

<b>Committee Date</b>	28/01/20	
<b>Address</b>	Land Rear Of Tesco Stores Edgington Way Sidcup	
<b>Application number</b>	18/05600/FULL1	<b>Officer</b> Victoria Wood
<b>Ward</b>	Cray Valley East	
<b>Proposal (Summary)</b>	Construction of 13 units to be used for Use Classes B1(c), B2 and B8 together with car parking and associated works with access from Edgington Way, Sidcup.	
<b>Applicant</b>	Chancerygate No. 5 Limited	<b>Agent</b> DWD
c/o Agent	6 New Bridge Street London EC4V 6AB United Kingdom	
<b>Reason for referral to committee</b>	Outside delegated authority	<b>Councillor call in</b> No

<b>RECOMMENDATION</b>	<b>PERMISSION SUBJECT TO LEGAL AGREEMENT</b>
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<p><b>KEY DESIGNATIONS</b></p> <p>Areas of Archaeological Significance Biggin Hill Safeguarding Area Adjacent to Green Belt London City Airport Safeguarding Sites of Interest for Nat. Conservation Smoke Control SCA 20 Sites of Special Scientific Interest</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	None	None
Proposed	Classes B1(c), B2 and B8	10,419 m <sup>2</sup>

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	131	+131
Disabled car spaces	0	13	+13
Cycle	0	33	+33

<b>Electric car charging points</b>	32 (20% of total) with a passive provision for future electrification.
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<b>Representation summary</b>	Neighbour letters were sent 23.01.2019 and again on 09.05.2019 A site notice was displayed on 05.03.2019 A press advert was published on 30.01.2019
Total number of responses	8
Number in support	1
Number of objections	6

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
<ul style="list-style-type: none"> <li>£20,000 to upgrade the SCOOT traffic control system at Crittals Corner secured by s106</li> <li>A vehicle monitoring</li> </ul>	£20,000	Yes

<p>protocol to limit site traffic to be secured by s106</p> <ul style="list-style-type: none"> <li>• Reviewing and revising the road markings for the A223 Edington Way/ Tesco Access secured by s106.</li> </ul>		
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**1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposed development would create good quality B1(c), B2 and B8 units;
- The site is located within the Cray Business Corridor (Foots Cray), which is recognised as a Strategic Industrial Location (SIL) and as such the principle of development is policy compliant and appropriate in this designated employment area.
- In addition, the proposal would bring a long standing, underutilised site, back into an industrial/commercial use in accordance with NNPF, London Plan and local policy aspirations;
- No unacceptable impact would arise to neighbouring occupiers; and
- No unacceptable Highways impacts would arise

**2. LOCATION**

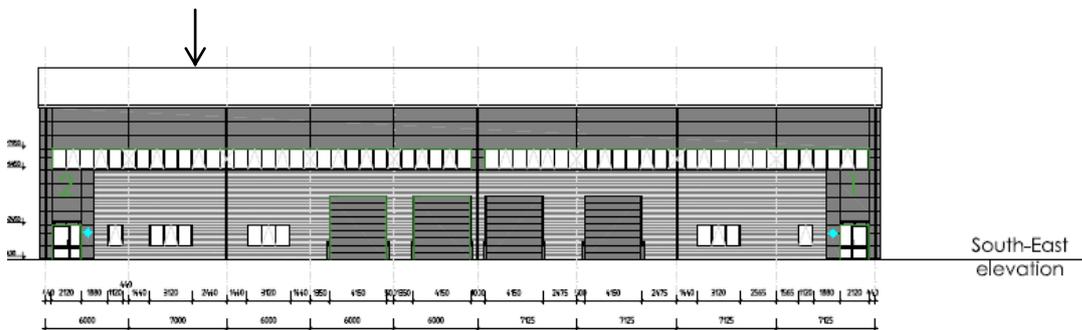
- 2.1 The proposed site is 2.06ha and located to the south of the Tesco Sidcup Superstore and Lancaster Sidcup Garage (Porsche), north of the A20 Sidcup By-Pass and is accessed from the existing site access road which serves Tesco and the Porsche Garage.
- 2.2 The area comprises of commercial buildings, mainly out-of-town retail, trade and industrial units.
- 2.3 The river Cray runs along the western boundary with the whole of the site within Flood Zone 1 (low risk of flooding) on the Environment Agency Flood Map and adjacent to Green Belt, a Site of Importance for Nature Conservation (SINC), a Site of Special Scientific Interest (SSSI). The site is located in the Cray Business Corridor (Foots Cray), which is recognised as a Strategic Industrial Location (SIL).



### 3. PROPOSAL

3.1 The proposal is for the redevelopment of a 2.17ha site to accommodate 13 new B1c/B2/B8 units in 5 blocks with a total gross external area (GEA) of 11,190 m<sup>2</sup> with car parking and associated works with access from Edgington Way, Sidcup.

Front elevation of Units 1 & 2





3.2 The proposal would utilise a single access point from the Tesco's Superstore onto Edgington Way with pedestrian access from Fitzroy Business Park and Edgington Way.

3.3 The site is has a PTAL of 2, with areas surrounding the site between 1b and 2. The proposal would provide 144 onsite parking spaces including 13 disabled spaces, 28 with active electric vehicle charging points (20% of total) and 28 spaces with a passive provision for future electrification. The development proposes 33 cycle spaces.

3.4 The site is an undeveloped piece of land that was created by the construction of the Sidcup by-Pass in the late 80's/early 90's. The eastern part of the site (known as Fitzroy Business Park) was development in 2007.

