

SECTION '2' – Applications meriting special consideration

Application No : 13/00905/OUT

Ward:
Plaistow And Sundridge

Address : 25 Scotts Road Bromley BR1 3QD

OS Grid Ref: E: 540066 N: 170025

Applicant : South East Living Group

Objections : YES

Description of Development:

Redevelopment of commercial premises at Nos. 24, 24A and 25 Scotts Road with part two/three storey block and three storey block comprising 755sqm office floorspace (use Class B1) and 4 one bedroom, 31 two bedroom and 3 three bedroom flats with 36 car parking spaces, bicycle parking and refuse storage

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency

Proposal

Outline planning permission (including approval of layout and access) is sought for the redevelopment of commercial premises at Nos. 24, 24a and 25 Scotts Road with a part two/three storey block and a three storey block comprising 755sqm office floorspace (Use Class B1) and 4 one bedroom, 31 two bedroom and 3 three bedroom flats with 36 car parking spaces, bicycle parking and refuse storage.

The scheme will provide 5 office units (between 142m² and 160m² GIA). The residential component of the scheme will be provided as follows:

- 6 two bedroom affordable rent flats
- 6 two bedroom shared ownership flats
- 4 one bedroom private flats
- 31 two bedroom private flats
- 3 three bedroom private flats.

The indicative elevation plans show buildings of a traditional design with brickwork, pitched tiled roofs and glass frontages to the offices.

The proposal will result in the loss of 1,422m² Use Class B1(c) light industrial floorspace and the provision of 755m² Use Class B1(a) office floorspace. The net loss of business floorspace will be -677m². The application states that the site presently supports 6 full time and 1 part time jobs and the proposed office development will support 60 full time jobs.

Three previous applications for 100% residential developments have been refused planning permission and the two most recent applications have been dismissed on appeal. The current application seeks to respond to the Inspector's comments through the provision of office accommodation.

The application is accompanied by a Design and Access Statement which addresses the site history and marketing of the existing premises and includes the following points:

- 24 Scotts Road has been unoccupied since 2005 and one building is completely dilapidated and has been de-rated by the Valuations Office Agency whilst the remaining building is now being used by a local mechanic for a nominal rent - site has been marketed for rent and for sale since April 2008 and there has been no significant interest
- 24A Scotts Road has been marketed since it was vacated in February 2006, however restrictions on opening hours and opposition from local residents to changes of use to suit potential tenants have thwarted attempts to let the property - site has been let to a local business on a nominal rent for the storage of a caravan and cars since 2011
- 25 Scotts Road is designated for residential use in the UDP and is currently used by a printing company, however the characteristics of the building and advances in printing technology mean that the firm are looking to relocate to smaller premises as soon as possible.

The application is also accompanied by marketing evidence for the site and a confidential Economic Viability Assessment.

A previous application was accompanied by a geotechnical and geo-environmental desktop study which recommends further investigative works but states that remediation measures can be taken to address any contamination on the site. The application refers back to this document.

A Preliminary Energy Assessment and Energy Efficiency Measures statement has been submitted which sets out how the development will achieve a 20% reduction in carbon dioxide emissions.

Location

The application site is currently occupied by a mixture of one and two storey light industrial buildings, some of which are in poor condition. It is accessed via Scotts Road and between Nos. 28 and 30 Mooreland Road. Surrounding development predominantly comprises Victorian style terraced housing and there are business units fronting Farwig Lane to the south and southwest of the site. Nos. 24 and 24A Scotts Road lie within the Farwig Lane Business Area.

Comments from Local Residents

Nearby residents were notified of the application and representations were received, which can be summarised as follows:

- overdevelopment
- overlooking / loss of privacy
- loss of light
- loss of outlook / overbearing impact
- increased traffic
- inadequate parking / increased demand for on-street car parking
- detrimental impact on highway and pedestrian safety
- noise and disturbance from construction activity
- second access should be provided
- access from Mooreland Road should be restricted
- use of Mooreland Road by construction traffic would be inappropriate
- damage to foundations of houses on Mooreland Road and to services between 28 and 30 Mooreland Road from construction traffic
- increased dirt and litter
- already adequate supply of offices in the area
- loss of business land.

