

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/01812/RECON

Ward:
Bickley

Address : 24 Sundridge Avenue Bromley BR1 2PX

OS Grid Ref: E: 541700 N: 169817

Applicant : Ms Thelma Richardson

Objections : YES

Description of Development:

Continued use of centre for music and arts (Variation of condition 1 of permission ref. 06/03476 to extend opening hours on Fridays and Saturdays until 11.30pm)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

It is proposed to increase the opening hours of this music and arts centre on Fridays and Saturdays from the permitted 10.45pm until 11.30pm.

Location and Key Constraints

This detached property lies on the southern side of Sundridge Avenue, opposite the junction with Edgeborough Way, and occupies a sizeable plot. It is surrounded by residential properties in Sundridge Avenue, Westbury Road and Copley Dene.

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

- The proposed increased opening hours has already been refused by the Council
- Increased noise and disturbance to nearby residents.

Comments from Consultees

Environmental Health Pollution Officer: The proposed extension in hours is fairly limited, amounting to 45 additional minutes on 2 weekend days only. On the converse, the proposed hours take opening beyond 23.00 which is usually

considered the onset of night time in noise terms, and this is a residential area which is likely to have fairly low background noise levels and without significant night time activity.

In light of the above there may be some impact on neighbouring amenity from the proposal as neighbours are likely to notice noise from people and vehicles departing later into the night on Fridays and Saturdays, particularly for bigger events such as wedding receptions. If noise from internal activities (such as amplified music) is audible externally this would also be audible later into the night. The additional hours may also increase the number of events which impacts on neighbouring amenity.

In the absence of any acoustic evidence to demonstrate that the impact would be acceptable, on balance, the application should be refused.

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

7.15 Reducing Noise and Enhancing Soundscapes

Unitary Development Plan

BE1 Design of New Development

Emerging Local Plan

37 General Design of Development

119 Noise Pollution

Supplementary Planning Guidance

NPPF

Planning History

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

Permission was originally granted in the 1960s for the use of this property as a music and arts centre, with conditions (which have been varied over the years) limiting the uses which can be carried on.

Permission was granted in 2003 (ref.03/02244) to allow a further use for wedding ceremonies/receptions (which was then specified in condition 2 of that permission), whilst permission ref.06/03476 allowed use for occasional film shows.

A Lawful Development Certificate (ref.11/02988/PLUD) was granted in 2011 to allow the use of the premises (apart from the outdoor areas) on Sundays for musical activities, lectures, teaching courses, poetry recitals, weddings and wedding receptions, exhibition purposes, drama rehearsals and meetings, and film shows (with the exception of public performances), and it was determined that those uses fell within the scope of existing planning permissions for the site.

Most recently, an application to vary of condition 1 attached to permission ref.06/03476 (which requires that all public activities cease by 10.45pm) to allow public activities until 11.30pm on Fridays and Saturdays was refused on the following grounds:

"The proposed increase in the opening times of the centre on Fridays and Saturdays until 11.30pm is likely to result in increased noise disturbance to neighbouring properties during later evening hours when residents can reasonably expect some peace and quiet, and would thereby be contrary to Policy BE1 of the Unitary Development Plan."

Considerations

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

- Resubmission
- Neighbouring amenity
- CIL

Resubmission

The current application is a resubmission of the refused application to extend opening hours on Fridays and Saturdays (ref.16/01117). No changes have been made to the proposals.

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 proposed later closing times on a Friday and Saturday night are likely to result in increased noise nuisance to neighbouring properties during later evening hours when residents can reasonably expect some peace and quiet. Furthermore, the additional hours may also increase the number of events held at the centre which would also further impact on the amenities of neighbouring residential properties.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above, it is considered that the proposal is not acceptable in that it would result in a significant loss of amenity to local residents. No evidence has been submitted to demonstrate to the contrary following the previous refusal for the same extended hours under ref.16/01117, and accordingly it is recommended that the application is refused.

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: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed increase in the opening times of the centre on Fridays and Saturdays until 11.30pm is likely to result in increased noise disturbance to neighbouring properties during later evening hours when residents can reasonably expect some peace and quiet, and would thereby be contrary to Policy BE1 of the Unitary Development Plan and Draft Policies 37 and 119 of the emerging Local Plan.**