

7 JUNE 2022 PLANNING COMMITTEE

6b PLAN/2022/0264

WARD: KNA

LOCATION: 1 Creswell Corner, Anchor Hill, Knaphill, Woking, Surrey, GU21 2JD

PROPOSAL: Change of use from Class E (Commercial, Business and Service) to hot food takeaway (Sui Generis) with a fan grille extractor opening to the rear.

APPLICANT: Mr Huseyin Dongel

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Planning Committee by Councillor Whitehand.

SUMMARY OF PROPOSED DEVELOPMENT

Change of use from Class E (Commercial, Business and Service) to hot food takeaway (Sui Generis) with a fan grille extractor opening to the rear.

PLANNING STATUS

- Urban Area
- Shopping Parade (Anchor Hill)

RECOMMENDATION

Grant planning permission subject to recommended conditions.

SITE DESCRIPTION

Ground floor commercial unit at the end of a parade of commercial units at ground floor level with residential accommodation at first floor level, and in places also at second floor level, above. No.1 Creswell Corner is located close to the corner of Anchor Hill and Barley Mow Lane and has a highly glazed, dark grey framed shopfront with a fascia sign above. No.1 Creswell Corner backs onto a terrace of four dwellings fronting Barley Mow Lane. Residential Devon House is located on the opposite side of Barley Mow Lane to the south-west. There are also dwellings located on the opposite side of Anchor Hill.

RELEVANT PLANNING HISTORY

PLAN/2022/0265 - Advertisement Consent for display of 1 externally illuminated fascia sign (retrospective).
Elsewhere on this agenda

PLAN/2021/1325 - Certificate of Proposed Lawful Development for the installation of ESP extractor fan and flue internally in relation to the use of the premises for purposes falling within Use Class E(b) of Part A of Schedule 2 of The Town and Country Planning (Use Classes) Order 1987 (as amended) (i.e. for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises).
Pending consideration

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(Officer Note: PLAN/2021/1325 has essentially been superseded by the submission of the present planning application, hence it remains undetermined. The subject premises is also being used for hot food takeaway purposes (Sui Generis), as opposed to purposes within Use Class E(b))

PLAN/2021/0542 - Change of use from commercial, business and service (Class E) to hot food takeaway (Sui Generis) with associated addition of rear extract flue.
Refused (26.11.2021) for the following reasons:

01. It has not been demonstrated that the living conditions of the occupiers of nearby residential accommodation, including the flat directly above the premises which would remain unrelated to the proposed hot food takeaway use, would not be significantly and adversely affected by unacceptable levels of noise resulting from customer footfall, the external storage of waste and recyclable materials and traffic and associated car parking, particularly during later hours when there is likely to be a peak in hot food takeaway trading and background noise levels would be low. As such it has not been demonstrated that the proposal would avoid significant harm to the environment and general amenity, resulting from noise and general disturbance, contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016) and SPD Hot Food Takeaway (2014).

02. It has not been demonstrated that the proposal would not exacerbate existing on-street car parking problems/pressure and that it would not result in indiscriminate customer and servicing parking within the locality. As such it has not been demonstrated that the proposal would not result in harm to highway and pedestrian safety and to the living conditions of nearby residents, contrary to Policy CS18 of the Woking Core Strategy (2012), Policy DM16 of the Development Management Policies DPD (2016) and SPD Hot Food Takeaway (2014).

PLAN/2021/0477 - Certificate of Proposed Lawful Development for use as Café/Restaurant (formerly Use Class A3 (revoked as of 1 Sept 2020) - now within Use Class E).
Certificate Issued (22.06.2021)

PLAN/2006/0434 - Change of use from A1 (retail) to A2 (care agency).
Permitted subject to conditions (19.05.2006)

83/0026 - Change of use of ground floor from fruiterers to the preparation and sale of Indian take-away food.
Permitted subject to conditions (01.03.1983)

3528 - The erection of five shops with flats over at Anchor Hill, the junction with Barley Mow Lane, Knaphill.
Permitted (04.07.1949)

CONSULTATIONS

Environmental Health (WBC) (response dated 3 May): If you are minded to approve the application, there is no EH [Environmental Health] objection provided that:

- the odour control system will fully comply with the requirements contained in the Specification for EMAQ/DEFRA Report prepared by Don Miles, dated

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22nd April 2022. The flue ductwork must be supported using mountings fixed in such a way that any vibration or noise associated with mechanical ventilation / extraction is reduced to a level which doesn't cause a nuisance to neighbours.