Representations have been received from a local businessman which can be summarised as follows:

- inadequate supply of warehouses and industrial units in the area
- proposal will further prevent growth of employment and industry
- site is designated for business use and is in desperate need of refurbishment - it should be used for the development of 6, 12 or 18 smaller units for retail use (e.g. plumbers merchants, electrical distributors, small scale manufacturing, etc.)
- Aylesbury Studios at No. 1 Scotts Road already provides approx. 12 small offices and there is no need for more office development in this area
- I am interested in purchasing all three sites and the finance is in place for a warehouse redevelopment which would generate significant employment
- the Council are invited to visit a warehouse scheme in Camberwell to understand the potential alternative to the applicant's proposed housing / office scheme
- attempts to purchase 24A Scotts Road and dealings with Colliers estate agents were frustrating because Colliers were not getting a clear indication from the vendor regarding the price of the site - with a possibly more lucrative offer on the table from South East Living there may have been a strategic incentive not to give a firm commitment to sell the site
- 24 Scotts Road has been the subject of low profile marketing, possibly to prove a lack of demand, particularly as there is a dilapidation order and little or no rates being paid
- demonstrating a lack of interest from commercial developers creates a more compelling argument for residential redevelopment

- owner of 24 Scotts Road has concluded that if South East Living fail to obtain planning permission for housing then warehouse redevelopment would make sense and owners of the 24A and 25 Scotts Road may agree
- decision should be deferred for consideration of an alternative warehouse scheme.

A copy of email correspondence with Colliers commercial agents has been provided.

The applicant has provided a response to these comments as follows:

- Baxter Phillips (the commercial agents marketing No. 24) have no record of any enquiries from the objector
- Colliers commercial agents followed up initial interest with no response
- objectors interest appears to have been to occupy No. 24A for a joinery / air conditioning business and there was no discussion regarding redevelopment of No. 24A and the adjoining sites
- the properties have been marketed by commercial agents and there have been willing sellers - the opportunity to pursue any interest in acquiring one or all of the properties has been readily available
- financial viability of objector's proposed warehousing scheme is questioned as it has been demonstrated within the application that redevelopment of the site for 100% commercial use is not viable - there must be concerns over the deliverability of the scheme and the demand, experience and funding for such a speculative proposal
- proposed mixed use development will deliver the following benefits:
 - new modern B1 office units within the business area
 - increase in quality employment floorspace within the business area
 - economic growth as a result of a significant increase in the potential for employment in the business area compared to the last 7 years
 - early economic growth as a result of both the residential and commercial development
 - windfall of additional housing stock in the borough
 - windfall of much needed affordable housing in the borough
 - resolution of past conflicts between residents in Scotts Road / Mooreland Road with incompatible industrial uses on the site
 - resolution of problems associated with industrial traffic on Scotts Road and Mooreland Road.

Comments from Consultees

There are no objections in terms of housing.

The Metropolitan Policy Crime Prevention Design Adviser has commented that the proposed development will offer limited natural surveillance of some of the car parking. However, this concern could be addressed through access control. It is suggested that the Secured by Design condition is attached to a planning permission.

There are no objections from the Council's in-house drainage consultant.

There are no objections from an Environmental Health point of view.

There are no objections in terms of waste collection arrangements.

English Heritage have no objections to the proposal in terms of archaeology.

There are no objections in terms of highways, subject to conditions.

In terms of sustainable development and renewable energy, the applicants report refers to out of date policies. A condition is recommended to secure measures to comply with the London Plan (July 2011).

Any further responses to consultations will be reported verbally at the meeting.

Planning History

Planning permission was refused in September 2000 for 7 two bedroom terraced houses and 14 car parking spaces at No. 25 Scotts Road (ref. 00/01275). The grounds of refusal related to overdevelopment and the impact of the use of a proposed access from Mooreland Road. A subsequent appeal was dismissed after the Inspector concluded that the proposal would be an overdevelopment and would result in dangerous vehicle manoeuvres.

Outline planning permission was granted in January 2002 for 4 semi-detached and one detached house with 6 garages and 4 car parking spaces at 25 Scotts Road (ref. 01/02045). Two of the houses would have been accessed via Mooreland Road. The permission was never implemented.

Outline planning permission was refused in July 2009 for a part two/three storey block and three storey block comprising 16 one bedroom/ 15 two bedroom/ 12 three bedroom/ 3 four bedroom flats with access from Scotts Road to 10 car parking spaces and from Mooreland Road to 18 car parking spaces (ref. 09/00664). The grounds of refusal related to overdevelopment, inadequate car parking and conflict with Policy EMP4 which seeks to safeguard a supply of business land in the Borough to provide for the growth and development of business and industry.

