

SECTION '2' – Applications meriting special consideration

Application No : 14/00820/OUT

Ward:
Cray Valley West

Address : Grays Farm Production Village Grays
Farm Road Orpington BR5 3BD

OS Grid Ref: E: 546899 N: 169722

Applicant : Grays Farm Production Village

Objections : YES

Description of Development:

Demolition of existing buildings and redevelopment to provide 1,077sqm of use Class B1 floorspace in a detached 2 storey building with accommodation in roof and 45 two storey houses (some with accommodation in roof) with access road and car parking

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency

Proposal

The application has been submitted alongside a separate full planning application for Grays Farm Production Village Ltd for a 75 bedroom care home (ref. 14/00809) which is also included on the agenda for this meeting.

Outline approval of access and layout is sought for the demolition of all existing buildings and the erection of a mixed use development comprising 1,077m² Use Class B1 business floorspace within a two storey block with accommodation in the roofspace and 45 private residential dwellings as follows:

- 1 two bedroom coach house
- 5 two bedroom houses
- 35 three bedroom houses
- 4 four bedroom houses.

The layout of the 45 dwellings is as previously proposed under application ref. 12/00706 with the business units replacing 7 houses to the north of the site.

The houses will comprise a mixture of two storey and two storey with accommodation in the roofspace dwellings. The business units will be adaptable in terms of their internal layout and will provide facilities for 'start up' enterprises.

86 car parking spaces will be provided for the dwellings with 23 car parking spaces for the business units.

The buildings will feature traditional design with red brickwork, cream rendered upper storeys and brown roof tiles. The landscaping will include the retention of some existing mature trees.

The application is accompanied by a planning statement which includes the following points:

- location of site and its restricted access for larger commercial vehicles limits its suitability by prospective occupiers
- there is a surplus of available floorspace in more conveniently located and specifically designed employment sites nearby
- poor condition of the existing accommodation limits its suitability in meeting modern user requirements without significant expenditure
- there has been little interest from prospective new tenants in taking up accommodation at Grays Farm Production Village
- proposal is a result of changing market conditions and the employment floorspace has been reduced and redesigned in a manner which may potentially be attractive to the local commercial market
- care home proposal will generate approx. 70 full time equivalent jobs with further related employment opportunities.

The application is also accompanied by a report prepared by Linlays Commercial which includes the following points:

- location is not considered to be suited to any larger scale form of development of this type of unit (e.g. 50,000 sq. ft. or greater) - larger units would be better suited to localities such as nearby Crayfields Business Park
- currently over 77,000 sq. ft. office accommodation available in central Orpington and approx. 72,500 sq. ft. available in the Crays
- Hadlow House in Green Street Green and Nightingale House in Petts Wood have received approval for conversion from office to residential use but works have not commenced and they remain as vacant office space (26,000 sq. ft.)
- Office market is currently challenging - rentals have typically dropped by 20-25% and the level of availability has increased considerably whilst demand has reduced
- Building 3 on the Crayfields Business Park, the premier business park in the Borough, has been available for 2 years and comprises 33,000 sq. ft. office floorspace
- 2 units within the Kingfisher House complex and the first floor of Osprey House are available on the market and represent some of the best office space available in the area

- in terms of industrial or warehouse buildings with ancillary office accommodation, there is 25,000 sq. ft. available in 2 units at Crayfields Industrial Park whilst 2 lettings have been achieved at substantially lower rental levels than those achieved during 2006/07 - these lettings reflect the prime nature of Crayfields Industrial Park
- if there is demand for space it is in the creation of small, self-contained, mixed use buildings offering business space and office accommodation which would need to be offered on flexible lease terms
- there is likely to be limited demand for the proposed units but one would have to accept that these units are likely to be of interest to business 'start ups' or relatively small companies and are thus unlikely to appeal to a typical institutional property investor - the specification of the building will need to be to a good standard to attract occupiers
- market is showing no significant improvement despite government advice that the economy is improving - extent of space overhanging the market is likely to leave at least 2/3 years supply even if one were to increase the theoretical tenant demand quite substantially.

The application is accompanied by a Design and Access Statement which includes a Statement of Community Involvement and details the design process.

The application is also accompanied by the following documents which address technical matters:

- Archaeological Desk Based Assessment
- Energy Statement
- Arboricultural Report
- Transport Assessment
- Flood Risk Assessment.

