

SECTION '2' – Applications meriting special consideration

Application No : 14/00809/FULL1

Ward:
Cray Valley West

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

OS Grid Ref: E: 546899 N: 169722

Applicant : Mr A Heath

Objections : YES

Description of Development:

Demolition of the existing buildings and redevelopment to provide a 75 bedroom care home with landscaping and associated car parking

Key designations:

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

Proposal

Introduction

The application was deferred at the Council's Plans Sub-Committee 1 meeting of 31 July 2014 for the following reasons:

1. In light of a late representation from Education, Care and Health Services raising concerns about demand, to allow time for a discussion between the applicant and the Council regarding the need for this type of accommodation in this location.
2. To allow further examination of concerns about additional traffic close to Grays Farm Infants School, in particular whether traffic calming measures could be introduced.
3. To allow further information to be submitted to address concerns regarding the lack of compliance with UDP Policy EMP5 relating to the loss of employment floorspace.

The late representation from the Executive Director of Education, Care and Health Services was received on 31 July 2014 and requested further details on the local demand for the proposed care home rather than a more regional assessment. Concern was raised that future care home provision may increase the health and social care responsibilities of the Borough for non-residents. The applicant has

responded by providing an updated Needs Assessment which now also looks at the balance of care home provision based on the London Borough of Bromley catchment area. The assessment concludes that there is a significant shortfall of some 1,158 market standard bedspaces. The applicant has also met with the Council's Executive Director of Education, Care and Health Services and any further representations following the meeting will be reported verbally at the meeting.

Applicant comments

The applicant submitted the following additional comments on 13 August 2014 following the deferral of the planning application:

- o it is our view that the findings of the assessment are robust and that the level of need is significant - the statistical basis and methodology on which the assessment is based has been accepted by numerous other local authorities and by inspectors in the context of planning appeals
- o the proposal is not speculative and is being progressed by an experienced national operator and care home developer/investor who would not be looking to make a £7 million capital investment if they were not confident that the local need was substantiated
- o Care UK, who are also represented by the applicant's planning consultant, have recently opened up a care home in Green Street Green (approved against the same adopted policies as continue to apply today) and view the development as one of their most successful homes and are actively looking for alternative sites in the area
- o the fact that other care homes have not come forward in the Borough points more to the scarcity of land in the area, and the difficulties of competing against residential developers, rather than any lack of demand
- o proposed use accords with Policies H4 and C6 of the UDP whilst Annex 6 of the London Plan Housing SPG (November 2012) Annex 6 supports care home provision and points to a potential demand for 465 care home places within Bromley (based on 2012 projections) - this is the sixth highest of the 33 London Boroughs
- o the Council's emerging policy 5.11 supports the provision of specialist housing and older persons accommodation across all tenures and although the supporting text refers to a reduced reliance on residential care homes and encourages an extra care model where residents can receive care in their own homes (a model which we incidentally agree with whole heartedly) this does not negate the requirements for care home places for those most in need
- o emerging Policy 5.11 similarly accepts a potential growth in demand for both nursing and residential care for elderly mentally ill people and in this case the proposed scheme meets a specific dementia care requirement
- o the Council's 'Elderly person's accommodation' Topic Paper of March 2014 notes at paragraph 2.1 that Bromley has the largest elderly population in of all London boroughs and a greater proportion of people aged 85 and over than any other London Borough - this in itself substantiates a local need on the basis that there is a correlation between age and care needs

- o with regards to the concerns raised by Education, Care and Health Services in respect of the impacts on local infrastructure from in-migration, the Topic Paper notes at paragraph 2.13 'the relatively small scale of migration flows of those 65+ during 2011 with the rounded figures suggesting 170 people over 65years moved into the Borough whilst 330 left, giving a net outflow of 160 people over 65 years of age.' - from this analysis it would appear that Bromley residents may currently be placing more strain on services in other areas rather than vice versa
- o the Topic Paper also encourages the provision of new models of accommodation for older people whilst noting the potential growth in demand for both nursing and residential provision for the elderly mental ill.

The updated Needs Assessment includes consideration of the following:

- o growing need for dementia care
- o position of the proposed care home in the local market
- o methodology for assessing need
- o demographics
- o supply of existing care homes
- o planned supply.