Outline planning permission was refused in December 2009 for the erection of 3 three storey blocks comprising 38 flats (1 one bedroom, 15 two bedroom, 16 three bedroom and 6 four bedroom) with access from Scotts Road (ref. 09/02461). The ground of refusal was as follows:

'Part of the site is located in a Business Area in the Unitary Development Plan and the proposal would be contrary to Policy EMP4 which seeks to safeguard a supply of business land in the Borough to provide for the growth and development of business and industry.'

A subsequent appeal was dismissed in July 2010 and the following is an extract from the Inspector's report:

'The recent Economic Development and Employment Land Study approved by the Council indicates a possible demand for a significant increase of employment land in the future and recommends strengthening policies to protect allocated employment sites. It also recommends that, before permitting a change of use, site development appraisals should be carried out demonstrating that redevelopment for employment use would be financially unviable and evidence of marketing should show the site cannot be disposed of on the open market.

The Council accepts that some uses currently permitted have the potential to be unneighbourly, and in that respect I acknowledge that while the site has been vacant in recent years, there have been some complaints in the past, particularly from residents of Scotts Road. However, the use of the site as offices would be appropriate and compatible with the surrounding residential development and Policy EMP4 allows for office development. The London Borough of Bromley Business Areas Monitoring Report, February 2010, occupancy list indicates a high level of occupancy of offices and at the Hearing the Council confirmed that there is limited office space and a demand for offices in the area. While some large offices in the centre of Bromley are vacant, this is due to the current economic climate and that these are unsuitable for modern use. However, the Council expects these to be occupied as demand increases over the next few years.

A marketing exercise has been carried out over the past 4 years, albeit with some incorrect details. Although a number of enquiries were received and the site has been let intermittently, the marketing has been substantially unsuccessful due to the constraints of the site in terms of poor access and the condition of the buildings, also some uncertainty over the lawful use of the site.

The properties have been marketed for light industrial/storage use although there is some mention of offices in the details for 24a. While not extensive the marketing exercise demonstrates there is little interest in the site in its current condition.

There remains the possibility of redeveloping the site for employment use. While the appellant has expressed concern over the access to the site and the constraints imposed by the surrounding residential development, no reasonable appraisal has been submitted showing redevelopment of the site for business use would be unviable.

I accept that the site is not a key employment site, is effectively separate from the rest of the Farwig Lane Business Area and makes a small contribution to the amount of employment land in the borough. However, this is an argument that could be repeated often and the cumulative effect would be detrimental.

I conclude that there is a demand for good quality employment sites and that while the existing buildings are of poor quality, the sustainable location of the site indicates it has the potential to be a good quality employment site. It has not been demonstrated that the site is unsuitable for employment use or that suitable redevelopment would not be financially viable and therefore I see no reason for there to be an exception to the requirements of UDP Policy EMP4.

While London Plan policies and national guidance encourage the efficient use of land and advise that where there is no reasonable prospect of economic use alternative uses should be considered, I do not consider this has been demonstrated in this case. The proposal would result in a reduction in the availability of good quality sites for modern business development and conflicts with Policy EMP4 of the UDP.

The site currently has the potential to be used for operations that would require heavy goods vehicles and commercial vehicles and the proposal would remove this possibility from Scotts Road and Moorelands Road. Also there would be improvements to residents' living conditions by the removal of industrial buildings and uses that currently exist along most of the perimeter of the site. The appellant has also referred to the effective and efficient use of a brownfield site and maximising the potential of sites in accord with London Plan policies and national guidance.

There would undoubtedly be benefits associated with this scheme and I am mindful of the advice to consider proposals for housing favourably. However, it is also clear that there is a need for local employment sites which it is possible the site could help to meet. On balance I do not consider the benefits described to be sufficient to outweigh the harm arising from the loss of the employment land and the conflict with the development plan that I have identified.'

Planning permission was refused in July 2011 for a part two/ three storey block and three storey block comprising 4 one bedroom, 39 two bedroom and 4 three bedroom flats with 38 car parking spaces on the same ground as previously. A subsequent appeal was dismissed in January 2012 and the following is an excerpt from the Inspector's report:

The Economic Development and Employment Land Study (EDEL) undertaken for the Council by GVA Grimley and intended to underpin the Local Development Framework (LDF), notes a possible demand for a significant increase of employment land across Bromley to 2026 and recommends that the Council "Adopt strong policies to protect existing employment land from development for other uses.....". It also recommends that any 'de-allocations' from the existing plan should be compensated with the allocation of new sites within the LDF.

