

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

Application No : 14/02458/VAR

Ward:
Bromley Common And
Keston

Address : 137 Hastings Road Bromley BR2 8NQ

OS Grid Ref: E: 542453 N: 165938

Applicant : Mr Halil Karaoglan

Objections : YES

Description of Development:

Variation of condition 2 of planning permission ref: 13/01136 (single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation on Monday to Wednesday 9am to 6pm, Thursday to Friday 9am to 7pm, Saturday 9am to 6pm and Sunday 11am to 4pm.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

The proposal seeks planning permission for the variation of condition 2 of planning permission reference 13/01136 (single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation.

Condition 2 of permission 13/01136 states that the use shall not operate on any Sunday or Bank Holiday nor before 0900 or after 1700 on Monday to Friday and nor before 0900 or after 1400 on any Saturday.

The application seeks an extension of the allowed hours to Monday to Wednesday 9am to 6pm, Thursday to Friday 9am to 7pm, Saturday 9am to 6pm and Sunday 11am to 4pm.

Location

The application site is situated to the southern side of Jackson Road and is located to the rear of 137 Hastings Road. The proposal relates to the recent extension that has opened as a barber/hairdresser (use class A1).

Comments from Local Residents

Nearby owners/occupiers were notified of the application and as of the date of this report representations were received which can be summarised as follows:

- disappointed original hours were so restrictive;
- multiple other hairdressers in the area excluding the Bromley High Street who were contacted have no restrictions of this kind;
- has no bearing on parking in the area;
- no issue of noise;
- rather than an inconvenience is a welcome addition to services in the local area;
- should be allowed to operate on a level playing field with competitors;
- should be allowed to open later so that those who work on Saturday can make use of it;
- parking would be a problem particularly at weekends in an area that already experiences congestion;
- property reference is incorrect as site front Jackson Road not Hastings Road;
- business should not have been allowed to open on a residential road; and
- no demand for this service in this local area.

It is also noted that a petition of 17 signatories has been received.

Comments from Consultees

Technical Highways comments were received advising of no objection to the proposed variation in opening hours and that it would not have a significant impact on the parking demand in the area.

Technical Environmental Health comments were received advising of no objection to the proposed variation in opening hours. As an A1 use the premises should not generate significant noise, odours or other effects on amenity as activities involving these impacts would fall outside the use class. As a small premises it is unlikely to generate significant noise from movements of customers by vehicle or on foot. The proposed opening hours are a relatively small change and do not impact significantly on the evening period or at all on the night period when disturbance or effects on amenity would be more likely. No complaints have been received about noise or any other matters in relation to this property since the previous permission was granted. In the unlikely event that the premises does start to cause nuisance noise or other statutory nuisances the Council have powers under the Environmental Protection Act 1990 to investigate and remedy this irrespective of the permitted opening hours.

Planning Considerations

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

BE1 Design of New Development
S5 Local Neighbourhood Centres, Parades and Individual Shops
T18 Road Safety

The above policies are considered consistent with the objectives and principles of the NPPF.

Planning History

2009: Planning application (Ref: 08/04001/FULL2) refused for change of use to land rear of 137 Hastings Road Bromley for car hand wash. Reasons for refusal:

In the absence of sufficient information to demonstrate the maximum potential of the operation and the impact on parking in the locality, the proposal would be likely to result in an increase in demand for on-street parking, detrimental to residential amenities and prejudicial to the safety and free flow of traffic, contrary to Policies BE1 and T18 of the Unitary Development Plan.

The change of use from parking area to hand carwash, due to additional traffic operation, commercial activity and general disturbance associated with such an activity, would be detrimental to the amenities of nearby residential neighbours, contrary to Policy BE1 of the Unitary Development Plan.

Note: Subsequent appeal (APP/G5180/A/09/2103038) was dismissed.

2010: Planning permission (Ref: 10/01003/FULL1) granted for single storey extension to rear of ground floor shop.

2013: Planning permission (ref: 13/01136/FULL1) granted for single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front.

Conclusions

Whilst the objections are noted, the use as A1 has already been considered acceptable with the granting of permission as noted above. Therefore, Members may consider the main issues relating to the application to extend the opening hours are the effect that those additional opening times would have on the amenities of the occupants of surrounding residential properties and the impact that it would have on the highway, parking and road safety.

In line with the technical comments of Council's Environmental Health Officer, as an A1 use the premises should not generate significant noise, odours or other effects on amenity as activities involving these impacts would fall outside the use class. Furthermore, as a small premises it is unlikely to generate significant noise from movements of customers by vehicle or on foot. The proposed opening hours are a relatively small change and do not impact significantly on the evening period or at all on the night period when disturbance or effects on amenity would be more

likely. No complaints have been received about noise or any other matters in relation to this property since the previous permission to establish the A1 use was granted. In the unlikely event that the premises does start to cause nuisance noise or other statutory nuisances the Council have powers under the Environmental Protection Act 1990 to investigate and remedy this irrespective of the permitted opening hours. Given the above, despite the objections, Members may consider that the extension of opening hours is reasonable and will not unduly harm the residential amenities enjoyed by the occupants of neighbouring properties.

