

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 12/00896/FULL3

Ward:
Copers Cope

Address : 182A High Street Beckenham BR3 1EW

OS Grid Ref: E: 537221 N: 169412

Applicant : Antic Ltd (Mr Thomas)

Objections : YES

Description of Development:

Change of use and refurbishment of existing building to include two storey side extension, remodelling of facades, provision of ventilation ducting system, raised terrace and garden area, in order to provide a mixed use building consisting of B1/B8 and A3/A4 use.

Key designations:

Areas of Archaeological Significance

Proposal

This application has been submitted in order to address the previous grounds of refusal relating to planning application ref. 11/02995. The proposal is essentially the same with some revisions and additional information submitted including an increase in proposed hours of operation and an increase in proposed number of staff.

Planning permission is sought for the change of use of the premises from warehouse/office, to a mixed B1/B8 (Business – offices, research and development, light industry appropriate in residential areas/Storage and Distribution), A3 (Restaurants and Cafes) and A4 (Drinking Establishments). A two storey extension to the south flank is proposed as part of the overall scheme along with additional and revised fenestration. The proposed B1/B8 use (182 square metres) is located on the first floor. There is also an A3/A4 element to the first floor, with the main A3/A4 floor area located to the ground floor (302.5 square metres).

A pub garden area is proposed to the area west of the building along with a terrace; bin and cycle store facilities and access to the B1/B8 facilities are also proposed to this area. The exposed section of the proposed kitchen extract duct projects from the roof of the building nearest to the west flank.

The proposed opening hours for the A3/A4 use are: Monday – Thursday 10am to 01.00am; Friday – Saturday 10am to 2am; Sundays and Bank Holidays 10am to

12.30am. The proposed hours for the B1/B8 use are: Monday to Saturday 10am to 6pm; closed Sundays and Bank Holidays. The proposed number of employees are 16 full-time and 8 part-time.

Location

The site is a large two storey building situated to the rear of High St, Beckenham within an area of Archaeological Significance. To its east and south sits the Primary Frontage to the High Street (with some residential above) and to its west sits residential property. The immediate vicinity to the north hosts 182B High Street, Beckenham which is now used as a dance studio (Use Class D2).

Comments from Local Residents

Objections have been received in response to local consultation and have been summarised below:

- already 10 pubs in Beckenham High St, plus numerous restaurants and off license facilities selling alcohol.
- anti-social behaviour/activity already bad for nearby neighbours
- disturbance well after closing time from dispersal activity
- later operational hours than most other nearby venues could attract customers when other venues have closed – exacerbating concerns
- disturbance outside of opening hours from operational requirements (ie deliveries/bottle clearance etc)
- noise from beer garden
- added congestion from extra traffic/parking requirements for staff etc
- overlooking
- general loss of privacy and amenity
- health impacts and light pollution
- increased security risk
- inadequate access with conflict between vehicle and pedestrian users
- right of access affected by introduction of pub garden area
- conflict with other nearby uses
- impact on nearby woodland
- loss of warehouse use – the building is currently being used for storage
- concerns with access to and impact on nearby property when any works are carried out

Please note this is a summary of objections at the time of writing the report; the full objections are available on file to view.

Comments from Consultees

No technical objections are raised from a Highways Planning point of view in respect of parking demand and traffic generation. Any additional considerations will be reported directly to the Committee. In the event of a planning permission conditions are suggested in connection with the cycle parking.

No concerns are raised from the Cleansing point of view.

Comments from a Crime Prevention point of view include that whilst the building would be able to achieve Secure By Design (SBD), serious concerns are raised with its proposed use given the nature of its location hidden away behind the shops. Additionally the site falls within an area designated by the local licensing authority as one of cumulative impact and as such there is a presumption of a refusal.

Concerns are raised from an Environmental Health point of view in that the proposed use or the rear external areas for a beer garden will lead to noise and consequent loss of amenity for local residents. In the absence of specific predictions it is assumed that the proposed acoustic screening would only have a minor effect on reducing noise. The proposed hours of use of the beer garden would not protect loss of amenity before the proposed times.

Any Town Centre Projects comments will be reported verbally to Committee.

Planning Considerations

The application falls to be determined in accordance with the National Planning Policy Framework (NPPF), the London Plan, Supplementary Planning Guidance and the following policies of the Unitary Development Plan:

BE1 which is concerned with 'Design of New Development'. It also requires that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

EMP5 (Development Outside Business Areas) which advises that redevelopment will be permitted provided that ii) full and proper marketing of the site confirms the unsuitability and financial non-viability of the site for commercial uses

EMP6 advises that outside designated Business Areas the Council will only permit non-conforming business uses where there would be no significant adverse impact on the amenity of the surrounding properties.

S9 is concerned with 'Food and Drink Premises' and advises that (i) the proposal should have no adverse impact on residential amenity (iii) the proposal should not result in an over concentration of food and drink establishments out of character with the retailing function of the area.

Planning History

A similar application, planning ref. 11/02995, was refused planning permission on 23rd December 2011 for the following reasons:

1. The proposed development would be detrimental to the amenities that nearby residents might reasonably expect to be able to continue to enjoy by

reason of late night noise and general disturbance associated with the A3/A4 uses thereby contrary to Policies S9 and BE1 of the Unitary Development Plan.

2. The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to nearby occupiers thus contrary to Policy BE1 of the Unitary Development Plan.
3. The proposal would result in an over concentration of food and drink establishments in the town centre of Beckenham, contrary to Policy S9 of the Unitary Development Plan.
4. The site is a business site and in the absence of sufficient evidence that full and proper marketing of the site has been carried out the proposal would be contrary to Policy EMP5 of the Unitary Development Plan which seeks to safeguard individual business sites unless there are significant reasons as to why their continued use is not feasible.

