

London Borough of Bromley
Bromley Civic Centre,
Stockwell Close,
Bromley,
BR1 3UH

P08389 - Churchfields Road

Full application for the temporary (5 years) change of use from SUI Generis formed of an electricity undertaker's depot to a dual use of Class B8 and SUI Generis retaining the existing electricity undertaker's depot. Retrospective.

On behalf of our client, Urban Provincial, please find enclosed an application for the temporary (5 years) change of use from SUI Generis formed of an electricity undertaker's depot to a dual use of Class B8 and SUI Generis retaining the existing electricity undertaker's depot. Retrospective.

In order to assist the Council in the determination of the application, please find enclosed the following information which has been submitted electronically via the Planning Portal:

- / Application Forms – prepared by Rolfe Judd Planning;
- / Site Location Plan – prepared by Rolfe Judd Architecture;
- / Existing and Proposed Plans – prepared by Rolfe Judd Architecture;
- / Transport Statement – prepared by SLR;
- / Community Infrastructure Levy (CIL) Form – prepared by Rolfe Judd Planning.
- / Noise Impact Assessment – prepared by Clements Acoustics
- / Flood Risk Assessment - prepared by SLR

The requisite application fee of £494.20 has also been paid via the Planning Portal.

Site Location

The site is an existing brownfield land holding located adjacent to Churchfields Road Reuse and Recycling Centre (Beckenham) recycling site, Maberley Road Playing Field and Churchfields Recreational Ground in the London Borough of Bromley. The three uses described the site surround it on the northern, western and southern side with significant tree cover to all. The site is also bound by a railway line to the east.

Access to the site is shared with the Churchfields Road Reuse and Recycling Centre from Churchfields Road.

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Wider access to the site is via the A324 and Elmer's End Road both equal distances along Churchfields Road. The site also has good public transport accessibility with local train and bus routes.

Site History

The site is defined as the London Electricity Board Depot, Churchfields Road, Beckenham on the Councils online planning portal. Detailed planning history is not available online in relation to the site however more recent changes to the site are present.

Of note is application 92/00337/FUL which was granted by the Council 05 May 1992 for the following:

Change of use from electricity undertaker's depot to electricity undertaker's depot and vehicle service repair and mot testing station

It is understood that the vehicle service and repair and MOT Testing Station element of the consent is currently not in operation on site however the fundamental use of the space as an electricity undertaker's depot has continued in perpetuity since the 1992 consent through the presence of large substations on site which are live to this date, and regularly serviced and maintained and use for storage associated with the depot. This use has never ceased, and it forms an important part of the electrical infrastructure for the area.

On this basis it is considered that this consent is the extant approval for the site is Sui Generis formed of the bespoke substation use and B8.

This application established an industrial use for the site which supersedes the previous consent and therefore is no longer directly associated with solely the substations. In policy terms the site has no allocations with the Local Plan and thus would qualify as a non-designated industrial site in accordance Paragraph 6.4.1 of the London Plan (2021) definition below:

*London depends on a wide range of industrial, logistics and related uses that are essential to the functioning of its economy and for servicing the needs of its growing population, as well as contributing towards employment opportunities for Londoners. This includes a diverse range of activities such as food and drink preparation, creative industry production and maker spaces, vehicle maintenance and repair, building trades, construction, waste management including recycling, transport functions, **utilities infrastructure**, emerging activities (such as data centres, renewable energy generation and clean technology) and an efficient storage and distribution system which can respond to business and consumer demands.*

It is noted that a condition required the cessation of the vehicle service and repair and MOT Testing Station in 1994 and while this did not happen it is immaterial to the approved use of the site. Whether utility infrastructure or combined utility and vehicle servicing the site would still be in Sui Generis use and form part of the industrial land designation referred to in the London Plan.

The Proposal

This application seeks the temporary change of use from electricity undertaker's depot and vehicle service repair and mot testing station to a dual use of Class B8 and SUI Generis in the form of the existing electricity undertaker's depot and vehicle service repair and mot testing station for up to 5 years.

This change of use will help facilitate the current new operation of the site which commenced recently and is formed of a scaffolding equipment storage yard. It is used solely for this purpose and would be a use falling within the wider definition of non-designated industrial site as well as falling within B8 Use Classes. This scaffolding yard use will be alongside the current extant planning consent for the electricity undertaker's depot.

The proposed scheme will maintain the existing site, with no physical changes. No additional vehicular or cycle parking is proposed, however, the informal use of the hardstanding on the site for parking and access will be retained. The use will cease at the end of the temporary period and revert to the existing SUI Generis consent.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

The Development Plan for Bromley comprises the Bromley Local Plan 2019 and the London Plan 2021 .

The Development Plan

London Plan 2021

The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the Development Plan for Greater London and London Boroughs' local planning frameworks are required to be in general conformity with the London Plan.

The policies and guidance included in the London Plan are consistent with both National and Local Planning objectives through the need to promote sustainable forms of development. The following policies in the London Plan are deemed to be relevant to the determination of the proposed scheme.

- / GG2 (Making the best use of land)
- / GG5 (Growing a good economy)
- / D11 (Safety, security and resilience to emergency)
- / D13 (Agent of change)
- / D14 (Noise)
- / E4 (Land for industry, logistics and services to support London's economic function)
- / E7 (Industrial intensification, co-location and substitution)
- / T3 (Transport capacity, connectivity and safeguarding)
- / T6 (Car parking)
- / T7 (Deliveries, servicing, and construction)

Bromley Local Plan 2020-2035

The Bromley Local Plan was adopted in 2019 and is the key strategic policy document for planning and development in Bromley.

