

SECTION '2' – Applications meriting special consideration

Application No : 17/05646/FULL2

Ward:
Copers Cope

Address : 8 Chancery Lane Beckenham BR3 6NR

OS Grid Ref: E: 537921 N: 169386

Applicant : Mr And Mrs B And K Corby

Objections : YES

Description of Development:

Change of use of part of ground floor premises from office (B1)/shop(A1) to form 2 bedroom dwellinghouse (Class C3) in association with existing flat at ground and first floor level.

Key designations:

Conservation Area: Chancery Lane
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12

Proposal

This proposal is for the change of use of part of ground floor from retail/office (Class A1/B1) to 2 bedroom dwellinghouse (Class C3) in association with existing flat at ground and first floor level.

The agent for this application has sought further clarification from the Estate agent regarding the nature of the marketing of the premises.

Accordingly, correspondence has been provided which confirm that the instructions have been to seek to let the premises as a shop or office since January of 2016. The instructions have always been to seek either a shop or office occupant in light of reference being made to either potentially forming the historical lawful use.

The information can be read in conjunction with that provided to accompany the application and the further supportive information provided by Linays commercial.

Location

The application site is a mid-terrace two storey locally listed building which is located within Chancery Lane Conservation Area and is subject to an Article 4 Direction. The property is currently comprised of a vacant retail/office (Class A1/B1) unit on the ground floor with 2 bedroom flat on part of the ground floor and first floor. The property is one in a small parade of commercial premises.

There is also a public house 'Jolly Woodman' in close proximity to the site. Chancery Lane Conservation Area consists of a small group of cottages in both Chancery Lane and Limes Road, Beckenham and the buildings fronting the main roads that enclose these two streets. The area is highly distinct from its surroundings: it contains terraced and semi detached cottages of an intimate scale, often built close against the narrow streets with little or no garden space.

The character of Chancery Lane Conservation Area is derived from harmonious diversity and slow organic development. The designs and materials employed vary throughout the area, but combine to produce a piece of townscape with a common small-scale "village" atmosphere that it will be important to retain and develop.

Comments from Local Residents

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

- This unit is in the middle of three shop/office units and they are all a valuable and integral part of the conservation area. It is vital that we keep the commercial rating for these properties to retain the vibrant mix of commercial and residential properties as clearly stated in the area's SPG.
- This property was converted without planning permission and subsequently refused on a retrospective application. The owners waited and have now put in another application. At no time have we seen any evidence of the property being marketed as a shop unit. In our view nothing has changed and this application should be refused.
- Previous application 12/02504/FULL1 was refused on 15th November 2012 and subsequent appeal dismissed. The conversion of this property was completed nonetheless and subsequently occupied in December 2016 without permission. The issue was raised with Planning Investigation at that time and we were informed the property would be investigated. The Chancery Lane/Limes Road Residents Association have yet to hear from Planning with their conclusion. It is vital in accordance with the SPG for this conservation area that a mix of commercial and residential property is preserved. It is particularly important in this row of properties that the mix of shop/office and residential frontages are retained. The businesses and frontages have been an integral part of the areas character for many, many years and we must preserve this at all costs. Once they are gone the history goes with them and it defies the whole principal and purpose of the SPG and to having these valuable conservation areas.
- We appreciate that Bromley have considerable pressure to increase housing but it must be stressed that the significance of this conservation area must not be devalued by overdevelopment and turning a blind eye to small changes in build and construction. We trust that Bromley Planning, Heritage and Councillors will continue to recognise the full worth of the Chancery Lane and Limes Road Conservation area. Although we have no objections for the change of use of No.8 Chancery lane in principle, our

house is situated next to the side passage which I believe some houses make use of

- We have no idea who is lawfully allowed to use the side passage in relation to our neighbours, our main concern is whether this will create more 'traffic'. The entrance to the side passage has a metal gate which is attached on one side to our property and this does create noise/disturbance when used during unsociable hours. We would only ask that the applicants could be mindful of this in the future.

