

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

**Application No :** 17/02905/RESPA

**Ward:**  
**Bickley**

**Address :** 55 Liddon Road Bromley BR1 2SR

**OS Grid Ref:** E: 541443 N: 168874

**Applicant :** Mr J Green

**Objections : YES**

**Description of Development:**

Change of use of from Class B1(a) office to Class C3 dwellinghouses to form 11 flats (56 day application for prior approval in respect of highways, contamination, flooding and noise under Class O, Part 3 of the Town and Country Planning (General Permitted Development)(England)(Amendment) Order, 2015).

**Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
River Centre Line  
Smoke Control SCA 13  
Smoke Control SCA 12

**Proposal**

This application seeks prior approval under Class O of the General Permitted Development Order, 2015 for the change of use of Class B1(a) office to Class C3 residential in order to provide 11 flats.

**Location**

The application site is located on the southern side of Liddon Road, to the north of the gas holder station. The building is two storey with a flat roof. The property is served by a gated access from Liddon Road with parking to the front and rear of the premises, with the rear parking area accessed via a narrow access road leading between the host property and No. 27 to the north west. The access roadway is approx. 2.9m wide.

The site lies within a predominantly residential area to the north with commercial/industrial buildings to the south, east and west. The residential area is characterised by terraced dwellings with shallow front gardens. Liddon Road terminates to the north west of the site where there is an access to the rear of a large school site and a car park serving the school/former adult education centre sites.

**Consultations**

The case was "called in" by a ward Councillor.

Nearby owners/occupiers were notified of the application and a number of representations were received. The comments received can be summarised:

- o Objection linked to current application at adjacent property (17/02274) on the basis that the new applications would make the situation worse in terms of the number of flats

- o The area is very heavily populated already and there are additional flats currently being built on Tylney Road, large new apartments on Homesdale Road and on the site of the Dripping Tap
- o Most of the residents will require car parking and the car parking proposed would not be sufficient
- o The Council has already stated that it will not be altering the road layout or traffic flows in relation to additional school traffic generated by La Fontaine
- o There is no information regarding additional essential services (i.e. dentists, doctors surgeries) that will be provided
- o There needs to be a more structured approach to the housing problem which takes all aspects into account
- o Proposal will result in traffic and parking chaos
- o Parking stress on Liddon Road is already at capacity and the proposal will result in current residents being unable to park
- o The application makes assumptions about the number of vehicles owned by potential residents. If all residents own 2 cars then the combined development of 53 and 55 Liddon Road will result in an additional 11 cars on the road
- o The proposal refers to the absence of vehicles of the current employees on the street as a positive outcome of the development but most extra vehicles parked on Liddon Road belong to employees of Bridge Security at the end of Liddon Road
- o The new academy school on the Widmore Centre offers 630 places and if half of those children are dropped off by car it will make the situation in Liddon Road unbearable
- o Has any allowance been made for visitors to the dwellings
- o The existing street offers terraced housing with elderly residents, young families and couples and the proposal will dilute and destroy the structure and community of the street
- o Loss of commercial activity in the street is a direct result of the actions of the developer
- o Increased strain on water/waste and all other local services
- o Proposal will make the road busier and will increase congestion onto Homesdale Road
- o Having flats mixed in with Victorian dwellings would result in an eyesore
- o Would set a precedent

#### Technical Comments

From a technical drainage perspective it is noted that the building is on top of the Ravensbourne main river and the Environment Agency should comment on fluvial flood risk as well as building in close proximity/over the main river. There are no comments to report on surface water run-off.

The Environment Agency has commented on the application and has no objection subject to conditions relating to the Flood Risk Assessment submitted with the application.

From an Environmental Health perspective there are no objections to permission being granted subject to a condition relating to the contamination assessment.

From a technical highways perspective, the site is located within a Low (Very Poor) PTAL area and lies within the Bromley Town Centre Controlled Parking Zone where there is limited parking available. There is no objection to the change of use in principle but in order to reduce pressure on the existing parking demand in the area, future residents of the development should not be eligible to apply for parking permits.

