

## APPENDIX 1

### WRITTEN QUESTION TO THE RENEWAL AND RECREATION PORTFOLIO HOLDER RECEIVED FROM MR JOHN GETGOOD, CHAIR, PENGE FORUM

*'What powers does the Council have to prevent clusters of uses on High Streets which can have a negative effect on the balance and attractiveness of a High Street? We are particularly concerned about the spread of betting shops, gaming arcades, hot food take-aways and money shops and pawn brokers. What recognition of this genuine concern of residents is there in the emerging Bromley Local Plan?'*

#### **Portfolio Holder's Response**

The Council has a series of policies within the Unitary Development Plan (2006) relating to a potential loss of retail uses (Use Class A1) to other uses, in particular, policies S1 S2 S3 S4 S5. S11 refers specifically to a change to residential use. Policy S9 Food and Drink Premises sets out where the Council will permit proposals for additional restaurant and cafes (including hot food takeaways).

The purpose of these policies is to contribute to the objectives set out at the beginning of Chapter 11 Town Centres and Shopping.

There has been concern at a national level by local authorities and others with regard to the uses referred to in the question, and in particular betting shops and pay day loans. Currently these fall within Use Class A2 'financial and professional services' and benefit from various permitted development rights under the Town and Country Planning General Permitted Development Order.

At present under permitted development, it is possible to change permanently from Class A3 (restaurants and cafes) to Class A2 (financial and professional services), and temporarily for a two year period to Class A2 from Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure).

In recognition of the difficulties these uses can cause the Government's 'Technical Consultation on Planning' in the Summer included a section "Supporting a mixed and vibrant high street" which includes 'Proposals E Increasing flexibilities for high street

This proposed to bring A1 (retail) and most of the uses within A2 financial and Professional Services into a single use class, and for betting shops and pay day loan shops to remain within the A2 Use Class and to remove Permitted Development Rights related to A2 use.

The Council's response to this consultation was agreed by the Development Control Committee at its meeting in September 2014.

The 'Draft Policies and Designations Document' (February 2014) as part of developing the Bromley' emerging Local Plan included a section on town centres, and Local Parades. The main relevant policies are reproduced below for information.

There is currently no specific draft policy relating to betting shops and pay day loans shops, however, if planning legislation changes to enable the Council to manage the change from these uses to other uses, this will be reflected within the emerging Local Plan.

## 9.17

### Metropolitan & Major Town Centres

- i. The Council will require development within Bromley Town Centre to adhere to policies contained with the Area Action Plan adopted in 2010.
- ii. Within the primary frontages in Bromley and Orpington Town Centre's as set out on the defined maps the Council will only consider a change of use away from A1 where the proposal would:
  - a. not harm the predominant retail character of the shopping frontage;
  - b. generate significant pedestrian visits during shopping hours,
  - c. complement the existing shopping function of the town centre,
  - d. not create an over concentration of similar uses, and
  - e. not result in adverse effects caused by crime, disorder or anti-social behaviour.
- iii. Within the secondary frontages of Bromley and Orpington Town Centres the Council will only consider a change of use away from A1 where the proposal would meet all of the following criteria:
  - a. the use would provide a service that complements the shopping function of the town centre;
  - b. not harm the retail character, attractiveness, vitality and viability of the town centre including unreasonably reducing the number of A1 units,

- c. retain an appearance which is compatible with the adjoining shops, and
- d. provides an active frontage at ground floor level line.

## 9.20

### District Centres

- i. Within the primary frontages of Beckenham, Crystal Palace, Penge, Petts Wood and West Wickham as set out in the defined town centre maps (p126-130) the Council will only consider a change of use away from A1 where the proposal would:
  - a. not harm the predominant retail character of the shopping frontage;
  - b. generate significant pedestrian visits during shopping hours,
  - c. complement the existing shopping function of the town centre,
  - d. not create an over concentration of similar uses,
  - e. not result in adverse effects caused by crime, disorder or anti-social behaviour.
- ii. Within the secondary frontages of Beckenham, Crystal Palace, Penge, Petts Wood and West Wickham (District Centres) as set out in the defined town centre maps (p126-130) , the Council will only consider a Change of Use away from A1 where the proposal would meet all of the following criteria:
  - a. the use would provide a service that complements the shopping function of the town centre;
  - b. not harm the retail character, attractiveness, vitality and viability of the centre including unreasonably reducing the number of A1 units
  - c. retain an appearance which is compatible with the adjoining shops/premises, and
  - d. provides an active frontage at ground floor level.

## 9.21

### Neighbourhood Local Centres, Local Parades and Individual Shops

- i. Within designated neighbourhood local centres and shopping parades, the Council will require the retention of Class A1 shops, to support the provision of essential daily goods and services and ensure a range of

uses consistent with the local character to contribute to its vitality and viability for shoppers.

- ii. A change of use to non-A1 uses will only be considered if the following criteria are satisfied:
  - a. the use proposed contributes to the range of local services or the provision of local community facilities;
  - b. where long term vacancy can be shown.

## **9.24**

### **Temporary Uses**

In order to reduce/prevent long term vacancies in high streets or local shopping parades the Council will permit temporary uses where it can be demonstrated that a shop unit has been vacant for longer than 3 months provided:

- i. the new use provides an active frontage at ground floor level;
- ii. a steady flow of pedestrian footfall during day time hours;
- iii. does not cause undue harm to the vitality and viability of the shopping parade;
- iv. the use does not create undue noise or disturbance and
- v. the use does not create parking problems.

## **9.26**

### **Restaurants, Pubs & Hot Food Takeaways**

The Council will only permit proposals for a new restaurant, café, drinking establishment and/or hot food takeaway where:

- i. the proposal would not detract from the vitality and viability of the shopping parade;
- ii. the proposal would not result in an over concentration of food and drink establishments,
- iii. there is no harm or loss of amenity to nearby residents through noise, disturbance, smells, fumes, litter and unneighbourly opening hours, and
- iv. the proposal would not create undue traffic congestion as a result of the change of use.