daylight and Sunlight Study Submission on the Provision of Affordable Housing and Financial Viability Assessment, Need for Private Housing Report, Flood Risk Assessment, Transport Statement, Parking Study, Archaeology Report, Arboricultural Report, Energy Report, Stakeholder Engagement Statement, CCTV Report, Drainage Impact Assessment and Landscape Strategy

Part of the frontage of the site lies in Priory Gardens Conservation Area and there is a locally listed building opposite, at No 59 High Street.

## **Location**

The site is located at the north-east corner of the junction of High Street, Orpington and Chistlehurst Road.

To the north-east of the site is residential blocks at Redwing Court (part 2/part 3/part 4 stories) and Chaffinch Court (2 stories). Opposite the site to the south and east are mainly 2 storey buildings in part residential and part commercial use. These properties, and the frontage of the application site, lie within Orpington Priory Conservation Area and No 59 High Street (opposite the site) is locally listed. Beyond these properties further to the east is Priory Park which is a designated Registered Park. The entrance to this park is opposite the application site.

To the west and the north, along Chistlehurst Road, are mainly 2 storey properties with commercial uses on the ground floor and residential above for some properties and wholly residential for others.

There is a protected tree on the frontage of the site facing the High Street, which is shown to be retained.

The site lies within Flood Zones 1 and 3a.

## **Comments from Local Residents**

Nearby properties were notified and representations were received which can be summarised as follows:

- the proposed number of car parking spaces is too low and likely to lead to overflow parking by residents and visitors
- insufficient spaces for mobility scooters
- as residents will be elderly a zebra or pelican crossing should be provided so they can access Orpington High Street
- not opposed to sheltered accommodation in Orpington but feel this proposal is in the wrong place
- building is too high and bulky and will create a visual impairment
- the building should remain in commercial use as loss of commercial at this end of the High Street will not attract shoppers and adversely affect the future of existing commercial businesses at this end of the High Street.
- loss of this commercial building to residential will be loss of key 'anchor' point use at this end of the High Street to counter balance Tesco at the other end of the street.
- loss of mature trees on the site

### **Comments from Consultees**

The Council's Housing Officer raises no objections subject to securing the affordable housing payment in lieu contribution.

The Council's Highways Officer raises no objections from a highways and waste and recycling point of view.

The Environment Agency raises no objections providing the development is carried out in accordance with the submitted Flood Risk Assessment and recommends relevant conditions.

Thames Water raise no objections to surface and foul water measures subject to relevant conditions.

The Council's Drainage Consultant raises no objections and recommends relevant conditions. The Council's Environmental Health Officer raises no objections to the proposal.

The English Heritage Archaeology Advisor raises no objections subject to relevant conditions.

The Metropolitan Police Crime Prevention Design Advisor raises no objections

The Advisory Panel for Conservations Areas advise that the design is insufficiently distinctive for this prominent site adjacent to a conservation area. The quality of architectural design needs to be improved and the current proposal does not preserve and enhance the conservation area for present and future generation and is, therefore, not sustainable development.

### **Planning Considerations**

The application falls to be determined in accordance with the following Unitary Development Plan policies:

- H1 Housing Supply
- H2 Affordable Housing
- H4 Supported Housing
- H7 Housing Density and Design
- T3 Parking
- T7 Cyclists
- BE1 Design of New Development
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- BE15 Historic Parks and Gardens
- NE7 Development and Trees
- EMP3 Office Development – redevelopment
- C6 Residential Proposals for People with Particular Accommodation Requirements
- IMP 1 Planning Obligations

#### SPD Planning Obligations

In strategic terms the most relevant London Plan policies are:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.10 Affordable Housing
- 3.12 Affordable Housing Targets
- 3.13 Negotiating Affordable Housing on Individual Residential and Mixed Use Schemes
- 5.1 Climate Change Migration
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 7.4 Local Character
- 7.5 Public Realm
- 7.8 Heritage Assets and Archaeology

National planning guidance is provided through National Planning Policy Framework 2012.

