



**ALLEN PLANNING Ltd**  
Town Planning and Development Consultants

Bromley Council  
Planning Department  
Via Planning Portal Only

20<sup>th</sup> December 2023

Dear Sirs

**Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 2 x 1b1p flats.  
Site at Ground and First Floor only, ThinkPad House, 155a Main Road, Biggin Hill, Westerham TN16 3JP**

This Prior Notification submission relates to the ground and first floor of this two storey, which has a lower ground floor also which is not the subject of this application, the whole building is vacant and was last used for commercial building. The property comprises of No.155a Main Road which is described as comprising a two storey brick built self contained modern office building arranged over basement, ground and first floors. The ground floor comprises one office and male and female wcs. The first floor comprises two individual offices.

The location of the site is shown in Figure 1 below.



Figure 1 – Site Location

The site frontage is shown in Figure 2 below.



Figure 2 – Site frontage

The application is accompanied by a site plan and also the application forms together with proposed and existing detailed floor plans and also the existing elevations. In addition, given the recent planning history on the site the application is also supported by a detailed Transport Assessment.

It is proposed to convert the entirety of the ground and first floor floorspace into 2 x 1bed 1 person apartments.

There is no Article 4 Direction removing Part MA permitted development rights in this area of Bromley albeit some Directions exist within other parts of the Borough.

The building is not listed and does not lie within a defined Conservation Area. The building was most recently occupied as offices; however, it is now vacant, and its land use comprises a use now falling under Class E of the revised UCO.

### Planning History

Earlier this year under application reference DC/23/03668/CUETC3 the LPA refused a prior notification application for the “Change of use from Class E (Commercial, Business and Service) to Class C3 (Dwellinghouses) to form 3x residential units under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (56 day application for prior approval in respect of transport and highways impacts, contamination risks, flood risk, noise impacts, character or sustainability of a conservation area, provision of natural light to habitable rooms, impact on an area of general or heavy industry, impact of loss of services provided by a registered nursery or a health centre, fire safety impacts).”

The reasons for refusal are set out below

*“1 The proposed development would not provide all habitable rooms with adequate natural light, thus resulting in a sub-standard level of accommodation contrary to Policy D6 of the London Plan and Policy 37 of the Bromley Local Plan. The proposal therefore does not comply with Condition MA.2(2)(f).*

*2 Insufficient information has been provided as part of the application to allow the Council to properly assess the potential highways impacts of the scheme, therefore the Council cannot be certain that the proposal will be able to provide suitable access and that it would not create conditions that would be prejudicial to highway safety. The proposal is therefore not considered to comply with Condition MA.2 (a) of the General Permitted Development Order (2015) (as amended).*

*3 The proposed external alterations to the building would not fall within the parameters of Class MA which relates to development consisting of a change of use.”*

This scheme amends the previous application by removing the proposal to convert the lower ground floor and also provide the two units on a “car free” basis supported by a detailed Transport Assessment.

#### Permitted Development

Class MA of the amended General Permitted Development Order, which came into force on the 1<sup>st</sup> August 2021 states that a development consisting of would constitute permitted development: -

*MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.*

Paragraph MA.1 identifies that development is not permitted by Class MA:

*(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;*

**The floorspace the subject of this application has been vacant for in excess of three months; indeed, it was last occupied as a Class A2/B1(a) use (both Class E) on the 6<sup>th</sup> February 2023**

*(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*

**The site was last used as an accountant’s office and as such is entirely compliant with this criterion.**

*(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*

**The floorspace of the building proposed to be converted is circa 86m<sup>2</sup> and therefore well below the 1500 m<sup>2</sup> limitation as set out in this criterion.**

*(d) if land covered by, or within the curtilage of, the building—  
(i) is or forms part of a site of special scientific interest;*



- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area;*

**The site is not covered by any of the above listed designations.**

- (e) if the building is within—*
  - (i) an area of outstanding natural beauty;*
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);*
  - (iii) the Broads;*
  - (iv) a National Park; or*
  - (v) a World Heritage Site;*

**The site is not covered by any of these listed designations**

- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*

**The site is not occupied under an agricultural tenancy**

- (g) before 1 August 2022, if—*
  - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
  - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

**Not the case with these proposals.**

### Conditions

This permitted development is also subject to conditions as identified in paragraph MA.2 namely that before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;*
- (b) contamination risks in relation to the building;*
- (c) flooding risks in relation to the building;*
- (d) impacts of noise from commercial premises on the intended occupiers of the development;*
- (e) where—*
  - (i) the building is located in a conservation area, and*
  - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;*
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and*
- (h) where the development involves the loss of services provided by—*
  - (i) a registered nursery, or*
  - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(a), the impact on the local provision of the type of services lost.*

*(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.*

*(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.*

*(5) Development must be completed within a period of 3 years starting with the prior approval date.*

*(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse*

#### (a) Transport

In terms of transport and highway impacts this site has operated in commercial use with the site having a permitted use as an office. It is well established that a residential use of a site when compared to a former B1(a) use would not increase vehicle trips to and from the site and indeed, they would probably reduce.

Turning now to matters of car parking the revised NPPF in matters of sustainable development, transport and car parking advises at paragraph 110 that: -

*“110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users;*

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

Importantly Paragraph 111 of the Framework advises that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

In terms of the use of parking standards paragraph 108 of the recently revised NPPF advises:

*108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of*

parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

The NPPF supports sustainable development provided such avoids sever harm to matters of highway safety.

In terms of development plan, **Policy 30** deals with parking advising that the Council will normally require off-street parking spaces to be provided in new residential development in accordance with Table 1 set out below:

**Table 1: Residential Parking Standards**

**Bromley Residential Parking Standards (per unit)**

PTAL	1-2 bed	3 bed	4 bed
0-2*	Minimum of 1	Minimum of 1.5	Minimum of 2
2*-6a	0.7 (min) - 1 (max)	1 (min) - 1.5 (max)	1.5 (min) - 2 (max)

It adds that in addition to the above, developments must:

- a provide designated blue badge parking as per LP Table 6.2;*
- b meet minimum cycle parking standards as per LP Table 6.3;*
- c ensure 1 in 5 spaces have provision (both active and passive) for electric vehicle charge points; and*
- d make provision for a car club, if above the minimum Transport for London (TfL) threshold.*

*Where parking pressures are identified at and around key public transport interchanges, new parking proposals will be supported on the basis that they do not undermine policies to encourage walking, cycling and public transport use.*

*For development where servicing problems may arise, the Council will normally require off-street/rear servicing facilities*

**Policy 32** adds that the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.

**The site has a PTAL rating of 2 which is low and thereby the development plan policy would seek a minimum of 1 space per flat as these are proposed as one bed units. On that basis this would require 2 spaces.**

That being said the London Plan in terms of residential parking at **Policy T6(1)** advises:

*“New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.*

*Parking spaces within communal car parking facilities (including basements) should be leased rather than sold.*

*All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.*

*Outside of the CAZ, and to cater for infrequent trips, car club spaces may be considered appropriate in lieu of private parking. Any car club spaces should have active charging facilities.*

*Large-scale purpose-built shared living, student accommodation and other sui generis residential uses should be car-free.*

*The provision of car parking should not be a reason for reducing the level of affordable housing in a proposed development.*

*Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:*

- 1) ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset*
- 2) demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon.”*

Table 10.3 of the London Plan advocates that in an “outer borough” with such a PTAL rating then a 1-2 bed flat should not exceed 0.75 spaces per unit

Location	Number of beds	Maximum parking provision*
Outer London PTAL 4	1 – 2	Up to 0.5 - 0.75 spaces per dwelling+
Outer London PTAL 4	3+	Up to 0.5 - 0.75 spaces per dwelling+
Outer London PTAL 2 – 3	1 – 2	Up to 0.75 spaces per dwelling
Outer London PTAL 2 – 3	3+	Up to 1 space per dwelling
Outer London PTAL 0 – 1	1 – 2	Up to 1.5 space per dwelling
Outer London PTAL 0 – 1	3+	Up to 1.5 spaces per dwelling^

In such respects the maximum standard which should be sought in accordance with the London Plan for these 2 apartments would be 1.5 spaces given that these would be 1 bed studio flats.

