

SECTION '2' – Applications meriting special consideration

Application No : 13/03853/FULL2

Ward:
Copers Cope

Address : Junction House 4 - 6 Southend Road
Beckenham BR3 1SD

OS Grid Ref: E: 537466 N: 169876

Applicant : Mr Paul Barrett

Objections : YES

Description of Development:

Change of use from use class B1a office to use class D1 nursery.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Open Space Deficiency

Proposal

This application proposes the change of use from offices to a nursery (D1) use with associated outdoor play area and fencing. There will be up to 60 children from age 3 months to school age and when running at full capacity will have the full time equivalent of 18 staff. Two sets of proposed operational hours are referred to in the submission: 8am to 6pm, Monday to Friday, and 7.30am to 6.30pm, Monday to Friday.

Location

The site is located on the east side of Southend Road with residential located directly to the north and north east (with what appears to be the associated residential parking to the east (rear) of the site) and commercial (restaurant) to the south.

Comments from Local Residents

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

- increase in numbers of cars to the location
- playground doesn't seem to meet Ofsted regulations
- misleading to say only two nurseries in the local area

Comments from Consultees

Highways comments note that the site is in a PTAL 4 area. Given the additional submitted information Highways are satisfied in respect of trip rates, car use and the availability of pick-up and drop-off locations and that the on street parking demand generated by the development would not have an adverse impact on the parking demand and traffic within the local road network. However, concerns are raised in respect of how the nursery is going to manage the car park; conditions are suggested in the event of a planning permission.

From a Policy point of view it is noted this site does not fall within a designated business area as per the UDP Proposals map. The site is not located in a Strategic Industrial Locations (SIL) as per the London Plan. The applicant has not fully addressed Policy EMP3 with regards to providing evidence demonstrating there is no local shortage of office floorspace, nor is there evidence demonstrating long term vacancy despite marketing. An anecdotal note of a few vacant office premises does not constitute a sufficient assessment of supply and demand in the area. Given that the premises are currently occupied in office use, there is therefore no evidence of long-term vacancy and no marketing for an office use has taken place.

The applicant has addressed Policy EMP3 criteria (ii) in respect of a loss of employment by the fact that the proposed nursery use will employ 18 full time equivalent employees, as opposed to the 12 employees currently employed in the office. It is noted that this proposal will ensure an employment generating use is retained on the site.

Additionally, the applicant has not addressed criteria (i) and (ii) of Policy EMP5; hence there is no evidence to suggest the premises are unsuitable for B-use class employment, nor is there evidence to suggest the site is no longer viable for office use. The proposal conflicts with 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), DTZ study (2012), 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.

Environmental Health raise no objection in principle but recognise that this sort of use often raises concerns with noise and the effect on neighbouring amenity. Conditions are suggested in the event of a planning permission.

Early Years have visited the location and support the proposal as places for children under the age of 3 are limited. They note that Government funding for 2 years olds has increased in the London Borough Bromley and there will be a demand for places in privately owned, full day care.

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 :

BE1 Design of New Development
C7 Educational and Pre-School facilities
EMP3 Office Redevelopment
EMP5 Development outside Business Areas
T3 Parking
T18 Road Safety

SPG1
SPG2

Planning History

The planning history includes planning permission ref. 88/00858 for the change of use of ground floor from car showroom to Use Class A2 and then in 1991, planning permission ref. 91/01275 for a second floor extension with elevational alterations.

Conclusions

The main issues relating to the application are 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 and commercial properties, parking and highway safety, together with the acceptability of the change of use of the premises resulting in the loss of office floorspace which is located outside of a business area.

Policies BE1 and EMP6 are relevant to this case and due consideration should be given to any adverse impacts on the amenity of the surrounding properties resulting from the change of use. The application site is located on a busy main road, within a mix of commercial and residential use. No immediate neighbour objections have been raised in respect of the proposed use and whilst it is recognised that this sort of use often raises concerns with noise and the effect on neighbouring amenity, no EHO concerns are raised in principle and relevant conditions are suggested in the event of a planning permission.

Highways concerns are limited as to the management of the car park area and in the event of a planning permission conditions are suggested in this respect.

The proposal involves the conversion of commercial premises; it does not meet the policy requirements of Policy EMP5 which are designed to retain B-use class employment sites, whilst taking into consideration viability, nor is it able to provide evidence in respect of the requirements of Policy EMP3 (i), that there is no local shortage of office floorspace and that sufficient marketing has taken place. It could be argued that the site is not a key employment site and makes a relatively small contribution to the amount of employment land in the Borough. However,

Members will be aware that this is an argument that could be repeated often and that the cumulative effects would be detrimental.

The applicant states that the premises could be converted from office to residential under Permitted Development rights (subject to the prior approval process). Whilst this may hold true, this is not the remit of this particular proposal. However, Members are advised that this proposal secures an employment generating use on the site and consideration should be had to the merits of this with regards to possible development scenarios.