The Assessment concludes that:

- o balance of provision in 2015 within the market and the London Borough of Bromley catchment area indicates significant shortfalls of 764 and 1,158 market standard bedspaces respectively, assuming all the planned beds are developed - our more realistic assessment on provision where only planned beds which are under construction are included indicates even larger levels of unmet needs equivalent to 924 and 1,214 market standard bedspaces within the market and Council bedspaces respectively
- o we have calculated significant shortfalls of beds that provide specialist dementia care within dedicated environments, within both catchment areas, indicating a lack of specialist dementia provision in the area
- o it is therefore considered that there is a significant unmet need for additional elderly care home beds.

The applicant has also submitted a Transport Note to respond to the second reason for deferral. The note considers parking demand and vehicle speeds in the surrounding area and concludes that:

- o proposed overall redevelopment of Grays Farm production village will reduce total vehicle movements at the site by 19 two way trips in each of the weekday morning and evening peak hours - on an average weekday this reduction would be a net decrease of 53 two way trips
- o sufficient parking is provided within the care home development, with a parking accumulation assessment showing a peak parking demand of 47% of the 36 car parking spaces proposed
- o on-street parking in the area peaks at school times and the care home development will not generate demand for on street car parking

- o a speed survey has been undertaken which demonstrates low existing vehicle speeds in the area.

It is understood that the Council's Highways Engineers has indicated that there is no requirement for traffic calming measures and any further highways comments will be reported verbally at the meeting.

The applicant has submitted further information to provide clarification regarding employment issues in response to the third ground for deferral. The additional information is summarised as follows:

- o care home development will not result in a loss of business space contrary to Policy EMP5 as new business units are being re-provided on the adjoining part of the site as part of the scheme granted consent under application ref. 14/00820
- o level of re-provided business space is reduced from the existing floor space on the site. However, this is because approx. 50% of the existing space is vacant and despite extensive marketing there has been little or no demand from prospective tenants
- o there is a significant amount of superior office and industrial floorspace currently vacant at the nearby Crayfields Business Park available at competitive rental levels
- o level of business floorspace on the adjoining part of the overall site is the maximum amount that local commercial agents consider has any realistic prospect of being let
- o local commercial agents advise that any demand for business space in this location is for small, self-contained, mixed use buildings as approved
- o size and configuration of the overall site makes it unsuitable for wholly business use redevelopment and full and proper marketing of the existing business space confirms its unsuitability which the Council accepts through resolving to grant planning permission for redevelopment of the site under application reference 12/00776
- o applying the ratio of floor space per job provided the existing units within the care home part of the site would generate 37 jobs - recent surveys undertaken by the owners indicate only 30% of people employed on the site actually live within the borough (i.e. the units employ only 11 local people) - by contrast the proposed care home would provide approx. 70 full time equivalent jobs with the majority of staff being recruited from the local area, improving sustainability.

Education, Care and Health Services Comments

A report objecting to the proposal was received from the Council's Education, Care and Health Services Division on 15 August 2014 as follows:

'It is the contention of the Statutory Director of Social Services that this build is not necessary, and that this is reflected in the Council's existing policy on bed based care as approved by the Council in 2007, and refreshed by the Care PDS Committee as recently as October 2013.

The original application made the claim of a shortfall of 632 beds in London and the south-east. It made no claims for the London Borough of Bromley. There is no accepted way to determine 'demand' for residential beds of the sort proposed by this application, although the applicant utilises a widely used model (Laing and Buisson Market Survey). The model is explicit in stating that the present market is very unclear as a result of the implementation of the Care Act next year and the underlying assumptions arising from the Dilnot Commission. This is more than fairly reflected in the applicant's submission.

There is then no reliable measure of demand in the current climate, and the market leader in modelling itself states that its current model contains many uncertainties. The applicant quotes their use of the Laing and Buisson age standardised demand (ASD) model (para 3.5). Laing and Buisson also accept that there is no simple correlation between the aging population and the need for care home beds, only the need for care. The presumption that one leads to another is simply that.