In this case the proposed two flats would be delivered on a “car free” basis which would comply with the maximum standards as set out in the London Plan and in terms of potential impacts on matters of local highway safety and parking a detailed Transport Assessment has been prepared for the scheme by Crosby Transport Planning.

We set out the conclusions of this Transport Statement below:

**“66 Paragraph 111 of the NPPF 2023 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.**

**67 The scheme would provide cycle parking in accordance with locally-adopted standards and refuse collections would remain in accordance with previously agreed arrangements.**

*68 Having used the preferred Lambeth Methodology to determine the existing baseline and then considered the possible overspill parking demand resulting from the proposed scheme, the overall parking stress on roads within the vicinity of the site would increase from 65.6% to 68.8%, still below the 'high' 85%-90% threshold.*

*69 Based on the findings of the analysis it is considered that the streets surrounding the site do not have a high level of parking stress cumulatively, and it is considered that the proposed scheme would lead to a minimal impact on parking levels, with excess availability remaining.*

*70 This note has therefore set out the potential implications of the proposed change of use in terms of highways and parking matters, and based upon clear empirical evidence and established methodology, it is concluded that the car-free proposal would not give rise to a 'material increase or a material change in the character of traffic in the vicinity of the site' and would not create conditions that would be prejudicial to highway safety."*

In light of the above detailed assessment, it is submitted that these two proposed flats can be delivered on the car free basis without severe impact on matters of highway safety and are therefore entirely in accord with the sustainable transport and development policies of the Framework, the London Plan and the Bromley Local Plan.

Areas for refuse and cycle storage can be provided on site.

**We therefore respectfully suggest that there are no material issues relating to the change of use proposed on matters of transportation or highway safety.**

#### (b) Contamination risks in relation to the building

Turning now to matters of contamination the site lies in an area where matters of land and ground contamination have not previously been raised in any permissions on or indeed close to the site, including the recent prior notification application on this site and also the prior notification consent at No.155 adjacent and it is therefore highly unlikely that these proposals would lead to matters of contamination.

The application proposes the conversion of the existing building only with no "ground break" or indeed any alterations to the building itself. The building has been the subject of significant human work/habitation with no issues of contamination.

Indeed, it is noteworthy that no objections were raised in terms of matters of contamination with the previous permitted development application on this site.

**In light of the above we therefore respectfully suggest that there are no material issues relating to the change of use proposed on matters of ground contamination.**

#### (c) Flood Risk

The site lies within an area of no defined flood risk area as shown below from the EA flood risk mapping information.

In terms of the previous application on the site no issues were raised by the LPA in terms of any concerns relating to matters of flood risk and of course this revised application does not include the existing lower ground floor of the building

The extract from the flood map is shown in Figure 3 below.



