

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

**Application No :** 17/01448/RECON

**Ward:**  
**Plaistow And Sundridge**

**Address :** 76 College Road, Bromley BR1 3PE

**OS Grid Ref:** E: 540202 N: 169987

**Applicant :** Mrs Vanessa Ward

**Objections :** YES

**Description of Development:**

Removal of Condition 8 of Planning Permission 16/02999/FULL1 for the Change of use from a Cafe to hot food takeaway (Use Class A5) together with a new shopfront and installation of ventilation ducting to the rear in order to allow a delivery service.

**Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 5

**Proposal**

The application seeks consent for the removal of Condition 8 of planning permission 16/02999/FULL1 for the Change of use from a Cafe to hot food takeaway (Use Class A5) together with a new shopfront and installation of ventilation ducting to the rear in order to allow a home delivery service.

Condition 8 of 16/02999/FULL1 is worded as follows: *“There shall be no home delivery service provided by the use hereby permitted without written approval from the Local Planning Authority.*

*Reason: In order to comply with Policies BE1 and S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties and highway safety.”*

**Location**

The application relates to a three-storey semi-detached Locally Listed building, which is located on the east side of College Road. The property forms part of a row of workers cottages from the early 1800s and is also one of eight Locally Listed buildings fronting College Road. It forms part of a local shopping parade and the surrounding area is a mixture of residential and commercial properties. The unit is currently vacant. There is also residential accommodation above the site. An access path leading to a rear service yard is situated next to the property. Within

the rear yard is a single-storey outbuilding, which is currently being used by a restoration company.

## **Consultations**

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

- Parking is already difficult within the area. The existing takeaway uses already result in parking problems.
- Already significant number of takeaways
- There is a very sharp bend outside the application property.
- Other residents within the area do not have parking spaces
- Increased noise and disturbance
- There is not enough business for another takeaway
- People park on existing yellow lines for the existing takeaways in the rear. This blocks the pavement and causes a hazard. Another takeaway will worsen the situation.
- There is not parking available on-street for customers. Unfeasible to operate a delivery service from this spot.
- Will cause accidents and will be a danger to pedestrians and motorists.
- The external appearance will downgrade the area
- Other takeaways within walking distance.
- Light pollution

Environmental Health - No objections

Highways - A2212 College Road north of Tweedy Road is a busy classified road and London Distribution Route. The site is located on a sharp bend. I noticed on drawing number DP/3026/PP/03 that 2 x car parking spaces are shown which is blocking the access of the restoration workshop at the rear of No 76. The applicant has not clarified how this restoration business will operate.

I am not concerned about the existing arrangement i.e. occasional delivery lorry to the café and workshop but it looks like these two parking spaces will end up being used by the customers for the hot food take away and this new takeaway business will intensify the use of this existing access as all these customers will end up reversing on to College Road which is a London Distribution Route. This will create a road safety hazard and also interfere with the free flow of traffic. Therefore, the intensification of use of this existing access that opens onto a busy classified road/LDR, which is on a bend with very poor visibility and close to junction with other side roads off College Road is not justified and unacceptable as it, is contrary to Policy T18 of UDP.

## **Planning Considerations**

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

BE1 Design of New Development  
S9 Food and Drink Premises  
T3 Parking  
T18 Road Safety

London Plan (2016)

7.15 Reducing and managing noise

Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Policy 30 Parking  
Policy 32 Road Safety  
Policy 37 General Design and Development  
Policy 39 Locally Listed Buildings  
Policy 96 Neighbourhood Local Centres, Local Parades and Individual Shops  
Policy 98 Restaurants, Pubs and Hot Food Takeaways

### **Planning History**

85/01946/FUL - Change of use from shop to take away food bar. Permission  
05.09.1985

89/01203/FUL - r/o 74/76 College Road. Single storey extension to garage and  
single storey extension to 74 college road. Refused 10.05.1989

97/01756/ADVILL. Externally illuminated fascia sign to front and non illuminated  
wall sign to side. Refused 20.08.1997

98/00021/ADVILL non-illuminated wall mounted advertisement sign Refused  
04.03.1998

16/02999/FULL1 Change of use from a Cafe to hot food takeaway (Use class  
A5) together with a new shopfront and installation of ventilation ducting to the rear.  
Permission. 19.12.2016

16/02999/CONDIT Details of conditions submitted in relation to planning  
permission ref: 16/02999/FULL1  
Condition 3 - Sound Insulation  
Condition 5 - Ventilation System Approved 23.05.2017

### **Conclusions**

The main issues relating to the application are the impact on the character and  
appearance of the area, neighbouring amenity, parking and highway safety.

