

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 16/04100/FULL1

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

**Address :** Unit 5A Lagoon Road Orpington BR5  
3QX

**OS Grid Ref:** E: 547122 N: 167857

**Applicant :** .

**Objections : YES**

### **Description of Development:**

Proposed change of use from warehouse to indoor trampoline park and ancillary cafe.

Key designations:

Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 26

### **Proposal**

This proposal is for the change of use from business, storage and distribution uses (Classes B1 and B8) to a trampoline park (Class D2). 14 car parking spaces will be provided at the front of the site. The use will employ up to 25 equivalent full time staff (including full time and part time) and will operate from 9am to 10pm Monday to Saturday and 10am to 10pm on Sundays.

### **Location**

The application site is located to the east of Cray Avenue within the designated St. Mary's Cray Business Area. The area comprises a variety of large business and warehouse building that are used predominantly for Class B uses. Unit 3A is used as a gymnasium.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

- Many letters of support have been received stating that the development would provide a much needed local facility for children whilst providing local jobs and an economic benefit. The health and activity benefits for young people in the Borough are heavily supported.
- Letters have been received stating that ample car parking should be provided and the location may not be ideal for the use with a low amount of

car parking. Concern is raised in respect to traffic congestion in the local area.

## **Consultations**

Highways - the application is accompanied by a Transport Assessment however the trip rate and parking data is based on another similar use in a different location as there probably is no generally available trip generation data for the use and surveys have been carried out at another similar trampoline park in Salford. They were carried out on a Friday and Saturday in the school summer holidays which were indicated to be the busiest operating periods.

Looking at all the parking areas surveyed showed the highest parking accumulation of 11 vehicles on the Friday and 23 vehicles on the Saturday. This does seem low, however, it is not clear how many people were actually using the park at these times and how that site compares with this application site in terms of public transport provision. That information would be helpful in assessing the likely impact. In the evenings and at weekends there is likely to be unused parking spaces in nearby units the site but during the day it is more heavily used.

The information says that the nearest similar facilities are in Croydon and Maidstone so there is a large potential catchment area. The previous information indicated there could be up to 60 customers per hour with up to 12 staff on duty at one time. People need to arrive before their session when the previous one is still operating so there will be an element of overlap. The information indicates that the applicant has a double decker bus to be used as part of the business. There is no parking area shown for that.

In the absence of this information, and in light of the likely level of traffic and parking demand resulting from the proposal, a refusal of the proposal is recommended as it is not clear that sufficient car parking provision is proposed for the intended use and that the previous concerns have been overcome.

Planning Policy - the proposed change of use is inconsistent with the Strategic Industrial Land designation, as outlined in the London Plan, and would negatively impact the Borough's efforts to achieve annual and plan period benchmarks for transfer of industrial land, as identified in the Land for Industry and Transport SPG. The proposal is also not supported by the Emerging Local Plan's evidence base, including independent forecast land requirements for industrial and warehousing uses.

Environmental Health - no objections are raised, subject to an informative.

The Metropolitan Police Designing Out Crime Officer has commented that the development must achieve security specifications required within the guidance of Secured by Design.

## **Considerations**

The application falls to be determined in accordance with the following policies:

Unitary Development Plan (2006):

T1 Transport Demand  
T2 Assessment of Transport Effects  
T3 Parking (see London Plan)  
T18 Highway Safety  
BE1 Design of New Development  
EMP4 Business Areas

Draft Bromley Local Plan (2014):

A consultation on Draft Local Plan policies was undertaken early in 2014 in a document entitled Draft Policies and Designations Policies. In addition a consultation was undertaken in October 2015 in a document entitled Draft Allocation, further policies and designation document. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. Full details of the Council's Local Development Scheme are available on the website.

6.4 Health and Well Being  
7.1 Parking  
7.2 Relieving congestion  
8.1 General design of development  
9.1 Strategic Economic Growth  
9.2 Strategic Industrial Locations  
9.5 Business Improvement Areas  
10.7 Air Quality  
10.10 Sustainable design and construction

London Plan (2015):

In strategic terms the London Plan 2015 which now also includes the Minor Alterations to Housing and Parking Standards approved in March 2016.

