

SECTION '2' – Applications meriting special consideration

Application No : 13/00455/FULL2

Ward:
Cray Valley East

Address : 44 Lynton Avenue Orpington BR5 2EH

OS Grid Ref: E: 546601 N: 168107

Applicant : TBNZ Properties Ltd

Objections : YES

Description of Development:

Use of detached building as office (Class B1)

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

It is proposed to convert this detached building which was formerly used in connection with a former non-residential day centre at No 44 Lynton Avenue as an office (Class B1). The site contains one off-street parking space.

The application is accompanied by a Design and Access Statement which advises that the internal arrangements would remain largely unaltered, except for the provision of a WC facility and the replacement of existing windows with obscured glass.

Location

The site fronts the eastern side of Sidmouth Road and is situated within a residential area characterised by two storey dwellings.

Comments from Local Residents

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

- this proposal represents an attempt to sidestep a 2011 condition requiring that the building should only be used for purposes incidental to No 44 Lynton Avenue
- use of office in a residential area is unacceptable

- no evidence that a sequential approach has been considered, or details of office deficiency to support this proposal
- proposal is at odds with local character
- cramped overdevelopment due to plot size

Comments from Consultees

No technical Highways objections have been raised, subject to conditions.

Planning Considerations

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

BE1 Design of New Development
EMP6 Development Outside Business Areas
T3 Parking

The National Planning Policy Framework is also relevant

Planning History

The detached studio building, together with the neighbouring dwelling at No 44 Lynton Avenue, were previously used by the Oxleas NHS Foundation Trust having been converted to a non-residential day centre (Class D1) in 1992. Planning permission was granted to convert the main building back to residential use in 2011 (under ref. 11/00569). A condition imposed on the 2011 permission for the conversion of a non-residential day centre back to a dwelling stated that the studio building could only be used for purposes incidental to the enjoyment of the dwelling at No.44.

Under ref. 12/00657 planning permission was refused by the Council for the conversion of the studio building to a self-contained dwelling on the basis that it would not accord with the general character, pattern and spatial standards of the area, and would constitute a cramped form of development by reason of its restricted plot size. The proposal was subsequently dismissed at appeal.

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.

The detached studio building, together with the neighbouring dwelling at No 44 Lynton Avenue, were previously used by the Oxleas NHS Foundation Trust after having been converted to a non-residential day centre (Class D1) in 1992. The site was put up for sale in 2010 and planning permission was granted to convert the main building to residential use in 2011 (under ref. 11/00569). It is now proposed to convert this former ancillary building to a self-contained office.

The National Planning Policy Framework constitutes a material consideration in determining planning applications. The Framework asserts that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Policy EMP6 advises that outside designated Business Areas the Council will only permit non-conforming business uses where there would be no significant adverse impact on the amenity of the surrounding properties.

It is considered that the scale of use of this detached building will be restricted by its relatively small size which will most likely suit a small or start-up business. On that basis it is not considered that the sort of activity associated with a B1 office-related use will be so significant as to undermine neighbouring amenity. Conditions restricting the hours of use are suggested to ensure that the building is not used outside normal working hours, as well as a condition limiting the period of time of the use, thus enabling the Council to assess the impact of the use at a later date.

In comparison to the previous proposal which involved the building's conversion to a self-contained dwelling and the provision of a mezzanine floor it is not considered that this scheme will undermine local character, in view of its non-residential form and less intensive use. Furthermore, following receipt of revised plans (received 30.4.13) the amount of garden area given over to the proposed B1 use will be minimised so that the plot size associated with the dwelling at No 44 Lynton Avenue will remain more commensurate with surrounding residential properties.

In summary it is considered that the proposal could provide a useful local business use and that this would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/00569, 12/00657 and 13/00455, excluding exempt information.

as amended by documents received on 30.04.2013

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|---|-----------------|--|---------------|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years | |
| 2 | ACE02
ACE02R | Limited period - use (1 insert)
Reason E02 | 31.03.2018. |
| 3 | ACJ01
ACI14R | Restriction on use (2 inserts)
I14 reason (1 insert) BE1 | office use B1 |
| 4 | ACJ05
ACJ05R | Rest. hours of use and ex. Sun (2 ins)
J05 reason BE1 | 07:30 19:30 |
| 5 | ACH03 | Satisfactory parking - full application | |

