

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/01780/RECON

**Ward:**  
**Bromley Common And Keston**

**Address :** 2A Jackson Road Bromley BR2 8NP

**OS Grid Ref:** E: 542460 N: 165943

**Applicant :** Mr Halil Karaoglan

**Objections :** YES

### **Description of Development:**

Variation of Condition 2 of planning permission ref 14/02458/VAR(single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation to Monday - Wednesday: 08.45 - 18.30 hours; Thursday - Friday: 08.45 - 19.00 hours; Saturday: 08.30 - 18.00 hours; Sunday: 10.30 - 15.00 hours; Bank Holidays: 10.30 - 15.00 hours

### **Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 22

### **Proposal**

The application site is located to the southern side of Jackson Road and is located to the rear of 137 Hastings Road.

This application seeks the variation of condition 2 of planning permission reference 14/02458 (single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation.

Condition 2 of permission 14/02458 states that the use shall not operate on any Sunday or Bank Holiday nor before 0900 or after 1800 on Monday to Saturday.

This application seeks to extend opening hours to:

Monday to Wednesday 08.45 to 18.30 hours

Thursday to Friday 08.45 to 19.00 hours

Saturday 08.30 to 18.00 hours

Sunday 10.30 to 15.00 hours

Bank Holidays 10.30 to 15.00 hours

The application advises that the increased hours will help to increase income to cover rent; that the current hours are restrictive for the local community; the service provided is not noisy and does not cause disruption to the local community; local barbers and hairdressers do not have such restriction imposed on them and the applicant should be able to compete on a level playing field; current opening hours restrict local people who want to use the facility after work.

### **Consultations**

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

- o Parking is bad locally - extended hours will make it worse

- o Noise and disturbance and unsafe driving practices. Extended hours will make it worse, including Sunday and Bank Holidays
- o Do not stick to current operating hours
- o The only business in a residential road - has affected ambience; encourages loitering
- o Restriction on hours was previously applied to minimise disturbance to residents
- o Support - the hours will make it easier for working people to use the facility and support local business
- o Lovely barber - good rapport with children so makes it easier
- o Support local business
- o Trading hours between local business varies greatly; it is not necessarily this business that adds such a burden to the parking congestion locally

Highways comments note that the proposal site is situated to the southern side of Jackson Road and to the rear of 137 Hastings Road. They are of the opinion that the development would not have a significant impact on the parking demand in the area, therefore on balance raise no objection to the proposal.

### **Planning Considerations**

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

BE1 Design of New Development  
 S5 Local Neighbourhood Centres, Parades and Individual Shops  
 T18 Road Safety

Draft Policy 37  
 Draft Policy 96  
 Draft Policy 32

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 submission of the draft Local Plan will be 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 planning history includes 08/01637/FULL1 Change of use to land rear of 137 Hastings Road Bromley to hand car washing service - refused; 08/04001 Change of use to land rear of 137 Hastings Road Bromley for car hand wash - refused; 13/01136 Single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front - permission; 13/01136/AMD AMENDMENT: Proposed new opening (a door and a window) to the flank wall facing east - refused as a non-material amendment and subsequently approved under planning application reference 14/04048; 14/02458/VAR Variation of condition 2 of planning permission ref. 13/01136 (single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation on Monday to Wednesday 9am to 6pm, Thursday to Friday 9am to 7pm, Saturday 9am to 6pm and Sunday 11am to 4pm at 137 Hastings Road/2A Jackson Road.

Condition 2 of permission 14/02458 states that the use shall not operate on any Sunday or Bank Holiday nor before 0900 or after 1800 on Monday to Saturday.

## **Conclusions**

The main issues relating to the application are the effect that those additional opening days and times would have on the amenities of the occupants of surrounding residential properties and the impact that it would have on the highway, parking and road safety.

No specific client numbers/number of barbers operating at the premises are submitted as part of the application information. However the premises are not large and given the existing use it is considered unlikely that the proposed increase in hours to the existing operating days will generate significant noise from movements of customers by vehicle or on foot.

A number of local objections are received and include concern that extending hours and days of opening including into Sundays and Bank Holidays will cause noise and disturbance and the original restriction on hours was previously applied to minimise disturbance to residents. Letters of support are received, some from local residents and some from customers who do not live in the vicinity.

To extend the opening hours and days as proposed will result in an impact on amenity particularly given the shop does not currently open on Sundays and Bank Holidays at all. There is a certain level of activity around the existing local parade of shops which fronts on to Hastings Road. The planning history recognises that the unit at 2a Jackson Road brings a level of commercial activity in to this residential street and seeks to protect amenity by the imposition of restrictive hours and days of use.

It is for careful consideration as to the extent of the impact that may arise from the increased hours and days of operation and whether it will result in such an unneighbourly impact as to warrant a planning ground of refusal.

The applicant has indicated that they are willing to have a temporary period of consent in order that the impacts of the extended hours and days of opening of the business on neighbouring amenity may be fully re-considered after a temporary period of operation.

With regard to impact on parking and the highway, whilst Members may note the objections, the Highways Officer is of the opinion that the development would not have a significant impact on the parking demand in the area and therefore raises no objection to the proposal

As noted above, the premises are not large and given the existing use it is considered unlikely that the proposed increase in hours to the existing operating days will generate significant noise from movements of customers by vehicle or on foot. It is the proposed extension into Sundays and Bank Holidays which will bring activity into the vicinity on days when there currently is none. How significant this movement and activity will be, given the limited hours proposed, needs to be weighed carefully. Members may consider that a temporary permission to increase the hours and days of operation will allow a good opportunity for the impacts on neighbouring amenity to be re-assessed after a set period of time. It may be prudent to also consider a planning condition that does not allow the use on Christmas Day, Good Friday and Easter Sunday.

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

**as amended by documents received on 21.06.2017**

**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 appearance of the building and the visual amenities of the area**

- 2 The use shall not operate before 08.45 hours and after 18.30 hours Monday to Wednesday; nor before 08.45 hours and after 19.30 hours Thursday to Friday; nor before 08.30 hours and after 18.00 hours Saturdays; nor before 10.30 hours nor after 15.00 hours Sundays and Bank Holidays. The use shall not operate on Christmas Day, Good Friday nor Easter Sunday.**

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

- 3 The external areas that form part of the use hereby permitted shall not be used for the purposes of storage at any time.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the amenities of adjoining residents and the character of the area.**

- 4 The use of the premises for the increased hours and days permitted shall be limited and shall discontinue by 20th July 2018.**

**Reason: In order to comply with Policy BE1 of the Adopted Unitary Development Plan and so that the situation can be reconsidered in the light of the circumstances at that time and in the interest of nearby residential amenities.**