(Officer Note: Recommended condition 03 refers)

- new external lights to the front sign are installed as submitted, subject to compliance with the Town and Country Planning (Control of Advertisements) Regulations 2007 and the Institute of Lighting Engineers, PLG05 The Brightness of Illuminated Advertisements.

(Officer Note: The fascia sign, and associated external lighting, is for consideration under ref: PLAN/2022/0265, which is elsewhere on this agenda)

- There will be no external plant or machinery as shown on the submitted plans, with the 2 condenser units located at the rear removed and replaced with fridge/freezer with self-containing condenser units located inside the premises.

(Officer Note: Recommended condition 06 refers. The two condenser units which were installed externally to the building envelope at the rear have since been removed by the applicant and the applicant has confirmed that replacement fridge/freezers, with self-containing condenser units, will be located internally within the premises.)

- A condition is attached to require details of the silencer to be installed to the extraction system, to include calculations across the frequency bands and attenuator selection, to prevent noise from the extraction system affecting the amenity of nearby residents.

(Officer Note: Recommended condition 05 refers)

- The premises hereby approved shall not be open to customers as per hours specified in the application.

(Officer Note: Recommended condition 07 refers)

County Highway Authority (Surrey CC) (response dated 31 March): The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

(Officer Note: This consultation response includes a 'Note to the Case Officer' which states that "The proposal involves installing bollards all the way to the end of the double yellow lines so that no vehicles can park on the shop front. Pedestrian access should be protected and maintained to ensure safe movements of pedestrians". Recommended condition 10 refers in respect of the provision of new bollards)

REPRESENTATIONS

x23 letters of representation (x22 in objection and x1 neutral) have been received from x14 individuals/parties raising the following points:

- This is the second application for this premises to be changed to a hot food takeaway, the first was refused

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(Officer Note: The present application differs to refused PLAN/2021/0542 and must be considered on its merits)

- This premises has already started trading and has proven the inconvenience that it is causing for the residents and local public
- Generation of noise
- Indiscriminate parking of both customers collecting food and of delivery vans, this includes parking on double yellow lines and on the pavement
- Obstruction caused by customer and delivery parking to residents' driveways, residents usual parking spaces and residents garages
- Increased rodent problems – the bins increase smell, rubbish and noise as they are filled and emptied
- Out of character
- Loss of privacy / overlooking
- There are already takeaways in the area, within walking distance, another one is not needed
- Additional traffic volume - Anchor Hill and Barley Mow Lane are very busy roads
- Design and visual impact - unsightly rear flue extract, ducting, fan and large industrial bins
- Noise, air pollution and smell from the extract flue, houses and gardens are located very close to the extract flue
- Can already clearly smell the cooking in Knaphill Café (8 Cresswell Corner) and Chop Suey House (7 Cresswell Corner)
- Are not aware of the potential opening hours as the properties that have been there for years have not had late night opening hours - the building has been used during office hours previously

(Officer Note: The proposed opening hours are set out within the planning application form and within the supporting application documentation)

- Increased footfall in the area (customers, delivery drivers, staff etc)
- Crime and anti-social behaviour is already an issue in the area
- Additional litter
- I was against this establishment at first, but having been monitoring its operation since opening, I don't have many concerns, although measures do need to be put in place in front of the shop to stop people parking on the pavement and the lighting to the signage needs to be of low level downlighters pointing to the sign

(Officer Note: The fascia sign, and associated external lighting, is for consideration under ref: PLAN/2022/0265, which is elsewhere on this agenda)

- Contrary to SPD Hot Food Takeaway (2014)
- Increase in vehicle movements at junction of Barley Mow Lane and Anchor Hill, which is the only legal entrance/exit to Barley Mow Lane accessing Waterers Park car park, Waterers Rise, Scout HQ, Barley Mow Close
- Adverse odour impact
- The extractor flue makes annoying humming and buzzing sounds for long periods of time. Other outdoor electrical equipment (x1 refrigerator unit and x1 freezer unit) buzzes throughout the night including 11pm to 7am, disturbing sleep

