

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

Application No : 19/02378/FULL1

Ward:
Plaistow And Sundridge

Address : 33A Park Road Bromley BR1 3HJ

OS Grid Ref: E: 540733 N: 169638

Applicant : Mr Campbell

Objections : YES

Description of Development:

Change of use of existing C3 outbuilding to D1 Use as Physiotherapy Consulting Room (REVISED DRAWINGS).

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

Planning permission is sought to change the use of the existing outbuilding to form a physiotherapy consulting room. No physical alteration to the outbuilding is proposed as part of this application. The internal floorspace of the outbuilding is some 15 m², including a physio studio and a W.C.

Opening hours are proposed to be 9am to 6pm Mondays to Fridays. The service will be closed on Sundays and Bank Holidays.

There would be 1 staff at any time who would be either the applicant or a female physiotherapist. It is expected that only 1 client would visit the outbuilding at a time.

The applicants confirm that most of the appointments would be between 30 to 45 minutes so each session would have a minimum duration of 45 minutes to 1 hour, including intervals for cleaning and preparation. It would expect that it would attract between 9 and 12 clients a day. By its nature of the business, there would be no associated noise, no machinery or tools and blinds would be used to afford privacy to clients.

Location and Key Constraints

The application site hosts a two storey semi-detached dwelling on the north side of Park Road. There is an existing outbuilding at the rear garden, measuring 4.7 wide

and 3.2m deep (total floorspace: 15 m²). There are two parking spaces at the front garden. The property is not listed and does not lie within any area of special designation.

Comments from Local Residents and Groups

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

Objections

- Stress on local parking situation;
- Loss of privacy and noise;
- Visitors coming and going within 12 hours a day;
- The outbuilding has a direct view into the neighbouring bedroom.

A revised scheme has been submitted to reduce the opening hours and also to confirm the duration of the appointment sessions. With regards to the revised scheme, representations were received and can be summarised as follows:

Objections:

- The option for client parking is only open at weekends;
- The shorter working hours will not be sustainable for the nature of the business;
- The applicants have two cars at their property and the car park mentioned in the planning statement is not fully public; and the public car park is 500 yards away, so is not convenient for clients;
- The clients going in and out of the building will be able to look into their back bedroom;
- Inadequate parking and turning facilities, highway safety, traffic generation, noise and disturbance resulting from the use after 5pm and weekends;
- No shortage of business premises in the local area for rent and there are shops available to rent locally.

Comments from Consultees

Highways: "Park Road is situated in a Controlled Parking Zone. It is envisaged that only one client would be seen at a time given the size of the development. At this scale it would be difficult to raise an objection on highway grounds."

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 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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

Bromley Local Plan

30 Parking
31 Relieving Congestion
32 Road Safety
37 General Design of Development
87 Home Working

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows:

91/00157/FUL - Formation of vehicular access - 27.02.1991(Permitted)

17/05764/FULL1 - Single storey side extension and conversion of Nos.33A and 33B from two flats to single three bedroom dwellinghouse, including elevational alterations 13.02.2018PE (Permitted)

17/05764/AMD - Change from flat parapet roof to lean-to roof of single storey side extension - 06.06.2018(Permitted)

18/02102/PLUD - Hip to gable and rear dormer window roof enlargements, with rooflights to front roofslope LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - 03.07.2018 (PPUD)

19/02526/FULL1 - Retention of use of part flat roof as roof terrace, with timber balustrade surround and vegetation screening RETROSPECTIVE APPLICATION - 22.07.19 (Refused)

Considerations

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

- Principle
- Design
- Highways
- Neighbouring amenity
- CIL

Principle

Policy 87 of the Bromley Local Plan sets out requirements in terms of home working and any proposal for development will be permitted only where:

- a. the business use is secondary to the primary residential use of the property;
- b. the business use does not generate an unacceptable level of additional vehicular or pedestrian traffic so as to be detrimental to residential amenity, and
- c. the residential character of the area is not unduly affected by noise, advertising or other inconveniences.

Members should be aware that a similar planning application was refused and subsequently allowed in an appeal for a detached outbuilding to be used as a fitness studio for Pilates and sports massage at no. 66 Greenway, Chislehurst (planning ref: 17/01782/FULL1). That site is a semi-detached two storey house located on the south-eastern side of Greenway, at the junction with Farmland Walk. It has 3 to 4 parking spaces on site. The proposal included operating hours between 0900 to 2000 Mondays to Saturdays only with 2 clients on-site at any one time. Officers envisaged that it would attract between 8 and 16 clients a day but the applicants agreed to a condition that limited them to only 4 sessions within the building in any one day.

