

SECTION '2' – Applications meriting special consideration

**Application No :** 13/01609/FULL1

**Ward:**  
**Cray Valley East**

**Address :** 222 Cray Avenue Orpington BR5 3PZ

**OS Grid Ref:** E: 546876 N: 167893

**Applicant :** Honda (UK) Ltd

**Objections :** YES

**Description of Development:**

Demolition of existing warehouse and erection of two storey car servicing, MOT and sales complex including Class B1(c) workshop, Class B1(a) offices, Class B8 parts store, sui generis showroom, associated display area, car parking and ancillary staff facilities

Key designations:

Areas of Archaeological Significance  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Business Area  
London City Airport Safeguarding  
Stat Routes

**Proposal**

It is proposed to demolish the existing part one, part two storey Class B8 warehouse and erect a car dealership with servicing, MOT and sales complex. This consists of a mixture of Class B1c (servicing and workshop), Class B1a (offices), Class B8 (storage) and Sui Generis (car showroom) uses.

The proposed building will be operated by Honda and include a six bay workshop, an MOT testing station with parts store, general offices, non-public car wash facility and will provide 58 parking spaces for display vehicles, 14 customer parking spaces with 2 disabled spaces, 24 workshop parking spaces and 16 staff spaces.

The application is accompanied by Planning and Design and Access Statements which make the following points in support of the application:

- the site should play an important visual role in maintaining the vibrancy of the employment area but is currently occupied by a rundown warehouse
- the current building has a footprint of 0.331 hectares which occupies a significant proportion of the 0.5 hectare site

- the building is only partially used by small distribution companies and is well below current insulation and energy efficiency standards with an asbestos roof.
- the new building will improve the character and appearance of the area
- with a footprint of 0.12 hectares there would be a significant reduction over the existing building giving a more spacious character
- the proposal would create 41 jobs which exceeds the 10 jobs provided by the previous occupier, with a large number of apprentice positions
- there will be no changes to the existing vehicular access and egress
- bicycle storage will be provided as well as an electric vehicle charging point
- the building will be highly energy and ecologically efficient
- the rear of the building is well insulated and it is not anticipated that there will be any noise impacts
- there is a predominance of large commercial operations near the site with large retail parks to the north, two large warehouses to the south and other storage and distribution centres opposite
- it is clear the area is well catered for by large and small Class B8 uses
- the circumstances cited by the previous Inspector in 1998 no longer apply
- London Plan Policy 2.17 does not preclude such development, whilst Policy 4.4 seeks to ensure provision of sufficient stock of different types of industrial land, the submitted report concludes there is a very healthy supply
- there are a number of vacant industrial sites and these are not taken up for a considerable amount of time
- although Policy EMP4 supports provision of small warehouse sites, the application site is poorly suited to provide small scale Class B8 use in the long term.

## **Location**

The application site is set to the western edge of Cray Avenue at the junction with Stanley Way and features a two storey red-brick Class B8 warehouse erected in the 1950s. The site has an area of some 5,500 square metres with the warehouse occupying a significant proportion of the land and providing a floor area of 3,500 square metres. It is understood that until recently the premises operated as a distribution centre for Delta Music PLC who vacated the site in December 2012.

Cray Avenue forms part of the strategic road network as the A224 with close links to the M25 and features large commercial operations to the eastern and western edges. The site falls within the St Mary Cray Business Area as designated by the Unitary Development Plan (UDP) and is designated as a Strategic Industrial Location (SIL) within the London Plan and is defined as an Industrial Business Park (IBP) within this context.

To the west the site borders a residential area defined by May Avenue, which runs north to south along the western boundary of the site and joins Stanley way to the north. A large factory complex, Coates Lorilleux Ltd, occupies the area to the north of the site and Stanley Way, with the two large warehouses to the south featuring Access Self Storage and Big Yellow Storage with a small office building set

between to the southern boundary. Opposite the site are other business uses, with further self-storage, offices, distribution centres and Allied Bakeries amongst them.

The site measures 0.5 hectares.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and comments were received which can be summarised as follows:

- the owner of TMS House, the adjacent site to the south, has raised concerns with regard to being adversely affected by the noise and disturbance during the construction period.

