

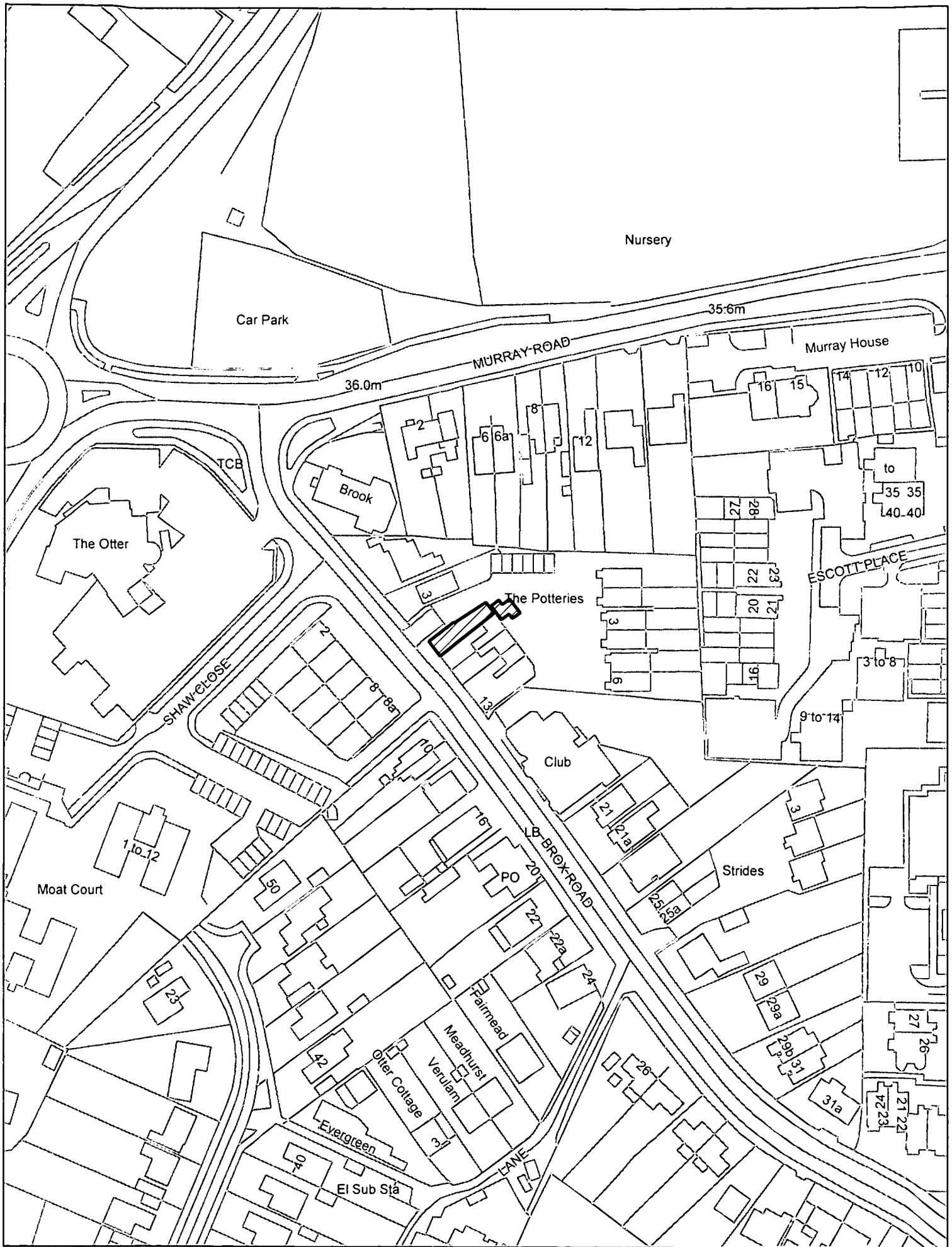
**PLANNING COMMITTEE  
3RD MARCH 2004**

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<u>WARD</u>	<u>APPLICATION NUMBER</u>	<u>LOCATION</u>	<u>PAGE NO.</u>
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# **PART B**

