

SECTION '2' – Applications meriting special consideration

Application No : 14/00989/FULL3

Ward:
Bromley Town

Address : 6 Blyth Road Bromley BR1 3RX

OS Grid Ref: E: 539851 N: 169808

Applicant : Mrs Gillian Wallis

Objections : NO

Description of Development:

Change of Use from Office use (Class B1) to nursery (Class D1) with cycle storage to rear.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency

Proposal

- It is proposed to convert the ground, first and second floors of the building into a nursery use (Class D1) with staff room and storage at second floor level
- externally it is proposed to change a ground floor rear window to patio doors to facilitate easier access into the garden
- 60 children, 8 full-time and 2 part-time additional staff members are proposed (a total of 30 full time and 4 part time)
- vehicular access will remain via the existing entrance and footway crossover as will access on foot and cycle
- the existing front car park provides 4 spaces with a permanent staff car parking space to the rear
- the proposed opening hours are 08:00 - 18:00 Monday to Friday.

Location

- The application site lies on the northern side of Blyth Road, some 35 metres from its junction with London Road and hosts a two storey detached property with accommodation in roofspace. It currently has an office (Class B1) use although the applicant states that the site has been vacant since November 2011.

- the site is within a medium public transport accessibility level (PTAL) area of 4
- the surrounding area encompasses variety of land uses with properties at Nos. 8 and 10 Blyth Road being used as nurseries
- the application site does not fall within any conservation area or business area and it has no designation under the Unitary Development Plan, however it lies just outside the Bromley Town Centre boundary.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Highways: no objection, in principle;

Environmental Health: no objection, in principle;

Education and Care Services: strongly support.

Planning Considerations

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

- BE1 Design of New Development
- 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

Planning History

Planning permission was recently refused under ref. 12/02006 for the change of use from office to nursery on the ground floor with 2 one bedroom flats and a bedsit on the first and second floors. A rear extension was also proposed together with a car park at the rear. The reasons for refusal were:

1. The proposed car parking area to the rear of the building would result in an excessive amount of the rear garden area being covered in hardstanding and increased noise and disturbance due to vehicle movements close to adjacent gardens, harmful to the amenities of the occupants of adjacent residential properties thereby contrary to Policy BE1 of the Unitary Development Plan.
2. The proposed change of use is contrary to Policy EMP3 of the Unitary Development Plan as it has not been demonstrated that there is no local shortage of office floorspace and no evidence has been submitted of long term vacancy despite marketing of the premises.

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 and the effect it would have on Highways safety.

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). According to Bromley Education Department, this area currently has limited full-time childcare places and they fully support the proposed childcare provision, noting that other nurseries run by the applicants (Nos. 8 and 10 Blyth Road) are rated as 'Outstanding' by OfSTED. In addition, the site is in an area with medium levels of public transport accessibility.

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.

Further to the refusal of the 12/02006 application, the applicant has supplied additional supporting evidence in relation to the loss of office space, however, this seems to predominantly relate to the marketing which took place at No.5 Blyth Road and Members may consider that inadequate marketing of the premises for office use has been demonstrated.

With regards to likely loss of employment, the proposed nursery use would employ the equivalent of 9 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 there is a lack of demand for office space in this location and other properties in Blyth Road have failed to attract tenants "as most interest for offices would be in central Bromley or purpose built modern offices without the major refurbishment as would be required at the application site" (Design and Access/Planning Statement, March 2014).

While Members may agree that inadequate marketing of the premises has taken place, the proposal would generate employment at a currently vacant site and would help meet the demand for childcare places in the borough. Furthermore, since the previous application was refused, 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, in keeping with the Government's commitment to families. This should be afforded duly significant weight by Members in determining whether the change of use is acceptable in this instance.

Since the previous application was refused the applicant has removed the proposed car parking to the rear of the site and proposes to retain it as external amenity space. This is now considered acceptable in terms of the traffic movements within the site and the impact on the amenities of adjacent properties. In addition, given the nature of other development in the vicinity, including the two adjacent nursery uses at 8 and 10 Blyth Road, any potential impact on the living conditions of the adjoining and neighbouring occupiers in terms of noise and disturbance would not be materially harmful, subject to conditions limiting the number of children and opening times. A condition requiring details of an acoustic boundary treatment to the rear garden is also recommended.

From a highways perspective, the proposed parking spaces require some minor alterations to their size and a condition is recommended requiring a parking layout plan. The applicant is also required to submit a travel plan as part of any permission granted. A bicycle rack is proposed to the rear of the building, allowing for alternative travel options to the car and overall, it is considered that the short stay parking demand of the nursery can be accommodated within the site and will not impact significantly on the on-street parking demand in the adjacent highway.

Despite the limited marketing of the site the proposed use would generate significant levels of employment as well as meet an identified need for childcare places. Furthermore, the proposal would not have a significant adverse impact on the amenities of neighbouring buildings and would not unduly impair highways safety. It is therefore considered that the proposed change of use is acceptable, particularly when taking on board recent changes to permitted development legislation outlined above.

Background papers referred to during production of this report comprise all correspondence on the files refs.14/00989 and 12/02006 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 ACC04 Matching materials
 ACC04R Reason C04
- 3 Before any part of the development hereby permitted is first occupied, details of boundary enclosures which shall reduce noise transmitted to adjoining premises shall be submitted to and approved in writing by the Local planning Authority 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.