This is borne out by Laing and Buisson themselves who were commissioned by the Council in 2005 to apply the age standardised demand model to Bromley and stated in their report that:

"ASD is a derived measure of population, and a good guide to how changes in population will affect demand. ASD is more useful as a measure of the change in demand over time due to demographic changes than it is as a guide to actual local demand. This is because patterns of care vary across the UK and this demand need not necessarily be met by care home placements. In the future extra-care housing and intensive homecare could also meet the needs of some people who would otherwise be resident in care homes.

Age-standardised demand for care home places in Bromley will behigher in 2028 than in 2005, based on Office for National Statistics population projections and assuming that current patterns of care continue. This does not, however, mean that actual demand for beds will rise in this manner."

It can be argued, therefore, that the build itself creates the demand. The resubmission shows around 50% of the created demand is to come from Bexley and north Kent ie from outside of the London Borough of Bromley. The borough does not, therefore, accept the shortfall of specialist beds for dementia as given in the revised submission, and questions the methodology used to arrive at the figures given.

Although not yet at approval stage, the draft Local Plan recognises these pressures and states that there should be ..no actions to create a perverse financial incentive favouring the provision of care homes over Extra Care Housing.

The intent of government policy with the passing into law of the Care Act is that citizens should be empowered to remain in their homes for the longest possible time. There is no cut-off on age, nor degree of infirmity. There is also the intention that care costs will be paid up to a prescribed limit by the citizen, after which the state, in the form of the respective local government top tier, accepts financial responsibility. The recent report referenced above from the Alzheimer's Society

emphasises that the lack of appropriate care in the community is the main reason for a decision to seek a care home place. The Borough contends with ever improving care offered through Bromley Health Care, local GPs and the Council itself, remaining in their home for longer is demonstrably achievable for those with dementia and related conditions.

The Adult Social Care Outcomes Framework survey (ASCOF) shows the demand for care home beds in the borough is in decline. The number of placements made by the Council in residential and nursing care has declined over the last 5 years in both categories, from a total of 762 to 590. Details are set out below in Table 1.

The market itself has responded to the decline in demand. Between 2010 and 2014, there has been a reduction in the overall number of beds available in the borough from 1758 to 1629. Reflecting that there is still a need for some nursing care for people with the most complex needs, within these figures there has been a net loss of residential but a gain in nursing beds. . Despite this, one large local residential home holding permission to convert to offer nursing care for the target group identified in this application has, in fact, retained the beds as residential due to lack of demand. A further home has converted a number of its specialist beds to intermediate care, again presumably due to a lack of demand. The applicant also points to a number of consents not yet enacted. Why might this be? There are further complexities in Bromley that must be taken account of when applying a nationally constructed model, locally.

During the period of declining care home numbers the Council has proactively developed an additional 115 extra care housing units as an alternative to residential care, bringing the total number of units available to 301. As acknowledged by Laing and Buisson, the availability of extra care serves to reduce demand for care home places.

The CCG along with LBB have an active programme in place, PROMise, designed to help those with dementia and Alzheimer's remain at home for longer. This is already having a marked impact and is being well received by patients and families alike. This will further dampen demand for this type of placement by local residents.

The applicant contends that a lack of care home places results in "bed blocking" in hospitals. In Bromley these integrated services mean there are no delayed transfers of care from the PRU arising from a lack of social care, which includes care home places.

For those in residential beds, as personal wealth becomes depleted, local government takes-on responsibility for care. At present, we see around one resident a week moving into this category and predict that those numbers will certainly rise if we continue to import those from out of borough. Creating a surplus of beds over the needs of local residents means that the providers will nonetheless need to fill them, drawing-in individuals with complex needs from across the south east who are likely to become a burden on local services.

Choice is vital. We are not saying restrict choice but we believe we can demonstrate we have sufficient beds to meet local needs, and a range of options for supporting residents to stay in their own homes longer. Our health and social care policies aim to continue to reduce demand for this type of provision even as our population ages, and the needs of our older residents become more complex. Approval of this unit would then be in direct conflict with both local and national policy direction for adult care - less bed-based provision and a greater focus on keeping all those who wish to remain in their home, at home.'

Conclusion

At the time of writing the applicant has not had the opportunity to respond to the above comments and any updates, as relevant to the application, will be provided at or before the meeting.