The parking layout as shown on A-PD-xx-LAYOUTS.11 as originally submitted with the application was not considered acceptable as any cars parking in bays 4,5,7,8,11 and 12

would block the entrance to the proposed flats. Also it would be very tight for residents to open their front doors if cars are parked in these bays. In case of a fire this arrangement would potentially block emergency evacuation. There is not much room at the rear to accommodate more than 3 cars. Parking bay 16 would involve a lot of reversing before it makes a 3 point turning manoeuvre to exit in forward gear. There should be 6m behind parking bay number 15. It would be helpful to see a Swept Path Analysis using Auto Track Road software for the rear car park.

The refuse storage area looks small for 11 units and LBB Waste Services should be consulted regarding the size of refuse storage and the servicing of the units. For a residential development an area for storage of recyclables should be considered at a rate of 1 x 240 litre wheeled bin for paper, 1 x 240 litre wheeled bin for glass/plastic/cans and 1 x 1100 euro containers for general non-recyclable waste per 6 units. The space should also accommodate 1 x 240 wheeled bin for food waste per 20 dwellings. Also the bin store doors opens outwards in to the narrow passageway to the rear car park and this could be a safety hazard.

The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 1 cycle spaces to be provided per 1 bed unit. Policy 6.9 (B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities. The proposed site plan does not show how a secure cycle storage of sufficient dimensions to accommodate 11 cycles can be located adjacent to the parking area and there were concerns with the original submission regarding the impact of this on the parking layout.

The applicant was advised of the comments received from a technical highways perspective and has submitted a revised drawing which is annotated to show the front doors to either side of the central access fixed shut and an amended parking layout. Comments in response to this amended plan refer to the improvement from a layout perspective associated with the fixing shut of the front doors to either side of the central bay. No swept path analysis has been provided and from a technical highways perspective there is not much room at the rear to accommodate more than 3 cars. There is no need for 17 spaces to serve the development in question (11 flats) as this would be over provision as per Policy T3 of the Unitary Development Plan.

### **Planning Considerations**

Under the terms of Class O (offices to dwellinghouses) development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

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

and the provisions of paragraph W (prior approval) apply in relation to that application.

W(3) states that the Local Planning Authority may refuse an application where, in the opinion of the authority - (a) the developer does not comply with, or (b) the developer has provided insufficient information to enable the local authority to establish whether the

development complies any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

The Local Plan, London Plan and National Planning Policy Framework are relevant to the determination of this application.

Section 4 of the NPPF promotes sustainable transport. Section 7 of the NPPF requires good design and emphasises that good design is indivisible from good planning.

The development plan for the Borough is the Unitary Development Plan (UDP), which was adopted by the Council in July 2006. In July 2009 it was determined that certain policies of the UDP would be retained as 'saved' policies, three years after adoption and in accordance with the Planning and Compulsory Purchase Act 2004. Transport policies relevant to the assessment of the proposal are Policies T3 and T8 which are both saved policies.

### **Planning History**

The planning history of the site is summarised:

99/03260/FULL1 - Alterations to 55, Liddon Road to incorporate LEB sub-station into building for use as ancillary storage area - Planning permission GRANTED.

07/01053/FULL1 - Elevational alterations/enclosed staircase at rear and conversion into 3 self-contained (Class B1) units - Planning permission GRANTED.

16/04433/RESPA - Change of use of from Class B1(a) office to Class C3 dwellinghouses to form 11 dwellings (56 day application for prior approval in respect of highways, contamination, flooding and noise under class O, part 3 of the GPDO) - Prior approval GRANTED.

17/01567/RESPA - Change of use of from Class B1(a) office to Class C3 dwellinghouses to form 19 apartments (56 day application for prior approval in respect of highways, contamination, flooding and noise under class O, part 3 of the GPDO) - Prior approval REFUSED on the grounds:

"In the absence of adequate car parking and refuse and cycle storage provision, the proposal will generate additional pressure on the existing parking demand in the area, resulting in an unacceptable increase in the demand for on-street car parking, contrary to Policy T3 of the Unitary Development Plan, the National Planning Policy Framework and draft Local Plan Policy 30. The proposal is therefore not considered to comply with Class O.2(a) of the General Permitted Development Order (2015) as amended."