In addition to the EDEL study my attention has been drawn to a Council commissioned Business Survey which notes that "On balance, commercial businesses are predicting a growth in workforce, turnover and floor space

over the next 5 years" as well as to a working paper produced by the Mayor of London entitled 'Borough employment projections to 2031' which indicates that an additional 8,000 jobs will be created in the Borough over the next 20 years. These are all matters indicative of a demand for employment land in Bromley and must weigh in favour of retaining the site for employment purposes.

However, notwithstanding these general predictions of employment growth, the Council was unable to provide a clear exposition of the likely demand for employment land compared to the anticipated or existing supply. I also note that much of the growth anticipated by the 'Borough employment projections to 2031' is predicted to occur between 2026 and 2031. In fact the projected employment levels in 2026 are shown as being only marginally higher than they were in 2007. In any event the extended timescales must add considerable uncertainty to the projected figures and as such must temper any weight assigned to retention of the site for employment uses.

The site's suitability for employment use is in any case limited by the nearby residential development and particularly by the prospect of traffic serving the site along Scotts Road. However, whilst I acknowledge that previous activities on site have given rise to complaints I see no reason to believe that all employment uses on the site would be unacceptable. Indeed, whilst the previous Inspector acknowledged that there was little interest in the site in its current condition, the Inspector did consider that it would be possible to redevelop the site for employment uses - explicitly considering that office development would be appropriate and compatible with the surrounding residential development. The Inspector further noted that no reasonable appraisal had been submitted to show that redevelopment of the site for business use would be unviable.

This appeal has been supported by a number of appraisals and valuations. According to the valuation from Sinclair Jones dated 20 January 2011 the market value of Nos 24 and 24a, assuming planning consent for B1 units, is some £460-£470k. Including the site at No 25 (outside the Business Area) would increase the total market value to £580-£600k.

The Appellant has compared this to an 'existing use valuation' (EUV) of Nos. 24 and 24a by Baxter Philips (letter dated 25 January 2011) indicating that the combined value of Nos 24 and 24a is some £944k. (Including No 25 gives an EUV for the whole site of around £1.6m). The Appellant concludes that on the basis of these figures there would be no reasonable justification for a landowner or developer to engage in the costs and uncertainty of a detailed design of a redevelopment scheme for business use or to seek planning permission.

However, it is worth examining the figures in more detail. Firstly, whilst the Baxter Philips valuation has taken account of recent lettings in the area, it is based on the properties being in a tenantable/saleable condition (further confirmation in Baxter Philips letter of 23 September 2011). Baxter Philips' letter of the 18 February 2010 acknowledges that marketing has been on

the basis of a ".....token rent due to the poor standard of accommodation available which at best is extremely basic storage" and it is therefore clear that the Baxter Philips EUV does not reflect the current condition of the properties. Consequently, it does not reflect the true value of the site to its landowners - which is likely to be considerably lower than the calculated EUV.

It therefore seems to me that the figures do not demonstrate that there is no reasonable justification for a landowner or developer to engage in the costs and uncertainty of a redevelopment scheme; instead they simply show that redevelopment of the site for B1 uses is unlikely to produce a residual value higher than the EUV of the existing units in a tenanted condition.

The Appellant's Economic Viability Assessment (EVA) dated February 2011 concludes at para 4.9 that the residual value associated with a modern B1 office redevelopment as assessed by Sinclair Jones would be insufficient to acquire the site given its EUV and a vendor's incentive. However, the EUV adopted in the EVA is that provided by Baxter Philips - which as noted earlier assumes the properties to be in a tenanted condition.

Sinclair Jones were also asked to consider what basic enhancements would be required to get the buildings into a 'tenanted' condition. Their letter of 7 September 2011 advises an approximate cost of £273k for Nos 24 and 24a, a figure which would bring the realistic EUV closer to the market value of Nos 24 and 24a assuming planning consent for B1 units. However, even if redevelopment of the site for B1 use was still not seen as a particularly attractive option compared to realising the existing use value of the site, the submitted valuations suggest that both refurbishment of the existing units and redevelopment of the site for B1 uses would produce a positive market value. Consequently, unlike the Appellant, I see none of the submitted valuations as demonstrating that use of the site for business purposes would be unviable.

