

Our ref. : AB2151/LPA281021

Planning Department
London Borough of Bexley
Bexleyheath
Kent
DA6 7AT

28th October 2021

Dear Sir/Madam,

**FULL PLANNING APPLICATION AND ASSOCIATED EXPRESS ADVERTISEMENT CONSENT APPLICATION
131 STATION ROAD, SIDCUP, DA15 7AA**

On behalf of our clients, Yum ! III (UK) Limited, please find enclosed a full planning application and associated express advertisement consent application relating to the ground floor commercial premises located at 131 Station Road, Sidcup, DA15 7AA

This planning application and associated express advertisement consent application, which are being submitted to the London Borough of Bexley (the LPA) electronically by way of the Planning Portal website, comprise the following documentation ;

- Completed application forms and ownership certificate.
- Completed Community Infrastructure Levy (CIL) form.
- This covering letter prepared by Beamish Planning Consultancy, incorporating a supporting planning statement and a design and access statement.
- Drawing no. 1.0 Rev. A – 1:1250 scale location plan and 1:200 scale block plan prepared by Retail Design Solutions (Consultancy) Ltd.
- Drawing no. 1.1 Rev. A – existing floor plan prepared by Retail Design Solutions (Consultancy) Ltd.
- Drawing no. 1.3 Rev. A – existing front (Station Road) elevation prepared by Retail Design Solutions (Consultancy) Ltd.
- Drawing no. 1.4 Rev. A – existing rear elevation prepared by Retail Design Solutions (Consultancy) Ltd.
- Drawing no. 2.0 Rev. A – proposed floor plan prepared by Retail Design Solutions (Consultancy) Ltd.
- Drawing no. 3.0 Rev. A – proposed front (Station Road) elevation prepared by Retail Design Solutions (Consultancy) Ltd.
- Drawing no. 0000/M/100 Rev. D – proposed plant and extraction system prepared by Ashworth.

Payment of the statutory planning application fee of £462, the statutory express advertisement consent fee of £132, and the Planning Portal service charge fee of £28 has been made electronically when submitting these applications via the Planning Portal website.

Description of application premises and surrounding area

The application premises comprise both the ground floor of an existing three-storey mid-terrace building (fronting the A222 Station Road to the east) and the shared yard area to the rear of the building, which includes a detached single storey outbuilding used for ancillary storage associated with the application premises, a covered canopy area, 2 toilets, and at the rearmost part of the curtilage, a shared parking area accessed via a service road which leads off Old Farm Avenue.

The total existing floorspace of the application premises, including the detached outbuilding and the two toilets is approximately 79 square metres. The current and lawful use of the application premises is as a dry cleaners, which now falls within Class E, and which would previously have fallen within Use Class A1 (prior to the amendments to the Town and Country Planning (Use Classes) Order 1987 (as amended) which came into force on 1st September 2020).

The application premises are located within a Neighbourhood Centre, and its immediate surroundings comprise other ground floor commercial premises on both sides of Station Road both to the north and south of the application premises. The neighbouring ground floor commercial premises to the south (no. 129) is in use as a hairdresser (Class E use, formerly Use Class A1), whilst the neighbouring ground floor premises to the north (no. 131) is in use as a chartered accountant (also Class E use, formerly Use Class A1).

Above the application premises are residential flats (nos. 131A and 131B), and the prevailing character of the immediate locality is ground floor commercial uses and, on the upper floors, either ancillary or self-contained commercial uses or residential units.

The application premises are not located within a Conservation Area, although the south-western boundary of the Halfway Street Conservation Area is approximately 40 metres to the north-east of the application premises. Nor is the application building or any adjoining building either statutorily or locally listed.

The part of Station Road which the application premises fronts can be used for loading (but not parking) outside of the hours of 08.00 to 10.00 and 16.00 to 17.00. Further north, approximately 25 metres along Station Road, is a bus stop served by northbound bus services nos. 51, 286 and 625, whilst Sidcup railway station (served by frequent services to London Charing Cross and London Cannon Street, and also to Dartford and Gravesend) is less than 3 minutes walking distance of the application premises. A number of other bus services are also served by bus stops closer to Sidcup railway station, again less than 3 minutes walking distance from the premises. The premises benefits from a Public Transport Accessibility Level (PTAL) of 4, i.e. good.

Both the application building and all of its surroundings are located within Flood Zone 1.

The closest school to the application premises is Holy Trinity Lamorbey Church of England Primary School and Burnt Oak Junior School, the main entrances to which are on Burnt Oak Lane, to the north of the application premises, whilst the nearest secondary school is Chislehurst and Sidcup Grammar School, off Hurst Road to the east of the application premises.

Proposals which are the subject of these applications

Planning permission is sought for the change of use of the application premises from its lawful Class E use to a hot food takeaway, i.e. a 'sui generis' use.

