

SECTION '2' – Applications meriting special consideration

Application No : 16/00735/FULL1

Ward:
Crystal Palace

Address : 144 Anerley Road Penge London SE20
8DL

OS Grid Ref: E: 534244 N: 170177

Applicant : Mr Michael Huddart

Objections : No

Description of Development:

Change of use from A1 (retail) to A4 (micro pub).

Key designations:

Smoke Control SCA 6

Proposal

Planning permission is sought for a change of use from A1 (retail) to A4 (micro pub).

Location

144 Annerley Road is the ground floor unit of a three storey building with residential above. The subject site is located within the Annerley Hill local neighbourhood centre. Most of the ground floor units are vacant or have been converted to residential units. There does not appear to be any planning history for these units.

Consultations

Nearby owners/occupiers were notified of the application and over 80 letter of support have been received which can be summarised as follows:

- This type of bar is exactly what the parade needs to bring in more business
- Will increase natural surveillance of the area and deter anti -social behaviour
- will bring back an unused site into a positive use
- the pop up bar was a success and there was no loud noise of trouble
- great asset to the community
- will create extra footfall

Consultee comments:

Environmental Health officer; With strict planning conditions noise can be mitigated and minimised as far as possible, although there is likely to be some adverse impact from the proposal

Highways: On balance the development would not have a significant impact on the parking in the surrounding road network and no objection raised.

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.

S9 food and drink premises

There is no relevant planning history

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area (having regard to its shopping function) and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Principle of use.

The site lies within the Anerley Hill local neighbourhood shopping parade. Policy S5 of the UDP states that the Council will permit a change of use from Class A1 (shops) to other uses where;

- (i) the proposed use contributes to the range of local services or the provision of local community facilities: and contributes to the vitality of the centre by providing a service or attracting visitors during shopping hours: or
- (ii) it can be demonstrated that there has been a long term vacancy and a lack of demand for Class A1 (shops) uses, as well as a lack of demand for service or community use before other uses are proposed.

In addition, policy S9, which refers to food and drink premises, states that the Council will only permit proposals for additional restaurants and cafes (Class A3), drinking establishments (Class A4) and hot food takeaways (Class A5) where the proposal would have no adverse impact on residential amenity, not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians, or result in an over concentration of food and drink establishments, out of character with the retailing functioning of the area.

The majority of the units within this parade are either vacant or have been converted to residential. It is therefore considered that the proposed A4 use would encourage the revitalisation of this parade and would therefore comply with Policy S5.

Impact on residential amenity

The applicants' agent has submitted a management plan in support of the application. The anticipated hours of opening will be 12pm - 11pm everyday day. Last orders will be called 30 minutes before closing each night which will allow time for people to finish their drinks and be ready to leave the property by 11pm.

The bar will have low level music playing for background ambience, although this is not the main focus of the bar. There are no plans at present to have any live music on site. The unit will have seating for 26 people, and standing capacity for approximately another 26. The agent states that based on the 3 month temporary pop up use, flow of customers varied from day to day. On weekdays there were approximately 100 people from 4pm until 11pm and this increased at weekends to around 200 - 300 between 12pm and 11pm.

It is also proposed that signage will be used to remind people they are in a residential area and to respect that by leaving quietly. All staff will be trained and encouraged to ask people to move on if they are loitering outside.

Environmental Health officers have commented that there will be some adverse impact from the proposal as a result of noise. Flats are located on the upper levels of this parade and it would appear that both neighbouring ground floor units are residential, although there is no planning history to this effect. It is reasonable to expect some level of noise from such a use but a number of stringent conditions have been recommended which would mitigate and minimise noise as far as possible in line with planning policy. These relate to opening hours and internal works for sound insulation for ceilings and walls. Live music will also be prohibited. Members may also consider that if permission is granted there is another layer of control through the Licensing Act which could be used in the event the premises caused problems.

Highway impact and parking

Anerley Road is a London Distributor Road The site is located within an area of high PTAL rate of 5 (on a scale of 1 - 6, where 6 is the most accessible). Also there are on street parking bays available immediately outside the premises which can be used for servicing and delivery. Given the site is accessible to public transport links, on balance it is considered that there would not be a significant impact on the parking in the surrounding road network.

Summary

On balance, members may consider that the principle of the use is acceptable, subject to conditions. Members may agree that the opening hours are acceptable, however they may also wish to consider an earlier closing time for a trial period.

as amended by documents received on 16.06.2016
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 residential amenities of the area

3 The use hereby permitted shall not operate outside of the hours of 12.00-23.00 on any day.

Reason: In the interests of residential amenity and to comply with Policy 7.15 of the London Plan and the NPPF

4 There shall be no consumption of beverages in any outside areas after 21.00 hours on any day.

Reason: In the interests of residential amenity and to comply with Policy 7.15 of the London Plan and the NPPF

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a.) No development shall commence until full details of adaptations to party walls and/or ceilings between residential and non-domestic uses have been submitted to and approved in writing by the local planning authority. The details shall include relevant drawings and specifications of the proposed works of sound insulation against airborne noise.

b.) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.

c.) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with Policy 7.15 of the London Plan and the NPPF

6 The premises shall not be used for the performance of live music at any time.

Reason: In the interests of residential amenity and to comply with Policy 7.15 of the London Plan and the NPPF

- 7 Any music or amplified sound (including television, films or amplified human speech) played on the premises shall be played through a fixed in-line noise limiter. Technical details of the noise limiter shall be submitted to the Local Planning Authority for written approval prior to the use commencing and the approved noise limiter shall be permanently maintained thereafter (or a suitable alternative by written permission of the Local Planning Authority). The limiter shall be set and sealed to the satisfaction of the Local Planning Authority and permanently maintained as such thereafter.**

Reason: In the interests of residential amenity and to comply with Policy 7.15 of the London Plan and the NPPF