

SECTION '2' – Applications meriting special consideration

Application No : 12/02227/FULL2

Ward:
Bromley Town

Address : 10A Sherman Road Bromley BR1 3JH

OS Grid Ref: E: 540450 N: 169684

Applicant : Mr Nouredine Hassani

Objections : YES

Description of Development:

Change of use from light industrial use (Class B1) to tyre retailing and fitting place (Sui Generis) RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

Retrospective planning permission is sought for the change of use from light industrial use (Class B1) to tyre retailing and fitting place (Sui Generis).

No alterations to external envelope of the building are proposed except for the retention of two non-illuminate advert signs. They are assessed under application 12/02228/ADV. This case is to be considered elsewhere on this agenda.

Location

The application site lies on the side of Sherman Road, some 100 metres from its junction with Tweedy Road. The rear of the property abuts onto Bromley North Station. This part of Sherman Road has a mix of uses, however opposite this property there are blocks of flats at No's 1 and 3 Sherman Road and adjacent No 10 is the residential tower named Northpoint.

The site falls within the Bromley Town Centre and adjoins the boundaries the Bromley Town Centre Conservation Area.

Comments from Local Residents

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

- proposed use is incompatible with the surrounding residential use;
- body and mechanical repairs are being carried out on site;
- works are being carried out and materials are being stored on the public footpath causing obstruction to pedestrians;
- unacceptable nuisance and noise;
- the trading hours are unacceptable and the premises should not operate at weekends.

Comments from Consultees

Highways: no objection;
 Environmental Health: no objection;
 Planning Policy: no objection;
 Cleansing: no objection.

Planning Considerations

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

BE13 Development Adjacent to a Conservation Area
 EMP5 Development outside Business Areas
 EMP6 Development outside Business Areas – non conforming uses
 T3 Parking
 T18 Road Safety

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

4.4 Managing industrial land and premises
 6.13 Parking
 7.15 Reducing noise and enhancing soundscapes

The National Planning Policy Framework 2012.

Planning History

84/01928/FUL - CHANGE OF USE FROM WAREHOUSE/STUDIO/OFFICES TO PHOTOGRAPHIC CONSULTANTS INCLUDING PHOTOGRAPHIC STUDIO OFFICES DESIGN STUDIO AND STORAGE – Permission granted on 20.09.1984

08/02195/FULL2 – Change of use from warehouse and ancillary offices to office use (Class B1) – Permission granted on 18.08.2008

11/01478/EXTEND – Change of use from warehouse and ancillary offices to office use (Class B1). Renewal of planning permission ref. 08/02195 – Permission granted on 24.06.2011.

It appears that above permissions were not implemented.

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 transport impact.

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.

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 instance it appears that previously granted permissions for the change of use to offices were not implemented. This view is reinforced by the fact that application for a renewal of planning permission ref. 08/02195 (11/01478/EXTEND) was submitted to the Council in May 2011. No records exist to indicate that any conversion works have been carried out to facilitate the implementation of that permission. Consequently, Members can take the view that the last known use of the application site was 'light industrial' (B1 Use Class) and this proposal can be assessed on this basis.

It is considered that there are no land use objections with the proposal. The change of 'light industrial' to Sui Generis use seems compatible. The retail element (sale of car tyres) of the proposed use would complement the proposed tyre fitting activities (a B2 use). To this end, Members may agree that the proposal is considered acceptable and policy compliant.

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. The Design and Access Statement asserts that there would not be any mechanical tools used which generate noise that could be a nuisance to the neighbouring properties. It is also stated that all associated works would be carried out within the volume of the unit. Environmental Health officers reviewed the submission and wished to raise no objections. It is considered that subject to appropriate condition limiting the hours of operation the proposed development would not be harmful to the living conditions of occupants of adjacent dwellings through noise and disturbance, however, should any issues arise these should be reported to the Council's Environmental Health Division. Members may agree, therefore, that on balance, the proposal does not conflict with the aims of UDP Policy EM6 and Policy 4A.20 of the London Plan.

With regard to transport, the proposal would not have a significant impact on the parking and highway safety within the local road network. Therefore no objection is raised to the proposal in that respect.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material

planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

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. 12/02227, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 The premises shall be used for a tyre retailing and fitting place and for no other car servicing or garage works.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy EM6 of the Unitary Development Plan.

2 No storage of plant or materials or of vehicles awaiting servicing, collection or repair and no industrial processes, servicing, testing or repair of vehicles shall take place outside the walls of the buildings hereby permitted.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy EM6 of the UDP.

3 The use shall not operate on any Sunday or Bank Holiday, Xmas Day or Good Friday nor before 08:30 or after 18:30 on any other day.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy EM6 of the UDP.

