

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 15/00023/FULL2

**Ward:**  
**Orpington**

**Address :** Berwick House 8 - 10 Knoll Rise  
Orpington BR6 0EL

**OS Grid Ref:** E: 546117 N: 166111

**Applicant :** Mr Tony Farrant

**Objections :** NO

**Description of Development:**

Change of use from of Block A from physiotherapist (Use Class D1) to residential (Class C3) use comprising of four residential flats.

Key designations:

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

**Proposal**

Planning permission is sought for the change of use of the ground floor of Block A of the Berwick House office complex from a physiotherapist practice (Class D1) to four residential flats (Class C3), comprising of two 2-bedroom flats and two 1-bedroom flats. The proposed development will be car-free and the applicant would be willing to enter a legal agreement to restrict future occupiers from applying for on-street parking permits.

The application is accompanied by a Planning Statement. This advises that the application premises will be vacated in the coming weeks as the current occupier (a physiotherapist) requires larger premises, having taken out a lease at a larger property.

A supporting letter from "Linays Commercial" alleges that there is limited demand for D1 space in Orpington, although the premises have not been marketed for D1 purposes.

**Location**

The site is situated along the northern side of Knoll Rise, within close proximity of Orpington High Street. The site comprises a commercial complex of buildings arranged as four blocks bounded by Knoll Rise, Berwick Way and Vinson Close, and adjacent to commercial properties to the south and east, and residential dwellings to the north and west.

### **Comments from Local Residents**

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

### **Comments from Consultees**

From a Highways perspective it is noted that the previous application, which was allowed at appeal, was to convert the rest of Berwick Court to 83 flats, and that there are 23 car parking spaces in the building. It is unclear as to how the parking spaces are being allocated amongst the previously permitted flats, but if there are any not taken up they could be offered to residents of these units. Given the appeal decision it is suggested that, in lieu of no parking provision, the applicant provides the future residents with a minimum of 2 years membership of a local car club together with 20 hours driving time. Furthermore, car-free and cycle-related conditions are sought.

### **Planning Considerations**

Policy C1 resists the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is made in an equally accessible location.

This approach is reflected in the Emerging Local Plan: Draft Policies and Designations (Feb 2014) Policy 6.1

#### London Plan

Policy 3.16 deals with social infrastructure and advises that proposals "which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered."

Policy 3.17 addresses Health and Social Care facilities and advises that "Where local health services are being changed, the Mayor will expect to see replacement services operational before the facilities they replace are closed, unless there is adequate justification for the change."

The Mayor of London Housing SPG is also relevant in respect of this application.

The dwellings should all comply with "Lifetime Homes" standards.

## **Planning History**

The application premises form purpose-built offices which, prior to 2014, were the subject to various applications relating to the commercial function of the building. However, these are not considered relevant to this application.

Under ref. 12/00183, planning permission was granted for the change of use of the ground floor office at Block A from offices (Class B1) to Physiotherapy clinic (Class D1), this area comprising 234sq metre of accommodation.

Under ref. 14/02086, Prior Approval was deemed to be required and subsequently refused in respect of the change of use of Berwick House from Class B1(a) office to Class C3 dwellinghouses to form 6 studio flats, 66 one bedroom and 13 two bedroom flats.

"The transport and highways impacts of the development are considered to be unsatisfactory with particular regard to the impact of the number of dwellings proposed on local transport infrastructure and the lack of adequate car parking which would generate an unacceptable increase in the demand for on-street car parking, prejudicial to the free flow of traffic and conditions of general safety along the adjoining highway network, therefore, the proposal does not comply with Class J.2(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and contrary to Chapter 4 of the NPPF."

This above Prior Approval was subsequently allowed at appeal.

Also of relevance to this application, under ref. 14/03073 planning permission was granted for the change of use of north ground floor of Central Court, 1B Knoll Rise from office (Class B1a) to physiotherapy clinic (Class D1) in October 2014. This application related to the occupiers of the application premises at Berwick House.

## **Conclusions**

The main issues relate to the loss of what is an existing community facility (in light of Policy C1 which seeks to prevent the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is made in an equally accessible location); and whether the conversion of the building to residential use is acceptable in principle.

Firstly, there is a defined need for the physiotherapist provision which is contracted by local GPs. In respect of this application, the planning statement includes a supporting email from the physiotherapist indicating their satisfaction with their new larger location (493sqm) across the road in another office block "Central Court" at 1B Knoll Rise (planning permission having been granted under ref. 14/03073). The Central Court application advises that the use provides physiotherapy services to Bromley GP's and their patients via a contract with the NHS. Accordingly, in these circumstances it is not considered that this proposal will undermine the provision of community facilities, since the existing service will be rehoused within close proximity of the application site.