#### 4. RELEVANT PLANNING HISTORY

4.1 Under ref: 18/05599/FULL1 – Planning permission is also under construction of 13 units to be used for Use Classes B1(c), B2 and B8 together with access from Edgington Way, Sidcup and creation of access from the Fitzroy Business Park, car parking and associated works.

4.2 The development at Fitzroy Business Park is also considered relevant to this application:

4.3 At the Fitzroy Business Park under ref. 06/03868 permission was granted for the construction of 11 units for Class B1/B2/B8 use, car parking/access road and road improvement works to Sandy Lane.

4.4 Under ref. 07/02131 permission was allowed at appeal for the variation of condition 14 attached to permission ref. 06/03868 to allow opening between 06.30 and 20.00 hours

Monday to Saturday and between 08.00 and 14.00 hours Sunday and Bank Holidays. This application was refused on the following ground:

- 4.5 *The proposed variation in the hours of operation to include opening on Sundays and Bank Holidays would be detrimental to the character of the area and the amenities that the residents of Ruxley, Sandy Lane might reasonably expect to be able to continue to enjoy by reason of noise and disturbance associated with the use of the site and additional vehicular traffic entering and egressing to and from the site, thereby contrary to Policy ER8 of the Unitary Development Plan.*
- 4.6 Under ref. 07/02471 permission was granted for external ventilation flues to Unit 1.
- 4.7 Under ref: 07/03525 permission was allowed at appeal for the variation of condition 14 attached to permission ref. 06/03868 to allow opening between 06.30 and 20.00 hours Monday to Saturday.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

#### **5.1 TFL – Objection**

- 5.2 TfL objects to this proposal as the proposed parking is in excess of, and therefore contrary to, both London Plan and LB Bromley policy relating to parking standards.
- 5.3 TfL also considers the proposals to be contrary to the NPPF and the delivery of sustainable development.

#### Summary of comments:

- 5.4 The applicants have presented clear evidence in their Transport Assessment (based on the TRICS database) which indicates a parking requirement of between 15 and 79 spaces depending on the land use.
- 5.5 Based on the applicant's presented evidence our assessment is that even London Plan standards would be an overprovision and with this lower level of provision no overspill parking is likely to take place.
- 5.6 The daily trip generation profiles forecast the movement of vehicles into and out of the site during each hour of the day and give a good indication of onsite parking accumulation / requirements. A higher level of parking will in turn lead to higher activity and trip generation.
- 5.7 LB Bexley has proposed the use of a Vehicle Monitoring Protocol which seeks to limit site traffic to agreed levels with the landowners incurring a charge if the volume of vehicles associated with the site exceeds these. TfL is fully supportive of this proposal and would want to see these set as:

	Transport Assessment
AM Peak (2-Way)	35
PM Peak (2-Way)	27
All day total (2-Way)	374
Parking requirement	79

(as set out in the applicant's Transport Assessment)

- 5.8 With regards to the Travel Plan, it is noted that the applicant is advertising generous on site car parking in its sales brochure which combined with proposed provision well above London Plan standards would appear to undermine the objectives and targets of the Travel Plan.
- 5.9 It is not clear why the information contained in the transport assessment could not have been used to populate with relevant information for this site rather than using an example for a development in Farnborough.
- 5.10 TfL consider that the Car Parking Management Plan contains little actual detail. There are no proposed enforcement measures to ensure that the plan is actually and effectively implemented. We would strongly suggest that a condition is imposed to enable consideration of a detailed Plan related to the ultimate development and which is site specific and addresses these matters. The car parking management plan and the travel plan will be crucial in controlling impacts on the highways and supporting more sustainable development.
- 5.11 For these reasons we would request that the application is either refused on the grounds of excessive and unjustified parking provision, or that any approval is based on a reduction of car parking to Policy compliant levels.
- 5.12 In line with draft London Plan Policy T9 to mitigate the transport impacts of the development, necessary and proportionate obligations are required towards sustainable travel including:
- £20,000 to upgrade the SCOOT traffic control system at Crittals Corner secured by s106
  - A vehicle monitoring protocol to limit site traffic to be secured by s106
  - Reviewing and revising the road markings for the A223 Edington Way/ Tesco Access to create additional capacity and prevent blocking back secured by s106.

### 5.13 LB Bromley Highways – No Objection

- 5.14 There is a similar application for the site with access from both Edington Way and via Fitzroy Business Park (18/05599) which is referred to as Option 2.
- 5.15 This proposal, Option 1, has 13 units which would all be accessed from Edington Way. There will be a route for pedestrians from Sandy Lane to the Tescos access and to Edington Way but not for vehicles. This appears to be the case at present.
- 5.15 The units will have a combined area of 10419m<sup>2</sup> GIA with 131 parking spaces plus 13 disabled spaces. This equates to one space per 80m<sup>2</sup>. The spaces will be allocated to

particular units. The site is within a low 1b / 2 PTAL area with poor accessibility to public transport and the on-street parking is also very limited. Consequently, although this is slightly higher than the London Plan standards, I would have no objection to the parking provision.

5.16 Junction modelling has been carried out to assess the impact of the development. Sandy Lane, the only arm within LB Bromley on the Ruxley roundabout, shows a minimal increase in delays in the peak hours. Crittalls Corner gyratory was also modelled and Sevenoaks Way, again the only arm within LB Bromley, showed a minimal increase in delays and queues. LB Bromley is not the highway authority for Edgington Way or the other arms of the junctions. LB Bexley is the Highway Authority and TfL are a consultee as Edgington Way is a strategic route and I would accept their views on the impact of the proposal on these roads / junctions.

5.17 There is a planning permission for amendments to the Tesco access road (17/01687) which is stated will be completed ahead of this proposed development but I am not sure if that can be conditioned.

