

SECTION '2' – Applications meriting special consideration

Application No : 13/00234/FULL1

Ward:
Copers Cope

Address : 15A Wickham Road Beckenham BR3
5JS

OS Grid Ref: E: 537854 N: 169301

Applicant : Emerald Properties (London) Ltd

Objections : YES

Description of Development:

Conversion of commercial building to provide one 5 bedroom dwelling

Key designations:

Conservation Area: Chancery Lane

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

London Distributor Roads

Proposal

The site is a linked building, part 2/part 3 storey and includes a courtyard type area to the front/side and a small garden/amenity area to the rear. This application proposes the conversion from commercial use to provide one 5 bedroom dwelling. Some external revisions are proposed which include the reduction of existing fenestration and external staircase area to the rear.

Location

The site is located on the east side of Wickham Road within Chancery Lane Conservation Area and is within a mixed residential/commercial location.

Comments from Local Residents

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

- overlooking
- loss of privacy and amenity
- road safety
- situated within line of business premises
- No. 15 has been recently sold as a business premises

- restricted access and parking
- emergency access
- clash of commercial and residential interests
- detrimental impact on commercial use
- letter advising interest in the property as commercial use

Comments from Consultees

No objections are raised from a Heritage point of view; conditions are suggested in the event of a planning permission.

From a Highways point of view it is noted that the site is located on the B230, a London Distributor Road, which carries a large volume of traffic; waiting restrictions are in force around the site on both Wickham Road and Chancery lane. As the site can accommodate up to two vehicles the proposal raises no Highway objection. Conditions are suggested in the event of a planning permission.

Cleansing raise no objection and advise refuse and recycling are to be left edge of curtilage

Planning Considerations

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

- H7 Housing Density and Design
- H12 Conversion of Non-Residential Buildings to Residential Use
- T3 Parking
- T18 Transport and Road Safety
- BE1 Design of New Development
- BE11 Conservation Areas
- EMP5 Development Outside Business Areas

Chancery Lane Supplementary Planning Guidance

- SPG1
- SPG2

Planning History

The planning history includes a refusal for an application made in 1986, ref. 86/00978, for the change of use of the existing buildings to warehousing /workshop. It was refused on the basis the use would be detrimental to nearby residential amenities and be out of character in a primarily residential area.

Conclusions

The main issues relating to the application are the loss of a commercial unit, the effect that it would have on the character of the area, the impact that it would have

on the amenities of the occupants of surrounding residential properties and whether a satisfactory quality of accommodation and amenity can be achieved.

Regarding the loss of a business unit Policy H12 requires that where a conversion of non-residential to residential use is proposed the applicants must be able to demonstrate that the premises are genuinely redundant and that a satisfactory quality of accommodation and amenity is achievable. Policy EMP5 states the redevelopment of business premises outside of Designated Business Areas will be permitted on the basis that it is unsuitable for Use Classes B1, B2 or B8 use and that full and proper marketing of the site confirms the unsuitability and financial non-viability of the site for those uses. The supporting statement to the application highlights that the unit has been vacant since September 2010 and has been fully on the market with two property agents since the Spring of 2011. One agent confirms that out of 12 viewings, three were for office use, one for Medical/Health Services and the remainder for residential interest. The second agent confirms that throughout the marketing period there have been viewings with commercial interest and with residential interest, however the only offers received were for the use as residential. The supporting statement clarifies that the owners did not wish to sell on a 'subject to planning' basis. A letter has recently been received by the Council from an interested party which advises that they have made an offer on the premises and would look to keep it for commercial purposes (Web Design). No additional information has been provided as to the size/viability of the company.

The plans submitted, photographs available on file and the site visit reveal that the site would provide a sizeable single dwelling house but with limited associated amenity area. The agents have confirmed that the site is within easy walking distance to Kelsey Park (6minutes). On the basis there is a dedicated amenity area associated with the proposed change of use and given the proximity to the local Park the limitations of the curtilage may not be considered to be such as to raise a planning ground of refusal.

The Supplementary Planning Guidance (SPG) for Chancery Lane Conservation Area states that 'changes of use will be acceptable only where, in the opinion of the Council, they would have no detrimental effect on the character of the area'. Wickham Road is a busy highway and there is a mix of commercial and residential in the vicinity. The irregular nature of the style and design of buildings in the location, the mix of uses and that very few (mostly fenestration) changes will be carried out to the external face of the building it may be considered that the proposal is unlikely to have a detrimental impact on the character of the area.

Regarding the impact that it would have on the amenities of the occupants of surrounding residential properties and whether a satisfactory quality of accommodation and amenity can be achieved neighbour concerns are noted that with the change of use to residential the increased likelihood of overlooking at evenings and weekends will result in a loss of privacy and amenity. The existing window configuration to the first floor level allows for a level of overlooking into residential neighbours to the south of the site (photographs are available on file) and there seems to be some evidence of an element of residential use at the application site. Whilst neighbour concerns are noted in this respect, the existing level of overlooking will be reduced significantly and on balance the extent of

overlooking into and from nearby residential properties may not be considered to be so great as to warrant a planning ground of refusal.

In respect of the directly adjacent commercial property, number 17, there are a number of windows and doors to the north elevation; the proximity and relationship of the site (number 15a) to number 17 will continue to give rise to overlooking (as is evident from the photos). Objections raise concerns re noise that would arise from the change of use and the subsequent disruption to the noise free environment that the business requires. Any conflict between commercial and residential use requires careful consideration. It may be considered however that the comings and goings from a residential use are unlikely to be greater than that arising from a commercial B1 use. Whilst some noise and disturbance may arise from any associated works related to a proposed conversion it is true that the same would result from on-going maintenance and repairs associated with a building.

Policy BE1 requires new development to be imaginative and attractive to look at and Policy BE11 seeks to preserve or enhance the character or appearance of conservation areas.

In terms of the design and its impact on the character and appearance of the area it may be considered that the revised fenestration and rear, external access arrangement are unlikely to result in a detrimental impact to the host building nor on the character or appearance of the conservation area.

No Highways objections are raised to the proposal on the basis there is sufficient parking for two cars.

On balance Members may consider that the change of use to residential may not be inappropriate. Although there has been a recent expression of commercial interest in the site it may be considered that this is not sufficiently substantial, given the two year marketing evidence that has been submitted with the application, to suggest that the site is viable to continue in business use.

In the event of a planning permission it should be noted that this proposal is potentially CIL liable.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/00234, excluding exempt information.

as amended by documents received on 28.03.2013

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 | Satisfactory parking - full application |

- | | | |
|---|--|--|
| | ACH03R | Reason H03 |
| 4 | ACH22 | Bicycle Parking |
| | ACH22R | Reason H22 |
| 5 | ACH32 | Highway Drainage |
| | ADH32R | Reason H32 |
| 6 | No loose materials shall be used for surfacing of the parking and turning area hereby permitted. | |
| | Reason: In the interest of highway safety and to comply with Policy T18 of the Unitary Development Plan. | |
| 7 | ACI01 | Restriction of all "pd" rights |
| | Reason: In the interest of the amenities of nearby occupiers and to comply with Policy BE1 of the Unitary Development Plan. | |
| 8 | ACK01 | Compliance with submitted plan |
| | ACC01R | Reason C01 |
| 9 | AJ02B | Justification UNIQUE reason OTHER apps |

Policies (UDP)

- H7 Housing Density and Design
- H12 Conversion of Non-Residential Buildings to Residential Use
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- T18 Transport and Road Safety
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INFORMATIVE(S)

- 1 RDI25 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

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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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