- 4 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 5 ACH22 Bicycle Parking
 ACH22R Reason H22
- 6 ACH30 Travel Plan
 ACH30R Reason H30
- 7 ACJ12 Use as day nursery/playgroup (5 insert) 3 months 5 years
 60 08:00 18:00
 ACJ12R J12 reason
- 8 ACK01 Compliance with submitted plan

Reason: In order to comply with Policies BE1, T3, T5, T6, T7 and T18 of the Unitary Development Plan and in the interest of the appearance of the building, highways safety and the visual and residential amenities of the area.

- 9 ACK07 Disabled access (see DI12)
 ADK07R Reason K07

INFORMATIVE(S)

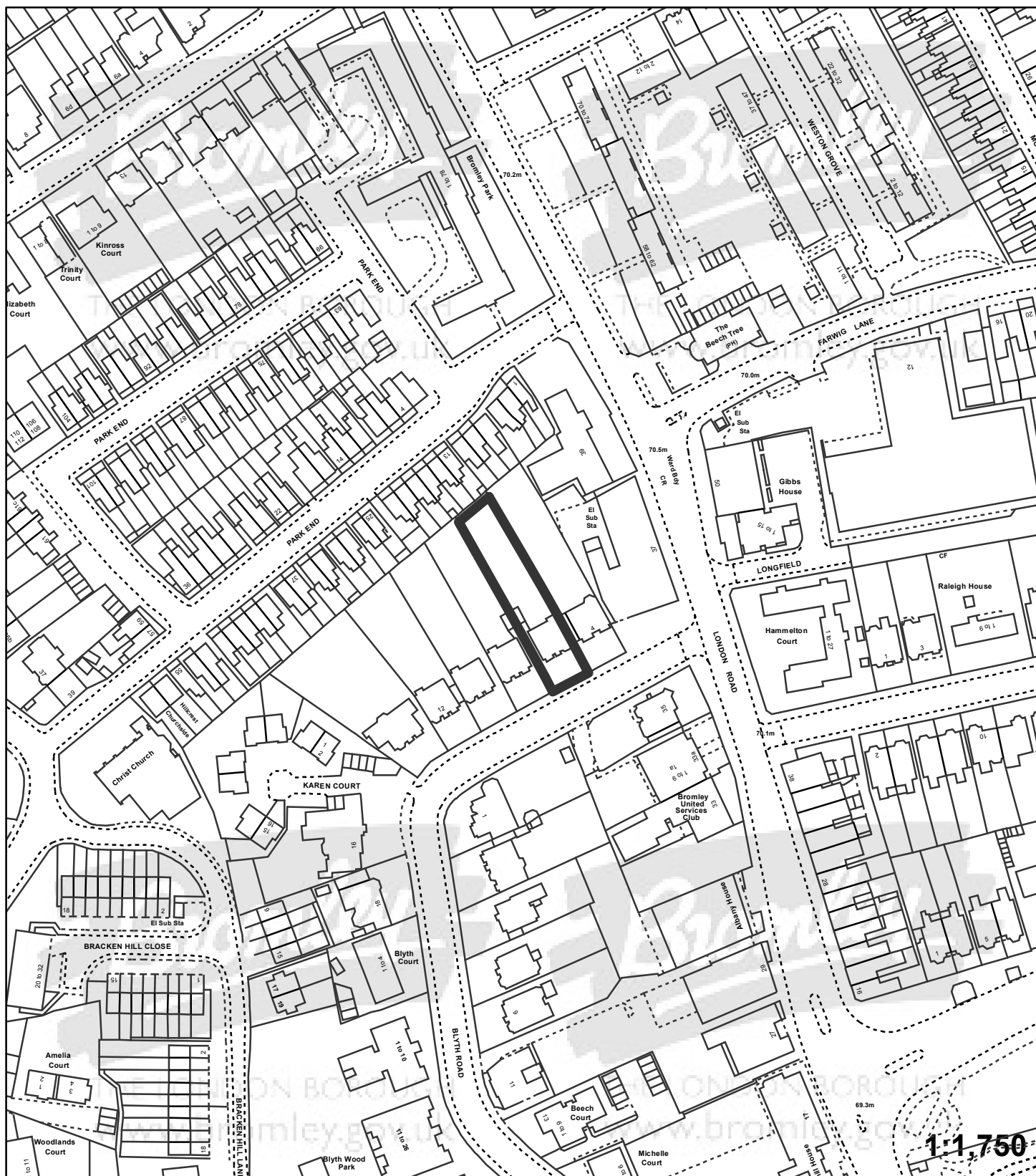
- 1 Your attention is drawn to the following legislation and Government advice concerning means of access for people with disabilities:
 - The Disability Discrimination Act 1995 (extended 2005)
 - Approved Document M of the Building Regulations 2000 "Access and Facilities for Disabled People" made under the Building Act 1984 (as amended)
 - DDA Code of Practice 2006 Rights of Access to Goods, Facilities Services and Premises (Disability Rights Commission)
 - DDA Code of Practice 2004 : Employment and Occupation (Disability Rights Commission)

- 2 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.

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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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