There have been 6 letters of support in relation to this case.

The Council's Highways Division were consulted who state the site is located to the north of Chancery Lane Beckenham.

The site is located in an area with a PTAL rate of 3 on a scale of 0 - 6b, where 6b is the most accessible.

No car parking is provided which is very regrettable. As the site is considered moderately accessible to public transport links, being within walking distance of bus routes and a Rail Station. I am of the opinion that the development would not lead to the increased parking demand and traffic generation than the existing.

Cycle storage- the applicant should be encouraged to provide two cycle parking spaces within the site's curtilage for the occupier of the development

Drainage

No comment

Environmental Health

No comment

The Advisory Panel for Conservation Areas object referring to Para 9 of the Inspectors decision in 2013 to not lose a commercial unit should still stand.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

BE1 Design of New Development
 BE11 Conservation Areas
 H1 Housing Supply
 H7 Housing Density and Design
 S5 Local Neighbourhood Centres, Parades and Individual Shops
 T3 Parking
 T18 Road Safety
 EMP3 Conversion or Redevelopment of Offices
 Supplementary Planning Guidance (SPG) 1 General Design Principles
 Supplementary Planning Guidance (SPG) 2 Residential Design Guidance
 Supplementary Planning Guidance (SPG) Chancery Lane Conservation Area
 Policy 3.3 London Plan Increasing Housing Supply
 Policy 3.4 London Plan Optimising Housing Potential
 Policy 3.5 London Plan Quality and Design of Housing Developments

The National Planning Policy Framework is also a key consideration in the determination of this application.

Planning History

In 2004 under planning ref. 84/00607, permission was refused for rear of No. 6/8 and No. 10 Chancery Lane for rebuilding of 1st floor extension for office use.

12/02504/FULL1 for Change of use of part of ground floor from retail/office (Class A1/B1) and part of ground floor and first floor from 2 bedroom flat (Class C3) to 2 bedroom dwellinghouse (Class C3); elevational alterations; replacement single storey rear extension; insertion of rooflight in rear elevation was refused.

The subsequent appeal was also refused.

17/00824/RESPA Change of use of ground floor from office Class B1(a) office to residential Class C3 dwellinghouse to form one two bedroom dwellinghouse over ground and first floors (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class O Part 3 of the GPDO) was refused.

In 2013 the Planning Inspector stated " The commercial premises, which include the appeal property, create a 'high street' character to the Lane due to both their appearance and their uses. They play an important role in shaping the special character of the Conservation Area which is directly derived, as defined in the Chancery Lane Conservation Area SPG, from the mix of uses present along the Lane. The presence of the limited number of small shops and offices, including a barbers shop and a financial services office, bring a modest daytime vitality, economy and footfall to the Lane, creating a very different character to that of a purely residential street such as Limes Road.

The proposed change of use to residential of No. 8 would result in the erosion of this commercial element of Chancery Lane and would, as a result, neither preserve nor enhance its character or appearance.

No. 8 and 8A is locally listed and its ground floor front elevation is part of a terrace of four distinctive shopfronts. These are an important and attractive feature in the streetscene, and make a significant contribution to the appearance of the Chancery Lane Conservation Area. I have had regard to the proposal to replace the present shopfront with a residential front elevation with a shopfront appearance. However, the distinctive village character of Chancery Lane is derived both from its mix of land uses as well as the external appearance of the buildings. The retention of a shopfront, on its own, would therefore not be sufficient in my view to preserve or enhance the distinctive 'high street' character and appearance of the Lane.

For these reasons, I conclude that the loss of a commercial unit would harm the character and appearance of the Chancery Lane Conservation Area, as defined in the Chancery Lane Conservation Area SPG 2001. It would therefore be contrary to Policy BE11 of the London Borough of Bromley UDP 2006 which requires that development in conservation areas respect the character, appearance or historic value of that area.