(Officer Note: Two condenser units were installed externally to the building envelope at the rear; these have since been removed by the applicant and the applicant has confirmed that replacement fridge/freezers, with self-containing condenser units, will be located internally within the premises. The applicant has also confirmed that a silencer will be installed to prevent

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noise from the extraction system, this is reflect on amended plans and additional information)

- Surrey CC Highways appear to have no objections yet cited significant traffic issues in application PLAN/2021/0542, which was refused
- Existing businesses will suffer and will affect their own living
- Changing the commercial status will be a loss of office space that is far more fitting for this area
- Believe that there has been changes of partners in this business twice now since the business has opened, investigations into financials should be undertaken

(Officer Note: This does not constitute a material planning consideration)

- Given that the main business is take-away, does this make PLAN/2021/0477 a completely invalid application?

(Officer Note: The ongoing, unauthorised use is that of a hot-food takeaway (sui generis), hence submission of the present planning application. In the event that the present planning application was to be refused the applicant could potentially 'fall-back' on operating the premises instead as a Café/Restaurant (this being within Use Class E), which would not require planning permission).

- While in favour of businesses starting up and contributing to the local economy, I am not in favour of this operation going ahead
- Knaphill village is already saturated with take-aways, barbers/hair-dressers and funeral homes

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 6 - Building a strong, competitive economy

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS4 - Local and neighbourhood centres and shopping parades

CS18 - Transport and accessibility

CS21 - Design

CS25 - Presumption in favour of sustainable development

Development Management Policies Development Plan Document (DM Policies DPD) (2016)

DM7 - Noise and light pollution

DM16 - Servicing development

Supplementary Planning Documents (SPDs)

Hot Food Takeaway (2014)

Outlook, Amenity, Privacy and Daylight (2022)

Parking Standards (2018)

Other Material Considerations

Planning Practice Guidance (PPG) (online resource)

PLANNING ISSUES

01. The main planning issues to consider in determining this application are:
- Principle of the change of use;
 - Design and appearance;
 - Neighbouring amenity;
 - Highway safety and parking; and
 - Local finance considerations
- having 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

02. The site forms part of a Shopping Parade (Anchor Hill), as indicated on the Council's Proposals Map. Table 2 (Hierarchy of Centres), within the reasoned justification text to Policy CS1 of the Woking Core Strategy (2012), identifies that 'Shopping parades' are "*of purely neighbourhood significance. Provide a basic level of convenience shopping within walking distance of the majority of homes within the urban area*". Policy CS4 of the Woking Core Strategy (2012) states that "*In neighbourhood centres and shopping parades the Council will seek to protect and retain local shops and other small scale economic uses such as post offices, petrol stations and public houses, because of the importance of these uses for meeting the everyday needs of those living locally*".
03. The former lawful use of the premises (care agency) fell within Use Class A2 (by virtue of ref: PLAN/2006/0434). However, as of 1 September 2020 (that being the date that substantive amendments to The Town and Country Planning (Use Classes) Order 1987 (the UCO) came into force) former Use Classes A1, A2 and A3, among others, were revoked and replaced by the new Use Class E; as of that date such uses are to be treated as if these are purposes specified within new Use Class E. The most important effect of including all of the specified uses within the new Use Class E in a single Use Class, therefore, is that a change of use between any of the uses listed within Use Class E does not constitute development for planning purposes. Such a change of use does not therefore require planning permission. This is material because the site benefits from a Certificate of Proposed Lawful Development (LDC) (ref: PLAN/2021/0477) for use of the premises as a Café/Restaurant (formerly Use Class A3 (revoked as of 1 Sept 2020) - now within Use Class E)
04. The existence of this LDC is a weighty material consideration in the determination of the present application because it represents a 'fall back' position because, in the event the present application was to be refused, the applicant could nonetheless use the premises as a Café/Restaurant (i.e., for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises). Whilst the neighbouring amenity impacts of a use within Class E (i.e., as a Café/Restaurant) differ to those of a hot food takeaway use (sui generis) the fact remains that the premises would very likely not be put to use a local shop, which Policy CS4 seeks to retain. Furthermore, the former lawful use of the premises fell within Use Class A2 (financial and professional services) such that no existing retail use would be lost. For the preceding reasoning Policies CS1 and CS4 of the Woking Core Strategy (2012) are not capable of forming a

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defensible reason for refusal, in respect of the principle of the change of use, in the particular circumstances of this case.

