

SECTION '2' – Applications meriting special consideration

Application No : 18/02948/FULL3

Ward:
Copers Cope

Address : 128 High Street Beckenham BR3 1EB

Objections: YES

OS Grid Ref: E: 537351 N: 169491

Applicant : Mr D Nicholson

Description of Development:

Change of use of ground floor from retail/tearoom (Use Class A1) to restaurant and takeaway (Use Class A3/A5) together with the installation of extract system to rear of building.

Key designations:

Conservation Area: Beckenham Town Centre
Areas of Archaeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 12

Proposal

Planning permission is sought for the change of use of ground floor from retail/tearoom (Use Class A1) to restaurant and takeaway (Use Class A3/A5) together with the installation of extract system to rear of building.

Location and Key Constraints

The application site lies on the northern side of Beckenham High Street within a row of commercial units on the ground floor, some of which have residential accommodation above. The site lies within the Beckenham Conservation Area and is designated a Primary Shopping Frontage.

The site is bounded to the east (No.132) by Miso and by Musical Images (No.216) to the west. The rest of the parade is made up of a mixture of uses including coffee shops, retail shops, banks and charity shops.

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 building work and proposed outside space will create additional noise, affecting our private outside space and communal residential areas. More concerning is the rear kitchen extract which is likely to produce further noise and odours at all times of the day, just across the fence from us. There are already plenty of nice restaurants and cafes.

Comments from Consultees

Environmental Health Pollution Officer: No objections to the position or height of the proposed kitchen extract system but as no technical details have been submitted I would recommend that a condition be imposed together with the opening hours.

Highways: No objection to the application.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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.

The application falls to be determined in accordance with the following policies

London Plan Policies (2016):

- 7.4 Local Character
- 7.5 Public Realm
- 7.8 Heritage Assets and Archaeology
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE11 Conservation Areas
- S1 Primary Frontages
- S9 Food & Drink Premises
- T3 Parking
- ER9 Ventilation

Draft Local Plan (2016):

- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas
- 91 Metropolitan & Major Town Centres
- 94 District Centres
- 98 Restaurants, Pubs & Hot Food Takeaways
- 119 Noise pollution
- 121 Ventilation and Odour Control

Supplementary Planning Guidance:

- SPG1 - General Design Principles

Planning History

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

02/02683/FULL1 - Two storey rear extension comprising first floor offices and ground floor car parking, 128/130 High Street Beckenham - Refused

02/03855/FULL1 - Two storey rear extension comprising first floor offices and ground floor storage and car parking 128/130 High Street, Beckenham - Approved

03/03652/FULL1 - Two storey rear extension comprising offices and ancillary storage RETROSPECTIVE APPLICATION (128/130 High Street, Beckenham) - Approved

13/02671/FULL2 - Change of use of ground floor from office (Use Class A2) to a Tea Room (Use class A3). Installation of doors to rear elevation - Approved

Considerations

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

- Principle
- Neighbouring amenity
- Highways
- CIL

Principle:

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The main issues in this case are the impact of the proposed Class A3/A5 use on the vitality and viability of this District Shopping Centre, on the character and appearance of the Beckenham Town Centre Conservation Area, and on the amenities of neighbouring residents.

Policies S1 and S9 seek to ensure that changes of use along the lines proposed would provide a service that complements the shopping function of the town centre, would have no adverse impact on residential amenity, would have an acceptable highways impact and would not result in an overconcentration of food and drink establishments.

Policy S1 states that in primary retail frontages the Council will only permit changes of use from retail (Class A1) to other uses where the proposal would not harm the retail character of the shopping frontage; generate significant pedestrian visits during shopping hours; complement the shopping function of the town centre; not create a concentration of similar uses; and have no adverse impact on residential amenity.

Policy S9 of the Unitary Development Plan allows for a new Class A3 use where:

- (i) it would have no adverse impact on residential amenity
- (ii) it would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians
- (iii) it would not result in an over-concentration of food and drink establishments (Classes A3, A4 and A5) that would be out of character with the retailing function of the area.

