

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

Application No : 18/01672/FULL1

Ward:
Chislehurst

Address : Willow Grove Works, 9 Willow Grove,
Chislehurst BR7 5BN

Objections Yes

OS Grid Ref: E: 543827 N: 170787

Applicant : Mr Guy Osborn

Description of Development:

Demolition of the existing ground floor garage and erection of a two storey gymnasium (Class D2)

Key designations:

Conservation Area: Chislehurst

Smoke Control SCA 16

Proposal

The proposal is for the demolition of the existing single storey garage, situated to the south-western corner of "Willow Grove Works" site, and erection of a two storey gymnasium (Class D2).

Location and Key Constraints

The application site is located behind Chislehurst High Street, at the junction with Willow Grove. The site is within Chislehurst Conservation Area.

Comments from Local Residents and Groups

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

Local Groups (Chislehurst Society)

- This application is acceptable in principle as planning permission has already been granted for a similar use of the first floor of this building (16/03459)
- Additional traffic movements from and to Willow Grove, particularly given the 'blind-spot' adjoining the Chislehurst Doors, will aggravate existing traffic issues at the Willow Grove/High Street junction.
- On-site car parking appears not to be available for users of the gym facilities.
- Car parking itself is not addressed.

- Notwithstanding the spaces potentially available in nearby public car parks, there would be potentially negative impacts on local residential roads from an increase in demand for 'free' parking.

Following a change of description, nearby owners/occupiers were re-notified for 21 days. No additional comments were received within this second consultation period.

Comments from Consultees

Conservation Officer:

- This is a secluded backland site I do not see any harm being caused to the Conservation Area

Highways:

- The proposal is to extend the D2 use in the form of a studio/gym to the ground floor of Willow Grove Works.
- The ground floor gym/studio area will be replacing the sui generis and storage elements i.e. dealership and car valeting service which are not required. The double garage door will be replaced by a new glazed area to allow natural light in and make the space much brighter.
- There will be no parking for the Gym/Studio as the parking is controlled by the Freeholder. The access road is owned by the Freeholder as are all the allocated parking spaces. All clients using the Gym/Studio for set classes and personal training can use the ample parking situated on Chislehurst High Street. There are two large car parks, Sainsbury's car park and 40 High Street bays all within a very short walk of the premises. In addition, a lot of clients will live locally and so will walk, cycle or use public transport.
- As there are two large car parks for the gymnasts in the vicinity I would have no objection to the application.
- The cycle parking requirements are set out in Table 6.3 of the London Plan. The applicant should provide cycle spaces as per London Plan. Policy 6.9 (B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities.
- Please include the following condition with any permission: H22 (Cycle parking)

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

London Plan Policies

7.4 Local character
7.6 Architecture

Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
S7 Retail and Leisure Development
T3 Parking
EMP3 Conversion or Redevelopment of Offices
EMP5 Development Outside Business Areas
EMP9 Vacant Commercial Sites and Premises

Draft Local Plan

6 Residential Extensions
30 Parking
37 General Design of Development
41 Conservation Areas
83 Non-designated Employment Land

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

Planning history indicates the site was originally part of 'Brooklands Garage'. Since the division of the site, the property has been subject to the following planning applications:

- 13/01425/FULL3 - First floor extension together with provision of means of escape and elevational alterations to form gymnasium (Class D2) - Permitted 21.08.2013
- 16/03459/FULL1 - First floor extension together with provision of means of escape and elevational alterations to form gymnasium (Class D2) - Permitted 28.09.2016

Considerations

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

- Resubmission
- Principle
- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

Resubmission

In 2013, the site was granted permission under reference 13/01425/FULL3 for a first floor extension together with provision of means of escape and elevational alterations to form gymnasium (Class D2). This permission expired therefore a subsequent application was submitted and permitted in 2016 under ref. 16/03459/FULL1.

This current application seeks permission for the demolition of the existing single storey garage building and the erection of a two storey gymnasium (Class D2). The design of the building has also been altered to include a flat roof and additional glazing. The external materials will include Zinc cladding at first floor level.