Location

- 1.74ha site is located on southern side of Grays Farm Road between junction of Grays Farm Road and Croxley Green and Sevenoaks Way (A224)
- site has a frontage onto Grays Farm Road of approx. 110m and a maximum depth from north to south of approx. 155m
- site is occupied by a series of linked two storey and single storey buildings with a separate detached two storey building in the south eastern part of the site
- buildings are surrounded by car parking and a substantial area of grassland to the western and southern part of the site
- buildings on the site were originally erected and used as a primary school and are currently in use for various business and commercial purposes mainly falling within Classes B1 and B8 of the Use Classes Order
- buildings are subdivided internally to provide 59 small and medium sized business units comprising a total of approx. 2,280m² floorspace

- Grays Farm Primary School is located to the east of the site and comprises various one and two storey buildings with playgrounds and grassed areas immediately adjacent to the application site
- to the south there are semi detached houses with gardens backing onto the site boundary whilst to the west there are semi-detached houses and single storey elderly persons accommodation also adjoining the site boundary
- there is a detached former caretakers house adjacent to the north west corner of the site whilst there are semi-detached houses and a two/three storey block of flats on the opposite side of Grays Farm Road to the north
- wider area comprises mainly housing to the north and a mixture of development including commercial/business parks, retail parks and housing to the south.

Comments from Local Residents

Nearby residents were notified of the application and representations were received, which can be summarised as follows:

- out of character
- overlooking / loss of privacy at 42 Walsingham Road
- increased traffic
- detrimental impact on highway and pedestrian safety
- silver birch to rear of No. 40 Walsingham Road and Oak to rear of No. 32 Walsingham Road should be inspected and crowned
- measures to ensure safety of school children should be secured by condition.

The local MP has forwarded letters from existing tenants on the site expressing concern about being forced to find alternative accommodation, possibly outside the area, or going out of business.

Comments from Consultees

There are no objections from the Council's in-house Drainage Advisor.

There are no objections from English Heritage (Archaeology).

There are no objections from an Environmental Health point of view.

The Environment Agency have no objections to the proposal.

Thames Water have no objections to the proposal.

Further responses to consultations will be reported verbally at the meeting.

Planning Considerations

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

UDP:

- 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
- H9 Side space
- BE1 Design of New Development
- BE2 Mixed Use Developments
- NE7 Development and Trees
- EMP5 Development Outside Business Areas
- IMP1 Planning Obligations

London Plan:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London: Economy
- 2.17 Strategic Industrial Locations
- 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
- 3.11 Affordable Housing Targets
- 3.13 Affordable Housing Thresholds
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 4.12 Improving Opportunities for All
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.1 Strategic Approach
- 6.3 Assessing the 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
- 7.8 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 following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD.

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

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

Policy EMP5 of the UDP states that:

'The redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that:

- (i) the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and
- (ii) full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.

The proposal equates to a residential density of 41.3 dwellings per hectare.

As part of the application process, it was necessary for the Council to give Screening Opinions as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed developments would not be likely to have significant effects on the environment by virtue of factors such as their nature, size and location. This opinion was expressed taking into account all relevant factors including the information submitted with the applications, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site. The applicants have been advised accordingly.

Nil affordable housing is proposed and the scheme is therefore not in compliance with the Council's affordable housing policy. The applicants have submitted a financial viability appraisal to seek to demonstrate that any provision of affordable housing would render the development unviable. Officers subsequently commissioned external expert advice from consultants to review the appraisal. The final advice received is that the scheme could support a financial contribution of £105,000. The applicant has confirmed that they are willing to make this contribution, to be secured through a Section 106 legal agreement.

Members resolved to grant planning permission (subject to the prior completion of a legal agreement) for a mixed use development comprising 2 two storey buildings for Class B1 and Class B8 use (total 2,300 sq.m) with 80 car parking spaces and 57 dwellings comprising 2 three storey blocks of flats and 52 two storey houses (some with accommodation in roof) with garages and car parking on 24 January 2012 (ref. 12/00776). The legal agreement was not completed and therefore a decision notice has not been issued. However, Members decision indicates that the scheme was considered acceptable in planning terms.

The application was accompanied by a letter from Linlays Commercial which provided details of lack of demand for the existing business units. The letter also addressed the constraints of the site and modern business requirements which would limit demand for new business units on the site. The nature of the access roads is such that to enter the Grays Farm Production Village in a substantial articulated or fixed axle lorry of virtually any size is extremely difficult due to on-street car parking and the nature of the roads which are of a 'domestic' nature and scale. Access problems are increased in the mornings and afternoons with school traffic creating congestion. The relationship of the site with surrounding residential properties represents a further constraint. The letter also detailed a lack of long-term demand for business units and limited success in marketing the existing units since late 2010.

Conclusions

The layout of the residential component of the scheme has previously been considered acceptable by Members. The main issues to be considered in this case are therefore as follows:

- whether the proposal complies with Policy EMP5
- impact of the proposal on the character and residential amenities of the area, in particular the revised business units component of the scheme.

The previous application (12/00776) was considered on the basis that the net replacement of business space would offer refurbished premises better suited to the modern business needs and represented a sustainable solution to the poor quality existing employment floorspace.

This arguments concerning the unsuitability of the site for B use class redevelopment detailed above were previously accepted and the proposal can be considered acceptable in terms of the requirements of Policy EMP5 (i).

The application is accompanied by a financial viability assessment which demonstrates that the previously approved scheme including 2,300m² business floorspace is no longer viable and justifies the applicant's position in terms of planning obligations. It can therefore be accepted that the site currently has limited potential for redevelopment for Class B uses. The previous application was accompanied by evidence of a decline in demand for business units and unsuccessful marketing of the existing units. This evidence was previously accepted at the time the previous application was considered. It is considered that this evidence goes some way towards addressing the requirements of policy EMP5 (ii).

The care home proposed under application ref. 14/00809 will occupy the part of the site where the business floorspace was previously proposed and the application states that this development will support around 70 full time equivalent jobs, which is potentially more jobs than the previously approved scheme would have supported. Whilst the jobs will not fall within the B Use Classes which Policy EMP5 seeks to protect, the employment benefits of the care home proposal are a material consideration.

The application is accompanied by evidence demonstrating a sufficient supply of premises suitable for Class B uses in the surrounding area and it can therefore be accepted that the proposal will not have a detrimental impact on the supply of business premises at the present time.

The Class B1 use building will be similar in form to the previously approved terrace of houses whilst the rear garden will be replaced with car parking. It is considered that the amended component of the scheme will not result in any unduly adverse impacts in character and amenity terms.

The proposal, in tandem with the care home scheme, will have the potential to support more overall employment than the previous scheme which the applicant has demonstrated is no longer viable. On balance the proposal is considered acceptable.

As amended by documents received 20.05.2014

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |
| 3 | ACA07
ACA07R | Boundary enclosure - no detail submitted
Reason A07 |
| 4 | ACB01
ACB01R | Trees to be retained during building op.
Reason B01 |
| 5 | ACB18 | Trees-Arbicultural Method Statement |

- 6 ACB18R Reason B18
- 6 ACB19 Trees - App'ment of Arboricultural Super
- ACB19R Reason B19
- 7 ACC01 Satisfactory materials (ext'nl surfaces)
- ACC01R Reason C01
- 8 ACC03 Details of windows
- ACC03R Reason C03
- 9 ACH03 Satisfactory parking - full application
- ACH03R Reason H03
- 10 ACH16 Hardstanding for wash-down facilities
- ACH16R Reason H16
- 11 ACH18 Refuse storage - no details submitted
- ACH18R Reason H18
- 12 ACH22 Bicycle Parking
- ACH22R Reason H22
- 13 ACH23 Lighting scheme for access/parking
- ACH23R Reason H23
- 14 ACH29 Construction Management Plan
- ACH29R Reason H29
- 15 ACH32 Highway Drainage
- ADH32R Reason H32
- 16 ACI02 Rest of "pd" Rights - Class A, B,C and E

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

- 17 ACI20 Lifetime Homes Standard/wheelchair homes
- ADI20R Reason I20
- 18 ACI21 Secured By Design
- ACI21R I21 reason
- 19 ACK05 Slab levels - no details submitted
- ACK05R K05 reason
- 20 ACK08 Archaeological access
- ACK08R K08 reason
- 21 ACK09 Soil survey - contaminated land
- ACK09R K09 reason
- 22 ACL03 Site wide Energy statement
- ACL03R Reason L03

23 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to 4l/s in line with the Preferred Standard of the Mayor's London Plan and the submitted flood risk assessment.

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

- 24 Details of the junction of the access road with Grays Farm Road, including sightlines, shall be submitted to and approved in writing prior to the

commencement of development and the works shall be completed prior to first occupation of the building.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interests of highway safety.

25 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 infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. 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 utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

26 A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation and possible mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.

B) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological investigation and possible mitigation in accordance with a Written Scheme of Investigation.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

INFORMATIVE(S)

1 Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.

2 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason: to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres per minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 6 You are reminded of your obligation under Section 80 of the Building Act 1984 to notify the Building Control Section at the Civic Centre six weeks before demolition work is intended to commence. Please write to Building Control at the Civic Centre, or telephone 020 8313 4313, or e-mail: buildingcontrol@bromley.gov.uk
- 7 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 8 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).

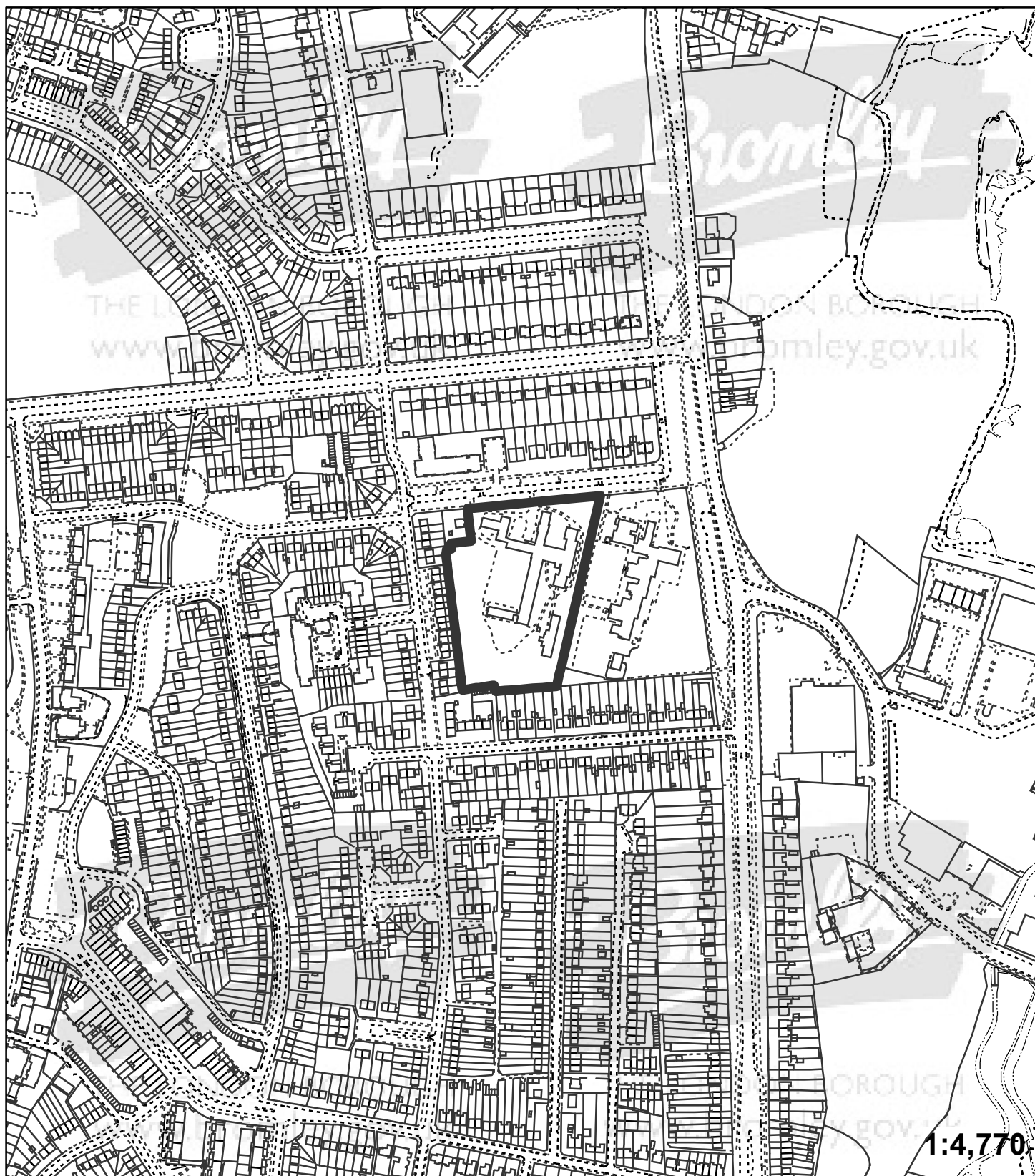
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:14/00820/OUT

Address: Grays Farm Production Village Grays Farm Road Orpington
BR5 3BD

Proposal: Demolition of existing buildings and redevelopment to provide 1,077sqm of use Class B1 floorspace in a detached 2 storey building with accommodation in roof and 45 two storey houses (some with accommodation in roof) with access road and car parking



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

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