

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

Application No : 19/00216/FULL1

Ward:
Chislehurst

Address : ECE Travel Royal Parade Mews
Chislehurst BR7 6TN

Objections: Yes

OS Grid Ref: E: 544411 N: 170082

Applicant : ECE Travel

Description of Development:

Erection of first floor extension over part of existing building and formation of 7 apartments with 7 car parking spaces

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

The proposal relates to the erection of a first floor extension over part of the existing building and the conversion of the enlarged building from Class B1(a) office commercial to provide a total of seven flats (comprising 4x one-bedroom units and 3x two-bedroom units). The existing courtyard would be adapted to provide two parking spaces, whilst a further five spaces would be provided within the ground floor area of the existing two storey building.

The application is accompanied by a Design and Access Statement, a Planning Statement, and a Technical Note concerning highways matters.

Location and Key Constraints

The application premises is situated to the rear of the parade of shops fronting Royal Parade and is accessed via a driveway located between No 12 Royal Parade and Ivy Cottage, Royal Parade. The site forms part of a mews development. The rear (southern) site boundary abuts the properties at No 9 Church Road and The Studio, Church Road. The site falls within the Chislehurst Conservation Area.

Comments from Local Residents and Groups

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

- Concern regarding boundary position
- Lack of parking for contractors' vehicles
- Overlooking and loss of light in relation to 12 Royal Parade
- Proposal does not represent an improvement to the area
- The proposal is not an amalgamation of two previous planning permissions. What is applied for would negate the planning condition imposed when permission was given for a different extension of the existing structures, and is an over-development of residential accommodation in place of commercial space in an area of mixed residential and commercial use which gives the area its character
- This application does not involve any appeal from the terms of the previous consent, but ignores them
- Proposal will change significantly the character of this part of Royal Parade and will be harmful to this part of the conservation area, and will diminish neighbouring amenity
- Proposed residential units are likely to have many more than 7 vehicles to park. This will be insufficient
- Consent granted for residential scheme in August 2018 was for a change of use of the existing offices and was for 4 dwellings. It contemplated no further development on the site. This proposal will have a much greater impact
- Existing residents within this mews are already obstructed by vehicles connected with the present company
- Added fire risk associated with five parking bays within the proposed development
- Second storey extension proposed would involve several windows resulting in overlooking to neighbouring house and back garden and also into the windows at the back of neighbouring house.
- Any planning permission should have conditions that there would be no windows to the rear of the development
- Strong objection to any elevation of the rear corner adjacent to the existing timber screen. This would block the sunlight from 6am to around 10am, leaving only 4 hours per day, casting a shadow across neighbouring garden and leaving no sunlight entering a bedroom. Neighbouring garden is west facing and only receives morning sunlight.
- Need to ensure that no windows will be rear facing.
- Blocking views from neighbouring property, and preventing the sunlight into neighbouring balcony, together with the privacy issues
- Concern regarding an increase of residents and additional cars accessing into the mews as well as the surrounding areas
- The car parking spaces have always been an issue in the mews, the unreasonable design and the difficulty of access to the car park underneath neighbouring maisonette can lead to vehicles not parking in their allocated spaces, which can cause further parking and reversing problems for the vehicles of our existing residents
- Sewage system, general wastes and recycles would be overloaded.
- Use of glass windows and doors will undoubtedly increase the level of light reflection and light pollution in this area

- Compared to previous proposals this larger development would impact on neighbouring property and the surrounding conservation area negatively
- Due to the proximity of the proposed development to neighbouring property neighbours would be unable to access the rear wall of our property for maintenance purposes
- Loss of light to Church Road properties
- Increase in traffic congestion in an area which is already over capacity for both parking and traffic flow.

Comments from Consultees

No technical highways objections have been raised, subject to conditions.

Following receipt of a swept path parking analysis which demonstrates that vehicles can manoeuvre safely within the parking areas, no technical highways objection was raised, subject to a satisfactory condition.

No objection was raised by the Conservation Officer.

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.

The development plan for Bromley comprises the London Plan (March 2016) and the Local Plan (2019). The NPPF does not change the legal status of the development plan.

London Plan (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 8.3 Community Infrastructure Levy

Local Plan

Policy 1 - Housing Supply
Policy 4 - Housing Design
Policy 10 - Conversion of Non-Residential Buildings to Residential
Policy 30 - Parking
Policy 32 - Road Safety
Policy 37 - General Design of Development
Policy 41 - Conservation Areas
Policy 83 - Non-Designated Employment Land

Supplementary Planning Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

The Mayor's Housing Supplementary Planning Guidance (March 2016)

The Mayors Housing Supplementary Planning Guidance adopted in March 2016 is also of relevance to this appeal. Standard 26 of the SPG requires that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Standard 27 - The minimum depth and width for all balconies and other private external spaces should be 1500mm. Accompanying paragraph 2.3.31 states:

"Private open space is highly valued and should be provided in all new housing developments. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants. The resultant space should be of practical shape and utility and care should be taken to ensure the space offers good amenity. This space does not count towards the GIA used in calculating the internal space standard 24."

