

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

**Application No :** 17/00048/FULL1

**Ward:**  
**Farnborough And Crofton**

**Address :** 368 Crofton Road, Orpington BR6 8NN

**OS Grid Ref:** E: 543108 N: 165117

**Applicant :** Mr Nick Constantine

**Objections : YES**

**Description of Development:**

Single storey side/rear extension and change of use of ground floor from Class A2 financial and professional services to Class A3 restaurant with decking to side

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Retail Shopping Frontage Locksbottom  
Smoke Control SCA 11

**Proposal**

It is proposed to add a single storey side/rear extension to this property, and change the use of the extended building to a restaurant (Class A3). The extension would provide additional seating for the restaurant and a new kitchen at the rear. An outdoor seating area to the side of the building is also proposed as part of the application.

A ventilation system has been submitted which shows the ducting mainly screened behind a parapet wall, with a visible vertical section proposed adjacent to the rear wall of the existing building.

Two tandem car parking spaces are proposed to the rear of the proposed extension accessed from Elm Walk, and the applicant has confirmed that the bins will be located and collected from the rear of the property, as with the other premises in this shopping parade.

The proposed opening hours are:

Mondays - Saturdays: 10.00 hours - 24.00 hours  
Sundays - 10.00 Hours - 22.00 hours

Since the application was submitted, the existing (non-extended) premises have opened as a tapas/wine bar (Class A3/A4), for which planning permission is required. The side decking for outdoor seating proposed under the current application has been built and is in use.

## **Location**

This property comprises an end-of-terrace single storey building on the north-western side of Crofton Road, and was previously occupied as a bank (Class A2). It forms part of a local shopping centre, and backs onto Farnborough Park Conservation Area.

The premises lie adjacent to a restaurant at No.366 to the north-east, and an access road serving St. Michaels Church and the parade of shops.

## **Consultations**

Nearby owners/occupiers were notified of the application and representations were received, including from Farnborough Park Estate Ltd, which can be summarised as follows:

- \* excessive opening hours - other restaurants and pubs may be encouraged to open later
- \* detrimental impact of noise and disturbance to residents at the rear
- \* noise from use of outdoor seating area
- \* noise from use of refuse bins late at night
- \* increased parking along Elm Walk.

A letter of support has also been received to the proposals.

## **Comments from Consultees**

The Highways Officer has commented that the provision of 2 car parking spaces at the rear of the premises is considered acceptable, although in this location where there is on-street parking available, there would be no requirement for any parking to be provided on site. The property currently has a vehicular access from Elm Walk, which is a private road, and as the access would be moved within Elm Walk, the agreement of the landowners would be required to carry out any works within the street.

The proposals originally showed a fire door opening out over the footway, but revised plans were received on 4th April 2017 which now show the door opening inwards.

The Environmental Health Officer has commented that the revised ventilation system submitted on 20th April 2017 is acceptable, and no objections are raised to the outside seating area which is most likely to be used as a smoking area rather than for al fresco dining. A condition could be imposed to restrict the hours of outside dining in this area, but this would not prevent smokers using the area.

The Council's Waste section was consulted on the application, but no comments have been received.

## **Planning Considerations**

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

- BE1 Design of New Development
- S4 Local Centres
- S9 Food & Drink Premises
- T3 Parking
- T18 Road Safety

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

- Draft Policy 30 - Parking
- Draft Policy 32 - Road Safety
- Draft Policy 37 - General Design of Development
- Draft Policy 95 - Local Centres
- Draft Policy 98 - Restaurants, Pubs and Hot Food Takeaways

London Plan (2015) Policies:

- 4.7 Retail and Town Centre Development
- 5.3 Sustainable Design and Construction
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

## **Conclusions**

The main issues in this case are; the impact of the proposed change of use on the shopping frontage of the Local Centre; the visual impact of the extension on the character and appearance of the building and the wider area; the impact of the proposal on the amenities of neighbouring residents; and the impact on parking and highway safety in the surrounding area.

### Impact of the proposed use on the Local Centre

The site falls within a Local Shopping Centre, and Policy S4 of the UDP seeks to retain the shopping function of such areas by only permitting the loss of a Class A1 retail unit where the new use would complement the shopping function of the Centre. In this case, the existing permitted use of the premises is as a bank (Class A2), and therefore the proposal would not result in the loss of a retail unit, and the

shopping function of the Centre would not be undermined. Class A3 uses are considered appropriate within Local Centres, and the proposals are not considered to result in an over-concentration of similar uses.

Visual impact on the character of the existing building and the wider area (including the adjacent Conservation Area)

The proposed extension would project to the side and rear of the building on this prominent corner site, but would appear subservient in design, and would contain a parapet wall to the side and rear in order to largely screen the ventilation ducting. The impact of the extension on the adjacent Farnborough Park Conservation Area located to the rear of the property would be limited, and the proposals are not considered to have a detrimental impact on the appearance of the building nor on the visual amenities of the surrounding area.

#### Impact on amenities of neighbouring properties

Policy S9 of the UDP states that permission for new food and drink premises will be permitted where they do not have an adverse impact on residential amenity. The site is located in a commercial area which contains other late opening premises such as restaurants and pubs, and there is a significant degree of separation between the premises and the residential properties to the rear in Elm Walk and Meadow Way.

The proposed opening hours of up to midnight on Mondays to Saturdays with an earlier closing time of 10pm on Sundays is similar to other restaurants and pubs in the area, in particular the next door restaurant Cyprianis. With regard to the outdoor seating area, it is quite a small area and would be largely screened from the residential properties to the rear by the proposed extension. Therefore, Members may consider that it would not be appropriate to further restrict the hours of use of this area beyond the opening hours of the restaurant.

The proposed ventilation system is not considered to have a detrimental impact on the amenities of nearby residential properties, and the collection of bins from the rear of the property is common within this parade.

The proposals are not therefore considered to have a harmful impact on the amenities of neighbouring residential properties, subject to safeguarding conditions.

#### Impact on parking and highway safety

The Council's Highways Officer has raised no concerns about the impact of the proposals on parking and road safety in the vicinity.

#### Conclusion

The proposals are not therefore considered to have a detrimental impact on the shopping frontage of the Local Centre, the visual amenities of the area, including

the adjacent Conservation Area, the amenities of neighbouring residents, or parking and highway safety in the surrounding area.

**as amended by documents received on 31.03.2017 04.04.2017 20.04.2017  
05.05.2017**

**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 materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 appearance of the building and the visual amenities of the area.**

- 3 The ventilation system indicated on the approved drawing(s) shall be completed before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.**

**Reason: In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.**

- 4 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.**

- 5 Customers shall not be admitted to the premises before 10.00 hours on any day, and all customers shall have left the premises by 24.00 hours on Mondays to Saturdays, and by 22.00 hours on Sundays.**

**Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.**