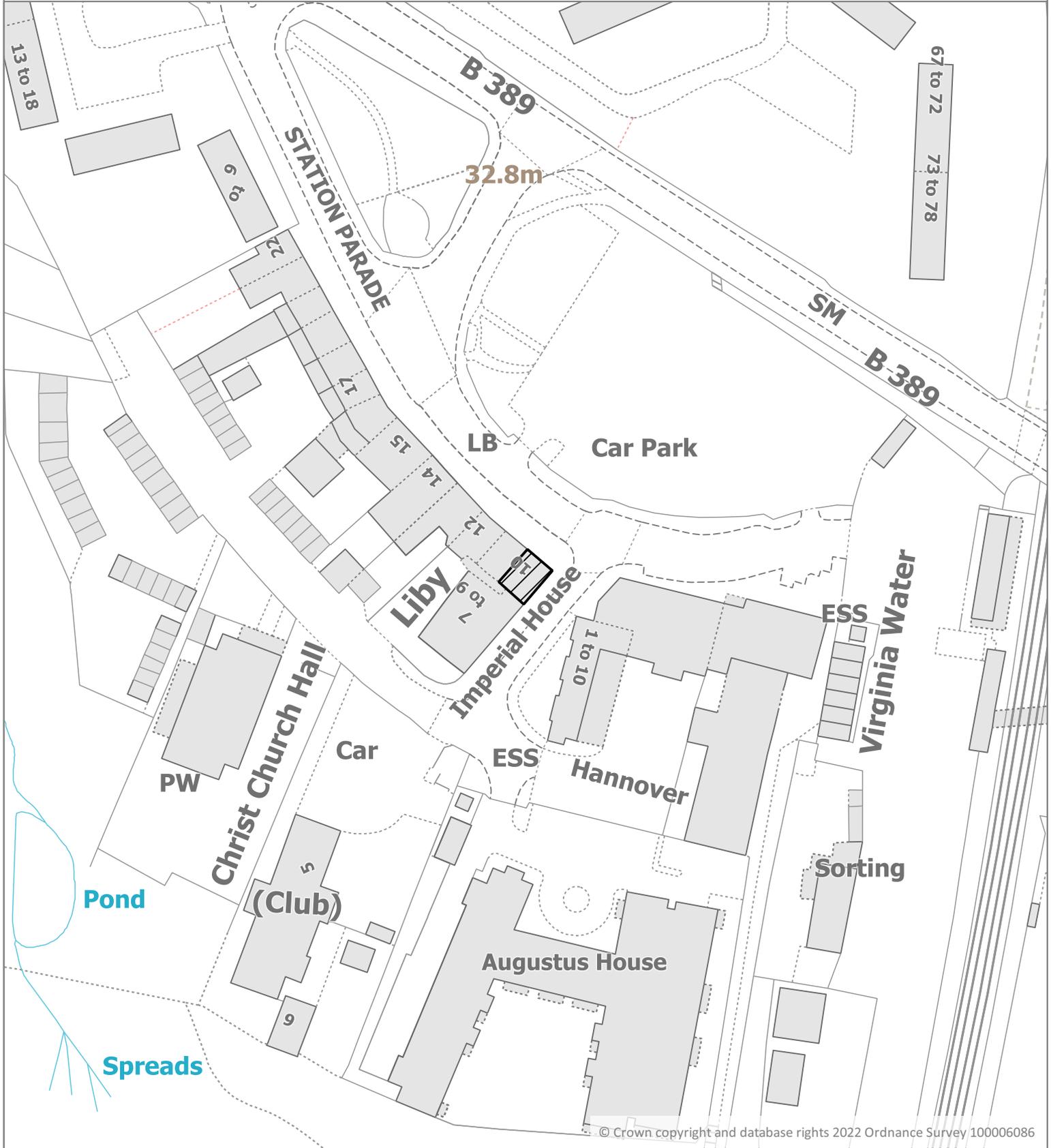




Date: 02/03/2022

10 Station Parade, Virginia Water, GU25 4AB



Scale: 1:1,000



RU.21/1790



**COMMITTEE AGENDA REFERENCE: 5b**

<b>APPLICATION REF:</b>	<b>RU.21/1790</b>
<b>LOCATION</b>	10 Station Parade, Virginia Water, GU25 4AB
<b>PROPOSAL</b>	Conversion to restaurant with small kitchen.
<b>TYPE</b>	Full Planning Permission
<b>EXPIRY DATE</b>	03/01/2022
<b>WARD</b>	Virginia Water
<b>CASE OFFICER</b>	Will Rendall
<b>REASON FOR COMMITTEE DETERMINATION</b>	More than 10 letters of representation have been received.
<b><i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i></b>	

**1. SUMMARY OF RECOMMENDATION**

<b>It is recommended the Planning Committee authorises the CHDMBC:</b>	
<b>1.</b>	<b>To grant planning permission subject to the planning conditions as listed in section 11 of this report.</b>

**BACKGROUND**

- 1.1 This application was deferred by the Planning Committee on 9<sup>th</sup> February 2022 for one committee cycle to enable the Council's Environmental Health Officer to comment on the submitted noise report. The Environmental Health Officer's response will be reported in the Committee Addendum along with any further information received.

**2. DETAILS OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The site relates to a ground floor commercial unit with dwellings above located on the corner of a parade of shops and restaurants in Station Parade. The site was previously a dry-cleaning premises. Adjoining the site to the west are commercial units with residential above, whilst to the east is a modern mixed-use block 'Hannover House'.

**3. APPLICATION DETAILS**

- 3.1 The application proposes the change of use of the site from a dry cleaner (Class E) to Sui Generis with the site being used as a restaurant/takeaway. It is important to note that under the Use Classes Order changes 2020/21 no permission would be required to change the use of the dry cleaners to a restaurant where the sale of food and drink for consumption would mostly on the premises. In this instance the mix is envisaged to be a mix on eating in the premise and takeaway and therefore that is why planning permission is required.