Whilst recommending the adoption of strong policies to protect existing employment land, the EDEL study also recommends, with caveats, the inclusion of demand criteria to ensure that the Council does not retain land that is unnecessary or for which there is a lack of demand. The study notes that the approach of market testing is increasingly becoming recognised as an effective method for assessing the market viability of sites.

I note that the appeal site has been marketed unsuccessfully over a number of years. Whilst the Council saw that the marketing campaign was focussed on short term lets (although some adverts do also refer to sale) and considered that the terms may not have proven particularly attractive to some potential tenants, the lack of substantive responses to the campaign must nevertheless weigh in favour of using the site for alternative purposes. However, like the previous Inspector I am conscious that the marketing has demonstrated that there is little demand for the site in its current condition. It does not necessarily show a lack of interest in the site for employment

purposes per se, a factor which must be taken into account when considering the weight to be given to the lack of market interest.

The Appellant considers that economic growth is more likely to be secured through residential development on the site than through employment development. The Ministerial statement on 'Planning for Growth' is clear that significant weight should be attached to the need to secure economic growth and employment and the consultation draft of the National Planning Policy Framework (NPPF) puts forward a presumption in favour of sustainable development - albeit at this stage of its development only limited weight can be attached to the NPPF.

The Appellant considers the proposed development to be sustainable and in terms of its location and transport links I see no reason to disagree. However, in describing the concept of sustainability, Planning Policy Statement 1: Delivering Sustainable Development (PPS1) notes the importance of the needs of future generations as well as present needs.

I accept that the appeal proposal may be more likely to secure early economic growth than a proposal for employment use. However, it would do so at the expense of an identified employment site and as an argument the early delivery of growth through residential use could be repeated too many times to the detriment of future employment provision. Indeed there is an emphasis in the NPPF on the importance of meeting development needs through plans and the need to approve proposals quickly where they are in line with those plans.

I have already established that the proposed development would not accord with the plan and therefore whilst it may deliver economic growth earlier than a proposal for employment use I give this, at best, limited weight.

The proposal would result in the loss of an employment site and would be contrary to the development plan. Studies commissioned by the Council indicate that there is likely to be a continuing demand for employment land across Bromley and the EDEL study is clear in recommending that existing employment land should be protected. Notwithstanding that the site has limitations I agree with the previous Inspector that it would be possible to redevelop the site for employment use.

Weighed against this loss of employment land is the fact that the proposed development would deliver both market and affordable housing. Albeit that the Council maintains that it is delivering sufficient housing to meet its targets this must weigh in favour of the proposal. I also accept that marketing of the site in its current condition has failed to attract any significant interest and the prospects for earlier economic growth as a result of the proposal must also attract limited weight. Clearly the matter is one of balance and judgement. The Appellant considers that the starting point in this appeal should be the previous appeal and I agree that it is an important material consideration that should be examined.

The previous Inspector was concerned that no reasonable appraisal had been submitted showing that redevelopment of the site for business use would be unviable. Despite the various valuations and appraisals submitted with this appeal I find this still to be the case.'

The Inspector also considered that the contribution to the borough's housing supply was a benefit of the scheme.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

UDP

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T18 Road Safety
- H1 Housing Supply
- H2 Affordable Housing
- H5 Accessible Housing
- H7 Housing Density and Design
- BE1 Design of New Development
- BE2 Mixed Use Developments
- EMP4 Business Areas
- EMP5 Development Outside Business Areas
- ER7 Contaminated Land
- IMP1 Planning Obligations.

London Plan:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London: Economy
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.13 Affordable Housing Thresholds
- 4.1 Developing London's Economy
- 4.12 Improving Opportunities for All
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage

- 6.1 Strategic Approach
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy.

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD.

The following documents produced by the Mayor of London are relevant:

- The Mayor's Economic Development Strategy
- Housing Supplementary Planning Guidance
- Providing for Children and Young People's Play and Informal Recreation Supplementary Planning Guidance (SPG)
- Housing Strategy
- Accessible London: achieving an inclusive environment
- The Mayor's Transport Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Sustainable Design and Construction SPG.

Policy EMP4 of the Unitary Development Plan states that designated business areas are only suitable for Class B1, B2 and B8 use. The subtext at Paragraph 10.18 states that:

'the Business Areas consist largely of land with established light industrial and warehousing uses. The Council wishes to safeguard a supply of such land in the Borough to provide for the growth and development of business and industry. Consequently, proposals in the Business Areas for uses not within Use Classes B1 to B8 will not normally be permitted.'

