

Decision Maker: EXECUTIVE

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

Date: DCC: 13 June 2023
RRH PDS: 15 June 2023
Executive: 5 July 2023

Decision Type: Non-Urgent Executive Key

Title: ADOPTION OF THE ORPINGTON TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

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

1. Reason for report

- 1.1. This report recommends the adoption of the Orpington Town Centre Supplementary Planning Document (SPD). The SPD provides guidance to assist with the determination of planning applications in the Orpington Town Centre area, including guidance on design requirements.
 - 1.2. A draft SPD underwent public consultation from 9 March 2022 to 1 July 2022. A significant number of responses were received covering a number of issues. The final SPD includes a number of amendments in response to comments received.
-

2. RECOMMENDATION(S)

For Development Control Committee and Renewal, Recreation and Housing PDS Committee:

- 2.1 That members note the Orpington Town Centre Supplementary Planning Document (shown at Appendix 1) will be presented to Executive for adoption.

For the Executive:

- 2.2 That Executive adopt the Orpington Town Centre Supplementary Planning Document (shown at Appendix 1) as a local development document, subject to any further minor changes (e.g. related to formatting or mapping) prior to adoption.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
-

Transformation Policy

1. Policy Status: Existing Policy – document provides guidance to assist the implementation of adopted Development Plan policy set out in the Bromley Local Plan and the London Plan.
 2. Making Bromley Even Better Priority (delete as appropriate):
(3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
-

Financial

1. Cost of proposal: Costs associated with publicising the adopted SPD will be met from the Planning Policy and Strategy budget.
 2. Ongoing costs: Not Applicable:
 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 2023/24
-

Personnel

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

Legal

1. Legal Requirement: Town and Country Planning (Local Planning) (England) Regulations 2012
 2. Call-in: Applicable: Further Details – Executive Decision
 3. It is necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it. It is not anticipated that adoption would adversely affect any of those objectives.
-

Procurement

1. Summary of Procurement Implications: N/A
-

Property

1. Summary of Property Implications: N/A
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: the SPD will assist the implementation of Development Plan policies which seek to reduce carbon emissions.
-

Impact on the Local Economy

1. Summary of Local Economy Implications: The Orpington Town Centre SPD supports the implementation of London Plan and Local Plan economic policies.
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: The Orpington Town Centre SPD supports the implementation of London Plan and Local Plan policies relating to health and wellbeing.
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Ward Councillors for Orpington were involved in the preparation of the draft SPD from an early stage. All ward councillors were notified of the consultation on the draft SPD. No comments were received.

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 SPD should focus on. Details of the feedback received during the consultation, and how this feedback informed the draft SPD, is provided in the consultation statement at Appendix 2.

Consultation on the draft Orpington Town Centre SPD

- 3.3 Executive approved the draft Orpington Town Centre SPD for consultation at their meeting of 9 February 2022³. The Council consulted on the draft SPD from 9 March 2022 to 1 July 2022. The consultation statement (provided at Appendix 2) sets out details of how the consultation was undertaken (section 5); summaries of the responses received (section 6); and details of how the Council has addressed these responses in the final SPD (section 7).

Proposed adoption draft Orpington Town Centre SPD

- 3.4 The guidance in the 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. The proposed adoption draft SPD at Appendix 1 includes a number of amendments in response to comments received during the public consultation, as well as additional amendments following further internal discussions.
- 3.5 The SPD first sets out relevant background information and a vision for the town centre. An amendment has been made to this section to clarify the role of 'development opportunities' included elsewhere in the SPD.
- 3.6 It then sets out the relevant local, London-wide and national policy framework which underpins the guidance and describes the context of the area with reference to townscape, topography and other important considerations. Additional policy and guidance references have been added following consultation.
- 3.7 The 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

¹ TOWN CENTRE PLANNING POLICY STRATEGY: BROMLEY AND ORPINGTON, available from: https://cde.bromley.gov.uk/documents/s50080729/20200310114417_017114_0037666_Executive010420DRAFTTownCentrePlanningPolicyStrategyBromleyandOrpi%2018.pdf

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://cde.bromley.gov.uk/documents/b50014566/Decision%20Statements%20Wednesday%2001-Apr-2020%2019.00%20Executive.pdf?T=9>

³ ORPINGTON TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT – CONSULTATION DRAFT, available from: <https://cde.bromley.gov.uk/documents/s50095929/Exec%20090222%20Orpington%20SPD%20Report.pdf>

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)

3.8 These principles mirror the design principles proposed in the emerging Urban Design Guide SPD. 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.

