

SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/03506/FULL2

**Ward:
Bickley**

Address : 214 Widmore Road Bromley BR1 2RH

OS Grid Ref: E: 541614 N: 169353

Applicant : Mr S Jahan

Objections : YES

Description of Development:

Change of use of ground floor premises from retail shop to hot food takeaway (Class A5) with ventilation ductwork at rear.

Key designations:

London Distributor Roads

Proposal

Planning permission is sought for the change of use of ground floor premises from retail shop to hot food takeaway (Class A5) with ventilation ductwork at rear.

The application premises are currently vacant, previously having been used as an aquatics and reptiles shop. Information submitted in support of the application indicates that the shop has been vacant since June 2009, with the current agents having been marketing the premises since March 2010 without success in finding a retail tenant.

It is proposed that the takeaway would be open between 5pm and 11pm Monday to Sunday including Bank Holidays.

Location

The application site is located on the south-western side of Widmore Road (within the 'Widmore Green' Local Neighbourhood Centre), and comprises a ground floor retail unit. The immediate surrounding area is mixed in character, with shops, other commercial premises and residential properties within the vicinity of the site.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- additional hot food takeaway unnecessary in area
- residential setting impacted upon
- increased rubbish
- anti-social behaviour
- increased pressure on parking in local streets in view of parking restrictions
- smell nuisance
- already hot food takeaways in area
- late night disturbance
- increased traffic congestion
- impact to nearby businesses and loss of trade

In addition to the above, several letters were received in support of the application.

Comments from Consultees

Environmental Health raised no objection to the proposal, although a condition was recommended to secure full technical details of the ventilation system.

Highways raised no objection to the proposal.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
S5 Local Neighbourhood Centres, Parades and Individual Shops
S9 Food and Drink Premises
ER9 Ventilation

Planning History

There is no recent planning history of relevance to this application.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area having particular regard to its retail function, the impact to conditions of road safety and the amenities of nearby residents.

It is clear that the proposed use would not contribute to the range of local services and contribute to the vitality and viability of the shopping parade during normal shopping hours in view of the opening hours proposed. However, the proposal would involve the re-use of premises which appear to have been vacant for some time, and it is indicated that despite marketing a tenant has not been secured to use the premises for retail purposes.

With regard to the proposed use as a food and drink premises, there would appear to be two such premises in the vicinity, including a public house (Class A4) at No. 206 and another hot food takeaway (Class A5) at No. 187. A further property, to the end of the parade, appears to be in use as a café although these premises would only appear to benefit from a retail (Class A1) use. As a result it is not considered that the proposed change of use would result in an over-concentration of food and drink premises, which would affect the retail functioning of the designated Local Neighbourhood Centre.

Regarding the impact of the proposal to conditions of road safety, no technical objections have been raised from the Highways perspective.

Turning to the matter of residential amenities, a kitchen extract system with external ductwork is proposed, to which no technical objections have been raised, which may serve to mitigate concerns raised locally regarding the possibility of smell nuisance. In light of the opening hours proposed, the use may generate a degree of noise and disturbance into the evening. Nevertheless, the nature of the use is such that customers visiting the premises would remain for short periods only (taking food off the premises for consumption) meaning that any noise from within the premises itself would be limited and not sustained. With regard to noise and disturbance generated externally through comings and goings, the site is located within a shopping area in which there already exist two evening uses, specifically the public house at No. 206 and the hot food takeaway at No. 187. The introduction of a further evening use may not therefore result in a significantly greater impact than already exists in the area, subject to suitable control over hours of operation.

Finally, regarding the impact of the ventilation ductwork to the character of the area, its location at the rear of the building is such that it may not result in a significant visual impact in the street scene or wider area generally.

Having had regard to the above Members may agree 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, having particular regard to its retail function.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/03506, excluding exempt information.

as amended by documents received on 10.01.2011

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | |
|---|-----------------|--|-----|------|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years | | |
| 2 | ACJ10
ACJ10R | Ventilation system for restaurant/take-a
J10 reason | | |
| 3 | ACJ06 | Restricted hours of use on any day | 5pm | 11pm |

ACJ06R

J06 reason (1 insert)

BE1 and S9

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development

S5 Local Neighbourhood Centres, Parades and Individual Shops

S9 Food and Drink Premises

ER9 Ventilation

The development is considered to be satisfactory in relation to the following:

- (a) the impact of the proposed use on the amenities of the occupiers of adjacent and nearby residential properties
- (b) the loss of a retail use having regard to the term of vacancy and lack of interest in retail, service of community uses
- (c) the availability of on-street parking in the vicinity of the site
- (d) the acceptability of the proposed ventilation system
- (e) the shopping policies of the Unitary Development Plan
- (f) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

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