17/03022/FULL1 - Erection of additional floor to provide 6 additional residential flats (2 no. two bedroom and 4 no. one bedroom). External elevational alterations to the existing building in include new windows, doors, in-set balconies and the formation of a roof terrace. Alterations to the parking layout, provision of refuse store at ground floor level and internal stair with bicycle storage and removal of existing staircase to the rear of the existing building.

This most recent application, which includes elevational alterations to the ground and first floor but does not relate to the residential conversion of those floors was received on 20/7/17 and is yet to be determined.

### **Conclusions**

Class O permits development consisting of a change of use of a building and any

land within its curtilage from B1(a) (offices) to C3 (dwelling houses) if the property meets the criteria within O.1 and the conditions within O.2.

Development is not permitted by Class O where:

- (a) the building is on article 2(5) land;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 29th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
- (d) the site is or forms part of a safety hazard area;
- (e) the site is or forms part of a military explosives storage area;
- (f) the building is a listed building or a scheduled monument

With regards to these conditions referred to above, the proposal is considered to comply with the provisions of Class O. The applicant states that the property is in B1(a) use. Under application reference 16/04433/RESPA this aspect was considered and the view taken that the lawful use of the building on 29th May 2013 was as an office falling within Class B1(a) with the training use of the site being ancillary to the primary office use.

With regards to (d) and (e) there are no areas of article 2(5) land, safety hazard or military explosives storage within the Borough. The site is neither a listed building nor a scheduled monument and the building does not lie on article 2(5) land.

It is considered that the developer has provided sufficient information to enable the Local Planning Authority to consider the transport and highways impacts of the development, the contamination and flooding risks on the site and the potential noise impacts associated with the siting of the proposed residential units. These are the only issues for consideration in applications submitted further to the permitted development rights afforded by Class O, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 whereby the permitted development rights afforded by the GPDO effectively grant permission for the development subject to the defined prior approval process.

The impact of the loss of office space, impact on neighbouring residential amenity and the visual amenities of the area fall outside of the prior approval process.

### Transport and highways

Members will note that prior approval was granted under reference 16/04433/RESPA for the change of use of the host building from an office to residential use as 11 flats. In respect of transport matters, the current site layout differs from that granted approval as part of the previous application in the following respects:

- Refuse storage is proposed to be provided by way of an internal bin store with inward opening doors adjacent to the side access way rather than in front of the unit annotated on the drawings as being on a long lease on the left hand side of the front elevation

- 12 car parking spaces are shown to be provided to the front of the site and 5 car parking spaces at the rear of the site rather than 9 frontage spaces and 5 rear spaces as previously proposed
- Cycle parking is shown to be provided in the internal stairwell of the central access point rather than as outside cycle stands at the rear of the premises
- The doors to either side of the centre of the building would be fixed shut, with access to the ground floor flats G.04 and G.05 provided by way of a central access to the building, while the approved layout showed the ground floor flats having individual direct access from paths between the sets of parking spaces. (The rear flats would have openable doors leading to the rear parking area).
- The current proposal provides information regarding the proposed refuse storage facility, referring to the size and function of the individual refuse containers. The layout approved under reference 16/04433/RESPA showed three bins to be sited on the frontage of the application site.

A number of local objections have been submitted regarding the proposal, some of which link the current proposal with the concurrent application at No. 53 as well as to the undetermined full planning application for the construction of an additional floor of residential accommodation above the host two storey building. It is noted that each case must be considered on its merits, with potential development at the neighbouring site being a separate issue subject to its own consideration of impacts, including transport and highways matters. Similarly, the fact that an application has been received to enlarge the host building should not be determinative in the consideration of this application - that application is a full application for planning permission and will be determined with reference to the characteristics of the host site, the provisions of local, regional and national planning policies and guidance and the planning merits of that particular case.

It is acknowledged that residents are concerned that the proposal would not provide adequate parking to serve the needs of the residential conversion. However, the current proposal on paper proposes increased parking relative to the number of units in comparison with the scheme granted prior approval under reference 16/04433 and a reduction in the number of units proposed in comparison with the scheme refused prior approval under reference 17/01567/RESPA.

Preliminary concerns were raised from a highways perspective regarding the potential conflict between the parking bays and the front doors to ground floor flats, along with concern regarding the refuse storage details, manoeuvring at the rear of the building and the cycle storage details.