5.18 Please include the conditions regarding parking layout, hardstanding wash down facilities, cycle parking and Construction Management Plan with any permission.

#### **5.19 LB Bexley Highways – No Objection**

5.20 I note TfL's comments and objection to the level of car parking promoted in both applications. However due to the low PTAL rating of the site (0-1a), cars are likely to be the primary mode of travel. Parking provision slightly above the London Plan maximum standard is therefore considered acceptable and will reduce the possibility of parking congestion within the site and overspill onto surrounding highways.

5.21 Having reviewed the junction modelling and noted TfL's comments I can confirm that Bexley as Highway Authority have no further objections to these proposals subject to the imposition of various planning conditions and S106 obligations referred to in TfL's letter. However the mitigation measure requiring a review and possible revision of the road markings for the A223 Edington Way/ Tesco Access to create additional capacity and prevent blocking back to be secured by s106 needs further discussion with Bexley and may be more expedient if the review and any subsequent alterations were secured by way of Grampian condition.

#### **5.22 Environment Agency – No Objection**

5.23 We have reviewed the document 'Foundation Works Risk Assessment' by Ramboll (reference 1700003212 V02 dated 18/07/2019). This document summarises the site's contamination status (low) and provides justification for the use of Vibro Stone Columns and Sheet Piling methodologies which we deem acceptable. In our previous response ref. SL/2019/119009/01-L01 we recommended a number of conditions, one of which was the submission of a piling risk assessment to identify any potential risk from piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

5.24 From the submission of the risk assessment we wish to update our previous response to reflect the additional information submitted.

5.25 We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed relating to contamination, sustainable water drainage and piling.

### **5.26 Thames Water – No Objection**

5.27 Thames Water would advise that they would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. No objections subject to informatives to applicant regarding.

5.28 With regards to surface water, no objections are raised subject to the developer following the sequential approach to the disposal of surface water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

5.29 Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

5.30 In terms of using mains water for construction Thames Water must be notified before the start, to avoid potential fines for improper usage. Thames Water advise that more information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

5.31 On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the above planning application. Thames Water have recommended informatives be attached to this planning permission which are included below.

### **5.32 Drainage – No Objection**

5.33 The submitted information including "Flood Risk Assessment" carried out by Bradbrook Consulting Option1 with REF No. 18-083R\_001 Rev C dated 26/11/2018 revised 04/02/2019 to include 40% climate change to incorporate 3 Attenuation Tanks with 636m<sup>3</sup>, 144m<sup>3</sup> and 580m<sup>3</sup> capacity each to limit surface water run-off to 4l/s, 1.5l/s, 4.5 l/s and exceedance to be contained on site is acceptable subject to a compliance condition.

### **5.34 Historic England (Archaeology) – No Objection**

5.35 Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

5.36 The site is located within a rich archaeological landscape and would therefore be likely to require staged site work to quantify the site specific archaeological potential. However,

the submitted archaeological desk-based assessment report dated September 2018 by L-P Archaeology, in conjunction with the geotechnical evaluation report has shown that the whole site appears to have been quarried and thus reducing the archaeological potential to negligible.

5.37 No further assessment or conditions are therefore necessary.

### **5.38 Natural England – No Objection**

5.39 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Ruxley Gravel Pits Site of Special Scientific Interest and has no objection.

5.40 Natural England entered into discussions through our Discretionary Advice Service to resolve potential issues with the SSSI which borders the development site. The plans for drainage, light control, SSSI buffer, code of conduct and the Biodiversity CEMP allay any potential issues.

5.41 Natural England's advice on other natural environment issues are contained within the informatives set out below.

#### **B) Local Group(s)**

5.42 Bromley Biodiversity Partnership

5.43 Bromley Biodiversity Partnership fully supports all mitigation measures suggested by Natural England and Kent Wildlife Trust.

#### **C) Interested Parties**

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

##### Objections:

- Concern that the development will increase traffic and congestion;
- Concerns over air quality in the area;
- There needs to be management of the increased traffic;
- The access road within the business park is not wide enough for two way traffic;
- Since the building of Fitzroy Business Park Sandy Lane has turned into a disaster zone with HGV's blocking the road and now the car parking has resulted in the lane being almost one-way;
- Fitzroy have broken every planning restriction and over the years have had them overturned;
- The noise will be excessive;
- The increase in vehicles will increase pollution to unacceptable levels;
- This is a better option than having the access via Fitzroy Business Park;
- Was the traffic trip movement analysis carried out on a Sunday or Bank Holiday?
- Concern that once the Klinger site is up and running it will add to the problems;

*These objections have been considered and addressed in the assessment section 7 below.*

5.45 Other objections were received relating to the dual access schemes have also been summarised below:

- Access to the Fitzroy site though Sandy Lane has become a problem over the recent years with added units on the road;
- More traffic will make it more difficult for staff and customers access the unit which will impact on business;
- Many times of the day the road is impassable due to large vehicles parked up waiting for unloading;
- Access though Fitzroy Business Park will have a negative impact on business in the park

Support:

- Support the application

*Please note the above is a summary and full text is available on the Council's website.*

## **6. POLICIES AND GUIDANCE**

6.1 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:

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

6.2 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.