There is a recent planning history to the adjacent building, 182B, for a change of use from warehouse/office to dance school (Class D2) – dance studio (ref. 10/00375). A subsequent application ref. 10/03127 was submitted to modify a legal agreement attached to the site which restricted the use of the site as a safeguard against nuisance and annoyance to occupiers of nearby properties.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties, together with the acceptability of the change of use of the commercial premises which are located outside of a business area.

In addressing the previous grounds of refusal supporting documents have been submitted including: Impact Assessment Document v2; Acoustic and Odour Measures document; general Antic document and Design and Access document.

In relation to refusal ground 1 the applicants seek to deal with the issues to a degree. However with regard to the proximity to residential dwellings, not only to the west of the site but the east also, it is difficult to see how the resultant activity would not impact on residential amenity even taking the proposed operational measures into account.

Additional information has been requested in respect of deliveries to the site and any highway comments arising therefrom will be reported verbally to Committee.

In terms of the outside space the residential gardens are in close proximity to the proposed 'beer garden' and elevated terrace area and as demonstrated by local submissions, the orientation of the gardens result in their rearmost parts being the sunny spots where play areas, garden tables and barbeque areas are often to be found. It is these parts which will find themselves nearest to the proposed beer

garden. This application proposes acoustic screening to help guard against impacts but the screening is likely to only have a minor effect on reducing noise; additionally the proposed hours of use of the beer garden would not protect loss of amenity before the proposed times.

In terms of refusal ground 2 this application proposes an element of obscure glazing to the proposed first floor windows. The introduction of windows to the upper elevations introduces a level of activity previously unknown. Whilst obscure glazing will help against direct overlooking it is not considered that the obscuring of windows will guard against the awareness of activity, comings and goings and perceived overlooking sufficiently to overcome planning concerns in this respect. Whilst some screening is proposed the raised terrace and generally higher level of the site in this location has raised local concern regarding overlooking, noise and associated detrimental impacts.

In relation to refusal ground 3 a site survey has been submitted to indicate locations of food and drink establishments in the area (figure 1). The applicants state that the study indicates the application site to be located away from the crime and drinking 'hotspots' in one of the least concentrated areas of the high street. With reference to the Beckenham GOAD Town Centre Plan (available to view on file) there are 2 other pubs in close proximity: The Slug and Lettuce at 150-156 High Street and The George adjacent 117 High Street, along with other licensed establishments. As seen under 'consultations' above serious concerns are raised with its proposed use given the nature of its location hidden away behind the shops. Additionally the site falls within an area designated by the local licensing authority as one of cumulative impact and as such there is a presumption of a refusal. Local concerns also raise the likelihood of attracting customers from nearby establishments with earlier closing times thus exacerbating their concerns. The NPPF requires that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

In respect of refusal ground 4 the proposal involves the conversion of commercial premises, with part retention of B1/B8 to the first floor area. In terms of supporting evidence, as required by Policy EMP5, the applicants have submitted a letter from the marketing company who state that marketing commenced in May 2009 and the property was placed under offer May 2010. This information considers the position as far as the sale of the property is concerned but not necessarily its viability per se. It also seems to demonstrate that within a reasonable time frame the property was in fact under offer. Local comments raised indicate that the property is still being used as a storage facility. Additionally, at the time of the site visit in December 2011, loading/unloading activity was taking place at the site. It seems that commercial activity is still being undertaken at the site and as part B1/B8 use forms part of the application it does not seem conclusive that the evidence available supports the notion of the non-viability of the site for B1/B8 use.

Local concerns have been raised regarding the use of the access road by an increased number of pedestrians and the vehicular use for the adjacent site however no specific quantification has been provided in this respect. Additionally 182 B have indicated they have access rights over the proposed beer garden area

however this is a private matter between the two parties and does not form a planning consideration as such.

Whilst planning policy allows consideration of proposals offering employment opportunity for local people, the overriding consideration will be the protection of local residential amenity. The Council will also seek to ensure that a proposal such as this will not predominate to the detriment of the shopping function of the centre. There are numerous A3/A4 uses within the vicinity and as comments from the police consultation show special measures have had to be taken due to a 'saturation' with licensed premises.

The host building is within an accessible, town centre location however its location behind the primary frontage serves as an important buffer between the bustle of the main commercial high street and the residential dwellings to the west of the site. Whilst it is noted that the applicants have sought to show measures intended to safeguard residential amenity from the proposed use it is inevitable that the type of use in such close proximity to residential dwellings will result in a detrimental impact on neighbouring residential amenity. For this and other reasons discussed above it is considered that the application has failed to address previous grounds of refusal sufficiently to now warrant a grant of planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/00896, 11/02995, 10/03127, 10/00375 and 78/03441, excluding exempt information.

as amended by documents received on 23.05.2012

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed development would be detrimental to the amenities that nearby residents might reasonably expect to be able to continue to enjoy by reason of late night noise and general disturbance associated with such a use thereby contrary to Policies S9 and BE1 of the Unitary Development Plan.
- 2 The proposed development would give rise to loss of prospect, an unacceptable degree of overlooking and loss of privacy and amenity to nearby occupiers thus contrary to Policy BE1 of the Unitary Development Plan.
- 3 The proposal would result in an over concentration of food and drink establishments contrary to Policy S9 of the Unitary Development Plan
- 4 The proposed development sited in this particular location gives rise to concerns in relation to crime and disorder and will undermine the quality of life for nearby occupiers thus contrary to the aims of the National Planning Policy Framework.

- 5 The site is a business site and the available evidence is considered to be non-conclusive in respect of the non-viability of the site for continued business use thereby contrary to Policy EMP5 of the Unitary Development Plan.

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