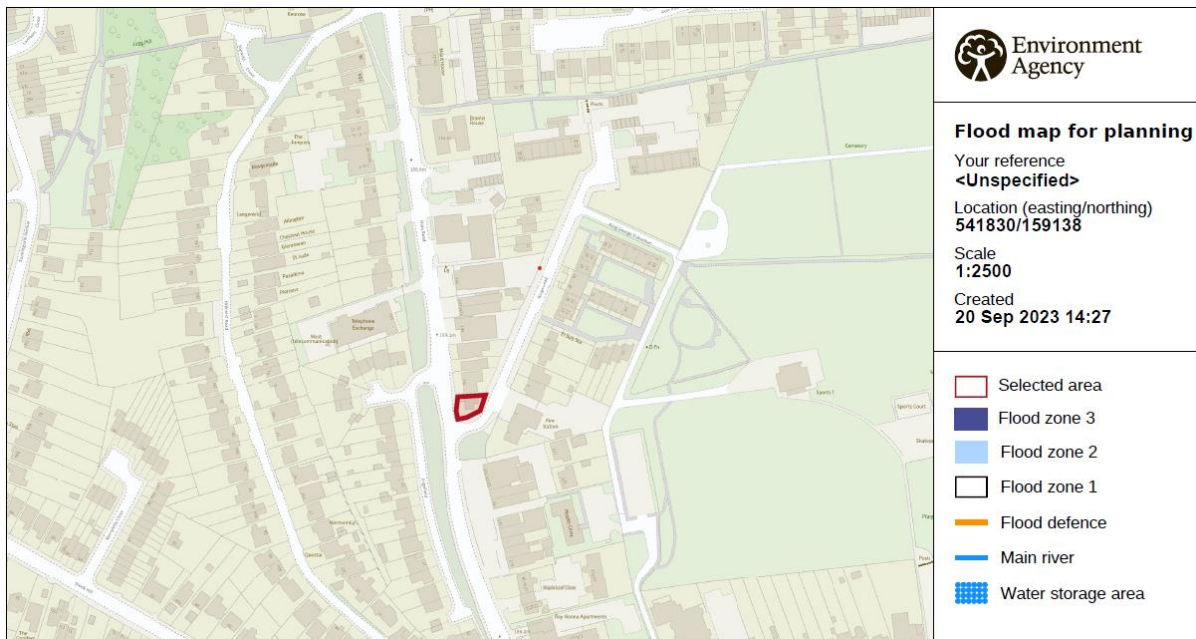


Figure 3 – Extract from EA Flood Map

**We therefore submit that the conversion of the ground and first floors of this building into 2 studio apartments would not result in any unacceptable impacts as a result of potential flood risk.**

**(d) Noise**

In terms of the impacts of noise from commercial premises on the intended occupiers of the development, in this respect traffic noise cannot be an issue for consideration in Prior Notification applications under Part MA. When considering potential noise disturbance, the NPPF at paragraph 174 states that planning policies and decisions should aim to:

*174. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

Paragraph 185 adds further:

*“185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

The site lies within a mixed use area with residential development to the front and rear. The site towards the end of a small cluster of commercial buildings in mixed use. Either side are office style uses and beyond that to the north is a café use.

There are no “late night” leisure uses or Class B2 type industrial uses within the immediate vicinity of the site which would potentially generate a level of noise which could lead to adverse impacts upon the intended residents.

Indeed, in this respect the neighbouring building at No.155 has recently received prior notification consent for its conversion into 4 flats. In terms of the previous application on the site no issues were raised by the LPA in terms of any concerns relating to matters of noise impacts.

**In light of the above we submit that there is no reason to resist the change of use proposed in terms of matters of potential noise disturbance from commercial buildings and/or land uses in close proximity to the site.**

#### (e) Conservation

The site does not lie within a defined Conservation Area and it **is on that basis that there is no requirement to consider this criterion further and there is no conflict with it.**

#### (f) Adequate Natural Light

This criterion requires an assessment in terms of each flat to be created relating to:

*(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses, ”;*

In respect of this revised application, it proposes the conversion of the ground and first floors of this building into 2 x 1bed/1person apartments, within one on each floor and we assess each flat proposed in terms of the provision of daylight to the habitable room of each proposed flat.

Flat 1 is proposed on the ground floor which would comprise of a dual aspect apartment served by 5 windows in terms of its habitable room and there would also be a further window in the proposed bathroom area. On that basis it is submitted that adequate natural daylight would be received by the habitable room of this proposed flat.