The Local Plan policies most relevant to this application include:

- / Policy 30 (Parking)
- / Policy 80 (Business Growth)
- / Policy 83 (Non-Designated Industrial Sites)
- / Policy 115 (Reducing Flood Risk)
- / Policy 119 (Noise Pollution)

Other Material Considerations

National Planning Policy Framework 2021

The National Planning Policy Framework ('NPPF') does not form part of the Development Plan; however, it is an important material consideration in decision-making.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied, providing a framework within which locally prepared plans for housing and other development can be produced.

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are:

- / **An economic objective** – helping to build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available on the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- / **A social objective** – supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- / **An environmental objective** – contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using

natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The sections of the NPPF considered relevant to these proposals are as follows:

- / Paragraph 11 states that sustainable development should be pursued in a positive way and at the heart of the Framework is a presumption in favour of sustainable development.
- / Paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- / Paragraph 83 relates to building a strong, competitive economy. Planning decisions should recognise and address the locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- / Paragraphs 110-112 relates to the promotion of sustainable transport. Developments should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, safe and suitable access can be achieved for all users and any significant impacts from the development on the transport network can be effectively mitigated to an acceptable degree. Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- / Paragraphs 119-120 relates to the effective use of land. Planning policies and decisions should promote effective use of land in a way that makes as much use as possible of brownfield land.
- / Paragraph 124 relates to achieving appropriate densities, with decisions supporting development that makes efficient use of land whilst maintaining the desirability of maintaining an area's prevailing character and setting.

Planning Considerations

Principle of Development

The planning principles of the NPPF outline that planning decisions should recognise and address the locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations. Paragraph 85 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt.

The site's locality is characterised by industrial in the form of the Churchfield Road Waste and Recycling Site and the proposed development of dual use would be an extension to this character. There are minimal physical changes proposed as part of the scheme and it would be an opportunity to intensify and densify the industrial use in the area.

As discussed above the lawful use of the site is industrial falling under SUI Generis and the site would be classified as a non-designated industrial use. Policy E7 (Industrial intensification, co-location and substitution) of the London Plan (2021) strongly supports the reactivation and intensification of existing Industrial uses. This existing as well as proposed use falls within the definition of industrial as provided by the Greater London Authority and therefore there would be no net loss of employment floorspace.

The policy states that development Plans and development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through initiatives such as introduction of small units and more efficient use of land through higher plot ratios having regard to operational yard space requirements (including servicing) and mitigating impacts on the transport network where necessary.

Policy 83 of the Bromley Local Plan (2019) adopts a similar approach and identifies that the Council will seek improvements to the quality and quantity of employment floorspace on sites containing existing industrial and related employment uses outside designated SILs and LSISs. The policy goes further to state that:

Proposals for change of use or redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will normally be allowed provided that the amenity of any nearby residential areas is not detrimentally affected.

The Council identify that the purpose of this policy is to set out clear criteria for change of use proposals including requirements for applicants to examine other employment generating uses on site, including non-traditional industrial employment uses such as scaffolders yards.

Given the overwhelming policy context for the reactivation and intensification of existing industrial sites we would consider that in land use terms there is clear support for an alternative industrial and employment generating use on site.

Amenity

Policy 119 of the Bromley Local Plan states that development will be supported if the adverse impact of noise is reduced to an acceptable level through the use of attenuation, distance, screening or layout/orientation. This is replicated by London Plan Policy D14. The proposed change of use is anticipated to result in no adverse impacts on local noise levels and a report by Clement Acoustics has been submitted to support the proposal.

The proposed development will not have any adverse impact on the amenity of the surrounding residential properties and therefore meets policy 119 of the Local Plan.

Transport

The Local Plan states that development must contribute towards the improvement of inclusive access to public transport and the improvement and delivery of walking and cycling routes that serve the site.

A Transport Statement prepared by SLR in support of this application demonstrates that the site is well located to a range of transport modes, including public transport. The transport assessment concludes that the trip

attracting potential of the Mason Scaffolding business who will occupy the space is negligible and will therefore not lead to a severe impact on the adjacent transport network, and as such is consistent with Bromley Local Plan Policy 31.

The Local Plan also states that development should ensure that adequate provision is made for servicing, appropriate to the scale, form and location of the proposed development. The current site access design is suitable to meet the needs of the road users that are expected to travel the site. The proposals are therefore considered to be in line with this policy.

The demand for car parking on-site can be met with the current provision. The site benefits from informal car parking spaces and there is no forecasted significant transport flow as such, the site is considered to be in line with transport policies with the Local Plan.

While land ownership issues it is important to note that the applicant has access to Churchfield Road along the private link to the site. This access is provided by a permanent easement to the site which guarantees access to the applicant and the users of the site. The applicant also has access to the gate connecting to Churchfield Road and a right for the gate to be opened as per their requirements.

Conclusion

This application seeks the temporary change of use from electricity undertaker's depot and vehicle service repair and mot testing station to a dual use of Class B8 and SUI Generis in the form of the existing electricity undertaker's depot and vehicle service repair and mot testing station.

The application proposes no external changes to the site. Given the site's location adjacent to a significant industrial use and the fact the site is currently occupies lawfully through an industrial process, the proposed change of use is considered appropriate for the site and surrounding area. As outlined above, it is contended that the proposals are in line with national, regional and local planning policy.

We trust the Council has sufficient information to determine this application and we look forward to a swift and positive outcome. However, should you require any further information or would like to arrange a site visit, please do not hesitate to contact the undersigned.

Yours faithfully

Tom Lawson

For and on behalf of
Rolfe Judd Planning Limited