

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 15/03834/FULL1

Ward:
Petts Wood And Knoll

Address : 9 Station Square Petts Wood Orpington
BR5 1LY

OS Grid Ref: E: 544499 N: 167682

Applicant : Mr Paul McGill

Objections : YES

Description of Development:

Part demolition and rebuilding of first floor and conversion of first and second floor flat into 1 two bedroom and 1 one bedroom flats; part two/three storey rear extension comprising extension to ground floor retail unit with 2 two bedroom flats on first and second floors, including balconies with privacy screens; and change of use of retail unit from Class A2 (financial and professional services) to Class A3 (restaurants and cafes)

Key designations:

Conservation Area: Station Square Petts Wood
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Primary Shopping Frontage
Smoke Control SCA 4

Proposal

It is proposed to convert the existing first and second floor three bedroom flat above the ground floor shop into 1 two bedroom and 1 one bedroom flats, demolish the rear first floor accommodation, and construct a part two/three storey rear extension to the property which would comprise an extension to the ground floor retail unit, and the provision of 2 two bedroom flats, one on each floor above. It is also proposed to change the use of the ground floor retail unit from Class A2 (financial and professional services) to Class A3 (restaurants and cafes).

The two flats in the rear extension would have balconies at the rear, but privacy screens would be provided to the rear of the balconies, leaving only the northern side of the balconies open. Access to all four flats would be via the flat roof area between the main building and the rear extension, which would also act as communal amenity space for the flats.

No car parking is proposed for the development, although there would appear to be space for 2 or 3 vehicles at the rear of the extension accessed from the rear service road. Cycle and refuse storage would be provided at the rear.

The application is accompanied by a Design and Access Statement and a Transport Report.

An application for the change of use of the ground floor from Class A2 to Class A3 purposes (ref.15/04212) is currently under consideration.

Location

The application site is occupied by a three storey mid-terrace building located on the eastern side of Station Square, which forms part of the primary frontage of Petts Wood District shopping centre. It also lies within Station Square, Petts Wood Conservation Area.

The property comprises a vacant unit on the ground floor which was previously used as a bank, with a 3 bedroom flat on the first and second floors above accessed from the rear via an external staircase. The ground floor currently extends 12/13m further to the rear of the main frontage building, and first floor accommodation is provided over the rearmost part of the building which has access to the flat roof area.

A detached garage is located to the rear, and whilst there is currently room for parking in this area, the agent confirms that this is of an informal nature, and is not currently used by occupiers of the flat.

Consultations

Nearby owners/occupiers were notified of the application and representations were received, including from Petts Wood and District Residents' Association, which can be summarised as follows:

- * overlooking of neighbouring properties in Petts Wood Road and West Way
- * building would be an eyesore
- * application is virtually the same as the recently refused scheme
- * overdevelopment of the site
- * noise and disturbance to neighbours during construction works
- * there is already a proliferation of eating establishments in the close vicinity
- * Flat 1 would not meet the minimum space standards set down by the London Plan
- * increased pressure on parking in surrounding roads
- * proposed privacy screens to rear flats would give reduced light and outlook for future occupiers
- * materials, size and design of the extension would not be in keeping with the area
- * inadequate outdoor amenity space for the flats
- * previous reasons for refusal have not been addressed
- * building will be higher than the Sainsburys building next door
- * screening does not prevent overlooking of neighbouring properties
- * relocated side bedroom windows would overlook neighbouring properties
- * inadequate cycle parking
- * no details of any ventilation system for the restaurant have been provided

* no opening hours of the restaurant are given.

Comments from Consultees

The Council's Highway Engineer has commented that although no car parking would be provided for the development, the submitted surveys indicate that the majority of the on-street parking demand during the day is likely to be non-residential. Most of the roads have restrictions or parking charges during the day, but Petts Wood Road and West Way, which are close to the site, have free parking, it would therefore be difficult to sustain a ground of refusal.

The Advisory Panel for Conservation Areas (APCA) raises no objections.

There are no drainage objections seen to the proposals, and Thames Water has no concerns.

With regard to crime prevention, the measures proposed within the Secure by Design document are considered acceptable.

