B.B.R.A.G.

THE BROMLEY BOROUGH ROADS ACTION GROUP

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Committee Members: P.Appleby, R.W.Lawson, M.J.Stilwell

Mr S. MacMillan
Chief Planner
London Borough of Bromley
Stockwell Close
Bromley
BR1 3UH

20 September, 2004

Reference DC/04/03193/Full1 (Tesco Redevelopment of Multi-Storey Car Park, Station Road, Orpington).

Dear Mr MacMillan,

On behalf of BBRAG, I have the following comments to make about the new planning application for the above mentioned site:

1. Summary.

The changes made from the previous planning application appear to be relatively trivial in relation to our previous complaints about this development. The revisions to the application also go nowhere to meeting the complaint that the application is not in accordance with the Planning Brief for the site.

2. Height and Dominance of the Building.

Although the developer has apparently reduced the height of the building somewhat, it is still a very substantial structure which will certainly overshadow neighbouring residential properties.

3. Architectural Merit and Consistency With Surrounding Properties.

No improvements have been made to the architectural merit of the building and the design is still exceedingly bland and unappealing. It is of course totally inconsistent with the surrounding residential and retail properties, which on three sides are of 1930s date. In addition it is totally different to the scale of those structures, and indeed will be larger and more bulky in appearance than the more modern office properties to the north. The slight reduction in footprint by the moving back of the frontages and the slight reduction in height are very trivial changes.

4. Transport - Car Parking Provision

A separate note is attached which goes into some detail on the provision of public car parking. The new application has only a trivial change to public car parking provision which is still totally inadequate to deal with existing, let alone future potential demand, for public car parking.

If the application is allowed to proceed, then major negative consequences will arise with regard to the commercial vitality of Orpington as a business and retail centre.

5. Transport - Traffic and Air Pollution Issues

A separate note is also attached which covers the traffic and associated air pollution issues from this development. In essence, the size of this development, which will attract shoppers from a very wide area, will lead to an increase in car journeys and an associated increase in traffic congestion in an area that is already heavily congested at certain times.

We believe that the Traffic Assessment is totally unrealistic and does not reflect the existing situation, let alone the future scenario.

6. Still Not In Accordance with the Planning Brief.

The proposed development still is not consistent with the Planning Brief produced by the council for this site and that is sufficient reason alone under planning law to reject this planning application - see an Appendix for a note on that.

We therefore urge that this application be rejected and that the developer be asked to revise it so that it meets our objections, tackles the objections made by your own independent transport consultants, and is made consistent with the original Planning Brief for the site.

Yours sincerely

Roger Lawson
Secretary & Treasurer
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Appendix - The Planning Brief

In December 2001 the council issued a "Planning Brief" for the site. This document covered the background to the site and some of the proposed uses. It was issued to potential developers who might wish to purchase the site and build on it. In summary it says the following about the proposed uses:

- *"….this site is considered appropriate for a "mixed-use" development to complement the existing economic and social activity.*" It then has three headings of Retail, Leisure and Residential.

- Under Retail it says: "*Any proposed retail use should have no detrimental effect on the town as a whole. The use, therefore, should not only be one that attracts the general public but one that also complements the existing shopping facilities in the town. Retail uses could include small units associated with a larger leisure element….*"

- Under Leisure it says: *"Leisure uses could include cinemas, and/or health & fitness club and restaurant(s)."*

- Under Residential it says: *"Any residential scheme should seek a high-quality sustainable, living environment."* It also suggests it could be relatively high density.

The impression given is that any development will be of smaller facilities with a mix of retail, leisure and housing. What is now being proposed is a very large supermarket, with some "affordable" housing, a small medical centre to house the existing health facility, but no leisure facilities at all. And the retail part of it hardly "complements" the existing Orpington town centre shops as there is already a supermarket present there and the Tesco store will no doubt be retailing non-food merchandise as well. The size of the proposed Tesco store in fact will cause it to dominate rather than complement the other retail facilities in Orpington.

Note that Planning Briefs should be taken into account in the planning process when considering the acceptability of particular proposals as is made clear in PPG 1 and in the note entitled "Planning and development briefs: a guide to better practice" produced by the ODPM. Failure to adhere to the development principles set out in a Planning Brief is sufficient reason to reject the Planning Application, particularly when there is widespread consultation on the Planning Brief as was the case in this example.

In addition to the above I wish to point out that although the Planning Brief itself does not mention any retention of existing public parking provision, I understand that copies of the Planning Brief sent to potential developers and other parties had a covering letter or note that specified that the new development must contain 350 public spaces (I am relying on a letter to me dated 20th December 2001 from Rita Westlotorn for that information). In practice therefore that could be seen as a part of the Planning Brief, or a condition for development. It has clearly been breached in that the proposed development only provides provision for 166 public spaces.

In addition Rita Westlotorn sent an email to Councillor John Holbrook on the 10th April 2002 stating "*The leased car parking spaces (282) are to be replaced in any new re-development, as are at least 350 public parking spaces.*" which is further evidence of the intention of the Planning Brief and the consultation that took place on it.

In conclusion, these failures to adhere to the conditions laid down in the Planning Brief, and the fact that the proposed development is clearly very different to that anticipated by the terms of the Planning Brief, suggest that not only should the current planning application be rejected, but that all similar proposals should be rejected. In other words, it is not possible to make the proposals compliant with the Planning Brief by making minor revisions to the plans, as has been done to date. The proposals need reconsidering by the developer in their entirety.

Note that for reasons that have not yet become plain, it seems the Planning Brief was never formally adopted by the council. However we understand it was put out to public consultation and that comments were received on it. Indeed Tesco seem to be under the impression that they were adhering to the Planning Brief and a reference to Supplementary Planning Guidance or SPG (a.k.a. a Planning Brief) is even present in the latest application. It would appear that any formal approval of the Planning Brief was purely an oversight by council staff (at least nobody seems to be willing to admit to making a decision not to put it forward for approval) and we believe it may therefore be technically incorrect to assume that the Planning Brief is not in effect with regard to this site