With regard to impact on parking and the highway, whilst Members may note the objections, the Highways Officer is of the opinion that the development would not have a significant impact on the parking demand in the area and therefore raises no objection to the proposal. Members may therefore consider that the increase in opening hours will not unduly harm parking or the highway in the surrounding area.

Whilst objections regarding the address description have been received, no separate address point exists at present for the application site at the rear of 137 Hastings Road and this is why the application site is described as it is.

Members may also note that a number of letters in support of the extended hours have been received on the grounds as outlined in the Comments from Local Residents section above.

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

RECOMMENDATION: APPROVAL

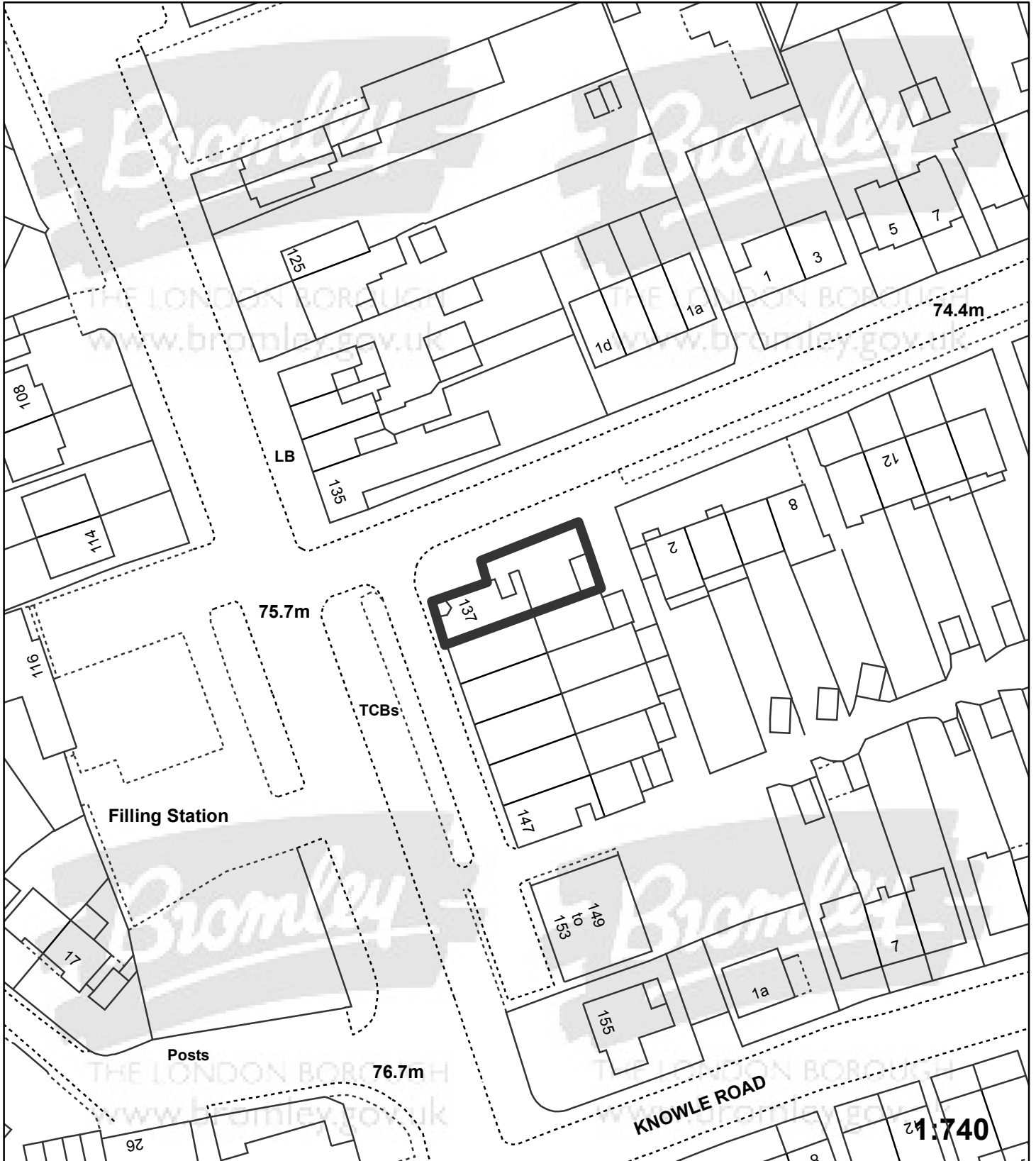
subject to the following conditions:

- 1 ACK01 Compliance with submitted plan
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.
- 2 The use shall not operate on any Bank Holiday nor before 0900 or after 1800 on Monday to Wednesday, before 0900 or after 1900 on Thursday to Friday, before 0900 or after 1800 on any Saturday and before 1100 or after 1600 on any Sunday.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the area.
- 3 The external areas that form part of the use hereby permitted shall not be used for the purposes of storage at any time.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the amenities of adjoining residents and the character of the area.

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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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