6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

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

Draft New London Plan:

6.6 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

- 6.7 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.
- 6.8 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

#### London Plan Policies:

- 2.6 Outer London: vision and strategy
- 2.7 Outer London: Economy
- 2.8 Outer London: Transport
- 2.17 Strategic Industrial Locations
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local character
- 7.5 Public Realm
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-Led Regeneration
- 7.20 Geological Conservation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

#### Mayor Supplementary Guidance:

- Mayor's SPG: "Accessible London: Achieving an Inclusive Environment" (2014)
- Mayor's SPG: "London's Foundations: Protecting The Geodiversity of the Capital" (2012)

Bromley Local Plan 2019:

13 Renewal Areas  
17 Cray Valley Renewal Area  
30 Parking  
31 Relieving congestion  
33 Access to services for all  
34 Highway infrastructure provision  
37 General design of development  
38 Statutory Listed Buildings  
68 Development and SSSI  
69 Development and Nature Conservation Sites  
70 Wildlife Features  
72 Protected Species  
73 Development and trees  
46 Archaeology  
80 Strategic Economic Growth  
81 Strategic Industrial Locations (SIL)  
84 Business Improvement Areas  
115 Reducing flood Risk  
116 Sustainable Urban Drainage Systems  
118 Contaminated Land  
122 Light Pollution  
120 Air Quality  
119 Noise Pollution  
123 Sustainable design and construction  
124 Carbon reduction, decentralised energy networks and renewable energy  
125 Delivery and implementation of the Local Plan

## **7. ASSESSMENT**

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

- Principle of development
- Design – Layout, scale
- Transport
- Amenity Impact
- Environmental Health/ contamination/ noise /air quality
- Landscaping
- Ecology and Protected Species
- Drainage and flooding
- Sustainability and Energy
- Secure by Design
- Other Issues
  - Environmental Impact Assessment
  - Geological Value
- CIL
- Head of Terms

Principle of development:

**Acceptable**

- 7.2 The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and identify strategic sites for local and inward investment.
- 7.3 The London Plan identifies Fooks Cray (Ruxley Corner) as a SIL (Industrial Business Park). The application site is located within this identified area. Planning decisions paragraph B of policy 2.17 states that 'development proposals should be refused unless they fall within the broad industrial type activities outlined in paragraph 2.79.'
- 7.4 Paragraph 2.79 states that: London's strategic industrial locations (SILs) are London's main reservoir of industrial land comprising approximately 50 per cent of London's total supply. They have been identified following an assessment of future need
- 7.5 In addition, the Majors SPG: Land for Industry and Transport 2012, puts Bromley in the category of 'restricted transfer' commenting that this applies to Boroughs with typically low levels of industrial land relative to demand.... Boroughs in this category are encouraged to adopt a more restrictive approach to the transfer of industrial land to other uses. This approach is reflected in Policy 4.4 of the London Plan.
- 7.6 The site is identified in Policy 80 as the Cray Business Corridor – a strategic priority area for economic growth. The policy states that the focus within this area will be on bringing forward adequate development capacity, the co-ordination of public and private investment and the delivery of enabling infrastructure.
- 7.7 The Site is designated as a Strategic Industrial Location (SIL) in Policy 81, which states that within these areas, uses falling within Class B1(b) and B1(c), B2 and B8 will be permitted and safeguarded. The supporting text to the policy states that the Council will restrict further expansion of retail floorspace within the SIL to instances where the use is demonstrated to be ancillary to a primary B use.
- 7.8 The proposal is for 13 business units arranged in 5 blocks with a total gross external area (GEA) of 11,190m<sup>2</sup>. The units would vary in size from 379 sqm to 1,803 sqm. The subject site is the only entirely undeveloped site in the Cray Business Corridor SIL and represents an ideal opportunity to improve the borough's industrial offer and help to meet demand forecast over the Local Plan period. To this extent, the proposal is consistent with current and proposed business and employment policies.
- 7.9 The proposal will help meet forecast demand for industrial and related employment floorspace over the plan period and should be encouraged (subject to meeting other policy requirements relating to transport, parking and nearby sensitive environments to the west of the site).
- 7.10 In respect of the proposed mix of uses, the units are to be B1(c)/B2 and B8 units which all comply with planning policies. The applicant has expressed the intention to install ancillary trade counters throughout the scheme. However, in accordance with the policies outlined above, to protect the industrial character of the site, this can be restricted

through condition. This can require details of the extent and scale of any trade counters to be submitted for approval prior to their installation. The provision of trade counters could change the nature of the use from storage and distribution to retail based business. The BLP Policy in relation to SIL's clearly states that "Proposals involving a portion of floorspace to be used for display and sales should demonstrate that the use is clearly ancillary to a primary Class B use." This form of development would be discouraged on site.

7.11 The principle of development is policy compliant and appropriate in this designated employment area. In addition, the proposal would bring a long standing, under used site, back into an industrial/commercial use in accordance with NPPF, London Plan and local policy aspirations.

#### Design – Layout, scale height and massing:

##### **Acceptable**

7.12 The site is located adjacent to Green Belt, a SINC and SSSI and as such Policies 53, 68 and 69 of the BLP are considered relevant to any assessment

7.13 The plans provided show the buildings would be approximately 11.6m in height, which is similar to the Tesco Superstore at 10m, and the Fitzroy Business Park which is between 8-10m in height. The A20 to the rear of the site is on a raised embankment so the site is considerably lower.

7.14 The units will be of steel portal frame construction with the height to the underside of haunch of 8.4m and the external eaves height of approximately 10m. The units will have metal clad roofs at 6 degrees with rooflights to add daylight into the warehouse areas. PV panels will be located on the roofs, raised about 200mm and in line with the roof profile. They will not be visible from the pedestrian perspective.

7.15 Buildings will be clad in a combination of profiled built-up and Microrib composite cladding panels in predominantly light colours. The units have extensive high level glazing and feature cladding panels accentuate entrances and provide visual contrast to the warehouse elements. The rear elevation of units 1 and 2 will be clad in a green cladding which together with a 5m wide landscape buffer will help mitigate the visual impact of the building onto the adjoining Ruxley Gravel Pits Site of Special Scientific Interest. The image below has been submitted by the applicant to seek to demonstrate the visibility of the buildings from the SSSI.