It is proposed that the premises would be open to customers between the hours of 11.00 to 23.00 on each day of the week, and the proposed use is likely to employ approximately 20 staff, split roughly equally between full-time and part-time positions.

To facilitate the proposed hot food takeaway use, associated operational development is proposed, including a plant/extraction system, as detailed on drawing no. 0000/M/100 Rev. D prepared by Ashworth, and also a replacement aluminium framed shopfront, replacing the predominantly aluminium framed existing shopfront.

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In addition, the gap between two existing single storey rear projections to the premises will be infilled to create a single storey rear extension (of the same depth as the existing projections) with the resulting single storey rear extension only accessible via an internal door from the main building.

Express advertisement consent is sought for internally illuminated fascia and projecting signage as detailed on drawing no. 3.0 Rev. A prepared by Retail Design Solutions (Consultancy) Ltd.

Relevant planning history of application premises and neighbouring premises

The only planning history relating to the application premises dates back to June 1988, when the LPA refused to grant planning permission (application ref. 88/00331/FUL) for the use of the premises as a restaurant and an associated single storey rear extension.

Regrettably, no documentation associated with that application is available on the LPA's website records for that application, so we are not aware of the reason(s) why it was refused, although given the passage of time since that decision it should not have any bearing upon the determination of applications to which this supporting statement relates.

There is no planning history available online relating to no. 129 Station Road, whereas in respect of no. 133 Station Road, the LPA approved a Section 73 removal of condition application (ref. 04/06252/FUL) in March 2005 which enabled those premises to be used for any purposes falling within then Use Class A2 (financial and professional services), as previously the use of those premises had been restricted to as an estate agents and/or a building surveyors office only.

Relevant planning policies and associated guidance

The Development Plan for the Borough comprises, at local level, the Core Strategy (adopted February 2012) and also saved policies from the LPA's Unitary Development Plan (UDP) which was adopted in April 2004.

The LPA is consulting on the preferred approaches to the matters to be contained within the new Local Plan, but this emerging Local Plan is at very early stage of preparation and accordingly full weight must continue to be attached to the Core Strategy and the saved policies within the UDP, as long as those policies continue to reflect the thrust of national planning policy and associated guidance.

At regional level, the Development Plan comprises the new London Plan, which has been published by the GLA in March 2021 following independent Examination in Public and subsequent review by the Secretary of State for Housing, Communities and Local Government.

At national level, the most recent update to the National Planning Policy Framework (NPPF) was published by the Government in June 2019, and the NPPF streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework.

Similarly, the National Planning Policy Guidance (NPPG) was launched by the Government in March 2014, is regularly updated and streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements.

Planning Appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

The application premises and its immediate surroundings were previously identified by the UDP Proposals Map as a designated Neighbourhood Centre, and, based upon both Maps 3.7 (Sidcup Geographical Region) and 4.4 (Town Centre Locations and Hierarchy) contained within the LPA's subsequently adopted Core Strategy, it is understood that this Neighbourhood Centre designation continues to apply.

The change of use proposed by this planning application is from one main town centre use (as defined by the glossary (Annex 2) to the NPPF) to another, and the modest size of the application premises also means that the scale of the commercial use of the premises is appropriate to the locality, and will not draw trade away from the town centres higher placed within the town centre hierarchy, but rather will complement the other existing main town centre uses within this Neighbourhood Centre and will serve the immediate community.

Indeed, part (d) of Core Strategy policy CS14 (Town Centre Vitality and Viability) advises that the LPA will ensure that the scale and character of development is appropriate to the respective positive of the application site within the town centre hierarchy, and the proposals fully accord with this requirement.

Part (c) of the same policy seeks to promote a diversification in the mix of town centre uses, whilst avoiding an over-concentration of any single land use other than retail. Whilst acknowledging that the former/lawful use of the application premises is as retail shop, we would point out that the weight attached to this part of policy CS14 has been considerably reduced by the amendments to the Town and Country Planning (Use Classes) Order which came into force in September 2020, and introduced Class E (Commercial, Business and Service) use.

As a result of the introduction of Class E, premises such as the application premises can interchange their usage between any other use falling within Class E without requiring planning permission, with Class E uses including, amongst other uses, restaurants, medical centres and fitness centres. Therefore the LPA could not justifiably refuse this planning application on the basis of how it involves the loss of an existing retail shop, given that under Class E the premises could change to a non-retail use without planning permission being required and without the LPA being able to do anything to prevent it.

Nor would the proposed hot food takeaway use result in an over-concentration of such uses within the immediate locality, with no premises between the application premises and the railway line to the south in hot food takeaway use (comprising 8 premises on the western side of Station Road, whilst to the north of the premises on the same side of Station Road there are 6 premises before another unit in hot food takeaway use.

