

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 11/00781/OUT

**Ward:**  
**Plaistow And Sundridge**

**Address :** 25 Scotts Road Bromley BR1 3QD

**OS Grid Ref:** E: 540066 N: 170025

**Applicant :** SE Living Ltd

**Objections :** YES

### **Description of Development:**

Redevelopment of commercial premises at No's 24, 24a and 25 Scotts Road with part two/ three storey block and three storey block comprising 4 one bedroom, 39 two bedroom and 4 three bedroom flats with estate road from Scotts Road and 38 car parking spaces, bicycle parking and refuse/ recycling storage

Key designations:

- Biggin Hill Safeguarding Birds
- Biggin Hill Safeguarding Area
- London City Airport Safeguarding
- London City Airport Safeguarding Birds

### **Proposal**

Outline permission (including approval of layout and access is sought for the redevelopment of commercial premises at Nos 24, 24a and 25 Scotts Road with a part two/ three storey block and a three storey block comprising 5 one bedroom, 39 two bedroom and 4 three bedroom flats with estate road from Scotts Road and 40 car parking spaces, bicycle parking and refuse / recycling storage indicative elevation plans show buildings of a traditional design with pitched tiled roofs and a mixture of brickwork and rendering.

Two previous applications for similar developments have been refused planning permission and second application was dismissed on appeal - current application seeks to respond to the Inspector's comments.

The application is accompanied by the following:

- Confidential independent valuation report from chartered surveyors Sinclair Jones which concludes that the redevelopment of the site for business use is not viable.
- Confidential independent valuation report from chartered surveyors Baxter Phillips providing an existing use value for the site.
- Confidential Economic Viability Assessment.

The application is accompanied by details of unsuccessful marketing of Nos. 24 and 24A Scotts Road. The properties have more recently been marketed for short term let.

The application is accompanied by a covering letter and a Design and Access Statement which includes the following points:

- 24 Scotts Road has been unoccupied since 2005 and the owner has demolished part of the building due to its dilapidation – remaining building is now partially being used by a local mechanic for a nominal rent – it continues to be marketed by Baxter Phillips for rent (£1 per square foot) and for sale and there has been no further interest
- 24A Scotts Road has been marketed since it was vacated in February 2006, however restrictions on opening hours and opposition from local residents to changes of use to suit potential tenants have thwarted attempts to let the property – site has been vacant for over 5 years and the owners have had no interest from potential tenants and the building is in a bad state of repair
- 25 Scotts Road is designated for residential use in the UDP and is currently used by a printing company, however the characteristics of the building and advances in printing technology mean that the firm are looking to relocate to smaller premises as soon as possible
- Existing uses continue to be unsuitable and unmarketable in this location therefore appeal decision indicates that modern business development should be considered
- Independent valuation has been undertaken by Sinclair Jones which concludes that modern business redevelopment of the site is not viable therefore South East Living have reverted to a residential scheme
- Footprint of proposal remains the same as previous proposal but now includes a mixture of affordable and private accommodation.

A previous application was accompanied by a geotechnical and geo-environmental desktop study which recommends further investigative works but states that remediation measures can be taken to address any contamination on the site. The application refers back to this document.

A preliminary energy assessment and energy efficiency measures statement has been submitted which sets out how the development will achieve a 20% reduction in carbon dioxide emissions.

## **Location**

The application site is currently occupied by a mixture of one and two storey light industrial buildings in, some of which have fallen into some disrepair. It is accessed via Scotts Road and between Nos. 28 and 30 Mooreland Road. Surrounding development predominantly comprises Victorian style terraced housing and there are business units fronting Farwig Lane to the south and southwest of the site. Nos. 24 and 24A Scotts Road lie within the Farwig Lane Business Area.

## **Comments from local residents**

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

- Overlooking / loss of privacy
- Loss of outlook / overbearing impact
- Overdevelopment
- Out of character
- Screening should be provided to west of site
- Inadequate parking / increased demand for on-street car parking
- On-street car parking permits should not be issued to residents of development
- Increased traffic
- Detrimental impact on highway and pedestrian safety
- Increased noise and disturbance
- Damage to foundations of houses on Mooreland Road and to services between 28 and 30 Mooreland Road from construction traffic
- Loss of business land
- Increased pressure on local infrastructure and services
- Proposal not justified by housing targets
- Decrease in local property values
- Condition should be attached to any planning permission requiring fencing to prevent access from Mooreland Road.

