

SECTION '2' – Applications meriting special consideration

Application No : 12/02318/FULL3

Ward:
Penge And Cator

Address : First Floor Units 8 And 9 Abbey Trading
Estate Bell Green Lane Sydenham East
London SE26 5TW

OS Grid Ref: E: 536541 N: 171341

Applicant : Mr Mike Davies

Objections : NO

Description of Development:

Change of use of part of ground and whole of first floor from business (class B1) to specialised martial arts teaching and gym (class D1) together with elevational alterations.

Key designations:

Business Area

Update

This application was considered by the Plans Sub Committee on the 2nd May 2012. This case was deferred in order to clarify the marketing information, numbers of car parking spaces and to clarify the elevational changes. The agents have provided an updated package of information.

The agents have provided the following information in respect of marketing information.

1. February 2007 purchased the property and immediately erected our own 'For Sale' sign
2. December 2007 Offer, in writing, from Bonds Builders to purchase. Taken off the market
3. November 2009 with 3 weeks of completion Bonds Builders withdrew their offer because of the economic conditions
4. December 2009 put back on the market with Sinclair Jones Estate Agents
5. July 2010 offer to buy Taken off the market
6. March 2011 offer withdrawn because he couldn't get change of use
7. September 2011 Offer to buy
8. Applied for change of use - still ongoing

The agent indicates that 26 car parking spaces are provided for the application site.

The previous report is provided in respect of this application.

Proposal

Planning permission is sought for the following:

- Change of use of part of the ground floor and entire first floor from offices (use class B1) to a specialised martial arts teaching centre and gym (use class D1).
- It is anticipated that the total membership number for the teaching centre/gym would be 60 people, with no more than 25 in a class.
- Elevational alterations including replacement windows.

Location

The application site is a two storey industrial building located along the eastern side of Bell Green Lane and opposite Lucas Court, a block of residential flats which are within the London Borough of Lewisham. The proposed use would occupy vacant parts of the ground floor and the whole of the first floor.

The property has a grand art deco style entrance rising to three storeys forming a landmark feature within the Abbey Trading Estate. There are a number of other commercial uses still in operation within the ground floor of this building. The area is predominantly commercial towards the south with a number of industrial and business units which are occupied. Towards the north and west are residential flats and properties which lie within the adjoining London Borough of Lewisham. The site lies within a designated Business Area as defined by the Bromley Unitary Development Plan.

Unrestricted on-street parking is available outside the application site and some parking is also available within the rear yard area. Bell Green Lane is connected to Stanton Way and Southend Lane (A2218) to the north and Sydenham Road (A212) via Kent House Road.

Comments from Local Residents

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

Comments from Consultees

The London Borough of Lewisham has been consulted on the application and no comments have been received.

In terms of environmental health issues, no technical objections are raised.

From a highway planning perspective, following revised plans there are no objections subject to conditions for cycle parking and travel plan.

Thames Water raises no objection.

Planning Considerations

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

BE1 Design of New Development
EMP4 Business Areas
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking

London Plan 2011

2.17 Strategic Industrial Locations
6.13 Parking
7.15 Reducing noise and enhancing soundscapes

The National Planning Policy Framework (2012) is also of relevance.

Planning History

Under planning application ref. 90/03309, permission was granted for the alteration and subdivision of Shaway House, Bell Green Lane SE26 to 3 B1 units together with the provision of parking spaces to the rear with access from Bell Green Lane.

Under planning application ref. 10/01788, permission was refused for Change of use of part of ground and whole of first floor from business (Class B1) to place of worship and Community Hall (Class D1). This application was dismissed at appeal on 14th March 2011. The Inspector concluded that the proposal would reduce the supply of land for industrial purposes and would therefore be contrary to Policy EMP4 as no detailed marketing information had been provided to demonstrate that there was no longer a need for the current use of the premises. The Inspector also concluded that given the size of the site and the amount of possible attendance as a result of the proposal there would be significant harm to existing parking and highway safety as there was a lack of parking provision.