Flat 2 is proposed on the first floor and this also comprises of a proposed studio unit which would also be of dual aspect served by four windows in terms of its habitable room and there would also be a further window in the proposed bathroom area. On that basis it is submitted that adequate natural daylight would be received by the habitable room of this proposed flat

**Given the above assessment of the existing fenestration within the building it is submitted that there is no requirement for a detailed sunlight/daylight assessment of this proposed revised scheme, which does not include the previously proposed flat in the lower ground floor, as the proposed development would provide adequate natural light into each habitable room of the two studio apartments proposed.**

(g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

The site does not lie within such an area

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(a), the impact on the local provision of the type of services lost.

In this case none of the land use involves a registered nursery or a health centre.

### Apartment sizes

A further requirement of prior notification is that each flat proposed must achieve the minimum size standards as set out below:

*. In article 3, after paragraph (9) insert—*

*“(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—*

*(a) where the gross internal floor area is less than 37 square metres in size; or*

*(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(a).*

*(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.”.*

In terms of the above we therefore assess the proposed dwellings against the NDSS standards.

Flat No	Type	NDSS size	Actual Size
Flat 1	1b1p	37m <sup>2</sup>	40m <sup>2</sup>
Flat 2	1b1p	37m <sup>2</sup>	46m <sup>2</sup>

**On the basis of the above assessment each of the proposed 2 apartments would have a floor area exceeding the size requirements for such apartments as set out within the NDSS**

### Part M.2.A requirements

**Paragraph M.2A.(1)** requires that the following provisions apply where a developer is required under paragraph M.2(f) to make an application to a local authority for a determination as to whether the prior approval of the authority will be required.

Sub paragraph (2) advises that the application must be accompanied by—

*(a) a written description of the proposed development;*

**a detailed description of the proposal is set out on the application forms and within this covering letter as the conversion of this building into 2 x 1bed/1person apartments.**

*(b) a plan indicating the site and showing the proposed development;*

a plan indicating the location of the site and the floorspace within the building proposed to be converted accompanies this application as do the elevations.

*(c) drawings prepared to an identified scale and showing—*

the drawings have been prepared to an identified scale and show the detailed internal layout of the proposed dwellinghouse including window position and sizes.

*(i) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and*

*(ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;*

It is not proposed to extend, alter or erect buildings on the site

*(d) a written statement in respect of the heritage and archaeological considerations of the development;*

The site does not lie within a conservation area.

*(e) the developer's contact address;*

Empiric Estates Ltd (C/O Bercleys Properties Ltd) c/o Allen Planning Ltd, The Old Fire Station EC, Salt Lane, Salisbury, SP1 1 DU

*(f) the developer's email address if the developer is content to receive communications electronically; and*

Empiric Estates Ltd (C/O Bercleys Properties Ltd) email address via [tony.allen@allenplanning.co.uk](mailto:tony.allen@allenplanning.co.uk)

*(g) any fee required to be paid.*

The fee of £250.00 will be paid via the planning portal.

## Conclusions

In light of the information contained within this letter we submit that the change of use of the ground and first floor this building to **form 2 x 1bed/1 person apartments** from their permitted Class E use (former Class A1 and B1a) is wholly in accord with Class MA of the amended General Permitted Development Order and the Prior Notification Procedure.

Furthermore, it is submitted that this revised application removing the previously proposed conversion of the lower ground floor alleviates any previous concerns raised by the local planning authority in terms of daylight in sunlight and works which may be perceived to be outside of matters of permitted development.

In addition, the delivery of these two units on a car free basis which is entirely supported by a detailed transport assessment and of course the sustainable transport policies of the framework and the development plan also fully resolves the previous objection in terms of matters of transportation raised by the local planning authority as part of a previous application on the site.



If the Council require any further information, then please do not hesitate to contact me.

Yours sincerely

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