#### 4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application:

Reference	Details
RU.99/1054	Change of use from use class A1 (shop) to use class A2 (financial and professional services) Full Planning Permission. Grant Consent - subject to conditions - 23/11/1999
RU.99/0782	Non-illuminated fascia signs. Advertisement. Grant Consent - subject to conditions - 12/08/1999
RU.99/0678	Remove existing shop front and replace with new shop front. Full Planning Permission. Grant Consent - subject to conditions - 28/07/1999
RU.97/0664	Relaxation of condition 3 of planning permission RU.93/0019 to allow unrestricted Class A2 (Financial & Professional Services) use. Full Planning Permission. Grant Consent - subject to conditions - 19/08/1997
RU.93/0019	Change of use from retail (A1) to licensed betting office. Full Planning Permission. Grant Consent - subject to conditions - 05/02/1993
RU.80/0612	Change of use of premises from shop to Building Society office. Formerly no 8 Station Parade Full Planning Permission. Refuse - 01/08/1980

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

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 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.
- 5.3 This site falls within the designated Virginia Water Neighbourhood Area. However, a Neighbourhood Plan has not been developed yet for this area.

#### 6. CONSULTATIONS CARRIED OUT

- 6.1 **Consultees responses**

Consultee	Comments
<b>RBC Environmental Health Officer</b>	<p>Holding Objection-</p> <ul style="list-style-type: none"> <li>• Subject to the extraction system being properly maintained then it is suggested that this may provide effective odour removal</li> <li>• The outstanding issue is therefore noise and whether further information needs to be submitted regarding a noise insulation scheme to prevent the extraction system and users of the restaurant causing a nuisance to neighbouring amenity. <i>Officer Comment: a noise report has now been submitted and comments awaited.</i></li> </ul>
<b>SCC Highways Authority</b>	Awaiting consultation response.
<b>Virginia Water Neighbourhood Forum</b>	No comments received.