In the appeal decision, the inspector commented that the activities for sports massage and Pilates are considered to be quiet activities that do not involve any noisy movements or loud music. The size of the outbuilding is 15 m² and the inspector commented that it is a typical size that could be found within a residential garden and could be occupied by no more than 1 to 2 clients at any one time. It was stated that the proposal does not cause any harm to the character of the area or the living conditions of neighbouring occupiers in terms of noise and disturbance and therefore, the appeal was allowed.

In this application, the site is a three storey end-of-terrace house located near the edge of Bromley Town Centre. It is considered that the proposed activity is very similar to the above appeal decision, which would not generate any significant noise or loss of privacy or create neighbouring amenity issues. It is expected that only 1 client would visit the outbuilding at a time. In the original application, the applicant claimed that there would be no additional staff. However, it has

subsequently been suggested that there may need to be a female physiotherapist on site on some days as she could be required by female clients or also for religious reasons. Nevertheless, a condition will be imposed to place a limit of 1 staff at any time during operating hours.

It is noted that there are only two off-street parking spaces in this application site. Given that there would be only 1 client at any time during the operating hours and the applicants have confirmed that they have two additional on-street parking permits, it is considered that the proposal is acceptable in principle. Members should be aware that some conditions are suggested to restrict the use of the outbuilding and limit the numbers of clients and sessions in a day so as to control and restrict the use of the outbuilding. These conditions have been agreed by the applicant.

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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy 6 of the Bromley Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

The proposal does not include any extensions or external alterations. The scale and design of the outbuilding appears to be typical of many domestic outbuildings within the surrounding area, and in this case is screened from public view by a boundary fence. Therefore the outbuilding would not appear obtrusive or harmful to the character and visual amenities of the area.

Having regard to the form, scale, siting and the materials it is considered that the outbuilding is complement the host property and do not appear out of character with surrounding development or the area generally.

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

Park Road has parking restrictions and there is no waiting from Mondays to Saturdays during 8.30am to 6.30pm. There are some resident permit holder bays at this section of the road. It is noted that there are two parking spaces within the application site and in the supporting statement, the applicant states that they have two additional on-street parking permits. Therefore, the proposal would not create any illegal on-street parking at Park Road. Given that there would be a potential maximum 10 vehicles in a day and only 1 vehicle at one time, it is envisaged that the proposal would not cause severe traffic congestion in the area. The proposal is therefore considered to comply with Policies 30, 31 and 32 of the Bromley Local Plan.

Neighbouring amenity

Policy 37 of the Bromley Local Plan 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.

The neighbours' objections are noted. It is noted that the proposed use would be unlikely to generate significant noise and it would only have 1 client at one time. The comments from the neighbours at No. 33 that the visitors could overlook their rear bedroom windows are noted. It is considered that the distance between the outbuilding and the neighbour's first floor bedroom window is some 10m away and the access gate is located at the east side of the application site near the fence. It is considered that the impacts to the occupiers at this neighbouring property would be limited.

The applicants state that the visitors would enter the outbuildings via the side gate and the width of the side gate is 0.8m. A condition will be imposed to restrict this

entrance as a sole entrance to the outbuilding so that it would not give rise to material harm to the living conditions of the immediate neighbours and character of the area, contrary to Policy 37 of the Bromley Local Plan.

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

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 file ref 19/02378/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

as amended by documents received on 18.07.2019

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 of the 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 The physiotherapy use of the outbuilding under Class D1 of the Schedule to the Town and Country Planning (Use Classes) order 1987 shall be operated solely by or on behalf of Mr Russell Campbell in conjunction with his residential occupation of the host dwelling and shall not be used for any other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be severed from the residential dwelling to form a self-contained commercial operation.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to protect neighbouring amenity and the character and appearance of the area.

- 4 No music, amplified sound system, other form of loud noise or voices/ microphones shall operate from the use hereby permitted which is audible outside the premises or within adjoining buildings without the prior written consent of the Local Planning Authority.**

Reason: In order to comply with Policies 6 and 37 of the Bromley Local Plan and to safeguard the amenities of adjoining property and the area generally

- 5 (a) No more than 1 client, unless a child who needs to be accompanied by an adult, and 1 staff shall be present at any one time and no more than 10 sessions shall take place within the building in any one day.**

(b) The use of the premises as a physiotherapy consultation room shall not take place other than between the hours of 0900 to 1800 and Mondays to Saturdays and not at any time on Sundays or Bank or Public Holidays.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and so that the situation can be reconsidered in the light of the circumstances at that time and in the interest of the amenities of the area.

- 6 No advertisements or any form of signs related to this development shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policy 102 of the Bromley Local Plan and to comply with the terms of the application and in the interest of the visual amenities of the area.

- 7 No doors or entrance gates shall at any time be inserted in the eastern boundary of the application site without the prior approval in writing of the Local Planning Authority.**

Reason: In the interest of the amenities of the adjacent properties and to comply with Policy 37 of the Bromley Local Plan