

SECTION '2' – Applications meriting special consideration

Application No : 14/04503/FULL1

Ward:
Kelsey And Eden Park

Address : 35 - 37 Upper Elmers End Road
Beckenham BR3 3QY

OS Grid Ref: E: 536219 N: 168388

Applicant : Mr Brian Cotton

Objections : YES

Description of Development:

Change of use of land to the rear of Nos. 39 - 57 Upper Elmers End Road from public car park (Sui Generis) to car parking in association with the use of the car showroom at Nos. 35 - 37 Upper Elmers End Road.

Key designations:

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

Proposal

The application seeks permission for the change of use of land from a public car park (Sui Generis use class) to car parking in association with the use of the car showroom at Nos. 35 - 37 Upper Elmers End Road.

Location

The site is part of the existing public car park, accessed off of Dunbar Road. The car park is owned by the London Borough of Bromley, however from a property point of view it has been agreed to lease the land to Masters Group who operate the business at Nos. 35 - 37 Upper Elmers End Road. The site would be fenced off and incorporated into the existing land to the rear of Nos. 35 - 37 Upper Elmers End Road.

Comments from Local Residents

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

- The original application was for storage only, but part of the car park is used for continual valeting and minor repairs. We would object to any expansion which could lead to a greater nuisance locally.

Comments from Consultees

Parking Services: Fully in support of the proposal.

Highways: I refer to the information received from the Car Park, Facilities & Assets Manager stating that "The car park is rarely half full and on all the occasions I've been there only 6/8 cars have parked there leaving spaces available." Therefore I raise no objection to the proposal.

Planning Considerations

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

BE1 Design of New Development

The following Council adopted SPG guidance are also a consideration:

Supplementary Planning Guidance 1 General Design Guidance

Planning History

96/02267/FULMAJ - Change of use of ground floor of Nos. 11 and 12 Goodwood Parade and building at rear from workshop to car showroom, office and car valeting and demolition of 2 lock-up garages to provide open car parking. Conditional permission. Implemented.

04/03482/FULL2 - Change of use to storage of new and used cars in association with Elmside Garage with primary access from Upper Elmers End Road, 3m high steel palisade fence and 2 CCTV columns. Granted temporary permission until 21.12.2009. Implemented.

Conclusions

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

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The application proposes the change of use of part of a public car park, to car parking used in connection with the business at 35 - 37 Upper Elmers End Road. The agent for the application has confirmed in writing that, at present, part of the rear area of the site is used for car parking of vehicles awaiting sale or repair, although no works take place on this part of the site. For the avoidance of doubt, this piece of the land does not benefit from an extant planning permission for this use, and the current application thus seeks permission for the use of this part of the land, and an additional section of the existing public car park. The agent has confirmed in writing that the additional area of the public car park would not be used for vehicle repairs or servicing and would be used solely for car parking.

Part of the site is already in use in connection with the garage at Nos. 35 - 37 Upper Elmers End Road and, with respect to the impact of this use on the amenities of the neighbouring properties, it is noted that the Council's Environmental Health department has not received any complaints regarding noise or nuisance at the site. Two letters have been received from neighbouring properties in connection with this current planning application, raising concerns about the noise from car valeting and repairs which already take place on the land. However, the existing use of this land in this way does not benefit from planning permission. The application seeks permission for the change of use of the land solely for car parking, as has been confirmed in writing by the agent for the application. As part of any planning permission granted, it would be possible to impose a condition restricting the use of the land and preventing any repairs taking place on the land. Taking into account these restrictions on the use which can be secured by way of a condition and the distance of the neighbouring properties from the site, it is considered that the proposal would not result in any adverse impact upon the amenities of the neighbouring residential properties.

The proposal would result in the loss of approximately 9 car parking spaces from the existing public car park. In this regard, the Council's highways department raises no objection to the loss of these public car parking spaces, as it is considered that the supply of spaces exceeds the demand. Given this, it is considered that the proposal would not have an adverse impact on the local highway network.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on highway safety.

Background papers referred to during production of this report comprise all correspondence on the files refs. 96/02267 and 04/03482, set out in the Planning History section above, excluding exempt information.

as amended by documents received on 27.01.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs

- ACA01R A01 Reason 3 years
- 2 The land shall be used solely for the parking of vehicles in connection with Nos. 35 - 37 Upper Elmers End Road and no car valeting or repair works shall take place on the land at any time.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the neighbouring properties.
- 3 Vehicles may only gain entry to and exit from the site between the hours of 8.00am and 7.00pm Monday to Friday and 10.00am and 4.00pm on Saturdays, Sundays and Bank Holidays.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan, to avoid an overintensive operation and to protect the amenities of the occupiers of nearby residential properties.
- 4 Details of the fencing to be installed to the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The fence shall be installed in accordance with the approved details and no alterations shall take place to the external appearance of the fence thereafter.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the neighbouring properties.
- 5 ACK01 Compliance with submitted plan
ACC01R Reason C01

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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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