

5 SEPTEMBER 2017 PLANNING COMMITTEE

6c 17/0709 Reg'd: 21.06.17 Expires: 16.08.17 Ward: C
Nei. 31.07.17 BVPI Change of Number 11/8 On No
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LOCATION: 3 The Broadway, Woking, GU21 5AP

PROPOSAL: Change of use from Hot food takeaway (Use Class A5) to Taxi hire offices (Sui Generis use) including alterations to existing shopfront and first-floor front oriel window and first floor fire escape door with rear dormer roof extension (amended plans received 16.08.2017 omitting front canopy).

TYPE: Full Application

APPLICANT: Captiv8 Global Ltd

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Planning Committee for determination by the Development Manager due to the high number of third party representations received.

SUMMARY OF PROPOSED DEVELOPMENT

Change of use from Hot food takeaway (Use Class A5) to Taxi hire offices (Sui Generis use) including alterations to existing shopfront and first-floor front oriel window and first floor fire escape door with rear dormer roof extension (amended plans received 16.08.2017 omitting front canopy).

Site Area: 0.003 ha (30 sq.m)

PLANNING STATUS

- Urban Area
- Woking Town Centre
- Conservation Area (Woking Town Centre)
- Primary Shopping Area
- Secondary Shopping Frontage
- High Accessibility Zone
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

Grant planning permission subject to recommended conditions.

SITE DESCRIPTION

No.3 The Broadway is situated within the Urban Area of Woking Town Centre and within the Woking Town Centre Conservation Area. No.3 itself is not Locally Listed although adjacent No.1 and No.3 Chertsey Road are Locally Listed. No.3 demonstrates a shopfront to The

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Broadway with an oriel window above. The rear roof slope pitches down to a first floor level decked area to the rear which is accessed via a gate and steps to the side which also provide access to the flat to the rear within No.2 Chertsey Road.

RELEVANT PLANNING HISTORY

PLAN/1997/0483 - Display of an externally illuminated fascia sign and externally illuminated projecting sign (amended plans and amended description).
Permitted subject to conditions (17.07.1997)

PLAN/1997/0482 - New shop front and extraction ducting to the rear of the unit (amended plans).
Permitted subject to conditions (17.07.1997)

PLAN/1996/0845 - Display of an externally illuminated fascia sign and externally illuminated projecting sign (retrospective application) (amended description and amended plans).
Permitted subject to conditions (05.06.1997)

CONSULTATIONS

County Highway Authority (SCC):

I note that the Applicant intends to incorporate a canopy over the footway on The Broadway; in order for this to be acceptable the Applicant would need to apply for an Over sailing Licence from the CHA and certain criteria would need to be fulfilled. It is noted that these are not the case as the application currently stands.

I'm also aware that The Broadway is one of the busier streets in central Woking, and experiences significant traffic volumes in terms of vehicles and pedestrians. The width of the footway is 2 metres at this point so any protrusions that could result in pedestrians and vehicular traffic mixing should ideally be avoided, likewise any overhang that could be struck by large vehicles should also be minimised.

As such I ask that the Applicant revise the application to remove the canopy/awning.

Heritage & Conservation Consultant:

This appears to be a Locally Listed building in the Woking Town Centre Conservation Area. Again I would have thought a Heritage Statement was mandatory. The new shop front seems to be symmetrical in form and to use the same materials as now present, they also intend to retain the first floor timber bay and repaint it. I do not consider this will negatively affect the character of the Conservation Area. The proposed elevation seems to show what may be an awning protruding in front of the window. Without a

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Heritage Statement it is not possible to be certain of their intentions here. As it stands, and assuming there is no awning, I have no adverse comments.

(Officer Note: The initially proposed front canopy/awning has been omitted from the current application by way of amended plans received on 16.08.2017)

REPRESENTATIONS

x83 letters of objection have been received raising the following main points:

- Due to the fact that The Broadway is now a one way street it has more general public road users on a day to day basis and is becoming a main and busier road which will subsequently create issues with vehicular access down the stretch of Broadway and Chertsey Road, with the number of Private Hire Vehicles required for this Taxi Hire Office currently located at No.5A The Broadway.
- The company has over 100 Private Hire Vehicles belonging to taxi drivers working for them, which already causes extra pressure and strain on The Broadway
- The pickup and drop off point which is being proposed by Woking Borough Council will end up having only Private Hire Vehicles using the space allocated and this will not allow the general public to drop off or pick up on The Broadway
- The number of people waiting outside will have an effect on vehicles pulling into the drop off / pick up point.
- Our concern with safety and well-being of loading and unloading disabled customers only grows larger as our voiced concerns continue to be dismissed or ignored by Woking Borough Council
- The front entrance canopy is obviously being requested for customers of the business to wait outside before being picked up; this is absurd as this will block the public use of the pavement, particularly wheelchair or pram users
- (Officer Note: The initially proposed front canopy/awning has been omitted from the current application by way of amended plans received on 16.08.2017)
- Cars and Buses will have to stop due to Private Hire Vehicles using the proposed drop off / pick up point and it will cause traffic congestion as well as issues for commuters
- Due to Hackney Carriage drivers being allocated space so near to both No.3 and No.5A The Broadway, as the proposed rank, this will cause havoc between the two rivals (Hackney Carriage and Private Hire taxis) which already causes heated arguments between the two trades and mass confusion for members of the public
- The traffic flow issues will become more pronounced with the huge number of Private Hire Vehicles accessing The Broadway, as the Private Hire Company in question is known as an office pickup company; this certainly does not lend itself favourably to a good image for Woking where millions of pounds have been invested for the betterment of the town centre and its image

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2012) (NPPF)

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

Woking Core Strategy (2012)

CS2 - Woking Town Centre

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CS20 - Heritage and conservation
CS21 - Design
CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (2016)

DM20 - Heritage Assets and their Settings

Supplementary Planning Documents (SPDs)

Outlook, Amenity, Privacy and Daylight (2008)

Design (2015)

Supplementary Planning Guidance (SPGs)

Heritage of Woking (2000)

Other Material Considerations

National Planning Practice Guidance (NPPG)

COMMENTARY

Amended plans were requested, and accepted, during consideration of the application to address concerns identified with the application as initially submitted. Amended plans made the following changes:

- Removal of proposed front canopy

Due to the consideration that amended plans removed part of the initial proposal, upon which public consultation was undertaken, it was not considered necessary to undertake further public consultation on amended plans.

PLANNING ISSUES

1. The main planning issues to consider in determining this application are:
 - Principle of the change of use
 - Design and impact upon the Woking Town Centre Conservation Area and adjacent Locally Listed Buildings
 - Impact upon neighbouring amenity
 - Highways considerationshaving regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Principle of the change of use

2. The application site falls within the Primary Shopping Area and a Secondary Shopping Frontage within Woking Town Centre. The existing lawful use of No.3 The Broadway, including at ground floor level, is Class A5 (Hot food takeaway) and therefore no conflict with Policy CS2 of the Woking Core Strategy (2012) arises in terms of the principle of the change of use to Taxi hire offices (Sui Generis use) as no A1 retail use exists on the application site.

Design and impact upon the Woking Town Centre Conservation Area and adjacent Locally Listed Buildings

3. The site falls within the Woking Town Centre Conservation Area which comprises the Victorian core of Woking Town Centre. Adjacent No.1 Chertsey Road (Former Barclays Bank), and No.3 Chertsey Road to the rear, are both Locally Listed. No.1 as a building of Townscape Merit and No.3 as a building of Architectural Significance.

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4. This area is historically important as it largely comprises the original commercial developments of Woking Town Centre following the development of the railway station. The High Street, Broadway and Chertsey Road were originally the principal shopping and business streets in the Town Centre. Consequently the character of the area is predominantly that of late Victorian and Edwardian purpose-built shopping parades, mostly of three storey construction, interspersed with individually designed period buildings. With more recent Town Centre development since the 1970s the focus of the shopping centre has gradually moved away from this area with alternative town centre uses (such as A2, A3 and A5) subsequently occurring at ground floor level.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering applications within Conservation Areas, Local Planning Authorities shall pay "*special attention...to the desirability of preserving or enhancing the character or appearance of that area*". This is reflected in Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the Development Management Policies DPD (2016) and Section 12 of the National Planning Policy Framework (2012) (NPPF). Policy CS20 (Heritage and Conservation) advises that new development must respect and enhance the character and appearance of the area in which it is proposed. New development should also make a positive contribution to the character, distinctiveness and significance of the historic environment, including heritage assets at risk through neglect, decay or other threats. The heritage assets of the Borough will be protected and enhanced in accordance with relevant legislation and national guidance as set out in the National Planning Policy Framework 2012 (NPPF).
6. The proposal would replace what appears to be a non-original shopfront with a single mullion. The replacement shopfront would retain vertical divisions through utilising two mullions. The existing stallriser, pilasters and corbels would be retained and therefore no existing architectural detail would be obscured. Generous clear windows would be retained. A white aluminium frame would be utilised. Although a timber frame would be preferable, taking the above considerations into account, the white aluminium material is considered to be acceptable.
7. The profile of the proposed rear dormer is relatively modest in comparison to the existing building profile. The rear dormer, and fire escape stair, would be set 2 metres in from the side (south-west) elevation and would therefore not appear readily appreciable from the street scene of The Broadway through the gap between the host building and adjacent No.1 Chertsey Road. The greater height of adjacent No.5A The Broadway (to the north-east) would prevent the proposed rear dormer and fire escape stair from appearing within the street scene of The Broadway to the north-east.
8. The existing three-sided first floor oriel window would be replaced although the height of glazing would be increased which would, in turn, reduce the height of the existing supporting bracket. However the existing depth and angles of the window frame would be retained and the saddle bars and stanchion bars would remain in the same positions. Although the reduction in height of the oriel supporting bracket would alter the appearance of the oriel window its intrinsic character and appearance would nevertheless be maintained to an extent which would preserve the character and appearance of the host building and wider Conservation Area.
9. In terms of the adjacent Locally Listed buildings of No.1 and No.3 Chertsey Road paragraph 135 of the NPPF states that "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of*