05. SPD Hot Food Takeaway (2014) does not form part of the Development Plan of the Borough but nonetheless forms a material consideration; section 5.2 of the SPD deals with 'Over-concentration and clustering'. The site does not fall within Knaphill Local Centre, as defined by the Council's Proposals Map, the closest boundary of that Local Centre falling circa 240 metres to the south-west along Anchor Hill (on the opposite side of the crossroads). Whilst it is acknowledged that Knaphill Local Centre has something of an existing over-concentration of hot food takeaways the distance between the site and Knaphill Local Centre is such that it is not considered applicable to consider the cumulative impact of the proposal together with existing hot food takeaways within Knaphill Local Centre. It is however clearly appropriate to consider the cumulative impact of the proposal together with existing hot food takeaways within the Anchor Hill Shopping Parade of which the site forms part.
06. The Anchor Hill Shopping Parade consists of x11 ground floor commercial units set across two detached blocks. As of 18 May 2022, x1 existing hot food takeaway use was evident within the Shopping Parade (Chop Suey House Chinese takeaway); hot food takeaway uses within the existing situation therefore account for 9% of the Shopping Parade (i.e., 1 of 11 units). The proposal would double this concentration to 18% (i.e., 2 of 11 units). SPD Hot Food Takeaway (2014) does not define what represents 'over-concentration' however it is material that the site and existing Chop Suey House Chinese takeaway would be split over the two detached buildings which form the Shopping Parade and separated by six intervening ground floor commercial units which are not in hot food takeaway use. Given these points it is considered that the proposal would not result in hot food takeaway uses becoming the dominant use within the commercial frontage of the Shopping Parade nor result in over proliferation and excessive clustering of hot food takeaways within the Shopping Parade. Given the former lawful use of the subject unit (within Class A2) there would no loss of a convenience shop to the detriment of local residents.

Design and appearance

07. Policy CS21 of the Woking Core Strategy (2012) requires proposals for new development to "*create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated*". No external alterations are proposed to the existing shopfront, whilst a replacement front fascia sign has been installed this is for consideration, under the Advertisement Consent regime, under ref: PLAN/2022/0265 (elsewhere on this agenda).
08. The only associated external alteration (other than replacement front fascia sign) is a fan grille extractor opening which is located at ground floor level within the side elevation of a single storey rear projection, this opening faces into the 'rear yard' area. Section 5.5 of SPD Hot Food Takeaway (2014) deals with 'Control of odours and cooking smells' and states that "*Extraction systems should be installed to effectively disperse odours from Hot Food Takeaway premises. They should be designed so that they do not have an unacceptable impact on visual amenity. They should also not appear as an incongruous*

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feature in the street scene. To be acceptable, the proposed extraction system will have to be –

- *Located to minimise its visual impact on the street scene and neighbouring land uses*
- *Of a colour, finish and design to blend in with the building to which it is attached*
- *Installed within the building where practicable. This is particularly important where the proposal is within a Listed Building or the setting of a Listed Building or in a Conservation Area, and*
- *Designed and sited to prevent a cumulative effect of proliferation of extraction equipment.”*

09. The fan grille extractor opening does not have an unacceptable impact on visual amenity and does not appear as an incongruous feature, it is located so as to minimise its visual impact on the street scene and neighbouring land uses.

Neighbouring amenity

10. Policy CS21 of the Woking Core Strategy (2012) states 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*” and “*be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases*”. Policy DM7 of the Development Management Policies DPD (2016) relates to, inter alia, noise.
11. The nature and positioning of the fan grille extractor opening is such that no significant harmful loss of privacy, daylight or sunlight, or overbearing effect, arises to neighbours as a result of this element.
12. Section 5.1 of SPD Hot Food Takeaway (2014) deals with ‘Protection of residential amenity’ and states that:

“Applications for Hot Food Takeaway shops within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises that cannot be mitigated by design or planning conditions. This also applies to applications for the change of use of existing premises to Hot Food Takeaways and extensions to existing Hot Food Takeaway premises.

Planning permission for Hot Food Takeaways is also unlikely to be granted where the living conditions of the occupants of nearby residential accommodation would be significantly and adversely affected, including where premises share a party wall with an adjoining residential property or if there is a flat above the premises that is not used in relation to the takeaway. The protection of the living conditions of nearby residents will be a significant material consideration when considering applications for Hot Food Takeaways.

