

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

Application No : 11/01192/FULL2

Ward:
Hayes And Coney Hall

Address : 38 Hayes Street Hayes Bromley BR2
7LD

OS Grid Ref: E: 540514 N: 166370

Applicant : Mr Sukru

Objections : YES

Description of Development:

Change of use from retail (Class A1) to hot food takeaway (Class A5) and insertion of ventilation duct to rear

Key designations:

- Biggin Hill Safeguarding Birds
- Biggin Hill Safeguarding Area
- London City Airport Safeguarding

Proposal

This proposal is for the change of use of the ground floor unit from retail (Class A1) to hot food takeaway (the applicant has applied for a fish and chip shop) (Class A5) and installation of ventilation duct to the rear which would extend 0.9m above the eaves of the flat roof but would not be visible from the highway.

Location

The application site is located to the west of Hayes Street and is a mid terrace two storey property with a commercial unit on the ground floor, which is currently vacant, and residential unit on the floor above. The application site and the adjoining property at No. 36 are mock Tudor in appearance with neighbouring properties of a similar scale although differing somewhat in their appearance. The majority of properties in this local parade of shops have commercial units on the ground floor and residential units above, some of which have accommodation in the roofspace and have constructed front dormer window extensions. To the east of the application site are a number of larger detached properties including the George Public House (Locally Listed), St. Mary's Church (Statutorily Listed), Village Hall and Street House (Statutorily Listed) these properties mark the beginning of the Hayes Village Conservation Area.

Comments from Local Residents

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

- Concerns as there are 4 outlets for food in the parade of shops at present – The George pub, Dillinger's Diner, Cut the Mustard and Hayes Café and further takeaways in Baston Road, Bourne Way, Station Approach and Hayes Village.
- Concerns as there are currently major issues in relation to traffic and parking which block the driveways (at Bafton Gate) of local residents and would increase if the proposed fish and chip shop were permitted.
- Concerns that the proposal would increase anti-social behaviour from youths congregating at the premises late into the evening and would obstruct the public footway.
- Concerns that the smell of cooking generated by the existing café's and restaurants is already over-powering.
- The proposal is located in close proximity to a bus stop which is already used by cars which park there to visit the shops. Cars also park on motorcycle only bays and on single and double yellow lines. A takeaway would increase this occurrence and cause disruption to a very busy road and result in additional congestion from customers arriving by car and trying to park.
- This 'illegal' parking is dangerous for pedestrians who use the near-by pedestrian crossing.
- While the use of the empty premises is supported it is felt that adding another restaurant/takeaway is not suitable for the area.
- When there are too many restaurant/takeaways in an area it changes the feel of the parade resulting in other businesses closing or moving which allows more takeaways to move in.
- Concerns that local residents were not informed of the application (on 23.05.11 residents were re-notified which included 28 neighbouring properties).
- Concerns the proposal would result in littering as food is likely to be consumed immediately on the street.
- Proposal would detract from the varied range of shops within the parade.
- The application site has been an off-licence since it was built in the 1920's and if it were changed to an A5 unit it would be unlikely to return to a retail shop.
- Concerns about the noise and possible smell resulting from the ventilation duct in the service road to the rear of the building which is shared by residential properties.
- Concerns as the ventilation duct at Dillinger's is extremely noisy and is in operation most of the daylight hours including Sundays and is a fire hazard.
- Concerns from the occupier of No. 38a that fumes from the hot fat will rise through the floorboards into the habitable rooms and permanently contaminate soft furnishings and that the ventilator fan would be situated underneath the kitchen floor between the kitchen and bathroom windows.
- Concerns the Public Notice did not display the date by which people could comment and was displayed in a low position making it difficult to read.
- • Concerns as the proposal would be in close proximity to Hayes Secondary School and it should not be easy for children to access junk food.

- Objection to the proposal unless it is open no later than 19:00 in the evening.
- Hayes Street and Station Approach are day-time shopping streets which serve a dormitory area and are not sufficiently urban in character to profitably support hot food takeaways. There is limited demand for a hot food takeaway.
- Existing cafes in Hayes Street do not open beyond day-time shopping hours.
- Concerns as in the area adjacent to Hayes Station disturbance by young people has occurred within a few yards of the kebab and pizza shops which has deterred local residents from going out in the locality in the evening.
- The proposal would deter people from using the Hayes Village Hall and there would be an adverse effect on the evening activities at St. Mary's parish church.
- The proposal would result in people eating and dumping rubbish at the low wall area of the Village Hall.
- Concerns the proposal would result in an intrusion by patrons of the hot food takeaway attempting to use the Village Hall's toilets.
- The proposal for a fish and chip shop could also become a fast food outlet for burgers, curry or kebab etc. which are already well served in Station Approach.
- The proposal is opposite a historic and beautiful 14th Century church and a Conservation Area and would be totally out of keeping with the local area and severely damage community spirit and life in Hayes Village.

A petition in support of the application was submitted on 22nd June 2011 with approximately 55 signatures.

