

Application No : 12/02027/FULL1

Ward:
Orpington

Address : The Walnuts Shopping Centre High
Street Orpington

OS Grid Ref: E: 546350 N: 166326

Applicant : Garden Properties CH Limited

Objections : YES

Description of Development:

Demolition of Crown House and erection of part 4/ part 5 storey building to provide 3x A3 (Restaurant/Cafe) units, cinema lobby area and 4x A1 (retail) units on the ground floor and 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at rear and creation of new square with associated landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Primary Shopping Frontage
Tree Preservation Order

Proposal

Planning permission is sought for the demolition of Crown House and, the erection of a part 4/ part 5 storey building to provide 3x A3 (Restaurant/Cafe) units, cinema lobby area and 4x A1 (retail) units on the ground floor and a 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at rear and creation of new square with associated landscaping.

The full details of the proposal are as follows:

- part 4/5 storey building with flat/pitched roof of contemporary design
- maximum height 19.3m
- building to be clad in powder coated metal panels
- new public square in south-eastern corner of site, adjacent to cinema entrance/lobby with hard/soft landscaping proposed to include 2 semi-mature walnuts with seating platform as focal point within square
- service/refuse area at rear, accessed from Dryden Way
- 4 retail (Class A1) units on ground floor, located along eastern frontage (total 1422.5 sqm gross floorspace)

- 3 restaurant (Class A3) units on ground floor, located on eastern and southern frontages (total 760 sqm gross internal area)
- all ground floor units to be double-height
- cinema entrance on ground floor, leading to lobby on first floor with ticketing and ancillary concessions areas
- total of 7 screens proposed, with 950 seat capacity in total
- plant at roof level within well above projection gallery

The proposal will also involve the removal of the existing glazed market canopy. It is indicated that the existing market stalls within Walnuts Square will be re-located to the adjacent College Square (which has the benefit of planning permission for use as a market, granted under ref. 93/01355).

The application indicates that this proposal forms the first phase of a wider vision for the regeneration of the Walnuts Centre and environs, which is being pursued by the owners Garden Property Investments Ltd who hope this will act as a catalyst for further investment elsewhere in the town centre.

The application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Landscape Statement (including tree survey)
- Flood Risk Assessment
- Noise Survey Statement
- Geo-environmental Report
- Heritage Desk-based Assessment
- Transport Statement
- Staff Travel Plan
- Energy Statement
- Ventilation Statement

An updated Tree Survey and Arboricultural Report was received on 7th September 2012, to include the 2 sycamores located at the rear of the site fronting Dryden Way.

The Planning Statement makes the following points in support of the proposed development.

Policy context:

- there is overwhelming support at all policy levels for the redevelopment of brownfield sites within town centres, as proposed in this case
- the emphasis of national, regional and Development Plan policy is on the provision of retail and leisure development in town centres, as proposed in this case
- the national focus on creating sustainable communities seeks to ensure that local centres provide for a range of facilities, services and job opportunities

to reduce the need for people to travel, which the mix of uses proposed in this case will help to achieve

- there is emphasis at national, regional and local level on high quality urban design and architecture, and sustainable development. The design principles of the scheme, and the sustainability measures proposed will meet these requirements and set a new benchmark of design quality for the town centre

Principle of retail and leisure use:

- the provision of new retail floorspace will be of a scale that is wholly consistent with the role and function of Orpington as a Major Town Centre
- Orpington is not currently served by a cinema and the proposal will meet an identified need and ensure that the leisure needs of the centre's catchment can be sustainably met
- the inclusion of leisure uses within the centre will increase the vitality and viability of the town centre outside of normal shopping hours, with the increased activity enhancing safety and security in the evenings

Loss of office accommodation:

- existing building has been vacant since 2010
- Linays Commercial have marketed the building since July 2009 through to disposal, on an 'all enquiries' basis, with no firm bids received although interest was expressed on the basis of redeveloping the site (including from LIDL, ALDI, and Travelodge/Accor)
- the lack of firm interest in the office building reflects the outdated nature of the site, with accommodation that does not meet modern requirements and would be financially unsustainable to upgrade
- there is no shortage of available office space of a similar type elsewhere in Orpington, with an approximate availability of B1 floorspace in excess of 11,000 sqm. in the vicinity
- proposal will create employment opportunities (around 130 new jobs)

Design and Appearance:

- design of the scheme has evolved to reflect commercial and operational requirements
- scale and height of the building responds to the horizontal mixed use nature of the development, with the ground floor units designed to be double height and capable of accommodating mezzanine floorspace at a later date
- the height of the first floor auditoriums is required to meet the technical specification of the cinema operator
- roof height of cinema lobby and concessions area has been reduced to 10.6m, to provide a more sympathetic scale to the new Walnuts Square located at the juncture with College Square
- proposed development is of high quality design that improves the overall visual appearance of the shopping centre

