

COMMITTEE AGENDA REFERENCE: 5A

APPLICATION REF:	RU.24/0002
LOCATION	2 Egham Hill, Egham, Surrey, TW20 0AY
PROPOSAL	Change of Use from Restaurant to Mixed Use Restaurant with Takeaway (sui generis use) and minor configuration of the kerb, a new refuse store and cycle parking.
TYPE	Full Planning Permission
EXPIRY DATE	22/03/2024
WARD	Englefield Green East
CASE OFFICER	Ailsa Pack
REASON FOR COMMITTEE DETERMINATION	Number of letters of representation
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the HOP to:	
1.	Grant Consent - subject to relevant conditions

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 2 Egham Hill is located on the Egham Hill roundabout to the immediate East forming a corner plot fronting both the A30 to the south and Tite Hill to the North. The unit is currently vacant however, it was previously occupied by Prezzo, customer floorspace is located on the ground floor, with ancillary floorspace at the upper level. The site falls within the Urban Area and Englefield Green Neighbourhood Plan Area. La Bonne Franquette and No. 6 Kings Arms Public House which are both Grade II Listed are located opposite the roundabout.

3. APPLICATION DETAILS

- 3.1 This application seeks permission for the change of Use from Restaurant to Mixed Use Restaurant with Takeaway (sui generis use) and minor configuration of the kerb, a new

refuse store and cycle parking.

4. RELEVANT PLANNING HISTORY

4.1 The following history is considered relevant to this application:

Reference	Details
RU.97/0895	Single storey rear extensions, internal and elevational alterations for restaurant use. Planning permission granted: 19 th November 1997
	<u>Adjacent Sites</u>
RU.19/0047	Proposed Change of Use from Fireside Centre shop and Interior Decoration Shop (Use Class A1) to a flexible use falling within Use Class A3 or A5 (Restaurants and cafes or Hot food and takeaway). Planning permission granted 2 nd August 2019

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations where necessary.

5.2 The Englefield Green Village Neighbourhood Plan has also now been formally adopted and forms part of the statutory development plan for Runnymede. The plan is used alongside the Runnymede 2030 Local Plan, and any specific key policies will be referred to in the planning considerations where necessary.

- SD3 – Active & Sustainable Travel
- SD4 – Highway Design Considerations
- EE1 – Townscape and Landscape Policy
- EE2 – Environmental Protection
- EE4- Listed Buildings

5.3 Supplementary Planning Documents and Guidance which may be a material consideration in determination:

- Runnymede Design Supplementary Planning Document
- Runnymede Parking Guidance Supplementary Planning Document

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
County Highway Authority	No objections following the submission of an updated Transport Statement and recommended conditions which secure: <ul style="list-style-type: none"> • Modified access and visibility zones • Cycle parking • Car parking • Electric vehicle charging points
RBC Environmental Health Officer	No objections however, advised: <ul style="list-style-type: none"> • New food business should be registered 28 days prior to opening. • Extraction system should be suitable for the type of food produced by the proposed occupier and that this considers the likely odour, grease and smoke content from the food produced. • Any new or updated external plant or equipment, including upgraded extraction system, should be accompanied by an appropriate noise report based on the requirements of BS4142.

Representations and comments from interested parties

6.2 30 neighbouring properties were consulted in addition to being advertised on the Council's website and by site notice and 49 letters of objection have been received. Matters raised include:

- Anti-social behaviour;
- Litter and environmental degradation;

- No need for another fast food restaurant;
- Noise disturbances;
- Rise in foot traffic;
- Increased local air and noise pollution;
- Parking overspill will increase street parking pressures;
- Numerous 'Uber/Lets eat' and so on delivery motorcycles;
- Close proximity to the University and Strodes College which is not good for helping young people make healthy eating choices;
- Egham already has a Burger King environment up the road, does Egham need another one and become the Fast-Food Town of Surrey;
- Will become a Las Vagas type building with advert;
- Not have enough adequate parking, loading, or turning for the proposed use;
- Don't like materials;
- The proposed development by its nature scale/height would significantly overshadow neighbouring properties; and
- Increased pressures on roundabout

6.3 The Englefield Green Residents Association were consulted however, no comments have been received.

7. PLANNING CONSIDERATIONS

7.1 In the determination of this application regard must be had to the Development Plan and national policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are:

- Principle of Development
- Highway Safety and Parking
- Heritage Assets and Wider Design Considerations
- Residential Amenity
- Englefield Neighbourhood Area
- Other Matters

