

Decision Maker: Plans Sub-Committee 2

Date: 08 December 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **FORMER WIDMORE PUBLIC HOUSE, BICKLEY ROAD, BICKLEY**

Contact Officer: Mick Lane, Planning Investigation Officer
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Chief Officer: Chief Planner

Ward: Bickley

1. Reason for report

A complaint has been received regarding the use of the former public house car park for the parking of vehicles by a local garage, Stephen James BMW. The report considers whether it is expedient to take enforcement action against the temporary use of the existing car park.

2. **RECOMMENDATION**

Enforcement action be taken to cease the use for parking vehicles associated with the garage business.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
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Staff

1. Number of staff (current and additional): Three Planning Investigation Officers
 2. If from existing staff resources, number of staff hours: 4
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Legal

1. Legal Requirement: Statutory requirement. Town & Country Planning Act
 2. Call-in: Call-in is not applicable. Non Executive
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): One (1)
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The site is a detached two storey former public house which is a Grade 2 listed building with 25 car parking spaces to the front forecourt of the site which is situated on Bickley Road (A222) at the junction with Bird in Hand Lane.
- 3.2 The public house closed in January 2011 and has since been sold to a residential property developer. It is understood that it is proposed to redevelop the site for residential development but no formal application has been submitted at this stage.
- 3.3 In May 2011 a rental agreement was made between the present owner and Stephen James BMW who operate a vehicle sales and repair garage opposite the site to rent the car parking facilities for the temporary parking of vehicles. This was for an initial six month period but is now operating on a monthly basis until such time as planning permission is obtained for the site.
- 3.4 A complaint has been received from a local resident regarding the use of the former pub car park by the garage. The use for the parking of cars in connection with the nearby garage is considered to involve a material change of use for which planning permission is required. No application has been received and it is therefore necessary to consider whether enforcement action is appropriate.
- 3.5 The former use as a public house and associated car park was a lawful use within Class A4. The current use as a car park in connection with the garage is no longer ancillary to the public house and involves a material change of use. The encroachment of the garage business onto the former pub car park involves an intensification of the garage use into a predominantly residential area. The main issues are whether the current use causes material harm to the residential amenities of the area creates additional hazards to highway safety.
- 3.6 The site provides temporary parking for approximately 25 vehicles although the use is no longer associated with the lawful use as a public house. However, the parking of cars in connection with the garage is unlikely to cause any greater disturbance than the previous use by customers to the public house, particularly late at night. The pub was open until 23-00 every night whereas the use by the garage is limited to normal working hours.
- 3.7 Concerns have been raised by local residents regarding the intensification of commercial activity and the resultant problems caused by the operation of the garage including noise, pressure on on-street parking and additional road safety hazards.
- 3.8 It could be argued that the temporary use of an existing parking facility by a local business to park/store vehicles prevents these vehicles being displaced onto the surrounding roads which are mainly residential in character. The surrounding streets are often congested and complaints have been received regarding on-street parking, which may exacerbate the problems of dangerous parking and obstruction. The use accords with UDP Transport Policy objective 7 which seeks road safety measures where opportunities arise through the land use planning process, and Policy T3 Parking. Action to cease the use for parking could exacerbate the existing problems which may lead to additional road safety hazards in the vicinity.
- 3.9 However the Highway Engineer has raised concerns about the temporary hoarding around the site which has reduced sightlines at the access points, particularly to the right from the western access. The other access is not in a good location and the sightline has been reduced by the hoarding for vehicles exiting the site.

- 3.10 In conclusion, it is considered that the current use represents an undesirable intensification of a commercial use in a mainly residential area and results in a material loss of residential amenity and additional hazards to road safety.

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