(There are no Part A applications)



RU.03/1402

SCALE: 1:1,250

DATE: 20/02/04

ADDRESS:

5  
BROX ROAD  
OTTERSRAW

1

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<b>RU.03/1402</b>	Date reg:	2.12.03	Ward	FOXHILLS
LOCATION:	5 BROX ROAD, OTTERSHAW			
PROPOSAL:	CHANGE OF USE OF GROUND FLOOR PREMISES FROM A1 (RETAIL) TO A3 (FOOD & DRINK) REVISED PLANS RECEIVED 19/01/04			
TYPE:	FULL PLANNING PERMISSION			
APPLICANT:	The Park Bakeries			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: SHO5, SHO7, MV4

1. Site

- 1.1 5 Brox Road is a two-storey end-of-terrace property located within the urban area of Ottershaw, just off the Otter Roundabout, in a busy local shopping parade. The ground floor of the application site operates as The Park Bakery. There is a residential flat above.
- 1.2 The parade is made up of a dentist, pharmacy, Post Office, general store, newsagent, two hairdressers, Indian Restaurant and the Harvester Public House/Restaurant.

2. History

- 2.1 There is no recent or relevant previous history for this site.

3. Application

- 3.1 This application is seeking a change of use of the existing bakery from A1 (retail use) to A3 (hot food use). The applicant states that the bakery is now selling a significant proportion of hot food from the premises to the extent that the bakery is now becoming ancillary to the sale of hot food. The applicant wishes to have the appropriate consent for the premises. The ground floor has a floor area of approximately 80 sq m.
- 3.2 The applicant has submitted a two page supporting letter. The main points of this letter are summarised below:
- the applicant has traded from the premises for some 40 years but now finds the sale of bakery products is decreasing considerably;
  - this is due to change in people's shopping patterns and the presence of supermarkets in the area;
  - bread and cakes are also available from Londis supermarket opposite;
  - hot food has been sold for the past 20 years;

- the hot food trade has grown to almost 75% of the total income;
- there is an adequate number of local shops serving the immediate needs of the area including Londis supermarket and One Stop Convenience store;
- no increase in pedestrian or traffic movements to the premises;
- not detract from the residential amenities of the surrounding residential properties.

#### 4. Consultations

4.1 The application has been advertised on the Council's list of weekly applications and 32 individual letters have been sent out to neighbouring properties. Seven letters of representation have been received which raise the following concerns:

- The change of use to A3 would cause more congestion within the locality;
- The change of use to A3 if permitted would enable a variety of takeaways to occupy the premises, which would generate litter, loitering of young people, unruliness, vandalism, and unpleasant, lingering odours;
- The loss of the bakery would inconvenience the community and the elderly who use the establishment;
- The bakery is the only shop that sells unwrapped bread in the village and serves the village well for residents who don't have cars and cannot get to the supermarket;
- It is important to retain a viable selection of shops in the village, as separate shops go it will lead to a drain of people going elsewhere for one type of food, they then go and get all their supplies at the new shopping centre;
- Runnymede Borough Council has policies which support the viability of the villages of the Borough;
- An application was refused a few years ago, regarding a change of use of a shop to a chip shop, this was refused and there is nothing that has changed since;
- There is no space at the property for storage of food waste as the walls of the property reach the boundary, and any additional storage of waste would be within the Mews, which is a private area for residential parking only;
- Any night-time opening would lead to additional noise and disturbance to the local residents;
- There are already two restaurants within 90 metres of each other; the village does not need another one.

4.2 The County Highways Authority have no requirements to make regarding this application.

4.3 Environmental Protection raised concerns regarding the internal location of the extraction unit. It is considered that the applicant should move this to the outside of the property and this can be controlled by condition.

5. Planning Considerations

5.1 This application is correctly described as a change of use from Class A1 (retail) use to a Class A3 (hot food) use. However, the facts of this particular case as stated by the applicant are that the existing bakery (Class A1 use) will be retained but the main use of the premises has been the sale of hot food (Class A3 use) for some time. This application therefore seeks to authorise the current sale of hot food as the main use of the premises with the sale of bakery products as an ancillary element.

5.2 The most relevant policies in the determination of this application are Policies SHO5 and SHO7 of the adopted Local Plan. Policy SHO5 resists the loss of Class A1 units unless it can be shown that there are adequate alternative local convenience shopping facilities in the locality and that the proposed non-retail use would not have an adverse effect on the existing shopping facilities in the locality and is appropriate to the character of the area.

5.3 There are a group of ten shops along Brox Road which form a local shopping area for Ottershaw. This is a vibrant group of units and there are no current vacant units in Brox Road. The ten units (which exclude The Otter public house/Harvester restaurant) are divided into the following use classes:

Class A1 (7 units including application site)	70%
Class A3 (2 units – one double unit)	20%
Class D1 (dental practice)	10%

The proposed change of use to a Class A3 use would reduce the Class A1 units to 60% and increase the Class A3 units to 30%.

5.4 In this group of units at the northern end of Brox Road there is a newsagents, Londis supermarket and a One Stop Convenience store which includes a post office. The Londis supermarket is open between 8 a.m. and 7 p.m. Mondays to Fridays, 8 a.m. to 6 p.m. on Saturdays and 8 a.m. to 2 p.m. on Sundays. The One Stop Convenience store is open 7 a.m. to 10 p.m. each day. In addition, there is an isolated shop 'Ottershaw Wines' in Brox Road and the two petrol filling stations in Guildford Road both incorporate convenience stores. It is considered that in these circumstances there are currently adequate alternative local convenience shopping facilities in the locality.

- 5.5 The Park Bakery has been selling some element of hot food for over 20 years. The sale of hot food has now expanded to such an extent that it should be classed as a Class A3 use. The basis of the application is that there should be no changes to the way the premises currently operates. Some of these elements can be controlled by condition such as an 'hours of use' condition. Consequently on this basis there should be no adverse effect on the existing shopping facilities in Ottershaw or on the character of the area. However, should another operator want to operate in a materially different way they would need permission to relax or remove any conditions. Consequently there would still remain some element of control for the Local Authority over any material changes of operation or extended opening hours at this ground floor unit.
- 5.6 Policy SHO7 of the adopted Local Plan relates to specifically proposed Class A3 uses. The policy requires that the proposal will not create unacceptable traffic hazards and will not detract from residential amenities.
- 5.7 As there are no changes to the way the premises currently operates, the proposal should not significantly alter the existing generation of pedestrian or vehicular traffic to this site nor create any additional traffic hazards. The County Highway Authority raise no objection to this proposal.
- 5.8 The applicant currently proposes an extraction flue adjacent to the rear chimney of the property. However, this system involves the flue pipe being internally positioned within the property. This clearly has the potential to cause harm to the residential amenities of the occupants of the first floor flat above. The Head of Environmental Protection considers that the most appropriate solution is for a fully external extraction flue to be installed. It is considered that this matter can be controlled by condition.
- 5.9 Planning permission was refused in 1993 for a change of use to a Chinese take-away at 2 Brox Road. Since 1993 there have been many changes to planning policies. These include the adoption of the Local Plan and the introduction of Planning Policy Guidance Note 6 'Town Centres and Retail Developments (PPG6)' in 1996 which encourages Class A3 uses as they help to support the evening economy and so facilitate vitality and viability. Consequently the previous refusal at 2 Brox Road does not justify the refusal of this current proposal due to differences between the two applications and the changes to planning policy since 1993.
- 5.10 It is considered that this change of use complies with the relevant policies of the Development Plan and Government guidance. Consequently the recommendation is to grant permission subject to conditions.
- 5.11 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under the Convention.

Officers' Recommendation

**GRANT** subject to the following conditions:

1. Full Application – Standard Time Limit (C004)
2. By 30th April 2004 details, location and specifications of suitable ventilation and filtration equipment shall be submitted to and approved in writing by the local Planning Authority. The equipment shall be erected and operated in accordance with the approved details and specifications by 30th June 2004.

**Reason:** To protect the amenities of the adjoining premises and prevent nuisance arising from smell and to comply with Policy SHO7 of the Runnymede Borough Local Plan Second Alteration 2001.

3. The premises hereby approved shall not be open to customers after 6 p.m. or before 7 a.m. on Mondays to Saturdays and not at all on Sundays, Bank or Public Holidays.

**Reason:** In order to protect the residential amenities of the neighbouring properties and to comply with Policy SHO7 of the Runnymede Borough Local Plan Second Alteration 2001.

4. By 30th April 2004 adequate arrangements shall be made for the storage and disposal of refuse from the premises. Details of such arrangements shall be submitted to and approved in writing by the local Planning Authority prior to implementation.

**Reason:** To protect the visual and residential amenities of the area, especially nuisance by reason of smell, insects or rodent pests and to comply with Policy SHO7 of the Runnymede Borough Local Plan Second Alteration 2001.

Informatives

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
03/41	1.12.03
03/44 Rev A	19.1.04

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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.

2. The development hereby granted consent has been assessed against the following Development Plan policies - Policy PE10 of the Surrey Structure Plan 1994, Policy LO2 of the Surrey Structure Plan Deposit Draft December 2002 and Policies SHO5, SHO7 and MV4 of the Runnymede Borough Local Plan Second Alteration April 2001 and other material planning 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 Planning Officer's report giving a more detailed assessment of this application is available for inspection at the Technical Services Department and copies can be obtained subject to a photocopying charge.
3. The applicant is advised that the internal extraction system as illustrated on the submitted drawings is unacceptable. It is considered that an external extraction system is the most appropriate solution to protect the residential amenities of occupiers of the first floor flat above and the neighbouring residential properties. Consequently the approved drawings only GRANT the change of use and not the position of the extraction system.

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RU.04/0047

SCALE: 1:1,250

DATE: 20/02/04

ADDRESS:

28  
PARK AVENUE  
EGHAM

9

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<b>RU.04/0047</b>	Date reg:	15/01/2004	Ward	THORPE
LOCATION:	28 PARK AVENUE, EGHAM			
PROPOSAL:	ERECTION OF FIRST FLOOR REAR EXTENSION			
TYPE:	FULL PLANNING APPLICATION			
APPLICANT:	Mr & Mrs Spillman			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: HO9, BE2, SV2

1. Site

- 1.1 No.28 is a two storey semi detached dwelling located on the north-eastern side of Park Avenue. There is a single storey rear extension and rear conservatory.
- 1.2 No.28A adjoins the south-eastern side of the dwelling and No.29 is located to the north west. A 1.8 metre high close-boarded fence encloses the site with a shed extending the width of the rear boundary.
- 1.3 The site is in the urban area and within the flood plain.

2. History

- 2.1 RU.84/0039 Single storey rear extension comprising of a lounge and kitchen extension and other alterations to the front of the house – Refused 13.3.84
- 2.2 RU.03/1183 Erection of first floor rear extension - Withdrawn by applicant December 2003
- 2.3 There is no other recorded history and it would appear that the single-storey rear extension and conservatory were built under permitted development.