7.16 The proposal is considered to respond to the site's natural features and topography. This in addition to the introduction of further landscaped areas and new tree planting along the southern and western elevations would ensure that the visual impact of the proposed buildings on the neighbouring sites is softened and reduced.



- 7.17 The proposed development incorporates Secured by Design principles, as required by Policy to take account of crime prevention and community safety.
- 7.18 This site is located adjacent to a SSSI, an extended Phase 1 Habitat Survey (June 2018); a desk-based study was undertaken and has been submitted with the application. This has looked and examined both flora and fauna on this site. This concluded that the potential presence of protected species was acknowledged; measures to safeguard these have been put forward and a series of provisions have been recommended to enhance the nature conservation interest of the site which have been acknowledged and reviewed by Natural England. As such there would be no detrimental impact on the adjacent SSSI.
- 7.19 In terms of the adjacent Green Belt, this site is very different in character and is separated from open land to the south by the A20 which although is Green Belt itself acts as buffer to distinguish the two areas.
- 7.20 In summary, the proposal would result in a high quality development that responds to the character of the area, and provides a functional, non-invasive wider provision to accommodate a policy compliant use of the site.
- 7.21 In accordance with NPPF policy, the proposed site would function well, add to the overall quality of the area, and establish a strong sense of place through the use of sensitive landscaping and boundary treatments. The proposal would optimise the potential of the site to accommodate development, and create an appropriate provision of use. The development would respond to the site and would reflect the identity of local surroundings and materials.

#### Transport:

#### **Acceptable**

- 7.22 It is acknowledged that TfL have raised an objection regarding the number of parking spaces. TfL are concerned that by providing a higher level of parking will in turn lead to higher activity and trip generation.

- 7.23 In response to the above the London Borough of Bexley who is the highway authority for the surrounding roads note TfL's comments and objection to the level of car parking , however due to the low PTAL rating of the site (0-1a), cars are likely to be the primary mode of travel. They acknowledge that the parking provision would be slightly above the London Plan maximum standard but nevertheless considered it to be acceptable and will reduce the possibility of parking congestion within the site and overspill onto surrounding highways.
- 7.24 Bromley highway officers have also considered this and that given the very low PTAL the London Plan standard would be 1 space per 100m<sup>2</sup>.
- 7.25 The proposal is for 10,419 m<sup>2</sup> GIA with 131 spaces (not including disabled spaces) giving one space per 80m<sup>2</sup> giving rise to the 27% "overprovision".
- 7.26 The adjacent Fitzroy Business Park, which gained permission in 2006, has 5478m<sup>2</sup> GFA with 58 spaces which gives a ratio of 1 space per 94m<sup>2</sup>. This is higher than the London Plan provision would be but clearly does not have enough parking with vehicles parked all over the site and going out into Sandy Lane which required the introduction of waiting restrictions.
- 7.27 Therefore on balance given the location of the site and PTAL the provision should be higher at this site and as such no objection in this regard is raised.
- 7.28 With regards to sustainability, to address concerns raised by TfL obligations are sought for Bexley Council as the Highway Authority in the S106 relating to:
- £20,000 to upgrade the SCOOT traffic control system at Crittalls Corner secured by s106
  - A vehicle monitoring protocol to limit site traffic to be secured by s106
  - Reviewing and revising the road markings for the A223 Edington Way/ Tesco Access secured by s106.
- 7.29 Highway officers acknowledge that Fitzroy Business Park does not have enough parking and this has had an impact on Sandy Lane as a consequence. As such Bromley and Bexley Highway officers have supported the level of parking proposed as to ensure they is no increase in the parking demand on the local roads, especially Sandy Lane.
- 7.30 Given all of the above it is considered that the development is acceptable and the proposal would not impact detrimentally on the highway network.

Amenity Impact:

**Acceptable**

- 7.31 The application site is set within an established Business Area/SIL. The nearest noise sensitive properties are on Sandy Lane, with one property approximately 80m south east of the site (south of the A20) and another approximately 150m to the east, across roads and behind other industrial sites.

- 7.32 A Noise Impact Assessment has been submitted by the Applicant. This shows that the predicted noise levels for the development (showing a maximum of 9 HGV movements) using “worst case” scenarios. It concludes that the residual operational noise impacts are of negligible magnitude and not significant (when compared against the existing baseline conditions).
- 7.33 The potential impacts as a result of the construction phase have also been assessed in relation to the impacts upon existing receptors. It is considered that with appropriate mitigation, the proposed development is acceptable with regard to both operational and construction noise impacts.
- 7.34 The potential for adverse noise impacts from construction vehicles and plant during the works can be minimised through a range of measures which can form part of a site specific Construction Management Plan within which all contractor activities would be undertaken and this can be secured by way of condition.
- 7.35 The proposed use itself is unlikely to generate significant levels of noise and, given the generous separation distances of the site from residential dwellings the proposal is unlikely to have a significant detrimental effect on neighbouring amenities.

