

Decision Maker: EXECUTIVE

**FOR PRE-DECISION SCRUTINY AT THE RENEWAL,
RECREATION AND HOUSING POLICY DEVELOPMENT AND
SCRUTINY COMMITTEE AND DEVELOPMENT CONTROL
COMMITTEE**

Date: DCC: 11 January 2022
RRH PDS: 26 January 2022
Executive: 9 February 2022

Decision Type: Non-Urgent Executive Key

Title: ORPINGTON TOWN CENTRE SUPPLEMENTARY PLANNING
DOCUMENT – CONSULTATION DRAFT

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
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Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: Orpington; Farnborough and Crofton; Petts Wood and Knoll

1. Reason for report

- 1.1. This report recommends that the revised Orpington Town Centre Supplementary Planning Document (SPD) is published for six weeks public consultation. The SPD provides guidance to assist with the determination of planning applications in the Orpington Town Centre area, including guidance on design requirements.

2. RECOMMENDATION(S)

- 2.1. That Development Control Committee endorse the draft Orpington Town Centre Supplementary Planning Document (shown at Appendix 1) for six weeks public consultation, noting that there may be further minor amendments prior to consultation.
- 2.2. That Members refer the matter to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny.

- 2.3. That Executive approve the draft Orpington Town Centre Supplementary Planning Document (shown at Appendix 1) for six weeks public consultation.**
- 2.4. That Executive authorise the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to approve any further minor changes to the draft Orpington Town Centre Supplementary Planning Document (shown at Appendix 1) ahead of public consultation.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
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Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Regeneration
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Financial

1. Cost of proposal: Costs associated with publicising the draft SPD will be met from the Planning Policy and Strategy budget.
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Existing Revenue Budget for 2021/22
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Personnel

1. Number of staff (current and additional): 10fte
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Town and Country Planning (Local Planning) (England) Regulations 2012
 2. Call-in: Applicable: Further Details – Executive Decision
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Orpington ward councillors have been engaged on this work from an early stage. Officers have held several meetings with Orpington councillors and invited feedback on different iterations of the draft SPD. Comments were invited on the final draft SPD document; a response from one ward councillor was received, which expressed general support for the SPD.

3. COMMENTARY

Background

- 3.1. A report to Development Control Committee, Renewal, Recreation and Housing Policy Development and Scrutiny Committee (RRHPDS) and Executive in early 2020 set out the intention to prepare to produce a Supplementary Planning Document (SPD) to guide development in Orpington Town Centre¹. This proposed approach was agreed in April 2020².
- 3.2. A consultation exercise to inform the SPD was conducted between 15 July and 5 October 2020, seeking views on the future of Orpington Town Centre and what the proposed SPD should focus on. The consultation set out a number of key themes and related questions to focus representations. The consultation was conducted using Commonplace, an online consultation portal which includes the option of providing feedback using a mapping tool³ as well as via written response⁴.
- 3.3. A summary of the feedback received during the consultation, and the Council response to this feedback, is provided in the consultation statement at Appendix 2.

Draft Orpington Town Centre SPD

- 3.4. The draft SPD (at Appendix 1) first sets out the relevant local, London-wide and national policy framework which underpins the guidance; and then describes the context of the area with reference to townscape, topography and other important considerations.
- 3.5. The draft SPD then sets out the following six design principles that are considered essential components in delivering good quality design, and which are widely documented (e.g. in Development Plan policy and national planning policy) as being among the key characteristics of successful well-designed places:
 - Contextual (Character and Identity)
 - Responsive (Architecture and Landscape)
 - Connected (Movement and Connectivity)
 - Inclusive (Access and Inclusion)
 - Healthy (Health and Well-being)
 - Sustainable (Sustainable Design, Adaptability and Resilience)
- 3.6. These principles mirror the design principles proposed in the emerging Bromley Design Guide. Having these consistent principles threaded through the borough's planning guidance is important as it creates consistency and sets out clear design parameters which development proposals should consider from the very first stages of designing a scheme.

¹ 'TOWN CENTRE PLANNING POLICY STRATEGY: BROMLEY AND ORPINGTON', available from: <https://cds.bromley.gov.uk/ieListDocuments.aspx?CId=117&MID=6621>

² Statement of Executive Decisions on reports due to be considered at the cancelled Executive meeting on 1st April 2020 following consultation with PDS Committee Members, available from: <https://cds.bromley.gov.uk/documents/b50014566/Decision%20Statements%20Wednesday%2001-Apr-2020%2019.00%20Executive.pdf?T=9>

³ Details available from: <https://orpingtontowncentremap.commonplace.is/comments>