2.6 Outer London: vision and strategy  
2.7 Outer London: economy  
2.8 Outer London: Transport  
2.13 Opportunity Area and Intensification Areas  
2.17 Strategic Industrial locations  
4.4 Managing industrial land and premises  
6.3 Assessing effects of development on transport capacity  
5.3 Sustainable design and construction  
7.14 Improving Air Quality

National Planning Policy Framework (2012):

Chapter 1: Building a Stronger, Competitive Economy

Chapter 4: Promoting Sustainable Transport

### **Planning History**

Planning permission was granted under ref. 03/00043 for elevational alterations and change of use of Units A1 and 5 from warehousing (Class B8) to business, general industrial, storage and distribution (Classes B1(b), B1(c), B2 and B8) with 59 car parking spaces.

Planning permission was granted at Unit 5 under ref. 06/04277 for elevational alterations and remodelling of the western corner of unit formation of new roller shutter position and formation of disabled access together with relocation of substation.

Planning permission was granted at Unit 3A under ref. 12/00298 for change of use from general industry (Class B2) to a gym and martial arts facility (Class D2).

Planning permission was refused at Unit 5A under ref. 16/01059 for change of use from warehouse to indoor trampoline park and ancillary cafe. The refusal grounds were as follows:

'The proposal would result in the loss of a business unit within a designated Business Area required for the growth and development of business and industry and as such is contrary to Policy EMP4 of the Unitary Development Plan 2006.

In the absence of information to demonstrate a sufficient on-site car parking provision for the intended use, the proposal would have the potential to impact detrimentally on conditions of highway safety on Lagoon Road, contrary to Policies T3 and T18 of the Unitary Development Plan.'

### **Conclusions**

The main issues relating to the application are the loss of business unit and the impact on highway safety.

#### Principle of development and change of use:

The site is located within a designated Business Area and as such Policy EMP4 of the UDP is a key consideration in the determination of this application, it states:

Except where sites allocated for other uses are identified in the Schedule of Proposal Sites, in the Business Areas identified on the Proposals Map only the follow uses will be permitted:

(i) Class B1, provided that the use does not impede effective operation of neighbouring businesses and large new offices meet provisions of Policy EMP1;

- (ii) Class B2; or
- (iii) Class B8; large scale warehousing development over 1000 sqm will be permitted only in the St Mary Cray Business Area.

Para 22 of the NPPF states that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

London Plan Policy 4.4 is concerned with the management of industrial land and states that a rigorous approach should be taken in the management of land to ensure there is sufficient stock of both land and premises to ensure the future needs of different types of industrial and related uses is met in different parts of London. The release of surplus industrial land will only be allowed where this is compatible with these requirements and where such a release contributes to local planning objectives such as housing, social infrastructure or town centre renewal. 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. Boroughs within this category are encouraged to have a more resilient approach to such changes of use.

Concerns are raised to the proposal with regards to the loss of a business unit in a designated business area as it would be contrary to Policy EMP4 and the Strategic Business Land policies 2.17 and 4.4 of the London Plan and policy 9.2 of the emerging Local Plan. The Council wishes to safeguard a supply of such land in the Borough to provide for the growth and development of business and industry. Consequently, proposals in the Business Areas for uses not within Use Class B1 to B8 will not normally be permitted. Business Areas provide appropriate locations for uses within the Business (B1) and General Industry (B2) Use Classes, which provide a sufficient, though limited, supply of good quality sites for modern business development.

The previous application refused under ref. 16/01059 was accompanied by a Sequential Analysis that concluded that this building is the most suitable building in the locality for the proposed use, taking into account the size, location and availability of each potential nearby building. The applicant also states that the building has been vacant since 2013 and continuously marketed unsuccessfully for a period of five years.