Secondly, in respect of the proposed residential use, Members will note that the remainder of Berwick House benefits from Prior Approval in respect of its conversion to over 80 residential units. In this context, the conversion of the ground floor element of Block A is deemed to be acceptable as it will represent a conforming use. The nature of the accommodation is considered to accord with London Plan standards whilst, from a Highways perspective, no objections are raised subject to the imposition of a car-free housing condition - something which has been agreed by the applicant.

Taking the above matters into account, this proposal is considered acceptable.

Background papers referred to during production of this report comprise all correspondence on the file refs 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      ACH22      Bicycle Parking  
          ACH22R    Reason H22
- 3      ACH33      Car Free Housing  
          ACH33R    Reason H33
- 4      No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements for future occupiers to join an established car club in the local area for a minimum of 2 years.

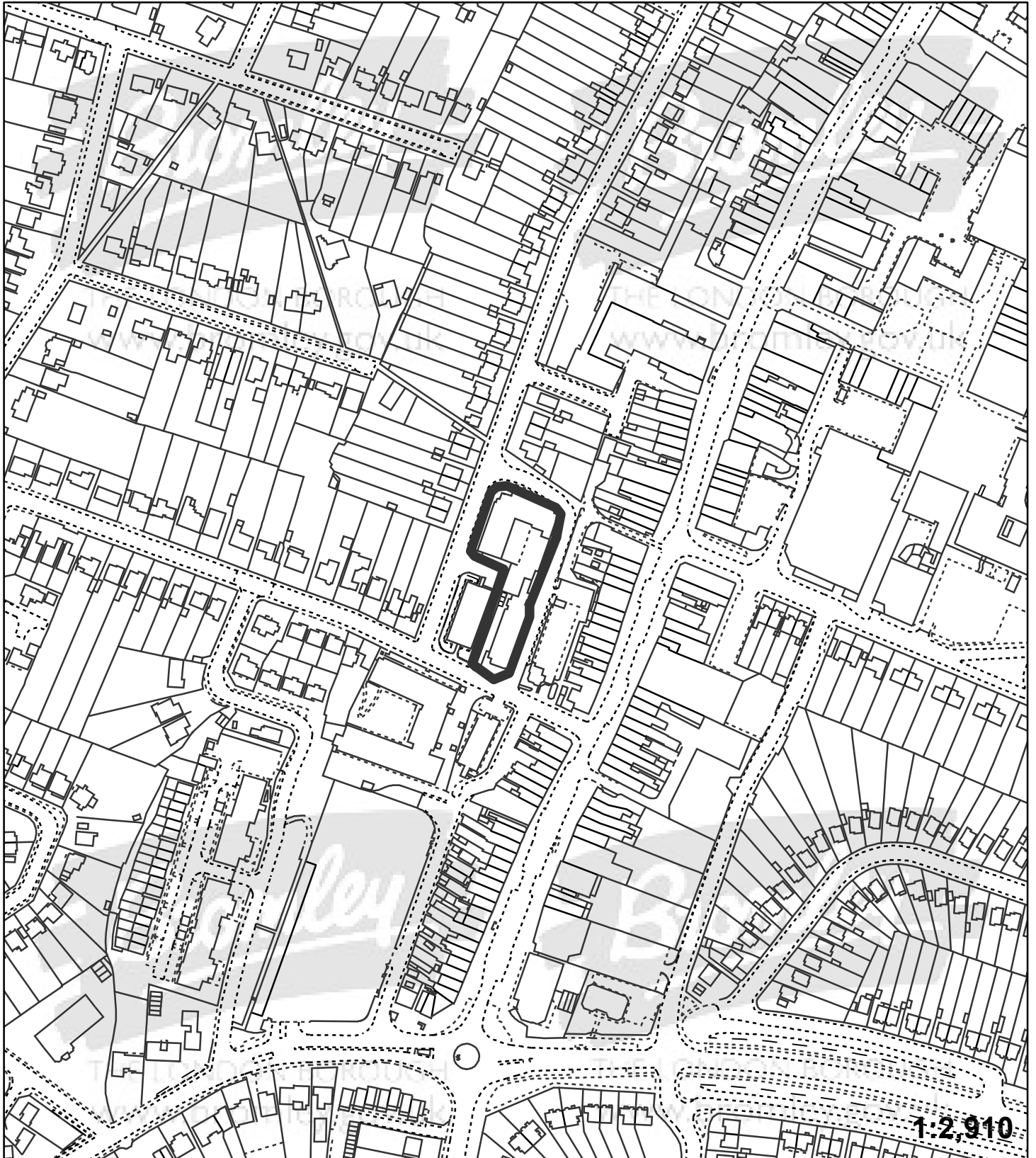
**Reason:** In order to provide for the transport needs of the development and comply with Policies T3 and T18 of the Unitary Development Plan.

- 5      ACK01      Compliance with submitted plan  
          ACC03R    Reason C03

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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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