Environmental Health (Housing) raise concerns regarding the lack of any window to the bedroom in Flat 3, and the obstruction to natural light to Bedroom 2 in Flats 2 and 4 by the flank elevation wall to the balcony which would be within 3m. Further concerns are raised in relation to Flat 2 as there would be inadequate means of escape in the event of a fire from Bedroom 2.

Environmental Health (Pollution) raise concerns that no details of a ventilation system have been submitted to support the proposed change of use of the ground floor premises to a Class A3 restaurant/café use, in the absence of which, the proposals could cause harm to the amenities of neighbouring residential properties.

Planning Considerations

The application falls to be determined in accordance with the following policies and guidance:

UDP Policy BE1 (Design of New Development)
UDP Policy BE11 (Conservation Areas)
UDP Policy S9 (Food & Drink Premises)
UDP Policy H7 (Housing Density & Design)
UDP Policy H11 (Residential Conversions)
UDP Policy T3 (Parking)

The London Plan (2015):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments (including Table 3.3 - Minimum space standards for new development)

Planning History

Permission was refused in September 2015 (ref.15/01485) for the part demolition and rebuilding of the first floor and the conversion of the first and second floor flat into 1 two bedroom and 1 one bedroom flats, along with the construction of a part two/three storey rear extension comprising an extension to the ground floor retail unit and the provision of 2 two bedroom flats on the first and second floors which included balconies, on the following grounds:

- 1 The proposals would result in an unacceptable level of overlooking of neighbouring residential properties in Petts Wood Road from rear windows and balconies within the rear extension, which would be seriously detrimental to the amenities of those residents and contrary to Policy BE1 of the Unitary Development Plan.
- 2 The proposal by reason of its size and the number of units would constitute an overdevelopment of the site out of character with the locality, harmful to the character and appearance of the Station Square Conservation Area and contrary to Policy H7, BE11 and BE1 of the Unitary Development Plan.
- 3 The proposed development would not provide sufficient on-site parking which would lead to on-street parking pressure harmful to the character and amenities of the area and contrary to Policy T3 of the Unitary Development Plan.

An appeal against the refusal was lodged on 17th November.

Conclusions

The main issues in this case are the impact of the proposed Class A3 use on the vitality and viability of this District Shopping Centre, on the character and appearance of Station Square, Petts Wood Conservation Area, on the amenities of neighbouring residents, and on pressure for parking in the surrounding area.

Policy S9 of the Unitary Development Plan allows for a new Class A3 use where:

- (i) it would have no adverse impact on residential amenity
- (ii) it would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians
- (iii) it would not result in an over-concentration of food and drink establishments (Classes A3, A4 and A5) that would be out of character with the retailing function of the area.

The premises are located within the primary frontage of this shopping centre, and a number of premises nearby already open during the evening hours, therefore, the proposed Class A3 restaurant/café use is not considered to cause an unacceptable level of noise disturbance to neighbouring residential properties, subject to

restrictions on the opening hours. However, in the absence of any details regarding the proposed ventilation system, including the external ducting, the proposals may give rise to an unacceptable level of smells which would be harmful to the amenities of neighbouring properties.

With regard to the impact on traffic congestion, the proposed Class A3 use of the premises is not considered to cause significant levels of traffic congestion within this shopping centre, and would not have a detrimental impact on road or pedestrian safety.

With regard to the retail character of the shopping centre, 19 out of 75 units are currently in Class A3, A4 or A5 use, 7 of which lie within the Primary frontage. The proposals would not result in the loss of a Class A1 retail unit (as the permitted use is for Class A2 purposes), therefore, the proportion of retail units would not change. The existing Class A3, A4 and A5 uses are spread throughout the shopping centre, and the addition of an extra Class A3 use would only increase the proportion from 25% to 27%. The proposals are not therefore considered to result in an overconcentration of food and drink uses.

The previous scheme was considered by Members to result in an overdevelopment of the site by reason of its size and the number of residential units, however, the current proposals have not changed in this respect. Members will therefore need to carefully consider the following assessment regarding the density of the proposed development, and consider whether such a ground for refusal could be sustained.

Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments, and in this instance, the proposal represents a density of 105 dwellings per hectare with the table giving a suggested level of between 45-170 dwellings per hectare in an urban area with a 3 PTAL location. The proposals would therefore result in an intensity of use of the site that would be within the thresholds in the London Plan. However, the proposals need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

The proposals comprise 3 two bedroom three person flats (Flats 1, 2 and 4), and 1 one bedroom two person flat (Flat 3). The London Plan suggests that the minimum size of a two bedroom three person flat should be 61sq.m., and whilst Flat 1 would be under this at 56sq.m., it is one of the converted flats and would not be unacceptably small to warrant a refusal on those grounds. Furthermore, permission was recently granted for the conversion of the upper flat at No.7A adjacent into 2 flats under ref.14/03822.

The other converted flat (Flat 3) would be a one bedroom two person flat, and at 59sq.m., would exceed the minimum 50sq.m., whilst the two new flats in the extension (Flats 2 and 4) would, at 75sq.m. and 95sq.m. respectively, significantly exceed the minimum space standard of 61sq.m.

However, it is clear that the accommodation provided within three of the flats (Nos.2, 3 and 4) would be substandard and would not meet Environmental Health standards. Concerns are raised about the lack of any window to the bedroom in

Flat 3, whilst natural light to Bedroom 2 in Flats 2 and 4 would be obstructed by the flank elevation wall to the balcony which would be within 3m. Further concerns are raised in relation to Flat 2 as there would be inadequate means of escape in the event of a fire from Bedroom 2.

As with the previous scheme, the proposed development would not be visible from Station Square, and views of the development would be limited to the rear of the shopping parade and neighbouring residential properties. The proposals are not, therefore, considered to have a detrimental impact on the character and appearance of the Conservation Area, and no objections have been raised by APCA.

With regard to the impact on neighbouring properties, the previous scheme proposed living room and primary bedroom windows within the rear elevation of the extension in addition to rear-facing balconies which were considered to result in overlooking of neighbouring properties in Petts Wood Road. The proposals have now been revised to re-locate the rear-facing windows to the northern side elevations, and privacy screens have been added to the rear of the balconies to prevent undue overlooking of neighbouring properties. Members may now consider that the revised proposals would not result in a significant level of overlooking of nearby residential properties, and that this ground has now been sufficiently overcome.

As with the previous scheme, the first and second floor rear extension would be located between 7-11m from the rear elevation of the converted flats, and although their close proximity may impact on mutual outlook from the flats, this may not be to such an extent to significantly affect the residential amenities of future occupiers. Some loss of outlook may occur to adjacent flats within this terrace, but this would be mainly limited to oblique views, and given the separation distances involved, this is not considered to be unduly harmful to the amenities of adjoining occupiers.

With regard to the impact on parking in the surrounding area, the Council's Highway Engineer considers that a car-free development would be acceptable in this case, therefore, Members will need to carefully consider whether a ground for refusal relating to the lack of on-site car parking would be sustainable in this case.

Limited amenity space is provided for the flats, but this is not uncommon in a District Shopping Centre, and some private and shared provision has been made for future occupiers.

In conclusion, the proposals are considered to result in an unacceptable standard of residential accommodation for future occupiers, and in the absence of ventilation details for the proposed Class A3 use on the ground floor, may be harmful to the amenities of nearby residents in terms of air pollution.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1** The proposals would result in an unacceptable standard of accommodation for future occupiers by reason of the lack of a window to the bedroom in Flat 3, the obstruction of natural light to Bedroom 2 in Flats 2 and 4 by the flank elevation wall to the balcony, and the inadequate means of escape in the event of a fire from Bedroom 2 in Flat 2, which would be seriously detrimental to the amenities of those residents and contrary to Policy BE1 of the Unitary Development Plan.
- 2** In the absence of details of the proposed ventilation system to serve the Class A3 use on the ground floor premises, the proposals may give rise to cooking odours and noise detrimental to the occupiers of nearby properties, and contrary to Policy S9 of the Unitary Development Plan.

You are further informed that:

- 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