

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

Application No : 19/01789/FULL2

Ward:
Farnborough And Crofton

Address : 354 Crofton Road Orpington BR6 8NN

Objections: Yes

OS Grid Ref: E: 543144 N: 165155

Applicant : Mr Ihsan Potukoglu

Description of Development:

Change of use from Class A2 (Financial and Professional services) to Class A3 (Restaurants and Cafes) with internal seating area, shopfront, ventilation ducting and extraction system at the rear.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Retail Shopping Frontage Locksbottom
Retail Shopping Frontage
Smoke Control SCA 11
Stat Routes

Proposal

Permission is sought for the change of use from Class A2 (Financial and Professional services) to Class A3 (Restaurants and Cafes) with internal seating area, replacement shopfront, ventilation ducting and extraction system at the rear.

The restaurant is proposed to be open between 12:00 - 22:00 Monday-Friday, 12:00-23:30 on Saturdays and 12:00-21:00 on Sundays (including bank holidays).

The application was supported by the following documents (delete if none and summarise key content when applicable to the assessment)

- Existing and proposed plans and elevations
- Design and Access Statement
- Noise and Odour Report
- List of Plant Items
- Equipment Specifications
- Copy of NatWest Branch Closure Notice
- Letter from Avison Young (Estate Agents)

Location and Key Constraints

The application site comprises of a vacant A2 unit, located on the north-western side of Crofton Road, Locksbottom. The site is designated as a Local Centre Shopping Frontage

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 - 15 letters of objection were received

- A Turkish restaurant is already opening two doors away from this premises
- This will also have an effect on the other restaurants and businesses on the parade.
- The parade already has many restaurants and a pub and I believe it has reached its capacity in eating outlets and I do not feel another restaurant would benefit anybody
- There will now be seven food establishments along a small parade of shops where food waste is left in the unmade private road that is to the rear of both our property and these food establishments.
- We have recently been subject to an increase in pests, including rats, mice and foxes.
- In determining this application the council must ensure that appropriate waste storage and collection is being considered.
- Another Turkish is too much, we need more variety
- Should this application be decided it will have a great knock on effect to everybody already trading on parade in an already delicate climate.
- Strain on parking
- Loss of trade
- Having A1 and A2 uses in the area would balance the use classes of the parade and retain the viability of the area
- No site notice has been displayed
- Just because the premises has been empty a few years doesn't mean it's right to change its use to A3 automatically
- The other establishments are already paying high rent and rates and one more food establishment will effect the parade greatly.
- Brexit is coming and people are already struggling this would just cause further strain on everybody on this small parade
- we are concerned about the increase in noise and potential anti-social behaviour also increased parking in the unmade road
- In the event that the council decide that change of use is granted we request that it is conditioned that the flat roof area of the single storey rear extension shall not be used as a balcony or sitting out area and there shall be no access to the roof area, as per planning approval in relation to planning application 17/05859 at 348 Crofton Road
- Vast majority of this support comments are from people living several miles away - it is quite difficult to see their relevance to this planning application

Support - 113 letters of support were received

- We are aware that the applicant has previously set up an extremely popular and successful restaurant in Hayes and have no doubt that they will do the same with this proposed development, which in turn will make a positive and valuable addition to Locksbottom
- Will be a great asset to the area
- Will add value to the area and to a building which has been empty for a very long time
- Will attract more people to the area during the day and benefit other businesses
- It will give people an alternative to the current restaurants on the parade, competition is good for consumers as businesses will have to keep up their standards and service.
- Been to the Hayes restaurant for years, always good food and a good service
- Closed shops are no good for the local community
- As a local business I believe the area needs new focal points such as restaurants and cafe's to bring back people to the high street
- They employ local people and contribute something positive to the community
- Family friendly and relaxed restaurants
- A classy shopfront will transform the current space
- Will increase footfall
- NatWest has been closed for more than 2 years now which has had a negative effect on the high street

Comments from Consultees

Thames Water:

- **WASTE COMMENT:** Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided
- **WATER COMMENT:** If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

Environmental Health Pollution Officer:

- I have considered the above and have no objections within the grounds of consideration, subject to a condition regarding the plant noise levels.

Drainage Engineer:

- No increase in foot print - no comment

Highways:

- Given the number of existing restaurants in the area I would have no objection to this application from a highway perspective.

Waste:

- No comments were received prior to determination.

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 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

- 4.7 Retail and Town Centre Development
- 5.3 Sustainable Design and Construction
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Bromley Local Plan

- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 95 Local Centres
- 98 Restaurants, Pubs and Hot Food Takeaways
- 101 Shopfronts and Security Shutters
- 119 Noise Pollution

- 120 Air Quality
- 121 Ventilation and Odour Control

Planning History

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

- 93/00715/ADVILL - Double sided internally illuminated projecting sign - Permitted 11.08.1993
- 97/03238/FUL - Alteration to front elevation incorporating an enlarged ATM machine - Permitted 11.02.1998
- 00/02659/FULL1 - Satellite dish on rear roof - Permitted 27.09.2000
- 02/02962/ADV - Internally illuminated fascia projecting and ATM signs - Consent Granted 02.10.2002
- 15/00475/ADV - 1 x internally illuminated fascia sign, 1 x non-illuminated projecting sign and 1 x non-illuminated name plate acrylic panel. - Consent Granted 31.03.2015

Considerations

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

- Change of use
- Design
- Highways
- Neighbouring amenity

Change of Use

Policy 98 states that the Council will permit proposals for a new restaurant where all of the following criteria are met:

- a - the proposal would not detract from the vitality and viability of the Town or Shopping Centre,
- b - the proposal would not result in an over concentration of food and drink establishments,
- c - there is no harm or loss of amenity to nearby residents through noise, disturbance, smells, fumes, litter and unneighbourly opening hours, and
- d - the proposal would not create undue traffic congestion as a result of the change of use.

The site is also designated as a Local Centre Shopping Frontage. Policy 95 (Local Centres) refers to the change of use from Class A1 to other uses, however the site was previously occupied by a NatWest Bank (Class A2) therefore Policy 95 is not applicable as a change of use will not result in the loss of an A1 retail unit.

It is acknowledged that it is the Council's objective to safeguard and where possible enhance the A1 offer in areas of shopping frontages, the Council also recognises that local centres have a wider role to play than simply retailing. This is visible in the makeup of this section of the Locksbottom, (320-368) which has a number of commercial uses including A1, A2, and A3 units, which provide services to local people and complement the shopping functions of the wider area.

It is noted that concerns have been raised regarding the concentration of restaurants within the parade. The adjoining units currently consist of a butcher (Class A1) at No.356 and a hairdresser (Class A1) at No.352. It is noted that there are a number of Class A3 units located to the south-west of this unit (No's 358 (A1/A3), 360 (not operating at time of writing), 362, 366 and 368) however Class A3 uses are considered appropriate within Local Centres, and the proposal is not considered to result in an over-concentration of similar uses.

The current use of the premises (Class A2), does not contribute to the retail offer along the parade. Furthermore, it is considered, that non-retail uses can generate high levels of pedestrians and visitor activity, which can contribute to the vibrancy, vitality and viability of local centres. The proposed use would be open during the day, thus attracting visitors to the area. As such, bringing the premises back into use, which has been vacant for over for two years, is considered to be acceptable.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The proposed ventilation duct and extraction systems will be located at the rear of the property. It will discharge 1m above the rear dormer windows but will not exceed the height of the roof, therefore will not be visible from the front.

The replacement shop front would be similar in appearance to adjacent properties along the High Street and retain traditional features of the host property, including a central entrance and a 0.5m high stall riser.

It is therefore considered that the proposals would not impact significantly on the character or appearance of the host property or the street scene in general.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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

The Council's Highways Officer has raised no concerns about the impact of the proposals on parking and road safety in the vicinity.

Neighbouring amenity

Policy 37 of the BLP 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 restaurant is proposed to be open between 12:00 - 22:00 Monday-Friday, 12:00-23:30 on Saturdays and 12:00-21:00 on Sundays (including bank holidays) and it is considered appropriate to include a condition to ensure these hours of operation and to protect the amenities of surrounding residents

Concerns have been raised regarding the use of the rear roof for seating. No outdoor seating is proposed however it is considered appropriate to include a condition to protect the amenities of the neighbouring residents.

The proposed ventilation system will discharge 1m above the rear dormer windows and incorporates noise and odour mitigation measures. As such, is not considered to have a detrimental impact on the amenities of nearby residential properties.

It is considered that the proposal would not lead to undue harm to the amenities of surrounding residents, subject to safeguarding conditions. There are a number of other commercial properties along the parade, which are open late. In addition, it is not anticipated that the proposed use would cause significant noise or disturbance to surrounding residents.

CIL

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

Conclusion

The proposals are not therefore considered to have a detrimental impact on the shopping frontage of the Local Centre, the visual amenities of the area, the amenities of neighbouring residents, or parking and highway safety in the surrounding area.

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 of the 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 interests of visual and residential amenity.

- 3 The materials to be used for the external surfaces of the building shall be 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 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 The ventilation system indicated on the approved drawing(s) shall be completed 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 98 and 121 of the Bromley Local Plan and in the interest of the amenities of nearby residential properties.

- 5 Customers shall not be admitted to the premises before 12:00 and after 22:00 Monday to Friday, before 12:00 and after 23:30 on Saturdays and before 12:00 and after 21:00 on Sundays and Bank Holidays.

Reason: In order to comply with Policy 98 of the Bromley Local Plan and in the interest of the amenities of nearby residential properties.

- 6 The rear flat roof area shall not be used as a balcony or sitting out area and there shall be no customer access to the roof area.

REASON: In order to comply with Policies 98 and 119 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties

- 7 At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014. Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy 119 of the Bromley Local Plan and in the interest of the amenities of nearby residential properties.

You are further informed that:

- 1 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.
- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development