The previous report, amended as appropriate, is repeated below:

Original report

Proposal

The application was submitted alongside a separate outline planning application for Grays Farm Production Village Ltd for 45 residential dwellings and 1,077 sqm of Class B floorspace (14/00820) which was granted planning permission subject to the prior completion of a legal agreement at the Council's Plans Sub-Committee meeting of 31 July 2014.

It is proposed to demolish the former school buildings on the site and erect a 2 / 3 storey building to provide a 75 bedroom care home with associated landscaping and parking provision. The care home will provide 24 hour support and care for the frail elderly and the design reflects up-to date thinking in relation to the care of older people suffering from conditions such as dementia and Alzheimer's. The development will incorporate the following facilities:

- o 75 bedrooms with en-suite bathrooms
- o ground floor internal 'village' with cafe, seating areas, hairdresser's room and a first floor cinema room
- o assisted bathrooms/ wc's, lounges and dining rooms
- o staff lounge and staff changing rooms with showers
- o landscaped garden areas
- o 36 parking spaces.

Vehicular access into the site will be via existing access from Grays Farm Road which will provide a separate entrance for the care home.

The application is accompanied by a Planning Policy Statement which includes the following points:

- o Members resolved to grant planning consent in January 2013 for a mixed use development comprising 2,300 m² of Class B1 and B8 floor space and

- 52 dwellings (ref: 12/00776) - market analysis has since indicated that the business development is not commercially viable and the proposals have been revised to include a mix of uses that will better reflect local needs
- o MedicX, a leading developer and investor of healthcare premises, has agreed terms with Barchester Healthcare, who develop and run industry-leading residential, dementia and nursing care homes and who have a portfolio of over 200 homes across the country
 - o increasing demographic pressures will present increased challenges in meeting the needs of older people within London and the South East - new facility will help to improve the quantity and quality of care services for older people (particularly those with dementia)
 - o research demonstrates that there is a shortfall of 632 modern standard care beds within the relevant catchment area and that this shortfall will increase to 906 beds by 2020
 - o proposal has the potential to free up other sectors of the housing market as residents moving into care home accommodation often 'downsize' from larger dwellings
 - o care home would generate jobs for approximately 70 staff (full time equivalent) including management, technical, administrative, care, nursing, catering and housekeeping positions
 - o HCA Employment Densities Guide (2010) indicates that overall level of employment generation is likely to be greater than might be accommodated within a comparable floorspace in Class B Use
 - o it is expected that the majority of all staff would be recruited from within close proximity to the home and Barchester's recruitment policy will be tailored to maximise local employment opportunities thereby reducing the need for travel and improving sustainability
 - o new care home will create knock-on employment opportunities, for example, during construction and through associated facilities and services to support the on-going operation of the home
 - o care home will have an equivalent building footprint to the earlier commercial scheme, but is based on a revised and improved layout
 - o design of the proposed development is intended to create an environment best suited to the needs of prospective residents and to respect the character of the site and the surrounding area, including the amenity of neighbouring properties
 - o care home will, by necessity, be a relatively large building but the accommodation is designed to be of a domestic scale and appearance and the elevations are articulated to reduce the massing of the building
 - o scale of the building is reduced where closest to the properties in Croxley Green to the west in order to protect residential amenity
 - o layout of the development is designed to achieve a balance between built form, amenity space and car parking provision, whilst at the same time making the best use of the site
 - o building line to Grays Farm Road is set back considerably from the road frontage and this serves to maintain the existing sense of openness in the street scene and the car parking areas will be softened with new landscaping
 - o the care home wing that projects furthest towards the road frontage is positioned to define and enclose the parking area and the care home

