

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

Application No : 13/02560/FULL3

Ward:
Bromley Town

Address : Alexander House 5 Blyth Road Bromley
BR1 3RS

OS Grid Ref: E: 539843 N: 169724

Applicant : D & H Shah

Objections : YES

Description of Development:

Change of use from use Class B1 office to use as a day care nursery within (use Class D1), erection of single storey rear extension with roof terrace, alterations to existing garage, erection of buggy/cycle store, acoustic fencing and landscaping.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

The proposal is for a change of use from use Class B1 (office) to use as a day care nursery within Use Class D1. The nursery will be operated by Fennies which operates 5 existing nurseries across Bromley and Croydon.

The proposal comprises the demolition of the existing lean-to and erection of a single storey rear extension with a flat roof which will be used as a terrace. The terrace will be enclosed by 1.6m high cedar boarded acoustic fencing. In addition, alterations to the existing garage are proposed to convert this into accommodation for the nursery. This will include an increase in the height of the garage from approx. 2.9m to 3.9m. The erection of a 13m long by 1.5m wide enclosure is proposed adjacent to the northern boundary of the site to provide refuse storage, and a buggy/cycle store.

A landscaping scheme is proposed together with 1.8m high acoustic fencing along the northern and southern boundaries of the site.

The proposed hours are 07.45 - 18.00 on weekdays with "early earlys" (7.00am drop off and "late lates" 19.00 offered on a limited basis.

5 Blyth Road is a large Victorian property with accommodation on three levels. The lawful use of the property is for uses falling within Use Class B1. The building was previously used by a research company and vacated in December 2011.

Location

The site is located on the eastern side of Blyth Road just south of the point at which the road bends to the east and joins the junction with London Road. Blyth Road contains a mix of residential and commercial properties.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received from C Brewer and Sons Ltd. The grounds of the objection relate primarily to traffic congestion and safety and are summarised as follows:

- Blyth Road is already a busy cut through used by traffic wishing to avoid the traffic controlled junction of Beckenham and London Road.
- the proposal will exacerbate peaktime congestion and lead to more accesses being blocked through inconsiderate parking which will affect Brewers business as the exit from Brewers car park and the access for goods vehicles is between 9 and 11 Blyth Road.
- the proposal will increase hazards and be a danger to all people using the road

Comments from Consultees

Highways has advised that the 8 car parking spaces proposed are sub-standard, and minimum dimensions of 4.8m long by 2.4 m wide with 6m manoeuvring space are required.

Based on the results of a survey of the existing Fennies Nursery site at 92 Addiscombe Road, which was undertaken by the applicant to understand the operation and drop off/collection demand of the nursery, it is concluded that the short stay car parking demand of the proposed 92 child day care nursery can be accommodated within the site and will not impact significantly on the local on-street car parking.

It is noted that the Addiscombe Road site is considered comparable in terms of scale (92 Children), age ranges catered for, population density in the proximity and a similar level of on-site car parking proposed (8 short stay spaces with no staff provision). The site is also in a similar location in terms of accessibility.

Education - no in principle objection to the proposal.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- C7 Educational and Pre-School Facilities
- EMP3 Conversion or redevelopment of offices for other uses
- T1 Transport Demand
- T12 Transport Effects
- T3 Parking
- T5 Access or people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety

Planning History

Ref. Number Date	Description	Status	Decision
85/02514/FUL AND INCREASE ROOF HEIGHT	REAR EXTENSION TO EXISTING ATTACHED GARAGE PER 06.11.1985		
89/01220/FUL 24.05.1989	HARDSTANDING TO REAR FOR CAR PARKING	PER	
91/01405/FUL	SECOND FLOOR REAR EXTENSION	PER	21.08.1991
96/00147/FUL	CONTINUED USE AS OFFICES WITHOUT COMPLYING WITH CONDITION I OF PERMISSION 793197 LIMITING OCCUPANCY TO CYSTIC FIBROSIS RESEARCH TRUST	PER	13.03.1996