### Representations and comments from interested parties

6.2 24 neighbouring properties were consulted in addition to being advertised on the Council's website. 11 letters (separates addresses) have been received objecting and which can be summarised as follows:

- Enough existing restaurants.
- Intrusive smells to neighbouring library.
- Free parking overloaded- made worse by the new electric charging points.
- No room for deliveries, waste, or parking.
- Only four tables, the unit will have to rely on takeaway.
- Parking problems could reduce visits to nearby library.
- Concerns about odours and noise impacts on neighbouring amenity.
- Increase in traffic.
- Do not give consent for an extraction chimney attached to the exterior of the flat above.
- Concerns about rats in the area.
- Noise concerns from opening hours.
- Not enough on street parking in the vicinity.
- Concerned about wheelchair access.

- Concerns with back door access involves crossing neighbouring land.
- Concerns regarding space for bins to the rear.
- Only found out on a Facebook group about this application.
- Concerns that some neighbours were not notified. *Officers Note- dwellings located adjacent to the site have been notified.*
- Will result in a spill over from neighbouring working men's club.
- The demographic of the area does not support fast food.
- Will result in people congregating outside late at night.
- No information regarding grease/fat management.

4 letters in support of the application have been received and are summarised below:

- Community does need more food choices.
- At present all day food options are limited.
- Parking is not an issue- large car park available.
- There is no existing excessive noise.
- Provide job opportunities for the area.
- Existing restaurants do not cause litter, so why would this one.

## **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 local centre development, townscape quality and environmental protection with regards to residential amenity and the local highway network.
- 7.2 Policy IE13 (Local Centres) seeks to improve the quality and broaden the range of A1 retail uses. The Policy also supports non-retail A2-A5 uses (which include financial and professional services, restaurants, pubs and takeaways) where consumer choices are maintained. The former use of the site as a dry cleaners would fall within the former use Class A1 and as such the current proposal would result in a loss of Class A1 use. However, it is a material consideration of substantial weight that since the adoption of the Local Plan, the Use Class Order has been amended such that the former A1 retail use now falls under the new Class E use, which also now includes premises used as restaurants. With premises used for takeaways now considered to be a Sui Generis use.
- 7.3 As such the proposed use as a restaurant would fall within the same use Class E and therefore the use of the premises solely as a restaurant would not require an application for change of use. In this instance, the application also proposes to include a restaurant and hot food

takeaway which is defined as a Sui Generis use requiring a change of use. Regarding current uses in Station Parade, there is presently a mixture (including but not limited to) of restaurants, convenience stores, hairdressers, estate agents and betting shops. Therefore, in any case, a wide consumer choice would still be maintained. The proposal would also secure the use of this currently vacant premises which assists in maintaining the vitality of the parade and weighs in favour of the development. The development proposed would provide a Sui Generis use as a restaurant and hot food takeaway and is therefore considered acceptable with regard to Policy IE13 and the weight afforded to the current use classes order.