- entrance and to provide a visual gateway to the development site and a sense of interest and activity
- o design of the scheme seeks to:
 - o maximise the distances to the properties in Croxley Green and to School House fronting Grays Farm Road
 - o present only a flank elevation to the nearest of the proposed residential properties to the south of the site and to ensure appropriate front to front distances to the proposed new houses elsewhere within the site
 - o allow for large areas of open space and landscaping to be provided around the new building which will soften the overall impact of the development
 - o promote a safe and secure environment with a clear distinction between private and public spaces - gardens are to be securely fenced and the car parking and entrance areas are designed to benefit from good surveillance
 - o height and scale of the proposed buildings has been designed to take account of the context of surrounding developments, the parameters established though the previous commercial scheme and the separation distances to adjoining properties
 - o western part of the building will contain no windows to habitable rooms at second floor level in order to protect the amenity of residents living in Croxley Green
 - o overall massing of the building is to be broken up through a series of set-backs and projections, a varied palette of materials and an interesting roof form
 - o overall height and mass of the care home will be significantly lower than that of the previous commercial scheme and it will be set further back from the boundaries with neighbouring dwellings
 - o overall massing of the building will be further minimised by the fact that the care home's ground floor level will be some 1.5 metres below the garden level of the neighbouring properties to the west due to the need to cut the care home into the existing slope to provide a uniform floor level
 - o minimum separation distance to the properties to the west on Croxley Green will be 15 metres - closest part of the care home building at this point will be the part-two storey service wing, the top floor of which is set within a roof that slopes away from the site boundary and which contains no windows to habitable rooms and therefore provides no opportunities for overlooking of adjoining properties - activity from the proposed back of house facilities will be carefully controlled to minimise any potential impact
 - o nearest two storey element of the care home containing bedroom accommodation will be positioned approximately 23 metres from the properties in Croxley Green and no bedroom accommodation is provided in the roof space adjacent to this boundary - these separation distances are reflective of back to back distances within the local area and the proposal allows for the full retention of the existing boundary planting
 - o previous commercial scheme was set back less than 20 metres from the rear elevation of these houses, was taller than the care home building now proposed, had a more continuous elevation and incorporated car parking directly adjacent to the site boundary
 - o new care home will be set back approximately 25 metres from the rear elevation of the property at School House - care home is restricted to two

- o storeys in height on its western projection in order to further reduce the potential for overlooking
- o having regard to the amenity of prospective residents of the new housing, the care home layout and orientation again ensures that a suitable level of amenity can be achieved with no significant opportunities for overlooking - to the south there will be a minimum distance of 4.5 metres between the flank elevation of the nearest dwelling and the southern flank elevation of the proposed care home
- o proposed accommodation will reflect best practice in the sector for residential dementia and nursing care and specific attributes of the design proposal include:
 - o attractive outlook for prospective residents; the communal areas will face onto the proposed landscaped grounds or have access to first floor terraces
 - o all new bedrooms to be of a generous size and to receive a suitable level of daylight, sunlight and privacy
 - o communal areas of the building are spacious and make use of natural light through generously sized windows
 - o accommodation is subdivided into single bedrooms designed to ensure a personable lifestyle for residents, located within two wings
 - o design exceeds the regulatory requirements set out in The Minimum Standards for Care Homes for older People
 - o level access is provided inside and out, to ensure ease of movement by wheelchair users and older people with mobility aids
 - o secure and accessible environment will be achieved for prospective residents including clearly identified and secure entrances to the building, appropriate lighting, secure garden areas and round-the-clock staffing.

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

- o Geotechnical and Geo-Environmental Report
- o Flood Risk Assessment.
- o Draft Travel Plan
- o Archaeological Desk Based Assessment
- o Energy Statement
- o Arboricultural Impact Assessment
- o Transport Assessment.

The application is also accompanied by a Statement of Community Engagement.

Location

- o 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)
- o site has a frontage onto Grays Farm Road of approx. 110m and a maximum depth from north to south of approx. 155m
- o 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

- o buildings are surrounded by car parking and a substantial area of grassland to the western and southern part of the site
- o 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
- o buildings are subdivided internally to provide 59 small and medium sized business units comprising a total of approx. 2,280m² floorspace
- o 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
- o 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
- o 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
- o 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:

- o overdevelopment
- o excessive height
- o increased traffic
- o detrimental impact on highway and pedestrian safety
- o inadequate car parking
- o new car parking bays should be provided on Cray Valley Road
- o noise pollution
- o light pollution
- o close proximity of building to rear of 17 Croxley Green
- o care home will be preferable to business redevelopment
- o measures to ensure safety of school children such as traffic calming and new paving from the school to the junction of Croxley Green should be secured by condition
- o PetGoods4U employs 6 people, have been based on the site for 2-3 years and wish to remain on the site for years to come
- o proposal is anti-business and against the best interests of the local area
- o units on the site are in high demand and could easily be let
- o proposal will not benefit existing /potential businesses and is purely for short term financial gain
- o numerous commercial premises exist in local boroughs but these are of a substantial size and there is a severe shortage of premises tailored to the needs of small businesses and entrepreneurs wishing to start out
- o tenants were assured that redevelopment of the site would provide commercial units first - this would ensure the seamless transfer of existing tenants without any loss of trade prior to the housing development

- o current proposals require businesses to vacate the units prior to the new units becoming available - this is not an option for established businesses and commercial units should be built first
- o if no tenants are encouraged to fill the premises and existing businesses are encouraged to leave the developer can maximise profits - this is morally wrong
- o Optimum Electrical Ltd has been trading for 26 years, 20 years from Grays Farm
- o cost of relocating will be too much for businesses to bear
- o redevelopment could be planned to allow existing units to stay whilst new ones are built
- o temporary accommodation for existing businesses should be considered
- o estimated 150 jobs will be lost.

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.

Consultations

There are no objections from the Metropolitan Police Crime Prevention Design Advisor.

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

The Environment Agency made no comments on the application.

Thames Water have no objections to the proposal.

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

English Heritage (Archaeology) have no objections to the proposal.

Any further responses to consultations, including any comments from the Council's Highways Engineer, will be reported verbally at the meeting.

Planning Considerations

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

UDP

- o H4 Supported Housing
- o T1 Transport Demand
- o T2 Assessment of Transport Effects
- o T3 Parking
- o T5 Access for People with Restricted Mobility
- o T7 Cyclists
- o T18 Road Safety
- o BE1 Design of New Development

- o C6 Residential Proposals for People with Particular Accommodation Requirements
- o NE7 Development and Trees
- o EMP5 Development Outside Business Areas
- o IMP1 Planning Obligations

London Plan

- o 2.6 Outer London: Vision and Strategy
- o 2.7 Outer London: Economy
- o 2.17 Strategic Industrial Locations
- o 3.8 Housing Choice
- o 3.9 Mixed and Balanced Communities
- o 4.1 Developing London's Economy
- o 4.4 Managing Industrial Land and Premises
- o 4.12 Improving Opportunities for All
- o 5.2 Minimising Carbon Dioxide Emissions
- o 5.3 Sustainable Design and Construction
- o 5.6 Decentralised Energy in Development Proposals
- o 5.7 Renewable Energy
- o 5.12 Flood Risk Management
- o 5.13 Sustainable Drainage
- o 6.1 Strategic Approach
- o 6.3 Assessing the Effects of Development on Transport Capacity
- o 6.9 Cycling
- o 6.10 Walking
- o 6.13 Parking
- o 7.1 Building London's Neighbourhoods and Communities
- o 7.2 An Inclusive Environment
- o 7.3 Designing out Crime
- o 7.4 Local Character
- o 7.6 Architecture
- o 7.8 Heritage Assets and Archaeology
- o 8.2 Planning Obligations
- o 8.3 Community Infrastructure Levy.

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- o Planning Obligations SPD.

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

- o The Mayor's Economic Development Strategy
- o Accessible London: achieving an inclusive environment
- o The Mayor's Transport Strategy
- o Mayor's Climate Change Mitigation and Energy Strategy
- o Sustainable Design and Construction SPG.

Policy H4 of the UDP states that the Council will permit proposals which increase the provision of supported housing, except where it can be demonstrated that there would be significant harm to residential amenity.

The subtext at paragraph 4.26 states that:

'Through the Housing Needs Survey (1999), its Community Care Plan and other strategies, the Council recognises that there are local needs for specialist housing accommodation. These will normally be permitted, but other environmental constraint policies will apply - particularly design and density standards - to ensure that a satisfactory quality of environment is created for the intended occupants, and to safeguard local residential amenity standards.'

