

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 16/03839/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 two/three storey rear extension comprising extension to ground floor retail unit with 2 two bedroom flats on first and second floors, change of use of retail unit from Class A2 (financial and professional services) to Class A3 (restaurant and cafes) alterations to shopfront and elevational alterations with associated car parking at rear.

Key designations:

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

Proposal

It is proposed to demolish the first floor accommodation at the rear of this building 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 maisonettes on the first and second floors, which would be accessed from the flat roof area between the main building and the rear extension. The existing three bedroom maisonette above the vacant frontage building would be retained, and would have a separate access from Station Square.

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).
Ventilation ducting would be provided at the rear of the proposed extension.

The application is accompanied by a Design and Access Statement, and additional information was submitted in December 2016 comprising a Kitchen Extraction Report, a report on daylighting, outlook and overlooking, and a revised site plan showing 3 car parking spaces provided at the rear for the 3 flats. Cycle and refuse storage would also be provided at the rear.

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, it appears 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 which can be summarised as follows:

- * inadequate light to proposed flats
- * ventilation details are vague
- * overdevelopment of the site
- * building would be higher than the adjacent Sainsburys building
- * proposals would still cause overlooking of neighbouring residential properties, particularly from the balconies and rooflights
- * proposals would add to the pressure for parking in the vicinity
- * there are already too many restaurants in the area
- * detrimental impact on the Conservation Area
- * would set an undesirable precedent for similar proposals.

Comments from Consultees

The Council's Highway Engineer raises no objections to the proposals which include the provision of three car parking spaces at the rear (one for each of the flats).

The Advisory Panel for Conservation Areas (APCA) raises no objections to the proposed rear extension, but does raise concerns about the proposed alterations to the shopfront which appears to be original and is considered to make an important and positive contribution to the Conservation Area.

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

Environmental Health (Housing) raises concerns about the lack of a reasonable view of the surroundings from the new flats, the lack of recreational space for two bedroom flats which could contain families, and the combined living/dining/kitchen areas which could be hazardous.

Environmental Health (Pollution) raises no concerns regarding the proposals, subject to the imposition of a condition restricting noise levels.

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 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)

Mayor's Housing SPG

The National Planning Policy Framework (NPPF)

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

Draft Policy 4 - Housing Design
Draft Policy 30 - Parking
Draft Policy 37 - General Design of Development
Draft Policy 41 - Conservation Areas
Draft Policy 98 - Restaurants, Pubs & Hot Food Takeaways

Planning History

Permission was refused under ref.15/01485 for the part demolition and re-building of the first floor and conversion of the first and second floor flat into 1 two bedroom and 1 one bedroom flats, along with a part two/three storey rear extension comprising an extension to the ground floor retail unit with 2 two bedroom flats on the first and second floors above, including rear balconies. It was refused for the following reasons:

- 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.

The subsequent appeal was dismissed on 2nd March 2016.

Meanwhile, permission was refused in December 2015 (ref.15/03834) 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; a part two/three storey rear extension comprising an extension to the ground floor retail unit with 2 two bedroom flats on the first and second floors, including balconies with privacy screens; and the change of use of the retail unit from Class A2 (financial and professional services) to Class A3 (restaurants and cafes) on the following grounds:

- 1 The proposals would result in an unacceptable standard of accommodation for future occupiers by reason of the lack of an adequate 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.
- 3 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.
- 4 The proposed development would not provide sufficient onsite 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.

A separate application for the change of use of the ground floor from financial and professional services (Class A2) to restaurant/café (Class A3) including ventilation

ducting at the rear was refused in February 2016 (ref.15/04212) on the following grounds:

"The proposed ventilation system would not adequately protect the occupiers of nearby properties from cooking odours and would, by reason of its size, design and prominent location, have a seriously harmful impact on the outlook from neighbouring residential properties and the character and appearance of Station Square Petts Wood Conservation Area, and would therefore be contrary to Policies S9, BE1 and BE11 of the Unitary Development Plan."

Conclusions

The main issues in this case are; the impact of the proposals on the vitality and viability of this District Shopping Centre; whether the proposals constitute an overdevelopment of the site; the impact of the proposals on the character and appearance of Station Square, Petts Wood Conservation Area; the impact on the amenities of neighbouring residents; and the impact on pressure for parking in the surrounding area.

Vitality and viability of the District Shopping Centre

With regard to the proposed change of use of the ground floor unit from Class A2 to Class A3, the previous scheme (ref.15/04212) was considered unacceptable only due to the inadequate ventilation system, and the detrimental impact of the ventilation ducting on the outlook from neighbouring residential properties. This proposal did not include the extension at the rear, and the proposed ducting therefore extended along the roof of the existing two storey building to the rear of the site. No objections were raised in principle to the use of the premises for Class A3 purposes.

The current proposals are for a brick clad ventilation duct to be located at the rear of the proposed three storey extension, which would rise up to second floor level. It would not appear overly prominent from surrounding residential properties, and would not therefore be detrimental to outlook from these properties.