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any harm or loss and the significance of the heritage asset". Given the nature, siting and extent of the proposed works it is not considered that the proposal would lead to any harm or loss to the settings of these adjacent Locally Listed buildings.

10. Overall the proposal is considered to retain the principal contribution of No.3 The Broadway to the street scene and therefore to preserve the character and appearance of the Woking Town Centre Conservation Area in accordance with policies CS20 and CS21 of the Woking Core Strategy (2012), Policy DM20 of the Development Management Policies DPD (2016) and Section 12 of the National Planning Policy Framework (2012) (NPPF).

Impact upon neighbouring amenity

11. Policy CS21 (Design) of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook. Further guidance is provided within SPD 'Outlook, Amenity, Privacy and Daylight (2008)'.

Flat at No.2 Chertsey Road:

12. There is a first floor level flat, at No.2 Chertsey Road, to the rear of the application property. This flat demonstrates a top-hung clear-glazed window facing towards the existing rear roof slope of No.3 and a fully glazed floor to ceiling door within the side elevation of the projection. In terms of the top-hung window SPD 'Outlook, Amenity, Privacy and Daylight (2008)' states that "*suitable daylight to a dwelling is achieved where an unobstructed vertical angle of 25° can be drawn from a point taken 2 metres above floor level of the fenestrated elevation*". The proposed rear dormer extension causes no breach of a 25° angle and therefore suitable daylight would be maintained to this top-hung window. In terms of the fully glazed floor to ceiling door within the side elevation of the projection SPD 'Outlook, Amenity, Privacy and Daylight (2008)' states that "*significant loss of daylight will occur if the centre of the affected window (or a point 2m in height above the ground to floor to ceiling windows) lies within a zone measured at 45° in both plan and elevation*". Again the proposed rear dormer extension causes no breach of a 45° angle and therefore suitable daylight would be maintained to this floor to ceiling door.
13. The proposed rear dormer would be located approximately 5.4m from that part of the elevation of the flat at No.2 Chertsey Road which contains a window. Given the form and scale of the rear dormer extension, in conjunction with this separation, and having regard to the existing relationship between the application property and the flat at No.2 Chertsey Road in a Woking Town Centre location, no significantly harmful overbearing effect, by reason of bulk, proximity or outlook, is considered to occur. The rear dormer extension would provide a fire escape and would therefore only be used occasionally in order to egress the application property. Whilst a window is proposed within the doorway of the rear dormer extension the applicant has agreed to the obscure-glazing of this window, to be secured by way of recommended condition 4, to ensure that no harmful loss of privacy arises to the flat within No.2 Chertsey Road. Overall the impact upon the flat at No.2 Chertsey Road is considered to be acceptable.
14. Having regard to the similar scale and form of the proposed oriel window in comparison to the existing oriel window, and the nature of changes to the existing shopfront, these elements of the proposal are not considered to give rise to material neighbouring amenity impacts.

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15. In terms of activity associated with the proposed use the application property is located within Woking Town Centre within close proximity to a number of licensed premises, and a 24 hour opening McDonalds restaurant, situated on Chertsey Road, The Broadway and High Street. In terms of potential noise and disturbance the proposed Taxi hire office (Sui Generis use) is not considered to result in a material change in comings and goings, and potential noise and disturbance associated with such, in comparison the existing lawful Hot food takeaway (Use Class A5) use.
16. Overall the impact upon neighbouring amenity is considered to be acceptable.