3.9 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. In response to comments received during public consultation, amendments have been made to the design guidance notes relating to some of the principles, primarily the addition of further policy and guidance references.

3.10 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'. An amendment has been made to clarify that the sub-areas are not self-contained in terms of the impacts of development, and that proposals in one area can impact on another area, or areas.

3.11 There are a series of general guidance notes which apply across the character areas, relating to various topics including density, tall buildings and sustainability. For transport and connectivity, a map is provided at Figure 4 to show the location of potential new connections to improve connectivity across the town centre. This map has been amended following consultation to clarify that these routes are not literal; they do not mean that buildings will be demolished to make way for new roads or paths, they merely show that where development comes forward, the Council would like to see connectivity improvements in these directions.

3.12 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. The development opportunities are indicative, as only the Local Plan allocates 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.

3.13 Each character sub-area includes a plan of area which visualises the key elements of the specific character area guidance.

3.14 A number of amendments have been made to the character area sections, notably the

Market Square, Orpington College & the Walnuts Shopping Centre and Leisure Centre section. A significant number of comments received related to this area. The following amendments have been made:

- Guidance provided on the leisure centre, setting out the preferred option of retention within the town centre and highlighting relevant policies that will apply where any redevelopment comes forward. There is also new guidance encouraging provision of temporary facilities during any closure period; where temporary reprovision is not possible, the SPD states that any closure period should be kept to a minimum.
- An amendment to clarify the guidance relating to a potential tall building at the Walnuts Shopping Centre site.
- Guidance on the Saxon day centre, setting out that any redevelopment should ensure improved quality provision and should remain equally as accessible for its users. The new guidance encourages provision of temporary facilities during any closure period; where temporary reprovision is not possible, the SPD states that any closure period should be kept to a minimum.
- An amendment to guidance relating to Orpington College to note that Local Plan policies 20 and 27 will be key considerations for any development that comes forward on the college site.

3.15 The Orpington Station & York Rise sub-area has also been amended to remove reference to the Site 12 development opportunity, as this site now has permission and is progressing towards completion.

4. TRANSFORMATION/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.

5. FINANCIAL IMPLICATIONS

5.1 The production of the Orpington Town Centre SPD and the costs associated with adoption will be funded from the Planning Policy and Strategy budget.

6. LEGAL IMPLICATIONS

6.1 The 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, the SPD will be a material consideration in the determination of relevant planning applications. Any requirements relating to adoption will be undertaken in line with regulations.

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 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 prior to the consultation on the draft SPD and as part of the draft SPD consultation. Comments received are set out in Appendix 3.
- 6.5 The screening statement has been updated following the consultation and consideration of comments on the SEA from two respondents (an individual and Historic England). Historic England raised concerns that the SPD constituted new policy and allowed tall buildings without proper assessment, and noted that this may have an adverse impact on the historic environment. As a result they considered that an SEA would be required.
- 6.6 Officers have reviewed the SEA screening statement in light of the comments received, and consider that the responses to the SEA criteria set out in tables 1 and 2 remain appropriate as set out in the initial draft SEA screening statement. As noted above, officers consider that an SEA will not be required for the Orpington Town Centre SPD.

7. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 7.1 The Orpington Town Centre SPD supports the implementation of London Plan and Local Plan policies on carbon reduction. The SPD does not introduce new policy but will help to deliver existing policy in the Orpington Town Centre area and lead to positive outcomes.

8. IMPACT ON THE LOCAL ECONOMY

- 8.1 The Orpington Town Centre SPD supports the implementation of London Plan and Local Plan economic policies, particularly policies which promote economic activity in town centres.

9. IMPACT ON HEALTH AND WELLBEING

- 9.1 The Orpington Town Centre SPD supports the implementation of London Plan and Local Plan policies relating to health and wellbeing, including policies which aim to protect social infrastructure. The SPD includes the 'Healthy' design principle which notes that development proposals should seek to promote and prioritise health and well-being.

<p>Non-Applicable Sections:</p>	<p>IMPACT ON VULNERABLE ADULTS AND CHILDREN</p> <p>PERSONNEL IMPLICATIONS</p> <p>PROCUREMENT IMPLICATIONS</p> <p>PROPERTY IMPLICATIONS</p> <p>CUSTOMER IMPACT</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Bromley Local Plan 2019, available from: https://www.bromley.gov.uk/downloads/file/51/bromley-local-plan</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), available from: 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>