

SECTION '2' – Applications meriting special consideration

**Application No :** 14/01163/FULL2

**Ward:**  
**Plaistow And Sundridge**

**Address :** 37 Park Road Bromley BR1 3HJ

**OS Grid Ref:** E: 540762 N: 169661

**Applicant :** Mr Arlind Marku

**Objections :** YES

**Description of Development:**

Change of use of part of ground floor from offices (Class B1) to children's day nursery (Class D1) with refuse storage and cycle storage and 1.8m high wall/railings.

Key designations:

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

**Proposal**

- It is proposed to convert the vacant office (Class B1) unit set over part of the ground and most of the first floor level to a Children's Day Nursery (Use Class D1)
- a secure outdoor play area is proposed under the existing canopy to the side of the building with a 1.8m high fence towards the rear and along the western boundary and a 1.8m brick wall and railings along the front
- the nursery would be registered with Ofsted for 42 children, aged between 3 months and 5 years
- a total of 15 full time staff would be employed
- the proposed opening hours are between 07:30 - 18:30 Monday to Fridays
- 4 designated parking spaces for staff and parents are proposed in the front forecourt
- pedestrian access would be via the western side of the building
- internally, two walls would be removed at ground floor level and sound-proofing panels would be installed.

## **Location**

- The application site consists of a Statutory Listed detached two storey building
- it is currently divided into three separate units, all with business (B1a) (office) use with two of the existing units occupied
- the application site is to the northern side of Park Road and is not within a designated business area
- there are 2 vehicular access points with parking space at the front and rear
- to the rear of the site are a number of garages which are rented out to individuals and independent businesses
- Park Road is predominantly a residential street
- adjacent the site to the south-west is No.35 which is divided into flats
- adjacent the site to the north-east is St John's Church.

## **Comments from Local Residents**

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

- made an offer to rent the property at the asking price with a 15 year lease
- move would have been to expand and improve employment opportunities for disabled people
- planned to refurbish the site and improve facilities, e.g. ramp and accessible toilet
- Park Road is close to the town centre and also has good parking so that visitors, dial-a-ride etc can pick up and drop off easily
- the layout of Park Road, being a detached property enables easy pick up and drop off, all on the ground floor - no current office bases in Bromley provide this facility
- the building has wide doors and high ceilings that lend it to sensitive adaptation
- proposal will create a lot of noise making Counselling work impossible for a prolonged period of time
- sound from baby room will disturb Counselling business
- parents dropping off, collecting and waiting for children means windows will not be able to be opened due to confidentiality and noise levels
- will cause damage to business.

## **Comments from Consultees**

The Council's Highways Development Engineers raised initial concerns over the proposed pick-up/drop-off area and lack of detail in the submitted Transport Assessment. However, a revised drawing and supporting letter was received on 19-05-14 clarifying the in and out access for the site and the parking spaces for all businesses and, as such, no objections are raised to the application.

The Council's Environmental Health Officer has raised no objections to the proposal.

The Metropolitan Police Crime Prevention Design Advisor states there is a lack of detail with regard to how secured by design standards will be incorporated into the design of the development. A 'Secured by Design' condition is therefore recommended should permission be given so that the development achieves full SBD accreditation.

## **Planning Considerations**

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE8 Statutory Listed Buildings
- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- EMP3 Conversion or redevelopment of Offices
- EMP5 Development outside Business Areas
- EMP6 Development outside Business Areas - non-conforming uses
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T9 Public Transport
- T10 Public Transport
- T15 Traffic Management
- T17 Servicing of Premises
- T18 Road Safety

London Plan:

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 7.3 Designing Out Crime
- 7.15 Reducing Noise and Enhancing Soundscapes

The National Planning Policy Framework 2012

## **Planning History**

In 1975, three separate planning applications were refused for 2 storey rear extensions for offices and toilets, demolition of rear part of the building and single storey rear extension for offices with car parking spaces (outline).

Listed Building Consent was granted in 2004 and then in 2010 for internal alterations and repairs to the existing roof covering.

There is a Listed Building Consent application under joint consideration under ref.14/01291.

## **Conclusions**

The main issues relating to the application are the effect that it would have on business and employment opportunities in the Borough, the impact that it would have on the amenities of the occupants of surrounding premises, the effect it would have on Highways safety and the impact it would have on the character and appearance of the Listed Building.

A proposal that meets an identified education need will normally be permitted provided it is accessible by modes of transport other than the car (UDP Policies C1 and C7). The childcare sufficiency report 2011 indicated only 48 places per 100 children in the Plaistow and Sundridge Ward, a shortfall of over 60%.

Chapter 10 of the UDP aims to improve business and employment opportunities within the Borough and, outside of business areas, seeks to protect independent commercial sites from alternative development, unless significant advantages can be proven. In order for the conversion of offices for other uses to be acceptable, evidence will be required to demonstrate that there is no local shortage of office floorspace; that there is a long-term vacancy of the premises despite reasonable attempts at marketing the site for office use over a satisfactory period of time size and that there is no likely loss of employment resulting from the proposal.