The site forms part of a wider local shopping parade which includes a number of A3/A5 uses. The unit is currently vacant but planning permission has been already been granted for the use as a hot food takeaway (A5 Use Class); however a condition was imposed restricting the provision of a home delivery service, which the applicant now seeks to remove.

In relation the character and appearance of the area the site has permission for a takeaway use and there are other A3/A5 uses within the parade. Allowing a home delivery service would not be out of keeping with character of the area.

Policy BE1 Design of New Development states that all development proposals should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by way of noise and disturbance.

Policy 7.15 of the London Plan states that development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life.

In this context, the principle of a takeaway use has already been assessed and deemed acceptable. However, the proposal would see the provision of a home delivery service. The site is located on College Road, within a local parade which includes a number of uses with later opening hours. There is already therefore a low background ambient noise level generated from the passing vehicular traffic, pedestrians and from neighbouring uses. The proposal would have similar opening hours to a number of other takeaways within the vicinity. There are however residential properties within the area and immediately above the proposed use.

The applicant proposes the use of two-cars which would be parked on an existing vehicular access area to the side of the property. This is an established access, which could be used for vehicular parking. The additional comings and goings associated by two delivery vehicles would unlikely result a level of noise and disturbance which is significantly worse than the current arrangement. No objections have been raised by the Council's Environmental Health Officer in respect noise, disturbance or harm to neighbouring residential amenities. Members may therefore consider the proposal to be acceptable.

Policy T18 states that the Council will consider as appropriate the potential impact on road safety and will seek road safety is not adversely affected.

The site has a PTAL of 4 and is located within a small parade of shops. It is however located on a sharp bend within College Road, which is a busy classified London Distributor Route. There are also parking restrictions in the form of single and double yellow lines within the immediate vicinity. The site benefits from an existing vehicular access path to the north of the site, which leads to a service area at the rear. There is also a detached outbuilding, used by restoration business located within this rear service area. This business also shares the vehicular access path. The applicant proposes two dedicated parking spaces for delivery

vehicles on this existing access road. The location of these parking spaces could potentially block access to the restoration business; however the applicant has clarified that the spaces would only be used for parking between 5.30pm -11:30pm, which could be reasonably conditioned via a parking management plan in order to ensure there was no conflict with the adjoining use.

The Council's Highways officer has raised concerns about the spaces potentially being used for parking by Customers, who would potentially be reversing onto College Road thereby resulting in a potential road safety hazard. However, the access is already established and used by vehicles. The spaces proposed would only be for delivery vehicles and a condition could be imposed requiring details of signage and a parking management strategy in order to deter customers parking within these spaces.

Subject to the suggested conditions Members may consider that the removal of Condition 8 and allowing a home delivery service would be acceptable and would not result in harm to the character of the area, neighbouring amenity, and would not result in harm to highway safety.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/01448 as set out in the sections above.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun no later than 16/12/2019**

**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 soundproofing details and measures shall be as set out in the approved application forms and drawings under ref: 16/02999/CONDIT and shall be retained permanently in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority**

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

- 4 At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS 4142:2014. Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location.**

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

- 5 The ventilation system shall be as set out in the approved application forms and drawings under ref: 16/02999/CONDIT and shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner unless otherwise agreed in writing by the Local Planning Authority**

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

- 6 The use shall not operate before 9am or after 11:30pm on any day of the week.**

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

- 7 The premises shall be used for a takeaway and for no other purpose (including any other purpose in Class A5 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and reacting that Order with or without modification).**

**Reason: In order to comply with Policies S5 and S9 of the Unitary Development Plan and in order to protect neighbouring amenity and the character and appearance of the area.**

- 8 Prior to commencement of development a parking management strategy shall be submitted to and approved in writing by the Local Planning Authority. This parking strategy shall include details of all signage and methods to prevent unauthorised parking within the specified parking area and access detailed on Drawing No DP/3026/PP03 hereby approved. All measures outlined within the strategy shall be maintained in perpetuity.**

**Reason: In the interest of highway safety and to accord with Policy T18 of the UDP (2006)**

**9 The use hereby permitted shall have no more than two delivery vehicles.**

**Reason: In the interest of highway safety, neighbouring amenity and to accord with Policy T18 of the UDP (2006)**

**10 Delivery vehicles used in conjunction with the A5 Use at 76 College Road shall only occupy the parking spaces outlined on Drawing No DP3026/PP03 hereby approved between the hours of 5:30pm - 11:30pm only.**

**Reason: In the interest of highway safety and to accord with Policy T18 of the UDP (2006)**

**You are further informed that:**

**1 The applicant is advised that details relating to the above planning conditions are available under ref: 16/02999/CONDIT - Details of conditions in relation to planning ref: 16/02999/FULL1:**

**Condition 3 - Soundproofing  
Condition 5 - Ventilation System.**