

SECTION '2' – Applications meriting special consideration

**Application No :** 13/03276/FULL1

**Ward:**  
**Bromley Common And**  
**Keston**

**Address :** 43 Chatterton Road Bromley BR2 9QQ

**OS Grid Ref:** E: 541750 N: 167882

**Applicant :** Mr Peter Baguley

**Objections :** YES

**Description of Development:**

Part one/two storey front/side and rear extension with roof alterations to create additional A1 retail space at ground level with working bakery to rear (use class B1(c)), and provide 2 x residential units (1 x one bedroom flat and 1 x split level one/two bedroom flats) including accommodation in the roofspace.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

**Proposal**

The proposal is for a part one/two storey front/side and rear extension with roof alterations to create additional retail space (use class A1) at ground level, and provide 2 x residential units (1 x one bedroom unit at first floor level and 1 x split level one/two bedroom flat at first floor level, including accommodation in the roofspace).

The proposal includes the re-instatement of the large space to the rear of the existing shop as a working bakery (use class B1(c)) to produce the goods to be sold at the site, whilst some goods will be sold off-site at other branches. The proposal would result in 4 full time and 4 part time staff, with the retail unit opening hours proposed to be 06.00 to 17.30, Monday to Saturday. The bakery unit to the rear is proposed to operate from 19.00 to 07.00 Monday to Friday and Sundays, but will not operate on Saturdays.

Additional documentation including details of the proposed ventilation system and a detailed noise assessment was received on 21st and 25th November 2013.

**Location**

The application site is a prominent corner retail unit located at the junction of Chatterton Road and Walpole Road, Bromley. The area is known as locally as Chatterton Village and has the sense of a local commercial centre that serves the immediate retail needs of the surrounding properties.

The site is currently occupied by a retail bakery, with ancillary space at first floor level.

### **Comments from Local Residents**

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

- by extending the frontage of No.43, the frontage of No.45 would be in a recess which would have an impact on lighting and lighting, also increasing the security risk at the property at night time.
- the development would disrupt the lives of vulnerable people residing at No.45
- the proposal would block the light and view of the street from No.45
- concerns that the lack of parking could put stress on the highway network
- the use is considered to change from A1 to A3 which is not correctly described in the application
- reassurance is required around the potential for any noise or noxious smells
- the increase in employment at the site is supported
- clarification as to the use of the new unit to be created is required
- the proximity of the Chatterton Arms with its outside seating area, as well as the Shampan and the betting office would result in increased attraction for outside activities in the area at night

### **Comments from Consultees**

Highways - no objection is raised subject to planning conditions.

Cleansing - no comments received.

Drainage - The applicant is required to use SUDS system to contain surface water run-off from the new extension.

Thames Water - On the basis of the information provided, Thames Water do not raise any objection.

Environmental Health (pollution) - further information was requested (and received on 21st November 2013) in the form of a detailed Noise Assessment and details of the proposed ventilation ductwork. Subject to conditions around noise, ventilation and delivery times, no objection is raised.

Environmental Health (housing) - no comments received.

### **Planning Considerations**

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

- BE1 Design of New Development
- BE19 Shopfronts
- BE21 Control of Advertisements, Hoardings and Signs
- H1 Housing Supply
- H7 Housing Density and Design
- H11 Residential Conversions
- S5 Local Neighbourhood Centres, Parades and Individual Shops
- S7 Retail and Leisure Development
- ER8 Noise Pollution
- EMP6 Development Outside Business Areas
- T3 Parking
- T18 Road Safety

London Plan policies:

- 3.3 Increasing Housing Supply
- 3.5 Quality and Design of Housing Developments (inc. Table 3.3 Minimum space standards for new development)
- 4.7 Retail and Town Centre Development

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of all application.

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

- SPG No.1 - General Design Principles
- SPG No.2 - Residential Design Guidance

## **Planning History**

In 2012, under ref. 12/03245, a Certificate of Lawfulness for a proposed development to intensify the use of the site to enable production of bakery goods up to 24 hours a day was withdrawn by the applicants.

## **Conclusions**

The main issues relating to the application are the creation of additional retail space, the creation of new residential units, and the effect that the use of part of the site as a working bakery would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties. The potential impact on the highway network and road safety is also a consideration.