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. The proposed ventilation system is considered

acceptable from an Environmental Health point of view, and would not cause harm 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.

Overdevelopment

With regard to the proposed residential development at the rear of the site, the previous schemes (refs.15/01485 and 15/03834) were considered to result in an overdevelopment of the site by reason of its size and the number of residential units proposed, however, the current proposals do not now include the conversion of the existing three bedroom flat into two flats, therefore, the total number of residential units provided would be reduced from four to three.

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 79 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 2 two bedroom three person maisonettes. The London Plan suggests that the minimum size of a two bedroom three person flat over two storeys should be 70sq.m., and each flat would provide 76sq.m. floorspace, thereby achieving this standard. Although some concerns have been raised by Environmental Health regarding the limited view from the flats, the lack of recreational space, and the combined living/dining/kitchen areas, the provision of flats above shops which have limited recreational space and outlook is common within a shopping centre location, and some private provision has been made for future occupiers of the flats in the form of first floor terraces. These concerns are not therefore considered to outweigh the need for additional residential accommodation within the Borough.

Impact on the Conservation Area

In the previous appeal, the Inspector considered that the proposals would preserve the character and appearance of the street scene within Station Square (as the rear extension would not be visible from the street), but raised concerns about the height, bulk and siting of the rear extension which he considered would appear overly prominent when viewed from the service lane and the rear gardens of residential properties in Petts Wood Road. He concluded that this would fail to preserve the character and appearance of the Conservation Area. He also considered that if he allowed the appeal, it would lead to pressure for development of a similar scale along the service lane which would further harm the appearance of the area.

The current proposals have reduced the overall height and bulk of the extension, particularly on its northern side with lowered rooflines provided and the second floor accommodation contained within the roof. Although the depth of the extension would still align with the rear of the adjacent extension to No.11, it would be less prominent from the service road and the rear gardens of neighbouring properties than the previous scheme due to the improved design and reduced bulk, and on balance, it is not considered to have a harmful impact on the character and appearance of the Conservation Area.

The Advisory Panel for Conservation Areas raised concerns about the proposed alterations to the shopfront, but the changes would be minimal, comprising the elongation of the windows down to ground level and the changing of one window into a door for the flat above. Furthermore, the proposals would allow the re-use of the building, and given that the architectural merit of the building is not particularly high, the proposals are considered to preserve the character and appearance of the Conservation Area.

Impact on residential amenity

In the previous appeal, the Inspector considered that the rear bedroom windows and balconies of the flats within the eastern flank elevation of the proposed extension would overlook the rear gardens of Petts Wood Road properties (which are located a short distance away on the other side of the service road) to an unacceptable degree.

The current scheme has only two windows in the eastern rear elevation facing the service road, and both are at first floor level and would be obscure glazed below 1.7m above internal floor level. The northern flank elevation of the extension would contain windows and doors leading out onto a terrace at first floor level, and rooflights at second floor level. The terrace would be screened at either end to prevent oblique overlooking into the rear gardens of dwellings in Petts Wood Road and the flats above the shops in Station Square, whilst the northern elevation would be some 19-22m from the rear elevations of the shops and flats at Nos.183-193 Petts Wood Road. The proposals are therefore considered to adequately prevent overlooking of neighbouring properties.

Some loss of outlook would occur to neighbouring properties, but due to the separation distances involved, this is not considered to be to such a degree as to warrant a refusal on that basis.

The proposals now include an acceptable ventilation system which would adequately protect the occupiers of neighbouring properties from cooking odours, and would not have a harmful impact on the visual amenities of the area.

Impact on pressure for parking

With regard to the impact on parking in the surrounding area, the Council's Highway Engineer considers that the provision of 3 car parking spaces at the rear of the premises would be acceptable in this case as it would provide a parking space for each of the three flats. Furthermore, the Inspector in the previous appeal, which did not provide any parking spaces for the occupiers of the flats, considered that this would not be harmful to the character and amenities of the area or to highway safety as the property is located in a sustainable location close to shops, services and a station, which is likely to lead to relatively low car ownership by future occupiers of the development. The current proposals would therefore improve on that situation (particularly as only three rather than four flats are now proposed), and would comply with Policy T3 of the Unitary Development Plan.

In conclusion, the proposals are not considered to constitute an overdevelopment of the site nor would they have a detrimental impact on the vitality or viability of the District Shopping Centre, the character and appearance of Station Square, Petts Wood Conservation Area, the amenities of neighbouring residents, or pressure for parking in the surrounding area.

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: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

3 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

4 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the eastern rear elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

6 Before the development hereby permitted is first occupied the proposed window(s) in the first floor eastern rear elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window(s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

7 Customers shall not be admitted to the premises before 09.00 hours on any day, and all customers shall have left the premises by 23.30 hours.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

- 8** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 9** At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition, the rating and background levels shall be calculated fully in accordance with the methodology BS 4142:2014.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.

- 10** The ventilation system indicated on the approved drawing(s) shall be completed before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

Reason: In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

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