### **Comments from Consultees**

With regard to the existing building it is considered that the building is over 60 years old and hence past its structural design life. Due to its construction, in order to bring it up to current Building Regulation standards, a disproportional amount of money will be needed over rebuilding in modern materials more suitable to the clients demands.

Highways have commented that the increase in trip generation would not be unacceptable and is unlikely to have an impact upon the network. The information provided indicates sufficient levels of parking to cope with the proposed uses as allocated. Visibility may be an issue onto May Avenue due to an existing tree, conditions are requested to any permission.

Environmental Health have no objection to the scheme, however have requested a condition and informative be attached to any permission regarding the noise created by the car wash and prohibiting the working on vehicles in external areas.

English heritage have raised no objection subject to archaeological conditions being attached to any permission

Drainage has commented that the levels of rainwater harvesting and permeable paving are acceptable and conditions should be imposed on any permission.

Thames Water has raised no objection.

### **Planning Considerations**

Unitary Development Plan

- BE1 Design of New Development
- EMP4 Business Areas
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians

## T18 Road Safety

### London Plan

#### 2.17 Strategic Industrial Locations

#### 4.4 Managing Industrial Land and Premises

The National Planning Policy Framework (NPPF) is also of relevance.

### **Planning History**

Application ref. 97/02816 refused permission for the demolition of the building and the erection of a vehicle repair workshop and ancillary showroom for retail car sales:

"The proposal would result in the unacceptable loss of good quality warehousing and the introduction of a non-conforming use within this important business area, thereby contrary to Policies EMP6 and EMP4 of the Unitary Development Plan"

This decision was subsequently upheld on appeal. Within the Inspector's decision it is highlighted that the showroom use of the then proposed development accounted for 28% of the 2,320 square metre floor area and that there was no doubt that the car display area would be the front of the premises and the most prominent part of the development. It was therefore considered that it would be inappropriate to describe the car sales and display element as ancillary to the rest of the proposal and therefore the scheme was considered as a mixed use Class B2/Sui Generis use.

### **Conclusions**

#### Existing and Proposed Uses

The application site falls within the designated Sevenoaks Road/Cray Avenue business area included within the Proposals Map for the Unitary Development Plan (UDP) as well as within a Strategic Industrial Location (SIL) under the London Plan 2011. The St Mary Cray area has a good level of connection with the M25 and is the Borough's prime location for light industry and warehousing businesses. As such the proposal has a local and regional strategic consideration in terms of the loss of the existing small scale warehouse use.

Bromley is ranked as being restricted in terms of the transfer of industrial land to other uses due to having low levels of industrial land relative to demand. It should be noted that Boroughs within this category are encouraged to have a more resilient approach to such changes of use. This relates to Policy 4.4 of the London Plan where the management and release of surplus industrial land is only compatible where there is sufficient stock of land and premises to meet the future needs of different types of industrial uses within London and contribute to strategic and local planning objectives.

The existing warehouse use therefore forms part of an identified strategic function within not just Bromley but London as a whole. The car showroom element is a non-conforming use within this policy framework and as such evidence must be supplied as to the sufficient supply of suitable industrial land and premises in order to demonstrate that the loss of the existing use would not have a detrimental strategic impact.

The proposal would see the loss of some 1,950 square metres of Class B8 floor space, although Members are advised of the creation of 41 jobs within the proposed mixed use building. The proposal has the following proportions of uses in terms of percentage of floor area and employment (existing jobs in brackets):

Class B1c workshops:	58.8% - 22 jobs (0)
Class B1a offices:	12.3% - 14 jobs (2)
Sui Generis car showroom	21% - 5 jobs (0)
Class B8 warehouse	7.7% - 0 jobs (8)

It is therefore clear that the most extensive use will be that of the proposed Class B1 operation with the Sui Generis showroom and sales operation occupying 21% (348 square metres) of the floor area, although Members will note that this will be the most visible use from Cray Avenue and will also occupy the majority of the parking to be provided. The showroom use also consists of 74 of the 157 proposed parking spaces (approximately 865 square metres), with 64 spaces being for display purposes and 10 for demonstration vehicles.

