

**SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No : 10/01559/FULL2**

**Ward:  
Cray Valley West**

**Address : 76 Grovelands Road Orpington BR5  
3EE**

**OS Grid Ref: E: 546464 N: 170134**

**Applicant : Ms Y Xu**

**Objections : YES**

**Description of Development:**

Change of use from dry cleaners (A1) to hot food takeaways (A5) with ventilation ductwork at rear

**Proposal**

Planning permission is sought for the change of use of the premises from a dry cleaners shop to a hot food takeaway (Class A5). In addition, ventilation ductwork is proposed to the rear. The takeaway is proposed to be operated between 5.00pm and 11.00pm Monday to Friday and on Sundays, and between 5.00pm and 11.30pm on Saturdays.

The premises are located in a designated shopping frontage and, in support of the proposed change of use from retail the following information has been supplied concerning the term of vacancy, the marketing of the premises and any interest generated:

- premises last used by a dry cleaning business, which ceased on 11th March 2009
- letting particulars have been placed on the Council's website, stating that any use would be considered subject to planning permission
- letters were sent out to parties who had previously requested notification when shops became available
- since the premises were first marketed two interested parties came forward, both wishing to use the premises as a hot food takeaway – one was selected although withdrew their interest in July 2009
- another interested party came forward in September 2009 wishing to use the premises for retail purposes but again withdrew their interest shortly afterwards

- since that time the shop has been available with no further offers of interest until the current party (the Applicant) came forward

## **Location**

The application premises are located on the northern side of Grovelands Road, Orpington, and comprise a ground floor retail unit which has been vacant since March 2009 although was last used as a dry cleaners shop. The premises fall within the Grovelands Road shopping parade as defined in the Unitary Development Plan.

The surrounding area is predominantly residential in character, although there are mixed use commercial/residential properties immediately adjoining the site within the shopping parade, and a primary school opposite.

## **Comments from Local Residents**

Nearby residents were notified of the application and a statutory notice was posted at the site. Representations were received which can be summarised as follows:

- concerns regarding smells
- anti-social behaviour
- attract vermin
- rubbish
- there are already hot food takeaways in the Cotmandene Area

In addition, three separate multi-signature petitions echoing the concerns raised above were received in objection.

## **Comments from Consultees**

From the technical Highways and Environmental Health (pollution) perspectives, no objections were raised.

## **Planning Considerations**

The main planning policies of relevance to this application are as follows:

BE1 Design of New Development  
S5 Local Neighbourhood Centres, Parades and Individual Shops  
S9 Food and Drink Premises  
ER9 Ventilation

## **Planning History**

There is no recent planning history of relevance to this application.

## Conclusions

As the application property is located within a designated shopping parade, it is necessary for any change of use from retail (Class A1) to another use to contribute to the range of local services or the provision of local community facilities, and to contribute to the vitality of the centre by providing a service or attracting visitors during shopping hours, in line with the requirements of Policy S5. Alternatively, Policy S5 provides that other uses may be acceptable if it can be demonstrated that there has been a long term vacancy and a lack of demand for Class A1 use, as well as a lack of demand for service or community use before other uses are proposed.

In this case it is evident that the first proviso of Policy S5 will not be met – the proposed use would not contribute to the vitality of the centre during shopping hours in view of the evening/night-time opening hours proposed. However, it is clear from the information provided concerning the marketing of the premises that in the 15 months since they were vacated, there has been little interest from retail operators, or service or community uses. Accordingly, Members may consider that in principle the loss of retail use may be acceptable in this instance.

With regard to the proposed hot food takeaway use, Members will note the concerns raised by local residents regarding smells, however will be aware that no technical concerns have been raised from the Environmental Health (pollution) perspective. While hot food takeaways are typically evening/night-time uses, the nature of the use (i.e. with no consumption of food on the premises) is such that customer visits would be short, and indeed the impact to the amenities of the residential properties above the premises may be limited in terms of noise and disturbance generated from customers while inside the premises itself. Adequate on-street parking would appear to be available to the front of the premises, meaning that comings and goings to the site (and any noise and disturbance this may generate) would primarily be within the existing shopping parade and may not, therefore, be significantly detrimental to the amenities of neighbouring residents.

In addition, concerns have been raised locally that there are other hot food takeaways in the vicinity of the application site; these are in fact some distance away. There would appear to be only one other food and drink use within the shopping parade (a sandwich bar at No. 70), and accordingly Members may agree that the proposed use would not result in an over-concentration of similar uses in the area. Other concerns raised, such as increased litter and the possible attraction of vermin, are primarily management issues and would not be grounds for the refusal of planning permission in this case.

