

**Application No :** 09/03017/FULL1

**Ward:**  
**Mottingham And Chislehurst**  
**North**

**Address :** 41 Mottingham Road Mottingham  
London SE9 4QZ

**OS Grid Ref:** E: 542164 N: 172890

**Applicant :** Mr R Mohamed

**Objections :** YES

### **Description of Development:**

Change of use of ground floor from retail shop (Class A1) to hot food takeaway (Class A5) and ventilation ducting at rear

Key designations:

London Distributor Roads  
Retail Shopping Frontage

### **Proposal**

- It is proposed to change the use of these vacant ground floor premises from retail (Class A1) to hot food takeaway (Class A5)
- The proposed opening hours would be between 11.00 hours - 24.00 hours Mondays to Saturdays and 11.00 hours – 23.00 hours on Sundays and Bank Holidays
- Details of a ventilation system are provided, and include an external duct which would project above the eaves on the rear elevation
- No on-site car parking is provided
- According to the applicant, the premises have been vacant since December 2007, and although they have been marketed for Class A1 retail use since then, no firm offers have been received.

### **Location**

These premises are located at the northern end of Mottingham local shopping centre, close to the War Memorial, and were previously used as a dry cleaners. There are residential flats above the shops, and residential properties to the front and rear (the latter falling within the neighbouring London Borough of Greenwich).

This shopping centre is comprised of 43 units, 15 of which lie within LB Greenwich.

### **Comments from Local Residents**

A large number of letters of objection have been received to the proposals from nearby residents and businesses, including Mottingham Residents' Association, and the main points raised are summarised as follows:

- there are already a number of restaurants/takeaways in the close vicinity
- opening until midnight would result in unacceptable disturbance to neighbouring properties – opening hours are later than other takeaways nearby
- undesirable loss of a retail unit, detrimental to the vitality of the shopping parade
- smells would be detrimental to residential amenity
- cars stopping to use the takeaway likely to cause traffic problems particularly as this is the narrowest part of this road
- would add to problems of anti-social behaviour
- unsightly appearance of the ventilation ducting
- problems with litter
- pressure on parking in nearby roads.

A Ward Member in neighbouring L.B. Greenwich has confirmed that he concurs with objections raised by Mottingham Residents' Association.

### **Comments from Consultees**

The Council's highway engineer raises no objections to the proposals.

Environmental Health initially raised concerns regarding inadequate information submitted for the ventilation ducting, however, additional information was submitted and the proposals are now considered generally acceptable, subject to specification of the amount of carbon in the system. This can, however, be overcome by attaching a standard condition regarding technical details.

### **Planning Considerations**

The proposal falls to be considered primarily with regard to the following policies:

BE1 Design of New Development  
S4 Local Centres  
S9 Food And Drink Premises

### **Conclusions**

The main issues relating to the application are the impact of the proposals on the retail character of the local shopping centre, and on the amenities of the occupants of surrounding residential properties.

It is the Council's aim to protect the retail character of local shopping centres, but a change of use from Class A1 retail would be permitted so long as the retail character

would not be harmed, it would have no adverse impact on residential amenity, it would not create a concentration of similar uses, it would attract visitors during shopping hours, and it would complement the shopping function of the centre.

The current level of Class A1 retail units within the Local Centre is 22 (51%), with 7 (16%) in food and drink use (Classes A3, A4 and A5). Of these, 3 are café/restaurants (A3), 1 is a Public House (A4), and 3 are hot food takeaways (A5). It would appear that at least 3 units are vacant (including the application property).

In terms of the retail character of the shopping frontage, the loss of a further Class A1 retail unit is not considered to significantly undermine the vitality and viability of the Local Centre, and furthermore, an adequate range of shops and services would still be provided to meet the needs of the local community.

The proposed hot food takeaway use would attract visitors during shopping hours, and is of a type which is considered to complement the main shopping function of the centre. The existing hot food takeaways are spread out along Mottingham Road, and the proposals would not result in a concentration of similar uses such that it would undermine the retail character of the shopping frontage.

Furthermore, it appears that the premises have been vacant for some time, and have not received interest for Class A1 retail uses, suggesting a lack of demand for such uses in this area.

UDP Policies S4 and S9 also seek to protect the amenities of nearby residents in terms of the potential impact of traffic, smells, noise and general disturbance.

The ventilation system is considered to adequately protect the amenities of neighbouring residents, subject to a safeguarding condition, and the Council's highway engineer raises no concerns regarding the impact on the free flow of traffic or conditions of safety in the highway.

It is proposed to open the premises until midnight on Mondays to Saturdays, and until 11pm on Sundays and Bank Holidays. However, if Members are minded to grant permission for this use, it may be considered appropriate to limit the opening hours to prevent opening after 11pm on Mondays to Saturdays, and after 10.30pm on Sundays and Bank Holidays, in order to protect the amenities of nearby residents.

On balance, Members may consider the proposals to be acceptable, subject to safeguarding conditions regarding the ventilation ducting and the opening hours.

Background papers referred to during production of this report comprise all correspondence on file ref. 09/03017, excluding exempt information.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACJ10  | Ventilation system for restaurant/take-a |
|   | ACJ10R | J10 reason                               |

**Reasons 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
- S4 Local Centres
- S9 Food and Drink Premises

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

- (a) the impact on the amenities of the occupiers of nearby residential properties
- (b) the shopping policies of the development plan

and having regard to all other matters raised, including neighbours concerns.

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