

SECTION '2' – Applications meriting special consideration

Application No : 19/03360/RESPA

Ward:
Copers Cope

Address : Oakhill Works Limes Road Beckenham **Objections:** Yes

OS Grid Ref: E: 537997 N: 169361

Applicant : Mr Adam Jude Grant

Description of Development:

Change of use of ground floor from Class B1 (a) office/industrial to Class C3 dwellinghouses to form 2 x 2 bedroom flats (56 day application for prior approval in respect of transport and highways, contamination, flooding and noise impacts under Class O Part 3 of the GPDO).

Key designations:

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

Proposal

This application seeks the prior approval of the Council in respect of transport and highways, contamination and flooding risks, and impacts of noise from commercial premises on future occupiers of the development under Class O of Part 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015.

The proposal is for the change of use of the ground floor from Class B1(a) offices to Class C3 residential to form 2 x 2 bedroom flats.

The application is a resubmission of three previous applications that have been refused.

Application Reference: 19/02476/RESPA

Refused: 8th August 2019

Application Reference: 19/01469/RESPA

Refused: 31st May 2019

Application Reference: 19/00172/RESPA

Refused: 5th April 2019

The current planning application seeks in a reduction of the number of the proposed flats from three to two and has been submitted with a parking survey which has been carried out in accordance with the required Lambeth methodology.

Location and Key Constraints

Oakhill Works is a two storey utilitarian building with residential accommodation on the first floor and a commercial unit (The Oakhill Workshop) on the ground floor. The main entrance has a restricted road frontage and is surrounded by the gardens of adjacent flats and houses. Although a substantial building in terms of size it can only be seen in partial views from Limes Road.

Oakhill Works lies on the eastern side of Limes Rd, Beckenham and is situated within the Chancery Lane Conservation Area.

Consultee comments

Part O of the GPDO requires consultation with neighbours and in certain circumstances consultees.

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

- My reviews are still the same as my last i.e my privacy will be gone. I have two dogs that need to go in the garden. The windows are too low and they will constantly keep barking. Also, the have no fire exit.
- The change from 1x2 bedroom and 2x1 bedroom flats to 2x2 bedroom flats adds up to the same number of occupants (4) and therefore poses the same situation regarding the likely number of cars.
- The privacy of the occupants of 104 Bromley Road, and equally of those who might occupy the proposed flat adjacent to the garden of 104 is compromised since the windows of the proposed flat look straight out into the garden of 104 at ground level.
- On the basis of neighbouring properties being overlooked. The SW elevation has a number of windows looking out which will look into the private gardens of numbers 104 and 106 Bromley Road. The SE elevation has 5 very large full length windows that will look directly into the gardens and properties of 96, 98 and 100 Bromley Road.
- Parking concerns as there will be 2 x 2 bedroom properties being developed and the area is already short of parking for all of the properties in this area of Chancery and Limes. The parking survey timing is not realistic or representative taking place between 3:50am-4:45am 12/13 June.

The full text of comments received are on file.

Comments from Consultees

Environmental Health (Pollution) Officer:

I have considered the above and have no objections within the grounds of consideration.

The application site is within an Air Quality Management Area declared for NOx. I would therefore recommend that the following conditions are attached:

The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan)

I would recommend that the following informatives are attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Drainage Engineer: No comment

Highways:

The site is located in PTAL rate of 3 on a scale of 0 - 6b, where 6b is the most accessible. The area has high on street parking occupancy, with little parking available.

No additional parking would be provided; the proposal will result in 2 units with very little parking at the surrounding roads. The applicant has carried out surveys on 2 separate days on Friday 12th April and on Monday 15th April 2019. Both surveys were carried out between 3:50am - 4:45am. The surveys show that Crescent Road has parking capacities on both side of the road.

As there is on-street parking spaces available for additional demand during the hours of maximum residential parking demand. Therefore I raise no objection; please include the following with any permission:

Condition
AG12 (Cycle parking)

The Bromley Local Plan Chapter 4, Getting Around (Transport and Accessibility) states the following for residential parking standards:

Bromley Residential Parking Standards (per unit)		
PTAL	1-2 bed	3 bed
0-2	Minimum of 1	Minimum of 1.5
2-6a	0.7 (min) - 1 (max)	1 (min) 1.5 (max)

Legal Context

The Town and Country Planning (General Permitted Development) Order 2015 Class O (as amended) allows for the change of use of a building and any land within its curtilage from a Class B1a (office) use to a use falling within Class C3 (dwelling houses) subject to certain restrictions and conditions. The change of use from B1a (office) to C3 (residential) is subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required as to:

- o Transport and highways impacts of the development
- o Contamination risks on the site; and
- o Flooding risks on the site.
- o Impacts of noise from commercial premises on intended occupiers

Paragraph W(10) requires the local planning authority, when determining an application for prior approval, to have regard to the National Planning Policy Framework (NPPF)

Policy Context

The NPPF was published in July 2018 and the guidance relating to transport, flood risk, land contamination and noise is a material consideration in the determination of applications for prior approval.

The London Plan:

- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.