Having regard to the above, Members may agree that the proposed change of use is acceptable on balance and that planning permission should be granted.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01559, excluding exempt information.

as amended by documents received on 07.07.2010

## **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
- 3      The use hereby permitted shall not operate before 5.00pm nor after 11.00pm  
between Monday to Friday and on Sundays, nor before 5.00pm and 11.30pm  
on Saturdays.

**Reason:** In order to comply with Policy S9 of the Unitary Development Plan and in the interests of the amenities of nearby residential properties.

### **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
- S5 Local Neighbourhood Centres, Parades and Individual Shops
- S9 Food and Drink Premises
- ER9 Ventilation

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

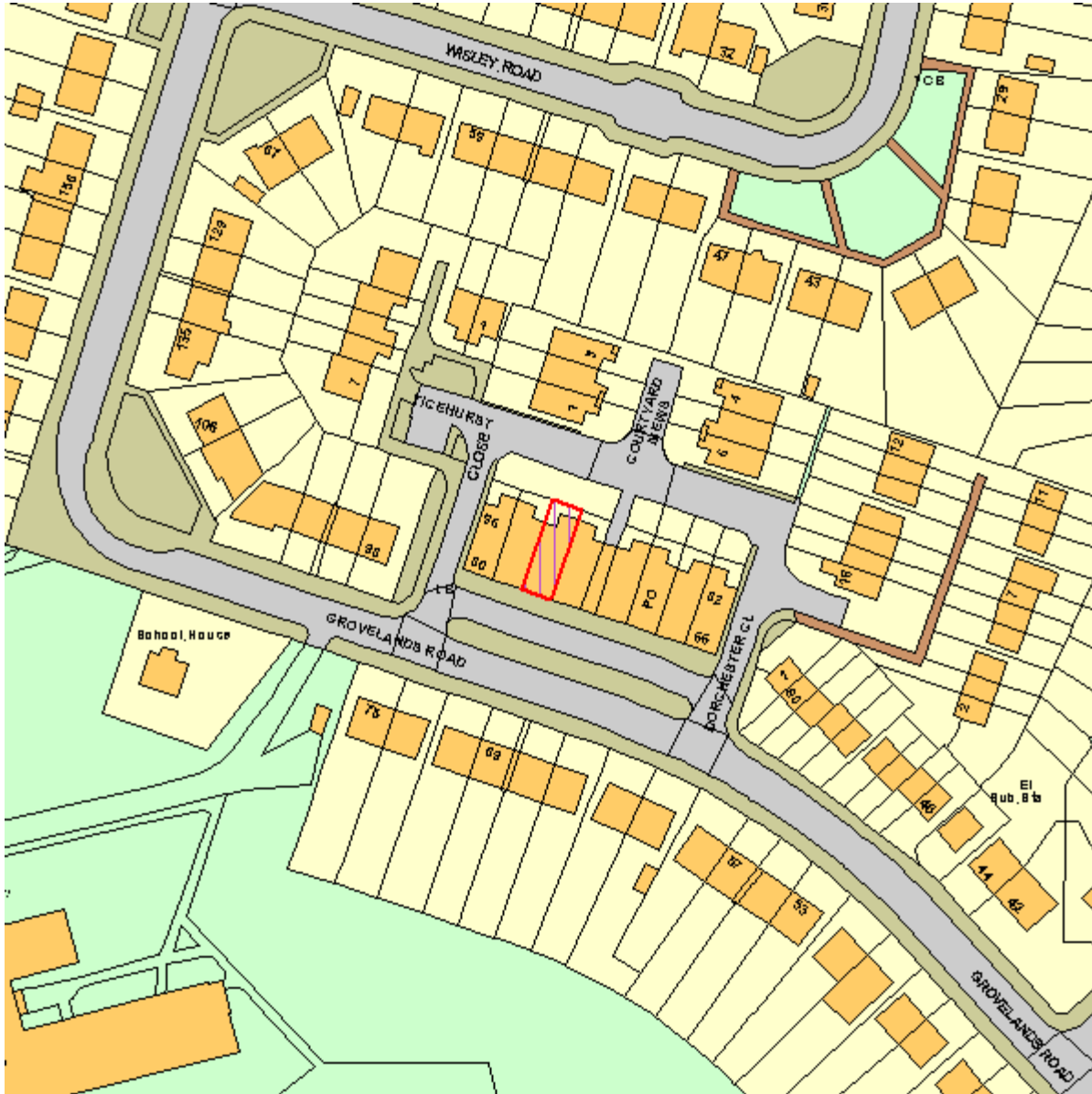
- (a) the impact of the proposed use on the amenities of the occupiers of adjacent and nearby residential properties
- (b) the loss of a retail use having regard to the term of vacancy and lack of interest in retail, service of community uses
- (c) the availability of on-street parking in the vicinity of the site
- (d) the acceptability of the proposed ventilation system
- (e) the shopping policies of the Unitary Development Plan
- (f) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

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