

SECTION '2' – Applications meriting special consideration

Application No : 14/04315/FULL1

Ward:
Bromley Town

Address : 4 - 5 Market Square Bromley BR1 1NA

OS Grid Ref: E: 540232 N: 169344

Applicant : Benito's Hat

Objections : NO

Description of Development:

Change of Use from retail (Class A1) to restaurant (Class A3) and installation of kitchen extract/intake equipment and associated ductwork at rear.

Key designations:

Conservation Area: Bromley Town Centre
Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Primary Shopping Frontage

Proposal

Planning permission is sought to convert what is currently a vacant double retail unit to a restaurant. The application submission states that the proposal relates to a 'Mexican-themed' restaurant which will incorporate 57 covers and a bar. Details of the extract system as included as part of this application.

The proposed trading hours* are:

Sunday to Wednesday: 0900 to 2300
Thursday to Saturday: 0900 to 2400
Bank Holiday Sundays: 0900 to 2400
New Year's Eve: 0900 to 0230

*with a 30-minute period thereafter for customers to finish meals and leave the premises.

The application is accompanied by a supporting statement which lists details of marketing and a 'Concept Presentation' which includes photographs of restaurants run by the same operator.

Location

4-5 Market Square is a three storey building of Victoria appearance. It is adjoined along its western side by a fast-food outlet. The unit is situated within the Bromley Town Centre Primary Retail Frontage and falls within the Bromley Town Centre Conservation Area. The area surrounding the site has recently undergone extensive renovation (including remodelling of the adjoining highway) as part of the Bromley Town Centre Area Action Plan.

Comments from Local Residents

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

Comments from Consultees

No Environmental Health objections have been raised.

No objection has been raised by Thames Water.

No technical Highways objections have been raised.

Planning Considerations

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

BE11 Conservation Areas
S1 Primary Frontages
S9 Food & Drink Premises

The Bromley Town Centre Area Action Plan also represents a relevant material consideration.

Planning History

Under ref. 96/02771, planning permission was refused for the change of use of this retail unit to an insurance sales office. This was on the basis that the proposal would result in the loss of a retail unit, consolidating the non-retail frontage, therefore creating a significant break in the retail frontage in the core area of Bromley Town Centre. This proposal was subsequently dismissed at appeal.

Under ref. 13/01110 planning permission was granted for the conversion of the upper floors to for two 2-bedroom flats.

Most recently, under ref. 14/02522, a similar application involving a proposed change of use from retail function to a restaurant was refused in September 2014 on the following ground:

"The proposal would result in the unacceptable loss of a Class A1 retail unit, which would be harmful to the retail character of the Bromley Town Centre Primary Shopping Frontage, and would lead to an overconcentration of similar uses and an unacceptable break in the retail frontage along this part of Market Square, contrary to Policies S1, S9 and S10 Unitary Development Plan."

Conclusions

The main issues relating to the application are the effect that it would have on the retail character of the Bromley Town Centre Primary Shopping Frontage, and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Policy S1 of the UDP advises that in primary retail frontages, the Council will only permit changes of use from retail (Class A1) to other uses where the proposal would not harm the retail character of the shopping frontage.

Policy S9 (Food & Drink Premises) (criterion 3) advises proposal should not result in an over concentration of food and drink establishments, out of character with the retailing function of this area. The policy goes on to advise that the aim is to see this part of the High Street used for primarily retail uses. However, where appropriate the Council has permitted some flexible uses (as can be seen with "Café Rouge" at 12-13 Market Square, and "Ask" and "Chimichanga" both of which occupy a former post office at 3 and 3A East Street). That said, the main restaurant area extends along Widmore Road and East Street and this is considered the more desirable location within which future restaurant development should be encouraged. Paragraph 11.21 of the UDP advises thus:

"Although a wide range of uses is encouraged, the primary purpose of the town centres is for shopping - the preservation of their retailing function is a major objective."

Paragraph 1.22 of the UDP states that secondary frontages in Bromley are considered the most appropriate areas in which to encourage such establishments. The retail offer available to local residents and visitors has an important role in maintaining a healthy local economy and adds to the vitality and viability of Bromley Town Centre. Market Square.

The application site is bounded to the west by a fast-food restaurant, and beyond that by a bank. To the east it is bounded by a bank, followed by a retail shop, and beyond that by a bookmakers. A Land Use Map produced by the Council shows the uses of all of the surrounding ground floor units around the application site; although the majority of these fall within the A1 retail use class, it is clear that within the northern side of Market Square there is a distinct lack of retail uses.

Taking the above factors into account, it is considered that this proposal would result in the unacceptable loss of a Class A1 retail unit, which would be harmful to the retail character of the Bromley Town Centre Primary Shopping Frontage, and would lead to an overconcentration of similar uses and an unacceptable break in

the retail frontage along this part of Market Square. Whilst the supporting statement notes that the property has been vacant since January 2013, it appears that the unit has been occupied for some of that time by a temporary operator. Notwithstanding that, improvements to the surrounding highway, including a widening of the pavement outside the premises, have recently been completed with the intention of increasing footfall to the northern High Street. Taking account of the protracted disruption caused by those improvements and, with the benefit of the new street improvements, Members may consider that a further period of marketing for retail purposes may now prove more fruitful, which would justify refusing this application.