In this regard the 1998 appeal decision is considered highly relevant. Within the Inspector's decision it is highlighted that the showroom use of the then proposed development accounted for 28% of the 2,320 square metre floor area and it was not, therefore, ancillary to the other uses and would be the most prominent feature. Similar arguments were put forward at that time as to now, namely the large floor area of the building and the poor state of the structure causing issues with letting. The Inspector concluded that St Mary Cray was not over-supplied with business premises and that the non-conforming use would conflict with the UDP, as well as a lack of active marketing to clearly demonstrate a lack of demand for the existing use.

### Policy and Evidence

Policy EMP4 is intended to safeguard the Business Areas for uses within Classes B1, B2 or B8 and the supporting text states that proposals not in Classes B1, B2 and B8 will not normally be permitted, whilst London Plan Policy 2.17 states that proposals in SILs should be refused unless they fall within a broad range of industrial types uses and activities. It is considered that neither of these policies preclude the current proposal, given its majority Class B1 and Class B8 use.

The applicant has submitted evidence in support of the local market for the existing warehouse use and finds that there is a low demand for industrial units with a 23 year supply of land (at the recent take up rates) with an average of 13 years supply over the last 4 years. This must be taken within the context of the Council's own evidence, namely the Retail, Office, Industry and Leisure Study 2012 (undertaken

on the Council's behalf by DTZ) which finds that there is a falling requirement for industrial and other business uses due to a decline in the manufacturing sector and a decline in warehousing. There is also a small increase in non-B Class uses requiring traditional employment.

The NPPF states that policies should avoid the long term protection of site allocated for employment use where there is no reasonable prospect of the site being used for that purpose and where there is no prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The applicant contends that the building, which has been vacant since December 2012, is in a poor state of repair and is in need of significant remedial works that would require significant expenditure. There is evidence of previous failed attempts at this work that suggests this being a long term issue and that the cost of rectifying these problems exceeds the unit's potential return. This position is supported by an accompanying report on the building. A number of competing, modern industrial and warehouse units are identified in the area, including at Crayfields Industrial Park, Lagoon Road, Sandy Lane and in Sidcup. This report concludes that the existing site is unlikely to be let in the current economic conditions given the amount of competing option in a 5 mile area.

### Impacts

The proposed building would occupy a smaller footprint than that existing with a modern architectural style. Landscaping would be included to soften the impacts visually to each elevation, whilst the parking areas increase the spatial standards around the building.

The building is considered to be highly ecologically and energy efficient with features such as rainwater harvesting being included. The Council's Highways Officer has concluded that the increase in traffic movements would not be to harmful or unacceptable degree and that issues surrounding visibility onto May Avenue can be dealt with by condition.

It is considered that the proposed building would not harm the amenities of neighbouring residents to May Avenue and would improve the spatial standards and visual amenity.

The primary consideration falls to be the issue of the non-compatible Sui Generis element of the proposal which comprises part of the building and also external display areas. Members will need to consider whether, at 21% of the floor area and the main focal point of the building, the showroom and sales area results in a mixed use that warrants refusing the proposal as a whole. The structural issues of the building are agreed with and it is noted that there are a number of competing uses in the area. It is also noted that there are large self-storage warehouses immediately surrounding the site and although these are not distribution type warehouses, they fall within the same use class.

The proposal offers a significant increase in the employment figures previously allowed for at the building and this is considered to be a beneficial factor in the proposal's favour. The NPPF encourages sustainable economic development, with the existing building offering little scope for large numbers of either employment or redevelopment as a similar use.

On balance the proposal is considered to be acceptable in terms of its impact upon residential and visual amenities of neighbouring residents, will improve the visual character of the site and its setting within the immediate area and will offer an opportunity for good levels of employment. The Sui generis element is contrary to policy, although it is considered that this element is to an extent that it does not undermine the Class B1/8 function of the development as a whole.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/01609, excluding exempt information.