An Officer survey was conducted during the assessment of the application to analyse the commercial uses within the block of the application site (Nos. 132-94 High Street, Beckenham), 8 out of the 14 units (excluding the application site) are in Class A1, 3 in A2 use, 2 in A3 use. The current unit is A1 at the front with A3 at the rear and the proposal will result in the loss of the front A1 part of the unit. The

existing Class A3, A4 and A5 uses are spread throughout the shopping centre, and the addition of an extra Class A3 use would only slightly increase the proportion of A3 uses in this particular parade. The proposal is therefore considered not to result in an overconcentration of food and drink uses within primary frontage of this district centre and would not be detrimental to or undermine the retail function of the area. The proposed enlarged restaurant would follow the existing hours of operation in the area and would be open in daytime shopping hours in addition to the evening opening hours.

The site is location within the Beckenham Town Centre Conservation Area, Policy BE11 seeks for all new developments within the conservation area, to preserve or enhance the character or appearance of the conservation area in terms of its scale, design and materials.

The ducting is to be located to the rear of the building and generally screened from public view, given the reversible nature of the extract flue there are no objection to this element with regards to the impact of the Conservation Area.

With regards to the change of use and the impact of the proposal on the character and appearance of the area, in view of the fact that the proposal relates to internal modifications and the enlargement of an existing restaurant use it is considered that the proposal would preserve the character and appearance of the conservation area.

Having had regard to the above it is considered that the proposed change of use would be acceptable.

Neighbouring Amenity:

With regards to the impact of the proposal on residential amenity, it is important to safeguard the upper level residential property from noise, disturbance and odours associated with the proposed ground floor use.

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. Policy S9 requires that food and drink establishments do not impact adversely on residential amenity.

The proposal would introduce a change to the proposed opening hours, 08.30-23.00 Monday to Saturday and 08.30-22.00 Sunday which would allow for a continued breakfast opening. The proposed opening hours are not considered to be untypical for a High street location and will be similar to other restaurant uses in the immediate locality. The upper floor of the building is currently used as a flats and subject to acceptable ventilation specifications as requested by the Environmental Health Officer, the proposal would not impact significantly on the amenities of nearby residents, in light of the proposed use and opening hours.

The proposed ventilation ductwork will be positioned to the rear of the building along the eastern boundary and therefore will not create a visual impact that would be detrimental to the amenities of the occupiers of the upper floor flats. In addition, the ductwork will extend vertically to a point just below the ridge height and will expel odour vertically. This is considered to be the ideal arrangement for dealing with restaurant odour and is considered acceptable. A condition has been recommended to ensure the details of the extract system are provided prior to commencement of the use, this is to alleviate fumes and odours which might impact on neighbouring residential amenity.

Concerns have been raised over outside seating area, there is already an outside area, however given the extension to the hours of operation a condition has been proposed which would limit the usable hours.

Given all of the above it is considered that the proposal would comply with Policy BE1 of the Unitary Development Plan and Policy 6 of the draft Local Plan with regards to neighbouring amenity.

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.

No highways objections have been raised to the proposals and it is not considered that the proposal would have a detrimental impact on the free flow of traffic or congestion given the availability of parking in the area.

CIL:

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

Conclusion

Having had regard to the above, it is considered that the proposal is acceptable in that it would not result in a significant loss of amenity to local residents, nor would it impact on the vitality and viability retail functioning of the High Street.

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: To comply with 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 UDP and in the interests of visual and residential amenity.

- 3** The use shall not operate before 08.30-23.00 Monday to Saturdays and 08.30-22.00 Sundays.

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

- 4** Detailed plans of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by the Authority, it 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.

Reason: In order to comply with Policies S9 and BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 5** No customers shall be admitted to the garden before 09:00hrs on any day, and all customers shall have left the garden by 21:00hrs.

Reason: In the interest of residential amenity and in order to comply with Policy S9 of the Unitary Development.