

**Application No : 10/00972/FULL2**

**Ward:  
Petts Wood And Knoll**

**Address : 5 Station Square Petts Wood Orpington  
BR5 1LY**

**OS Grid Ref: E: 544490 N: 167700**

**Applicant : Mr Joseph Mazloum**

**Objections : YES**

**Description of Development:**

Change of use from vacant retail unit (Class A1) to restaurant (Class A3) and new shopfront.

Key designations:

Conservation Area: Station Square Petts Wood

Primary Shopping Frontage

**Proposal**

This proposal was last considered at committee on the 28th May 2009 where Members decided to refuse planning permission for the reasons highlighted in the planning history section below. The applicant subsequently appealed the decision which was dismissed by The Planning Inspectorate on the 19th February 2010 solely because the proposed ductwork would project above the top of the rear elevation and may be visible from Station Square, resulting in an intrusive and incongruous feature that would not preserve or enhance the character or appearance of the conservation area. The applicant has made changes to the scheme to overcome the Inspector's concerns.

- The height of the proposed rear ductwork has been reduced from 1.0m above eaves level to 0.9m above eaves level.

This application seeks permission for the change of use of the ground floor of the premises from retail (use Class A1) to a restaurant (use Class A3). The property is currently vacant. The operating hours proposed are 11:30am – 11:30pm on Mondays to Saturdays and 11:30am – 11:00pm on Sundays and Bank Holidays. The premises have been vacant for approximately 1 year and there has been no interest in renting this unit as Class A1, however there has been interest in renting this unit as Class A3.

The proposal includes:

- a new shop front
- internal alteration to ground floors to provide;
- 19 covers

- new kitchen
- bar area
- staff area
- toilets (including disabled)
- details of ventilation ductwork

## **Location**

The application site comprises a vacant retail unit on the eastern side of Station Square. The site falls within the Station Square Petts Wood Conservation Area and is designated a Primary Shopping Frontage. The surrounding area is a mix of terraced properties comprising Class A1 uses, with some Class A2 and A3 uses. A copy of a detailed land use survey is contained on the file. In the centre of Station Square there is a public house and a restaurant. On street parking is available subject to time restrictions. Petts Wood Station is located approximately half a mile away and it lies within close proximity to a bus stop. The plot measures approximately a maximum of 9.5m in width by 21m in depth.

## **Comments from Local Residents**

Local representations, have been received primarily concerned with the over-provision of eating establishments in Petts Wood. Other concerns include:

- increased smells and noise
- increased noise
- increased litter
- an application at No.2 Station Square was refused planning permission in December 2008

## **Comments from Consultees**

No technical highways objections are raised.

APCA did not inspect the application.

No Thames Water objections are raised, subject to an informative.

No Environmental Health objections are raised subject to condition J10 (details of ventilation) being attached to any permission.

## **Planning Considerations**

BE1 Design of New Development

BE11 Conservation Areas

BE19 Shopfronts

S1 Primary Frontages

S9 Food And Drink Premises  
T3 Parking  
T18 Road Safety  
SPG Station Square Petts Wood

## **Planning History**

The Planning Inspectorate dismissed an appeal against the Council's refusal of the proposal on the 19th February 2010. Paragraphs 6 and 7 of the Inspector's report state:

The appeal site is located within the Station Square, Petts Wood Conservation Area. The proposal includes an extraction duct which would be located on the rear elevation of the mid terrace building. The back of the terrace is only readily seen from a rear access lane and has a somewhat unattractive appearance due to a range of additions of varying sizes and forms. However, the front of the terrace, including the steeply pitched tile clad roof, contributes positively to the character and appearance of the Area.

The submitted plans show the duct projecting significantly above the top of the rear elevation and suggest that it might be visible from Station Square, although there are no complete sections through the building that would allow this to be fully assessed. Such a structure would contrast abruptly with the traditional chimney stacks in the vicinity and appear as an intrusive and incongruous feature in the relatively uniform and harmonious roofscape at the front of the terrace. On the basis of the information before me I am not therefore satisfied that the proposal would preserve or enhance the character or appearance of the Conservation Area.