Principle of Development

- 7.2 The proposal seeks a part change of use of the site from the existing restaurant use (Class E) to a mixed use of restaurant and hot food takeaway (Sui Generis). Records from the Councils Environmental Health department confirm the site operated as a restaurant (Use Class E) for 10 years before its closure in 2023 and is currently now vacant. The existing premise prior to becoming a Class E use was a public house known as The Eclipse (previously Class A4) and a Café known as Café Uno (previously Class A3). There are not any restrictions on the land that would make the proposed change of use unacceptable in principle, however, the existing use of a restaurant does not allow a material level of take away, only ancillary.
- 7.3 Local residents have raised significant concerns regarding how the proposed development would facilitate unhealthy food options available, notably to the nearby student population. The planning statement advises that the application is speculative, and the end operator of the proposal has not been specified. Although the proposed change of use would introduce another take away within the area where there are already takeaways operating notably 'Cheeky Chicken and Grill' located on the exist of the roundabout into Egham High Street. This is not within itself a policy-based concern as the consent specifically does not relate to a particular food choice. As such, no policy-based concerns are raised in this regard.
- 7.4 Given the above, there is no objection to the loss of the existing use or the principle of the proposed use.

Highway Safety and Parking

- 7.5 Policy SD4: Highway Design Considerations states that the Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network and which take account of the needs of all highway users for safe access, egress and servicing arrangements.

Sustainable Transport

- 7.6 Policy SD3 of Local Plan deals with Active and Sustainable Travel. This sets out that the Council will support proposals which enhance the accessibility and connectivity between people and places by active and sustainable forms of travel.
- 7.7 The site is in proximity to sustainable transport and local amenity services, just outside of Egham Town Centre. The site is well connected to bus and train stations that are within a reasonable walking distance from the site. Overall, given this wider context it is considered that the site is in a relatively sustainable location. The block plan has been amended to show cycle storage facilities for 6 cycles which will be secured via recommended condition. As such, the site is considered to provide a suitable level of transport options which are sustainable modes of transport and is in a relatively sustainable location.
- 7.8 The Runnymede Parking Guidance SPD (2022) states that the EV requirement for Sui Generis use is based on individual site assessment. The proposal is for a small car parking area which would be used by customers who are expected to only have a short stay duration on site. The provision of EV spaces is therefore not considered appropriate for the operational requirements of this development.

Highway safety, capacity and access

- 7.9 Policy SD4: Highway Design Considerations sets out that the Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network, and which take account of the needs of all highway users for safe access,

egress and servicing arrangements.

- 7.10 The applicant has provided a transport assessment which has undertaken a TRICS assessment to compare the number of vehicular trips related to the existing use and the proposed use. The TRICS data demonstrates that the permitted restaurant is likely to generate 10 vehicle trips two way during the Pm peak and the proposed use of the site could generate 26 vehicle trips two way during the Pm peak. The difference is therefore 16 vehicles two way, the equivalent to around one additional vehicle every 4 mins, which is considered a low-level traffic increase. This level of increase would clearly not have a severe impact on highway capacity, which is the threshold that would have to be met under national planning policy Para 15 of the NPPF if a highway objection was to be considered reasonable.
- 7.11 With regard to access the existing site has two means of access, one from Egham Hill a classified A road and the other Tile Hill Road, classified D. Tile Hill road is subject to parking restrictions in the form of the double yellow lines. The proposal includes no changes to this access per say however, a minor configuration of the kerb. No objection is raised therefore on highway safety or access.

Parking Provision

- 7.12 Policy SD4 of the Local Plan states that parking standards for vehicle and cycle parking within development proposals will be assessed against the Council's current adopted guidance. The Council's recently adopted Parking Guidance SPD in November 2022 sets out recommended flexible parking standards for different uses.
- 7.13 Local residents have raised concerns regarding how the proposed parking ratios would result in increased parking overspill and increased parking stress on the wider roads and area due to the parking being insufficient for the development proposed.
- 7.14 The parking provision for the existing building remains unchanged by the proposed development. At present, the immediate surrounds include both outside seating and a mixed car park area. The existing parking provision comprises of 10 spaces including 2 disabled parking spaces.
- 7.15 Runnymede Parking SPD sets out flexible parking standards for restaurants and takeaways with the suggested standard being the same for both uses. No increase in floor area is proposed and therefore it would be unreasonable to require additional parking. Furthermore, a parking accumulation study has been provided based on TRICS and suggests the maximum parking demand would be 6 vehicles.
- 7.16 Additionally, the site is located within the urban area and adjacent residential area with heavy footfall. Also Tile Hill Road is subject to parking restrictions in the form of the double yellow lines which will prevent indiscriminate parking, if users of the site do illegally park on the lines, this would be matter for the police to enforce against. Egham Library Car Park Fairhaven which is council owned car park and for an abled bodied person is within an approx. 14 minutes walking distance. One of the benefits of the site being in this location is that there are active and sustainable modes of transport available to visitors. In view of the above and given the nature of the proposal and wider supporting evidence it is considered that the proposed development would not raise any further highways or parking issues subject recommend conditions. Surrey County Council, in their role as the highway authority raise no objection.