	ACH03R	Reason H03
6	ACH22	Bicycle Parking
	ACH22R	Reason H22
7	ACK01	Compliance with submitted plan
	ACC03R	Reason C03
8	AJ02B	Justification UNIQUE reason OTHER apps

Policies (UDP)

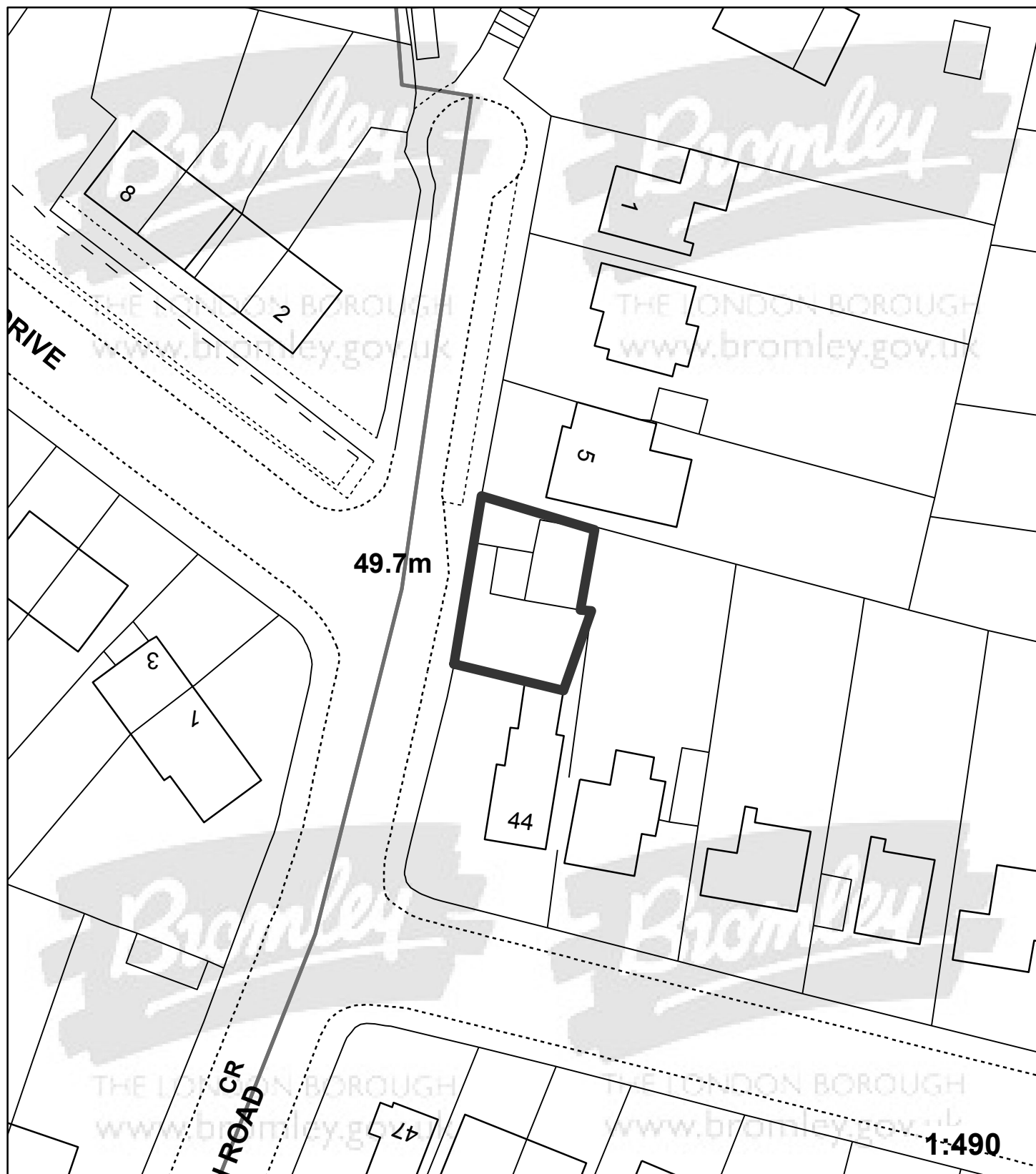
BE1 Design of New Development
EMP6 Development Outside Business Areas
EMP8 Business Support
T3 Parking

National Planning Policy Framework

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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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