

SECTION '1' – Applications submitted by the London Borough of Bromley

Application No : 17/05817/REG3

Ward:
Bromley Town

Address : Pedestrianised Area Highway High
Street Bromley

OS Grid Ref: E: 540268 N: 169068

Applicant : Mr Kevin Munnelly

Objections : YES

Description of Development:

Relocation of Bromley High Street market comprising 46 pop-up market stalls (3.7m x 2.5m) on the pedestrianised areas in front of 20-25 and 29 Market square, 109-111, 100-122, 124-126, 136-160, 162-184 and 165-167 High Street Bromley to operate every Thursday, Friday and Saturday (08:00 to 22:00) and additional operation on Sundays to Wednesdays for a maximum 7 times per year

Key designations:

Conservation Area: Bromley Town Centre

Areas of Archeological Significance

Biggin Hill Safeguarding Area

Bromley Town Centre Area

London City Airport Safeguarding

Smoke Control SCA 5

Smoke Control SCA 51

Proposal

Planning permission is sought for the siting of 46 pop-up market stalls to be sited on the northern end of the pedestrianised part of the High Street. The market stalls will occupy the area of the west and east side of Market Square and the main High Street.

The market will operate on Thursdays, Fridays and Saturdays from 08:00 up to 22:00 and will relocate and consolidate the existing market stalls that currently operate at the southern end of the High Street. An additional 7 operations are sought from Sundays through to Wednesdays in order to accommodate occasional festive and themed markets.

Each market unit will have a length of 3.75m, width of 2.55m and a height of 3.25m. the pop-ups will be constructed out of a fabric with supporting frames for easy erection and removal.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

The site comprises the Bromley High Street, which is characterised as a Town Centre retail location. The High Street comprises a mix of architectural styles and building heights, with ground floor commercial retail, restaurant and other uses, with upper floor offices. Some upper floor residential units are also present, particularly around Market Square.

The site falls within the Bromley Town Centre Conservation Area and is also an Area of Archaeological Significance.

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

- Noise and disturbance, including smells from foods
- Impact on the character of the area and visual impact
- Impact on existing businesses and discrepancy with rates to be paid by the stalls
- Market stalls should not be positioned so that they block any of the doors/windows of nearby shops as this will impact on existing businesses

Comments from Consultees

Advisory Panel for Conservation Areas: no objection

Conservation Officer: There is already a significant amount of market and temporary activity in the High Street, all of which adds to the vitality and character of the area. This proposal would enhance this use and I see no adverse impact on the character of the CA. The proposal is therefore in accordance with BE11.

Environmental Health Pollution Officer: no objections raised.

Business Improvement District (BID) Team: Supports in principle the move of the market stalls around and towards Market Square. We would like to see the original plan introduced of fewer stalls than at present, and of higher quality; stalls that enhance the town centre without competing with existing shops. We believe that the market layout needs further work to ensure the stalls do not obstruct sight lines to shop windows and that care is taken that food stalls are located well away from clothing shops.

Highways: It appears that the passage between the two red dotted lines on Drawing Number 0220_SEW_HS_7102 is for emergency vehicles. If so I would not have any objection to this application as there is adequate access (3.7m) provided for Ambulance and Fire Service Appliances. This access for emergency vehicles should be kept clear of any obstructions and unauthorised entry is restricted and other arrangements. The market layout as shown in the above mentioned drawing any proposed arrangements should be agreed with the local Fire Station Commander and Ambulance Services.

Drainage Engineer: no comments received.

London Fire Service: no comments received.

Historic England: no comments received

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

- 2.15 Town Centres
- 4.1 Developing London's Economy
- 4.7 Retail and Town Centre Development
- 4.9 Small Shops
- 5.1 Climate Change Mitigation
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

Unitary Development Plan

- BE1 Design of New Development
- BE4 The Public Realm
- BE8 Statutory Listed Buildings
- BE11 Conservation Areas
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety
- S1 Bromley and Orpington Town Centres and District Centre Primary Frontages
- S6 Retail and Leisure Development
- S12 Markets
- EMP7 Business Support

Emerging Local Plan

Draft Policy 30 – Parking

Draft Policy 32 – Road Safety
Draft Policy 37 – General Design of Development
Draft Policy 38 – Statutory Listed Buildings
Draft Policy 41 – Conservation Areas
Draft Policy 80 – Strategic Economic Growth
Draft Policy 84 – Business Improvement Areas
Draft Policy 90– Bromley Town Centre Opportunity Area
Draft Policy 91 – Proposals for Main Town Centre Uses
Draft Policy 100 - Markets
Draft Policy 112– Planning for Sustainable Waste Management
Draft Policy 116 – Sustainable Urban Drainage Systems
Draft Policy 119 – Noise Pollution

Supplementary Planning Guidance

Bromley Town Centre Area Action Plan
Supplementary Planning Guidance 1 – General Design Principles
Supplementary Planning Guidance for the Bromley Town Centre Conservation Area.