Heritage Assets and wider Design Considerations

- 7.17 Policy EE1 of the Runnymede 2030 Local Plan sets out that all development proposals will be expected to achieve high quality and inclusive design. Policy ND5 of the Englefield Green Village Neighbourhood Plan also sets out that proposals for good quality design will be supported where they are in accordance with the guidelines and codes set out in the Englefield Green Design Codes.
- 7.18 Policy EE4 of the Local Plan sets out that development will be supported where development seeks to maintain, sustain and enhance the significance and special architectural and historic interest of Listed Buildings.
- 7.19 The application site is located opposite (across the roundabout), No.5 - La Bonne Franquette and No. 6 Kings Arms Public House which are both Grade II Listed. Notwithstanding the above, given the meaningful separation distance across the roundabout to the Listed Buildings (approx. 45m) it is considered that the proposed use is appropriate and would not harm the significance of the heritage assets or result in any significant changes to the character of the area.
- 7.20 Letters have raised concern regarding design, specifically materials. No external extensions or alterations are required to the built form of the existing building, although cycle and refuse stores are proposed as part of this application in order to facilitate the change of use. Limited details of these elements have been submitted, as such it is considered both reasonable and necessary to recommend a planning condition to secure full details of them. Letters have also raised concern regarding advertisements. It is acknowledged that the proposed use of the site may give rise for the need for new signage however proposed advertisements (other than those with deemed consent) at the site would require a separation advertisement consent application to be submitted.

Residential Amenity

- 7.21 Policy EE1 of the Runnymede 2030 Local Plan sets out that new development proposals will be supported where they ensure no adverse impacts on the amenities of occupiers of the proposed development or to neighbouring properties/occupiers. Policy ND1 of the Englefield Green Village Neighbourhood Plan also sets out that development proposals should not result in any significant adverse impact on the amenities of the occupiers of neighbouring properties.

Impact on Existing Residents

- 7.22 The nearest residential properties are located North and South of the site, flats at Winslade House and Nos 1 and 2 Tite Hill respectively. Local residents have raised concerns regarding how the proposed development would harm residential amenity in terms of overshadowing and loss light. Given the layout, no external changes to the built form and the proposed use, the development does not raise issues in terms of loss of privacy, overbearingness and loss of light.

Noise and Disturbance

- 7.23 Local residents have raised significant concerns regarding how the proposed development would result in increased noise and disturbance resulting from the use. The key consideration is the potential impact of noise and disturbance resulting from the greater use and activity within and around the site, and if so, whether this would result in unacceptable noise and disturbance. Policy EE2 of Local Plan deals with Environmental Protection and specifically noise and disturbance.

- 7.24 The supporting statement details the opening hours are expected to be 6am until midnight.

It is acknowledged that the proposal could attract noise and disturbance through transient comings and goings of customers and delivery drivers in the late hours of the night which is a change from the existing operations at the site, although the previous use would incur ancillary comings and goings. It is considered the harm would be limited as the disturbance would be against the wider backdrop of the traffic moving along Egham Hill and the High Street an area with moderate levels of noise. Accordingly, it is considered that the proposed use is unlikely to generate significant noise or disturbance, especially given the existing lawful use of the unit and its location in combination with the meaningful distance of the residential properties. On this basis, this proposed development is considered to have an acceptable impact in terms of noise on the nearby residential properties subject to recommended conditions restricting operating/opening hours. It should be noted that the conditioned operating times are matched more closely with other takeaways in the area (RU.19/0047).

Odour and Noise

- 7.25 As part of the application, no new extraction system is proposed however, there is already an existing system in place sited to the rear. The Councils Environmental Health Officer comments that this system would have been designed based around the type of products sold by the former restaurant user (Pizza and Pasta Restaurant). An informative will be placed on the decision to remind the applicant that they will need to consider if the current extraction is suitable and sufficient based on the end operator. A further planning application may need to be submitted if changes are proposed to the extraction system.

Englefield Neighbourhood Area

- 7.26 Englefield Green Village Neighbourhood Plan was adopted on 31 January 2024 and now forms part of the statutory development plan for Runnymede. As a result, Englefield Green Village Neighbourhood Plan can be given significant weight as a material planning consideration in determining planning applications in the Neighbourhood Area. The Neighbourhood Plan seeks to retain as many town centre uses as possible by requiring planning applications for loss or change of use from Class E within the Local Centre boundary which includes the primary and secondary shopping frontages, to be supported by evidence of marketing to ensure that a local centre use is not needlessly lost and by maintaining as far as possible, a balance of uses within both primary and secondary shopping frontages. The site does not fall within either of the above designations. The proposal has been assessed and accords with the adopted Englefield Green Village Neighbourhood Plan.

