

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 13/03497/FULL3

Ward:
**Mottingham And Chislehurst
North**

Address : 41 Mottingham Road Mottingham
London SE9 4QZ

OS Grid Ref: E: 542164 N: 172890

Applicant : Mr Sultan Mohamed

Objections : YES

Description of Development:

Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5) with ventilation ductwork at rear

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Retail Shopping Frontage

Proposal

It is proposed to change the use of these vacant ground floor premises from retail (Class A1) use to a hot food takeaway (Class A5) which would open between 11.00 hours - Midnight on Mondays to Saturdays and 11.00 hours - 22.30 hours on Sundays and Bank Holidays.

Outline details of a ventilation system have been provided which show an external duct which would project vertically to eaves level on the rear elevation, and would then be angled away from the roof dormer to the flat occupying the upper floors.

The premises have been vacant since December 2007, and were previously occupied by a dry cleaners.

Location

These premises are located at the northern end of Mottingham local shopping centre, close to the War Memorial, and has a residential flat above, as with most of

the other shops in the parade. There are also residential properties to the front and rear (the latter falling within the neighbouring London Borough of Greenwich).

This shopping parade comprises 41 units, 16 of which lie within LB Greenwich.

Comments from Local Residents

A large number of letters of objection and a petition have been received to the proposals from nearby residents and businesses, including Mottingham Residents' Association, and the main points raised are summarised as follows:

- there are already sufficient food and drink premises within this shopping parade
- proposals would not attract visitors during shopping hours as the premises would be open until midnight during the week
- would lead to traffic congestion and parking problems
- ventilation ducting would be detrimental to the amenities of the occupiers of the flats above the shops in this parade
- no details provided of waste storage and disposal
- likely problems with noise and disturbance late at night
- problems with litter and smell
- detrimental impact on trade to existing restaurants/takeaways (not a planning issue).

Comments from Consultees

The Council's highway engineer raises no objections to the proposals.

Environmental Health initially raised concerns regarding inadequate information submitted for the ventilation ducting, however, revised details were submitted and the proposals are now considered generally acceptable, subject to the submission of further technical details by way of a condition.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

BE1 Design of New Development
S4 Local Centres
S9 Food And Drink Premises

Planning History

Permission was granted in May 2010 (ref.09/03017) for the change of use of these premises from a retail shop (Class A1) to a hot food takeaway (Class A5) with ventilation ducting at the rear, subject to conditions requiring further details of the ventilation system, and restricting the opening hours to between 11.00-23.00 hours on Mondays to Saturdays, and between 11.00-22.30 hours on Sundays.

Further details of the ventilation ducting were approved, however, the hot food takeaway use was not implemented within 3 years, and the permission has now lapsed.

Conclusions

The main issues relating to the application are the impact of the proposals on the retail character of the local shopping centre, and on the amenities of the occupants of surrounding residential properties.

Under Policy S4 of the UDP, the Council aims to protect the retail character of local shopping centres, but would permit a change of use from Class A1 retail so long as the retail character of the centre would not be harmed, it would have no adverse impact on residential amenity, it would not create a concentration of similar uses, it would attract visitors during shopping hours, and it would complement the shopping function of the centre.

The current level of Class A1 retail units within the Local Centre is 23 (56%), with 6 (15%) in food and drink use (Classes A3, A4 and A5). Of these, 3 are café/restaurants (A3) and 3 are hot food takeaways (A5).

In terms of the retail character of the shopping frontage, the loss of a Class A1 retail unit is not considered to significantly undermine the vitality and viability of the Local Centre, and furthermore, an adequate range of shops and services would still be provided to meet the needs of the local community. The current mix of uses are similar to those in 2009 when the previous application for a hot food takeaway was permitted.

The proposed hot food takeaway use would attract visitors during shopping hours, whilst the existing hot food takeaways and restaurants are spread out along Mottingham Road. The proposals would not therefore result in a concentration of similar uses such that it would undermine the retail character of the shopping frontage.

UDP Policies S4 and S9 also seek to protect the amenities of nearby residents in terms of the potential impact of traffic, smells, noise and general disturbance.

The ventilation system is considered to adequately protect the amenities of neighbouring residents, subject to a safeguarding condition, and the Council's highway engineer raises no concerns regarding the impact on the free flow of traffic or conditions of safety in the highway.

It is proposed to open the premises until midnight on Mondays to Saturdays, and until 10.30pm on Sundays and Bank Holidays. However, if Members are minded to grant permission for this use, it may be considered appropriate to limit the opening hours to prevent opening after 11pm on Mondays to Saturdays (in line with the previous permission), in order to protect the amenities of nearby residents.

Members may therefore consider the proposals to be acceptable, subject to safeguarding conditions regarding the ventilation ducting and the opening hours.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

as amended by documents received on 27.01.2014

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 shall not operate before 11.00 hours and after 23.00 hours on Mondays to Saturdays, nor before 11.00 hours and after 22.30 hours on Sundays and Bank Holidays.

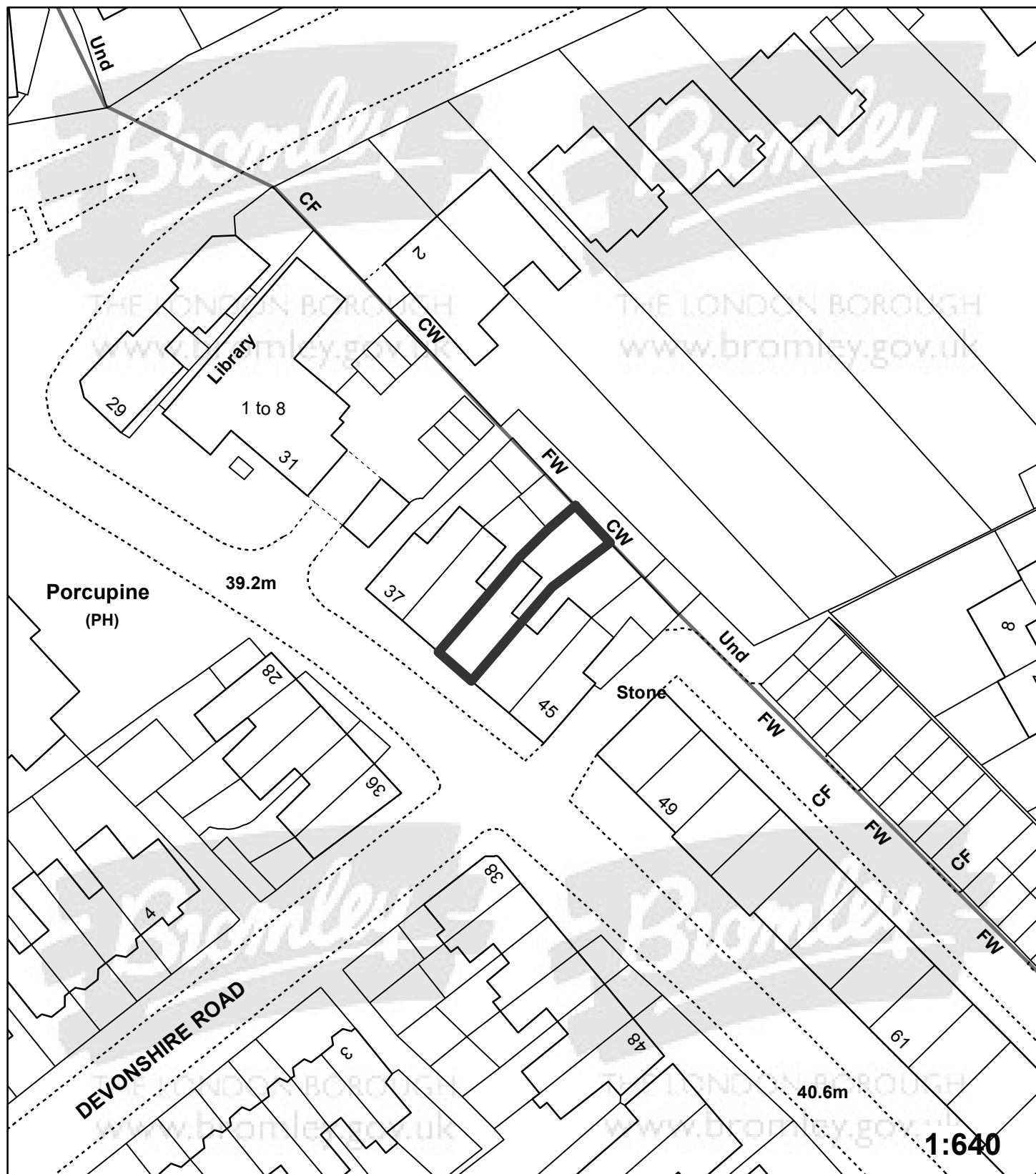
Reason: In order to comply with Policies S4 and S9 of the Unitary Development Plan and in the interests of the amenities of the area.

- 4 ACK01 Compliance with submitted plan
 ACK05R K05 reason

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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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