Principle

A planning application in 1990 (ref. 90/00638/FUL) was granted permission for a part one/two storey detached building for use for storage of motor vehicles and as store/office. A condition was included a condition (97) which stated that "the single storey building hereby permitted shall only be used for the storage of motor

vehicles and the two storey building for reception/store on the ground floor with offices over on the first floor". The proposed plans indicate that the existing two storey reception/store/office element will remain for use as office and storage areas. The existing ground floor motor vehicle storage area will be demolished and replaced by a two storey gym (class D2). The agent states that the site was vacated in the early 2000s and has since been used for storage by Dial Investments and now Celbridge Limited. Internal photographs were provided which indicate that the premises are currently being used as storage. Nonetheless, given that the last lawful use of the ground floor is for the storage of vehicles, it is not considered to result in loss of employment or office space.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The application site is situated to the rear of Chislehurst High Street and forms part of a "mews" development of various building fronting a parking lot. The area is commercial in function and appearance and forms an extension of the existing commercial hub along the High Street. To the west is a residential development of modern terraced houses which form part of "Nursery Gardens", with their rear garden adjoining the application site.

The current application seeks permission for the demolition of the existing single storey garage and the erection of a two storey gymnasium (Class D2). It will not exceed the height of the existing buildings. The proposed materials include zinc cladding at first floor level to the side and rear elevations. A large glazed feature is proposed at ground and first floor level. It was noted onsite that the site opposite has a similar glazed feature. Overall it is considered that the proposal is in keeping with the character and appearance of the surrounding area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension and change of use would complement the area and would not appear out of character with surrounding development or the area generally.

Heritage Assets

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The site is located within the Chislehurst Conservation Area. It is situated to the rear of Chislehurst High Street. It is considered that the proposal could comfortably be accommodated without it undermining the character of its immediate surroundings. Furthermore, given its scale, siting and appearance, the proposal is not considered to impact on the character or openness of the Chislehurst Conservation Area. The Councils Conservation Officer raised no objections to the current proposal due to the secluded nature of the site.

It is considered that the proposed development would preserve the character and appearance of the conservation area

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

The existing ground floor is used for storage and parking. This current application includes the demolition of single storey building and the erection of a two storey gymnasium (Class D2).

The site is located within close proximity to public car parks and on street parking is also available on Chislehurst High Street. As such, no objection was raised from the Councils Highways Officer, subject to a condition to provide cycle parking in line with London Plan Policy 6.9 (B)(a).

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Permission has previously been granted for a first floor extension. The current proposal is for the demolition of the existing single storey garage and the erection of a two storey gymnasium (Class D2) with a similar footprint. The design of the building has been altered since the previous permission to include a flat roof and additional glazing. The external materials will include Zinc cladding at first floor level. First floor windows are proposed in the southern flank elevation however these would look onto an existing carpark. No first floor rear windows are proposed therefore it is not considered to impact on the existing privacy levels of residential properties located at the rear, on Nursery Gardens. The proposed building is of a similar scale to that previously permitted, taking account the first floor extension approved, and the circumstances have not significantly altered to warrant a different decision.

The change of use of the site to a gymnasium is not considered to impact significantly on the amenities of neighbouring properties. The application form states that the hours of operation will be 08:00 - 22:00 Monday - Saturday and 09:00 - 18:00 on any Sunday or Bank/Public Holiday. It is considered appropriate to include a condition regarding the hours of operation in order to protect the amenities of neighbouring properties.

Having regard to the use, scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

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.

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 materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 appearance of the building and the visual amenities of the area.

- 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 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank or rear elevations of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 5 The ground and first floor hereby approved shall only be used as a gymnasium as detailed in drawing no. B101.Rev.B and for no other purpose. There shall be no change of use whether allowed by the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting these Orders.**

Reason: In order to comply with Policies BE1 of the Unitary Development Plan and in order that the Council can consider any proposed change of use with regard to current planning policies to prevent any inappropriate use.

- 6 The use shall not operate before 08:00 or after 22:00 Monday - Saturday or before 09:00 or after 18:00 on any Sunday or Bank/Public Holiday.**

Reason: In the interest of the residential amenities of neighbouring properties.