

Committee Date	06.08.2020	
Address	96 Wickham Road Beckenham BR3 6QH	
Application Number	20/01550/FULL1	Officer - Louisa Bruce
Ward	Kelsey And Eden Park	
Proposal	Erection of a timber clad structure with a retractable canopy to enclose the existing patio.	
Applicant	Agent	
Peter Bolton	Mr Peter Lee	
96 Wickham Road Beckenham BR3 6QH	1 The Crescent Stourbridge DY9 7LF United Kingdom	
Reason for referral to committee	Previous application went to committee.	Councillor call in No

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 18</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	A3	214

Proposed	A3	214
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Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	0	0
Disabled car spaces	0	0	0
Cycle	0	0	0

Representation summary	Neighbours were notified of the application on 11 th May 2020.	
Total number of responses	8	
Number in support	1 (Applicant)	
Number of objections	7 objections from three separate residents	

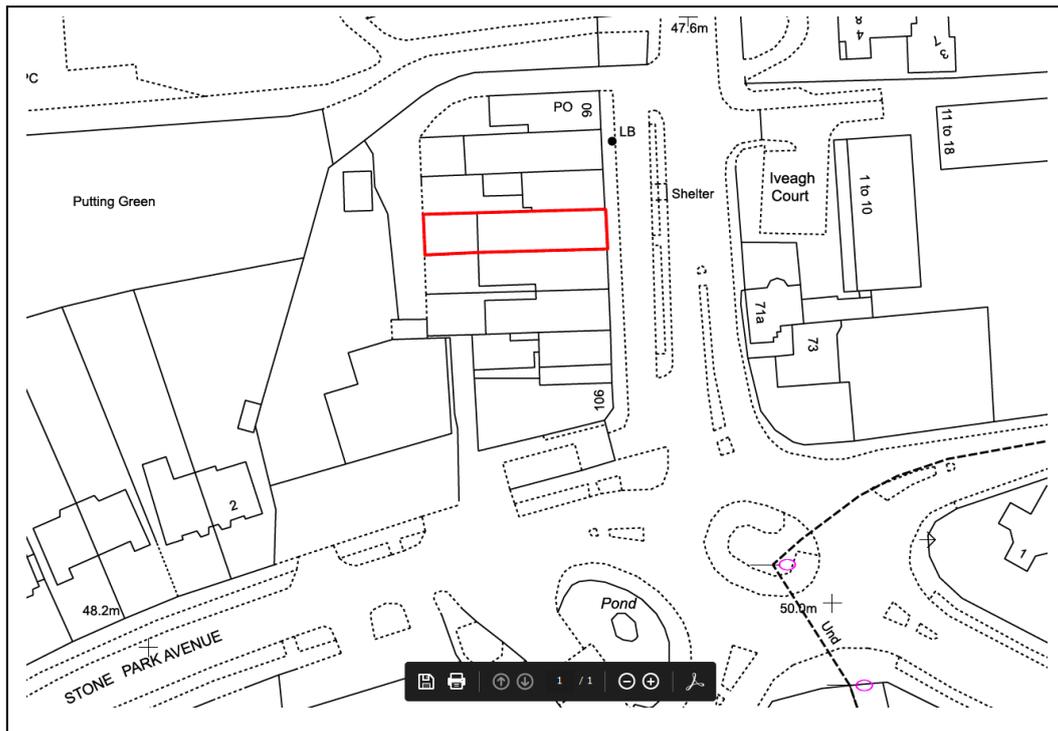
1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The development would not adversely affect the amenities of neighbouring residential properties

1 LOCATION

1.1 The application relates to a two-storey mid-terrace property that is located within a commercial parade. The surrounding area is characterised by a mix of commercial units on the ground with residential properties above.

1.2 No.96 Wickham Road is a café (Daisy Grey) on the ground floor with separate living accommodation above. An existing outdoor seating area exists to the rear of the property



2 PROPOSAL

- 2.1 Permission is sought for a timber-clad structure with a retractable fabric canopy on the existing patio to the rear of the property, to provide more comfortable all-weather seating facilities to enhance the existing café 'Daisy Grey'.
- 2.2 The accompanying Design and Access Statement sets out that the aim is to provide an inviting seating environment in an 'outdoor room'. The business has struggled to make best use of the space in the past, as inclement weather often makes it undesirable to sit outside.
- 2.3 The retractable roof structure is an electrically operated awning supported on a powder-coated aluminium frame. The fabric awning retracts in a concertina fashion. Illumination is provided by integral LED downlights set into the fabric support bars. The LEDs are in fixed positions ensuring that the light shines downwards only, and their brightness can be adjusted.
- 2.4 There will be full-height glazing to the front elevation, with a double door. The same will apply to the rear elevation.
- 2.5 The boundary fencing will be replaced with a fully insulated stud wall with timber cladding of similar appearance to the existing fence.
- 2.6 The application is accompanied by a Design and Access Statement, photo illustration and a technical specification of the proposed canopy.



3 RELEVANT PLANNING HISTORY

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

3.2 Under planning application ref: 19/00963/FULL1 planning permission was granted for Change of Use from Retail (Use Class A1) to Retail/Café/Restaurant (Use Class A1/A3).

