

SECTION '2' – Applications meriting special consideration

Application No : 12/02179/FULL2

Ward:
Bromley Town

Address : Unit 3 21 Waldo Road Bromley BR1 2QX

OS Grid Ref: E: 541583 N: 168672

Applicant : Mr Nick Thompson

Objections : NO

Description of Development:

Change of use from office (use Class B1) to a music rehearsal training centre in connection with adjoining unit (Unit 4) together with elevational alterations

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
Former Landfill Site
London City Airport Safeguarding
London City Airport Safeguarding Birds
Ravensbourne FZ2

Proposal

Change of use from office (use Class B1) to a music rehearsal training centre in connection with adjoining unit (Unit 4).

The only external changes involve an additional fire exit and repositioning of the first floor windows.

It is indicated that the studios would operate from 10.00 hrs to 23.00 hrs (Mondays to Fridays and on Sundays and 10.00 hrs to 18.30 hrs on Saturdays).

Location

The application site encompasses a small development of four industrial units on the north side of an industrial estate at Waldo Road. The units are sited in pairs across a central parking and access area. Unit 3 comprises the left-hand of the eastern pair.

To the north side of the development is a railway embankment carrying the Bromley – Bickley railway and to the east along Waldo Road is a Council operated

recycling depot. On the south side of Waldo Road is a parking area to an industrial unit and then gardens to houses which front Mornington Avenue.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Environmental Health (pollution) reviewed the application and although raising concerns in relation to the combined impact of the recent appeal scheme (see Planning History) and the current proposal; wished to raise no objections subject to a condition requiring approval of an adequate scheme of acoustics.

From the Highways perspective, no objections are raised.

Planning Considerations

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

- BE1 Design of New Development
- C1 Community Facilities
- EMP6 Development outside Business Areas
- T3 Parking
- T17 Servicing of Premises
- T18 Road Safety

At strategic level, the most relevant London Plan policies are:

- 4.4 Managing industrial land and premises
- 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
- 6.13 Parking
- 7.15 Reducing noise and enhancing soundscapes

The National Planning Policy Framework 2012.

Planning History

Unit 4, 21 Waldo Road

10/00210/FULL2 - Change of use from food preparation (sui generis) to music rehearsal training centre (Class D1) – Permission refused by Members on 02.06.2011 on the following ground:

The continued use of the premises as a music rehearsal training centre would give rise to an unacceptable loss of amenity to nearby residential properties by reason of amplified music which is audible outside of the premises resulting in noise and

disturbance, contrary to Policies BE1 of the Unitary Development Plan and 4A.20 of the London Plan.

Subsequent appeal to the Planning Inspectorate was allowed and a planning permission was granted on 22nd November 2011.

Conclusions

The main issues for consideration in this case will be the acceptability of the change of use in principle, the impact of the proposed use on the amenities of neighbouring residential properties (with particular regard to noise and disturbance); and the impact to conditions of road safety.

The National Planning Policy Framework constitutes a material consideration in determining planning applications. The Framework asserts that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Policy EMP3 states that the conversion or redevelopment of offices for other uses will be permitted only where 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 there is no likely loss of employment resulting from the proposal.

In this instance, the Agent has submitted information stating that the premises have been vacant since June 2010 and despite their refurbishment and a subsequent robust marketing campaign, no commercial lease was secured. The marketing exercise undertaken included the following:

- In-house letting details have been produced by both Michael Rogers and Stiles Harold Williams;
- An agency 'To Let' board has been placed on the front of the unit;
- Internet marketing involved placing details on various websites such as www.shw.co.uk, www.michaelrogers.co.uk, www.estatesgazette.co.uk/propertylink, www.costar.co.uk and www.locateinkent.com.
- Details have been mailed to all applicants searching for accommodation, as well as the local occupiers.

In the light of the above Members may consider that the proposed change of use is acceptable and complying with the requirements of Policy EMP3.

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, Members could take a view that the surrounding industrial/commercial units would not be significantly affected by the proposed use and similarly, that it would not 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 would not be significantly dissimilar in its nature to adjacent uses.

With regard to the impact to the amenities of neighbouring residential properties, the only potential issue which arises from the proposal is noise and disturbance. This was also a concern in respect of the change of use at Unit 4 having regard to the relative proximity of properties in Mornington Avenue. Members should be aware, however, that the noise issues arose in the period before adequate sound insulation was installed at the aforementioned premises but in any event Unit 3 is located further away from the nearest residential properties and is shielded from them by Unit 4. Whilst determining the appeal for Unit 4 the Inspector found the scheme to be satisfactory subject to a condition requiring the installation and retention of appropriate sound insulation measures.

Notwithstanding, to confirm the acceptability of the proposed use, an acoustic report has been submitted in support of the application. Environmental Health officers consider that the possibility of a combined effect of very small increases in background level as a result of granting permission for another studio may lead to a creeping background level in this location. Additionally, the new background as a result of two studios operating may be used to inform future noisy development in this area. The aim of the scheme should be to achieve at least 10dB(A) below background L90 from this studio externally (including gardens) at any residential property. This should ensure inaudibility internally and prevents background creep.

Therefore, Members may agree that subject to a condition requiring approval of an adequate scheme of acoustics, the proposed development would not be harmful to the living conditions of occupants of dwellings in Mornington Avenue through noise and disturbance, hence would not conflict with the aims of UDP policy BE1 and Policy 4A.20 of the London Plan.