With regard to residential amenity, no objection is raised on this matter in view of the town centre location of the site where it is not considered that this proposal would lead to an unacceptable increase in noise and disturbance over and above that which currently exists. However, the proposal remains unacceptable given the harm identified to the retail character of the area.

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

RECOMMENDATION: PERMISSION BE REFUSED

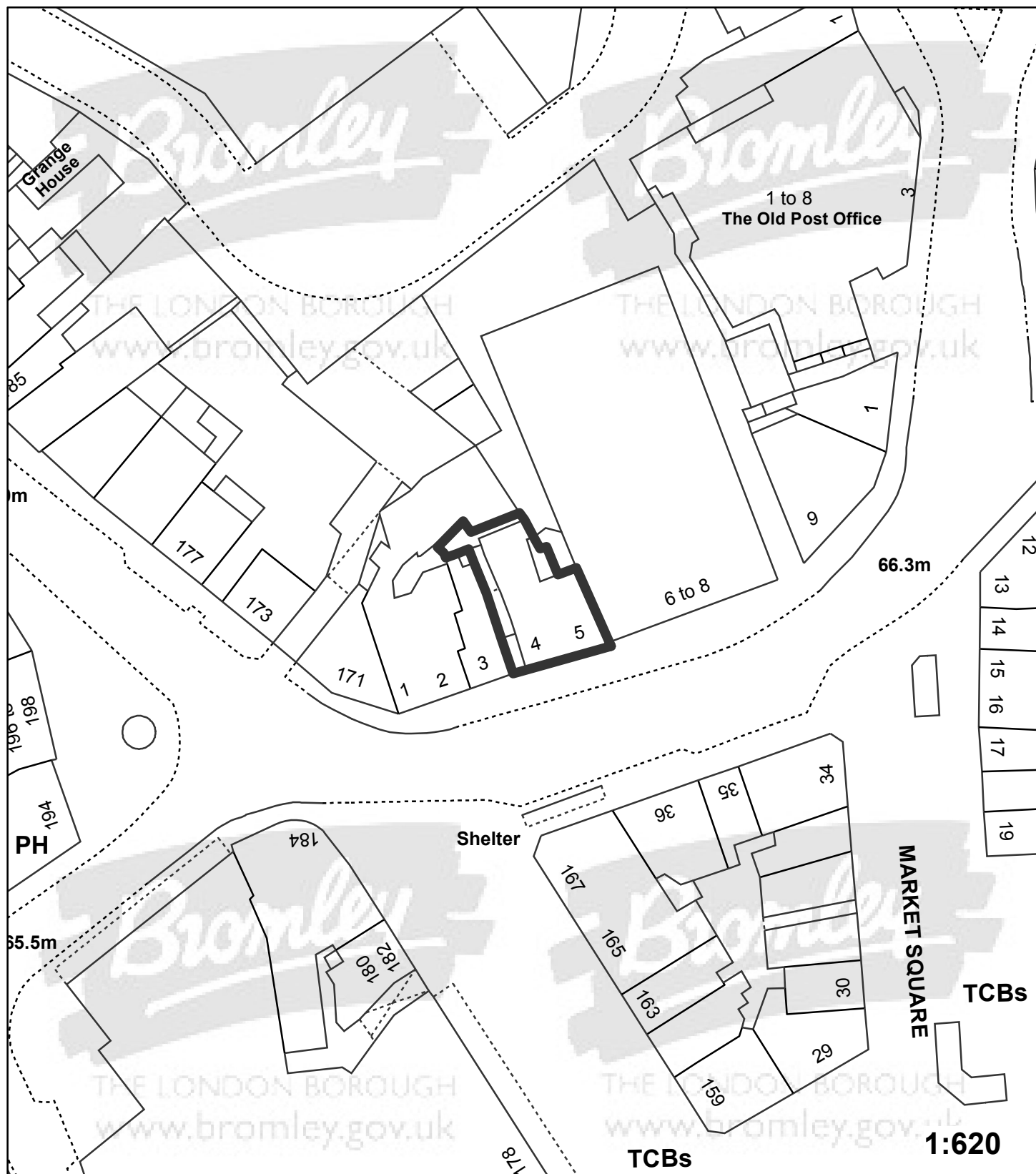
The reasons for refusal are:

- 1 The proposal would result in the unacceptable loss of a Class A1 retail unit, which would be harmful to the retail character of the Bromley Town Centre Primary Shopping Frontage, and would lead to an overconcentration of similar uses and an unacceptable break in the retail frontage along this part of Market Square, contrary to Policies S1, S9 and S10 Unitary Development Plan.

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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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