

SECTION '2' – Applications meriting special consideration

Application No : 17/02203/FULL1

Ward:
**Bromley Common And
Keston**

Address : Land At Chantry Lane Bromley

OS Grid Ref: E: 541652 N: 167908

Applicant : Mr Wayne Duck

Objections : YES

Description of Development:

Construction of a part one/two storey business unit (Use Class B1).

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 19

Proposal

Planning permission is sought for the construction of a part one/two storey business unit (Use Class B1) on a currently vacant plot directly to the rear of No22 Bloomfield Road of which the land appears to have been part of the rear curtilage previously.

The proposal involves a two storey section of building at 5.75m height being located centrally within the footprint of the building at approximately 2.7m to the rear boundary. The remainder of the building will be single storey at 4m height adjoining the boundary with No22 Bloomfield Road to the rear and the flank boundaries of the site. South east of the site, the building is indicated to be adjacent to a small two storey building within the rear curtilage of 28-30 Chatterton Road.

The unit has been laid out to offer maximum flexibility of use to potential occupants with a larger ground floor area and a smaller ancillary area at first floor level. A roller shutter adjoining Chantry Lane would allow vehicular access into the building from Chantry Lane. A separate pedestrian entrance leads up to the indicated ancillary mezzanine office space.

Location

The site directly abuts Chantry Lane without a footway and is located to the rear of 22 Bloomfield Road. This part of Chantry Lane is unmade and is accessed from Chatterton Road, a Local Neighbourhood Centre. Surrounding the property there are a number of commercial enterprises. The site is not in a conservation area.

Consultations

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

Internal Consultations

Highways

Note: The Highways Officer has provided the same comments as per the previous application which was approved.

The application site is currently vacant and as such it would seem likely that it has no pedestrian/vehicular trips associated with it. The proposal is for B1 use and no assessment of the likely level of trips associated with the proposal has been submitted.

The site is located on Chantry Lane, a narrow unadopted road, where vehicles servicing the site would be likely to obstruct Chantry Lane and where additional pedestrian movements are undesirable due to the narrowness of the road, its condition (i.e. unadopted highway) and the absence of a footway.

This application should, therefore, be supported by a Transport Statement assessing the suitability of the site location for the proposed use both in terms of servicing requirements and pedestrian movement. This should include the local parking situation and public transport accessibility. One parking space is required.

Drainage

Further detail regarding drainage details recommended via planning condition.

Environmental Health - Pollution:

In principle, no objections to permission being granted. There are a number of motor vehicle related businesses in the vicinity and therefore it is suggested that a condition be imposed which would limit the hours of operation so that they were similar to adjacent operations.

Planning Considerations

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) include:

- 14: Achieving sustainable development
- 17: Principles of planning
- 20 to 22: building a strong, competitive economy
- 29 to 32, 35 to 37: Promoting sustainable transport
- 56 to 66: Design of development

London Plan

- 4.1 Developing London's Economy
- 4.4 Managing industrial land and premises
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

Unitary Development Plan:

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- EMP6 Development outside of Business areas
- ER7 Contaminated Land
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles

Emerging Bromley Local Plan:

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the draft Local Plan will be to the Secretary of State in mid 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 30 - Parking

Draft Policy 31 - Relieving Congestion

Draft Policy 32 - Road Safety

Draft Policy 33 - Access for All

Draft Policy 34 - Highway Infrastructure Provision

Draft Policy 37 - General design of development

Draft Policy 73 - Development and Trees

Draft Policy 77 - Landscape Quality and Character

Draft Policy 83 - Non Designated Employment Land

Draft Policy 112 - Planning for Sustainable Waste management

Draft Policy 113 - Waste Management in New Development

Draft Policy 115 - Reducing flood risk

Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)

Draft Policy 117- Water and Wastewater Infrastructure Capacity

Draft Policy 118 - Contaminated Land

Draft Policy 119 - Noise Pollution

Draft Policy 120 - Air Quality

Draft Policy 122 - Light Pollution

Draft Policy 123 - Sustainable Design and Construction

Draft Policy 124 - Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Planning History

15/02046/FULL1: New small business unit (Use Class B1). Refused 26.11.2015.

Refusal reason: The proposed building by reason of its height, depth and bulk would represent a cramped overdevelopment of the site, detrimental to the character and appearance of the surrounding area and the amenities of nearby residents in Bloomfield Road and Chatterton Road contrary to Policy BE1 of the UDP

16/01728/FULL1: Construction of a part one/two storey business unit (Use Class B1). Approved 20.06.2016.

Conclusions

The main issues to be considered in respect of this application are:

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the locality
- Access, highways and traffic Issues
- Impact on adjoining properties

Principle of Development

Policy EMP6 details that outside designated Business Areas the Council will only permit non-conforming business uses where there would be no significant adverse impact on the amenity of the surrounding properties. This approach is reiterated in Draft Policy 83 of the Proposed Submission Local Plan.

