

Application No : 09/02232/FULL2

Ward:
Orpington

Address : 47 Eldred Drive Orpington Kent BR5
4PE

OS Grid Ref: E: 547450 N: 166016

Applicant : Mr Ali

Objections : YES

Description of Development:

Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5) with ventilation ductwork at rear.

Key designations:

Areas of Archeological Significance

Proposal

Planning permission is sought for the change of use of the currently vacant ground floor from retail (Class A1) to a hot food takeaway (Class A5) and the installation at the rear of the premises of associated extract ventilation equipment.

Location

The application site is located within a parade of 12 shops at ground floor (with 2 floors of residential above) on the northern side Eldred Drive, Orpington.

Comments from Local Residents

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

- a petition was received from 17 local residents objecting on 3 grounds:
- noise pollution associated with the hours of operation and increase in traffic;
- increase in discarded rubbish;
- smell in relation hours of operation being detrimental to the residential enjoyment;
- will increase an already high level of noise associated with anti-social behaviour and traffic; and
- increase in discarded rubbish.

Comments from Consultees

Environmental Health: No objections subject to the imposition of standard condition J10 requiring submission and approval of detailed plans of the appearance and equipment comprising a ventilation system.

Highways: No objections.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development
S5 Local Neighbourhood Centres, Parades and Individual Shops
S9 Food and Drink Premises
ER3 Promoting Recycling
ER9 Ventilation
T18 Road Safety

Planning History

1989: Planning application (88/04418/FUL) refused for change of use from class A1 retail to class A2 licensed betting shop.

2005: Planning application (05/02586/FULL2) granted permission for the change of use from retail shop (class A1) to beauty salon.

Conclusions

- The main issues relating to the application are as follows:
- The change of use of the vacant Class A1 retail to Class A5 hot food takeaway; and
- The installation of the extraction equipment at the rear of the property and the impact that it would have on the amenities of the occupants of surrounding upper floor residential properties.

In respect of the former, Policies S5 and S9 of the UDP outline that the proposed use should have no adverse impact on residential amenity, not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians. Furthermore, proposed use should not result in an over concentration of food and drink establishments, be out of character with the retailing function of the area or harm the retail character of the shopping frontage.

It should be noted that the change from retail (Class A1) at the application site has already been recently accepted through the granting of permission ref. 05/02586. The conclusions of this previous permission are shared with regard to the acceptable loss of a retail (Class A1) unit due to there being sufficient other A1 uses within the parade.

It is therefore considered that the key test to the suitability of the use at this location is the overall provision of hot food takeaway (Class A5) uses within the parade. There is only one other hot food takeaway (Class A5) use within the parade, being the fish and chip shop at 27 Eldred Drive. Therefore, if permission was granted there would be 2 hot food takeaways within a parade of 12 shops and this is considered on balance, to be acceptable in principle and not result in an overconcentration of Class A5 uses within the parade or significantly change in the character of the immediate retailing function in the vicinity.

With regard to hours of opening, it is considered that the proposed 100am to 1100pm, 7 days a week is excessive and could be detrimental to the amenities enjoyed by neighbouring residential properties. Therefore, a condition is recommended that restricts the hours of opening to 1130am to 1000pm Monday through Saturday with no opening allowed on Sundays or public and bank holidays. Therefore, with suitable planning conditions on balance, the change of use is considered acceptable at this location within the parade.

In respect of the extraction equipment it is considered that the location of the equipment on the rear of the building is acceptable in terms of its visual impact. However, further technical details are required to determine noise and odour issues. This is not a sufficient reason for refusal and can be controlled by planning condition.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/02586 and 09/02232, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | |
|---|--------|--|-----------------|---------|
| 1 | ACA01 | Commencement of development within 3 yrs | | |
| | ACA01R | A01 Reason 3 years | | |
| 2 | ACH18 | Refuse storage - no details submitted | | |
| | ACH18R | Reason H18 | | |
| 3 | ACJ05 | Rest. hours of use and ex. Sun (2 ins) | 11.30am | 10.00pm |
| | ACJ05R | J05 reason | BE1, S9 and ER9 | |
| 4 | ACJ10 | Ventilation system for restaurant/take-a | | |
| | ACJ10R | J10 reason | | |

Reason for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- S5 Local Neighbourhood Centres, Parades and Individual Shops

S9 Food and Drink Premises
ER3 Promoting Recycling
ER9 Ventilation
T18 Road Safety

The development is considered to be satisfactory in relation to the following:

- (a) the loss of a Class A1 retail use within a parade;
- (b) the impact on the amenities of the occupiers of nearby residential properties;

and having regard to all other matters raised.

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