From an arboricultural point of view there is no objection to the loss the lower graded trees on the High Street frontage. The retention of the protected red chestnut tree is welcomed. Conditions relating to tree protection measures and replacement planting of good quality and size replacement trees are recommended.

From a heritage and design point of view no objections are raised

#### **Planning History**

There are no relevant previous planning applications.

## **Conclusions**

There are no relevant previous planning applications.

The main issues to be considered are loss of employment land, the provision of sheltered housing on the site, the level of provision of affordable housing, the acceptability of the design and appearance of the proposed building on the street scene, the impact of the building and vehicular movements on the amenities of nearby residential properties, acceptability of the realigned access and proposed refuse and parking facilities

### Loss of employment land

UDP Policy EMP3 states that 'redevelopment of offices for other uses will be permitted only where: (i) it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises, and (ii) there is no likely loss of employment resulting from the proposal.'

The applicants have submitted evidence of marketing. A Commercial Viability Report advises that the site has been on the market for 28 months with no offers for office use suggesting lack of demand. Orpington is not a principle office market and evidence shows that there is an adequate supply of offices in Orpington. The character of the area has also changed with numerous recent permissions for residential property nearby which were previously employment sites,

The proposal will result in a loss of employment opportunity. A study by GVA Grimley for the Council identifies Orpington as a secondary office location. The study suggests that office uses should be retained where possible and that future redevelopment should be concentrated on the central High Street closer to the station and around existing blocks in Knoll Rise. In addition it is felt that there is sufficient capacity within orpington to meet current demand for office floorspace.

In addition the redevelopment of the site for sheltered housing will provide an opportunity for diversification of uses in the High Street and this will support vibrancy within the town. The provision of a high quality building that could become a landmark building in the area will also contribute to the regeneration of the town centre.

On this basis it is considered that the loss of the use of the building for commercial purposes may be considered acceptable.

### Provision of sheltered housing on the site

UDP Policy C6 seeks to ensure that residential proposals designed for people with particular accommodation needs provide suitably landscaped amenity space and are conveniently located for a range of local shops and service, including public transport, appropriate to the mobility of the residents.

In this case it is considered that this site, at the northern end of the High Street with excellent level access to shops and public transport, is suitable for sheltered housing. There is landscaping to the front and rear of the site and the majority of the flats have a full or Juliette balcony.

#### Affordable Housing and Section 106 contribution

Policy H2 seeks the provision of 35% affordable housing on all sites capable of providing 10 dwellings or more. Policy H3 allows for the affordable housing contribution to be made in the form of a payment in lieu, in exceptional circumstances.

The applicant has submitted a detailed analysis of the difficulties of making the affordable housing provision on the site and concludes that the size of the site is too restrictive, with only one access point, to provide 2 independent buildings on the site. The report advises that it would be difficult to manage the provision of open market and affordable housing within the same building as there would still be the demand for separate amenity and parking areas and management difficulties relating to communal facilities and maintenance and service charges.

The applicant has submitted a Financial Viability Assessment (FVA) which has been independently assessed on behalf of the Council, at the developers cost. This has been submitted to identify the level of S106 contribution that the development can sustain.

Following negotiations, the applicant has offered a total contribution of £255,000. This would be split to provide £211,500 for affordable housing and £44,000 for health provision, the latter to support the future occupants of this development.

In light of the evidence submitted in the FVA and the advice provided by the Council appointed consultant it is considered that this level of contribution is acceptable.

Acceptability of the design and appearance of the proposed building on the street scene, the conservation area, the registered park and nearby locally listed building

The application site lies partly in Priory Gardens Conservation Area, opposite a Registered Park and several locally listed buildings and on a prominent site at the southern end of Orpington High Street

The existing 1970's office building has little architectural or historical merit and, as such, it is considered that the demolition of the building is acceptable. This building stands between 3.5 and 5.5 stories tall and is prominent in the streetscape.

The replacement building would stand further forward in the site than the existing building. The proposed height varies from 2.5 to 4 storeys and the building 'wraps' around the frontage, leaving the corner of the site at the junction of High Street and Chislehurst Road with a landscaped area. The site will be enclosed by a wall with railings above. The design of the building reflects local styles with the use of pitched roofs, gables and the elevations are articulated with some balconies to

provide visual interest. The materials will be brick and render with a pitched slate roof.