- 7.4 There would be no change to the built form of the unit except a small vent being installed to the extraction system on the eastern side of the premises. It is noted that the applicant has not provided clear elevations of exactly where the vent would be placed on this elevation. Therefore, a condition is recommended to require further details to be submitted and agreed by the Local Planning Authority prior to the commencement of development to agree on the location and design of the vent.
- 7.5 With regard to odour, it is considered that subject to a condition requiring the extraction system to be implemented and maintained in accordance with the specification details there would be no detrimental impact regarding odour.
- 7.6 Turning now to noise the Councils Environmental Health Officer has stated that whilst the extraction system has a silencer within it, it is not clear as to what levels of noise reduction the silencer would produce at the end of the outlet. Additionally, it is also not clear what the general external noise climate is like within the area when the fan would be operating. The extraction fan system would also be located very close to the underfloor of the flat above and there may also be noise and disturbance from workers and users of the restaurant. The applicant has stated that the building is purpose built for residential /retail (including restaurants), however evidence needs to be submitted of this.
- 7.7 It is a common relationship within our towns and local parades that restaurants and takeaways operate with residential units sited above and that there are different technical solutions to control noise and odour. Just in this local parade there are several other restaurants which all offer a takeaway service too and have residential units above.
- 7.8 The proposed business would open 08.00 - 22.00 Monday to Sunday which are similar opening hours to many convenience store retail outlets which could operate from these premises without planning permission being required. These types of businesses would also require a similar number of deliveries too.
- 7.9 Subject to conditions therefore to (i) secure a noise insulation scheme if considered necessary, ii) to ensure the satisfactory implementation and maintenance of an extraction system and iii) to restrict opening times to between 08.00 to 22.00 Monday to Sunday, then it is considered that the use proposed is an acceptable use within in a local centre location in compliance with Policy EE2.
- 7.10 Paragraph 92 of the NPPF seeks to promote healthy, inclusive and safe places which promote social interaction and that are safe and accessible so that crime and disorder, and the fear of crime, do not undermine quality of life. No evidence has been submitted which suggests that the change of use would result in development which does not comply with the NPPF in this respect. Restaurant and takeaway uses are an accepted part of the fabric of a Local Centre with both uses already in place across Virginia Water Local Centre. Therefore, limited weight is given to this concern.

- 7.11 There is an existing waste storage and collection area at the rear entrance of the site which is proposed to be continued in use. Concerns have been raised about whether the proposal will encroach on neighbouring land. There is no evidence that this is likely to be the case, however the applicant will be reminded of land ownership issues through an informative. It is not considered there will be any other harms to residential or neighbouring amenity arising from the proposed development which subject to conditions has an acceptable impact on the surrounding townscape quality, in compliance with Policy EE1.
- 7.12 Surrey County Highways Authority were consulted on the application and comments are awaited. It is noted the site is in an area with parking restrictions in place along with an existing car park located beside the nearby station such that parking can be controlled through existing enforcement measures. Therefore, it is considered that the development would not be harmful in respect of highways safety or capacity grounds and complies with Policy SD4.

## **8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 In line with the Council's Charging Schedule the proposed development would not be CIL liable.

## **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 – EE1, EE2, SD4 and IE13 of the Runnymede 2030 Local Plan, the policies of the NPPF, 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.

## **11. FORMAL OFFICER RECOMMENDATION**

### **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 unless such plans should be superseded in the compliance with conditions 4 and 5:

Received 15/10/2021: CI-VW-00 Rev: A. Received 13/12/2021: 6049 Rev: B, Extraction Report and Proposed Plans by Lewis Duct Clean (December 2021), Systemair MUB 042 500D4-A2 IE2 MULTIBOX, Proposed Silencer Data Sheet, Longar Airard. Statement

### **3. External materials and elevations**

Before the first occupation of the development hereby permitted is commenced, details of the materials to be used in the external elevations shall be submitted to and approved by the Local Planning Authority and no variations in such materials when approved. Development shall be carried out in accordance with the approved details.

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

### **4. Soundproofing (noise spillage prevention)**

Prior to the first use of the development hereby approved, a scheme specifying the provisions to be made for the control of noise emanating from site shall be submitted to and approved in writing by the Local Planning Authority. Such measures as agreed in writing shall be fully implemented prior to the occupation of the premises and shall be retained and maintained thereafter.

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

## **5. Plant and equipment (as approved)**

Prior to the commencement of development, a plan showing the location of the vent in the east elevation of the building shall be submitted to and agreed in writing by the Local Planning Authority. The extraction and ventilation system outlined in the Extraction Report and Proposed Plans (December 2021) unless required to be changed to allow for a different location of the vent in the eastern elevation shall be fully installed and shall thereafter be retained and appropriately maintained in accordance with the submitted details and recommended maintenance as detailed within the Odour Management Plan.