Conclusions

The main issues relating to this application are: the appropriateness of the proposed change of use from B1 to D1 in terms of loss of B1 floorspace; the appropriateness of the creation of a D1 use in this location; the impact of this change of use on the amenities of the occupiers of both commercial and residential properties in the surrounding area; potential impacts on traffic generation, car parking and highway safety.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

This report will first deal with the principle of the change of use from Class B1 (office) to a day care nursery (Class D1). It will then go on to assess the potential impacts of the proposal on the amenities of the occupiers of surrounding

commercial and residential properties both as a result of the proposed use and the proposed alterations to the building.

Principle of Proposed Change of Use

The authorised use of Alexander House is under Class B1 (Office). Policy EMP3 requires that the conversion or redevelopment of offices will only be permitted where it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises, and there is no likely loss of employment resulting from the proposal. The applicant's agent has advised that the property was previously used by a research company but that it has remained vacant since December 2011.

The application material includes a marketing report prepared by Acorn that sets out the marketing activity that has been undertaken in respect of the site and also highlights the lack of demand for B1 office use in the immediate location together with the availability of better accommodation in more accessible locations within the area.

The Marketing Report states that an active and extensive marketing campaign commenced in July 2011 and remains ongoing, this included:

- The production of marketing material, brochures;
- Erection of substantial advertising hoardings;
- Direct marketing to clients in their database;
- Advertising on Acorn's website, multiple property portals and websites specifically targeted for commercial property;
- Adverts in Newshopper and Estates Gazette.

The guide price of the property was also reduced to assist with the marketing of the property.

The Marketing Report advises that no expressions of interest have been received from any parties wishing to either let or buy the property for B1 uses. The only tangible interest has come from residential developers who consider the site suitable for small scale development, or from day nursery operators subject to a successful change of use application. Acorn has also struggled to let or sell comparable commercial property in Blyth Road and the immediate vicinity. It considers that the reason for this is due to the fact that central Bromley offers better more accessible and up to date premises.

Acorn advises that the current quality of the office accommodation within Blyth House is low and any prospective occupiers would need to invest in a program of refurbishment to include, at a minimum, rewiring with modern electrics and data cabling, replastering and reflooring. The cost of such work is not considered to be economically viable.

In assessing the proposal against Policy EMP3 it is considered that sufficient evidence has been submitted to demonstrate that Alexander House has been vacant for some time, and that reasonable attempts have been made to market the

property for B1 uses. It is also acknowledged that there is currently no shortage of vacant B1 floorspace in the Borough. Rather than resulting in a loss of employment, the proposal will generate new jobs associated with the day care nursery and bring this building back into useful occupation. The proposal is therefore considered to comply with Policy EMP3.

Appropriateness of D1 Use

The proposal will result in the creation of an additional pre-school facility in a location that is easily accessible by means of transport other than the private car. The proposal is therefore considered to comply with Policy C7.

The Council's Education Department has raised no in principle objection to the proposal.

Highways and Car Parking Issues

Based on the results of a survey of the existing Fennies Nursery site at 92 Addiscombe Road which was undertaken to understand the operation and drop off/collection demand of the nursery, it is concluded that the short stay car parking demand of the proposed 92 child day care nursery can be accommodated within the site and will not impact significantly on the local on-street car parking. It is noted that the Addiscombe Road site is considered comparable in terms of scale (92 Children), age ranges catered for, population density in the proximity and a similar level of on-site car parking proposed (8 short stay spaces with no staff provision). The site is also in a similar location in terms of accessibility.

Highways has advised that the 8 car parking spaces proposed are sub-standard, and that minimum dimensions of 4.8m long by 2.4 m wide with 6m manoeuvring space are required. An additional statement has been received from the applicant's Highways consultant that confirms that the layout of the car parking spaces reflects the existing position in respect of car parking at the site, and that these have successfully operated during the time that the building was previously occupied for B1 uses. Whilst the application's highways consultant acknowledges that the car parking spaces fall slightly below the minimum dimensions set out by the Council, there is sufficient space for vehicles to turn enabling vehicles to enter and exit the site in a forward gear. Photographic evidence has also been provided showing that cars, vans and 4x4s can successfully park within the existing site boundary and off the public highway without causing a danger to other road users.