Given the context of the mixed residential and commercial uses in the immediate vicinity the provision of a small business use on this site is considered acceptable subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and service/refuse arrangements.

Design and Layout

Policy BE1 sets out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The current proposal represents a revised submission to the previously approved scheme which itself followed a refused scheme with a significantly reduced scale of building.

The current scheme incorporates a footprint that now occupies the whole site area. This has removed a 2m separation gap previously introduced to the rear boundary. The height of the rear wall has also been increased to 4m. However, an approximate distance of 12.5m between the single storey rear elevation and the rear elevation of No22 Bloomfield Road remains as previously approved.

At the upper level the floor area is limited to approximately 50% of the footprint of the building. The upper level is now situated centrally and is positioned away from

all the boundaries and is approximately 14m from the rear elevations of No's 24/26 Chatterton Road and 14.5m from the rear elevation of No22 Bloomfield Road.

Therefore, the further revised scheme although of a marginally larger scale at ground level which is offset by a repositioned central upper level continues to provide a balanced design solution to the site that takes account of the scale and proximity of surrounding development.

Impact on Adjoining Properties

Policy BE1 of the Unitary Development Plan states that development should respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by noise disturbance, inadequate daylight, sunlight, and privacy or overshadowing.

In terms of the scale of the building it is considered that the height and mass will not be overly dominant and overbearing to the outlook from the rear habitable room windows of the properties of Bloomfield Road and Chatterton Road. A window shown on the upper level rear elevation is indicated as obscure glazed. This can be conditioned to remain in perpetuity.

In terms of noise and disturbance, the majority of properties along Bloomfield Road appear to have subdivided their land for commercial uses along Chantry Lane. It is noted that no objection has been raised from the Environmental Health Officer in respect of any significant increase in the level of noise. However, in terms of general disturbance in a predominantly residential area, the level of commercial activity will increase which will change the residential character to a greater mixed business/ residential character. Given the predominance of residential use adjacent and the additional business use, the effect of the increased use of a business on site is likely to have some level of effect on the residential character of the area and general amenity of occupiers of surrounding properties. To offset these impacts in the vicinity it is considered that limiting the use of the unit to B1 only and control of the hours of operation of a future occupier will help control a business use on site in the interests of nearby residential occupiers.

Highways and Traffic Issues

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan should be used as a basis for assessment.

The Councils Highway Officer has commented that Chantry Lane is a narrow unadopted road, where vehicles servicing the site would be likely to obstruct Chantry Lane and where additional pedestrian movements are undesirable due to the narrowness of the road, its condition and the absence of a footway.

On balance, given there are a number of other commercial premises along Chantry Lane, it is not considered that there would be a significant impact upon the highway. Furthermore, roller shutter doors allows a vehicle or vehicles to be parked inside the buildings if required by a future occupant.

Nevertheless it is recommended that a planning condition is attached with any permission to request a Transport Statement prior to commencement of works to assess the site location for the proposed use both in terms of servicing arrangements and pedestrian movement to and from the site for staff and customers to include the local parking situation and public transport accessibility.

Summary

Having had regard to the above it was considered that the siting, scale and design of the building and associated works is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. Subject to further information to be obtained by condition the addition the small business unit is not considered to cause increased congestion in principle or conditions prejudicial to highway safety.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02203/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 No development shall commence on site until a Transport Statement has been submitted to and approved in writing by the local planning authority. The Transport Statement shall assess the local parking situation and public transport accessibility, the servicing requirements and pedestrian movement to and from the site and include measures to alleviate the transport impact of the development. The measures specified in the approved details shall be implemented prior to occupation of the development and shall be adhered to in perpetuity.**

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan and Policy 6.12 and 6.13 of the London Plan.

- 5 The development permitted by this planning permission shall not commence until a surface water drainage scheme and details of general drainage works for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.**

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

- 6 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.

- 7 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 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 8 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 9 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for Use Class B1 and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).**

Reason: To safeguard the amenities of the adjoining property and the area generally and to comply with Policies BE1 and EMP6 of the Unitary Development Plan

- 10 The premises shall only be open for customer business or operational between the hours of 07.00 and 19.00 Monday to Saturday nor at any time on Sundays and Bank Holidays.**

Reason: To safeguard the amenities of adjoining property at unsociable periods and to comply with Policies BE1 and EMP6 of the Unitary Development Plan.

- 11 No mechanical or noise generating operations shall take place outside of the building shown on drawing R.502**

Reason: To safeguard the amenities of the adjoining property and the area generally and to comply with Policies BE1 and EMP6 of the Unitary Development Plan.

12 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extension or alteration of the building shall take place without the prior approval in writing of the Local Planning Authority.

Reason: In the interest of the amenities of the adjacent properties and to comply with Policies BE1 and EMP6 of the Unitary Development Plan.

13 Before the development hereby permitted is first occupied, the window in the rear elevation of the building shall be obscure glazed in accordance with details (including the means and extent of opening) to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

You are further informed that:

1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

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.

3 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

4 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and

Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk