

SECTION '2' – Applications meriting special consideration

Application No : 12/01721/VAR

Ward:
Penge And Cator

Address : 4 Green Lane Penge London SE20 7JA

OS Grid Ref: E: 535639 N: 170190

Applicant : Friends Of Flavours Restaurant (Mr M Petrotta) **Objections :** NO

Description of Development:

Variation of condition 7 of planning permission 10/02385 (granted for change of use from cafe (class A1) to pasta bar (class a3) installation of ventilation duct together with seating are to the front) to allow customers to use area to rear of property between 12:00 and 16:00.

Key designations:

Local Distributor Roads

Proposal

Permission is sought for the variation of condition 7 of planning permission ref. 10/02385 (granted for change of use from cafe (class A1) to pasta bar (class a3) installation of ventilation duct together with seating are to the front) to allow customers to use area to rear of property between 12:00 and 16:00 daily. At present condition 7 states:

“The area to the rear of the property shall not be used by customers for any purpose without prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area”.

Location

The property is located on the northern side of Green Lane in close proximity to High Street and is a ground floor unit in an end of terrace three storey property with residential accommodation on the upper floors. The rest of the terrace appears to be used solely for residential accommodation. There are a number of varying use classes including Class A5 hot food takeaways in close proximity to the site although the area is primarily characterised by residential properties.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

The Council's Environmental Health Division state that as this is a corner property in a relatively busy location the impact on the nearby residents would be minimal and as such no objections are raised to permission being granted. Concerns would be raised should the applicant seek use of the rear area in the evenings.

The Council's Waste Advisors state the refuse storage area should be as existing.

The Council's Highways Division were consulted and state the site is situated on the corner of Raleigh Road and Green Lane. The site is located in an area with medium PTAL rate of 4 (on a scale of 1 - 6, where 6 is the most accessible). Also, Green Lane (A213) is a London Distributor Road (LDR).

No car parking is offered for the development. Furthermore the proposal results in loss of a parking space, however the site is considered accessible to public transport links, being within walking distance of bus routes and a Rail Station. Moreover the development is small and the on street parking demand generated by the development would not have an adverse impact on the local road network. Therefore no objections were raised from a highways perspective subject to conditions.

Planning Considerations

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

BE1 Design of New Development
S5 Local Neighbourhood Centres, Parades and Individual Shops
S9 Food and Drink Premises
Supplementary Planning Guidance 1

The National Planning Policy Framework is also a key consideration in the determination of the application.

Planning History

In 1995 under planning ref. 95/01423, planning permission for an internally illuminated free standing advertisement sign was refused.

In 1997 under planning ref. 97/00564, planning permission was granted for a retrospective application for a single storey rear extension.

In 2010 under planning ref. 10/02385, permission was granted for change of use from cafe (class A1) to pasta bar (class A3) and installation of ventilation duct

together with seating area to the front of the property, to which this variation of condition application pertains.

In 2011 under planning ref. 11/00209, approval was granted for the variation of condition 4 of planning ref. 10/02385 (granted for change of use from cafe (class A1) to pasta bar (class A3) and installation of ventilation duct together with seating area to the front of the property) to extend opening hours 20:00 to 23:00.

In 2012 under planning ref. 12/00234, advertisement consent was granted for the continued display of two internally illuminated fascia signs and non-illuminated signs.

In 2012 under planning ref. 12/00807, permission was granted for hardstanding to front and rear; bin store to rear; gate and wall on boundary with Raleigh Road; retractable canopy to front; elevational alterations which was a retrospective application.

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.

Policy S9 is a key consideration when determining an application such as this, it states:

“The Council will only permit proposals for additional restaurants and cafes (Class A3), drinking establishments (Class A4) and hot food takeaways (Class A5) where:

- (i) the proposal would have no adverse impact on residential amenity;
- (ii) the proposal would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians;
- (iii) the proposal would not result in an over concentration of food and drink establishments, out of character with the retailing function of the area; and
- (iv) where appropriate, the proposal does not conflict with Policies S1, S2, S4 or S5”.

In granting the original planning permission for the use of the premises as an A3 use (restaurant) a condition was attached restricting use of the outdoor area by customers at any time. The current proposal now seeks to use this area to the rear from 12:00 to 16:00 daily. In the accompanying Design and Access Statement the applicant states the current application is required to ensure the profitability of the premises as the internal seating area only accommodates 20 individuals. However, this is not considered to be a material planning consideration and as stated above the key issues would be the potential impact on the residential amenities of neighbouring properties and impact on the character of the area.

The property is an end of terrace ground floor unit and any potential noise generated shall be within daytime hours. No technical objections have been raised by the Environmental Health or Highways Divisions. In addition, no objections have been received from neighbouring owner/occupiers. As such on balance the proposal is not anticipated to be unduly harmful to the residential amenity of neighbouring properties or character of the area, in line with Policy S9.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01721, 12/00234, 11/00209 and 10/02385, excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACH24 Stopping up of access
ACH24R Reason H24
- 3 Customers shall not occupy the outdoor seating areas at the rear property before 12:00 and after 16:00 on any day.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.

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

Supplementary Planning Guidance 1

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

- (a) the impact of the proposal on the residential amenities of neighbouring properties;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding area.

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