

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

Application No : 17/04252/FULL1

Ward:
Hayes And Coney Hall

Address : 6 Bourne Way Hayes Bromley BR2 7EY

OS Grid Ref: E: 540007 N: 166023

Applicant : Mr Ricky Ellul

Objections : YES

Description of Development:

Change of the Use Class from A5 (hot food and takeaway) to a mixed Use Class A4 (drinking establishment) & A3 (restaurants and cafes) and the installation of new shop frontage.

Key designations:

Biggin Hill Safeguarding Birds
Smoke Control SCA 51

Proposal

Permission is sought for the change of use from Class A5 (hot food and takeaway) to a mixed Use Class A4 / A3 (drinking establishment / restaurant and cafe). The proposal also includes the installation of new shop frontage.

Location and Key Constraints

The application site is a mid terraced property located on Bourne Way, Hayes. The surrounding area is characterised by a range of commercial properties, located next Hayes Station. The site is currently operating as a hot food takeaway (Class A5).

Comments from Local Residents and Groups

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

Objections:

- Already in close proximity to 5 late night establishments which already produce an unacceptable level of noise
- There is no need for an additional drinking establishment
- This is both commercial and residential area therefore the commercial units should complement and serve the local residents rather than cause adverse noise levels and stress.

Comments from Consultees

Environmental Health Pollution Officer:

- The drawing appears to show that the new front is capable of being opened across the full width so that in effect the premises would be completely open.
- At times this could result in a serious loss of amenity to residents living opposite and therefore would recommend that either the frontage be limited to no more than one single openable door, or the Applicant submits a Noise Impact Assessment which could calculate noise levels at nearby noise-sensitive buildings
- Revised plans were received 23/11/17 which limited the frontage to a single door only. As such, no objection was raised subject to a condition for hours of operation.

Highways:

- The development is located to the north of Bourne Way; there are parking bays immediately outside the premises.
- Also there is a public car park within vicinity of the site
- On balance no objection is raised.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

4.7 Retail and town centre development

4.8 Supporting a successful and diverse retail sector and related facilities and services

7.4 Local Character

7.5 Public Realm

7.15 Noise

Unitary Development Plan

BE1 Design of New Development

S4 Local Centres

S9 Food & Drink Premises

T3 Parking

T18 Road Safety

Emerging Local Plan

Draft Policy 30 Parking

Draft Policy 32 Road Safety

Draft Policy 37 General Design of Development

Draft Policy 95 Local Centres

Draft Policy 96 Neighbourhood Local Centres, Local Parades and Individual Shops

Draft Policy 98 Restaurants, Pubs & Hot Food Takeaways

Planning History

The relevant planning history relating to the application site is summarised as follows:

- 86/02604/FUL - Change of use from retail to a showroom for the sale of overseas holiday apartments - Refused 27.11.1986
- 97/01153/FUL - Change of use from retail shop Class A1 to financial and professional services class A2 - Permitted 10.07.1997
- 97/03340/FUL - change of use to A3 take away food shop Class A3 - Refused 16.04.1998
- 02/00188/FULL1 - shopfront - Permitted 27.02.2002
- 02/00802/ADV - Internally illuminated fascia and projecting signs - Consent granted 11.09.2002

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Design
- Highways

- Neighbouring amenity

Principle

The site lies within a designated Local Centre as defined by Appendix V (Shopping Frontages) of the Bromley UDP. The site is currently used as a hot food takeaway (Class A5). Permission is sought for the change of use to Class A4/A3 and alterations to the shop front. It has been confirmed in writing that the intended use is as a micropub.

Policy S9 of the UDP 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:

- (i) the proposal would have no adverse impact on residential amenity;
- (ii) the proposal would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians;
- (iii) the proposal would not result in an over concentration of food and drink establishments, out of character with the retailing function of the area; and
- (iv) where appropriate, the proposal does not conflict with Policies S1, S2, S4 or S5.

The site is located within a parade of commercial units, located within the Hayes Local Centre. Hayes station is located at the north and residential units are located to the south. It is noted that the neighbouring commercial units currently consists of a mix of retail, taxi office, restaurants and takeaways. The existing unit is currently used as a hot food takeaway (Class A5) therefore the proposal is not considered to impact on the character of the area. It is noted that the neighbouring unit, No.4, is currently operating as an 'Italian Tapas Bar' however this site was refused planning permission under planning ref. 07/02770/FULL2 and 14/04206/FULL2 for the change of use from A1 Retail to A3 Restaurant/Café due to the loss of an A1 retail unit contrary to Policies S4 and S9, and the subsequent appeal (APP/G5180/W/15/3005926) was also dismissed.

The New Inn pub is located to the east, situated some 60m from this site. It is considered that the use as a micropub would add variety and choice, therefore is not considered to be inappropriate for such an area.

The opening hours for the proposed use would be Monday to Thursday - 12:00-22:00, Friday and Saturday - 12:00-23:00 and Sunday 12:00-21:00. The Design and Access Statement indicates that this will match the current opening hours. The proposed use would operate just outside core shopping hours. However, it would provide a significant level of footfall within the early evenings. At the weekends the use would be operational during key shopping hours and would also draw people to the area. Therefore in this case, it is considered that the proposal would contribute to the range of local services and provide a facility, which could be used to support the local community. It would not detract from the vitality or viability of the parade and would generate a level of footfall. It is therefore considered that the proposed hours of opening are not excessive or un-neighbourly and the proposal is considered to comply with the requirements of Policy S9.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed elevational alterations, including the new shopfront, are considered to be sympathetic and reflective of the shopping frontage's existing character. The materials proposed include timber with glass panels. Furthermore, the revised plan proposes a single openable door thereby minimising the noise and disturbance to surrounding residents.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The area has a PTAL level of 3 (on a scale of 0 - 6b, where 6b is the most accessible). The development is located to the north of Bourne Way and benefits from parking bays immediately outside the premises. There is also a public car park within vicinity of the site. As such no object was raised by the Councils Highways Officer.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The unit comprises a basement level and ground floor level only, there are no residential units over. The closest residential units are located to the south. Concerns have been raised regarding the increase in noise and disturbance resulting from the proposed use.

The site is however located close to Hayes Station and within the retail area of Station Approach. There is already therefore a low background ambient noise level generated from the passing vehicular traffic, pedestrians and buses. The change from Class A5 to Class A4/A3 is expected to generate a similar level of comings and goings to the existing A1 use, albeit that the micropub would be open on a Sunday, where isn't currently.

The opening hours will include evenings, and the nature of the use is considered to have some impact on the amenities of local residents as it comprises an evening drinking use. Revised plans were received 23/11/17 which amended the shopfront, limiting the frontage to a single door only to reduce potential noise and disturbance. As such, no objection was received from the Councils Environmental Health Officer. However it is considered appropriate to include a condition regarding hours of operation.

Given the location and relationship to nearby premises it is not considered that the proposed use will have any detrimental impact on neighbouring amenity.

Conclusion

Having had regard to the above it was considered that the proposal is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. The Hayes Local Centre is not compromised and the proposal does not impact harmfully on conditions of highway safety.

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

as amended by documents received on 23.11.2017

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 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 materials to be used for the external surfaces of the building shall be timber with double glazed units, 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.

- 4** The use shall not operate before 12:00 and after 22:00 Monday to Thursday, before 12:00 and after 23:00 Friday and Saturday, and before 12:00 and after 21:00 on Sundays and Bank Holidays.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.