The application site currently comprises a relatively small retail unit to the front (currently occupied by The Village Bakery) with a large area to the rear currently

used as storage for the retail unit to the front. It is understood that historically this larger area housed the plant required for the unit to operate as a 'working' bakery, producing the goods that were sold at the site. The plan is to 'reinstate' this space to the rear as a working bakery to serve the proposed new retail unit, and to sever the current retail unit from this area to the rear. The smaller unit would then be let separately. The space to the rear would then be considered to fall with use class B1(c) (light industry), as it will be used for the purpose of producing goods to be sold and would involve the use of plant and machinery.

### New retail unit

In general terms, the creation of additional retail space and the subsequent employment benefits is consistent with the general principles set out in the NPPF, with sustainable economic growth at the heart of much of the recent guidance issued by central Government. The site occupies a prominent corner plot, with two of the three nearby corner plots filled with similar single storey development at ground floor level. Immediately opposite the site to the north is the Chatterton Arms Public House, with the majority of Chatterton Road occupied by established commercial units adjacent to two storey residential development in the surrounding roads.

The current site is an odd form in comparison to the surrounding corner development.

The proposal would create a new retail unit in a highly visible and prominent corner location within the area and would effectively 're-balance' the existing arrangement by creating a development that mirrors (at ground level) the retail development seen opposite the site in the form of the pharmacy and 'Shampan 2' restaurant.

The site is currently occupied by a bakery (use class A1), and the proposed new unit would be a larger retail bakery/bakers shop selling goods that are produced on site. The resulting unit is therefore considered to be within the scope of use class A1, rather than A3.

The concerns of the occupant of the upper parts of No.45 in respect of the proposed 'bringing forward' of the front building line of No.43 are noted, however, the host site and the frontage of No.45 are set back from the general line of shop frontages in the street. The design of the new shop front is considered appropriate in that it will follow the general pattern of ground floor development seen in the immediate area. The alignment of the proposed first floor in relation to the first floor of No.45 would maintain the existing relationship. Given the orientation of No.45 to the south of the site, any impact on daylight to the front windows, particularly at first floor level, is considered to be minimal.

### New residential units

The proposal also includes the provision of two residential units in the upper parts of the building. In general terms, the provision of residential units above shops is broadly supported, as people living in an area with retail activity can help to add to

the vitality and vibrancy of that area. The proposal includes provision of a new pedestrian access from Walpole Road, which is considered acceptable in principle.

The proposal would increase the side projection at first floor level by around 2.4m, and the rear projection by around 3.3m to the rear; this would take the extension in line with the rear projection seen at the adjoining property to the south, with the resulting relationship between these properties considered to be acceptable. New windows are proposed at first floor level in the northern side elevation, however, given the commercial nature of the public house towards which these windows would face, any potential overlooking or loss of privacy issues arising from the provision of these windows is not considered sufficient to warrant refusal of planning permission on this basis. There would remain a significant separation from the nearest residential properties on Walpole Road, and the impact of these new units at first floor level are unlikely to have a detrimental impact on the outlook and amenity of these properties. The new units would be 1 bedroom/1 person unit with a GIA of 43m<sup>2</sup>, and a split level 2 bedrooms/3 person unit with a GIA of 84m<sup>2</sup>. The units have been well laid out and, in terms of size, accord with the minimum space standards set out in the London Plan (2011) and Annexe 4 of the Mayors' Housing SPG.

The plans do not provide any off-street parking spaces for the proposed units; however the applicants have submitted a parking report as part of the application. This report concludes that the immediate area has sufficient parking availability, and that the additional residential units created would not result in unacceptable pressure on the surrounding network. The Council's Technical Highways department have inspected the file and note that the site is within an area with a low PTAL rate of 2, and is also within the Bromley Town Controlled Parking Zone (CPZ).

On balance, given the scale of the development, no objection is raised subject to conditions relating to bicycle parking spaces and restrictions in respect of applications by future occupiers of the development for residents parking permits.

