Strategic planning application stage 1 referral


The proposal

Demolition of existing care home and erection of a part one/two/three storey building, comprising 77 retirement living apartments together with residents facilities, 49 car parking spaces, cycle parking, refuse storage and associated landscaping.

The applicant

The applicant is Methodist Homes (MHA). The agent is Savills and the architect is PRC Architecture & Planning.

Strategic issues

The proposed redevelopment of the site is supported in principle. Outstanding issues with regards to the affordable housing should, nevertheless, be addressed if the application is referred back to the Mayor.

Recommendation

That Bromley Council be advised that while the application is generally acceptable in strategic planning terms, the application does not comply with the London Plan, for the reasons set out in paragraph 27 of this report; but that the possible remedies set out in this report could address these deficiencies. The application does not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

Context

1 On 29 June 2015 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 5 August 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under Category 3E of the Schedule to the Order 2008:
“1. Development
(a) which does not accord with one or more provision of the development plan in force in the area in which the application site is situated; an
(b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within the following class in the Use Classes Order:
   (x) Class C2 (residential institutions).”

3 Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The 0.855 hectare application site is located in a predominantly residential area of Bromley on the south side of Orchard Road, between Ashmead Gate and Baytree Close with High Grove to the rear.

6 The application site comprises a care home known as St Raphael’s which closed in March 2015. The L-shaped property contains 85 rooms in a traditional care home arrangement (Use Class C2). The facility has provided nursing and dementia care to those over 65 for over 60 years and extensions were added to the building in the 1950’s and 1980’s to improve its facilities. However, today the property is no longer fit for purpose, with limited number of ensuite bedrooms and no rooms for couples.

7 The site is accessed from Orchard Road, a primary route which runs north of the site on an east-west axis.

Details of the proposal

8 The proposal is for the construction of 77 self-contained apartments, in a mix of 1 and 2 bedrooms. The proposal also includes resident facilities comprising bistro/restaurant, lounge, library & IT and well-being suite (hairdressing, beauty salon and assisted bathing) with multipurpose activity/meeting rooms, cinema rooms and a guest visitors suite. Staff facilities, electrical buggy store and associated access and parking (49 spaces including 9 disabled) are also part of the proposal. The proposed development’s overall floorspace is 9,130 sq.m (GIA) of which 20% is for communal areas.

9 The proposed MHA model of retirement living with care is an alternative to a traditional care home. Residents have their front door and a property that is theirs. The development also provides extensive care and support with a staff team and an emergency call service available on site 24 hours a day. A range of care packages are also available including care in the home and specialist dementia care. The applicant is of the view that the proposal falls within the same Use Class as the established existing use of the site as a former care home (Use Class C2).

Case history

10 The case has no strategic planning history.
Strategic planning issues and relevant policies and guidance

11 The relevant issue and corresponding policy is as follows:

- Housing  
  *London Plan; draft Interim Housing SPG*

12 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Bromley Council’s adopted Unitary Development Plan (UDP) Written Statement and the UDP Proposals Map (2006) and the 2015 London Plan.

13 The following are also relevant material considerations:

- The National Planning Policy Framework and National Planning Policy Guidance;
- Minor Alterations to the London Plan – draft Housing standards and Parking standards;
- The Mayor’s draft Interim Housing Supplementary Planning Guidance (May 2015);
- The Council’s Local Plan Draft Policies and Designations document (2014);
- Bromley Council’s Affordable Housing SPD (March 2008).

Principle of development

14 London Plan Policy 3.3 seeks to increase London’s supply of housing and in doing so sets borough housing targets. The 2015 London Plan sets Bromley Council a minimum target of 641 additional homes per year between 2015 and 2025, which the proposal will contribute to.

15 The London Plan also identifies the need for London’s housing market to meet the requirements of the capital’s changing age structure, in particular the varied needs of older people. The redevelopment of the existing care home which is now closed will contribute towards meeting London’s need for specialist housing set out in the London Plan which identifies for Bromley an annual indicative requirements benchmark of 205 homes between 2015 and 2025.

16 The principle of the redevelopment of the site to provide specialist accommodation for older people is therefore strongly supported in strategic terms in accordance with London Plan Policies 3.3 and 3.8.

Affordable housing

17 It is proposed that the development will provide 77 self-contained apartments, in a mix of 23 x 1 bed and 54 x 2 bed apartments and that these apartments (leasehold) will be available for purchase, part purchase (shared ownership) or to rent.

C2/C3 use classification and affordable housing

18 Past practice on similar applications has demonstrated that it may sometimes be difficult to categorise specialist housing for older people clearly under the Use Classes Order. Where standalone retirement units are proposed with independent living or flexible care, uses may appear to straddle the C2 (residential institution including nursing and care homes) and C3 (dwelling houses) use categories.
19 Previous cases have shown that where independent living units can be bought or rented as if they were residential properties as it is the case in this proposed scheme they should be treated as C3 use, and therefore, subject to affordable housing policy.

20 The submitted application classifies the whole development as C2 use ‘Residential accommodation and care to people in need of care’. However, the Council’s view is that the development can be more closely classified as C3 sheltered accommodation and that the level of care being provided as set out in the submitted documents does not constitute a Use Class C2 Care home (as per London Plan Policy 3.8 and glossary).

21 In the absence of information regarding how this definition has been reached, the applicant should provide further information on the proposed care products to be made available, layouts of the extra care flats, details of the provision of communal facilities, details of the proposed service charges and the age restrictions attached to the occupation of the extra care units as well as the proportion of units for market or shared ownership in order for the GLA to make an appropriate assessment of the land use. The GLA would be keen to explore the matter further with the applicant and the Council to clarify the status of the development.

22 Nevertheless, it is worth noting that, as stated in London Plan paragraph 3.51, in the view of the scale of the projected growth in London’s older population and the housing affordability issues it raises, the Plan supports boroughs in seeking application of the principles of its affordable housing policies to the range of developments – including those falling within Use Class C2 – which cater specifically for older people.

Community Infrastructure Levy

23 The Mayor has introduced a London wide Community Infrastructure Levy (CIL) which came into effect on 1st April 2012, and it will be paid on the commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor’s CIL will contribute towards the funding of Crossrail. The Mayor has arranged boroughs into three charging bands. The rate for Bromley is £35 per square metre (gross internal area).

Local planning authority’s position

24 It is understood that Bromley’s planning officers do not support the application.

Legal considerations

25 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.
Financial considerations

There are no financial considerations at this stage.

Conclusion

London Plan policies on the principle of development, housing and affordable housing are relevant to this application. Whilst the application is broadly acceptable in strategic planning terms, there are outstanding strategic planning issues. Further discussion is therefore required regarding the following issues:

- **Principle of development**: The principle of the development is supported in strategic planning terms. The provision of specialist accommodation for older people will help meet the requirements of London’s changing age structure, and in particular the varied needs of older people in accordance with London Plan Policy 3.8.

- **Affordable Housing**: The applicant should provide further information regarding the details of the extra care component of the scheme clarifying whether it is C2 or C3 use.

For further information, contact GLA Planning Unit (Development & Projects Team):

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