An existing tree on the High Street frontage, close to Redwing Court, will be retained and conditions are recommended to protect it during construction. Replacement trees are proposed for other existing trees that will be lost.

Car parking spaces, scooter storage spaces and cycle parking will be at the rear and there will be a single new vehicular access to the High Street.

Refuse and recycling facilities will be within the building close to the proposed access road. Due to the narrowness of the High Street at this point, it is proposed that refuse vehicles will reverse into the site on collection days to minimise disruption to traffic in the High Street.

It is considered that this prominent, sensitive site requires an interesting building of high quality design, using good quality materials for the building, the landscaping and the boundaries. It is considered that the proposed site layout and building will meet these requirements and would preserve and enhance the character and appearance of the conservation area. Conditions relating to materials, hard and soft landscaping and boundary treatment are recommended.

Impact on the amenities of the occupants of nearby residential properties.

With regard to the impact on the occupants of buildings that comprise Redwing Court and Chaffinch Court to the north, the proposed building will be further away and lower than the existing building. In addition there will be a new access drive that will separate the proposed and existing buildings. This is also the case for the part of the building adjacent to No 26 Chislehurst Road in that the proposed building will be lower and separated by an access road.

The building will be slightly closer to some properties opposite in Chislehurst Road than the existing building and extent almost the full length of the site. However compared to the current arrangements on the site it is considered that the impact will not be greater and the proposed building will not result in an unacceptable visual impact or loss of daylight and sunlight. This is also considered to be the case for properties opposite the site in the High Street.

## Summary

In light of the considerations above it is considered that the proposed development is acceptable in terms of its appearance, siting, height, massing and site coverage. It is also considered acceptable in terms of the impact on the occupants of neighbouring properties and will make a positive contribution to the conservation area and the view of the site from the High Street.

Background papers referred to during the production of this report comprise all correspondence on file ref. 12/00304, excluding exempt information.

as amended by documents received on 02.05.2012 14.05.2012



**RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to affordable housing and health contributions**

and the following conditions:

- 1 ACA01 Commencement of development within 3 yrs  
ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details  
ACA04R Reason A04
- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter. The submitted drawings shall show visibility spays for the northern western boundary for the adjacent vehicle access to Chislehurst Road and these shall be approved in writing by the Local Planning Authority. There shall be no obstruction to visibility in excess of 1m in height within the approved splays except for tress approved by the Authority, and shall be permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties and highway safety.

- 4 ACB06 Replacement tree(s)  
ACB06R Reason B06
- 5 ACB18 Trees-Arboricultural Method Statement  
ACB18R Reason B18
- 6 ACC01 Satisfactory materials (ext'nl surfaces)  
ACC01R Reason C01
- 7 ACC03 Details of windows  
ACC03R Reason C03
- 8 ACD02 Surface water drainage - no det. submitt  
ADD02R Reason D02
- 9 ACD04 Foul water drainage - no details submitt  
ADD04R Reason D04
- 10 ACD06 Sustainable drainage system (SuDS)  
ADD06R Reason D06
- 11 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 12 ACH16 Hardstanding for wash-down facilities  
ACH16R Reason H16
- 13 ACH22 Bicycle Parking  
ACH22R Reason H22
- 14 ACH23 Lighting scheme for access/parking  
ACH23R Reason H23
- 15 ACH24 Stopping up of access  
ACH24R Reason H24
- 16 ACH29 Construction Management Plan  
ACH29R Reason H29
- 17 ACH32 Highway Drainage

ADH32R Reason H32  
18 The design of new vehicular access to High Street shall be submitted to and agreed in writing by the Local Planning Authority. These access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 1m in height within the approved splays except for tress approved by the Authority, and which shall be permanently retained.

ACH01R Reason H01  
19 ACI21 Secured By Design  
ACI21R I21 reason

20 ACK01 Compliance with submitted plan

**Reason:** In order to comply with the terms of the application and in accordance with Policies BE1 and T3 of the Unitary Development Plan.