No. 25 Scotts Road falls outside of the Farwig Lane Business Area and Policy EMP5 of the UDP states that:

'The redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that: (i) The size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and (ii) Full and proper marketing of the site

confirms the unsuitability and financial non-viability of the site or premises for those uses.'

Policy 8.2 of the London Plan is concerned with planning obligations and the Community Infrastructure Levy. It states that affordable housing and supporting the funding of Crossrail and other public transport improvements should be given the highest importance. Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.

Policy 4.4 of the London Plan is concerned with managing industrial land and premises and states that the Mayor will work with boroughs and other partners to:

- 'a) adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space
- b) plan, monitor and manage release of surplus industrial land where this is compatible with a) above, so that it can contribute to strategic and local planning objectives, especially those to provide more housing, and, in appropriate locations, to provide social infrastructure and to contribute to town centre renewal.'

It is the Council's aim to safeguard a supply of land in the Borough to provide for the growth and development of business and industry. The findings of the GVA Grimley Economic Development and Employment Land study (2010) and DTZ Retail, office, Industry and Leisure Study (2013) and the Mayor of London's projections for job creation in the Borough emphasise the importance of ensuring a supply of business sites to meet future need. The Council's evidence base highlights a forecasted falling requirement for industrial space and a significant requirement for office space.

Bromley is ranked within the London Plan as 'restricted' for the transfer of industrial land to other uses. Boroughs in this category typically have low levels of industrial land relative to demand (particularly for waste management or land for logistics) and/or low proportions of industrial land within the Strategic Industrial Land framework. Boroughs in this category are encouraged to adopt a more restrictive approach to transfer. However, the proposed new office floorspace contributes to the emerging Local Plan's objectives of providing B1 floorspace to support the economic growth of the Borough. The redevelopment of the site does not involve the loss of prime Strategic Industrial Land.

The National Planning Policy Framework states at paragraph 22 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. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits."

The scheme includes 12 affordable units (6 units for shared ownership and 6 units for Affordable Rent) and the affordable housing provision equates to approx. 32% by units and approx. 32% by habitable rooms. The proposal is therefore not in compliance with the Council's affordable housing policy. The applicants have submitted a financial viability appraisal to seek to demonstrate that any higher provision of affordable housing contribution would render the development unviable. Officers subsequently commissioned external expert advice from consultants to review the appraisal. The final advice received indicates that additional affordable housing to reach 35% would render the development not financially viable to proceed. On this basis, the affordable housing provision, although below the level sought under policy, is considered acceptable. However the advice also suggests that a form of review mechanism be required, subject to any delay of implementation beyond a certain point. This will be included within the terms of a Section 106 legal agreement to secure the affordable housing.

The proposal equates to a residential density of 95 dwellings per hectare.

Conclusions

Previous applications were for solely for residential development. The current scheme seeks to respond to the previous refusals and appeal decisions by providing a mixed use scheme comprising B1 office units along with an enabling residential component. Nos. 24 and 24A Scotts Road lie within a designated business area and Policy EMP4 states that sites in Business Areas must be retained for business use. The main issues to be considered in this case are the acceptability of a mixed use residential and Use Class B1 office scheme in a designated business area and the impact of the proposal on the character and the residential amenities of the area.

The following can be concluded from the planning history including the Inspector's reports:

- existing uses have potential to be incompatible with surrounding residential development
- site currently has potential to be used for operations that would require heavy goods vehicles and commercial vehicles
- site has potential to be a good quality employment site
- office development would be appropriate and compatible with the surrounding area
- site has been marketed unsuccessfully over a number of years demonstrating that there is little demand for it in its current condition
- lack of interest in site weighs in favour of using the site for alternative purposes but does not necessarily show a lack of interest in the site for employment purposes per se
- it has not been demonstrated that redevelopment of the site for business use is unviable
- site is not a key employment site and is separate from the Farwig Lane Business Area
- 25 Scotts Road lies outside of the business area and has previously been considered suitable for residential redevelopment

- market value of Nos. 24 and 24A Scotts Road, assuming a planning consent for B1 office use is £460,000 to £470,000 whilst existing use value of 24 and 24A Scotts Road (including cost of restoring buildings to a tenanted condition) is £671,000 (Inspector's report dated 4 January 2012) - redevelopment of the site for B1 office use is unlikely to produce a residual value higher than the existing units in a tenanted condition
- residential development would provide some benefits in terms of housing supply and in terms of securing early economic growth
- outline applications refs. 09/02461 and 11/00781 were for buildings of the same bulk and massing and these were not refused on grounds of harm to character or residential amenity - the scheme can be considered acceptable in terms of the impact of bulk and massing of the buildings.

