

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

**Application No :** 18/01288/FULL1

**Ward:**  
**Bromley Town**

**Address :** Crossfit Bromley Stockwell Close  
Bromley BR1 3UH

**OS Grid Ref:** E: 540612 N: 169162

**Applicant :** Mr Andrew Clare (Trustee)

**Objections : YES**

**Description of Development:**

Change of use of property formerly used as a gymnasium (Class D2) to a food bank storage/distribution centre (Class B8).

Key designations:

Smoke Control Multiple

**Proposal**

Planning permission is sought for the use of the building formerly used as a gymnasium as a food bank storage/distribution facility.

The application is supported by a statement that provides some detail of the way in which the premises would be operated.

At present the foodbank (Bromley Borough Foodbank) uses separate storage areas for the storage on long life goods awaiting distribution to and from one of the foodbank centres around the borough. This would be rationalised into this central storage facility, where goods would be stored in the main hall in boxes having been weighed, date checked and sorted by product type.

With regards to the servicing of the premises by vehicles, it is stated that there would be parking and loading/unloading facilities in the small car park adjacent to the building (accessed from the Civic Centre car park slip road off Kentish Way. Approximately 10 deliveries a day from donors would be anticipated with distribution being less frequent.

The applicant has confirmed in writing that the premises would be used for the collection of food from donating agencies and the public and then the bulk distribution of the food to the 4 Food Bank Centres as required. There would be no direct provision of food to clients from the site and the website would direct clients in need to the existing food bank centres.

## **Location and Key Constraints**

The premises are located within the general Civic Centre complex of buildings, attached to the main Council offices. Notice under Article 14 has been served on the London Borough of Bromley as the landowner.

### Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and a site notice displayed. No representations were received.

### Comments from Consultees

Highways: From a technical highways perspective it is noted that while the application does not seek a temporary permission, the use of the building would be relatively short term. The location would not normally be suitable for a storage and distribution use but since this is a Council facility there is potential to control as landowners the future use of the site. Given the anticipated level of vehicle arrivals per day and the limited time they would be waiting at the barrier to gain entry, it is not considered that this would give rise to any significant issues. There are no objections to these proposals from a technical highways perspective.

## **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:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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.

#### London Plan Policies

Policy 6.3 - Assessing effects of development on transport capacity  
Policy 3.1 - Ensuring equal life choices for all

#### Unitary Development Plan

C1 - Community Facilities  
EMP6 - Development outside business areas  
T3 - Parking  
T18 - Road Safety

#### Emerging Local Plan

Policy 30 - Parking  
Policy 31 - Reliving congestion  
Policy 32 - Road safety  
Policy 20 - Community Facilities  
Policy 21 - Opportunities for Community Facilities

### **Planning History**

The relevant planning history relating to the application site is summarised as follows (to be listed in date order with oldest first):

Application Number	Description	Decision
98/02508	Non-illuminated freestanding advertisement sign (Adventure Kingdom) PER	

### **Considerations**

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

- Principle
- Highways
- Neighbouring amenity

#### Principle

The proposal would result in the siting of a storage/distribution facility in a location where conventional B8 storage and distribution uses would normally be resisted. However, the proposal relates to a specific user, the Bromley Borough Foodbank,

and as the landowners of the application site the Council as landlord is afforded control outside the planning system over the operation of the premises as well as the user. The nature of the intended use/user along with the operational information provided results in a less intensive potential use than that which would be likely with an unfettered storage and distribution facility. On this basis it is not considered that the proposal would be unacceptable in principle, subject to consideration of the impact of the proposal on highways safety and the free flow of traffic along with the impact on residential amenity.

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

No technical objections are raised from a highways perspective to the proposal in view of the capacity of the future operation of the premises to be controlled by private legal means as a consequence of the Council's ownership of the site. The scale of the operation would result in limited comings and goings to the site, with deliveries being made by volunteers rather than commercial lorries/vans. The premises would not attract visitors by members of the public over and above the former use of the site which attracted public visitors to the soft play facility and, subsequently, the private members gymnasium. The applicant has confirmed that the premises would not operate as a foodbank in terms of directly providing food donation to individual members of the public, with that operation being undertaken at separate centres across the borough.

### Neighbouring amenity

It is not considered that the use of the premises as submitted would have any significant impact on the residential amenities of neighbouring properties in view of the separation between the building and the nearest dwellings, the former use of the site and the site's location in context with the larger Civic Centre complex of buildings.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

## **Conclusion**

Taking into account the information provided with regards to the future operation of the food bank storage/distribution centre it is not considered, subject to planning conditions, that the proposal would result in an unacceptable intensive use of the site and traffic generation within Stockwell Close that might interfere with the freeflow of traffic to and from the Civic Centre Car Park. The site is well-separated from nearby residential dwellings, and the use would have no greater impact in terms of highways impacts and upon residential amenity than the former uses of the site as an indoor soft play centre/gymnasium.

While it is acknowledged that the leaseholder/user of the site is capable of being controlled outside of the planning process since the Council is also the landlord/owner of the site, if planning permission is granted it is recommended that conditions restricting the use to that applied for and by the Bromley Borough Foodbank would be appropriate.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 10.05.2018**

**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: To comply with Section 91, Town and Country Planning Act 1990.**

- 2 The use hereby permitted shall be carried out only by the Bromley Borough Foodbank and the site shall be used for no other purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).**

**Reason: To enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area and in accordance with Policy BE1 of the UDP.**

- 3 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 UDP and in the interests of visual and residential amenity.**

- 4 The use hereby permitted shall be discontinued and the land reinstated to its former condition on or before 31st May 2021.**

**Reason: In order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the amenities of the area in accordance with Policy BE1 of the UDP.**