Highways considerations

17. The proposal would provide no on-site car parking. The Broadway is currently undergoing roadworks as part of the wider Woking Integrated Transport Project. Following completion of these roadworks The Broadway will become one-way (west-bound) between the junctions of Duke Street and Chertsey Road alongside a cycle lane. The existing blue badge (disabled parking) bays located in Chapel Street will be moved to The Broadway and will be located outside of the application property. Potential parking outside the application property would be controlled through existing on-street parking enforcement. There are also public car parks within close proximity. Overall, subject to the normal enforcement of on-street parking controls, it is not considered that the proposal would give rise to highway safety implications.

LOCAL FINANCE CONSIDERATIONS

18. The proposal is not Community Infrastructure Levy (CIL) liable.

CONCLUSION

19. Overall the principle of the change of use is considered to be acceptable. The proposal is considered to preserve the character and appearance of the Woking Town Centre Conservation Area and not to harm the setting of the adjacent Locally Listed Buildings of No.1 and No.3 Chertsey Road. The impacts upon neighbouring amenity, and in terms of highways considerations, are considered to be acceptable.
20. The proposal is therefore considered to be in accordance with Policies CS2, CS20, CS21 and CS25 of the Woking Core Strategy (2012), Policy DM20 of the Development Management Policies DPD (2016), Sections 7 and 12 of the National Planning Policy Framework (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)', Supplementary Planning Guidance 'Heritage of Woking (2000)' and the National Planning Practice Guidance (NPPG) and is recommended for approval. In considering this application the Council has had regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. In making the recommendation to grant planning permission it is considered that the application is in accordance with the Development Plan of the area.

BACKGROUND PAPERS

1. Site visit photographs
2. Site Notice (Development affecting a Conservation Area - dated 05.07.2017)
3. Consultation response from Heritage and Conservation Consultant
4. Consultation response from County Highway Authority (SCC)

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RECOMMENDATION

Grant planning permission subject to the following conditions:

01. The development hereby permitted shall be commenced not later than three years from the date of this permission.

Reason: To accord with the provisions of Section 91 (1) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the following approved plans numbered/titled:

16012.1 [OS] 01 (Site Location and Block Plan), dated June 2017 and received by the Local Planning Authority on 19.06.2017.

16012.1 [OS] 02 (Block Plan), dated June 2017 and received by the Local Planning Authority on 19.06.2017.

16012/1 [S] 01 (Floor Plans As Existing), dated 15.06.2017 and received by the Local Planning Authority on 19.06.2017.

16012/1 [S] 02 (Front Elevation As Existing), dated 15.06.2017 and received by the Local Planning Authority on 19.06.2017.

16012/1 [S] 3 (Side, Rear Elevation and Section As Existing), dated 15.06.2017 and received by the Local Planning Authority on 19.06.2017.

16012/1 [PI] 01 Rev A (Floor Plans As Proposed), dated 15.08.2017 and received by the Local Planning Authority on 16.08.2017.

16012/1 [PI] 02 Rev A (Front Elevation As Proposed), dated 15.08.2017 and received by the Local Planning Authority on 16.08.2017.

16012/1 [PI] 03 Rev A (Rear & Side Elevations Section As Proposed), dated 15.08.2017 and received by the Local Planning Authority on 16.08.2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Notwithstanding any indication given otherwise within Section 9 (Materials) of the submitted application form the development hereby permitted shall be constructed in the external materials as annotated on the approved plans listed within this notice unless otherwise first agreed in writing by the Local Planning Authority. For the avoidance of doubt this shall include the provision of a white aluminium facade to the replacement shop front.

Reason: To protect the character and appearance of the building and the visual amenities of the Woking Town Centre Conservation Area in accordance with Policies CS20 and CS21 of the Woking Core Strategy (2012), Policy DM20 of the Development Management Policies DPD (2016) and Sections 7 and 12 of the National Planning Policy Framework (2012).

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04. As annotated on the approved plan numbered/titled '16012/1 [PI] 03 Rev A (Rear & Side Elevations Section As Proposed)' the window(s) within the door of the rear dormer hereby permitted shall be glazed entirely with obscure glass and shall be non-opening. Once installed the window(s) shall be permanently retained in that condition unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy and residential amenity of the existing first floor level flat at No.2 Chertsey Road accordance with Policy CS21 of the Woking Core Strategy (2012), the core principles of the National Planning Policy Framework (2012) and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)'.

Informatives

01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework (2012). Amended plans were requested, and accepted, during consideration of the application to overcome concerns identified with the application as initially submitted. Following the submission of amended plans the application was considered to be acceptable.
02. The applicant is reminded that the planning permission hereby granted is granted solely on the basis of the amended plans referred to within condition 02 which were submitted during consideration of the application and which omitted the initially proposed front canopy. The applicant is advised that the provision of a front canopy, without the prior further grant of planning permission from the Local Planning Authority, would constitute a breach of the terms of the planning permission hereby granted.
03. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.