#### Creation of working bakery (use class B1(c))

In respect of the working bakery to the rear of the proposed new retail unit, the applicant has submitted documentation to show that the space to the rear of the current retail unit has been used as a working bakery at the site since around 1993, producing the goods that were sold on site up to around April 2013. Notwithstanding this, regard must be had for the impact that the intensification of commercial activity at the rear of the site could be in terms of increased activity such as deliveries, noise from machinery and other associated impacts arising from a more 'commercial' activity than is currently carried out at the rear of the shop. The bakery is proposed to be operational through the night (19.00 to 07.00) Monday to Friday and Sundays, but will not be operational on Saturdays.

It is noted that the site is in close proximity to residential properties, particularly those in Walpole Road. However, the relationship between these properties has been the case for some time. Members will recognise that in areas where commercial activity meets residential development there is always the potential for

conflict. The application site sits within an established commercial parade, with all the local commercial units positioned in close proximity to nearby residential dwellings.

The Councils Environmental health department have considered the application, and initially requested further information relating to external extraction plant noise and noise breakout from potential internal noise at the site. The applicant subsequently submitted a detailed noise assessment and it is considered that the proposed ventilation system can be specified to achieve a level that avoids any overall increase in background noise levels. Subject to suitable planning conditions to cover noise levels and the technical specification of the proposed ductwork and equipment, no objection is raised from an Environmental Health perspective.

Given the nature of the surrounding area, the issue of deliveries is a significant factor in determining noise impact. Any deliveries or servicing outside of standard hours would be unacceptable, and as such a suitable planning condition restricting delivery times is considered reasonable and necessary to prevent loss of amenity locally.

In terms of design, the proposal would replace the current pitched roof at the rear of the unit with a new flat roof, reducing the overall height of the element closest to the residential units in Walpole Road from 4.5m to 3.8m. Minor elevational alterations are also proposed in order to create a goods entrance in the side elevation. The overall bulk of the building will be reduced, and the general footprint of this part of the building will remain the same. A Statutory Declaration has been submitted to accompany the planning application setting out that the site has been used as a bakery for a considerable length of time. The applicants have stated that internal layout of the bakery has been designed to reduce any noise impact at surrounding properties, with a ceiling partition proposed between the bakery and the residential units proposed for upstairs. The Councils Environmental Health team consider that the proposed partition meets the required standards.

Given the information set out above, it is considered that, subject to conditions, the use as proposed would not result in an unacceptable impact on the amenities of surrounding residential properties, given the context and history of the site itself.

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.

On balance, and having had regard to the above it was considered that the creation of a new retail unit and additional residential development at the site is acceptable, and would accord with the relevant policy considerations. The reinstatement of the use of the rear of the site as a working bakery is not considered to result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/03276, excluding exempt information.

as amended by documents received on 21.11.2013 25.11.2013

## **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     ACD02        Surface water drainage - no det. submitt  
      ADD02R      Reason D02
- 4     ACH22        Bicycle Parking  
      ACH22R      Reason H22
- 5     ACH33        Car Free Housing  
      ACH33R      Reason H33
- 6     ACJ10        Ventilation system for restaurant/take-a  
      ACJ10R      J10 reason
- 7     ACK01        Compliance with submitted plan  
      ACK05R      K05 reason
- 8     The unit to the rear of No.43 Chatterton Road shall be used as a bakery (use class B1(c)) only and for no other use falling within use class B1 without the prior approval of the Local Planning Authority.  
**Reason:** To safeguard the residential amenities of neighbouring occupiers and the surrounding area, and to comply with Policy BE1 and EMP6 of the Unitary Development Plan.
- 9     The measured noise level resulting from on-site operations and extractionplant at the application site in terms of L(A)eq (5 minute) shall not exceed the existing minimum L(A)90 at any time when measured 1 metre from the façade of any noise sensitive receptor.  
**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the residential amenities of the area.
- 10    A noise risk assessment and management plan shall be submitted to the Local Planning Authority for approval prior to the use commencing. Any suggested mitigations or actions detailed in the plan shall be implemented in full and permanently maintained thereafter.  
**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the residential amenities of the area.
- 11    There shall be no deliveries to or from the premises except within the hours of 7am to 10pm on Mondays to Fridays, 8am-6pm on Saturdays and 9am to 5pm on Sundays and Public Holidays.  
**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the residential amenities of the area.

## INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

- 2 In order to check that the proposed storm water system meets the Council's requirements, the following information should be provided:
  - o A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
  - o Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
  - o Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change
- 3 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
- 4 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.



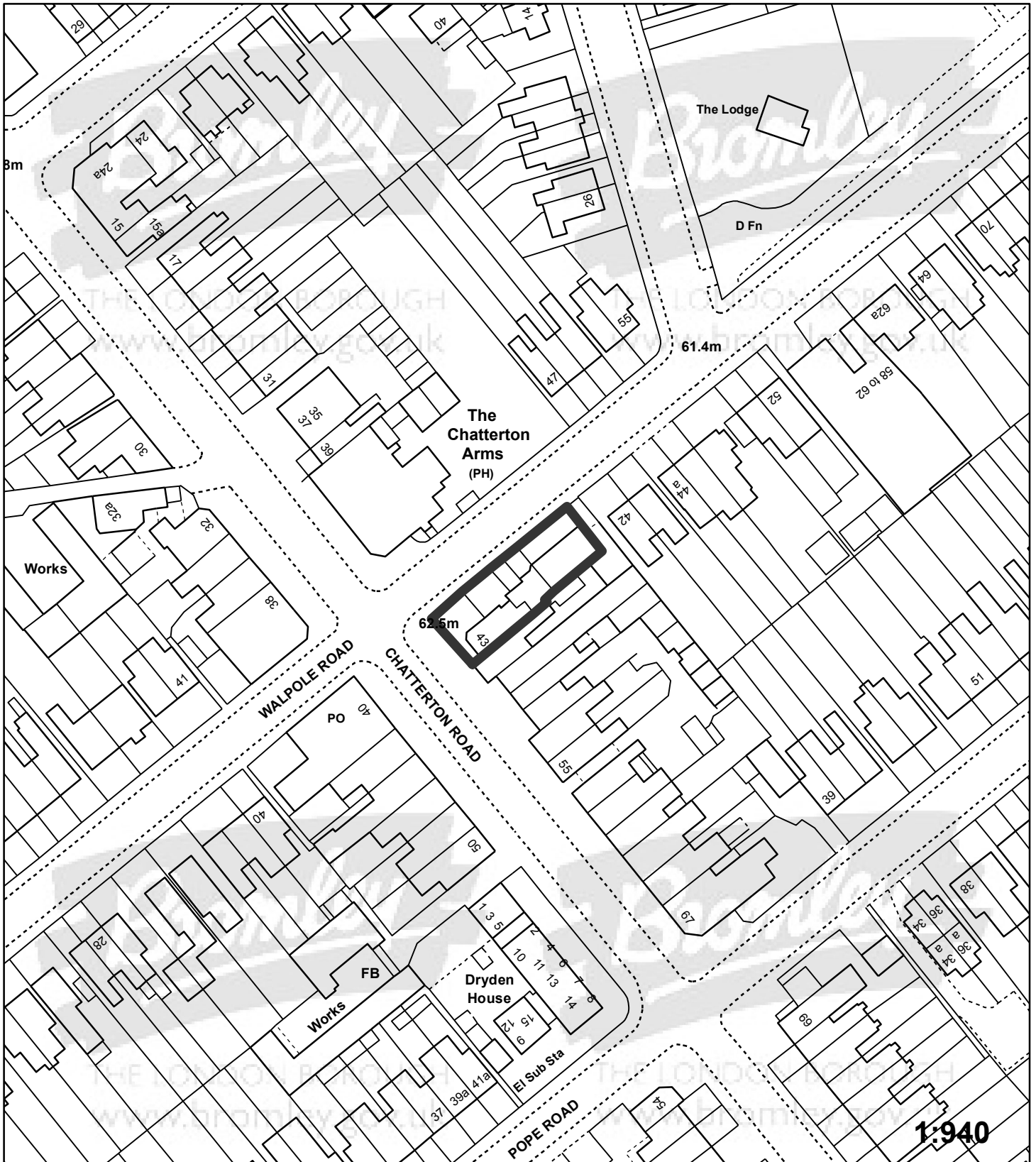
They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 5 Before the works commence, 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. 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 web site.

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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"

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