

Section '5' – Applications meriting special consideration

Application No : 10/01375/FULL1

Ward:
Orpington

Address : 136 - 140 High Street Orpington BR6
0JS

OS Grid Ref: E: 546328 N: 166473

Applicant : Mr M L Bungar

Objections : YES

Description of Development:

Retention of facade and demolition of remainder of building, erection of part one/part two and part three storey building comprising ground floor restaurant with ventilation ducting and 8 one bedroom flats to first and second floors with associated amenity area, access and vehicle parking/servicing including access to Broomhill Road.

Key designations:

Areas of Archeological Significance
London Distributor Roads
Primary Shopping Frontage

Proposal

- The proposal would involve moving the existing first floor restaurant use to the ground floor, and the construction of a linked building at the rear of the site providing 6 one bedroom flats, and further 2 one bedroom flats above the restaurant with amenity area between on the roof of the restaurant. The front section of the site will be provided with an additional floor to be a height of 10.6m.
- The rear extension will provide a block 10.0m in height, incorporating a ventilation ducting system that will extract above eaves level.
- The centre of the development will provide an outdoor amenity area with the residential elements separated by 11.5m.
- A large lantern feature will be provided within the amenity area to provide light to the ground floor restaurant.
- To the rear of the restaurant at ground floor level provision for 10 car parking spaces will be made, 8 for the residential units and 2 for the restaurant. Access will be from Broomhill Road via a narrow access way of 3m in width.

Location

The site is located on the western side of the High Street, close to the junction with Broomhill Road. The existing building is a two storey structure comprising two retail units on the ground floor and a restaurant on the first floor. Towards the rear of the site is a single storey structure in the yard area. The area comprises mainly two and three storey commercial and retail premises with flats and offices on the upper floor levels. The site falls within a Primary Shopping Frontage.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- no right of way onto Broomhill Road
- access is too narrow
- noise and disturbance
- impact on highway safety
- impact on wildlife
- impact on retail frontage and concentration of A3 uses
- overlooking and loss of privacy
- impact on protected trees
- proliferation of flats in Orpington
- architectural character of original building negatively affected

The Knoll Residents' association has raised concerns on the grounds of overlooking and overdevelopment of the site.

Comments from Consultees

No English Heritage objections are raised in respect to archaeology.

Comments have been received from the Crime Prevention Officer requesting a secure by design condition to be imposed.

Technical highways objections are raised on the grounds of inadequate site access and links to surrounding footpaths. The proposal would therefore be dangerous from a highway safety point of view.

No TfL objection is raised.

The Town Centre Manager supports the application as it encourages residential use and independent restaurants.

Technical drainage comments have been received stating that the application must be referred to both the Environment Agency and Thames Water for comment on flood

risk and the capacity of the sewers to accept the increased discharge resulting from the proposed development.

No Thames Water objections are raised, subject to informatives.

Waste Services has commented that the refuse arrangements are not sufficient. Separate storage areas are required for domestic and trade wastes. This could be conditioned.

Environment Agency has referred the Council to its Flood Risk Standing Advice (FRSA) for low risk development proposals. The applicant should be referred to the standing advice.

No Environmental Health comments had been received at the time of writing the report. Any comments will be reported verbally at the meeting.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), BE19 (Shopfronts And Security Shutters), H7 (Housing Density And Design), NE7 (Development And Trees), T3 (Parking), T6 (Pedestrians), T18 (Road Safety), S1 (Primary Shopping Frontages), S9 (Food And Drink Premises), S10 (Non-Retail Uses In Shopping Areas) and ER9 (Ventilation) of the adopted Unitary Development Plan.

Planning History

Planning permission was granted under ref. 03/00155 for conversion of ground floor shop unit into 2 separate shop units (Class A1); part one/part two storey rear extension for offices and storage; provision of fire escape at rear.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties, the impact on highway safety, the impact on the retail functioning of the Primary Shopping Frontage and the impact on protected trees.

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.

With respect to the character of the area, the additional floor to the existing building will not appear to be out of context as both neighbouring properties are taller than the application proposal. The design to the frontage is considered to be sympathetic to

the existing features of the building and therefore the street scene will be complemented.