### **RECOMMENDATION: GRANT PERMISSION WITH/WITHOUT CONDITIONS**

- |    |  |  |
|----|--|--|
| 1  | ACA01  | Commencement of development within 3 yrs           |
|    | ACA01R   | A01 Reason 3 years                                 |
| 2  | ACA04  | Landscaping Scheme - full app no details           |
|    | ACA04R   | Reason A04   |
| 3  | ACC01  | Satisfactory materials (ext'nl surfaces)           |
|    | ACC01R   | Reason C01   |
| 4  | ACD02  | Surface water drainage - no det. submitt           |
|    | ADD02R   | Reason D02   |
| 5  | ACD06  | Sustainable drainage system (SuDS)                 |
|    | ADD06R   | Reason D06   |
| 6  | ACH01  | Details of access layout (2 insert) Stanley Way 1m |
|    | ACH01R   | Reason H01   |
| 7  | ACH02  | Satisfactory parking - no details submit           |
|    | ACH02R   | Reason H02   |
| 8  | ACH16  | Hardstanding for wash-down facilities              |
|    | ACH16R   | Reason H16   |
| 9  | ACH18  | Refuse storage - no details submitted              |
|    | ACH18R   | Reason H18   |
| 10 | ACH21  | Car parking to be for customers/employee           |
|    | ACH21R   | Reason H21   |
| 11 | ACH22  | Bicycle Parking                                    |
|    | ACH22R   | Reason H22   |
| 12 | ACH24  | Stopping up of access                              |
|    | ACH24R   | Reason H24   |
| 13 | ACH29  | Construction Management Plan                       |
|    | ACH29R   | Reason H29   |
| 14 | ACH32  | Highway Drainage                                   |
|    | ADH32R   | Reason H32   |
| 15 | Road Safety Audits on the access layout to be provided at appropriate stages of design and construction. |  |
|    | <b>Reason:</b> In the interests of road safety.  |  |
| 16 | ACK01  | Compliance with submitted plan                     |

- ACC01R Reason C01
- 17 No working on vehicles (except washing in the car wash bay) shall take place in the external areas at any time.
- ACC01R Reason C01
- 18 The Sui Generis car showroom and sales use hereby permitted shall not occupy more than 350 square metres of the total internal floor area of the building and no more than 74 of the car parking spaces approved.
- Reason:** In order to comply with Policy EMP4 of the Unitary Development Plan and Policies 2.17 and 4.4 of the London Plan and to prevent an unacceptable expansion of the permitted Sui Generis use.
- 19 The premises shall be used for Class B1c (servicing and workshop), Class B1a (offices), Class B8 (storage) and Sui Generis (car showroom) uses and for no other purpose (including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- Reason:** In order to comply with Policy EMP4 of the Unitary Development Plan and Policies 2.17 and 4.4 of the London Plan.
- 20 The Class B1a, B1c and B8 uses hereby permitted shall not operate before 08:00 or after 18:00 Monday to Friday, or before 08:30 or after 13:00 on any Saturday, and shall not operate on any Sunday or Bank Holiday.
- 21 The Sui Generis car showroom use hereby permitted shall not operate before 08:30 or after 19:00 Monday to Friday, or before 08:30 or after 17:30 on any Saturday, or before 11:00 or after 17:00 on any Sunday or Bank Holiday.
- 22 No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological recording of the standing historic building(s), in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 23 ACG02 Notice of commencement to HBMC  
ACG08R Reason G08

### INFORMATIVE(S)

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 2 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](http://www.bromley.gov.uk/CIL)

- 3 Regarding the condition concerning notification of commencement to (English Heritage), their address is:

English Heritage  
1 Waterhouse Square  
138 - 142 Holborn  
London, EC1N 2ST  
Tel: 020 7973 3000  
Fax: 020 7973 3001  
E-mail: [london@english-heritage.org.uk](mailto:london@english-heritage.org.uk)