3.3 Under planning application ref:- 15/01934/FULL3 planning permission was refused for Change of use from retail shop (use class A1) to restaurant/takeaway (use class A3 (A5), installation of ventilation extraction system to rear. The application was refused on the following grounds:

1. *The proposal would give rise to unacceptable levels of activity and general noise and disturbance, detrimental to the residential amenities that the occupants of nearby residential properties could reasonably expect to be able to continue to enjoy, and thereby contrary to Policy S9 of the Unitary Development Plan.*
2. *In the absence of sufficient parking capacity in the vicinity of the application site to satisfactorily accommodate the additional traffic associated with the proposed use, the proposal would be likely to undermine the free flow of traffic along surrounding roads, inconvenience other road users and pedestrians, and prejudice road*

safety conditions in general, contrary to Policies S9 and T18 of the Unitary Development Plan.

- 3.4 Under reference 11/00591 planning permission was granted for Change of use from Class A1 Shop to Class D1 (Surgery/therapy/gallery use).
- 3.5 Under reference 95/01009 an application for a change of use to a restaurant was refused on the following grounds:
- "01 *The proposed change of use would result in the unacceptable loss of a retail unit detrimental to the retail character and amenity of this local shopping parade, contrary to Policy S.4 of the Unitary Development Plan.*
- 02 *The proposed use by reason of the days and hours of operation would give rise to unacceptable levels of activity and general noise and disturbance detrimental to the residential amenities that the occupants of nearby properties could reasonably expect to be able to continue to enjoy, thereby contrary to Policy S.6 of the Unitary Development Plan.*
- 03 *The proposed system of ventilation would not ensure that odours would be effectively dispersed without having a detrimental impact upon the residential amenities of nearby occupants, thereby contrary to Policy S.6 of the Unitary Development Plan."*
- 3.6 A subsequent appeal was dismissed.
- 3.7 Under reference 88/04870, planning permission was granted for a single storey rear extension.

4 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- No objections raised to proposed new access
- Adequate parking will be provided to serve the development.

B) Local Groups

None

C) Adjoining Occupiers – points addressed in paragraph 6.10 – 6.13

- In order to erect the canopy the occupier would have to move the ventilation system on the flat roof.
- The ventilation has been put up with no consideration for neighbours above.
- Will lead to increased parking around the back which is a private access road

- Will lead to increased noise
- Cyclists and walkers have been told to use the rear entrance which is a private accessway.

5 POLICIES AND GUIDANCE

- 5.1 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.
- 5.2 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.
- 5.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 5.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 5.5 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 5.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 5.7 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

5.8 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

5.10 National Policy Framework 2019

5.11 The London Plan

6.13 Parking

7.4 Local character

7.5 Public realm

7.6 Architecture

5.12 Draft London Plan

D1 London's form and characteristics

D4 Delivering good design

D5 Inclusive design

5.13 Bromley Local Plan 2019

30 Parking

37 General Design of Development

5.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

6 ASSESSMENT

6.1 Design – Layout, scale – Acceptable

6.2 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.

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

- 6.4 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 6.5 The proposed canopy would be erected around the existing outdoor seating area of the cafe. It would measure 3.7m in height x 6.7m in depth x 6.2m in width. The canopy would have an aluminium frame with an acrylic fabric canopy. The retractable roof structure is an electrically operated awning supported on a powder-coated aluminium frame. The fabric awning retracts in a concertina fashion.
- 6.6 Illumination is provided by integral LED downlights set into the fabric support bars. The LEDs are in fixed positions ensuring that the light shines downwards only, and their brightness can be adjusted during installation.
- 6.7 The canopy will have full height glazing to the front elevation, with a double door with the same to the rear elevation.
- 6.8 The boundary fencing will be replaced with fully insulated stud wall with timber cladding of similar appearance to the existing fence.
- 6.9 Having regard to the form, scale and siting it is considered that the proposed canopy would not impact significantly on the character or appearance of the host property or the surrounding area.

6.10 Residential Amenity – Acceptable

- 6.11 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.
- 6.12 The proposed frame canopy will not project beyond the existing outdoor seating area. The frame and canopy will be visible to neighbours living in the flats above the shops located on the parade in Wickham Road, however, it is not considered to impact on the amenities of this neighbouring property with regards to loss of light, outlook or visual amenity. The Design and Access Statement states that the wall will be insulated to provide a sound barrier to reduce any disturbance to neighbouring properties when the retractable canopy is open. The Environmental Health Department have raised no objection to the proposal.
- 6.13 Several letters of objection have been received from neighbours mainly concerning the ventilation system located on the flat roof of the café. The

ventilation was permitted under planning application ref: 19/00963/FULL1 and is currently subject of a pending planning investigation.

- 6.14 Having regard to the scale, siting and materials of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

7 CONCLUSION

- 7.1 Having regard to the above, the development in the manner proposed is acceptable in that it would preserve the character and appearance of the Conservation Area and not harm the amenities of neighbouring residential properties.
- 7.2 Conditions are recommended to secure permission.
- 7.3 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 Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Materials as set out in drawings**