Other nearby relevant property histories

No.6 Station Sq

The Planning Inspectorate allowed application ref. 09/00849 at appeal for a change of use of vacant shop to organic café and juice bar on the 25th March 2010.

No. 2 Station Sq

Planning permission was refused under ref. 08/02337 at Just Flowers, Station Square, Petts Wood for a change of use from florist to delicatessen/café (Use Classes A1/A3). The application was refused on the 16th December 2008.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the Station Square Petts Wood Conservation Area, the impact that it

would have on the amenities of the occupants of surrounding residential properties, the impact on highway safety and the impact on the retail functioning of the primary frontage.

The site lies within a Primary Shopping Frontage and therefore must be considered in respect of Policy S1. The proposal is considered to attract shoppers within shopping hours and would provide a use that does not currently exist in Station Square. The proposed operating hours are compatible with normal restaurant hours. Several other restaurant and takeaway hours exist within the vicinity and are illustrated on a land use map contained on the file. Several properties within the more immediate vicinity current lay vacant. It may be considered that the use of the building may complement the existing shopping function adding to the vitality of the area. There are a significant number of A2 uses on the Square, however the majority of uses are A1 and therefore the proposal is not considered to significantly harm the main retail functioning of the frontage or result in an over-concentration of A3 in the locality (with 2 nearby restaurants, including a change of use permitted adjacent to the Daylight Inn under ref. 97/01711).

This view was supported by the Inspector at appeal and it was accepted that there would be no harm caused to the vitality and viability of the primary retail frontage. It is recommended that although Members previously refused the application on this basis, that given the Inspector's views in the recent decision, this issue may be considered acceptable.

Whilst it is acknowledged that the residents above the application premises may experience some impact on their current level of amenity it is considered that the associated use and adequate ventilation to mitigate fumes and odours can be controlled through condition. The closing times are also considered acceptable and can be controlled accordingly.

No technical highways objections are raised and from a heritage and urban design point of view, no objections are raised to the design of the replacement shopfront which compliments the street scene, subject to a suitable material condition.

Having had regard to the above it was considered that on balance the proposed change of use is acceptable including new shopfront in that it would not result in a significant loss of amenity to local residents, would not impact detrimentally on the character of the Station Square Petts Wood Conservation Area, highway safety or be significantly detrimental to the retail functioning of the primary frontage.

In respect of the extraction equipment it is considered that the location of the development on the rear of the building is acceptable in terms of visual impact. The applicant has reduced the height of the extraction to a height of 0.9m above eaves level (as opposed to 1.0m dismissed on appeal). It is therefore considered that the ductwork would not be clearly visible from Station Square and therefore the ductwork will not impact detrimentally on the conservation area.

The proposed shopfront remains similar to that previously dismissed at appeal. The Inspector raised no specific concerns on this aspect of the scheme and therefore the new shopfront is considered acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00972, 09/00616 and 08/02337, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
ACA01R      A01 Reason 3 years
- 2      ACC01      Satisfactory materials (ext'nl surfaces)  
ACC01R      Reason C01
- 3      Customers shall not be admitted to the premises before 11.00am - 11.30pm  
Monday to Saturdays and 11.00am - 11.00pm on Sundays and Bank Holidays.  
**Reason:** In order to comply with Policies S1 and S9 of the Unitary Development Plan  
and in the interests of the amenities of the area.
- 4      ACJ10      Ventilation system for restaurant/take-a  
ACJ10R      J10 reason

### **Reasons for permission:**

In granting permission, the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1    Design of New Development
- BE11    Conservation Areas
- BE19    Shopfronts
- S1      Primary Frontages
- S9      Food And Drink Premises
- T3      Parking
- T18     Road Safety

The development is considered to be satisfactory in relation to the following:

- (a)    the appearance of the development in the street scene.
- (b)    the impact on the amenities of the occupiers of adjacent and nearby properties
- (c)    the shopping policies of the development plan
- (d)    the Transport policies of the development plan
- (e)    the urban conservation policies of the development plan

and having regard to all other matters raised.

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