

SECTION '2' – Applications meriting special consideration

**Application No :** 12/02504/FULL1

**Ward:**  
**Copers Cope**

**Address :** 8 Chancery Lane Beckenham BR3 6NR

**OS Grid Ref:** E: 537921 N: 169386

**Applicant :** Mr And Mrs Corby

**Objections :** YES

**Description of Development:**

Change of use of part of ground floor from retail/office (Class A1/B1) and part of ground floor and first floor from 2 bedroom flat (Class C3) to 2 bedroom dwellinghouse (Class C3); elevational alterations; replacement single storey rear extension; insertion of rooflight in rear elevation

**Key designations:**

Conservation Area: Chancery Lane

Article 4 Direction

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

Locally Listed Building

**Proposal**

This proposal is for the change of use of part of ground floor from retail/office (Class A1/B1) and part of ground floor and first floor from 2 bedroom flat (Class C3) to 2 bedroom dwellinghouse (Class C3); elevational alterations; insertion of rooflight in rear elevation. In addition, the existing single storey rear extension is proposed to be demolished and rebuilt which would be of a similar scale to the existing extension.

The proposal originally included a single storey side/rear extension, however, on 8th October 2012 revised plans were submitted which removed this single storey side/rear extension.

On 19th October 2012 marketing information was received in the form of a letter from a commercial estate agents, a copy of an internal property registration book listing the property and property advertisement. Further information was requested from the estate agents on 25th October 2012 relating to how long the property was marketed for and whether it was offered on a rental basis, the contents of which shall be reported verbally if received.

## **Location**

The application site is a mid-terrace two storey locally listed building which is located within Chancery Lane Conservation Area and is subject to an Article 4 Direction. The property is currently comprised of a vacant retail/office (Class A1/B1) unit on the ground floor with 2 bedroom flat on part of the ground floor and first floor. The property is one in a small parade of commercial premises with what appears to be an on office at No. 4a, a financial services office at No. 6 (Class A2) and a barbers shop at No. 10 (Class A1). There is also a public house 'Jolly Woodman' in close proximity to the site.

Chancery Lane Conservation Area consists of a small group of cottages in both Chancery Lane and Limes Road, Beckenham and the buildings fronting the main roads that enclose these two streets. The area is highly distinct from its surroundings: it contains terraced and semi detached cottages of an intimate scale, often built close against the narrow streets with little or no garden space.

The character of Chancery Lane Conservation Area is derived from harmonious diversity and slow organic development. The designs and materials employed vary throughout the area, but combine to produce a piece of townscape with a common small-scale "village" atmosphere that it will be important to retain and develop. Within this common framework, Chancery Lane acts as the "High Street", with some small shops and the Jolly Woodman pub, a focus for the community. Houses constructed fronting the highway give it a more enclosed atmosphere. In contrast, Limes Road is a residential lane, curving behind the High Street. Here, several factors combine to create a rural atmosphere. Houses are set with their gables fronting the road, giving them a cottage style. Gardens are larger and planting more dominant. The road is only developed along one side and is very different in character from a formal urban street.

## **Comments from Local Residents**

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

- objection from No. 29a Chancery Lane on behalf of Chancery Lane and Limes Road Residents Association. Area is subject to Article 4 Direction recognising special character and importance of the mix of properties in the Conservation Area.
- maintaining mix of housing and commercial properties is essential to maintain special character of Conservation Area. Shops in Chancery Lane are an essential part of the micro-community providing local facilities and employment opportunities. Provide essential start-up opportunities for small businesses.
- shops are still viable as commercial premises.
- commercial shop front essential to community and conservation area.
- there have been a number of applications to convert from commercial to residential in conservation area recently which is short-termism at expense of long term future of conservation area with commercial premises lost permanently.

- result in loss of potential business premises for small businesses and entrepreneurs, limit growth opportunities, loss of local facilities, services and employment and change balance of the community.
- extensive work necessary to shop front of premises will result in congestion and associated problems. Road is one way and very narrow with severely restricted parking opportunities at present.

### **Comments from Consultees**

The Advisory Panel for Conservation Area state it would be preferred that the existing retail/commercial use be retained in line with SPG paragraph 3.2.

From a heritage perspective the shopfront is not original and if conditioned this proposed replacement would not alter the character and appearance of the building in any substantial way. The change of use is somewhat regrettable as the area is characterised by a mixture of uses but it is considered that this is primarily a planning issue as conservation area status is principally concerned with external appearance. No objections are raised in relation to the rooflight.