3. Application

- 3.1 This is a full application for the erection of a first floor rear extension. The proposed extension would have a hipped roof and be situated over the north-western side of the existing single storey rear extension. It would extend the same depth of the rear extension (3.47 metres) and a width of 3.5 metres. It would have a ridge height of 7.1 metres, which would be 1.8 metres lower than the ridge height of the dwelling. The proposal would be situated 1.7 metres off the south-eastern boundary and 1.1 metres off the north-western boundary.

3.2 There would be no windows in either side elevation of the proposal and one window in the rear elevation.

3.3 The previous application RU.03/1183 proposed a first floor rear extension measuring 3.5 metres in depth, 5.2 metres in width with a maximum ridge height of 7.8 metres.

#### 4. Consultations

4.1 The application was advertised in the Council's weekly list and 9 letters of notification were sent out.

4.2 Three letters of objection have been received from Nos.26, 27 and 28A Park Avenue. The comments are summarised below;

- Overshadowing causing loss of light to rear facing rooms and gardens/patio
- Loss of privacy
- Overbearing and loss of view
- Devaluation of property and difficulty of resale
- No.28 is already substantially extended
- The proposal would be incongruous
- Noise and disturbance from the building of the proposal

4.3 The County Highways Authority has no requirements to make.

#### 5. Planning Considerations

5.1 This is a revised full application for the erection of a smaller first floor rear extension. The main considerations for this application are; the impact on the character of the area; the design of the proposal; and the impact on the residential amenities of neighbouring properties.

5.2 Given that the proposal would be to the rear of the site it would only be partially visible from the street scene. Given this factor it is unlikely to be detrimental to the character of the surrounding area or the visual amenities of the streetscene.

5.3 In terms of design, the proposal would harmonise satisfactorily with the dwelling given that its height would be below the main ridge and its hipped roof would have an angle of pitch that mimics the original dwelling.

5.4 The main issues revolve around the impact on the residential amenities of the neighbouring properties.

- 5.5 The neighbouring properties most likely to be affected would be Nos.28A and 27, which are located either side of the site. The proposed first floor extension would not break the 45° line from the centre of the nearest neighbouring windows in either of the two neighbouring dwellings as set out in the Council's Supplementary Planning Guidance (July 2003). This 45° line (based on the recommended British Standard Code of Practice) represents the level of impact on neighbouring properties, which would normally be acceptable in terms of loss of light and overbearing. It is considered that as this proposal is in line with this guidance refusal would be difficult to justify.
- 5.6 There would be no windows in either side elevations of the proposal. The proposed window in the rear elevation is unlikely to reduce the privacy currently enjoyed by neighbouring properties given the existing layout of windows and relationship between dwellings. It is noted that a window is proposed at first floor in the northeastern elevation of the original dwelling. Although this is in the submitted plans it does not form part of this application, as permission is not required for its insertion. It is considered that whilst the extension may affect the residential amenities of the two adjoining properties it is unlikely that this extension would have a seriously adverse impact.
- 5.7 The Planning System does not exist to protect the private interests of one person against the activities of another (paragraph 64 of PPG1). Therefore devaluation of property and difficulty of resale are not material planning considerations in the determination of this application.
- 5.8 There would be no impact on the floodplain caused by this first floor extension.
- 5.9 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under this Convention.

#### Officers' Recommendation

**GRANT** subject to the following conditions:

1. Full Application – Standard Time Limit (C004)
2. External Materials – Samples Not Required (C006)
3. No Additional Windows (C021) – insert 'any'

Informatives:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
MS/1A	15/01/2004
MS/2A	15/01/2004
MS/3A	15/01/2004
MS/4A	15/01/2004

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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.

2. The development hereby granted consent has been assessed against the following Development Plan policies - Policy PE10 of the Surrey Structure Plan 1994, Policies SE4 and SE3 of the Surrey Structure Plan Deposit Draft December 2002 and Policies BE2, SV2 and HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and other material planning 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 Planning Officer's report giving a more detailed assessment of this application is available for inspection at the Technical Services Department and copies can be obtained subject to a photocopying charge.