The applicant has, however, supplied an amended site layout drawing which aims to address these concerns. It is noted that from a technical highway perspective it is considered that the parking bays at the rear of the site could involve complex vehicular manoeuvres and that in terms of the level of parking provision, fewer spaces would technically be required to serve the flats since the layout drawings are annotated to show that the units would provide 1 bedroom each.

Members are advised that the submitted layout with regards to the arrangement of spaces at the rear of the property replicates the layout of the rear parking spaces shown in the approved application 16/04433. It is not therefore considered that strong grounds exist for the refusal of prior approval on this basis.

On balance, taking into account the details previously approved under reference 16/04433/RESPA, the number of parking spaces in relation to the number of flats and the amendments to the refuse and cycle storage, the proposal is difficult (subject to conditions) to refuse from the perspective of its likely transport and highways impacts.

### Contaminated Land

The Environmental Protection Act 1990 defines "contaminated Land" as any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances, in on or under the land that (a) significant harm is being caused or there is significant possibility of such harm being caused, or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.

There are no technical objections to the proposal on the basis of potential contamination, taking into account the contamination assessment submitted by the applicants. It is recommended that if prior approval is granted it should be subject to a condition requiring that the works referred to within the contamination assessment be undertaken prior to the residential use of the site. This condition is considered reasonable and necessary in this instance in order to protect future occupiers.

In relation to noise, the immediate neighbouring buildings are in office use and there are residential properties within close proximity. The adjacent gas works are subject to allocation in the draft Local Plan for redevelopment into housing. No objections have been raised from the Environmental Health Officer with regards to noise and accordingly the application is considered satisfactory in this respect.

### Flood risk

Paragraph 100 of the NPPF states that ' Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

No objections are raised to the current proposal although conditions are recommended by the Environment Agency should prior approval be granted.

### Summary

Members are advised that prior approval already exists for the conversion of the office building to provide 11 no. flats. Consideration of the merits of applications submitted under the provisions of Class O of the General Permitted Development Order is limited to the key issues specified within the legislation - the highways, flood risk and contamination impacts of the proposal along with consideration of the noise impacts upon prospective occupants.

In view of the extant prior approval for the provision of 11 flats at the site, and taking into account the lack of Environment Agency and Environmental Health objections to the proposal it is considered that the proposal meets the requirements of Class O in respect of flood risk and contamination/noise issues. With regards to highways matters, the concerns expressed by local residents are acknowledged, particularly in view of a perceived cumulative impact associated with the potential development of the adjacent site, the on-going application for an additional storey to the host building and the provision of a new school at the site of the Widmore Centre. However the application falls to be considered in the context of this particular site and this specific proposal. On balance, and in view of the previous (and extant) prior approval granted under reference 16/04433/RESPA it is not considered appropriate to refuse prior approval on grounds relating the transport and highways impacts.

**as amended by documents received on 01.08.2017**

**RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED**

- 1** Before the use commences the Applicant shall carry out all of the works recommended in Part 12 of the Contamination Assessment prepared by ASL Environmental ( Report 406-16-126-19 Rev1).

**Reason:** In the interest of the amenity and safety of the residential use of the site.

- 2** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2016 and the following mitigation measures detailed within the FRA:

a. Finished floor levels should be situated 500mm above the 1 in 100 year flood level, based on Environment Agency precautionary allowances for climate change. As detailed in the FRA, modelled levels for the 1 in 100 year are 51.16m AOD and finished floor levels will be set at 51.66m AOD.

**Reason:** Finished floor levels situated 500mm above the 1 in 100 year flood level will reduce the risk of flooding to the proposed development and future occupants

- 3** 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.

- 4** 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.

- 5** 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 the details approved under this application and as shown on drawing A-PD-P-xx-LAYOUTS.11 rev.C, and the bicycle parking/storage facilities shall be permanently retained thereafter. The cycle rack shall be two-tier with gas-assisted operation and locking points for both upper and lower tiers.

**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.

- 6** 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.

- 7** 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.

- 8** Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

**Reason:** In order to comply with Policy T.3 of the Unitary Development Plan and to avoid parking inconvenient to other road users and residents within the Controlled Parking Zone.

**You are further informed that :**

- 1** 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](mailto: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](http://www.bromley.gov.uk)
- 2** 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)

**3** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.