Policy C6 of the UDP states that:

'The Council will expect residential proposals designed for people with particular accommodation needs to:

- (i) provide suitably landscaped amenity space; and
- (ii) be conveniently located for a range of local shops and services, including public transport, appropriate to the mobility of the residents.

The subtext at paragraph 13.21 states that:

'The Council wishes to encourage the provision of a high quality living environment for those living in residential/nursing homes or sheltered and other supported accommodation. Easy access to local shops, facilities and public transport will also afford a degree of independence for the residents of such facilities.'

Policy EMP5 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.

Paragraph 50 of the NPPF outlines the need to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. It states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community including older people.

Planning History

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.

Conclusions

The applicant has provided a comprehensive response following the previous deferral for the reasons detailed at the beginning of this report and any additional comments from the Council's Highways Engineer will be reported verbally at the meeting. A detailed objection has been received from the Council's Education, Care and Health Services Division. Development Plan policy promotes the provision of supported housing and there are no policy grounds upon which to resist the proposed facility. On this basis the recommendation remains that planning permission be granted. Members are therefore requested to consider the additional information and comments from the Council's Education, Care and Health Services Division detailed at the beginning of this report and consider whether the reasons for deferral are addressed. The previous conclusion to the report is repeated below:

The care home will replace the previously proposed commercial buildings and the main issues to be considered in this case are as follows:

- o whether the proposal complies with Policy EMP5
- o impact on the character and residential amenities of the area.

The care home will be lower in height and occupy an equivalent footprint to the previously proposed commercial buildings. It is considered that the building has been carefully designed to respect the amenities of the occupants of nearby residential dwellings, including the measures detailed in the Planning Policy Statement summarised above. The scale of a viable care home facility and the operational requirements influencing the layout demand large and often bulky buildings. The applicant has sought to mitigate the impact of bulk through measures to break up the massing of the elevations including set-backs and projections and a variety of materials.

The applicant has not sought to specifically address the requirements of Policy EMP5 but seeks to rely on the benefits of the scheme outweighing the harm in policy terms from non-compliance with Policy EMP5. The application indicates that the proposal will generate around 70 full time equivalent jobs with further economic benefits relating to support services. The application states that the care home will have the potential to support more jobs than the previously proposed commercial floorspace. The applicants have demonstrated that the proposal will result in a much needed care facility. The application should be considered alongside the application for the development of the remainder of the site which includes 1,077m² business floorspace and which seeks to address Policy EMP5.

Policy C6 of the UDP requires the provision of easy access to facilities to afford prospective residents a degree of independence. The application states that the proposed facility is for the frail, elderly who will have limited mobility and who will not leave the care home unsupervised.

It is considered that the benefits of the scheme are sufficient to outweigh the harm from non-compliance with Policy EMP5 whilst the scheme is considered acceptable in terms of the impact on the character of the area and on the amenities of the occupants of nearby residential dwellings.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1ACA01	Commencement of development within 3 yrs
ACA01R	A01 Reason 3 years
2ACA04	Landscaping Scheme - full app no details
ACA04R	Reason A04
3ACA07	Boundary enclosure - no detail submitted
ACA07R	Reason A07
4ACB01	Trees to be retained during building op.
ACB01R	Reason B01
5ACB18	Trees-Arboricultural Method Statement
ACB18R	Reason B18
6ACB19	Trees - App'ment of Arboricultural Super
ACB19R	Reason B19
7ACD06	Sustainable drainage system (SuDS)
AED06R	Reason D06
8ACH03	Satisfactory parking - full application
ACH03R	Reason H03
9ACH22	Bicycle Parking
ACH22R	Reason H22
10ACH23	Lighting scheme for access/parking
ACH23R	Reason H23
11ACH29	Construction Management Plan
ACH29R	Reason H29
12ACH32	Highway Drainage
ADH32R	Reason H32
13ACI20	Lifetime Homes Standard/wheelchair homes
ADI20R	Reason I20
14ACI21	Secured By Design
ACI21R	I21 reason
15ACK01	Compliance with submitted plan
ACK05R	K05 reason
16ACK05	Slab levels - no details submitted
ACK05R	K05 reason
17ACK08	Archaeological access
ACK08R	K08 reason
18ACL03	Site wide Energy statement

ACL03R Reason L03

- 19 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.
- 20 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.
- 21 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 wwriskmanagement@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)).