On balance, the size of the proposed spaces only falls marginally below the minimum standards required by the Council. On the basis that the level of proposed car parking provision reflects the existing position in terms of the size of spaces, the size of the spaces proposed is considered to be acceptable.

Impact on Amenities

The Jubilee Day centre which provides specialist day care for adults is located to the south of the application site. A block of flats, No.3 Blyth Road, is located

immediately to the north of the site. No.3 Blyth Road has a large communal garden at the rear.

In terms of the impact of the use, the applicant has confirmed that the rear play space is likely to be used between 10am and 4pm and its use will be staggered and used by small groups of children (split by age group) with their nursery nurse. The use of the first floor terrace will only be in association with the care of babies at the nursery, and not older children. Acoustic fencing is also proposed around the site and the terrace to reduce any noise impacts on the adjoining properties.

A condition is proposed on the application limiting the number of children that could use the outside play space at any one time to 17. On the basis that the days and hours of operation of the use and the number of children using the outside play space will be carefully controlled, it is considered that the impact of the proposal on the amenities of the occupiers of the adjoining properties will fall within acceptable levels.

Design and Visual Impact

The proposed alterations to the building, set out above, are considered to be sensitively designed and in keeping with the design of the building. It is therefore considered that they are unlikely to impact on the streetscene or the amenities of the occupiers of the surrounding properties.

Summary & Conclusion

In summary, the proposal is considered to comply with policy EMP3, it will not result in a loss employment as the premises has been vacant for some time, and despite a range of marketing activities no prospective B1 tenants have been identified. The proposal will in fact create new jobs associated with the D1 use.

The proposed use and proposed alterations to the building are not considered likely to be detrimental to streetscene or to the amenities of the surrounding commercial and residential occupiers.

Whilst the size of the car parking spaces proposed is slightly below the minimum standard required by the Council, this reflects the current situation with regard to car parking on the site. In car parking demand, the Council's Highways Department accepts the findings of the applicant's report which concludes that the short stay car parking demand of the proposed 92 child day care nursery can be accommodated within the site and will not impact significantly on the local on-street car parking.

It is therefore recommended that the planning permission is granted for the proposal.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02560, excluding exempt information.

as amended by documents received on 27.09.2013

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
ACC04R Reason C04
- 3 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 4 ACH22 Bicycle Parking
ACH22R Reason H22
- 5 ACH32 Highway Drainage
ADH32R Reason H32
- 6 ACH30 Travel Plan
ACH30R Reason H30
- 7 ACI21 Secured By Design
ACI21R I21 reason
- 8 ACJ01 Restriction on use (2 inserts) a day care nursery D1
Reason: In the interests of the visual amenities of the adjoining properties and the visual amenities of the area, in line with Policy BE1 of the Unitary Development Plan.
- 9 ACJ12 Use as day nursery/playgroup (5 insert) 3 months 5.5
years 92 07:00 19:00
ACJ12R J12 reason
- 10 The use of the ground-level outdoor and covered play areas shall be limited to a maximum of 17 children at any one time.
Reason: In the interests of the amenities of the adjoining properties and in order to comply with Policy BE1 of the Unitary Development Plan.
- 11 Details of the proposed acoustic fencing for the site perimeter and "babies terrace" shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed as approved prior to the use commencing and shall be permanently maintained as such thereafter.
Reason: In the interests of the amenities of the adjoining properties and in order to comply with Policy BE1 of the Unitary Development Plan.
- 12 ACK01 Compliance with submitted plan
ACJ01R J01 reason (insert reason)

INFORMATIVE(S)

- 1 Before the use commences, 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.
- 2 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. The applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and

Construction Sites Code of Practice 2008 which is available on the Bromley website.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"