

SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 10/02104/VAR

**Ward:
Bromley Town**

Address : 205 High Street Bromley BR1 1NY

OS Grid Ref: E: 540139 N: 169416

Applicant : J D Wetherspoon PLC

Objections : YES

Description of Development:

Variation of Condition 2 of permission 10/01408 granted for use of ground floor as a drinking establishment (Use Class A4) to permit opening hours from 09.00am to 00.30am, Sundays to Wednesdays inclusive and 09.00am to 01.30am Thursday to Saturday inclusive.

Key designations:

Conservation Area: Bromley Town Centre
London Distributor Roads
Secondary Shopping Frontage

Proposal

The proposal is for the variation of condition 2 of permission 10/01408 granted for use of ground floor as a drinking establishment (Use Class A4) to permit opening hours from 09.00am to 00.30am, Sundays to Wednesdays inclusive and 09.00am to 01.30am Thursday to Saturday inclusive.

Location

The application site is located in the Bromley Town Centre Conservation Area within the Bromley North Village.

The site is around 0.08 hectares and consists of a three storey building with an existing decking and terrace area to the rear fronting Walters Yard. The building is set back from the frontage line of the High Street thus creating the small open seating area in front of the principal elevation.

The surrounding area is predominantly of a uniform traditional high street frontage of narrow individual properties with retail accommodation at street level and a mixture of office and storage space above.

Comments from Local Residents

The comments received are summarised below:

- the proposal would result in increased noise and disturbance to surrounding residents
- the proposal would result in an increase in crime, violence and drunken behaviour in the area
- the proposal would result in damage to surrounding properties as a result of drunken crime and disorder
- there are already enough public houses in this locality and this would stretch the police resources even further
- the opening hours are not in line with other similar premises within the vicinity and would result in a drastic change to the local environment
- this would encourage binge drinking and result in increased criminal activity
- this would continue to result in parts of the town becoming no go areas at night

The full text of this correspondence is available to view on file.

Comments from Consultees

From a highway planning perspective, no technical objections are raised.

From a Metropolitan Police point of view, the area currently suffers from late night disturbances and a range of anti social activities. In and around the licensed premises in this area there have been 34 reported criminal offences and 1 murder. Whilst there have been no reported offences at the application site this is due to the fact that the premises has been closed for some time. These figures do not include all recorded calls to police to deal with public nuisance nor do they include incidents patrolling officers come across directly. The proposal would therefore result in a potential increase in crime and disorder in the locality.

Planning Considerations

The application falls to be determined in accordance with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that conservation area. The proposal therefore falls to be considered primarily with regard to the following policies:

BE1 General Design
BE11 Conservation Areas

- T1 Transport Demand
- T3 Parking
- S9 Food and Drink Premises
- S10 Non Retail Uses In Shopping Areas

London Plan

- 3A.3 Maximising the Potential Of Sites
- 4A.3 Sustainable Design and Construction
- 4A.20 Reducing Noise and enhancing Townscapes

- 4B.1 Design principles for a compact city
- 4B.8 Respect local context and communities

PPS 24 and PPS4 are also of relevance.

Planning History

Under application ref. 08/01672, planning permission was granted on 11th September 2008 for a three storey side extension, single storey side and rear extension with roof terrace above. Dormers with accommodation in roof. Erection of balconies/terraces at front, side and rear and conversion of public house (Class A4) to restaurant (Class A3) at ground floor/5 two bedroom and 1 one bedroom flats on upper floors.

Under application ref. 10/00186, planning permission was granted for an amendment to planning permission ref. 08/01672 to include new bin and bicycle stores, omission of recessed rear access from Walters Yard, elevational alterations to front and rear, omission of balconies from front elevation, extended first floor roof terraces, relocation of roof lights on first floor and new steel balustrade to first floor terrace area. This application was approved on the 19th April 2010.

Under application ref. 10/01408, planning permission was granted on the 17th May 2010 for the change of use of the ground floor from a restaurant to a drinking establishment.

Conclusions

The main issues to consider in this application are the impact of the proposal on the character of the area, the existing vitality and viability of this part of the town centre and the potential impact to surrounding residential properties, particularly with regard to increased noise and disturbance.

Whilst it is acknowledged that town centres need to provide a high quality and safe environment if they are to remain attractive and competitive as stated in PPS4, it is also necessary to consider the scale of leisure developments and their potential impact. As PPS4 states, "the cumulative impact on the character and function of the

centre, anti-social behaviour, crime and the amenities of local residents” are all matters which would need to be considered carefully.

Policy BE1 contained within the Unitary Development Plan also stipulates that development should respect the amenity of the occupiers of the neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance.

Policy S9 highlights the need to ensure that any proposed change of use to a restaurant or drinking establishment does not have an adverse impact on surrounding residents by way of increased noise and disturbance. Whilst it is acknowledged that the use of the premises for a public house has already been formally approved the opening hours were restricted by an appropriately worded planning condition. This condition ensured that the use did not result in significant late night noise and disturbance to surrounding residential properties.

It is considered that the additional opening hours may exacerbate problems of late night noise and disturbance compounded by the reduction in the level of public transport after midnight. It may be considered by Members that the combination of these features would be seriously detrimental to the amenities of residential neighbourhoods and the character of the town centre.

It would appear that the evening economy comes to an end at around midnight in this locality. This is not surprising as it is in accordance with the planning permissions granted and the licences issued. These in themselves follow the national advice in PPS1 and PPS4 and Development Plan policy.