- ground floor elevations will largely be glazed to maximise active frontage with some aluminium panels to provide a visual connection with the upper floors
- cinema lobby at first floor will be glazed to provide large active frontage at the upper floor level, overlooking the remodelled Walnuts Square, with adjacent elevations comprising light coloured aluminium panels with walnut coloured panels at intervals to provide visual interest and break up the facade
- upper floors will be clad with aluminium panels to present a fresh, lighter appearance to enhance and reinvigorate Walnuts Square
- proposal will include remodelled Walnuts Square at the entrance to College Square
- located at the entrance to the cinema and comprise a hard landscaped space that will enable visitors to both freely move through, and to dwell and relax
- at the heart of the square will be replacement walnut trees to replace the unavoidable loss of the walnut tree at the entrance to the existing shopping centre
- as part of the demolition phase it is proposed to remove the existing glazed canopy within Walnut Square and the canopy running above the retail units on the ground floor of the leisure centre block which will help to create a more open environment once the development is constructed

Summary:

- scheme will deliver much needed modern retailing units capable of attracting high street retailers which are not currently represented in Orpington
- cinema and restaurants will broaden the leisure offer in the town centre and help to retain expenditure within the town through reducing leakage to Bromley and Bluewater
- scheme will regenerate a redundant site in the heart of the town centre's prime retailing pitch, providing a new modern development that will act as a catalyst for the wider regeneration of the Walnuts area and the town centre
- scheme has been designed to a very high standard that will set the benchmark for future regeneration and development in the centre
- scheme will deliver an enhanced market with upgraded infrastructure
- scheme has been designed in an inclusive manner involving the community and key stakeholders through the process of preparing the planning application
- scheme will result in a multi-million pound investment and the creation of up to 130 new jobs.

Location

The application site is adjacent to the Walnuts Shopping Centre, within the Orpington Major Town Centre and within the designated Primary Retail Frontage.

The site is approx. 0.38ha in area, and comprises a three storey flat roofed building (Crown House), which the Applicant states has been vacant since 2010, having been formerly used as offices. The site includes the open space to the south of Crown House, and the existing glazed market canopy.

The immediate surrounding area is predominantly commercial in character, with some residential accommodation on the upper floors of buildings on High Street, Orpington, including at 165A High Street.

The site is within Flood Zones 2 and 3, and is within an Area of Archaeological Significance.

There are 4 trees on the site, including 2 sycamores at the rear visible from Dryden Way, a walnut in the centre of the existing square and a protected walnut adjacent the entrance to the covered shopping area of the Walnuts.

Comments from Local Residents

Nearby owners/occupiers were notified of the application by letter, a notice was displayed on the site and an advertisement published in the local press.

At the time of writing one representation in objection and one representation in support had been received. These are summarised as follows.

Objection comments:

- strong objection to loss of trees on the site including 2 trees at the rear of Crown Buildings which do not appear to be mentioned in application
- existing Walnuts to be felled are attractive and healthy specimens and should not be removed
- building is too overpowering and claustrophobic, being in such close proximity to adjacent shops along the walkway
- should be re-designed and set further back from walkway to not 'close in' on other buildings and people passing by – which would also allow the retention of the walnut 'T1'
- objection to loss of grassed areas in existing square.

Support comments:

- fully support this much needed development.

Comments from Consultees

Highways requested clarification on the content of the submitted Transport Statement with respect to trip generation figures, and sought clarification that the Walnuts Car Park (which currently shuts at 8pm) will be open until after the cinema closes. At the time of writing the Applicant had responded on both of these points. Any further comments from Highways will be reported verbally at the meeting.

The Council's in-house drainage advisor raised no objection to the preliminary surface water strategy, and advised that the application should be referred to the Environment Agency as the site is within the flood plain of the River Ravensbourne. A condition requiring details of a surface water drainage system was requested.

The Metropolitan Police Crime Prevention Design Advisor raised some concerns in respect of the service area at the rear and access to the plant deck given ongoing problems at the centre with 'free runners', and requested that the standard secured by design condition be imposed on any permission.

The Environment Agency raised no objection to the proposal, subject to the imposition of conditions relating to groundwater protection and flood risk.

Environmental Health (pollution) raised no objection to the proposal, and recommended a number of conditions.