Other Matters

- 7.27 With reference to the letters of representation received, it is considered that the above assessment has had due regard for the relevant planning considerations. Concerns were raised regarding a drive thru element, the plans do not indicate such element and therefore this does not fall within the scope of this assessment. Concerns were raised regarding litter generation from the proposal. It is acknowledged that the proposal would increase the operations above what could anyway take place at the site, and such may facilitate additional pavement side consumption and litter. The development description notes refuse stores however, limited details of this element have been submitted. A condition will be recommended regarding the proposed arrangements for the storage and disposal of refuse on site. Further to this, the site is located in the urban where there are a handful of litter bins within walking distance of the site.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The application does not propose new residential development and therefore would not be liable for a Community Infrastructure Levy contribution.

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

10. CONCLUSIONS

- 10.1 The development has been assessed against the following Development Plan policies SD3, SD4, EE1, EE2 and EE4 of the Runnymede 2030 Local Plan, the policies of the NPPF and the Englefield Green neighbourhood Plan, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner. Accordingly, the application is recommended for approval.

11. FORMAL OFFICER RECOMMENDATION

The HoP be authorised to grant planning permission subject to the relevant conditions.

1 Full application (standard time limit)

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 List of approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans.

Site Location and Block Plan 703-SA-2294-AL01

Floor Plans as proposed 703-SA-2294-PL-001A

Elevations as proposed 8703-SA-2294-PL-002A received 02/01/24

Site Plan as proposed 8703-SA-2294-PL-003 received 19/03/24

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF

3 Hours of use (Class A3 to A5 premises)

The premises hereby approved shall not be open to customers outside the following hours:

07:00 to 22:30 Mondays to Fridays

08:00 to 23:30 Saturdays

09:00 to 18:00 Sundays and Bank Holidays

Reason: To protect the residential amenities of the neighbouring properties and to comply with Policies EE1 and EE2 of the Runnymede 2030 Local Plan and guidance within the NPPF.

4 Cycle Storage

Prior to commencement of the operation hereby approved, details of the siting, size and design of the cycle storage for a minimum of six bicycles shall be submitted to and approved in writing by the Local Planning Authority. Such storage should be safe, secure and lit. Within the proposed cycle storage, facilities for the charging of e-bikes are to be provided, consisting of a standard three-point plug socket. The storage shall then be provided in accordance with the approved details prior to the first operation of the development hereby approved and retained thereafter.

Reason: To encourage active and sustainable travel and to comply with Policy SD3 of the Runnymede 2030 Local Plan and guidance within the NPPF.

5 Bin store provision

Prior to commencement of the operation hereby approved, details of the siting, size and design of the refuse and recycling bin storage areas for the property shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling bin stores and facilities shall then be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter.

Reason: In the interests of amenity, to provide adequate refuse and recycling facilities and provide satisfactory form of development and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

6 Provision of Car Parking

The operation hereby approved shall not be first opened for trading until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

7 Pedestrian Improvements

The operation hereby approved shall not be first opened for trading until the pedestrian accessibility improvements comprising of the narrowing of the existing vehicular accesses, onto Egham Hill and Tite Hill and the implementation of tactile paving across the vehicular access to Tite Hill. narrowing of the existing access will increase the safety for pedestrians and cyclists and should be built with dropped kerbs and tactile paving. This will all be undertaken through an S278 Agreement. Details for the aforementioned provisions will be finalised at the S278 stage.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

Informatives:

- 1 The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and

to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

2 The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment

3 The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road.

Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

4 The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users

6 The applicant is advised that a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stat connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road.

7 The Council's Environmental Health Officer has advised that the applicant will need to consider if the current extraction system is suitable and sufficient based on the type of food, volume of throughput that will arise from the proposed change of use and end operator. Any new or updated external plant or equipment, including upgraded extraction system, should be accompanied by an appropriate noise report based on the requirements of BS4142 to ensure that the equipment is not going to impact on the amenity in terms of noise of nearby residential properties. The applicant is advised to consider the document by DEFRA entitled "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" when considering the proposed ventilation systems and the details needed to be provided.

8 The Council's Environmental Health Officer has advised that the new food business should be registered 28 days prior to opening. <https://www.runnymede.gov.uk/food-safety/register-food-business-2>

- 9 The applicant is advised that advertisement consent may be required for any new signs on the premises.