It is considered however that the 100% site coverage and provision of a second residential element at the rear of the site would constitute a cramped over-development of the site which would be out of character with this part of the High Street and detrimental to the spatial standards of the area at present, which comprises mainly single storey commercial development to the rear of the High Street. The resulting development would lack space around the building and general amenity for this number of units.

From a highway safety point of view, there is no footway in the one-way section of Broomhill Road and poor visibility from the existing access. Intensification of the use of this access would therefore be inappropriate and dangerous. Pedestrians will access the flats at the rear and therefore will need to use the access from Broomhill Road or the adjacent Inspirations Way. The lack of a suitable footpath would be dangerous and contrary to Policy T6 of the UDP which concerns the safety of pedestrians.

The proposed development would be sited adjacent to the rear boundary of the site. The flats at this section of the property will possess balconies facing rearwards and it is considered that this vantage point would have a direct view into the rear gardens on Vinson Close and Broomhill Road. Although the existence of vegetation screening which is covered by a blanket TPO reduces this, it is considered that there would be views into adjacent rear gardens, in particular in the winter months. The screening could be retained by the existing Order, however the proposed rear balconies would nevertheless be much closer to the rear of the site than is usual on this part of the High Street and would inevitably result in overlooking of some residential properties to the rear.

The site widens at the rear and the proposed front facing windows (looking onto the outdoor amenity area) will be sited directly behind the existing upper floor windows at the flats at Causeway House, No. 142-144 (The upper floors of which were permitted to be converted into flats under refs. 06/03533 and 08/02417). These habitable windows will therefore look directly into each other at a distance of approx. 10m. This relationship is considered to be unacceptable and would harm the existing residential amenities of the area by way of loss of prospect/visual impact and privacy.

The proposed development will comprise 8 units of accommodation on a plot size of 0.06ha. This equates to a density of 133.3 units/ha. Due to the accessibility level having a PTAL rating of 4-6 and the classification of the site as an urban area, the density provided is not considered to be excessively intensive for this area, when assessing purely against the density matrix of the UDP and London Plan. The minimum density has also been removed from PPS3. However, when considered against the useable space for construction it is considered that this development is unduly cramped.

The application must be considered under Policy S1 as the site lies within a Primary Frontage. The proposal would result in the loss of the two ground floor retail units. The retail frontage will be broken up by this and there are several other A3 uses in close proximity, including next door to the north (No. 134). It is considered that this would be harmful to the retail functioning of this part of the High Street, and the loss of two A1 units that are currently occupied would harm this functioning. The existing first floor restaurant use will be transferred to the ground floor and therefore no additional A3 use would result.

The proposed shopfront is considered to be in keeping with other shopfronts in the immediate vicinity. The stallriser will be small, however there will be a generous fascia and pilasters are retained.

In respect to trees, there is a blanket TPO to the rear of the site, outside of the application site. One particular specimen is of significant importance and conditions could be imposed to provide additional protection for this tree.

The proposed ventilation system will make use of an existing chimney feature which would be continued to extend to a point over 1m above the eaves level of the new block. This is considered to be acceptable for the purposes of ventilation for the ground floor restaurant, subject to conditions.

In conclusion, it is considered that the proposal is unacceptable in that it would result in a significant loss of amenity to local residents, would impact detrimentally on the character of the area, would impact on the shopping function of the High Street and would impact detrimentally on highway safety. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/03533, 08/02864, 09/02322 and 10/01375, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal would constitute a cramped over-development of the site, lacking in adequate amenities for future occupiers and detrimental to the spatial standards of this part of the High Street, contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 2 The proposed development, by reason of its design and layout, would result in an unacceptable impact of the amenities of neighbouring residential properties by way of overlooking, loss of prospect and privacy, contrary to Policies BE1 and H7 of the Unitary Development Plan.

- 3 The proposal, by reason of poor visibility, inadequate access to the site and lack of adequate pedestrian footpaths, would be likely to result in conditions prejudicial to the free flow of vehicles and the safety of pedestrians, thereby contrary to Policies T6 and T18 of the Unitary Development Plan.

- 4 The proposal would result in the unacceptable loss of two retail units contrary to Policy S1 of the Unitary Development Plan which gives preference to shopping uses within Primary Frontages, having particular regard to the existing number of non retail uses within this parade.

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