Environmental Health/ contamination/ noise /air quality/external lighting: -

**Acceptable**

*Contamination:*

- 7.36 A Phase II Environmental Site Assessment Report has been submitted with the application (April 2019). The report concludes that the site investigation has not identified significant contamination at the subject site with the exception of asbestos containing material (ACM) in Made Ground soils.
- 7.37 At the time of the investigation, asbestos containing material (ACM) was identified at surface level and this was considered to pose a potential risk to current site users (i.e. pedestrian footpath). Mitigation measures were recommended and have been implemented in this regard. A hand-picking exercise of ACM has been undertaken by a qualified contractor and a barrier fence has been erected to restrict site users entering areas of the site where ACM was previously identified. During the investigation, Ramboll implemented mitigation measures and also implemented air monitoring which did not detect any fibre release during the excavation activities.
- 7.38 In terms of visual evidence, with exception to the west of site, ACM was observed to be located in the Made Ground across site. Generally, ACM was visually observed in two notable layers across the site; a shallow layer consisting of fragments of ACM in soils of which a greater frequency of fragments was identified within the central and southern areas of site and a deeper layer consisting of ‘bands’ of ACM rather than fragments within soils. This layer was observed to be located within the central to southern central area of site. Laboratory analysis identified ACM in quantifiable concentrations in 22 locations. In all but two samples the ACM was identified as Chrysotile; one sample recorded the presence of Crocidolite (<0.001%) and Amosite was recorded with Chrysotile in the second sample (0.039%). The presence of asbestos is not considered to

represent a significant risk to future users in the scenario where the material remains capped below hard surfacing or buildings where there is no pathway for exposure to human health.

- 7.39 As such the documents have been reviewed by Environmental Health Officers and the Environment Agency and a condition should be attached to any planning permission securing these mitigation methods and adherence with the contaminated land assessment dated April 2019, which could address all these aspects appropriately in accordance with Policy 118 of the BLP.

*Noise:*

- 7.40 Noise modelling has been undertaken to predict the likely impact on nearby receptors with regards to construction and operation as set out above in the amenity section of this report.
- 7.41 In relation to plant noise, the acoustic report proposes to limit noise and as such a condition is proposed which would require this to be complied with.

*Air Quality:*

- 7.42 An Air Quality Screening Statement has been prepared. This assessment considers the air quality impacts associated with both the construction and operation of the development. Likely changes to air quality in the area, as a result of the proposed development have been considered in relation to the national Air Quality Objectives. Where required, the air quality assessment considers mitigation measures to reduce the effect of the proposed development upon local air quality.
- 7.43 The development site is not located within an AQMA; however, it is located close to London Borough of Bexley's AQMA. The AQMA is declared for exceedances of the national annual mean nitrogen dioxide (NO<sub>2</sub>) objective.
- 7.44 Review of air quality monitoring data from the nearest automatic monitoring stations indicate that roadside NO<sub>2</sub> concentrations exceed the national objective. However, background concentrations are within the objectives.
- 7.45 The impacts of construction activities on local air quality have been assessed in accordance with the IAQM best practice guidance. This assessment indicated that the risk of the different activities towards dust soiling is 'medium' and that for human health impact is 'medium'. Following implementation of the appropriate mitigation measures as outlined in the report, the residual impacts during construction would be insignificant. These mitigation measures make up part of a Construction Management Plan (CMP) that will be required to be implemented to minimise the potential of adverse construction dust impacts throughout all the relevant construction stages.
- 7.46 Traffic movements, generated by the proposed development during its operation, will give rise to NO<sub>x</sub> and PM<sub>10</sub> emissions. The impact of these emissions on local air quality were assessed using an air dispersion model and the impacts significance was assessed in accordance with the relevant IAQM Guidance. Traffic-related pollutant concentrations (NO<sub>2</sub> and PM<sub>10</sub>) were predicted at sensitive residential properties located near roads

likely to be affected by vehicle travelling to and from the Site. Results indicate that the impact of vehicle emissions on local air quality is negligible.

- 7.47 The total nitrogen oxides (NO<sub>x</sub>) and PM<sub>10</sub> emission from, vehicles movements generated by the development, have been considered in the Air Quality Neutral assessment. This assessment showed that emission are within the benchmarks set out in the GLA's Sustainable Design and Construction Guidance and no mitigation is required.
- 7.48 The development therefore meets the current London Plan requirements that new developments are air quality neutral, and air quality impact in the local area as a result of this development is not expected to be significant. Conditions have been recommended to ensure and address any matters which could subsequently affect air quality and which could be attached to any approval.

#### *External Lighting:*

- 7.49 An External Lighting Assessment has been submitted with the application which reviews the proposed external lighting scheme at the site. This incorporates measures to prevent night time lighting pollution by restricting all luminaries to be fitted with suitable optics to limit excessive emission on the horizontal plan, horizontal cut off optics to minimise upward light spill and to incorporate a lighting design will comply with the relevant limits on lighting intensity. The scheme addresses the use of the site by bats and minimises light pollution to other parts of the site and the wider area addressing the requirements of para.125 of the NPPF.

#### Landscaping:

##### **Acceptable**

- 7.50 The existing site is overgrown with self-seeded low level shrubs and plants with some trees and more mature planting along the perimeter of the site.
- 7.51 The Arboricultural Implication Report concludes that no veteran or ancient trees, and no category 'A' trees are to be removed. A portion of the main Arboricultural features of the site comprising six individual poplars are to be removed on Arboricultural grounds, but this will represent only a partial alteration to the main Arboricultural features of the site and are not considered to have a permanent or significant adverse impact on the arboricultural character and appearance of the local landscape.
- 7.52 The incursions into the Root Protection Areas of trees to be retained are minor and within the tolerable limits of the species affected. Subject to implementation of the measures recommended on the Tree Protection Plan and set out at Appendix 1 of the Arboricultural Implication Report, no significant or long-term damage to their root systems or rooting environments will occur.
- 7.53 The landscaping scheme submitted with the application indicates that most of the perimeter planting, including the trees on the southern and eastern embankment will be retained and enhanced. A high quality landscaping scheme is also proposed at the frontage of the site. It is considered that this would enhance the setting of the area.

