

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

Application No : 17/02996/RECON

Ward:
Bromley Town

Address : Horizon House 26 Langdon Road Bromley
BR2 9JS

OS Grid Ref: E: 540687 N: 168645

Applicant : Ms Brid Stenson

Objections : YES

Description of Development:

Variation of Conditions 98 and 99 of application reference 90/03188 which currently restrict the D1 use to Monday to Friday 9am- 5pm except on two weekday evenings per week where the use can extend until not later than 9pm, and not before 10am and after 3pm on Saturdays and Sundays. The application seeks to vary the conditions to allow the use to operate Monday to Friday 7.30am to 6.30pm only.

Key designations:

Smoke Control SCA 5

Proposal

Planning permission is sought to vary conditions 98 and 99 of application reference 90/03188 which currently restrict the D1 use to Monday to Friday 9am- 5pm except on two weekday evenings per week where the use can extend until not later than 9pm, and not before 10am and after 3pm on Saturdays and Sundays. The application seeks to vary the conditions to allow the use to operate Monday to Friday 7.30am to 6.30pm only.

This has been accompanied by a covering statement from the applicant.

This states the application proposes:

- 1) to reduce the total operating hours from 58 to 55
- 2) to stop the use of the premises at the weekend
- 3) to stop opening until 9pm on two weekdays
- 4) to reduce the hours of operation to weekdays only Monday -Friday 7.30am to 6.30 pm

The property is a detached unit located towards the end of Langdon Road a cul de sac. This property was formerly a D1 use.

A Certificate of Lawful Development Certificate was recently granted under reference under 17/01092 to use the above property as a day nursery as this fell within the same use class..

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories (Use Classes). Class D1 categorises non-residential institutions and includes uses such as clinics, health centres, crèches and day nurseries. The planning history of the site includes 90/03188, a circular 18/84 consultation by the Bromley Health Authority for the change of use of the site from residential to an Activity and Recreation Centre, falling within Use Class D1.

Consultations

Nearby owners/occupiers were notified of the application and several letters of representations were received, which can be summarised as follows:-

- o loss of parking in the road
- o accidents will happen
- o lack of parking already
- o lack of consultation
- o area heavily used by commuters

Highways: I assume there is no increase in the number of children or staff, if so, I would have no objection to the application as 9am and 5pm are rush hours and proposed time Monday to Friday 7.30am to 6.30pm will spread the hours.

Early Years: No comments received at the time of the report although it was noted that they supported the application before the submission of the certificate application.

Planning Considerations

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

- BE1 Design of New Development
- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- EMP8 Use of Dwellings for Business Purposes
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety

The London Plan and National Planning Policy Framework are also key considerations in determination of this application.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

Emerging Bromley Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances."

- Draft Policy 20 - Community Facilities
- Draft Policy 27 - Education
- Draft Policy 30 - Parking
- Draft Policy 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 37 - General Design of Development
- Draft Policy 77 - Landscape Quality and Character
- Draft Policy 119 - Noise Pollution

Conclusions

The main planning considerations relevant to this application are:

- o Background and the need to vary the condition
- o Traffic, parking and servicing
- o impact on local amenities

Policy C1 of the UDP is concerned with community facilities and states that a proposal for development that meets an identified education needs of particular communities or areas of the Borough will normally be permitted provided the site is in an accessible location.

Policy C7 of the UDP is concerned with educational and pre-school facilities and states that applications for new or extensions to existing establishments will be permitted provided they are located so as to maximise access by means of transport other than the car.

Policy BE1 also requires that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance.

Background

A certificate of Lawfulness exists for a D1 use. This application seeks to vary the approved hours.

Traffic

Locally there are objections to the proposal. Our Highways colleagues recommend that the proposal is acceptable.

Amenity

The D1 use is the permitted use. The amended hours reduce the overall hours of use that the activity could operate.

Summary

Members will need to decide whether the application to vary the hours is acceptable at this location. Taking into account comments received locally in the consideration of this application it is considered on balance that the proposal as submitted is satisfactory.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02996/RECON and any other applications on the site set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The use shall operate between the hours on Monday to Friday 7.30am to 6.30pm only.**

Reason In the interests of the amenities of the area and to accord with policy BE1.