
Appeal Decisions

Site visit made on 5 November 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2019

Appeal A - Ref: APP/G5180/W/19/3234009

Burnhill House, 50 Burnhill Road, Beckenham BR3 3LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Tareem Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01527/RESPA, dated 23 April 2019, was refused by notice dated 1 July 2019.
 - The development proposed is a change of use of offices (Class B1a) to form 22 apartments.
-

Appeal B - Ref: APP/G5180/W/19/3237022

Burnhill House, 50 Burnhill Road, Beckenham BR3 3LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Q Adamally (Tareem Ltd) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02348/FULL1, dated 24 April 2019, was refused by notice dated 25 July 2019.
 - The development proposed is 1. Rear (east) extension at second floor 2. New Third Floor (southern elevation) 3. Creation of 9 apartments 4. Convert an approved flat on the Burnhill Road frontage to a refuse and cycle storage area.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters

3. The appellant has indicated that a separate submission has been made for costs. However, no such submission has been received at the time of writing this decision.
 4. These appeals relate to two separate applications for the same site, both a prior approval and a planning appeal for the proposed scheme. The prior approval case concerns a change of use from office to residential, whilst the planning application seeks a variety of extensions and alterations to create additional apartment units and facilities. However, to avoid repetition and for the avoidance of doubt both appeals have been dealt with together.
-

5. Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that a change of use from Class B1(a) to Class C3 is permitted development, provided that the criteria set out within paragraph O.1 are met. The Council have not raised any doubt as to whether the proposal meets the criteria and from the information before me, I have no reason to doubt that position.
6. Paragraph O.2 of the GPDO indicates that Class O development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to: (a) transport and highways impacts of the development; (b) contamination risks on the site; (c) flooding risks on the site; and (d) impacts of noise from commercial premises on the intended occupiers of the development. The sole matter of disagreement in this appeal are the transport and highway impacts.

Main Issue

7. The main issue in both cases is whether the development would be acceptable in terms of its transport and highways effects, with particular regard to parking provision.

Reasons

8. Burnhill House is an office block within Beckenham Town Centre. It is located within a controlled parking zone (CPZ) with the appeal site having a high connectivity to public transport services by reason of its PTAL (Public Transport Accessibility Level) of 5.
9. No on-site parking provision is proposed in relation to either appeal A or B. Policy 30 of the Bromley Local Plan (BLP) (2019) states that the Council will normally require parking provision within PTAL level 5 to be provided at a minimum of 0.7 and a maximum of 2 spaces per unit dependent on the number of bed spaces per dwelling. The policy requires minimum levels of parking in order to ensure new developments do not generate additional intrusive or obstructive on-street parking as a result of inadequate on-site provision.
10. To assess parking stress the appellant has undertaken various parking surveys which suggest that there is adequate capacity within the CPZ to accommodate additional demand. Notwithstanding these findings, during my site visit on a weekday morning, on-street parking along Burnhill Road and the car parks adjacent to the appeal site appeared very near to capacity. These observations align more closely with the Council's position, which is that there is high parking demand with few spaces available.
11. Burnhill House is located close to Beckenham High Street with a range of shops and services in the immediate vicinity. It also has good public transport accessibility with bus and rail services available close by. A generous level of cycle storage is proposed within the scheme. Therefore, residents of the proposals would benefit from genuine alternatives to car-based travel. However, residents may choose to own a car and apply for parking permits to park within the CPZ. I have no evidence before me which indicates that the Council has non-planning powers to restrict the availability of permits.
12. I consider that an increased parking demand in this area where few spaces are available would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on street parking which would displace existing resident parking. This would be contrary to Policy 32 of the BLP which

- seeks to ensure that road safety is not significantly adversely affected. I accept that the former use of the site as offices will have contributed to local parking demand. However, the patterns of movement generated by an office block would likely be different from those of a residential development. I find it unlikely that many residents would choose to park a significant distance away from their flat outside the CPZ in any significant numbers such that this would reduce parking pressure within the CPZ or cause any significant traffic issues within those areas.
13. However, the recent planning history of the site includes Ref: DC/16/02466/RESPA for 14 residential units on the site which was approved. It included a unilateral undertaking that the development would be 'car free' in that prospective future residents would not be entitled to a parking permit. I afford significant weight to this previous decision. There is nothing compelling within the evidence to suggest that the greater number of residential units being proposed in relation to these appeals would tip the balance towards a requirement for dedicated on-site parking provision.
14. Unilateral Planning Obligations (UPOs) have been submitted to seek to ensure both schemes would be 'car free' development. However, they are deficient as they appear to relate to a previous scheme, referencing 14 residential units only and they do not identify the land in question. They are also incomplete as they have not been signed by the mortgage company nor witnessed. I cannot therefore afford these documents any weight as I cannot be certain they would be effective.
15. Therefore, in the absence of a reliable mechanism to ensure that occupiers of the development cannot hold parking permits, the appeal schemes are unacceptable. The UPOs would also fail to address the concerns of a previous Inspector in relation to the dismissed appeals Ref: APP/G5180/W/18/3202245 and APP/G5180/W/18/3202258.

Conclusion

16. The proposals would lead to adverse transport and highways impacts as they would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on street parking which would displace existing resident parking. This would be contrary to Policies 30 and 32 of the BLP which aim to ensure that new developments do not generate additional intrusive or obstructive on-street parking as a result of inadequate on-site provision or compromise road safety.
17. I do not find the appeal contrary to Policy 6.12 of the London Plan (LP) as it relates to proposals for increasing road capacity and is not therefore directly relevant to the determination of this appeal. I also do not find any contravention of Policy 6.13 of the LP as it does not seek to impose minimum parking requirements.
18. For the reasons given above and taking account of all other matters raised, appeal B conflicts with the development plan in respect of its impact on the safe and efficient operation of the highway network and there are no material considerations to outweigh this conflict. Given this finding, the transport and highways impacts of the development in appeal A are unacceptable, and the conditions of Class O of the General Permitted Development Order are therefore not met. Accordingly, appeal A also fails.
19. For the reasons given above, I conclude that both appeals should be dismissed.

TJ Burnham

INSPECTOR