7.54 Subject to implementation of the recommendations of the survey, the proposed development would not have a significant impact upon the existing arboricultural amenity of the area and therefore complies with Policy 73.

Ecology and Protected Species:

**Acceptable**

7.55 The application site lies immediately adjacent to the west of Ruxley Gravel Pits SSSI. An Extended Phase 1 Habitat Survey (June 2018); a desk-based study was undertaken and has been submitted with the application which considers all biodiversity and conservation aspects, including potential impacts on protected and other species, notably reptiles and bats.

7.56 The majority of the habitats present within the site are largely semi-natural but of limited intrinsic interest in terms of floristic composition, and their loss together with the buildings and hardstanding would be of little ecological significance. The semi-improved grassland is of some ecological interest within the context of the site and is proposed for removal but is of limited extent and is considered to be of limited significance in the wider local area.

7.57 The site contains some foraging interest for bats in the form of scrub and tall herbaceous vegetation. No evidence of Badgers was identified during the survey work and it is considered unlikely that this species would be reliant on the site for foraging or sett-building. The site may occasionally be used for dispersal as Badgers are present in the local area and an informative is suggested to ensure that checks be undertaken by an ecologist prior to the commencement of any works within the site to ensure Badgers have not excavated any setts.

7.58 In terms of birds a total of 27 bird species were recorded during three breeding bird surveys and an extended Phase 1 survey carried out in 2018; 15 of these were recorded as breeding or probably breeding. Birds recorded include a single Kingfisher at the western end of the site on the first visit. The site does not contain suitable Kingfisher nesting habitat. Wintering bird surveys of the adjacent Ruxley Gravel Pits SSSI conducted in 2008 recorded a total of 49 species respectively. Notable species observed include Peregrine, but it is not considered that this species is likely to rely on the proposed development site.

7.59 The site contains very limited areas of reptile active season habitat in the form of small patches of rough semi-improved grassland. The majority of the site does not provide sufficiently diverse habitat structure to support common reptile species. Scattered scrub provides shelter and hibernation opportunities. A common reptile presence / absence survey conducted in 2008 recorded a single adult Grass Snake in the east of the site. It is noted that the habitat opportunities have been reduced by vegetation succession in the intervening years. Surveys of the adjacent Klinger site conducted in 2016 did not find any presence of common reptile species despite this area containing comparable (and in places more suitable) reptile habitat than the proposed development site. It is therefore considered that the common reptile population is likely to have been lost from the site.

- 7.60 No amphibians were observed within the site during the survey work undertaken. The semi-natural habitats present within the site provide dispersal opportunities and are considered to have some limited potential to support foraging amphibians. The scrub within the site offers habitat for shelter and hibernation but the site is unsuitable for breeding amphibians. The semi-natural habitats identified will be lost under the development proposals.
- 7.61 The protective measures required to avoid detrimental impacts are included in the prepared Construction Environmental Management Plan (CEMP) covering the identification of biodiversity protection zones, the siting and timing of activities and construction lighting to minimise disturbance to wildlife, the erection of appropriate protective fences and warning signage and the safe storage of materials and chemicals at appropriate locations.
- 7.62 Given all of the above it is considered that there are no overriding ecological constraints to the development of the site and there is good scope for the proposals to avoid any significant impacts on designated sites. Natural England have broadly agreed to the proposed mitigation and safeguard measures in respect of Ruxley Gravel Pits SSSI as detailed within this report, and also the accompanying CEMP. The potential presence of protected species is acknowledged; measures to safeguard these have been put forward and a series of provisions have been recommended to enhance the nature conservation interest of the site.
- 7.63 The proposed development is considered acceptable with regard to ecological and nature conservation impacts subject to conditions.

#### Drainage and flooding:

##### **Acceptable**

- 7.64 The proposed development site lies in an area designated by the Environment Agency as Flood Zone 1 and is outlined to have a chance of flooding of less than 1 in 1000 (<0.1%) in any year.
- 7.65 NPPF sets out a Sequential Test, which states that preference should be given to development located within Flood Zone 1. A flood risk assessment has been submitted which demonstrates that the requirements of the Sequential Test have been met, with the site's location within Flood Zone 1 and 'Less Vulnerable Infrastructure' classification of the development.
- 7.66 A sustainable drainage strategy, involving the implementation of SuDS, is proposed for managing the disposal of surface water runoff from the proposed development. The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.
- 7.67 The proposed surface water drainage measures would ensure the proposed development satisfies the peak flow control standards and volume control technical

standards in the Government's 'Non-statutory technical standards for sustainable drainage systems'.

7.68 This flood risk assessment has concluded that:

- the location of the distribution facility is located within Flood Zone 1, and as such is at a very low risk of flooding from fluvial sources.
- the site is far enough inland not to be at risk of any tidal flooding event.
- flood risk from surface water is considered very low for the site following development.
- flood risk from other sources – groundwater, sewers, reservoirs and artificial sources – is demonstrated to be low.
- the development will have no impact on other forms of flooding.
- overall, taking into account the above points, the development of the site should not be precluded on flood risk grounds.

7.69 The Drainage Officer and Environment Agency have assessed the submission and advised that subject to appropriate conditions, the submission is considered to be acceptable in this respect.

#### Sustainability and Energy:

##### **Acceptable**

7.70 The application is supported by an Energy and Sustainability Statement which confirms that as a result of the sustainability features incorporated within the proposed development this allows for a 36.95% carbon saving against Part L 2013 requirements for the scheme which exceeds the 35% improvement requirement under the London Plan and demonstrates that the scheme is a sustainable development. This is shown to be achieved through passive design, energy efficient measures incorporating design features in accordance with London Plan and BLP planning policies.

