

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

Application No : 16/02273/RECON

Ward:
Bickley

Address : 20 Southborough Road Bickley Bromley
BR1 2EB

OS Grid Ref: E: 542370 N: 168756

Applicant : Mr Eddie Townson

Objections : YES

Description of Development:

Variation of conditions 4 of planning permission 15/04663/FULL1 [for the change of use from A1 (Travel Agents) to Sui Generis (Private Hire/Taxi Booking Office)] to read "The application premises shall not be open for the picking up of customers between 0000 hours and 0530 hours."

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12
Smoke Control SCA 13

Proposal

The application site is a single storey property located on Southborough Road, a Local Distributor Road. The building is a Locally Listed Building which forms part of the Bickley Station building.

This application has been submitted following a previous permission for the change of use from Class A1 (Travel Agents) to Sui Generis (Private Hire/Taxi Booking Office) to seek the variation of Condition 4 in order extend the opening hours of the premises, with the premises closed between 0000 hours and 0530 hours.

Consultations

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

- Increase in noise and disruption, will affect the amenity of immediate neighbours
- Unsociable hours
- No justification for the hours of operation to be extended
- Predominantly residential area
- None of the surrounding shops are open late into the evening

- No other shops promote additional vehicular movement
- Also appealing the refusal to allow drivers to access the premises. Still pending a decision. If appeal is allowed, the combination of driver access and extended hours will grant what has previously been refused. Should wait for the appeal decision before determining this application.
- The conditions were originally put in place by the Council in order to help preserve the residential amenity as much as possible and to satisfy Policy S13
- The cab office is already operating outside of the permitted hours and already caused disturbance and police involvement
- Vehicles are already making residential area noisy.
- Will be detrimental to property prices and value
- Will make area unsafe for commuters and residents alike
- There are parked cars and vans all night

The Councils Highways Officer raised no objection as it is not considered to result in any adverse impact on the highway, however noise and disturbance are planning issues.

Comments received from the Councils Environmental Health Officer can be summarised as follows:

- The current restrictions to hours of operation are reasonable and any extension to these hours comes with some risk of an adverse impact on surrounding residential amenity.
- Unlikely have any significant impact in terms of overall average noise level but it just pushes audible noise events such as door slams, engines starting and noise from people earlier/later into the night.
- There are residents surrounding the premises and the background level in the area is likely to be quite low during the proposed extended hours which will make such events more noticeable.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (2006) and the London Plan (2015):

UDP Policy BE1 - Design of New Development

UDP Policy BE10 - Locally Listed Building

UDP Policy S13 - Mini Cab and Taxi Offices

UDP Policy T3 - Parking

London Plan 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

The site has been subject to previous planning applications:

- 96/00799/ADVILL - Internally illuminated fascia sign - Permitted 29.05.1996
- 15/04663/FULL1 - Change of use from Class A1 (Travel Agents) to Sui Generis (Private Hire/Taxi Booking Office) - Permitted 29.12.2015

- 16/00447/RECON - Variation of conditions 3 and 4 of planning permission 15/04663/FULL1 [for the change of use from A1 (Travel Agents) to Sui Generis (Private Hire/Taxi Booking Office)] to read "The application premises shall be closed to drivers of vehicles associated with permitted operation except for drivers visiting the premises for administrative purposes only and those premises shall not provide rest or waiting facilities for those drivers" and "The application premises shall not be open for the picking up of customers between 0100 hours and 0500 hours." - Refused 06.04.2016

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The site was granted permission for the change of use from Class A1 (Travel Agents) to Sui Generis (Private Hire/Taxi Booking Office) under planning ref: 15/04663/FULL1. This permission included a condition (4) which restricted the opening hours; "The application premises shall not be open for the picking up of customers between 2300 hours and 0600 hours", in order to protect the amenities of adjoining residents. This application seeks to vary Condition 4 of this permission in order extend the opening hours of the premises, with the premises closed between 0000 hours and 0530 hours.

This application has been submitted following a previous refusal under ref: 16/00447/RECON for the variation of conditions 3 and 4 of planning permission 15/04663/FULL1 to allow drivers access to the premises for administrative purposes and extend the opening hours of the premises, with the premises closed between 0100 hours and 0500 hours. The reason for refusal was due to the impact on the amenities of the neighbouring properties by way of general noise and disturbance caused by the extended opening hours and allowing driver access to the premises. This current application omits varying condition 3 and has amended the opening times, with the premises closed between 0000 hours and 0530 hours.

Under Policy S13 (Mini Cab and Taxi Offices) the Council will only permit proposals for mini-cab or taxi offices where:

- (i) There is no adverse impact on residential amenity;
- (ii) The proposal will not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians; and
- (iii) The proposal will not conflict with other policies in the plan

From a technical Highways perspective, no objection has been raised as the proposed extended hours are not considered to adversely impact on highway conditions, in accordance with Policies S13 and T3 of the Unitary Development Plan (2006).

It is noted that there have been a number of objections raised by local residents, largely on the basis of additional traffic and noise and disturbance. These comments have been taken into careful consideration whilst considering the

application. The Councils Environmental Health Officer acknowledged that the proposal will push noise earlier in the morning and later into the night, however, it should be noted that the last scheduled train to arrive into Bickley Station from London Bridge is at 00:25 and the first train into London from Bickley Station is at 04:41 in the morning. Therefore given the location of the site in relation to the railway station and its existing authorised use, it is considered that the additional opening of 1hr later and 30 minutes earlier each day is unlikely to generate a significant increase in the users of the site. Whilst there will be some additional vehicular movements, on balance these would not impact significantly on neighbouring amenity to justify a refusal solely on this basis. As such the proposal is considered to comply with Policy 7.15 of the London Plan (2015) and BE1(v) of the Unitary Development Plan (2006).

Under Policy BE10 (Locally Listed Buildings) a proposal to alter, extend or for the change of use of a locally listed building will only be permitted provided that:

- (i) It will be sympathetic to the character, appearance and special local interest of the building; and
- (ii) Will respect its setting

The proposal does not alter the appearance or extend the property therefore will not significantly impact on the host property or character of the area in general, thereby compliant with Policy BE10.

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.

Having had regard to the above it was considered that the variation of Condition 4 to extend the opening hours of the premises, with the premises closed between 0000 hours and 0530 hours, is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 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.

- 3 The application premises shall be closed to drivers of vehicles associated with the permitted operation and those premises shall not provide rest or waiting facilities for those drivers.**

In order to protect the amenities of adjoining residents and to accord with Policy BE1 and S13 of the Unitary Development Plan.

- 4 The application premises shall not be open for the picking up of customers between 0000 hours and 0530 hours.**

Reason: In order to protect the amenities of adjoining residents and to accord with Policy BE1 and S13 of the Unitary Development Plan.