Reason: To protect the amenities of occupiers of nearby properties and to comply with Policy EE2 of the Runnymede 2030 Local Plan and guidance within the NPPF.

## **6. Hours of use**

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

0800 to 2200 Mondays to Sundays (including 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.

## **Informatives**

1. The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

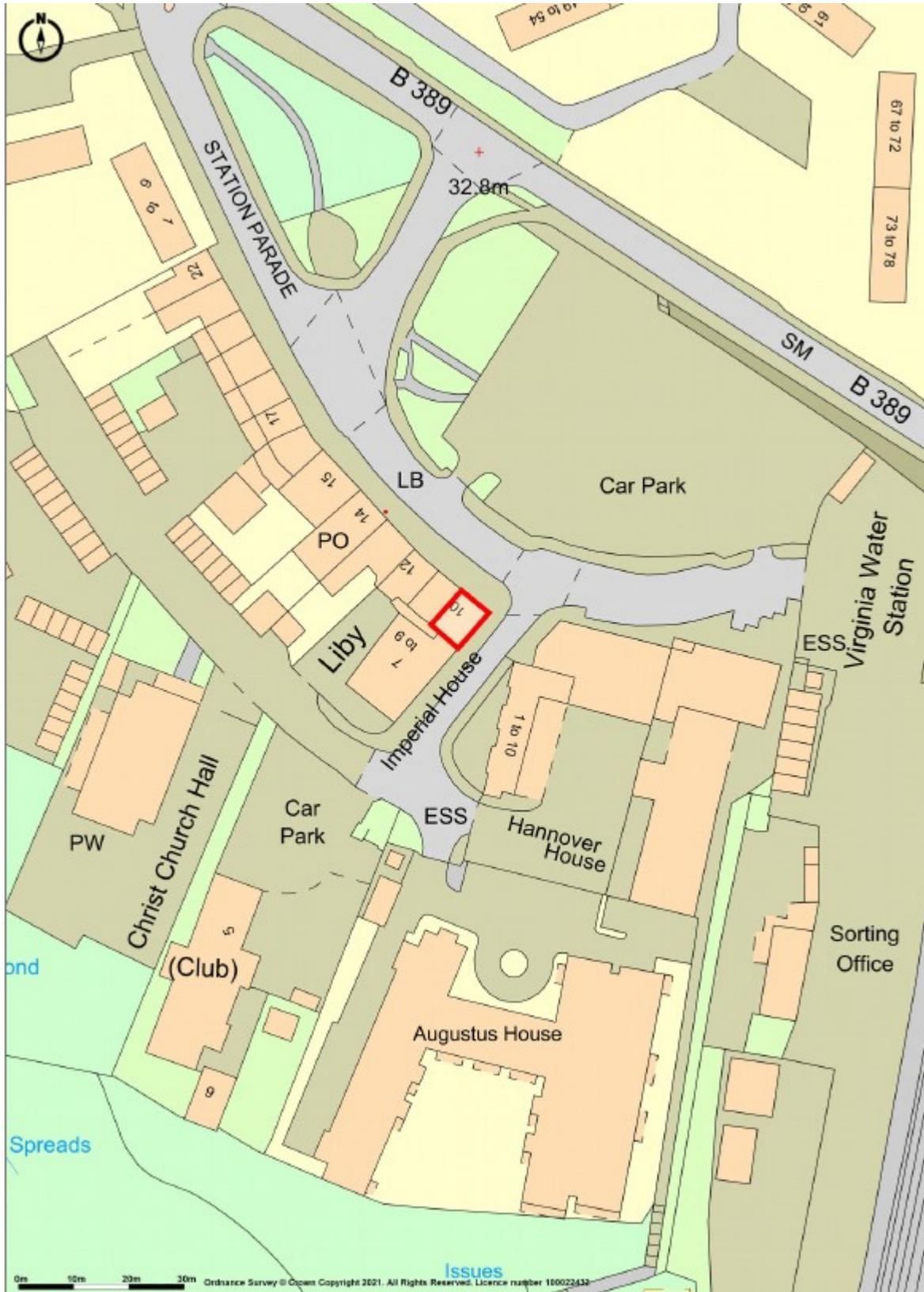
Land Ownership

2. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.