The applicant has provided a schedule of available office floorspace, demonstrating that there is no local shortage. While there is no specific time period of marketing stipulated in the UDP, the Council's view is that significant weight is afforded to long term marketing in line with the NPPF (paragraph 22). The premises has been marketed since September 2013, attracting a number of viewings and representations have been received from a prospective tenant who formally offered to rent all of the remaining office floorspace in the premises in April 2014 (shortly after this application was submitted).

With regards to likely loss of employment, the proposed nursery use would employ approximately 15 full time employees, ensuring that an employment generating use is retained on the site.

Policy EMP5 of the UDP also precludes the redevelopment of business sites outside of the designated business areas unless the configuration, access arrangements or other characteristics of the site make it unsuitable for a continued business use. The applicant states that the historic fabric of the building and the fact it is statutory listed may deter prospective tenants requiring flexible office space and that this is a prime consideration in the lack of interest identified throughout the marketing of these premises. However, representations received from one prospective tenant of the premises state that its layout was ideally suited for their business needs, which includes accommodating visitors with physical disabilities, and that "no current office bases in Bromley provide this facility" (Bromley Mencap).

While Members may agree that the period of marketing for the premises has been relatively short and that inadequate justification has been provided with regard to the unsuitability of the site for a continued business use (thereby failing the requirements of EMP5), the proposal would generate significant levels of employment at the site. Furthermore, since the application was submitted in March permitted development rights (under Class K) for the change of use of Class B1 offices to state funded schools have been extended to include registered nurseries (although this does not apply to Listed Buildings), indicating the Government's intention to increase nursery provision. The identified need for nursery places in the Ward should therefore be given duly significant weight by Members in determining whether the change of use is acceptable in this instance.

Consideration should also be given to any adverse impacts of the change of use on the amenity of the occupiers of surrounding buildings as well as the impact on the other businesses operating within the application site. Concerns have been raised regarding noise from the development by one of the other tenants of the application building who runs a Counselling business from the rear of the ground and first floors. A number of soundproofing measures are being proposed by the applicant, including locating the areas for quiet activities/sleeping rooms near to the existing businesses and installing sound proofing panels and it is noted that the Council's Environmental Health Officer has raised no objections with regard to noise. Furthermore, the nursery would utilise a separate entrance to the other businesses which would be located on the opposite side of the building to the Counselling business, as would the proposed play area, and, as such, any outside activity, including parents dropping off and collecting their children, is unlikely to result in significant noise and disturbance to the Counselling business. Additionally, the other business operating from the site is a printing company which may not be considered as a noise sensitive business. Overall, the noise impact from the proposal is therefore considered acceptable.

While the proposed outdoor play area would be located adjacent to the boundary with No.35 Park Road, time spent outside would be timetabled and limited to specific periods during the day. As such the noise impact on adjoining neighbours is unlikely to be significant. Planting and landscaping is proposed to the area, although no specific details have been provided.

A bicycle rack is proposed to the side of the building, allowing for alternative travel options to the car, and as the proposal meets an identified education need Members may consider the accessibility of the site acceptable, particularly when taking on board recent changes to permitted development legislation outlined above.

With regard to impact on the character, appearance and special interest of the Listed Building, the internal layout has been substantially altered over the years and has little architectural merit. As such, the internal alterations including soundproofing are unlikely to have a harmful effect. Furthermore, the 1.8m high wall and railings would be set well back from the highway and would not harmfully impact the building's setting. With regard to the viability of preserving the existing office use and its compatibility with the building's fabric, interior or setting, the applicant merely states that the historic fabric of the building and the fact it is

statutory listed may deter prospective tenants requiring flexible office space and that this is a prime consideration in the lack of interest identified throughout the marketing of these premises. However, given the numerous internal alterations that have already taken place, the change of use is not considered harmful to the character or appearance of the Listed Building.

Despite the limited period of marketing of the site and inadequate justification with regard to the unsuitability of the site for a continued business use, the proposed use would generate significant levels of employment as well as meet an identified need for childcare places in the Plaistow and Sundridge Ward. Furthermore, the proposal would not have a significant adverse impact on the amenities of other users of the premises or neighbouring buildings, would not unduly impair highways safety, and would preserve the character and appearance of the Listed Building. Members may therefore consider that the proposal is acceptable.

Background papers referred to during production of this report comprise all correspondence on the file refs.14/01163 and 14/01291 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 14.04.2014 19.05.2014 20.05.2014

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs  
ACA01R A01 Reason 3 years
  - 2 ACA04 Landscaping Scheme - full app no details  
ACA04R Reason A04
  - 3 ACA07 Boundary enclosure - no detail submitted
- Reason:** In order to comply with Policies BE1, BE7 and BE8 of the Unitary Development Plan and in the interest of the character and visual amenities of the Listed Building and the amenities of adjacent properties.
- 4 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
  - 5 ACH19 Refuse storage - implementation  
ACH19R Reason H19
  - 6 ACH22 Bicycle Parking  
ACH22R Reason H22
  - 7 ACH23 Lighting scheme for access/parking  
ACH23R Reason H23
  - 8 ACI21 Secured By Design  
ACI21R I21 reason
  - 9 ACJ12 Use as day nursery/playgroup (5 insert) 3 months 5 years  
42 07:30 18:30  
ACJ12R J12 reason
  - 10 ACK01 Compliance with submitted plan

**Reason:** In order to comply with Policies BE1, BE7, BE8, T3, T5, T6, T7 and T18 of the Unitary Development Plan and in the interest of the character and

appearance of the building, highways safety and the visual and residential amenities of the area.