⁴ Details available from: <https://orpingtontowncentre.commonplace.is/overview>

- 3.7. The principles are supported by guidance notes which are a short summary of how the principles should be applied, and which cite specific policy and guidance which is relevant to the respective principles.
- 3.8. The SPD then sets out three character areas and six sub-areas within them. These areas were derived through consideration of the context of the wider area and represent those parts of the area which are considered to have similar characteristics. They are not intended to be finite boundaries; they are identified for the purposes of the SPD to set out relevant guidance applicable to each area. They have been drawn with deliberately 'soft' edges reflecting the fact that boundaries between character areas are fluid rather than 'fixed'.
- 3.9. There are a series of general guidance notes which apply across the character areas, relating to various topics including density, tall buildings and sustainability.
- 3.10. More specific guidance is provided for each character area. This includes some key parameters to guide the development of specific sites in the areas (where appropriate) and the identification of potential development opportunities (including allocated and non-allocated sites). The character area guidance sets out detailed design considerations for the areas, including identification of relevant reference heights to inform the assessment of the height of proposals; details of specific public realm and green connections that should be provided; and, where appropriate, details of any prominent materials and design styles which could influence the style of new development. Each character sub-area includes a plan of area.
- 3.11. The guidance in the draft SPD has been developed by the Council's policy and urban design officers, with consideration of the national, London-wide and local planning framework, including the emerging emphasis on design quality in national policy. Some external urban design advice was sought to assist officers with the preparation of the draft SPD and consideration of the key issues in the area. Officers have with engaged councillors at various stages of preparation of the SPD, namely with the three Orpington ward councillors, the Portfolio Holder for Renewal, Recreation and Housing and the chairman and vice-chairman of Development Control Committee.
- 3.12. Officers are continuing to update the figures in the draft SPD, particularly the addition of details to figures 5 to 10 to visualise the SPD guidance for each sub-area (e.g. details of key connections, green spaces, development opportunities). The intention is for these figures to be finalised ahead of public consultation, but this may be after consideration by committees. The report recommendation therefore asks Executive to authorise that any minor updates to the draft SPD, to reflect the above minor changes to the draft SPD mapping, can be approved by the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing; this approval is envisaged to be in writing, i.e. exchange of emails.

Next steps

- 3.13. If approved, the SPD will be subject to six weeks public consultation. The Regulations require a minimum of four weeks consultation; however, the Bromley Statement of Community Involvement (SCI) specifies a minimum of six weeks. Consultation will be undertaken in line with the SCI.
- 3.14. The local election purdah period will commence in mid to late March and last until election day on 5 May 2022. The consultation is likely to launch prior to the purdah period, but undoubtedly part of the consultation will overlap with the purdah period. However, as the SPD sets out guidance to be used to assess future planning applications (rather than making decisions itself) and could be considered normal Council business (linked to planning legislation), it is

considered that the consultation on the SPD would not be in contravention of guidance on what can be publicised during the purdah period.

- 3.15. Following public consultation, all representations will be considered, and, where necessary, amendments to the SPD will be proposed. An adoption version of the SPD will then be put forward for consideration by committees. The adoption of the SPD is a matter for the Executive.

4. POLICY IMPLICATIONS

- 4.1. SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.
- 4.2. The Orpington Town Centre SPD provides guidance to assist with the implementation of the Local Plan, London Plan, NPPF and other documents. This includes guidance notes which translate these policy requirements and set out the Council's interpretation of the requirements in relation to Orpington.

5. FINANCIAL IMPLICATIONS

- 5.1. The production of the Orpington Town Centre SPD and the costs of public consultation will be funded from the Planning Policy and Strategy budget.

6. LEGAL IMPLICATIONS

- 6.1. The draft SPD has been prepared in line with relevant planning guidance and regulations, including the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If adopted following public consultation, the SPD will be a material consideration in the determination of relevant planning applications.
- 6.2. A Screening Statement to determine the need for a Strategic Environmental Assessment (SEA) has been prepared by officers, in accordance with the requirements of European Directive 2001/42/EC; and the Environmental Assessment of Plans and Programmes Regulations 2004; this is provided at Appendix 3. The screening has concluded that an SEA does not need to be prepared as the SPD does not introduce new policies but provides further guidance on adopted Development Plan policy. This policy has been sufficiently appraised in the Sustainability Appraisals of the Local Plan and London Plan documents; it is considered that the Orpington Town Centre SPD will not result in any additional significant effects to those already identified through these higher-level Sustainability Appraisals.
- 6.3. This approach is consistent with national planning guidance which states that SPDs are only likely to require an SEA in exceptional circumstances, where they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies.
- 6.4. There is a requirement to consult three statutory consultation bodies designated in the SEA Regulations (the Environment Agency, Historic England and Natural England) on whether an environmental assessment is required. Officers have consulted each of the three bodies on the screening statement provided at Appendix 3; details of the responses are provided in the Screening Statement appendix. To date (as of 20 December 2021), the Environment Agency and Natural England have confirmed that they agree that a SEA is not required and added no further comment. Historic England had not responded as of this date.

<p>Non-Applicable Sections:</p>	<p>IMPACT ON VULNERABLE ADULTS AND CHILDREN</p> <p>PERSONNEL IMPLICATIONS</p> <p>PROCUREMENT IMPLICATIONS</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf</p> <p>London Plan (adopted 2 March 2021), available from: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (July 2021) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>National Planning Practice Guidance – https://www.gov.uk/guidance/plan-making</p> <p>The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) - https://www.legislation.gov.uk/uksi/2012/767/contents</p>