7.71 The development shall include a variety of features which are regarded as having a good sustainable design. To provide as much natural light as possible within the office and warehouse areas glazing has been provided to the office and circulation areas and with 15% rooflight coverage over the warehouse areas. Building modelling of each unit has confirmed that no occupied space is at risk from excessive solar gains.

7.72 To further ensure that overheating will not occur during summer months and the building is suitably insulated, as well as allowing for adaptation due to the effects of climate change, it is anticipated that the development will use building fabrics with 'U' values with an improvement beyond the threshold requirements of Part L (2013)

7.73 To ensure the sustainability of the development the Energy and Sustainability Statement puts forward that water efficient fixtures will be incorporated into the design, such as low flow taps and dual flush toilets with reduced effective flush volumes.

7.74 To be further sustainable, it is expected that pulsed water meters will be installed on the mains water supply, to effectively monitor water consumption. The inclusion of the above

sustainability features allows for the development to be deemed sustainable with regard to water consumption.

7.75 Site Waste Management Plan has been produced, highlighting key materials and the correct waste streams for the recycling of any waste materials.

7.76 The proposed development is considered to comply with London Plan Policies 5.7 to 5.11, the Mayor's SPG and also Policy 37 (f) of the BLP.

Secure by Design:

**Acceptable**

7.77 The proposal needs to incorporate Secured by Design principles as required by Policy 37 to take account of crime prevention and community safety. Paragraphs 58 and 69 of the NPPF are relevant. Compliance with the guidance in Secured by Design and the adoption of these standards will help reduce the opportunity for crime, creating a safer, more secure and sustainable environment.

7.78 The Designing Out Crime Officer has recommended the principles and standards of 'Secured By Design' Commercial 2015v2' as a planning condition for the development noting the size and historical criminality at the site.

Other Issues:

*Environmental Impact Assessment:*

7.79 As the site has an area of over 1ha it was necessary to "screen" an application as to whether it requires to be accompanied by an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. The screening process identified that an EIA was not required, and a formal opinion was issued on 01.10.2019.

*Geological Value:*

7.80 The area to the north of the site is identified as GLA41 Klinger Pit, Foots Cray, Potential Regionally Important Geological and Geomorphological Sites (RIGS) in the London Plan SPG 'London's Foundations: Protecting the Geodiversity of the Capital'. The area is identified as an abandoned pit formerly owned by Klinger that was worked for Thanet Sand Formation. The lithology is predominantly fine yellow sand and is considered to be the best exposure of Thanet Sand in the London area.

7.81 However, the designation of the Thanet Sand formation lies outside of the developed area of the site.

CIL:

7.82 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## Heads of Terms:

7.83 In order to mitigate the transport impacts of the development, necessary and proportionate obligations are required towards sustainable travel which includes the following:

- £20,000 to upgrade the SCOOT traffic control system at Crittals Corner secured by s106
- A vehicle monitoring protocol to limit site traffic to be secured by s106
- Reviewing and revising the road markings for the A223 Edington Way/ Tesco Access to create additional capacity and prevent blocking back secured by s106.

## **8. Conclusion**

- 8.1 The proposed use of the site complies with planning policy and is acceptable in principle.
- 8.2 The application has been assessed against the adopted development plan and all other material considerations.
- 8.3 As set out in the preceding sections of the report, having regard to the relevant policies given the sites location within the Cray Business Corridor (Foots Cray), which is recognised as a Strategic Industrial Location (SIL) and taking into account the highways impacts of the proposal and the impact on occupiers of nearby occupiers, the development is considered acceptable.
- 8.4 Furthermore, provided the recommendations within the various technical reports are complied with, the proposal would not have a significant impact on the environment, including the bio-diversity value of the site of the adjacent SINC. The application is recommended for permission, subject to conditions.
- 8.5 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION – PERMISSION SUBJECT TO LEGAL AGREEMENT**

### **SUMMARY OF CONDITIONS AND INFORMATIVES**

#### **Standard Condition(s)**

- 1. Time limit of 3 years**
- 2. Drawing number**

#### **Compliance Condition(s)**

- 3. No trade counter**
- 4. Parking to be provided as approved**
- 5. During construction hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles**

6. Finished surfaces of the access road and parking areas, and the external lighting installation to be carried out as approved
7. Development shall be completed in accordance with approved levels
8. Car parking area only to be used by customers and employees of the premises and for servicing of the development
9. Bicycle parking shall to be provided in accordance with the approved details
10. Construction and Environmental Management Plan shall be implemented in accordance with the agreed timescale and details
11. Surface water drainage scheme shall be implemented in full accordance with the approved details
12. Landscaping scheme as shown on the approved landscaping shall be implemented in full accordance with the approved details
13. Plant noise limitation
14. External materials of buildings shall be carried out as approved
15. The development shall be completed in accordance with the remediation strategy
16. Piling or any other activity using penetrative methods shall be carried out in accordance with the approved report 'Foundation Works Risk Assessment' by Ramboll, Issue 2 dated July 2019
17. Removal of permitted development rights
18. No additional floor space to be provided
19. Development shall be carried out in accordance with the contamination remediation strategy

**Prior to Occupation Condition(s)**

20. The boundary enclosures shall be completed
21. Sustainability measures as detailed in the approved Energy and Sustainability Statement (V 2 12/12/2018) shall be incorporated into the development
22. Electrical charging points
23. Delivery and Servicing Plan
24. Secure by Design

**Any other conditions considered necessary by the Assistant Director (Planning)**

**Informatives**

1. Mayoral CIL.
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.
3. Thames Water will aim to provide customers with a minimum pressure.
4. This application may present opportunities to enhance locally valued landscapes within the new landscaping.