The Council's Highways Division were consulted who state the site is located to the north of Chancery Lane Beckenham. No car parking would be provided; however a parking stress survey carried out in December 2009, indicating that there are on-street parking spaces available for additional demand during the hours of maximum residential parking demand. Also the area has a moderate Public Transport Accessibility Level (PTAL) rate of 3 (on a scale of 1 – 6 with 6 being most accessible). Furthermore the development is similar in terms of parking demand and traffic generation; therefore on balance no objections are raised to the proposal.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- S5 Local Neighbourhood Centres, Parades and Individual Shops
- T3 Parking
- T18 Road Safety
- EMP3 Conversion or Redevelopment of Offices

- Supplementary Planning Guidance (SPG) 1 General Design Principles
- Supplementary Planning Guidance (SPG) 2 Residential Design Guidance
- Supplementary Planning Guidance (SPG) Chancery Lane Conservation Area

- Policy 3.3 London Plan Increasing Housing Supply
- Policy 3.4 London Plan Optimising Housing Potential
- Policy 3.5 London Plan Quality and Design of Housing Developments

The National Planning Policy Framework is also a key consideration in the determination of this application.

## **Planning History**

In 2004 under planning ref. 84/00607, permission was refused for rear of No. 6/8 and No. 10 Chancery Lane for rebuilding of 1st floor extension for office use.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties and whether the loss of a commercial unit is acceptable in this instance.

In terms of the change of use of the ground floor part retail unit to residential, Policy S5 is a key consideration in the determination of this application, it states:

“In local neighbourhood centres and shopping parades change of use from Class A1 (Shops) to other uses will be permitted provided that:  
(i) the use proposed contributes to the range of local services or the provision of local community facilities: and contributes to the vitality of the centre by providing a service or attracting visitors during shopping hours; or  
(ii) it can be demonstrated that there has been a long term vacancy and a lack of demand for Class A1 (Shops) use, as well as a lack of demand for service or community use before other uses are proposed”.

The applicant has submitted marketing information in order to overcome Policy S5 (ii). A letter from a commercial estate agent submitted states that they were instructed to commence marketing of the premises as a freehold for sale on 11th April 2011 which that applicant confirms was undertaken until March 2012. The letter states very little serious interest with no offers received on a purely subject to contract basis but several were received subject to contract and subject to planning permission i.e. purchasers seeking to convert the entire building to residential use. The letter states the limited interest received was due to the following factors:

- the site offers limited opportunity to commercial occupier or buyer due to lack of customer parking facilities.
- due to small scale of the ground floor unit it is unlikely to appeal to a substantial or established organisation.
- funding problems and limited bank lending in the current market.
- cannot be acquired by a private pension scheme (usually SIPP) as pension regulations do not permit involvement with residential property (on first floor of building).

No evidence has been submitted to indicate that the property was offered on a rental basis to potential occupiers nor was any information received to demonstrate there has been a lack of demand for Class A1 (retail) use or for service or community use.

The ground floor unit is described as retail/office (Class A1/B1) and as such Policy EMP3 is also a consideration in the determination of this application, it states:

“The conversion or redevelopment of offices for other uses will be permitted only where:

- (i) it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises; and
- ii) there is no likely loss of employment resulting from the proposal”.

The ground floor unit is currently vacant and as such will not result in a loss of employment. Members are asked to consider whether sufficient information has been supplied to justify the loss of retail/office unit in this instance.

Paragraph 3.3 of the Chancery Lane Conservation Area SPG states “the area contains several uses, but is predominantly residential. It does include some retail frontages, both within Chancery Lane and on Bromley Road. The shop fronts remaining in Chancery Lane are generally of late 19th century origin and are in good condition. They contribute significantly to the appearance of the lane as a "Village High Street. The Council will resist proposals to replace such shop fronts with solid elevations”.

While the proposal will involve limited alterations to the property frontage and the shopfront is not an original feature, the SPG states the mixture of shop fronts and residential properties adds to the village feel of the area. The loss of the retail/office unit in this location would result in a discordant feature within this parade of commercial units may be considered to be detrimental to the character of the Conservation Area.

No objections are raised to the proposed alterations to the rear of the property these would not be visible for the streetscene and as such are not anticipated to impact detrimentally on the character of Conservation Area.

In terms of amenities of future occupants the proposed dwelling would be approximately 68.15 sq m which would be significantly less than the London Plan requirements for a 2 storey 2 bedroom 4 person house (the minimum size for a 2 storey house) of 83 sq m. The properties date back to the early 19th Century and are described by the Chancery Lane Conservation Area SPG as being of an “intimate scale, often built close against the narrow streets with little or no garden space”. As such the property is incomparable to modern 2 storey dwellings and would offer a similar level of amenity space, both internally and external, to neighbouring properties and as such is considered to be acceptable in this instance.