### **Comments from Consultees**

There are no objections in terms of housing.

The Metropolitan Police Crime Prevention Design Adviser has commented that the proposed development will offer limited natural surveillance of some of the car parking.

There are no objections from the Council's in-house drainage consultant.

There are no objections from an Environmental Health point of view.

The findings of the independent valuation reports submitted are broadly accepted by the Council's Estates and Valuation Department.

There are no objections in terms of waste collection arrangements.

English Heritage have no objections to the proposal in terms of archaeology.

There are no objections to the proposal in terms of sustainable development and renewable energy.

Any further responses to consultations, including highways comments, will be reported verbally at the meeting.

### **Planning Considerations**

Planning permission was refused under ref. 00/01275 for 7 two bedroom terraced houses and 14 car parking spaces at No. 25 Scotts Road. The grounds of refusal related to overdevelopment and the impact of the use of a proposed access from Mooreland Road. A subsequent appeal was dismissed after the Inspector concluded that the proposal would be an overdevelopment and would result in dangerous vehicle manoeuvres.

Outline planning permission was granted under ref. 01/02045 for 4 semi-detached and one detached house with 6 garages and 4 car parking spaces at 25 Scotts Road. Two of the houses would have been accessed via Mooreland Road. The permission was never implemented.

Outline planning permission was refused in July 2009 for a part two/three storey block and three storey block comprising 16 one bedroom/ 15 two bedroom/ 12 three bedroom/ 3 four bedroom flats with access from Scotts Road to 10 car parking spaces and from Mooreland Road to 18 car parking spaces (ref. 09/00664). The grounds of refusal related to overdevelopment, inadequate car parking and conflict with Policy EMP4 which seeks to safeguard a supply of business land in the Borough to provide for the growth and development of business and industry.

Outline planning permission was refused in December 2009 for the erection of 3 three storey blocks comprising 38 flats (1 one bedroom, 15 two bedroom, 16 three bedroom and 6 four bedroom) with access from Scotts Road (ref. 09/02461). The ground of refusal related to conflict with Policy EMP4 which seeks to safeguard a supply of business land in the Borough to provide for the growth and development of business and industry. A subsequent appeal was dismissed and the following is an extract from the Inspector's report:

'The recent Economic Development and Employment Land Study approved by the Council indicates a possible demand for a significant increase of employment land in the future and recommends strengthening policies to protect allocated employment sites. It also recommends that, before permitting a change of use, site development appraisals should be carried out demonstrating that redevelopment for employment use would be financially unviable and evidence of marketing should show the site cannot be disposed of on the open market.

The Council accepts that some uses currently permitted have the potential to be unneighbourly, and in that respect I acknowledge that while the site has been vacant in recent years, there have been some complaints in the past, particularly from residents of Scotts Road. However, the use of the site as offices would be appropriate and compatible with the surrounding residential development and Policy EMP4 allows for office development. The London Borough of Bromley Business Areas Monitoring Report, February 2010, occupancy list indicates a high level of occupancy of offices and at the Hearing the Council confirmed that there is limited office space and a demand for offices in the area. While some large offices in the centre of Bromley are vacant, this is due to the current economic climate and that these are unsuitable for modern use. However, the Council expects these to be occupied as demand increases over the next few years.

A marketing exercise has been carried out over the past 4 years, albeit with some incorrect details. Although a number of enquiries were received and the site has been let intermittently, the marketing has been substantially unsuccessful due to the constraints of the site in terms of poor access and the condition of the buildings, also some uncertainty over the lawful use of the site.

The properties have been marketed for light industrial/storage use although there is some mention of offices in the details for 24a. While not extensive the marketing exercise demonstrates there is little interest in the site in its current condition.

There remains the possibility of redeveloping the site for employment use. While the appellant has expressed concern over the access to the site and the constraints imposed by the surrounding residential development, no reasonable appraisal has been submitted showing redevelopment of the site for business use would be unviable.

I accept that the site is not a key employment site, is effectively separate from the rest of the Farwig Lane Business Area and makes a small contribution to the amount of employment land in the borough. However, this is an argument that could be repeated often and the cumulative effect would be detrimental.

I conclude that there is a demand for good quality employment sites and that while the existing buildings are of poor quality, the sustainable location of the site indicates it has the potential to be a good quality employment site. It has not been demonstrated that the site is unsuitable for employment use or that suitable redevelopment would not be financially viable and therefore I see no reason for there to be an exception to the requirements of UDP Policy EMP4.