Comments from Consultees

The Highway's Division were consulted who stated the development is located to the west side of Hayes Street (B265) which is a Local Distributor Road. The site is located within a low (2) PTAL area, on a scale of 1 – 6 (where 6 is an area of high accessibility). However, there is a bus stop in front of the premises. Also there are waiting restrictions within close proximity of the premises which prevent customers parking during the peak hours. As the site is located within a shopping area and so it has a catchment area for customers, as such no objections were raised to the application.

The Council's Waste Advisors were consulted who stated refuse collection would be as existing.

The Metropolitan Police Crime Prevention Design Advisor was consulted who stated that given the nature of the application and the potential for disorder around this type of establishment the Local Safer Neighbourhood Team Sergeant was consulted along with the team responsible for policing any disorder or anti-social behaviour problems in the ward. The opinion of the Safer Neighbourhood Team is that they would not anticipate any problems from the change of use at this location. Having read the planning statement which states that changes of the premises

would be primarily to the interior with the façade of the building remaining unchanged, no comments were made in relation to this application.

The Council's Environmental Health Officer was consulted who raised no objections in principle to the proposal; however, it was recommended that the applicant be asked to provide additional carbon filtration in the kitchen extraction system.

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
BR13 Development Adjacent to a Conservation Area
S5 Local Neighbourhood Centres Parades and Individual Shops
S9 Food and Drink Premises
ER9 Ventilation

Planning History

In 1986 under planning ref: 86/00255/ADVILL permission was granted for an internally illuminated projecting sign.

In 1986 under planning ref: 86/00256/ADVILL permission was granted for an externally illuminated fascia sign.

In 1987 under planning ref: 87/00484/ADVILL permission was granted for an internally illuminated projecting box sign.

There is an ongoing application under planning ref: 11/01191/ADV for a new externally illuminated fascia sign.

Conclusions

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.

Policy S5 of the UDP is a key consideration when determining this application. It states "in local neighbourhood centres and shopping parades change of use from Class A1 (Shops) to other uses will be permitted provided that:

(i) The use proposed contributes to the range of local services or the provision of local community facilities: and contributes to the vitality of the centre by providing a service or attracting visitors during shopping hours; or

(ii) It can be demonstrated that there has been a long term vacancy and a lack of demand for Class A1 (Shops) use, as well as a lack of demand for service or community uses before other uses are proposed”.

Within this local neighbourhood parade of shops there are 20 units, of these at present there are 14 retail (Class A1) units, no financial or professional services (Class A2), 3 restaurant and cafes (Class A3), no hot food takeaways (Class A5), 1 beauty salon (sui generis) and 2 vacant units (including the application site). On the east of Hayes Street is the George Public House (Class A4) which also sells food. The application site has been vacant since 1st March 2010, despite attempts to market the premises, according to the written statement from the estate agents submitted as part of the application. The proposed hot food takeaway would result in 1 such use in the parade out of a total of 20 units and as such it is not anticipated the proposal would result in an over concentration of a particular use and would add to the variety of local services available in the area.

The proposal is to open primarily during shopping hours between 11:00 and 22:00 on weekdays and Saturdays and not at all on Sundays and Bank Holidays. These hours of operation are not anticipated to adversely impact upon the residential amenities of neighbouring properties to such an extent as to warrant refusal. In order to safeguard the residential amenity of the occupants of neighbouring residential properties, were permission to be granted a condition would be attached restricting usage to not after 22:00 Monday to Saturday. While the proposal would be operating beyond traditional shopping hours it is not anticipated this would unduly affect the retail character of the area.

At present there appear to be 2 vacant units within this local parade of shops which has a detrimental impact on the vitality and viability of the area. It is not anticipated the proposed change of use from A1 to A5 would result in a significant detrimental impact on the retail character of the area given that there would be 14 units remaining as retail (Class A1) which accounts for 70% of the total units within the parade which would ensure the retail nature of the area is maintained.

While the vent to be inserted would extend beyond the eaves of the flat roof to the rear, this would not extend beyond the ridgeline of the original property and as such would not be visible from the highway. A number of neighbouring properties have inserted such vents to the rear and there is a lack of uniformity in terms of design on the rear elevations at present. Therefore, it is not anticipated to be sufficiently detrimental to the visual appearance of the property or the streetscene to such an extent as to warrant refusal.

Given the proximity of the development to the Hayes Village Conservation Area Policy BE13 is a key consideration. It states “a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from view into or out of the area”. This application is primarily concerned with internal changes to the application site and as such given the proposal would not result in the over-concentration of similar uses and the proposed ventilation duct would not be visible from the highway the application is not anticipated to be detrimental to the character of the Conservation Area.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the retail character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref(s). DC/11/01192/FULL2, excluding exempt information.

