

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

**Application No :** 16/00192/FULL1

**Ward:**  
**Petts Wood And Knoll**

**Address :** 5 Station Square Petts Wood Orpington  
BR5 1LY

**OS Grid Ref:** E: 544490 N: 167700

**Applicant :** Mr J Mazloum

**Objections : NO**

**Description of Development:**

Use of front area to place tables and chairs for the consumption of hot food and drinks. RETROSPECTIVE APPLICATION

Key designations:

Conservation Area: Station Square Petts Wood  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Primary Shopping Frontage  
Smoke Control SCA 4

**Proposal**

The application site is a restaurant (Class A3) located on the eastern side of Station Square. The site falls within the Station Square Petts Wood Conservation Area and is designated a Primary Shopping Frontage.

Permission is sought for the use of the front area to place tables and chairs for the consumption of hot food and drinks. Whilst the placing of tables and chairs on a private forecourt will not normally require planning permission, the placing of tables and chairs on land that is deemed to be public highway is considered to represent a material change of use of the land concerned and therefore planning permission is required.

From visiting the site, the frontage already appears to be used for seating therefore this application is retrospective.

**Consultations**

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

The Conservation Officer comments can be summarised as follows:

- Article 4 pending requesting permission for outside seating
- Costa next door already has seating outside, as does this unit but not with the benefit of planning permission

- SPG does not provide any relevant guidance in relation to seating. In other areas, such as East Street, the Council is encouraging this arrangement.

The Highways Officer comments can be summarised as follows:

- The forecourt may be considered a public highway under common law and as such this proposal would require a street café licence
- Subject to any necessary licence being granted, no objection from a highways perspective.
- Appears to have been in use since at least 2012
- Recommend conditions regarding licencing

The Advisory Panel for Conservation Areas, (APCA) were consulted on the application and their comments can be summarised as follows:

- It would introduce unnecessary clutter and congestion in this busy part of the Conservation Area and shopping centre
- Thus detracting from the character of the Conservation Area

## **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

BE19 Shopfronts

S1 Primary Frontages

S9 Food And Drink Premises

T3 Parking

T18 Road Safety

The site has been subject to previous planning applications:

- 09/00616/FULL2 - Change of use from retail (use Class A1) to restaurant (use Class A3) including New shopfront - Refused 01.06.2009
- 10/00972/FULL2 - Change of use from vacant retail unit (Class A1) to restaurant (Class A3) and new shopfront - Permitted 24.05.2010
- 10/02866/ADV - Internally illuminated fascia sign and externally illuminated projecting box sign - Consent Granted 09.11.2010
- 13/00708/ADV - Externally illuminated fascia sign, internally illuminated projecting box sign and non illuminated awning sign (RETROSPECTIVE APPLICATION) - Consent Granted 08.05.2013
- 15/00972/VAR - Variation of condition 3 of permission 10/00972 to allow opening hours from 11am to 00:00 Mondays to Saturdays and from 11am to 23:30 Sundays and Bank Holidays - Refused 13.05.2015
- 10/00972/AMD - Non-Material Amendment: Use of front area to place tables and chairs for the consumption of hot food and drinks - Amendment requires planning permission 14.04.2015

## **Conclusions**

the main issues relating to the application are the effect that it would have on the character of the Station Square Petts Wood Conservation Area, pedestrian safety and the amenities of the occupants of surrounding residential properties.

The application site was visited by the case officer and 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.

Permission was granted for the change of use from vacant retail unit (Class A1) to restaurant (Class A3) under planning reference 10/00972/FULL2. A non-material amendment was submitted to the Council in March 2015 (ref: 10/00972/AMD) seeking to include the use of the frontage for seating, however it was considered a material change and planning permission was required.

The proposed area of frontage will be 3m deep and 7.65m wide to provide space for tables and chairs for the consumption of hot food and drinks.

From visiting the site it was noted that the frontage is currently being used for seating therefore this application is retrospective. Furthermore the adjoining property No.3, currently Costa, and a property opposite, No.6, have existing seating located on the frontage. The proposed seating has been designed to match the depth of Costa and will still allow for a significant level of space for passing pedestrians to utilise the remaining area of footpath. Concerns have been raised as the site is located within Station Square Petts Wood Conservation Area and the proposal may result in clutter however it is considered that it will not be harmful to the visual appearance of the streetscene nor will it interfere with the free flow of pedestrian movement.

From a highways perspective, no objection is raised. It is noted that the area may be considered public highway therefore would require a street café license.

It is noted that the site is located within an Article 4 designation, however this does not come into effect until 16th June 2016. The Article 4 will prevent the following:

1. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, being development comprised within Class A of Part 2 of Schedule 2 to the said Order, and
2. The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use, being development comprised within Class B of Part 4 of Schedule 2 to the said Order.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a detrimental impact on pedestrian safety nor would it impact on the character and appearance of this part

of the Station Square Petts Wood Conservation Area. The proposal would not impact on the amenities of neighbouring residential properties.

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 2 The use hereby permitted shall not be commenced until a street café licence under the Highways Act 1980 has been issued by the Council.**

**Reason: In the interests of the free flow of pedestrian traffic and highway safety.**