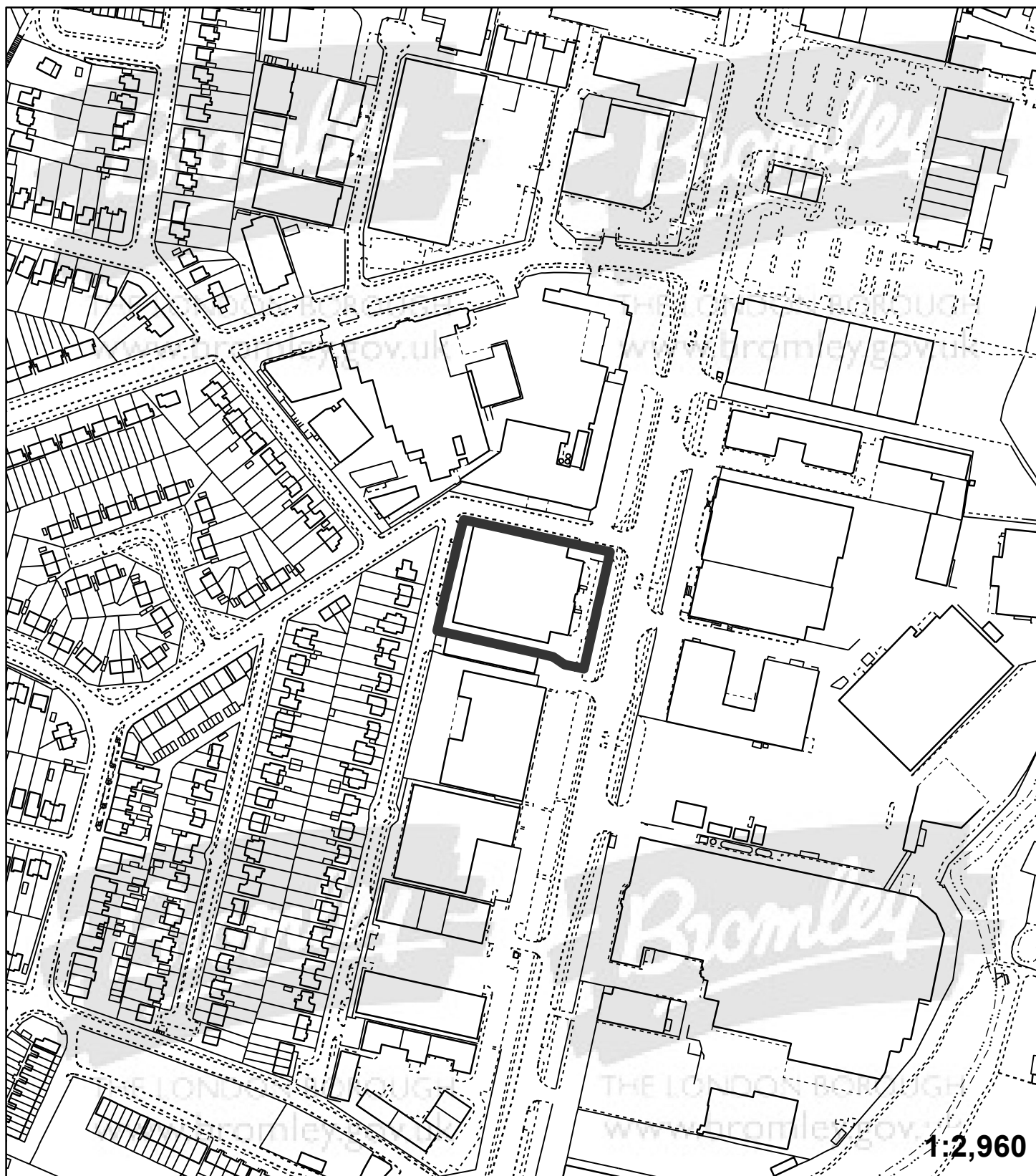
You should quote the Town Planning application number as a reference.

- 4 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 5 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

**Application:**13/01609/FULL1

**Address:** 222 Cray Avenue Orpington BR5 3PZ

**Proposal:** Demolition of existing warehouse and erection of two storey car servicing, MOT and sales complex including Class B1(c) workshop, Class B1(a) offices, Class B8 parts store, sui generis showroom, associated display area, car parking and ancillary staff facilities



"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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