

SECTION '2' – Applications meriting special consideration

Application No : 12/03813/CONDIT

Ward:
Copers Cope

Address : 94 Bromley Road Beckenham BR3 5NP

OS Grid Ref: E: 537997 N: 169397

Applicant : Mr Aftor Ali

Objections : YES

Description of Development:

Ventilation details pursuant to condition 04 of permission 12/01686 granted for Change of use of ground floor from retail shop (Class A1) to restaurant and hot food takeaway (Class A3/A5) with ventilation ducting to rear and installation of new shopfront PART RETROSPECTIVE APPLICATION

Key designations:
Conservation Area: Chancery Lane

Update

This application was considered at the Plans Sub Committee held on the 24th January 2013. Members resolved to defer this case in order to undertake a Members site visit. This site visit is planned for the 9th February 2013.

The previous report is repeated below:

Proposal

This application seeks to approve details of Condition 4 of application ref. 12/01686 for Change of use of ground floor from retail shop (Class A1) to restaurant and hot food takeaway (Class A3/A5) with ventilation details to rear.

The position of the ventilation system was indicated on the original application. However, there was an additional requirement as a condition that details should be provided under condition 4. The agent has confirmed that the new ventilation duct, located on the flank wall to the rear of the site, is all as indicated on the original Planning Application drawing 1028 PE 004 which formed part of the approved application. In addition, the agent confirms that the proposed rising duct will not be attached to the flank wall of the first floor flat and will be independently supported off the ground floor unit wall.

Comments from Local Residents

There have been strong local objections to this application. The comments received are summarised as follows.

- I have refused permission for anything to be attached to my building.
- the wall was designated as a fire exit.
- the details need to be specific to the property
- the development would be unsightly
- the Restaurant will become a public nuisance
- independent consultant be appointed to examine the proposed system

The Environmental Health Officer has recommended that the condition be discharged.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
S9 Food & Drink Premises

The National Planning Policy Framework and the London Plan should also be taken into account.

Conclusions

The main issues relating to the application are the effect that the ventilation ducting would have on the visual amenities of the area including the Conservation Area designation and on the amenities of the occupants of nearby residential properties.

The aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Members may consider that ventilation ducting associated with the approved use as positioned on the plans would not have an adverse visual impact on the surrounding area.

No concerns are raised by the Council's Environmental Health Officer.

Having had regard to the above it was considered that the ventilation system is acceptable in that it would not result in undue loss of amenity to local residents nor impact detrimentally on the visual appearance of the surrounding area.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01686 and 12/03813, excluding exempt information.

as amended by documents received on 12.01.2013

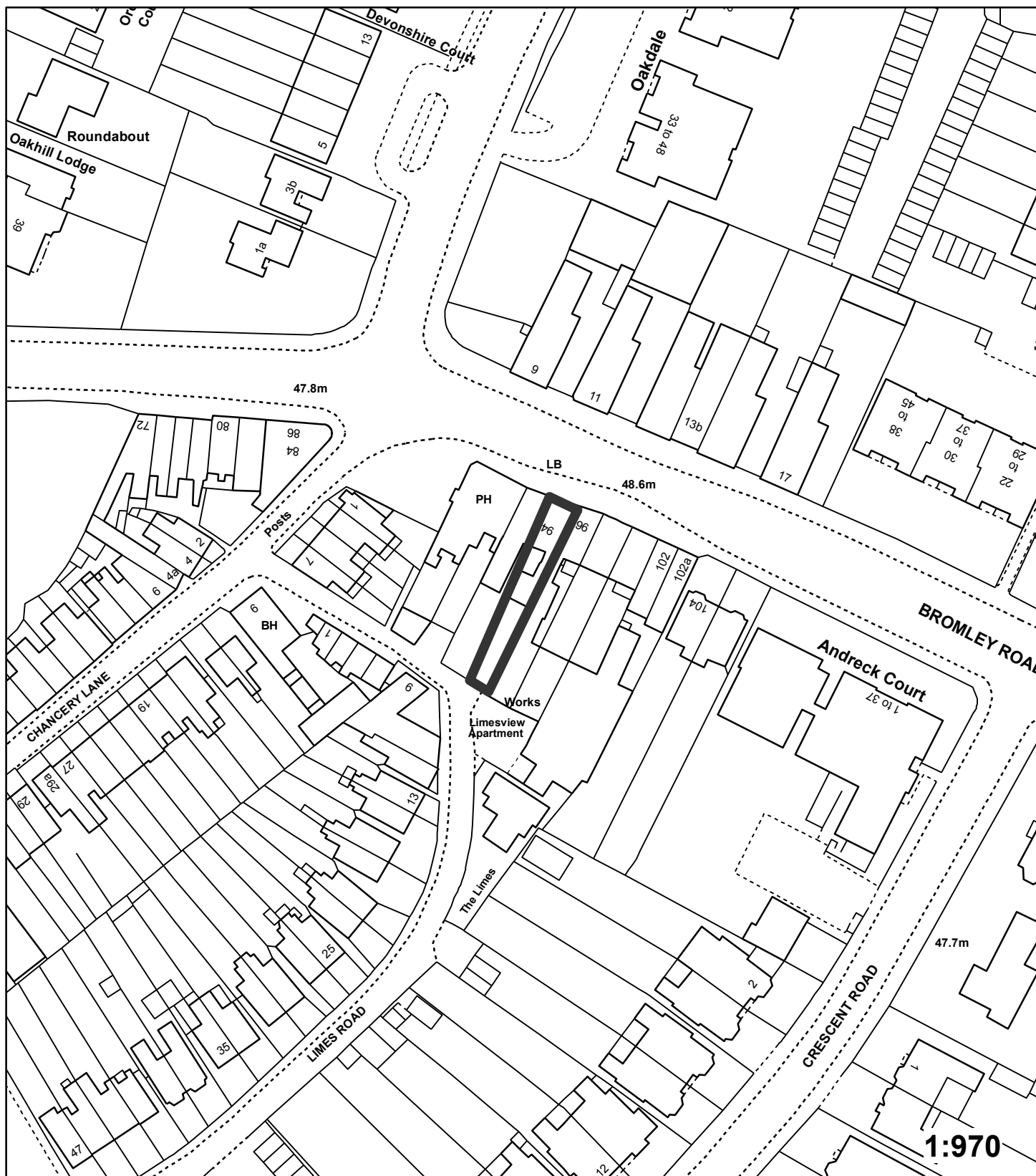
RECOMMENDATION: APPROVAL

subject to the following conditions:

Application:12/03813/CONDIT

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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