Planning History

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

99/00536/FULL2 – Use of part of pedestrianised street for 52 stalls for arts and craft market to operate on any day of the week. PERMITTED

Considerations

The main issues to be considered in respect of this application are: (delete or add as applicable)

- Principle
- Design
- Conservation Area and Listed Buildings
- Highways
- Neighbouring amenity
- Sustainability
- CIL

Principle

The proposal seeks permission to relocate the existing market and consolidate this into a new pop-up market location on the High street. The proposal would support

local small businesses and would provide a new location for market trading that is generally supported by the Council. The Town Centre represents an appropriate location for such a market and would generate activity and business to the Town Centre that would increase footfall and enhance the vitality and commercial viability of this part of the northern end of Bromley. The development is therefore supported in principle.

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.

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

The proposal will provide 46 pop-up market stalls that will be constructed with solid frames and fabric walls and canopies. This will allow for easy pop-up and dismantling at the end of the day. The development will require no permanent alterations to the High Street and the market stalls will closely match the scale and appearance of the existing market use at the southern end of the High Street. It is considered that the development would therefore be sympathetic in terms of design and will not create a design conflict with the overall character of the High Street, given the temporary nature of the proposed use.

Each market unit will be modest in size and footprint. The siting and design of the market units will allow for good accessibility to existing shops and for emergency services without cluttering the High Street or creating issues for pedestrian

permeability. It is noted that objections have been raised by local businesses in regards to the siting of the units outside existing businesses and the potential blocking of shopfronts and visibility of window displays. The design and siting is not, however, considered to have an impact on the permeability and accessibility of the area for shoppers.

In design terms, the proposal is considered to be acceptable and will not result in a detrimental impact on the character of the High Street.

Conservation Area and Listed Buildings

Policy BE8 of the UDP states that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. In the case of a change of use, the applicant needs to additionally demonstrate that the existing or last use is not viable or is no longer compatible with the building's fabric, interior or setting. This guidance is reflected in Policy 38 of the draft Local Plan.

Policy BE11 of the UDP relates to Conservation Areas and states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to:

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces;
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

There is already a significant amount of market and temporary activity in the High Street, all of which adds to the vitality and character of the area. This proposal would enhance this use. As the market is a temporary set of structures, and given the scale and design of the stalls, it is not considered that the proposal would have a detrimental impact on the character and appearance of this part of the Bromley Town Centre Conservation Area. In addition, there would be no harmful impact on the setting of any Listed Buildings.

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.

This area of the High Street is pedestrianised and it is considered that there would be no impact on highway safety provided that the emergency access for emergency vehicles is retained at all times.

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 proposal will provide 46 pop-up market stalls at the northern end of the High Street, which will relocate the existing market and bring a degree of further activity to this part of the town. The proposal will allow for three days of trading per week up to 22:00. The area surrounding the proposal is largely commercial in nature with upper floor offices, however there are some residential uses at upper floor level, particularly at and around Market Square. The market will operate largely within normal shopping hours and will allow for some evening use, however it is anticipated that the market will normally close around normal shopping hours. Later activity into the evenings may therefore be limited, however this must be considered.

It is considered that the degree of additional disturbance would be limited in terms of evening hours and number of local residential properties affected. The area has a high level of general activity, including during the evenings and the Town Centre location is therefore considered to be appropriate for the proposal in terms of its potential impact on the amenities of neighbouring properties.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to

adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has not completed the relevant form.

Conclusion

Having had regard to the above it is considered that the proposed development 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 development would support the Town Centre function and provide support for local businesses. The proposal would also not impact harmfully in regards to highways 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.

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 use hereby permitted shall operate on Thursdays, Fridays and Saturdays from 08:00 to 22:00 with additional operation on Sundays to Wednesdays for a maximum 7 times per year and at no other times.**

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