

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/03506/FULL1

Ward:
Cray Valley East

Address : Ground Floor International House Cray
Avenue Orpington BR5 3RS

OS Grid Ref: E: 546989 N: 167890

Applicant : One To One Learning

Objections : YES

Description of Development:

Change of use of office and storage/workshop space to enable a non residential educational and training centre to be provided ("One to One Learning centre").

Key designations:

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

Proposal

Planning permission is sought for the part change of use of the ground floor from Class B1/B8 (warehouse and workshop) to Class D1, a non-residential and training centre. The Agent states that the proposed use would provide specialist one to one teaching for students who have learning difficulties, including providing specialist education for students finding traditional desk based classroom learning difficult.

8 members of staff are to be employed along with 1 key worker for every learner. It is stated that a maximum of 12 pupils would be on the premises at any one time. The proposed hours of operation would be from 0930hrs to 1500hrs from Mondays to Fridays.

One car parking space is provided as part of the proposal, with a mini bus service proposed to transport students to the site.

The application was supported by the following documents:

- Design and Access Statement
- Parking Stress Survey (dated 26th October 2017)
- Cover letter from Linays
- Statement from Applicant

Location and Key Constraints

The application site is located to the east of Cray Avenue, on the junction with Lagoon Road. The site is within the designated St. Mary's Cray Business Area and is located within the proposed Cray Business Corridor Strategic Industrial Location (SIL). Access into the site is via the main foyer at the front of the building and via the fire escape at the front of the building that runs along the northern side of the building. The area comprises a variety of large business and warehouse building that are used predominantly for Class B uses.

Comments from Local Residents and Groups

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

Objections

- large number of teaching staff and pupils
- only one car parking space proposed
- parking in this area is already extremely difficult
- especially with closing of many of the spaces at the Nugent Centre for redevelopment
- often have people using site (objectors site) as a public car park
- for development to go ahead adequate parking should be provided for staff

Comments from Consultees

Highways: Some concerns raised regarding the reliance on a mini bus service being provided, suggestion of condition or Section 106 agreement to ensure this is done. If members are minded to grant the application the following condition is suggested:

The development hereby permitted shall not be first brought into use until a minibus service to bring staff and pupils to the site at or after 0930hrs and collect them at 1500hrs has been established to the satisfaction of the Local Planning Authority which service shall be permanently maintained thereafter.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

London Plan 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

Land for Industry and Transport Supplementary Planning Guidance (2012)

Unitary Development Plan

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

Emerging Local Plan

- 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

National Planning Policy Framework (2012):

Chapter 1: Building a Stronger, Competitive Economy

Chapter 4: Promoting Sustainable Transport

Planning History

The relevant planning history relating to the application site is summarised as follows:

- 84/02913/FUL- Planning permission granted for the change of use of second floor plant room to offices and extension of same to provide enlarged office accommodation
- 04/03114/ADV- Advertisement consent refused for a Non illuminated free standing sign
- 04/03238/FULL2- Planning permission refused for the Change of use of part of factory/warehouse to mixed Class B8 (warehouse/storage) and Class A1(retail) use, to form separate commercial premises
- 04/04027/ADV Advertisement consent refused for Internally illuminated free standing totem (2a), internally illuminated office entrance sign (3a), non-illuminated signboard (3a), non-illuminated rear sign (4b), two non-illuminated bay signs on rear elevation (4b), internally illuminated reception sign (5a) and internally illuminated main building sign (6a) and non-illuminated menu board signs (5a) (International House and Mentmore House, Cray Avenue, Orpington)

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Highways
- Neighbouring amenity
- Proposed use
- CIL

Principle

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.

The objectives under Chapter 13. Community Service are: to secure the provision of accessible, good quality facilities to meet the educational needs of the community; and to support providers in maintaining and enhancing the availability and accessibility of community facilities.

Policy C1 advises that proposals for change of use that meet an identified education need will normally be permitted provided that it is accessible by modes of transport other than the car and accessible to the members of the community it is intended to serve. Policy C7 states that applications for new educational establishments will be permitted provided that they are located so as to maximise access by means of transport other than the car.

The NPPF places emphasis on building a strong and competitive economy. Para 20 states that local planning authorities should plan positively to meet the development needs of business and support an economy fit for the 21st century. Para 21 states that local authorities should set out a clear economic vision and strategy for their areas, which positively and proactively encourages sustainable economic growth, identifying areas for economic regeneration, ensuring that provision of employment land is assessed and reviewed.

Para 37 states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The London Plan identifies St Mary Cray as a SIL (category: Industrial Business Park). Policy 2.17, paragraph B (Planning decisions) states that "development proposals should be refused unless they fall within the broad industrial type activities outlined in paragraph 2.79." Under para 2.79, the following activities are described:

- For SILs generally: strategically important logistics, waste management, transport functions, local needs such as relatively affordable workspace;
- For Industrial Business Parks: activities requiring better quality surroundings including research and development, light industrial and higher value general industrial, some waste management, utility and transport functions, wholesale markets and small scale distribution.