DCLG Technical Housing Standards (March 2015)

Planning history

The site has been the subject of five applications (excluding this one) since 2008, four of which have sought a first floor extension in relation to the existing office use, most recently under ref. 18/01622/FULL1. To date, these remain unimplemented.

In addition, prior approval was granted under ref. 18/02545/RESPA in August 2018 for a change of use of the existing building from (Class B1(a)) Offices to a 3 x two bedroom and 1 x one bedroom dwellinghouses. This did not include a first floor extension. To date, this proposal has not been implemented.

Considerations

The main issues relating to this application concern the acceptability of the loss of an employment site; the effect that the proposal would have on the character and

appearance of the Chislehurst Conservation Area; the impact that it would have on the amenities of the occupants of surrounding residential properties; and its effect on local highway and parking conditions. As noted above, applications involving a first floor extension, albeit as forming an enlargement of the existing office accommodation, have previously been permitted under refs. 08/03478, 12/00517, 15/01309, and 18/01622. None of these permissions have been implemented. The 2018 permission remains extant until July 2021. These permissions do show that the Council has consistently accepted the principle of a first floor extension.

Loss of employment site

Policy 83 of the Local Plan (Non-Designated Employment Land) states that proposals for change of use or redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will normally be allowed provided that the amenity of any nearby residential areas is not detrimentally affected.

However, the policy goes on to state that proposals for change of use of non-designated sites accommodating Class B uses to a non-employment generating use will be considered on the following criteria:

- a) whether there is a demonstrated lack of demand for the existing permitted uses, including evidence of recent, active marketing of the site for reuse or redevelopment undertaken prior to the submission of a planning application over a minimum period of six months,
- b) whether all opportunities for reuse or redevelopment for employment generating uses have been fully explored, both in terms of existing and any alternative uses and layouts, including small/more flexible business units, and
- c) where the site is capable of accommodating a mixed use scheme, whether the proposal includes the re-provision of a similar quantum of floorspace for employment generating uses, that is flexibly designed to allow for refurbishment for a range of employment uses.

In this case, it is the applicant's contention that there are other material considerations which indicate that the proposal is justified, other than in accordance with Policy 83 of the Local Plan: namely, that there is an existing prior approval to change the use of this site to residential. Consequently, if the prior approval is implemented, thereby changing the use to residential, and then the application was re-submitted for the extension and alteration to form the 7 flats, Policy 83 would not be a relevant policy because there would be no loss of an employment site. In light of the current status of the site, and given that previous permissions have not been implemented, officers take a contrary view.

As the prior approval (application reference 18/02545) has not been implemented Policy 83 is engaged as the site's current use is within Class B (offices). Following a visit to the site by the Council on 4 March 2019 it was noted that the site remained in commercial use. It is not considered that there is sufficient information to accept that the prior approval represents a realistic fallback position for the applicant if permission is refused for the current proposal. Neither have the pre-

commencement conditions attached to the granting of prior approval been discharged. There is also a separate planning permission for a first floor office extension (application reference 18/01622) which indicates an ongoing intention to use the property for employment purposes. There is no evidence to suggest that either is more likely to be implemented than the other if the current application is refused.

In the absence of adequate information to demonstrate that Policy 83 has been complied with, the loss of the Class B employment use is considered unacceptable. Having regard to the terms of Policy 83, no lack of demand for the existing permitted commercial use has been demonstrated, including evidence of recent, active marketing of the site for reuse or redevelopment. In addition it has not been demonstrated whether all opportunities for reuse or redevelopment for employment generating uses have been fully explored, both in terms of existing and any alternative uses and layouts, including small/more flexible business units.

Conservation Area impact

In terms of its impact on the Chislehurst Conservation Area, the most visible aspect of this proposal - from the Royal Parade frontage - would be the 'link' extension which would connect the former two storey coach house with the larger two storey element located to the west. Whilst this element would be set at least 35 metres beyond the public highway at Royal Parade, it would contrast with the adjacent Georgian and Victorian architecture, but would be subservient in scale and eminence to that established architecture. The surrounding buildings include Statutory Listed buildings at Ivy Cottage and Gravetts Cottage to the east by the entrance and the entire line of shops fronting Royal Parade which are locally listed. It is considered that setting and local interest of these buildings would be maintained, particularly in view of the separation and relationship between those buildings and the proposed development.

Neighbouring amenity

The enlarged building would maintain a relatively modest height in view of its flat roof design. Whilst the rear of this element would be visible from the garage compound located at the rear at Church Row Villas, given the nature and use of this space as a service area rather than an amenity area, it is not considered that any loss in amenity would be so significant to warrant refusal. Furthermore, the impact of this element would be limited as a result of its height. On balance, it is considered that this 'link' element is acceptable subject to the use of appropriate materials (to be agreed by the Council).