Application ref. 12/01125 was refused for a change of use of part of the ground and whole of the first floor from business (B1) to a gymnasium (class D2). No appeal was submitted for this application. The reasons for refusal were:

The site is located in a Business Area in the Unitary Development Plan and in the absence of information to justify an exception to Policy, the proposal would result in the undesirable loss of business land and would be contrary to Policy EMP4 of the Plan which seeks to safeguard sufficient supply of land in the Borough for industrial purposes.

The proposed development would result in the increase of on-street parking and intensify the use of Bell Green Lane and in the absence of an appropriate transport statement to suggest otherwise, the proposal would be likely to give rise to an undesirable increase of on-street parking in nearby

roads, and would also lead to conditions prejudicial to the free flow and general safety of traffic along these roads contrary to Policies T2, T3 and T18 of the Unitary Development Plan.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

This application is a resubmission following the refusal of 12/01125/FULL1. In order to address the reasons for refusal, the applicant has submitted marketing information for the unit plus the next door unit in the industrial estate and has confirmed that there has been no interest in the property other than the occupiers which require the change of use proposed here.

A revised parking survey has also been undertaken with parameters showing the roads surveyed and when, together with a plan which details parking allocation within the site, levels of vacancy and access arrangements.

The site is located within a designated Business Area as defined on the Unitary Development Plan Proposals Map, where Policy EMP4 states that permission will only be given to occupiers within use classes B1, B2 and B8. The area is therefore considered to be land with established light industrial and warehouse uses which the Council wishes to safeguard.

However, it is acknowledged that the building has been vacant for some time, and that marketing of the site has not found a suitable B1, B2 or B8 occupier. At the time of writing this report, the site although is under offer subject to planning permission for a change of use, it remains on the market with no alternative occupier coming forward.

The applicant has additionally submitted historic marketing dating from 2009, when a previous offer for business use was submitted. This offer was subsequently withdrawn following difficulties with finance and the on-going maintenance involved with restoring/ maintaining the building. The building has suffered from a lack of maintenance and requires refurbishment. The proposed occupiers are proposing to install replacement critical windows which are considered to improve the grand and imposing appearance of this prominent building.

It is noted that the Ministerial Statement 'Planning for Growth' (March 2011) states that in determining planning applications to consider the likely range of economic, environmental and social benefits of proposals and give appropriate weight to support economic recovering. This is echoed in paragraph 22 of the NPPF (April 2012) which states that local authorities should avoid the long term protection sites allocated for employment use. The London Plan does not define the Abbey Trading Estate as a strategic industrial location and in this instance; and Members may consider that the applicant has demonstrated an exception to Policy EMP4 and that the proposals would bring back into use a prominent vacant unit with community benefits and in turn provide economic growth in the local area.

With regards to the car parking and transport demand for the proposals, previous applications have been refused for failing to demonstrate that the use proposed would not result in excessive pressure for parking. The applicant has sought to address these concerns by the submission of revised plans and a parking survey which show that the site would be able to accommodate the proposed use. Comments received from the Council's Highways engineers raise no objection to the proposals, and as such it is considered that a refusal grounds on this basis would be unsubstantiated.

Given the proposed operating times of between 12pm-9pm (earlier and latest hours proposed) and anticipated membership numbers, it is not considered that the proposals would be harmful to the neighbouring residents. The nearest properties are located in Lucas Court which is located approximately 40m to the west. The hours proposed are fairly limited and it considered that extended hours of between 10am and 9pm would not be unacceptable.

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, Members may consider that the proposed change of use is acceptable in that it would not impact detrimentally on the character of the area or result in a loss of a business use within an established business area. It is also considered that the car parking provision proposed for such a use is sufficient. The proposed renovations to the building are considered acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/03564, 12/01125 and 12/02318, excluding exempt information.

as amended by documents received on 28.03.2013 16.05.2013

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'n'l surfaces)
 ACC01R Reason C01
- 3 ACK01 Compliance with submitted plan
 ACC01R Reason C01
- 4 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 5 ACH30 Travel Plan
 ACH30R Reason H30
- 6 Before any part of the development hereby permitted is first occupied,
 bicycle parking (including covered storage facilities where appropriate)

providing 1 space per 50 staff and 1 space per 10 visitors, shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

7 Customers shall not be admitted to the premises before 10AM Monday to Sundays and all customers shall have left the premises by 9pm Monday and Saturday and 6PM on Sundays.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of nearby residential property.