Bromley Local Plan:

- 30 Parking
- 32 Road Safety
- 37 General design of development
- 41 Conservation Areas
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 118 Contaminated Land
- 119 Noise Pollution

Planning History

The site has a lengthy planning history relating to planning applications for development proposals on the ground and first floor, as well as other decisions made by the Planning Inspectorate which are pertinent to the proposed development. These include:

Under planning application reference: 19/02476/RESPA prior approval was deemed to be required and refused for Change of use from office/industrial use (Use Class B1) on the ground floor to residential use (Use Class C3) to form 2 x 1 bedroom flats and 1 x 2 bedroom flat. (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).

Under planning application reference: 19/01469/RESPA prior approval was deemed to be required and refused for Change of use from office/industrial use (Use Class B1) on the ground floor to residential use (Use Class C3) to form 2 x 1 bedroom flats and 1 x 2 bedroom flat. (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).

Under planning application reference: 19/00172/RESPA prior approval was deemed to be required and refused for a Change of use from office/industrial use (Use Class B1) on the ground floor to residential use (Use Class C3) to form 2 x 1 bedroom flats and 1 x 2 bedroom flat. (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) was refused on 5th April 2019.

An application to demolish the entire 'Oakhill Works' site and erect a 2/3 storey block of six apartments was refused by the Council under ref: 02/00435/FULL and subsequently dismissed at appeal (ref: APP/G5180/E02/1106167).

An application at Unit 1 in 2007 for a change of use of part of the first floor from light industrial (class B1) to residential accommodation (class C3) to form 1 two bedroom flat with elevational alterations and balcony railings on existing flat roof (ref: 07/00324/FULL1). This was allowed at appeal under ref: APP/G5180/A/07/2051813.

Under ref: 11/03166/FULL2 planning permission was granted for the change of use of ground floor at Unit 1 from use Class B1 to use Class A1 (Retail).

Under ref: 14/02395/FULL2 planning permission was refused for Change of use and conversion of existing B1 space to form 2 x two bedroom flats including first floor extensions and provision of one parking space.

Under ref: 14/02221/RESPA prior approval was granted for Change of use of Unit 1 Limes Road from Class B1(a) office to Class C3 dwellinghouses to form 1 x 2 bedroom flats. (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO).

Under ref: 15/03099/ FULL1 planning permission was granted for the installation of 3 No. rooflights together with increasing the opening of the ground floor entrance door and the installation of half glazed timber doors and fan light.

Considerations

Class O permits development consisting of a change of use of a building and any land within its curtilage from Class B1(a) (offices) to Class C3 (dwellinghouses) 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 and an application under paragraph O.2(i) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (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) (omitted from GPDO 6.4.16)
- (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

There are no areas of article 2(5) land, safety hazard or military explosives storage within the Borough.

The applicant has declared that the building is in office/industrial Class B1(a) use. A check of the Land Use Gazette states that a furniture repair business falls within a B1 (a) office Use Class.

As part of Application Ref:- 14/02221/RESPA) the applicants submitted that, notwithstanding the permitted change of use of part of the site from B1 to retail (Class A1), this permission appears to not have been implemented and therefore the current use subsists as use class B1.

Transport and highways impacts:

Transport is covered in the 12 Core principles as set out in the NPPF at paragraph 17 of the document and states decision making should 'make the fullest possible use of public transport, walking and cycling'.

The current application, proposes 2 units, made up of 2 x 2 bedroom flats. The agent has stated that a parking bay in front of the existing bin store is within existing use. The Council assumes this is used by the occupants of the first floor flat. No additional parking would be provided outside of the existing premises.

The applicant has carried out surveys on two separate days on Wednesday 12th June and Thursday 13th June 2019. Both surveys were carried out between 3:50am - 4:45am. The surveys show that Crescent Road had parking capacity on both sides of the road.

As there is on-street parking spaces available for additional demand during the hours of maximum residential parking demand the Highways Officer has not raised any objection to the development subject to a condition for cycle provision. .

Limes Road is a narrow road which is heavily parked and that is difficult for vehicles to pass. No parking would be provided for either flat but the submitted parking survey has shown availability for parking on nearby side streets.

All three previous applications have all been refused for three flats on parking and highways safety grounds. The current application proposes only two flats and the applicants parking survey has shown parking to be available on nearby roads. Whilst parking has been shown to be available within walking distance of the site the parking survey still showed Limes Road and Chancery Lane (the closest roads to the site) to be heavily parked.

Members will need to consider if the proposal to change the use of the building on the ground floor from office to residential will further exacerbate the existing parking demand on Limes Road and Chancery Lane. Several letters of objection have been received from local residents concerned that the proposal for two new residential flats will make the existing parking and traffic flow situation in the area even worse.

Contaminated Land

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.

The proposal is for a change of use to residential. The Environmental Health Officer has considered the application and raises concerns about the risk of contamination in light of the history of the site.

Contamination risk is important for future occupiers as there is a proposed garden area, and also for workers on the site who will inevitably disturb the ground for drainage and services. Informatives are recommended to be attached.

Noise

The GPDO has been amended to allow the consideration of introducing residents into buildings that are adjacent to potentially noisy commercial sites.

Several commercial units lie on Bromley Road, whose gardens back onto the application site. Overall the noise from these commercial units is not considered to impact on future occupiers of the site.

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 site does not lie within a flood risk 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: PRIOR APPROVAL REQUIRED AND GRANTED

1 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) 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 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.

You are further informed that :

- 2** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

- 3** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.