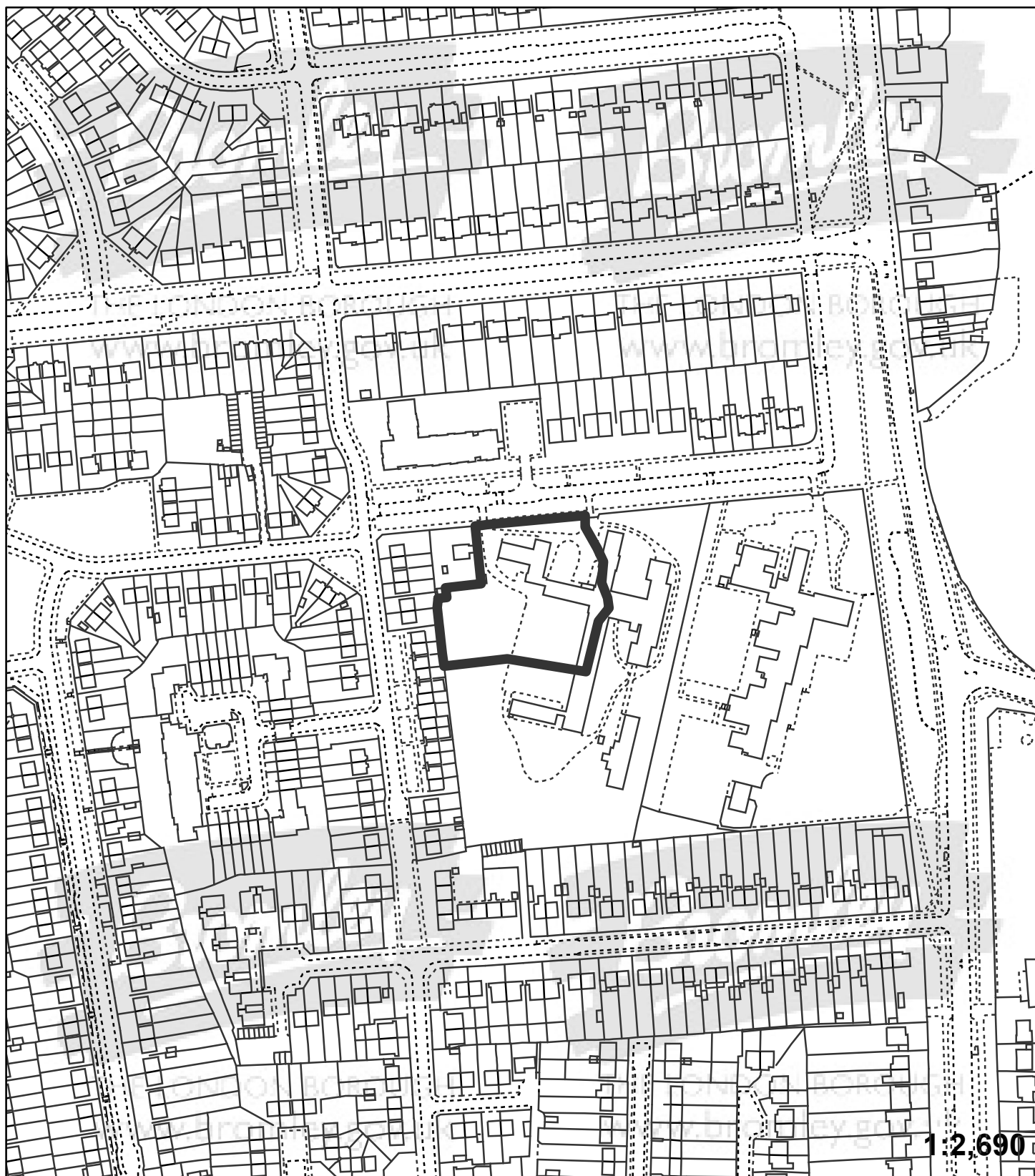
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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

Application:14/00809/FULL1

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

Proposal: Demolition of the existing buildings and redevelopment to provide a 75 bedroom care home with landscaping and associated 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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