The remainder of the extension would be located to the rear of the main row of shops fronting Royal Parade and would mainly be visible from the associated service yards and from first floor level of the buildings fronting Royal Parade. On average, a separation of approximately 12 metres would be maintained between the proposed extension and the buildings along Royal Parade. It is therefore not considered that the amenities of the Royal Parade properties would be so significantly undermined in terms of visual prominence or loss of privacy to warrant refusal. Similar conclusions are drawn in relation to the neighbouring dwelling at

Ivy Cottage located to the NW of the application site in view of the separation and siting of this property in relation to the proposed extension.

Along its southern flank the proposed extension would adjoin the dwelling known as 'The Studio', which is located along Church Row Mews. The extension would be partly visible from the small garden/yard area of The Studio, as well as from the back garden of Nos. 8 and 9 Church Row (located immediately behind that of The Studio). However, only a relatively small section of the proposed extension would be visible from the rear of The Studio and this would only be visible at a rather oblique angle. None of the extension would be visible from within The Studio dwelling itself. Consequently the impact on the amenities of those surrounding properties is considered acceptable, given the relationship of the proposed extension in relation to those surrounding properties and its height. Whilst it is noted that extensions and alterations have been permitted to The Studio (under ref: 17/00967/FULL6) which have begun to be undertaken, these do not alter the above considerations. A boundary wall would ensure that the external amenity space associated with proposed Flat 4 would not overlook 'The Studio'.

With regard to No 12A Royal Parade, located immediately to the west of the application property, a separation of approximately 7 metres would be maintained between the proposed extension and the first floor element of that property. The lack of windows along the first floor eastern flank of No 12A should prevent overlooking between those two elements. It should also be noted that a greenhouse is located partially between those two buildings.

Standard of Residential Accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the Local Plan 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 Technical 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.

Having regard to relevant space standards, the size of the proposed flats, as well as the shape and size of their rooms, it is confirmed that the proposed flats comply with the minimum space and bedroom standards. However, there are concerns regarding the lack of outdoor amenity space associated with most of the proposed units and the poor level of outlook associated with bedroom 1 of flats 4 and 7.

The Planning Statement accompanying the planning application advises at paras 6.10-6.11 that units 4, 6 and 7 would all be provided with some outside amenity space; however, it points out that the site constraints would preclude private outdoor amenity space for the remaining units. It also noted that the Mayor's Housing SPG accepts the absence of private outdoor space where site constraints preclude it. The statement goes on to point out that the affected units would all have additional internal space except for Unit 2 which would have some outdoor space along its frontage. The statement goes on to state that the site is only a few hundred metres from Chislehurst Common which contains a large expanse of outdoor space.

Taking account of the above, it is considered that there are too many shortcomings associated with the proposed design to justify the scheme in its present form. Whilst Unit 4 contains an outdoor amenity area, this is enclosed by tall structures on all sides and the space itself measures some 4.65sq m in area which falls somewhat below the minimum of 5sq m prescribed by the Housing SPG. In addition, the outdoor amenity areas associated with units 6 and 7 would fail to achieve the minimum depth required for all balconies and other private external spaces which should be 1500mm. The amenity space associated with Unit 2 would equally very narrow, extremely constrained and would adjoin parked cars. Accordingly it is considered that the outdoor amenity areas will be impractical for use by future occupiers.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

Each of the proposed flats would be provided with one off-street parking space which complies with relevant parking standards. Accordingly, it is considered that the proposed houses could be adequately accommodated within the site without leading to deleterious effects on local highway conditions. Furthermore, the applicant has submitted a swept path parking analysis which demonstrates that vehicles can manoeuvre safely within the parking areas.

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

Having had regard to the above the proposal is considered unacceptable in the absence of adequate and robust evidence to demonstrate the unsuitability and non-viability of the site for Class B uses, lead to the loss of an existing viable small business use of the site. In other regards, the proposal is considered to be acceptable. In addition, it is considered that the proposal would lack adequate amenities for future occupiers with particular regard to the lack of private external amenity space, whilst two of the proposed bedrooms would lack adequate outlook.

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: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. The proposal would, in the absence of adequate and robust evidence to demonstrate the unsuitability and non-viability of the site for Class B uses, lead to the loss of an existing viable small business use of the site, contrary to Policy 83 of the Local Plan.**
- 2. The proposal would lack adequate amenities for future occupiers with particular regard to the lack of private external amenity space, whilst bedroom 1 of flats 4 and 7 would lack adequate outlook, contrary to Policy 4 of the Local Plan and Policy 3.5 of the London Plan and the Mayor of London's Housing SPG (2016).**