21 ACK08 Archaeological access  
ACK08R K08 reason

22 Before any works on site are commenced, a site-wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 25% above that required by the 2010 building regulations. The development should also achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final designs, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

**Reason:** In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2011.

23 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Mott Macdonald (Revision A date October 2011) and details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plans and documents

- Finished floor levels for the proposed building footprint are to be set no lower than 52.90mAOD (see approved Flood Risk Assessment para. 4.5).

- A Flood Risk Management Plan shall be submitted which should set out provisions for safe access/egress routes in the event of an extreme event, details on registering with the Environment Agency's flood warning system, provide details on trained flood response operatives and relevant local emergency services (refer to approved FRA section 4.8).

- Surface water runoff to be managed in accordance with the principles set out within Section 5.3 and 5.4 of the approved FRA. Detailed calculation to be provided for the design of all relevant SUDS elements, including lined porous paving areas, shallow tank storage and any provisions for overland flow routes and areas of above ground storage, in order to demonstrate that

surface water run-off for all events up to and including the 1 in 100 year plus climate change event can be contained on site.

- Relevant manufacturers details on all SUDS features shall be provided within the Floor Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

**Reason:** To reduce the impact of flooding both to and from the proposed development and third parties.

24 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason:** The proposed works will be in close proximity to underground water and sewerage utility infrastructure and in accordance with Policy 5.12.

### **Reasons for permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- H1 Housing Supply
- H2 Affordable Housing
- H4 Supported Housing
- H7 Housing Density and Design
- T3 Parking
- T7 Cyclists
- BE1 Design of New Development
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- BE15 Historic Parks and Gardens
- NE7 Development and Trees
- EMP3 Office Development – redevelopment
- C6 Residential Proposals for People with Particular Accommodation Requirements
- IMP 1 Planning Obligations

and the following policies of the London Plan 2011.

- 3.13 Negotiating Affordable Housing on Individual Residential and Mixed Use Schemes
- 5.1 Climate Change Migration
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage

The application is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding areas
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties, in relation to privacy, light and outlook
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the safety and security of buildings and spaces around them
- (g) accessibility to buildings
- (h) the housing policies of the development plan
- (i) sustainability issues
- (j) the employment policies of the development plan
- (k) the archaeology policies of the development plan
- (l) the conservation policies of the development plan
- (m) the setting, character and appearance of the listed building
- (n) the relationship of the development to trees to be retained
- (o) the provision of satisfactory living accommodation for future residents of the flats/houses
- (p) the preservation or enhancement of the conservation area

and having regard to all other matters raised.

#### INFORMATIVE(S)

- 1 The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with appropriate English Heritage guidelines.
- 2 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 3 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop

notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

4 Regarding the condition concerning provision of a ventilation system, the Planning Division have prepared a technical guidance note; This covers specification of :-

- the canopy or slot hood over fume generated equipment, which should be fitted with a readily cleanable grease filter
- coarse and fine pre-filters
- an insulated carbon filter unit
- installation of the system (including fan(s)) to prevent transmission of noise and vibration onto adjacent premises.

It is suggested that you may wish to seek advice from the Council's Environmental Services Division, though when you have finalised the details of the system they should be sent to the Planning Division, if possible for the attention of the planner dealing with the planning application. The Council will be concerned that the ventilation system does not have a detrimental impact on the appearance of the building and the area generally. You are advised not to install it prior to Council approval and you should ensure that you have the agreement of any other landowners or tenants onto whose property the system will be attached.

A copy of the technical guidance note can be obtained from the Development Control Section at the Civic Centre. Please write to the Planning Division at the Civic Centre, telephone 020 8313 4956 or e-mail: [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)

**Application:**12/00304/FULL1

**Address:** 76 High Street Orpington BR6 0JQ

**Proposal:** Three/ four storey block comprising 50 sheltered flats for the elderly including communal facilities, refuse/ recycling storage and bicycle/ electric buggy parking, with 16 car parking spaces

