

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

Application No : 16/05698/RESPA

Ward:
Bromley Town

Address : 4 Cobden Court Wimpole Close
Bromley BR2 9JF

OS Grid Ref: E: 541068 N: 168327

Applicant : Mr A Folan

Objections : YES

Description of Development:

Change of use of Class B1 (a) Office to Class C3 residential to form 3 x 1 bedroom units on the ground, first and second floors (56 day application for prior approval in respect of transport and highways, contamination and flooding risk under Class O Part 3 of the GPDO)

Key designations:

Smoke Control SCA 5

Proposal

Change of use of class B1 (a) office to class C3 dwellinghouse to form 3 x 1 bedroom apartments on the ground, first and second floors.

Members should note that this is a 56 day application for Prior Approval in respect of transport and highways impact, contamination, and flooding risks under Class O, Part 3 of the General Permitted Development Order (2015).

It should also be noted that there is an application under reference 16/05446/RESPA at No. 3 Cobden Court under consideration for the change of use of class B1 (a) office to class C3 dwellinghouse to form 3 x 1 bedroom apartments on the ground, first and second floors.

This is central Government legislation that came into force on 15th April 2015.

This case has been "Called in" by a Ward Councillor.

Location

The application site is situated on the eastern side of Wimpole Close, Bromley and is a mid-terraced building currently used as an office block.

Consultations

Comments from Local Residents

Nearby owners/occupiers were notified of the application and letters of support were received.

Comments from Consultees:

Highways:

The site is within a good (4) PTAL area and also in the Bromley Town Centre controlled parking zone where there is very limited all-day parking available.

The applicant is providing 3 x car parking spaces for the proposed form 3 x 1 bedroom units plus 1 x visitor car parking space which is satisfactory. Please include the following with any permission:

H03 (Satisfactory Parking)

H18 (Refuse storage)

H22 (Cycle parking) @ 1/unit

H23 (Lighting scheme for access/parking)

Environment Agency:

Have raised no objection in respect of the proposal.

Environmental Health:

Have raised no objections within the grounds for consultation.

Planning Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

The application calls for the Council to establish whether Prior Approval is required as to:

- (a) transport and highways impacts of the development
- (b) contamination risks on the site; and
- (c) flooding risks on the site

Planning History

Under ref: 82/0056 planning permission was granted (08.04.1982) for a 3/4 Storey Block of offices with 28 parking spaces.

Under ref: 85/01133/DET planning permission was granted (27.06.1985) at 43 Stanley Road, Bromley - Erection of one three storey office buildings and car parking details 82/0056

86/01807/FUL planning permission was granted (28.08.1986) at 43 Stanley Road, Bromley - Construction of three storey block of units

87/01578/DET - Planning permission was granted (16.07.1987) for the landscaping details pursuant to permission 86/1807 granted for three storey block of office units.

It should also be noted that under 16/00676/RESPA Prior Approval was granted (07.04.2016) for Change of use of class B1 (a) office to class C3 dwellinghouse to form 3 x 1 bedroom apartments on the ground, first and second floors at No. 2 Cobden Court, Wimpole Close, Bromley.

Conclusions

The purpose of this application is to assess whether the proposed change of use of the ground first and second floors from B1(a) Offices to C3 Residential (3 x 1-bed maisonettes) complies with Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a)(office) of that schedule would not be permitted by Class O if:

- the building is on article 2(5) land;
- the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
- the site is or forms part of a safety hazard area;
- the site is or forms part of a military explosives storage area;
- the building is a listed building or is within the curtilage of a listed building or is a scheduled monument.

On whether the use or current use of the building started before or on 30th May 2013 and falls within Class B1(a), the original permission of the building in the 1980's was for offices and from an internet search the premises are listed as the office for Folcrete Restoration Ltd.

On that basis, it can be concluded that the use of this building is as B1(a) office use.

Furthermore, the site is not on article 2(5) land, is not part of a safety hazard area, military explosives storage area and it is not a listed building or a scheduled monument.

The conditions under Class O, states that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

transport and highways impacts of the development;
contamination risks on the site; and
flooding risks on the site.

Transport and highways impacts of the development:

The Council's highways officer has stated that the site is within a good (4) PTAL area and also in the Bromley Town Centre controlled parking zone where there is very limited all-day parking available.

There is a car park to the rear of the site and drawing number 8524/6 shows three spaces have been allocated to proposed flats. Therefore no objections are raised to the proposal subject to conditions.

Contamination risks on the site:

With regards to contamination Environmental Health has assessed the proposal and raises no objections.

Flooding risks on the site:

With regards to flooding, the application site is not within Flood Zone 1, 2 or 3. Therefore no objections are raised.

Summary

Given that the Council is limited to assessing the application against the three criteria set out above and it is considered that Prior Approval should be granted in this instance as the development falls within the limits and procedures of permitted development as set out in the Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015. Officers raise no objections to the proposal on the grounds of its impact on highways and transport, or with regard to flooding, noise and site contamination. Therefore Members are advised to grant Prior Approval.

Members will note that this is a 56 day application and as such a decision must be made by 7th February 2017.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/05698/RESPA set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

- 1** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 2** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 3** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) 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

- 4** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

REASON: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.