

SECTION '2' – Applications meriting special consideration

Application No : 10/00210/FULL2

Ward:
Bromley Town

Address : Unit 4 21 Waldo Road Bromley BR1 2QX

OS Grid Ref: E: 541583 N: 168664

Applicant : Mr N Thompson

Objections : YES

Description of Development:

Change of use from food preparation (sui generis) to music rehearsal training centre (Class D1).

Key designations:

Flood Zone 2

Flood Zone 3

Proposal

Planning permission is sought for the change of use of the premises from food preparation (sui generis) to music rehearsal training centre (Class D1). This use has already commenced.

A design and access statement has been submitted in support of the application, the main points of which can be summarised as follows:

- there is strong demand for rehearsal space in Bromley
- site chosen for its size and location away from residential properties yet still close to transport links
- expected traffic concentrated around 6.30pm – 8.00pm weekdays and Sundays
- at these times the Waldo Road Council depot is shut, ensuring that there would be no adverse impact on local traffic
- premises heavily soundproofed
- no external changes proposed
- opening hours 10.00am to 11.00pm Monday to Sunday
- estimated that 8 jobs would be created
- lack of similar facilities in the borough

In addition, further information has been submitted concerning the details of sound attenuation measures that have been incorporated into the construction of the rehearsal rooms, and most recently the results of independent acoustic testing which was carried out to measure sound levels outside the premises.

Location

The application site is located on the northern side of Waldo Road, Bromley, and comprises an industrial unit forming part of a group of 4 units at No. 21. The immediate surrounding area is predominantly industrial/commercial; although there are residential properties located approx. 50m to the south on Mornington Avenue, and approx. 52m to the north on Homesdale Road (beyond the adjacent railway lines).

Comments from Local Residents

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

- noise and disturbance
- exacerbates existing noise and disturbance issues which arise from nearby Waldo Road refuse site
- concerns regarding hours of operation and fact that premises proposed to operate 7 days a week

Comments from Consultees

Environmental Health (pollution) raise no objection to the application. It is advised that any noise escaping from the building would not result in a statutory noise nuisance and neither is it expected that it would give rise to a significant loss of amenity.

In addition, Members should be aware that Environmental Health have been investigating an on-going complaint of noise nuisance associated with the application site, however no statutory nuisance has been proven.

From the technical Highways perspective, no objections are raised.

Planning Considerations

The main planning policies of relevance to this application are as follows:

Unitary Development Plan

- BE1 Design of New Development
- C1 Community Facilities

EMP6 Development Outside Business Areas
T18 Road Safety

The London Plan

4A.20 Reducing Noise and Enhancing Soundscapes

National Planning Policy

PPG 24 Planning and Noise

Planning History

Under ref. 04/01605, planning permission was granted for the change of use of the premises from light industry (Class B1) to use of premises for food production, packaging and delivery to customers.

Conclusions

The main issues for consideration in this case will be the acceptability of the change of use in principle, having regard to the submission that it would meet a community need and since it would appear to be a non-conforming business use (having regard to the Council's Business and Regeneration Policies); the impact of the use to the character of the area and the amenities of neighbouring residential properties (with particular regard to noise and disturbance); and the impact to conditions of road safety.

Members may agree that the proposed use, which the Applicant indicates would meet a community need (in view of the lack of similar facilities in the borough) may be acceptable as a community facility on the basis that it would be accessible by means other than the car and would be accessible to the members of the community it is intended to serve.

With regard to the principle of the use which would fall within Class D1 (assembly and leisure) of the Use Classes Order, Members will be aware that it would not constitute a 'conforming' business use. However, Policy EMP6 provides that where outside of the designated business areas (as is the case here) non-conforming business uses may be acceptable provided there is no significant adverse impact on the amenity of the surrounding properties. In this case, it is not considered that the surrounding industrial/commercial units would be significantly affected by the use. Indeed Members will note that no adverse comments have been received from these properties.

Turning to the second issue, it is not considered that the use of the premises would result in significant harm to the character of the area. Although primarily industrial/commercial in nature, the use of the premises would in spite of its Class D1

classification involve the provision of service (i.e. rehearsal rooms for hire) and may not be significantly dissimilar in its nature to adjacent uses.

With regard to the impact to the amenities of neighbouring residential properties, Members will note that many local residents (primarily from Mornington Avenue to the south) have objected on the grounds of noise and disturbance. Since the application was originally submitted, it is apparent that sound attenuation measures have been incorporated into the construction (as detailed in the supporting documentation) and Members will note the views of Environmental Health in considering that any noise escaping from the building would not result in a statutory noise nuisance and neither is it expected that it would give rise to a significant loss of amenity. The results of the acoustic survey that was recently carried out on behalf of the Applicant appear to demonstrate that there was no measurable increase in noise levels outside the building when the rehearsal rooms were in use, and consequently it is unlikely that airborne noise levels would be measurable at nearby dwellings.

Notwithstanding the above concerns have continued to be raised locally and the site has been the subject of an on-going noise nuisance investigation by Environmental Health, although Members will note that it has not been possible to demonstrate statutory nuisance in this case.

In light of the above Members will need to carefully consider the acceptability of the proposed use in view of the technical advice of Environmental Health and the nature and extent of objections received locally. However, Members may agree that on balance, the use of the premises as a music rehearsal training centre may not result in a significant loss of amenity to warrant the refusal of planning permission on these grounds alone.

Finally, with regard to the impact of the use to conditions of road safety, Members may agree that in view of the technical Highways comments received, a significant impact may not arise.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00210 and 04/01605, excluding exempt information.

as amended by documents received on 07.07.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 ACJ06 Restricted hours of use on any day 10:00am 11:00pm

Reason: In order to comply with Policy BE1 of the Unitary Development Plan, Policy 4A.20 of the London Plan and PPG 24, and in the interest of the amenities of the area.

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies:

Unitary Development Plan

BE1 Design of New Development
C1 Community Facilities
EMP6 Development Outside Business Areas
T18 Road Safety

The London Plan

4A.20 Reducing Noise and Enhancing Soundscapes

National Planning Policy

PPG 24 Planning and Noise

The development is considered to be satisfactory in relation to the following:

- (a) the impact of the proposed use on the amenities of the occupiers of adjacent and nearby residential properties
- (b) the provision of an accessible community facility
- (c) the impact of the proposal to conditions of road safety
- (d) the business and regeneration policies of the Unitary Development Plan
- (e) the community services policies of the Unitary Development Plan
- (f) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

Reference: 10/00210/FULL2

Address: Unit 4 21 Waldo Road Bromley BR1 2QX

Proposal: Change of use from food preparation (sui generis) to music rehearsal training centre (Class D1).



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Bromley. Lic. No: 100017661