Policy C7 advises that applications for new pre-school facilities will be permitted provided that they are located so as to maximise access by means of transport other than the car; it also seeks to give appropriate support to the Council's wider objectives for education, including its early year's strategy.

Members are advised to consider the balance of merits between retaining office floorspace in the Borough where there is an identified need and on the other side, the need for nursery provision in the area, coupled with the associated nursery employment.

Background papers referred to during production of this report comprise all correspondence on the application file, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

If Members are minded to grant permission, the following conditions are suggested:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 3 ACH28 Car park management
 ACH28R Reason H28
- 4 The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 07:30 and 18:30 only.
Reason: In order to comply with Policies BE1 and C7 of Bromley's Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.
- 5 Use of the outdoor playground shall be limited to a maximum of 20 children at any time.
Reason: In order to comply with Policies BE1 and C7 of Bromley's Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.
- 6 Acoustic fencing shall be provided to the play area perimeter according to details to be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed as approved prior to the use commencing and shall be permanently maintained as such thereafter.

Reason: In order to comply with Policies BE1 and C7 of Bromley's Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.

- 7 ACK01 Compliance with submitted plan
- ACC01R Reason C01

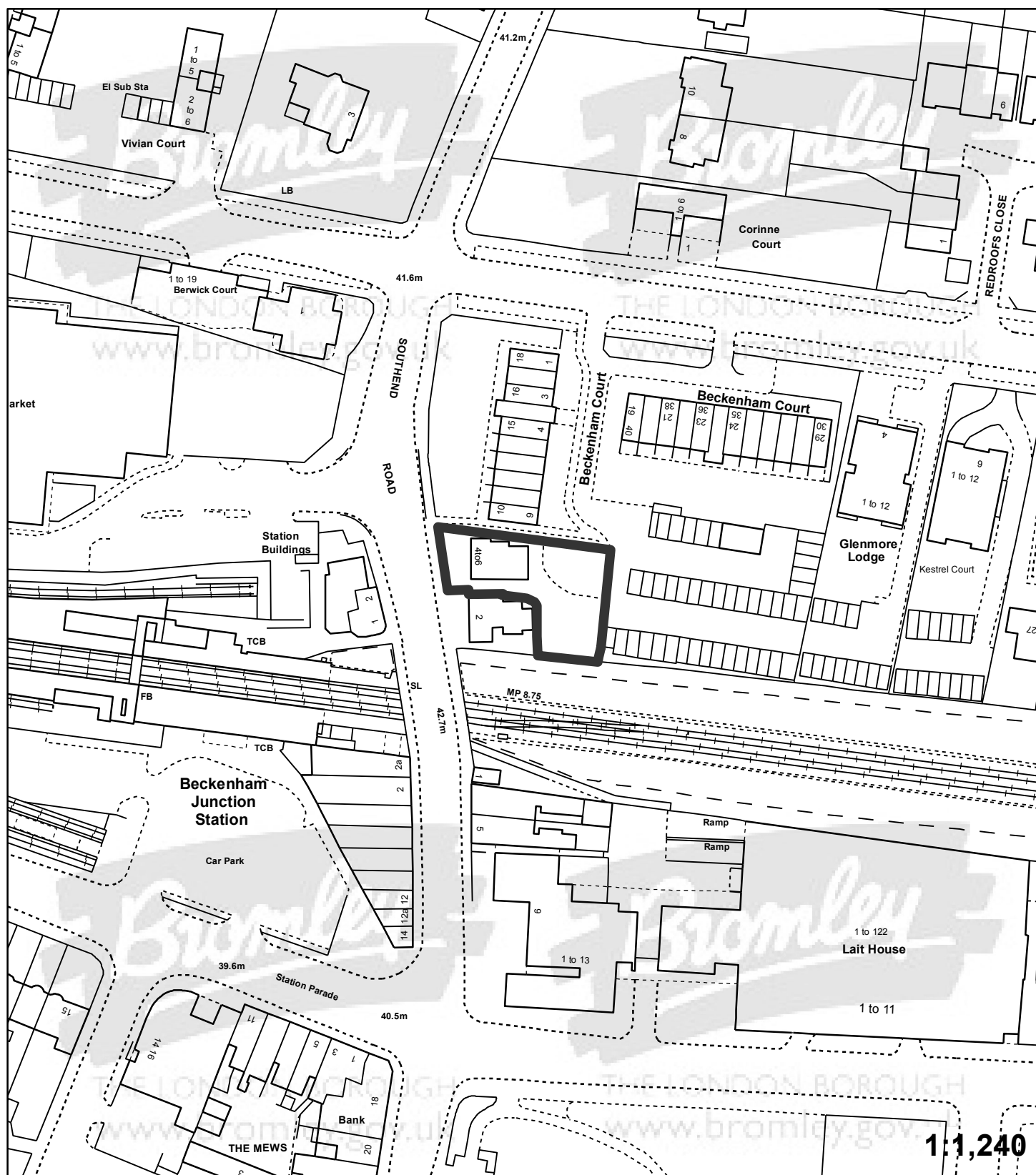
INFORMATIVE(S)

- 1 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

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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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