A visit to the site confirms the vacancy of the building, however the industrial area within which the building lies has a high occupancy level. For example, the adjoining unit at No. 5 is currently occupied by F & P Wholesale. The application has been submitted with some information to justify the loss of the business use, and some evidence of failed marketing and long-term vacancy. Although these requirements are not a strict policy test under Policy EMP4, they would nevertheless add substance to the argument that the building has been vacant for a long-term period and that there would be little demand for a business use at the

premises. The Design and Access Statement outlines that a failed marketing exercise has been undertaken, with very little interest in the premises from prospective occupiers over the past 5 years.

The reasons given for the lack of interest include poor access and difficult loading facilities, along with a lack of office accommodation within the premises. Inspections made by prospective occupiers have all failed as the building is considered not to fit the requirements of these occupiers. The premises have been marketed continuously on several websites.

The recently permitted application at Unit 3A is noted and Members granted permission on the basis that the demonstrated lack of demand for business use added considerable weight to the argument. In this case, although some evidence has been submitted to demonstrate a lack of demand, the current upturn in the economy and surrounding high occupancy rate indicates that there could be a demand for the unit if modified to suit future occupiers or changed to an alternative suitable business use. It is not considered, therefore, that there is no reasonable prospect of a continued employment use at the site, as stated in Para 22 of the NPPF. Following the recently refused application, the current submission does not offer substantial additional information or evidence that would lead the Council to a different conclusion.

As such the proposal would involve the unsatisfactory loss of a business unit within a designated Business Area, contrary to Policy EMP4 of the UDP, 2.17 and 4.4 of the London Plan, policy 9.2 of the emerging Local Plan and chapter 1 of the NPPF.

#### Parking and Impact on Highway:

The application is accompanied by a Transport Assessment (TA), concern is raised over the level of information provided together with the results contained within the report. The trip rate and parking data is based on a similar trampoline park in Salford. Whilst the TA states that the surveys were carried out on a Friday and Saturday in the school summer holidays (which are indicated to be the busiest operating periods) the parking areas surveyed showed the highest parking accumulation of 11 vehicles on the Friday and 23 vehicles on the Saturday. This does seem low, however, it is not clear how many people were actually using the park at these times and how that site compares with this application site in terms of public transport provision. This information is required in assessing the likely impact the proposal would have in terms of parking. It is appreciated that in the evenings and at weekends there is likely to be unused parking spaces in nearby units, however during the day it is more heavily used.

The information provided states that the nearest similar facilities are in Croydon and Maidstone so there is a large potential catchment area. The previous information indicated there could be up to 60 customers per hour with up to 12 staff on duty at one time. People need to arrive before their session when the previous one is still operating so there will be an element of overlap. The information also indicates that the applicant has a double decker bus to be used as part of the business however there is no parking area shown for that.

Whilst additional information has been provided in the TA it is considered that the applicant has not adequately addressed the previous reason for refusal and has not clearly demonstrated that the proposed use provides sufficient car parking and that there would not be a trip generation that would impact on general congestion and highway safety in the locality.

### Summary

Under the circumstances, it is considered that the loss of employment use at the site would fail to comply with Policy EMP4 of the UDP, 2.17 and 4.4 of the London Plan, policy 9.2 of the emerging Local Plan and Chapter 1 of the NPPF. Whilst a lack of demand for business use would be a factor in this case, a demonstration of this is not strictly a policy requirement and it is not clear that a business use at the site could not continue. In the absence of information to the contrary the proposal would also be likely to impact harmfully on parking and conditions of highway safety in the area contrary to Policies T3 and T18 of the UDP. It is therefore, on balance, recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/01059 and 16/04100 set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: APPLICATION BE REFUSED**

#### **The reasons for refusal are:**

- 1 The proposal would result in the loss of a business unit within a designated Business Area required for the growth and development of business and industry and as such is contrary to Policy EMP4 of the Unitary Development Plan, the Strategic Industrial Land policies of the emerging Local Plan and the London Plan.**
- 2 In the absence of information to demonstrate a sufficient on-site car parking provision for the intended use, the proposal would have the potential to impact detrimentally on conditions of highway safety on Lagoon Road, contrary to Policies T3 and T18 of the Unitary Development Plan.**