

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

Application No : 17/04503/RESPA

Ward:
Bromley Common And Keston

Address : 132 Heathfield Road Keston BR2 6BA

OS Grid Ref: E: 541581 N: 163835

Applicant : Keston House Investments Ltd

Objections : YES

Description of Development:

Change of use from Class B1(a) offices to 16 one bedroom flats with associated car parking and cycle storage. (56 day application for prior approval in respect of transport and highways, contamination, flooding and noise impacts under Class O of the General Permitted Development Order)

Key designations:

Conservation Area: Keston Village
Areas of Archeological Significance
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 22

Proposal

Prior approval is sought for the change of use of the building from Class B1(a) office use to Class C3 dwellinghouses to form 16 one bedroom flats with associated car parking and cycle storage.

The proposal includes 16 car parking spaces. 5 no. car parking spaces would be provided parallel to the carriageway of Heathfield Road. A further 9 no. car parking spaces would be provided between the front landscaping and the front of the building, accessed via the driveway from Heathfield Road, with a further 4 spaces arranged as two tandem pairs to the side of the building.

6 residential units are proposed to be provided on the lower ground floor. 8 residential units are proposed to be provided on the ground floor and 2 units are proposed to be provided on the first floor. Each flat would be a 1 bedroom unit.

The application has been submitted with existing and proposed schematic layouts, a covering statement, a sketch site layout, a transport technical note and an environmental noise survey and noise impact assessment report (26th September 2017).

Location

The application site is located on the western side of Heathfield Road and comprises a large building arranged around a central courtyard area. To the north of the site is Keston Village Hall. To the south and west of the site is common land/woodland. The site lies within the Green Belt, Keston Village Conservation Area, an Area of Archaeological Significance, a Site of Interest for Nature Conservation and adjacent to a Site of Special Scientific Interest.

Consultations

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

- o Concerns regarding the residential quality (privacy, size, outlook and lighting) to the proposed residential units, along with lack of potential for proper fire escape routes
- o The census data of car ownership is several years out of date and car ownership has increased between the last census and the current date. Much of the Bromley Common and Keston ward population lives within easy walking distance of the A21. The bus services decrease at evenings and weekends
- o The hardstanding at the front of the building is loose shingle and would have to be properly surfaced. There is no proper paved access to the north or west sides of the building.
- o No provision for the enclosure of the site - desirable from a security perspective
- o The retention/improvement of the public footway should be insisted upon
- o The site appears to include the route (informal or otherwise) from Keston village and the picnic site car park to the village hall.
- o The offices provide employment opportunities
- o The submitted drawing shows residential units provided on the ground floor which contradicts the covering letter
- o The noise emanating from a function at the village hall would be greater than that from passing night time traffic, particularly when windows are open on warm summer evenings
- o Increased traffic congestion
- o Property lies in the Green Belt and within a conservation area
- o The public car park is likely to become an overflow car park for the development
- o There are accidents on the adjacent road which is also very busy, carrying a large weight of traffic
- o The owners of the building have given notice to the existing businesses to quit the site, evicting 70 people from their place of work
- o Inadequate parking provision
- o There is no mix of housing provision

Highways

The vehicular access is as existing. 16 no. car parking spaces would be provided and this is acceptable. 16 no. cycle parking spaces would be required. There are no technical highways objections to the proposal.

Environmental Health

Comments received from a technical environmental health perspective respond in particular to the Noise Impact Assessment provided by the applicant. The noise levels from the evening use of the Village Hall are estimated in the report and it is proposed that mitigation measures in the form of double glazing be adopted. This would ensure that the current standards in BS8233 2014 are met, but it is noted that there could still be some loss of amenity under some circumstances. Should complaints be made in the future regarding noise from the Village Hall it is unlikely that formal action for statutory nuisance would be taken as long as the Hann Tucker predictions were realistic.

Like nuisance, there are no noise levels or standards relating to the loss of amenity, but the values in BS 8233 are commonly used in planning conditions and it is considered that it would be difficult to seek to impose a higher standard by way of condition and successfully defend this in an appeal. It is recommended that the Council accept the findings of the report and as a safeguard impose a planning condition to tie the development to the findings/recommendations of the Hann Tucker Noise Impact Assessment submitted with the application.

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 T18 which are both saved policies.

Planning History

The planning history of the site is summarised:

Under reference 00/01725 the variation of condition 02 of permission 92/1839 was granted, allowing the continued use of the building as offices (Class B1) without being restricted to use by Flint Research Ltd.

Under reference 92/01839 planning permission was granted for the change of use of the building from a religious research centre (Class D1) to office use.

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.

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.

Transport and highways

There are no technical highways objections to the proposal with regards to the transport and highways impacts of the development.

Contaminated Land/Noise Impacts

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.

In relation to noise, no objections have been raised from the Environmental Health Officer with regards to noise on the basis of the submitted Noise Impact Assessment, so long as the development accord with the findings and recommendations contained within the report. This aspect could reasonably be controlled by way of a planning condition 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.'

The property is located in Flood Zone 1 which corresponds to a less than 1 in 1000 chance of flooding occurring each year.

Summary

The Council is limited to assessing the application against the limited criteria set out above. The impact of the loss of office space, the quality of the residential accommodation provided and potential impact on the visual amenities of the area (in view of the site's location within the Green Belt and a conservation area) fall outside the limitations of consideration of such applications for prior approval and cannot be taken into account in the consideration of whether prior approval should be granted.

There are no technical objections on the grounds of the impact of the proposal on highways and transport or with regards to flooding, noise and site contamination. It is therefore recommended that prior approval be granted. Members will note that this is a 56 day application whereby a decision must be made and communicated to the applicant within 56 days of the receipt of the application otherwise prior approval is granted by default.

Background papers referred to during the production of this report comprise all correspondence on the file reference 17/04503 (excluding exempt information).

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

- 1 Sound insulation works in accordance with the Recommendations of the Hann Tucker Noise Impact Assessment ref HT:24822/NIA1 shall be completed before the use commences and shall be permanently maintained thereafter.**

REASON: In the interest of the residential amenity of the prospective occupants of the proposed flats and in the interest of the continued use of the adjacent Village Hall.

- 2 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.

- 3 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.

- 4** Before any part of the development hereby permitted is first occupied, details of bicycle parking (including covered storage facilities where appropriate) to provide 16 cycle parking spaces shall be provided at the site and the bicycle parking/storage facilities shall be installed prior to the first occupation of the development and 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.

- 5** 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.

You are further informed that :

- 1** You should consult the Street Naming and 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
- 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)