Recommendation: PERMISSION BE GRANTED

As amended by documents received on 22.06.11

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1ACA01 Commencement of development within 3 yrs
 - ACA01R A01 Reason 3 years
 - 2ACC04 Matching materials
 - ACC04R Reason C04
 - 3ACJ04 Provision of window display
 - ACJ04R J04 reason
 - 4ACJ11 Soundp'fing. etc for rest./t-away (1 in)
 - ACJ11R J11 reason
 - 5ACJ26 Ventilation system for restaurant/take-a
 - ACJ26R J26 reason
 - 6 Customers shall not be admitted to the premises before 11:00 and after 22:00 Monday to Saturday. The use shall not operate on any Sunday or Bank Holiday, Xmas Day or Good Friday
- In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

Reasons for granting permission:

The decision to grant planning permission has been taken in accordance with the adopted London Borough of Bromley Unitary Development Plan including the policies set out below, and taking into account all other relevant material planning considerations:

BE1 Design of New Development
BE13 Development Adjacent to a Conservation Area
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:

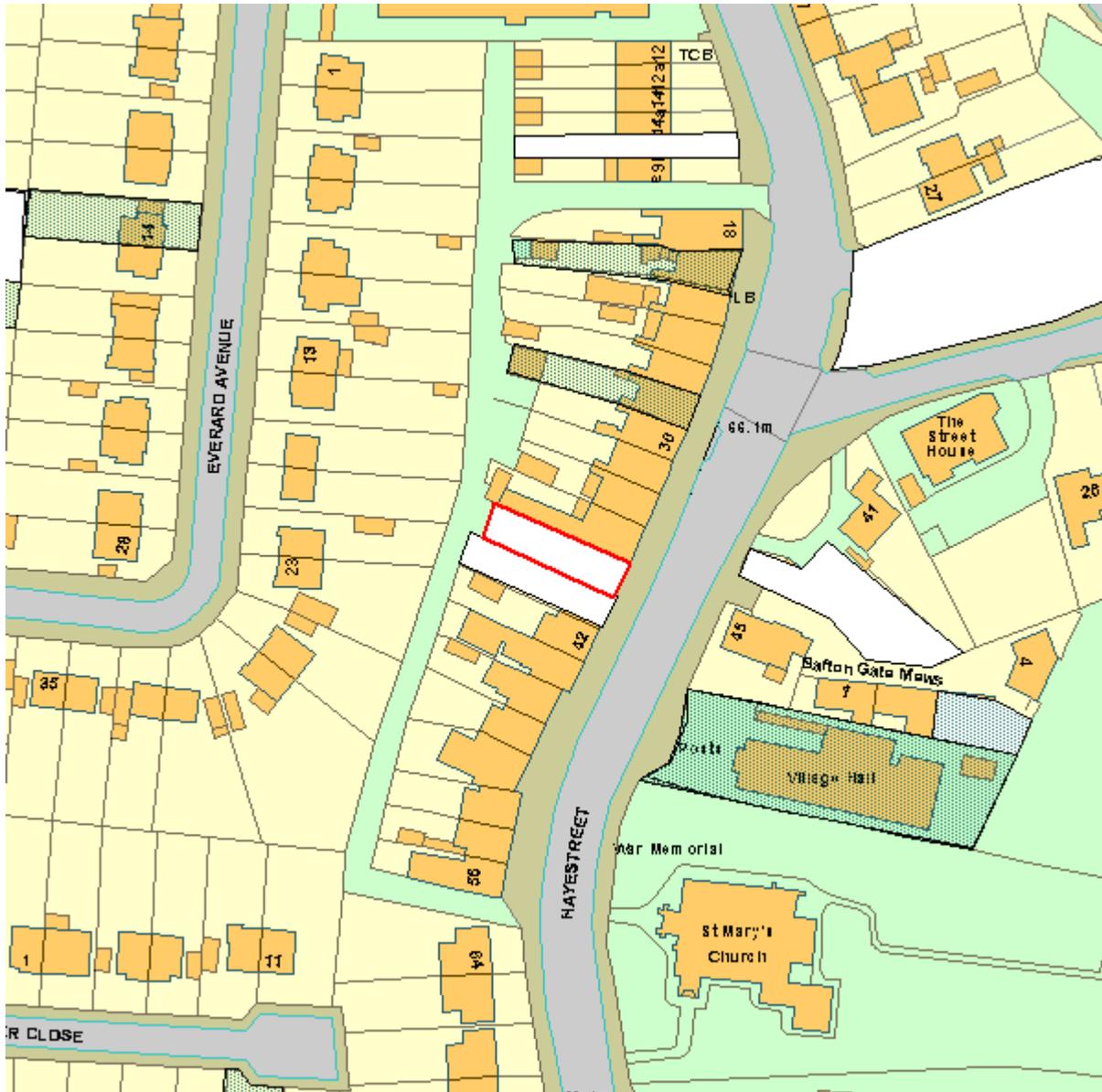
- (a) the loss of a retail unit is acceptable in this instance;
- (b) the relationship of the development to adjacent properties;

(c) the character of the development in the surrounding area.

Reference: 11/01192/FULL2

Address: 38 Hayes Street Hayes Bromley BR2 7LD

Proposal: Change of use from retail (Class A1) to hot food takeaway (Class A5) and insertion of ventilation duct to rear



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Bromley. Lic. No: 100017661