8 The premises shall be used for martial arts teaching and gymnasium and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of nearby residential property.

9 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development

EMP4 Business Areas

T1 Transport Demand

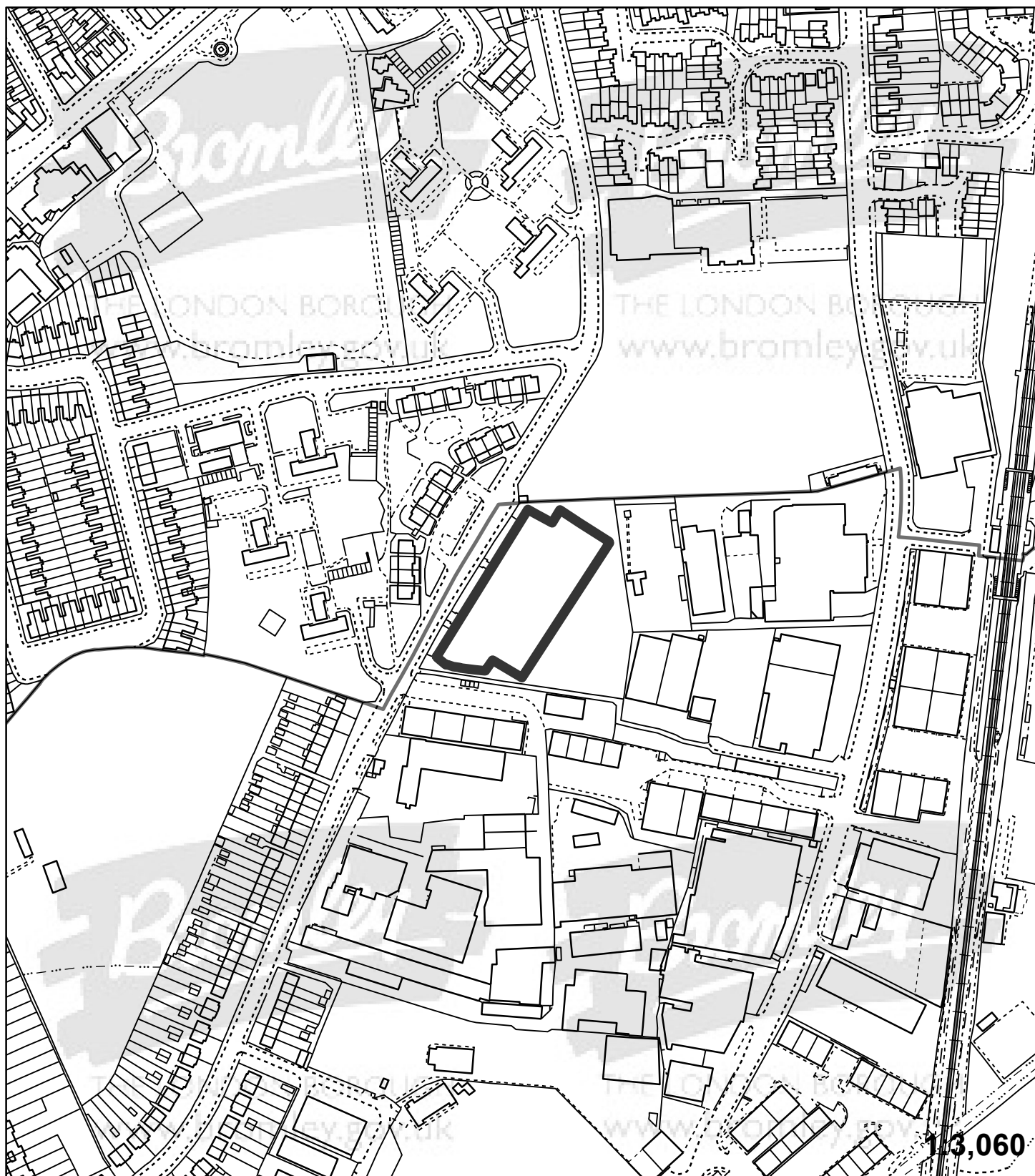
T2 Assessment of Transport Effects

T3 Parking

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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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