Planning Considerations

The application falls to be determined in line with the following policies:

Unitary Development Plan:

- BE1 Design of New Development
- BE4 The Public Realm
- NE7 Development and Trees
- EMP3 Office Development
- S6 Retail and Leisure Development
- S9 Food and Drink Premises
- S12 Markets
- L9 Indoor Recreation and Leisure
- ER9 Ventilation
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety

The London Plan:

- 2.15 Town Centres
 - 4.1 Developing London's Economy
 - 4.7 Retail and Town Centre Development
 - 4.8 Supporting a Successful and Diverse Retail Sector
 - 5.2 Minimising Carbon Dioxide Emissions
 - 5.3 Sustainable Design and Construction
 - 5.12 Flood Risk Management

- 7.4 Local Character
- 7.5 Public Realm
- 7.15 Reducing Noise and Enhancing Soundscapes

The National Planning Policy Framework (NPPF) is also of relevance.

With regard to trees on the site, concerns have been raised in respect of the loss of the protected walnut (TPO 1976) adjacent to the shopping centre entrance.

Planning History

There is extensive planning history in relation to the application site, although none of recent or direct relevance to this case.

It should be noted that there is an extant planning permission for the redevelopment of 173-175 High Street, Orpington (which is located to the west of the application site), granted under ref. 08/02864/FULL1 and comprising a part one/ three/ four storey building with a retail shop at ground floor level and 1 one bedroom and 7 two bedroom flats on the upper floors, with refuse storage and bicycle parking. At the time of writing the report, the permission had not been implemented, and is due to expire on 2nd March 2013.

Also of relevance is the grant of planning permission for the use of 'College Square' as a retail market, under ref. 93/01355.

Conclusions

The proposed development will involve the loss of existing office accommodation through redevelopment. The applicant submits that the existing office floorspace is not commensurate with modern standards and, despite marketing since mid 2009 no firm bids for its continued use as offices were secured. The premises have been vacant since 2010, and evidence submitted with the application indicates a surplus of available office space in the vicinity. In considering the proposal against Policy EMP3 of the Unitary Development Plan, it may therefore be considered that there has been a long-term vacancy despite marketing of the premises, and that in view of fact that the premises are vacant no loss of employment will arise. Indeed, the proposed mixed use development will itself provide a large number of jobs as detailed at the beginning of this report.

The proposed redevelopment of the site will provide a mix of commercial and leisure uses within the designated primary retail frontage of this Major Town Centre, which is well served by public transport and benefits from a number of existing car parking facilities nearby. The proposal is therefore broadly compliant with the aims of the Unitary Development Plan in respect of leisure and town centre development. Orpington does not currently benefit from a cinema and the offer of new restaurant and retail units may serve to attract larger high street retailers and restaurant operators to the town centre. In this case, the restaurant and cinema uses will complement the existing and proposed retail uses and will serve to attract visitors to the town centre beyond normal shopping hours. Although potentially resulting in a concentration of restaurant uses, the site

currently has no active frontages to this part of the Walnuts (despite being part of the designated shopping frontage) and the proposal will in a sense, complete the existing retail frontages within the Walnuts complex, providing a net gain for the town centre in terms of both retail and restaurant floorspace.

Turning to the bulk, scale and form of development proposed, there can be no doubt that the building will appear significantly more prominent than the existing building, occupying a greater part of the site and enclosing the existing Walnuts Square. However, the building is of a high quality design, and will result in the provision of an enhanced and arguably more usable public space than the existing square, with the removal of the existing market canopy (which is slightly dated in appearance) allowing for a more open public space in the central focal point adjacent to and visible from College Square, and visible from the High Street. The building itself will incorporate a section of reduced height above the cinema lobby, fronting the new square, which will serve to soften the visual impact of the built form when viewed from this part of the site. The elevational treatment of the building, which will include large expanses of glazing to the ground floor and part of the first floor (cinema lobby), and vertical aluminium cladding in light colours (with feature walnut panels) will add visual interest to what is a relatively simple and clean built form.

Whilst the building will bring a greater sense of enclosure to this part of The Walnuts as a result of its scale and proximity to the site boundaries, the development is broadly in keeping with the scale of its neighbours at the Walnuts multi-storey car park and the leisure centre on the opposite side of the shopping precinct, and the Applicant's offer to remove the glazed canopy which currently overhangs the ground floor of the leisure centre block (to the east of the site) will go some way to offset this impact in opening up this edge of the built development in this part of the Walnuts. On balance, it is considered that the experience of shoppers and visitors to The Walnuts will be enhanced by the public realm improvements and the new retail and leisure offer, and that any detrimental impact that could be considered to arise as a result of the scale of the development in character or townscape terms will not be of such significance to warrant the refusal of planning permission in this case.