Map 4.1 identifies the Borough as "restricted" with respect to transfer of industrial land to other uses. Policy 4.4 states that Map 4.1 needs to be taken into account when planning and managing industrial sites in strategic industrial locations.

Policy 3.16 Protection and Enhancement of Social Infrastructure states that proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments and that such facilities should be accessible to all sections of the community. Policy 3.18

Education Facilities explains that the Mayor will support provision of further education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, including in parts of London with poor educational performance.

The Agent has provided marketing information from Linays which states that the unit was marketed between July 2016 and May 2017 which received various interests, although little from traditional B1 office or B8/B1 warehouse and workshop. Interest was seemingly towards alternative D1 uses, although a solicitors firm did enquire about using the warehouse space for archiving (later not deemed satisfactory). Terms for letting were agreed with One 2 One Learning and letting was concluded in May 2017.

A visit to the site in September 2017 confirmed that internal alterations to the premises were underway. International House and the industrial area within which the building lies appear to have high occupancy levels (although Unit 1 appears to be advertised To Let). The application has been submitted with some information to justify the loss of the business use, and some evidence of failed marketing. However, there is no provision within Policy EMP4 to allow non-conforming uses where marketing has been carried out.

The Mayor's Land for Industry and Transport SPG describes "restricted" boroughs as having "low levels of industrial land relative to demand and/or low proportions of industrial land within the SIL framework. The SPG encourages the Borough to adopt "a more restrictive approach to the transfer of industrial sites to other uses" but not preclude "the possibility of smaller scale release where boroughs have made adequate provision for industrial land." Annual transfer of industrial land to non-industrial use in the years since 2011 has so far exceeded the annual benchmark and therefore the loss of further industrial floorspace would be resisted.

The Draft Local Plan was submitted to the Secretary of State for examination on 11 August 2017, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Under Draft Policy 81: Strategic Industrial Locations (SIL), the following uses will be permitted and safeguarded in the SIL:

- (i) Class B1(b) and B1(c);
- (ii) Class B2; and
- (iii) Class B8

In accordance with London Plan policies for industrial land management, a comprehensive review of industrial land and premises stock was undertaken to define a robust and defensible SIL boundary for the life of the Draft Local Plan. The evidence base prepared for the Draft Local Plan recommended a detailed boundary for the Cray Business Corridor and adoption of strong local policies for the protection and promotion of Class B business uses. The URS Planning for Growth: Cray Business Corridor study (2014) identified clusters warranting designation in the SIL, including the subject site. In particular, the cluster

containing the subject site was highlighted as being a good location for redevelopment and intensification for industrial use.

The site is located within the Cray Valley Renewal Area. Draft Policy 17 advises that proposals within this Renewal Area will be expected to maximise opportunities to create a successful economic "growth area" along the Cray Valley, supporting community wellbeing and to support Orpington Town Centre in its role as a Major Town Centre, serving the east of the Borough in respect of community services and developing a thriving office economy.

Draft Policy 28 states that the Council will support proposals for new educational facilities which meet local need, looking first at opportunities to maximise the use of existing Education Land. Where new sites are required, proposals will be permitted unless there are demonstrably negative local impacts which substantially outweigh the need for additional education provision, which cannot be addressed through planning obligations and subject to: the need for the provision locally, highway safety and the accessibility of the site by means of transport other than the car.

The proposal refers to initial meetings with two special schools, however it is noted that no detail of this support is provided. In any event, the proposal involves the change of use of Class B1a and B8 floorspace amounting to 429 sqm in the Cray Business Corridor SIL. Unlike the exception to the protection of housing (UDP Policy H1 (iii)) which allows for loss of housing to meet identified need for community facilities there is no provision for change of use to a non-business use in a Business Area under the UDP, whilst Draft Local Plan Policy 81 only allows for consideration on SIL-designated sites where non-Class B uses already exist. The proposal would result in a loss of usable Class B floorspace in a location within the Cray Business Corridor identified as having potential for redevelopment and intensification. Therefore, on balance, Members may agree that further changes of use in designated industrial areas across the Borough for non-industrial uses should be resisted and the proposal is contrary to current and proposed planning policy under the UDP and Draft Local Plan.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

A Transport Assessment (TA) and draft Travel plan was submitted on 26th October 2017 following concerns initially raised by the Council's highways officer. Following the submission of the additional information the Highways officer states that whilst the information provided is helpful, the information is reliant on the provision of a

mini bus service to and from the site. A condition has been suggested (as outlined above) to which the Agent has agreed should planning permission be granted.

Conclusion

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. Whilst the Applicant has outlined the reasoning behind the Learning Centre, it is unclear as to why this particular location is best suited for this use. 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. 17/03506 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 26.10.2017
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 and Strategic Industrial Location (SIL) required for the growth and development of business and industry and as such is contrary to Policy EMP4 of the Unitary Development Plan, Policies 2.17 and 4.4 of the London Plan, policy 9.2 of the emerging Local Plan and Chapter 1 of the NPPF.**