The scheme has the potential to deliver increased employment as office floorspace can support a higher employment density than industrial floorspace. The application states that the proposal will support 60 jobs whilst the site currently supports 6 full time jobs and one part time job. The redevelopment would result in quality new modern employment floorspace close to Bromley town centre, thereby contributing to town centre renewal. The office floorspace would not be viable without an enabling residential component. It can be considered that the benefits of the proposal are sufficient to outweigh the harm resulting from non-compliance with the requirements of Policy EMP4.

In terms of the impacts on the surrounding area, the scheme has not changed significantly from the previous proposals which were considered acceptable in this regard. According to the indicative elevations there will now be full length glazing to the ground floor office accommodation but this is not considered to result in any significant impact. The scheme will provide 38 residential units, which is 9 less than proposed under the previous application. It is considered that any increase in activity resulting from the office units will be offset by the reduction in the number of residential units.

An objection is detailed above which has been received from a local businessman regarding interest in redeveloping the site to provide 6-12 warehouses for light industrial or retail use. At this stage no application has been received for an alternative scheme and this current application must be assessed on its merits. The objector has expressed concern regarding the marketing of the sites for business use. Members will note the conclusions drawn from the planning history above and the applicant's response to the objection, in particular the points regarding the desirability of offices to support employment on this site.

On balance, it is considered that the application overcomes the previous grounds of refusal and the proposal is considered acceptable.

as amended by documents received on 19.07.2013

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- | | | | |
|----|--------|---|-------------|
| 1 | ACA02 | Details req. pursuant outline permission | appearance, |
| | | landscaping and scale | |
| | ACA02R | Reason A02 | |
| 2 | ACA03 | Compliance with landscaping details | |
| | ACA03R | Reason A03 | |
| 3 | ACA07 | Boundary enclosure - no detail submitted | |
| | ACA07R | Reason A07 | |
| 4 | ACC01 | Satisfactory materials (ext'nl surfaces) | |
| | ACC01R | Reason C01 | |
| 5 | ACC03 | Details of windows | |
| | ACC03R | Reason C03 | |
| 6 | ACD02 | Surface water drainage - no det. submitt | |
| | ADD02R | Reason D02 | |
| 7 | ACD06 | Sustainable drainage system (SuDS) | |
| | ADD06R | Reason D06 | |
| 8 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |
| 9 | ACH16 | Hardstanding for wash-down facilities | |
| | ACH16R | Reason H16 | |
| 10 | ACH18 | Refuse storage - no details submitted | |
| | ACH18R | Reason H18 | |
| 11 | ACH22 | Bicycle Parking | |
| | ACH22R | Reason H22 | |
| 12 | ACH29 | Construction Management Plan | |
| | ACH29R | Reason H29 | |
| 13 | ACH32 | Highway Drainage | |
| | ADH32R | Reason H32 | |
| 14 | ACH33 | Car Free Housing | |
| | ACH33R | Reason H33 | |
| 15 | ACI20 | Lifetime Homes Standard/wheelchair homes | |
| | ADI20R | Reason I20 | |
| 16 | ACI21 | Secured By Design | |
| | ACI21R | I21 reason | |
| 17 | ACK01 | Compliance with submitted plan | |
| | ACC01R | Reason C01 | |
| 18 | ACK05 | Slab levels - no details submitted | |
| | ACK05R | K05 reason | |
| 19 | | Before any works on site are commenced, a site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. The feasibility of the provision of combined heat and power (CHP) to supply thermal and electrical energy to the site or the most appropriate buildings within the permitted development should be included within the assessment. | |
| | ADL01R | Reason L01 | |

INFORMATIVE(S)

- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 2 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application:13/00905/OUT

Address: 25 Scotts Road Bromley BR1 3QD

Proposal: Redevelopment of commercial premises at Nos. 24, 24A and 25 Scotts Road with part two/three storey block and three storey block comprising 755sqm office floorspace (use Class B1) and 4 one bedroom, 31 two bedroom and 3 three bedroom flats with 36 car parking spaces,



"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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