

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

Application No : 17/05149/FULL1

Ward:
Petts Wood And Knoll

Address : 9 Station Square Petts Wood Orpington
BR5 1LY

OS Grid Ref: E: 544499 N: 167682

Applicant : Mr William O'Doherty

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 including balconies with privacy screens

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 flats 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 be accessed from the rear as at present.

Two car parking spaces would be provided at the rear for the 2 new flats, whilst cycle and refuse stores would also be provided in the rear part of the ground floor extension.

The application was supported by the following documents:

- Design and Access Statement
- Planning Statement

Location and Key Constraints

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 (Class A2), 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 the occupiers of the flat.

The site is situated within a moderate 3 PTAL location.

Comments from Local Residents and Groups

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

Objections

- Increased pressure for parking
- Increased use of rear service road
- Extension would be higher than the Sainsburys extension adjacent
- Overlooking of neighbouring properties
- Would be a large imposing building
- Proposed privacy screens would not provide adequate screening
- Would set an undesirable precedent
- Inadequate parking provision
- Overdevelopment of the site.

Local Groups (Petts Wood & District Residents' Association)

- Detrimental visual impact on Station Square Conservation Area and the adjacent Petts Wood ASRC
- Loss of outlook from residential properties in Petts Wood Road
- Parking spaces would not meet the minimum size standards.

Comments from Consultees

APCA: No objections are raised

Environmental Health Pollution Officer: No objections are raised

Environmental Health Housing Officer: Environmental Health (Housing) raises concerns about the lack of a reasonable view of the surroundings from the new flats, the lack of natural light to some of the rooms, the lack of recreational space for two bedroom flats which could contain families, and the combined living/dining/kitchen areas which could be hazardous. Adequate sound insulation is also required between the new residential units and the ground floor commercial use.

Drainage Engineer: No objections are raised

Highways: Three car parking spaces are required to meet the Council's parking standards (one for the existing three bedroom flat, and one for each of the new two bedroom flats), and whilst the layout submitted shows only two car parking spaces, the site can accommodate three spaces, and should be revised accordingly.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 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)

Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
H7 Housing Density & Design
T3 Parking

Emerging Local Plan

Draft Policy 4 - Housing Design
Draft Policy 30 - Parking
Draft Policy 37 - General Design of Development
Draft Policy 41 - Conservation Areas

Supplementary Planning Guidance

Mayor's Housing SPG
The National Planning Policy Framework (NPPF)

Planning History

The relevant planning history relating to the application site is summarised as follows:

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 on grounds relating to overlooking of neighbouring residential properties in Petts Wood Road from rear windows and balconies within the rear extension, overdevelopment of the site, detrimental impact on the character and appearance of the Station Square Conservation Area, and insufficient on-site parking.

The subsequent appeal was dismissed on 2nd March 2016 whereby the Inspector considered that the rear-facing windows and balconies in the three storey extension would cause overlooking of residential gardens in Petts Wood Road. Concerns were also raised about the visual impact of the development which was considered to be overly prominent and incongruent in views along the service lane and from neighbouring rear gardens. No car parking was proposed for the 4 flats, but the Inspector did not raise concerns about this aspect due to the good availability of public transport and the likely low levels of car ownership by future occupiers.

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 grounds relating to substandard residential accommodation, lack of ventilation details, overdevelopment of the site, detrimental impact on the character and appearance of the Station Square Conservation Area, and insufficient on-site parking.

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 grounds relating to inadequate ventilation details.

Permission was most recently refused in February 2017 (ref.16/03839) for 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, 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:

"The proposed extension by reason of its bulk, size and siting would be overly prominent and incongruous, and constitute an overdevelopment of the site which is out of character with the locality and would fail to preserve the character and appearance of the Station Square Conservation Area and if permitted would set an undesirable precedent for similar inappropriate development within the area, thereby contrary to Policies BE11 and BE1 of the Unitary Development Plan."

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability

- CIL

Resubmission

The current proposals have been amended from the most recently refused scheme (16/03839) in the following main ways:

- The ground floor commercial unit would remain in Class A2 use or Class A1 use (which wouldn't require planning permission)
- The three storey rear extension would be reduced in height and bulk
- The extension would be moved 1.8m further back from the rear service road, and would be 1.3m closer to the rear of the existing 3 bedroom flat
- 1.5m high privacy screens would be provided to the first floor balconies
- 2 car parking spaces would be provided rather than 3
- No windows are proposed in the front or rear elevations of the extension

Principle

The site lies within an area characterised by commercial units at ground floor level with residential or office use above. It also backs onto residential properties in Petts Wood Road. The principle of adding further retail and residential accommodation to this property is considered acceptable in this location, subject to an acceptable form of design, standard of accommodation and level of parking. There should also be no significant impact on the amenities of nearby residential properties.

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.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not

undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The schemes submitted under refs.15/01485 and 15/03834 were considered to result in an overdevelopment of the site by reason of the size and number of residential units proposed, however, the current proposals do not 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. The scheme refused in February 2017 (ref.16/03839) also proposed only 3 flats, but it was considered to be an overdevelopment of the site not by reason of the number of units proposed, but because of the bulk, size and siting of the building which was considered to be overly prominent and incongruous.

In the 2016 appeal for the earlier scheme (ref.15/01485), 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 scheme subsequently submitted in August 2016 (ref.16/03839) 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. However, this was still considered to be overly bulky and prominent, and was not considered to preserve the character and appearance of Station Square Conservation Area.

The current proposals have further reduced the overall height of the extension by 0.5m, and again reduced the bulk on its northern side, whilst setting the extension 1.8m further back from the rear boundary of the site. This revised design is now considered to overcome the previous ground for refusal relating to the size and bulk of the extension, and the proposals are not now considered to adversely affect the character and appearance of the Conservation Area.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents

who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

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 the flats would provide 71-77sq.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/balconies. These concerns are not therefore considered to outweigh the need for additional residential accommodation within the Borough.

The applicant has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

With regard to the impact on parking in the surrounding area, the Council's Highways Officer considers that 3 rather than 2 car parking spaces should be provided at the rear of the premises. However, the Inspector in the 2016 appeal (which did not provide any parking spaces for the occupiers of the 4 flats) considered that this would not be harmful to the character and amenities of the area or to highway safety as the property was located in a sustainable location close to shops, services and a station, which was likely to lead to relatively low car ownership by future occupiers of the development. The current proposals for 2 car parking spaces 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.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The scheme refused under ref.16/03839 was not considered to have a detrimental impact on the amenities of neighbouring properties, and similarly, the current proposals do not

propose windows in the front or rear elevations of the building, whilst the first floor balconies in the side elevation would be surrounded by privacy screening.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

In conclusion, the proposals are not considered to constitute an overdevelopment of the site nor would they have a detrimental impact on 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 files 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: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 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 5.13 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 drawings shall at any time be inserted in the eastern and western elevations 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** 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 UDP and in the interests of visual and residential amenity.

- 7** The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

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