Members will note that a total of four trees will be removed as a result of the proposal which will warrant very careful consideration. These will include the last remaining walnuts (from which the shopping centre takes its name). Two mature sycamores at the rear of the site fronting Dryden Way will also be removed, however these are not generally visible in the area and do not provide a significant public amenity value. The walnuts to be removed are located in the centre of the existing square, and adjacent to the entrance to the indoor shopping centre to the north of the site (which is subject to a Tree Preservation Order). Whilst clearly of amenity value given their positioning and prominence, Members will note the content of the tree survey report on the file, which concludes that both of these trees are within the 'C' grade (of low quality and value, currently in adequate condition to remain until new planting could be established), and may agree that the Applicant's offer to provide 2 semi-mature walnuts together as a focal point in the new square will offer greater amenity value on balance.

With regard to the impact of the proposed development on the impact of neighbouring residential properties which are located on the High Street, the building is considered to be positioned a sufficient distance so as to not result in an undue impact in terms of overshadowing, and in view of the scale of neighbouring buildings it is not considered that the prospect or outlook from these properties would be unduly compromised. Any noise from the proposed plant and which may arise from the uses themselves can, according to the information submitted with the application, be controlled to avoid any disturbance to neighbouring residents, and no technical objections have been raised by Environmental Health (subject to condition). Dryden Way already provides service access for a number of premises in the vicinity and it is not considered that this proposal will give rise to a significantly greater impact or loss of amenity.

To conclude, Members will need to carefully consider the impact of the proposed development with particular regard to the loss of trees and the bulk and scale of the built form. Having regard to the above, Members may agree that the proposed development is acceptable on balance and accordingly it is recommended that planning permission be granted, subject to the conditions detailed below.

Background papers referred to during production of this report comprise all correspondence on files refs. 93/01355, 08/02864 and 12/02027, excluding exempt information.

as amended by documents received on 07.09.2012

RECOMMENDATION: PERMISSION

Subject to 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 ACC08 Satisfactory materials (all surfaces)
 ACC08R Reason C08
- 4 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
- 5 ACI21 Secured By Design
 ACI21R I21 reason
- 6 ACK09 Soil survey - contaminated land
 ACK09R K09 reason
- 7 The cinema hereby permitted shall not operate before 9am or after 1am on any day.

Reason: In order to comply with Policy L9 of the Unitary Development Plan and in the interest of the amenities of the area.

- 8 The restaurants hereby permitted shall not operate before 7am or after 12am midnight on any day.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.

9 No construction work shall commence until the glazed canopy attached to the ground floor of the western flank wall of the Leisure Centre building has been removed, and the existing building made good in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in order to comply with Policy BE1 of the Unitary Development Plan.

10 Two replacement walnut trees of a size to be agreed in writing by the Local Planning Authority shall be planted in the locations shown on approved plan refs. 110352-A-P-01D103 A and 110352-A-P-00-D104 prior to the first occupation of the development hereby permitted. Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of the visual amenities of the area.

11 At any time the operational noise level from the cinema auditoria in terms of dB(A) shall be 16 decibels below the relevant minimum background noise level (LA90 15mins) measured at the nearest noise-sensitive building.

Reason: In the interests of the amenities of neighbouring properties and in order to comply with Policy 7.15 of the London Plan.

12 At any time the noise level from any plant (including ventilation, extraction and air conditioning plant) in terms of dB(A) shall be 10 decibels below the relevant minimum background noise level (LA90 15mins) measured at the nearest noise-sensitive building. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. (Thus if the predicted noise level is 40dB(A) from the plant alone, and, the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. Also the L90 spectra can be used to help determine whether the plant will be perceived as tonal.)

Reason: In the interests of the amenities of neighbouring properties and in order to comply with Policy 7.15 of the London Plan.

13 Detailed plans of the technical specification of the ductwork and equipment comprising all commercial kitchen extraction systems (which shall include measures to alleviate fumes and odours and incorporating activated carbon filters) shall be submitted to the Local Planning Authority for approval; after the systems have been approved in writing by or on behalf of the Authority, they shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently maintained in an efficient working manner.

ACJ10R J10 reason

14 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) An additional site investigation scheme, based on the above report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters. The site is located over a Principle Aquifer and within SPZII and it is understood that some elevated soil contaminants have been identified.

15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

16 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites' - http://publications.environment-agency.gov.uk/?lang=_e. – Product Code SCHO0202BISW-E-E. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

Reasons for permission:

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

- BE1 Design of New Development
- BE4 The Public Realm
- NE7 Development and Trees
- EMP3 Office Development
- S6 Retail and Leisure Development
- S9 Food and Drink Premises
- S12 Markets
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- 2.15 Town Centres
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- 7.4 Local Character
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- 7.15 Reducing Noise and Enhancing Soundscapes

The National Planning Policy Framework (NPPF).

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

- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the provision of new retail and leisure facilities in a Major Town Centre
- (e) the impact of the development on flood risk
- (f) the design policies of the development plan
- (g) the transport policies of the development plan
- (h) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 Before construction commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2 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

Application:12/02027/FULL1

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