

SECTION '2' – Applications meriting special consideration

Application No : 14/00164/FULL2

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 K Black

Objections : YES

Description of Development:

Change of use of first floor to friendly society office and meeting place (Sui Generis) with refurbishment to front elevation and parking.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

Permission is sought for a change of use of first floor to mixed office (Class B1) and meeting room (Sui Generis) with refurbishment to front elevation and parking. The proposed opening hours are 3pm to 9pm Monday to Friday and 12pm to 3pm Saturdays, Sundays and Bank Holidays.

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 representations were received which can be summarised as follows:

- It is not in-keeping with the main business uses the building is used for.

Comments from Consultees

Highways have raised no objection subject to conditions being attached to any permission.

Environmental Health have raised no objections.

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
EMP4 Business Areas
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T7 Cyclists

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:

1. 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.
2. 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.

Application ref. 12/02318 granted planning permission for a change of use for part of the ground floor and the whole first floor from Class B1 to specialised martial arts teaching and gym (Class D1) together with elevational alterations.

A Certificate of Lawfulness for the proposed change of use from Class D2 to a friendly society and meeting place (Sui Generis) was refused on the grounds that:

"There is no permitted change from Use Class D1 to Sui-Generis use under the Town and Country Planning Use Classes Order 1987 (as amended). The proposed change of use therefore requires planning permission"

Conclusions

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

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 application ref. 12/02318 granted permission for a Class D2 gym use with a

demonstration of marketing of the site being undertaken and no suitable B1, B2 or B8 occupier being found. The proposed occupiers are proposing to install replacement Crittal windows which are considered to improve the grand and imposing appearance of this prominent building. Whilst this permission has not been implemented and as such the lawful use remains Class B1, the principal of a change of use away from a business use has been accepted.

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 it is considered that the proposals would bring back into use a prominent vacant unit.

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 states that there are currently 15 car parking spaces and no alterations are proposed to this provision. 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 3pm to 9pm Monday to Friday and 12pm to 3pm Saturdays, Sundays and Bank Holidays, 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.

Having had regard to the above, it is considered 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 the files refs. 14/00164, 13/03343 and 12/02318, set out in the Planning History section above, excluding exempt information.

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 |
| | ACK05R | K05 reason |
| 4 | ACH03 | Satisfactory parking - full application |

- 5 ACH03R Reason H03
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 The uses hereby permitted shall not operate before 15:00 or after 21:00 Monday to Friday, or before 12:00 or after 15:00 Saturdays, Sundays and Bank Holidays

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

INFORMATIVE(S)

1 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)).

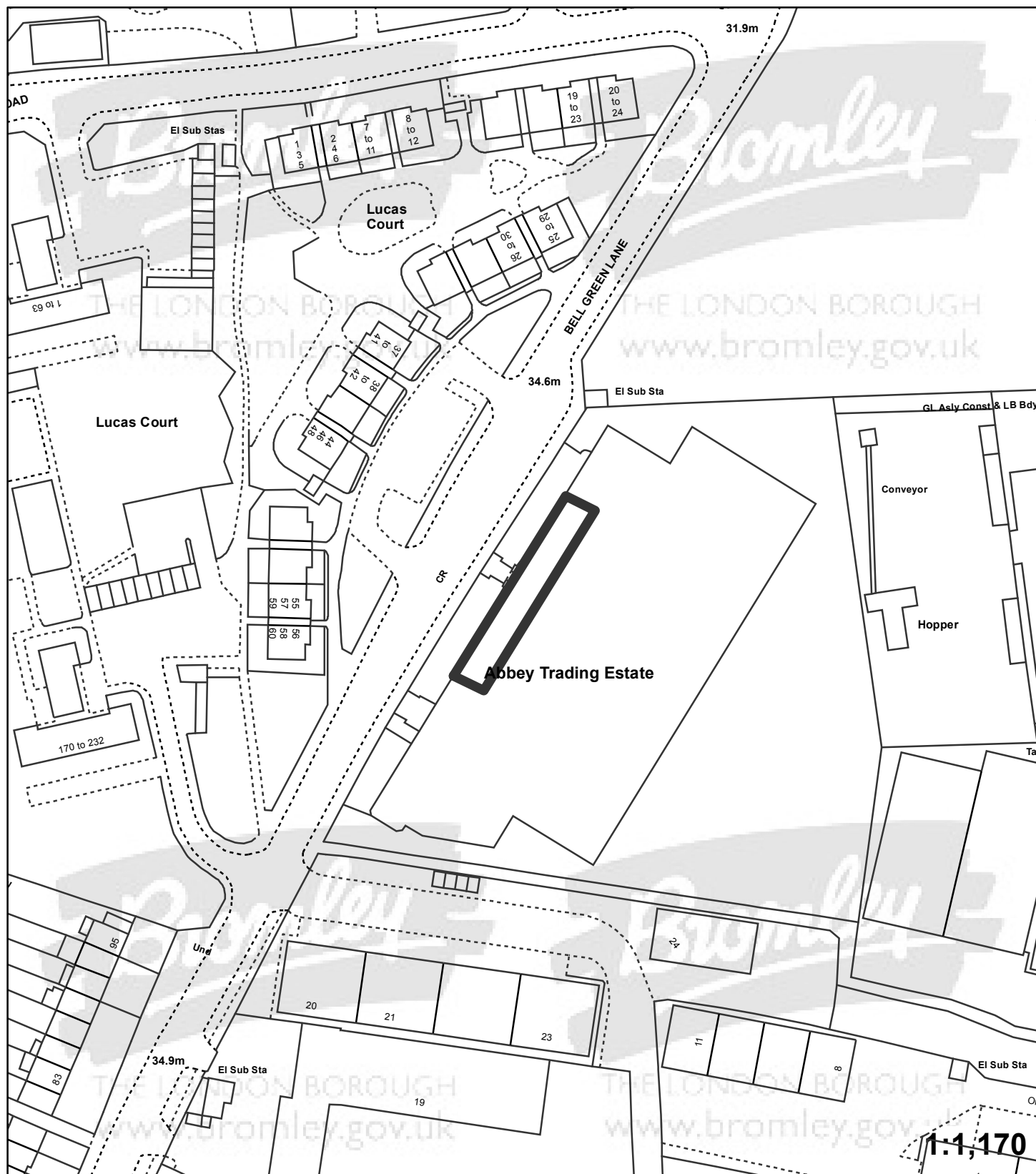
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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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