In July 2006 at an appeal to vary the opening hours of the public house located close to the application site at 196 – 198 High Street (until 2am), the Inspector concluded that the extension of late night opening hours would have a harmful effect on the living conditions and amenities of local residents. He also concluded that the hours would not make the surrounding area a better or safer place to live nor preserve or enhance the conservation area.

It is therefore considered that the noise and disturbance generated by the increased opening hours late into the evening would be likely to have an adverse effect upon the residential amenities of the occupants of flats above the premises and the surrounding residential properties nearby.

Members may consider that the level of amenity experienced by residents in the area would be affected by the noise and disturbance created by the premises operating late into the evening hours.

Policy S2 draws attention to the need to ensure the retail vitality and viability of local centres is maintained to contribute to the range of local services and attract visitors during shopping hours. It also stipulates that any proposed use should provide a

service that complements the shopping function of the area and should not have an adverse impact on residential amenity.

Members are therefore asked to consider whether the increased opening hours would result in an unacceptable level of increased activity and disturbance generated by the use.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/02023, 08/01672, 10/00186 and 10/01408, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

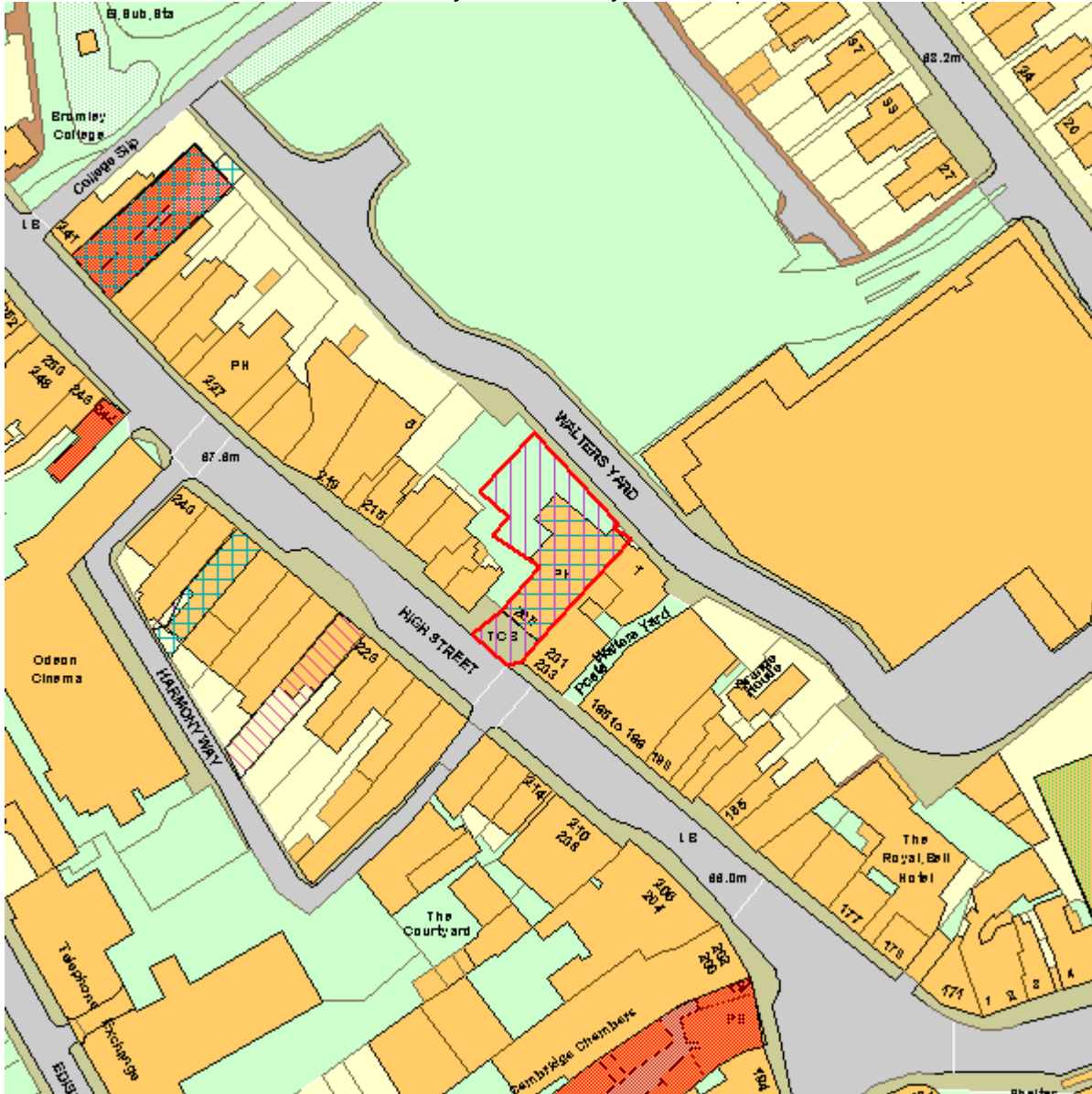
The reasons for refusal are:

- 1 The proposed increase in opening hours would be likely to exacerbate problems of late night noise, disturbance, anti-social behaviour (and the fear of such behaviour), which would be seriously detrimental to the amenities of residential neighbourhoods and the character of the town centre.

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