11 ACK07 Disabled access (see DI12)  
ADK07R Reason K07

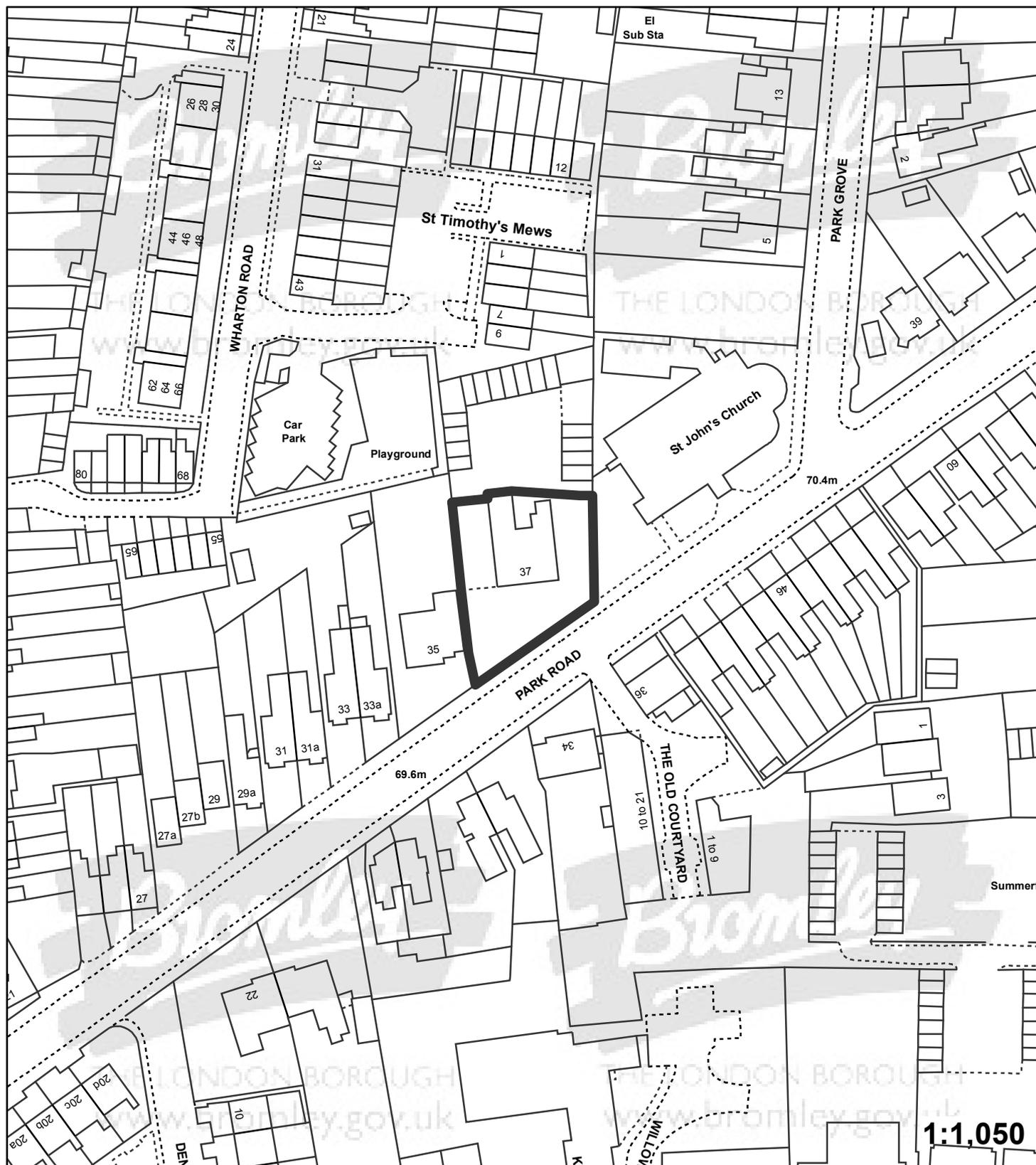
12 The remedial measures proposed to reduce noise transmitted to adjoining premises, as shown on the submitted drawings, shall be implemented before the use hereby permitted commences and shall be permanently retained thereafter.

**Reason:** In order to comply with Policies BE1 and EMP6 of the Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.

**Application:** 14/01163/FULL2

**Address:** 37 Park Road Bromley BR1 3HJ

**Proposal:** Change of use of part of ground floor from offices (Class B1) to children's day nursery (Class D1) with refuse storage and cycle storage and 1.8m high wall/railings.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

© Crown copyright and database rights 2013. Ordnance Survey 100017661.