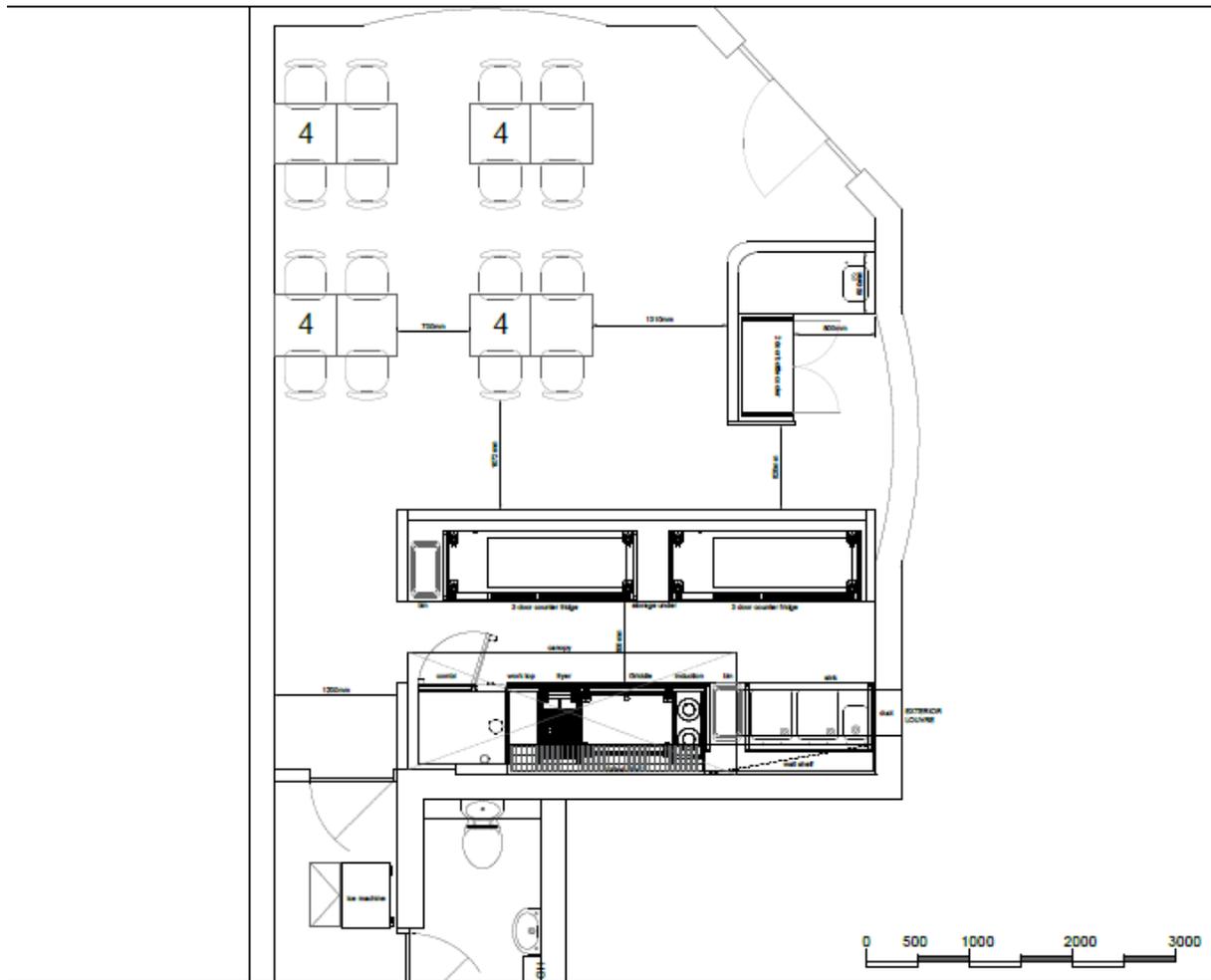
Party Wall Act 1996

3. The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavation are to be carried out near a neighbouring building.

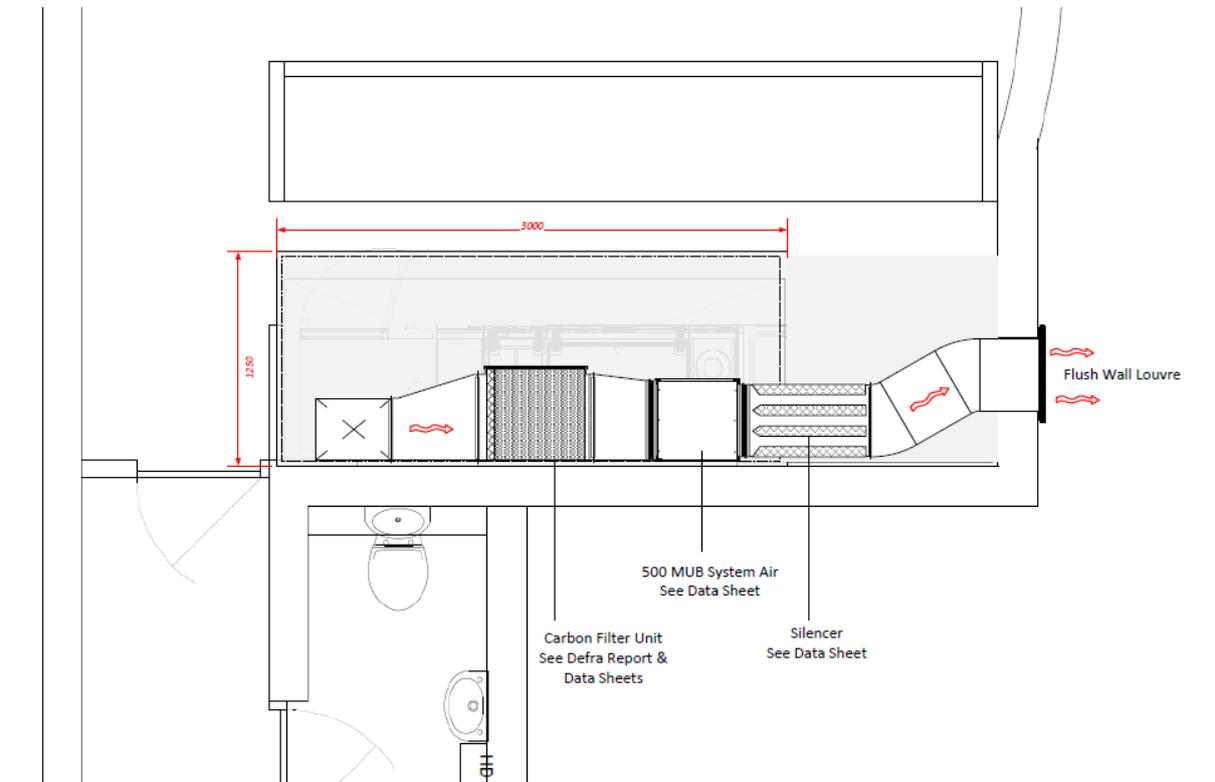
Location Plan



Proposed Floor Plan



## Proposed Extraction Unit



## Proposed Elevations

The applicant has not provided clear elevations of exactly where the vent would be placed. Therefore, a condition is recommended to require further details to be submitted and agreed by the Local Planning Authority prior to the commencement of development to agree on the location and design of the vent.