Having had regard to the above it was considered that the proposed change of use is acceptable in that it would satisfy the requirements of the relevant policies. Members are therefore requested to determine that the proposal is acceptable and worthy of permission being granted.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/02179, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACC04
ACC04R | Matching materials
Reason C04 |
| 3 | ACH03
ACH03R | Satisfactory parking - full application
Reason H03 |
| 4 | ACK01
ACC01R | Compliance with submitted plan
Reason C01 |

5 The use hereby permitted shall not take place other than between the hours of 10.00 and 23.00 on any day.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy BE1 of the UDP.

6 No amplified or other music shall be played in the premises other than between the hours of 10.00 and 23.00 on any day.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy BE1 of the UDP.

7 The permission hereby granted shall be for a music rehearsal training centre and for no other use whether falling in Class D1 of the Town and Country Planning (Use Classes) Order 1987 or any other Class of that Order (or any Order revoking and re-enacting that Order with or without modification).

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy BE1 of the UDP.

8 Within 2 months of the date of this decision a scheme for noise control and appropriate measures for sound insulation (existing and proposed), including but not limited to, controls over the use of rooms and the emergency door sited adjacent to Waldo Road shall be submitted to and approved in writing by the Local Planning Authority, along with a timetable for its implementation and a procedure for monitoring and verification. The scheme shall be implemented in accordance with the approved details within 2 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy BE1 of the UDP.

9 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development

C1 Community Facilities

EMP6 Development outside Business Areas

T3 Parking

T17 Servicing of Premises

T18 Road Safety

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7.15 Reducing noise and enhancing soundscapes

The National Planning Policy Framework 2012.

INFORMATIVE(S)

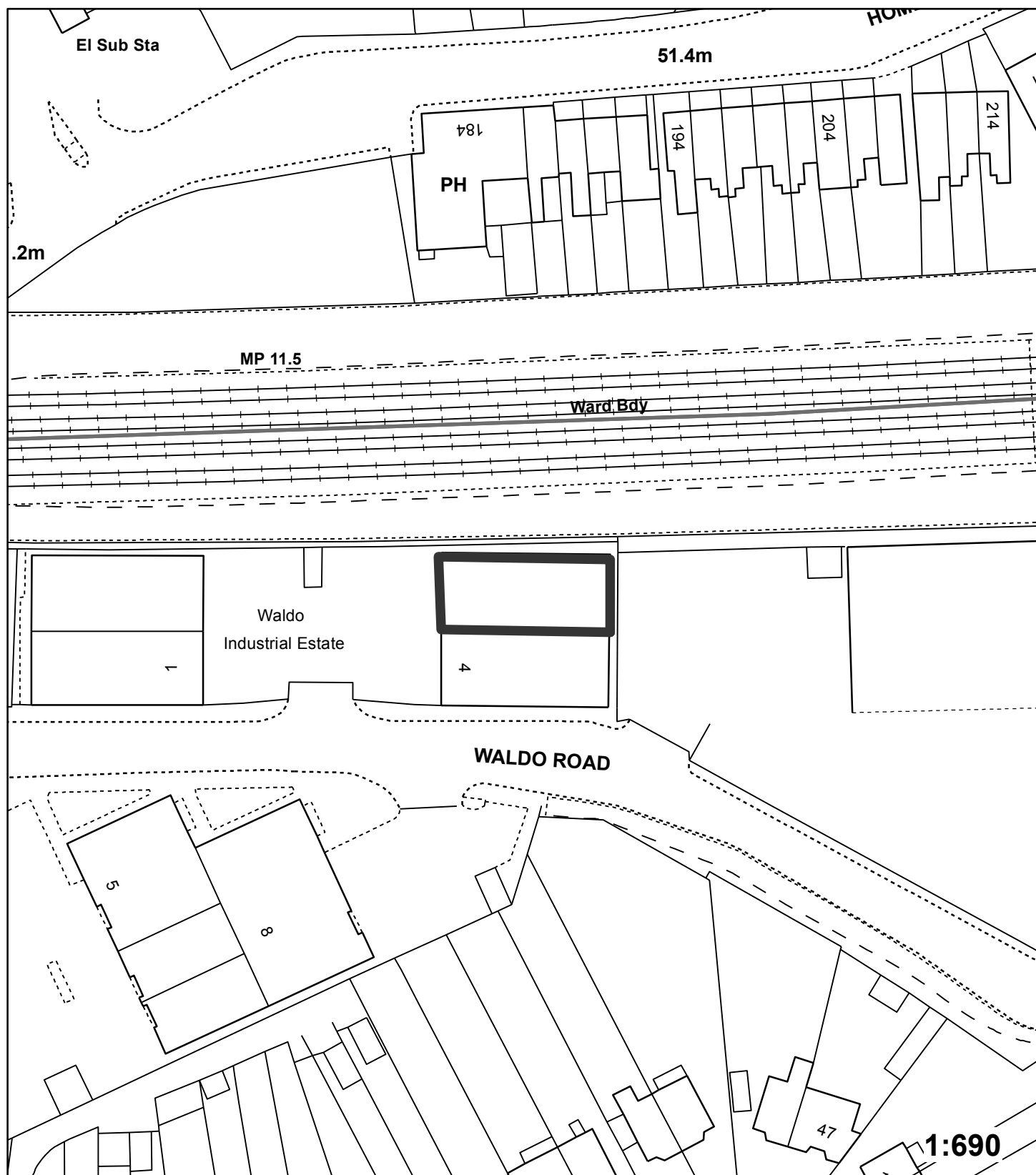
1 The car parking area shall be used only by customers and employees of the premises at the application site and for the servicing of the use of the premises hereby permitted.

- 2 Facilities for refuse disposal and for the recycling of material shall be retained at the site.

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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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