4 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE13 Development Adjacent to a Conservation Area

EMP5 Development outside Business Areas

EMP6 Development outside Business Areas – non conforming uses

T3 Parking

T18 Road Safety

Policies (London Plan)

4.4 Managing industrial land and premises

6.13 Parking

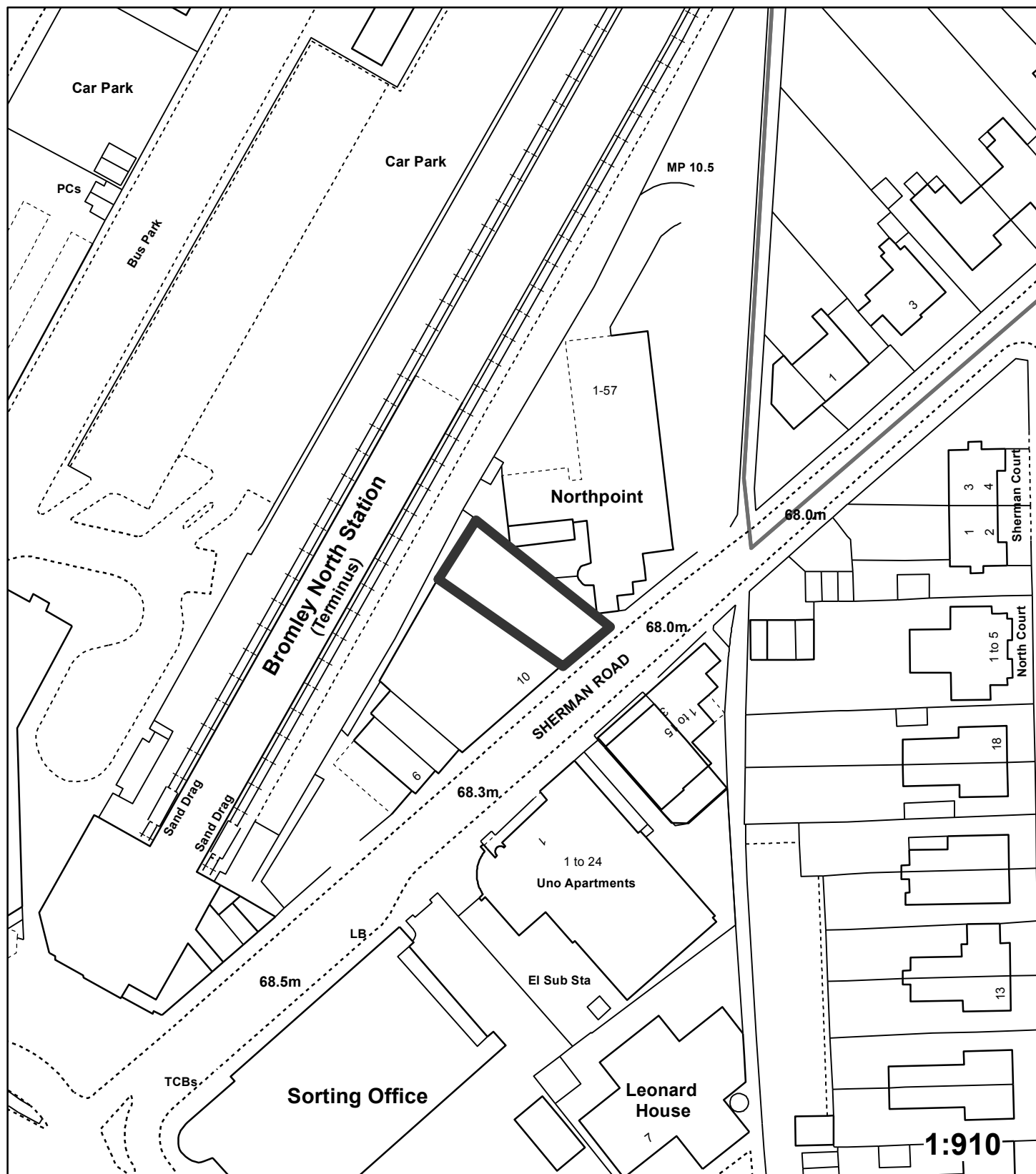
7.15 Reducing noise and enhancing soundscapes

The National Planning Policy Framework 2012.

Application:12/02227/FULL2

Address: 10A Sherman Road Bromley BR1 3JH

Proposal: Change of use from light industrial use (Class B1) to tyre retailing and fitting place (Sui Generis) RETROSPECTIVE APPLICATION



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

© Crown copyright and database rights 2012. Ordnance Survey 100017661.