In summation, in the absence of further information the proposal has failed to satisfy the requirements of Policy S5 and EMP3 and as such it is considered that the loss of a retail/office unit is unacceptable in this instance. In addition, it may be considered that the loss of a commercial unit in this location would result in a discordant feature in this local parade and would detrimentally affect the

established 'village feel' of the Chancery Lane Conservation Area, contrary to its Supplementary Planning Guidance.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01982, excluding exempt information.

As amended by documents received on 08.10.12 and 19.10.12

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposal would result in the unacceptable loss of a retail/office unit contrary to Policy S5 and EMP3 of the Unitary Development Plan which would detrimentally affect the character of this local parade and the Chancery Lane Conservation Area, contrary to Supplementary Planning Guidance for the area.

## **INFORMATIVE(S)**

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

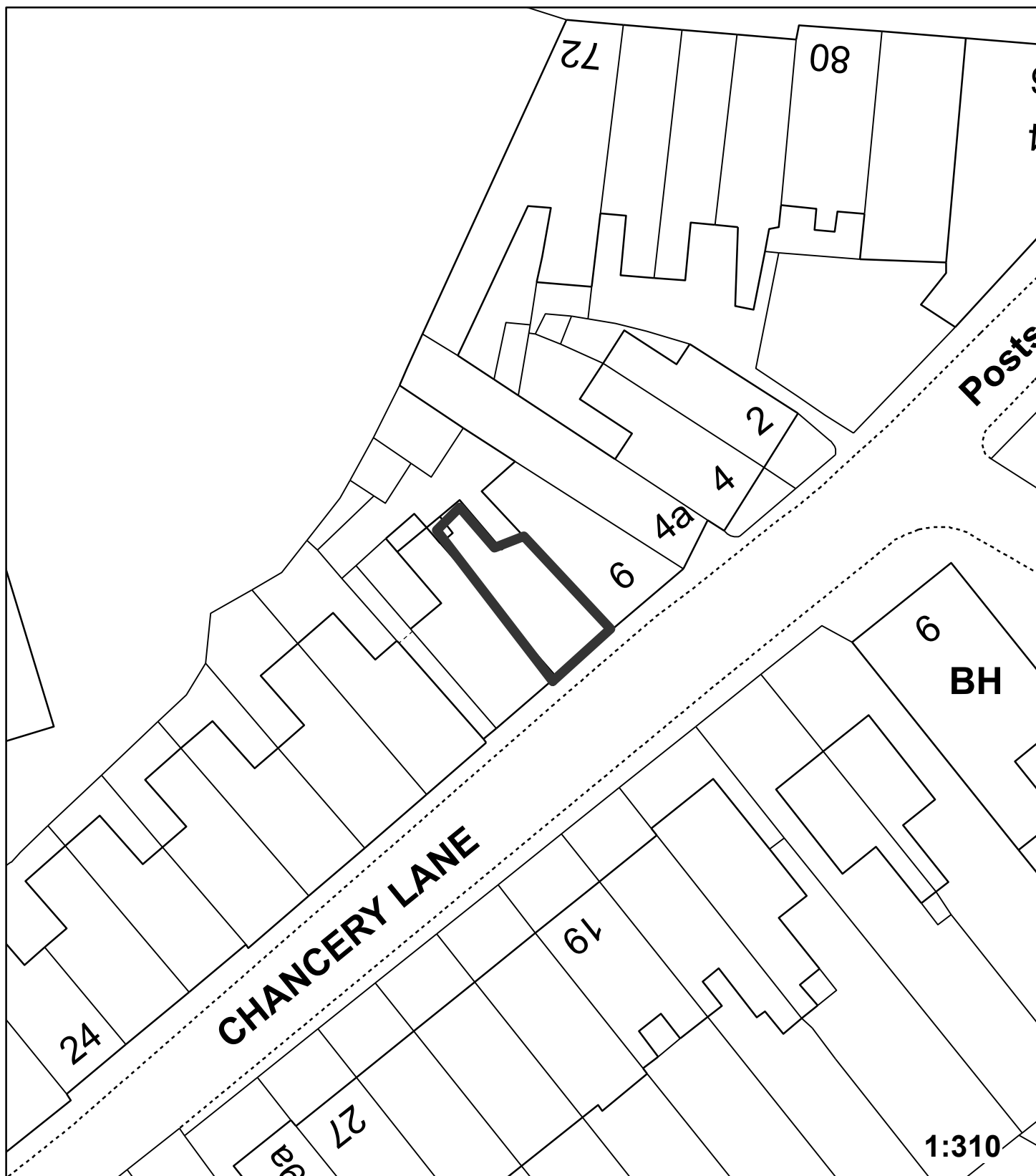
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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