

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

Application No : 19/00241/FULL1

Ward:
Bromley Town

Address : 162 High Street Bromley BR1 1HJ

Objections: Yes

OS Grid Ref: E: 540199 N: 169278

Applicant : Mr Kevin Munnelly

Description of Development:

3Erection of two detached kiosks to provide 4 retail (Class A1) units

Key designations:

Conservation Area: Bromley Town Centre
Smoke Control SCA 51

Proposal

Planning permission is sought for the erection of 2 permanent commercial buildings on the High Street. Each building will be split into two units occupied by four different retailers (Class A1). The buildings will be sited on the pedestrianised area of the High Street at the Market Square end, one either side of the main entrance to Primark.

The buildings will have dimensions of 9.0m by 3.0m and 6.0m by 3.0m respectively. The large building will have a flat roof with a height of 3.1m and the smaller building will have a height of 3.0m. The proposed external materials include red cedar cladding, aluminium doors and windows and a stainless steel canopy.

The units will operate from 08:00 to 21:00 on Mondays to Saturdays and from 11:00 to 17:00 on Sundays and Bank Holidays.

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. There are also some upper floor residential units.

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

- Concerns regarding the type of business and issues relating to potential restaurant occupation, music noise, cleaning and Council tax changes.
- Concerns over loss of footfall to local established businesses

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Advisory Panel for Conservation Areas (APCA): No inspection made.

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 Policy 41.

Crime Prevention Officer: Designing Out Crime Group London will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on applications of less than ten residential units or 1000 sq/m. However, I see no reason why this project cannot achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products.

Highways: I would have no objections from a highway perspective to this application. Having spoken to licencing colleagues it is unclear whether these units would require a highway licence so I suggest this is followed up with them should the application be successful.

Drainage Officer: Please note this area is at high risk from surface water flooding. As such surface water run-off should be attenuated. Please impose PC06.

Environmental Health Pollution Officer: no comment made.

Business Improvement District (BID) Team: No comment made.

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.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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

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

Bromley Local Plan

Policy 30 – Parking

Policy 32 – Road Safety

Policy 37 – General Design of Development

Policy 38 – Statutory Listed Buildings

Policy 41 – Conservation Areas

Policy 80 – Strategic Economic Growth

Policy 84 – Business Improvement Areas

Policy 90– Bromley Town Centre Opportunity Area
Policy 91 – Proposals for Main Town Centre Uses
Policy 100 - Markets
Policy 112– Planning for Sustainable Waste Management
Policy 116 – Sustainable Urban Drainage Systems
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

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

17/05817/REG3 - 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 – PERMITTED

19/00237/FULL1 – Erection of 2 retail units – Under consideration on the same Plans Sub-Committee agenda

Considerations

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

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

Principle

The proposal seeks permission to erect two detached retail units on the pedestrianised part of the High street to be occupied by 4 individual retailers. The proposal would support local small businesses and would provide a new location for retail/market trading that is generally supported by the Council. The Town Centre represents an appropriate location for such new commercial units 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 High Street. 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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy 37 of the Bromley Local Plan 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 a total of 4 commercial units on the pedestrianised area of the High Street outside Primark. The units will be permanent and constructed with a red cedar clad external appearance. The units will have a low flat roof and will be similar in general size and scale to the existing market stalls that operate on Thursdays-Saturdays within this area 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.

Each detached retail unit will be modest in size and footprint. The siting and design of the 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, drawing shoppers away from existing shops. 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 38 of the Bromley Local Plan outlines 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.

Policy 41 of the Bromley Local Plan 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, along with new street furniture and planting, all of which adds to the vitality and character of the area. This proposal would supplement and enhance this. As the proposal constitutes an appropriate Town Centre use, and given the scale and design of the units, 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 Bromley Local Plan 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 37 of the Bromley Local Plan 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 4 retail units within the pedestrianised area of the High Street and will propose trading until 21:00 on Mondays to Saturdays and 17:00 on Sundays and Bank Holidays. The area surrounding the proposal is largely commercial in nature with upper floor offices, however there are also some residential uses at upper floor level within Market Square and the wider locality. The units will operate largely within normal shopping hours and will allow for evening use in line with the recently permitted market trading hours granted permission under ref. 17.05817. It is anticipated, however, that the units 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 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 37 of the Bromley Local Plan and in the interest of the visual and residential amenities of the area.

- 3 The use hereby permitted shall not operate before 08:00 and after 21:00 on Mondays to Saturdays or before 11:00 and after 17:00 on Sundays and Bank Holidays.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of nearby residential dwellings.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use of any kind permitted by Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken without the prior approval in writing of the Local Planning Authority.**

Reason: To enable the Council to consider future changes of use and other development at the site in the interest of local amenity, in accordance with Policy 37 of the Bromley Local Plan.

5 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

Informative

You are advised of the Crime Prevention Officer's recommendations as follows:

Main entrance door and any other external doors leading into the fabric of the building should meet or exceed PAS24 2016 or alternative Secured by Design Standard. (This would include any terrace or patio doors on the ground and lower ground floors and any balcony doors if accessible)
Any ground floor or other accessible windows or glazing (including climbable balconies and rooflights) to be PAS24 2016 or alternative Secured by Design Standard and glazing to be to BS 356:200 P1A as a minimum.

Mail Delivery should be via tested and accredited boxes in a secure lobby area, through the wall or external boxes.

Utility meters should be located outside of the dwelling at a point where they can be overlooked or intelligent smart meters with automatic signaling are an acceptable alternative.

Any bicycle stands should be a galvanised steel bar construction (minimum thickness 3mm) with a minimum foundation depth of 300mm with welded 'anchor bar'.

The fabric of the structure be suitably robust in construction to prevent unlawful entry and offers no climbing aids, which could be used to access upper windows of adjacent buildings.