I have taken account of the marketing of the appeal property which has been carried out. This appears to have been undertaken for the property as a whole only, and on a for sale basis, with no evidence that the property, or the ground floor shop/office unit only, has been offered for rent. For these reasons I do not consider that sufficient evidence has been provided to demonstrate that there is no demand for the commercial occupation of No.8 Chancery Lane.

I have also had regard to the appellant's view that the appeal property would provide a much needed small home in an accessible location, to other decisions in the area that have been referred to me and to the letters of support from local residents for the appellant's proposals. I noted at my site visit that despite having secured consent for conversion to residential use No.42 Chancery Lane is still in commercial use. The use of No. 4a which has also secured consent for conversion to residential use in the past was not readily apparent at the time of my visit. I have received no evidence of housing need in the area and while I accept that this is a sustainable location with good access to services, this does not, in itself, make a residential use more appropriate than a commercial one here or outweigh the harm to the character and appearance of the Conservation Area as identified above."

Conclusions

The main issues relating to the application are the effect that it would have on the character of the Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties and whether the loss of a commercial unit is acceptable in this instance.

Additionally, in this case consideration will need to be taken of whether the timescale and marketing of the site results in a reconsideration of whether change of use is now acceptable since the 2013 appeal decision.

In terms of the change of use of the ground floor part retail unit to residential, Policy S5 is a key consideration in the determination of this application, it states:

"In local neighbourhood centres and shopping parades change of use from Class A1 (Shops) to other uses will be permitted provided that:

- (i) the use proposed contributes to the range of local services or the provision of local community facilities: and contributes to the vitality of the centre by providing a service or attracting visitors during shopping hours; or
- (ii) it can be demonstrated that there has been a long term vacancy and a lack of demand for Class A1 (Shops) use, as well as a lack of demand for service or community use before other uses are proposed".

The applicant has submitted marketing information in order to overcome (ii).

The agent for this application has sought further clarification from the Estate agent regarding the nature of the marketing of the premises.

Accordingly, correspondence has been provided which confirm that the instructions have been to seek to let the premises as a shop or office since January of 2016. The instructions have always been to seek either a shop or office occupant in light of reference being made to either potentially forming the historical lawful use.

The information can be read in conjunction with that provided to accompany the application and the further supportive information provided by Linays commercial.

Essentially, the element to be considered is a small room.

Accordingly, on the basis of the information submitted by the agent it would appear that there have been no viable offers.

The ground floor unit is described as retail/office (Class A1/B1) and as such Policy EMP3 is also a consideration in the determination of this application, it states:

"The conversion or redevelopment of offices for other uses will be permitted only where:

- (i) it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises; and
- ii) there is no likely loss of employment resulting from the proposal".

The ground floor unit is currently vacant and as such will not result in a loss of employment. Members are asked to consider whether sufficient information has been supplied to justify the loss of retail/office unit in this instance.

Paragraph 3.3 of the Chancery Lane Conservation Area SPG states "the area contains several uses, but is predominantly residential. It does include some retail frontages, both within Chancery Lane and on Bromley Road. The shop fronts remaining in Chancery Lane are generally of late 19th century origin and are in good condition. They contribute significantly to the appearance of the lane as a "Village High Street. The Council will resist proposals to replace such shop fronts with solid elevations".

In this case the proposals will not involve alterations to the property frontage, the SPG states the mixture of shop fronts and residential properties adds to the village feel of the area. The loss of the retail/office unit in this location would result not in a result discordant feature within this parade of commercial units detrimental to the character of the Conservation Area. A condition could be suggested to retain the shopfront although planning permission would be required for any alteration at this location.

In summation, information has now been provided to satisfy the requirements of Policy S5 and EMP3. In addition, it can now be considered that the loss of a commercial unit in this location would not result in a discordant feature in this local parade and would detrimentally affect the established 'village feel' of the Chancery Lane Conservation Area, contrary to its Supplementary Planning Guidance.

Background papers referred to during production of this report comprise all correspondence on file ref. 17/5646, 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.