While London Plan policies and national guidance encourage the efficient use of land and advise that where there is no reasonable prospect of economic use alternative uses should be considered, I do not consider this has been demonstrated in this case. The proposal would result in a reduction in the availability of good quality sites for modern business development and conflicts with Policy EMP4 of the UDP.'

The proposal falls to be considered primarily with regard to the following policies:

#### UDP

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T18 Road Safety
- H1 Housing Supply
- H2 Affordable Housing
- H5 Accessible Housing
- H7 Housing Density and Design

- BE1 Design of New Development
- EMP4 Business Areas
- EMP5 Development Outside Business Areas
- ER7 Contaminated Land

#### London Plan

- 2A.9 The Suburbs: supporting sustainable communities
- 3A.1 Increasing London's supply of housing
- 3A.3 Maximising the potential of sites
- 3A.6 Quality of new housing provision
- 4A.3 Sustainable Design and Construction
- 3D.13 Children and young people's play and informal recreation strategies
- 4A.3 Sustainable Design and Construction
- 4A.4 Energy Assessment
- 4A.7 Renewable Energy
- 4A.14 Sustainable Drainage
- 4B.1 Design Principles for a Compact City
- 4B.8 Respect local context and communities.

Policy EMP4 of the Unitary Development Plan states that designated business areas are only suitable for Class B1, B2 and B8 use. The subtext at Paragraph 10.18 states that 'the Business Areas consist largely of land with established light industrial and warehousing uses. The Council wishes to safeguard a supply of such land in the Borough to provide for the growth and development of business and industry. Consequently, proposals in the Business Areas for uses not within Use Classes B1 to B8 will not normally be permitted.'

The Council has requested a financial contribution to be secured through a Section 106 agreement to address the impacts of the proposal on healthcare and education infrastructure. At the time of writing the applicant had not confirmed agreement to make the contributions and a verbal update will be provided at the meeting.

The proposal equates to a residential density of 117.5 dwellings per hectare.

#### **Conclusions**

The application seeks to address concerns relating to the previous refusal regarding the loss of business land and also seeks an increase in the number of units. The main issues to be considered in this case are the acceptability of a residential use in a designated business area and the impact of the proposal on the character and the residential amenities of the area.

Nos. 24 and 24A Scotts Road lie within a designated business area and Policy EMP4 indicates that residential redevelopment of the site would be inappropriate. The appeal Inspector commented that it had not been demonstrated that the site is unsuitable for employment use or that suitable redevelopment would not be financially viable. The applicant has demonstrated that redevelopment of the site for business use is not viable at the current time. The applicant has also submitted details of unsuccessful marketing of 24 and 24A over several years. It should be

noted that the units have more recently been marketed for short term let. The appeal Inspector noted that marketing of the site has been substantially unsuccessful due to its constraints in terms of poor access and the condition of the buildings and some uncertainty over the lawful use of the site. The Baxter Phillips report indicates that the properties have a significant existing use value and it is considered that, if redevelopment of the site for business use is not viable, there remains a possibility of business use of the existing buildings. The applicant has not addressed the Inspector's point that it has not been demonstrated that the site is unsuitable for employment use. Policy EMP4 is unambiguous in stating that sites in Business Areas must be retained for business use. Evidence of several years unsuccessful marketing of 24 and 24A Scotts Road has been submitted, however the policy makes no provision for demonstrating a lack of demand for business use. The proposal will conflict with the Council's aim to safeguard a supply of land in the Borough to provide for the growth and development of business and industry

The bulk of the proposed block will remain the same as that previously proposed under application ref. 09/02461 which was considered acceptable. The number of units has now been increased from 38 to 47 and there will be a much higher proportion of two bedroom flats. The increase in the number of units will be likely to result in an increase in the amount of activity on the site, however in view of the bulk of the building remaining consistent with that previously approved it may be considered that the increase in the number of units will not result in an overdevelopment of the site.

In terms of the impact on residential amenity, the siting and design of the blocks has not altered significantly since the previous application, which was considered acceptable in this regard.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

Part of the site is located in a Business Area in the Unitary Development Plan and the proposal would be contrary to Policy EMP4 which seeks to safeguard a supply of business land in the Borough to provide for the growth and development of business and industry.