We also note that there are several vacant ground floor commercial units on the opposite side of Station Road, which can only have a detrimental impact upon the vitality and viability of the Neighbourhood Centre, and that detrimental impact would only increase if the application premises also became vacant. Additionally, the proposal would also bring significant economic benefits associated with the creation of approximately 20 new jobs.

Therefore the principle of the proposed change of use of the application premises to a hot food takeaway fully accords with adopted Core Strategy policy CS14 and saved UDP policies SHO5 and SHO6, as well as relevant national planning policies and associated guidance as set out in the NPPF and NPPG.

We note that LB Bexley does not have an adopted development plan policy relating to the siting of new hot food takeaway uses in relation to existing schools, whereas adopted London Plan policy E9 seeks to restrict new hot food takeaways within 400 metres walking distance of the nearest entrance and exit points to existing primary and secondary schools.

Having researched some recent (i.e. within the last 2 years) decisions made by the LPA on similar applications, we have come across decisions whereby the LPA has not refused planning applications for new hot food takeaways on 'proximity to school' grounds, despite those application sites being within 400 metres walking distance of an existing primary or secondary school.

Whilst we recognise that those decisions were made prior to the London Plan being adopted in March 2021, nonetheless adoption of the London Plan was only delayed due to issues regarding housing supply numbers/targets,

so there was no reason why, had the LPA been concerned at a local level about the siting of hot food takeaways near to schools, it would not have refused such applications on such grounds.

In the case of the application premises, measured by the shortest and safest walking distance, the premises are precisely 400 metres walking distance from the building entrance to Holy Trinity Lamorbey Church of England Primary School, and 380 metres walking distance from the building entrance to Burnt Oak Junior School, whilst Chislehurst and Sidcup Grammar School is over 550 metres walking distance from the premises.

Of course unlike some secondary school pupils, primary school pupils are not usually allowed to leave the school grounds during school hours, and the considerable walk between both primary schools and the application premises would also involve walking past existing hot food takeaways located closer to those schools than the application premises, and also bus stops which those children travelling by bus would utilise.

Therefore in these particular circumstances, and nothing the absence of a local development plan policy relating to such matters, we would expect the LPA to take a pragmatic approach. Indeed, our client could be willing to accept the imposition of an appropriate and reasonable planning condition with regards to such matters, such as a personal permission, and we would welcome discussions with the Case Officer relating to that such the LPA consider it necessary to impose any such condition.

Having regard to the associated proposals for a new plant/extraction system, the proposed plant has been carefully designed and sensitively sited in order to ensure that it will neither have any adverse impact upon the amenities of the occupiers of the nearest residential properties, nor will it have any harmful visual impact upon the appearance of the host building or its immediate surroundings, with none of the plant being visible from the Halfway Street Conservation Area.

The proposed replacement shopfront would replace a predominantly aluminium existing shopfront and would retain active frontage and complement the appearance of both the host building and neighbouring buildings, in accordance with saved UDP policy SHO17 (Shopfronts / Advertisements).

Similarly, the minor changes to the rear elevation of the existing building, which essentially involving the joining together of two existing single storey rear projections to create a single storey rear extension of the same depth as those existing projections, will create a single storey rear extension which is subordinate to the host building and respectful of the character and appearance of the host building.

With regards to the proposed signage, when assessing express advertisement consent applications, the only two material considerations which can be taken into consideration are amenity and public safety. Saved policy ENV43 (of the UDP requires advertisements/signage to ensure that the character and appearance of the area is preserved and to be of a high standard of design.

The proposed signage is wholly in keeping with the scale, proportion and appearance of the host premises itself and also the wider character and appearance of the locality, and the limited amount of signage proposed ensures that there is no unnecessary clutter or proliferation of signage. Additionally, the proposed signage will not have any impact upon public safety, and therefore the proposed signage fully accords with saved UDP policies SHO17 and ENV43.

Conclusion


For the reasons set out within this planning application and express advertisement consent submission, the proposed hot food takeaway use of the application premises, together with the associated operational development would accord with all relevant Development Plan policies and associated guidance at local level, as well as with national planning policies and associated guidance as set out in the NPPF and NPPG. Furthermore, there are no other material planning considerations which would outweigh that compliance with the Development Plan.

Accordingly planning permission should be granted for these proposals, subject to the imposition of appropriate, necessary and reasonable conditions, the content of which we welcome discussions with the Case Officer regarding in due course.

Similarly, the proposed signage for which express advertisement consent is sought would have no adverse impact upon amenity or public safety, and therefore express advertisement consent should be granted for the proposed internally illuminated fascia and elevational signage, subject to the imposition of the standard advertisement conditions.

We look forward to corresponding with the Case Officer to whom these applications are allocated in the coming weeks, but should any further information or clarification be required please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in black ink that reads "Adam Beamish". The signature is written in a cursive style and is positioned above a thin horizontal line.

Adam Beamish
BA (Hons), DIP TRP, MRTPI