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Hot Food Takeaways can create significant disturbance to neighbouring occupiers in the evening and late at night when they tend to peak in trading and background noise levels are considered to be low. The disturbance can be caused by a number of factors including an increase in footfall, the external storing of waste and recyclable materials, deliveries of stock and traffic and associated car parking. It is important that such issues are controlled or restricted to protect the residential amenity of occupiers living in close proximity to such establishments. In this regard, all planning permissions will have strict conditions to regulate the hours of operation.

Compared against other uses, Hot Food Takeaways can generate unacceptable levels of noise, vibrations, odours, traffic disturbance and litter. It is therefore important that such uses are appropriately located to prevent an adverse effect on the neighbouring houses including in town centre locations where there are significantly fewer residential properties in close proximity.”

13. Creswell Corner is a designed Shopping Parade and comprises of a parade of commercial units at ground floor level with residential accommodation at first floor level, and in places also at second floor level, above. The site backs onto a terrace of four dwellings fronting Barley Mow Lane. Residential Devon House is located on the opposite side of Barley Mow Lane to the south-west. There are also dwellings located on the opposite side of Anchor Hill.
14. The applicant has provided a technical assessment of odour in support of the application (prepared by purified air), which identifies that the extract/dispersion of kitchen discharge is below eaves or discharge of at below 10 m/s, that receptors are less than 20m from the kitchen discharge, that the size of the kitchen is medium and that the odour and grease loading of the cooking type is very high. As such the technical assessment identifies that a very high level of odour control is required in this instance albeit concludes that cooking odours in air exhausted from the kitchen/food preparation area can be eliminated with the installation of an appropriate mechanical system and carbon filters (recommended conditions 03 and 04 refer).
15. The application form, and the submitted Design and access and planning and heritage statement sets out that opening between the hours of 12:00 and 22:00 Mondays to Saturdays (inclusive) is sought, which represents a reduction in opening of 3 hours on these days compared to refused PLAN/2021/0542 which proposed opening hours of between 10:00 and 23:00 hours. The application also sets out that opening between the hours of 14:00 and 22:00 is sought on Sundays, which represents a reduction in opening of 5 hours on Sundays compared to refused PLAN/2021/0542 which proposed opening hours of between 10:00 and 23:00 hours on Sundays.
16. The proposed opening hours would avoid the most sensitive night-time hours and whilst the surrounding area is primarily residential the 22:00 hrs closing time would remain consistent with the nearby Chop Suey House Chinese takeaway. The earlier (compared to refused PLAN/2021/0542) proposed closing time of 22:00 hrs would prevent noise associated with customer footfall and car parking past 22:00 hrs, when background noise levels are likely to be at their lowest. Prior to 22:00 hrs there would be more noticeable background noise, particularly associated with vehicular traffic along Anchor Hill which is a

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distributor road within this part of the Borough. Recommended condition 07 will secure hours of use.

17. The submitted Design and access and planning and heritage statement states (at 5. Assessment) that “*The applicant would ensure that there would be no use of rear refuse/recycling area after 6pm or servicing (deliveries or refuse collection) after this time to ensure no noise to the nearby residents*”. Whilst it is not considered reasonable to preclude use of the rear refuse/recycling area beyond 18:00 hrs it is considered reasonable in planning terms to preclude use of this area past 21:00 hrs to prevent noise to surrounding residents, condition 09 is recommended in this respect. Condition 08 is recommended to prevent servicing (i.e., deliveries, loading, unloading and/or refuse collection) past 18:00 hrs.
18. It is acknowledged that there would very likely be some noise and disturbance from customers entering and leaving the premises and that this would be difficult to control. However, taking account that customers would be ‘short-stay’, that there would not be an overconcentration of such uses nearby, that the hours of use would be conditioned to 22:00 hrs at the latest, and that the site fronts onto Anchor Hill, one of the distributor roads through this area of the Borough, it is not considered that unacceptable levels of activity would arise so as to cause significant harm to the living conditions of nearby residents in terms of noise and disturbance from customers entering and leaving the premises.
19. It is also a material consideration that the lawful use of the premises (the existing *sui generis* use is presently unauthorised) falls within Class E (Commercial, Business and Service) of the Use Classes Order 1987 which provides for use, or part use, for all or any of the purposes set out in that class. As such, in the event this application was refused the premises could lawfully be used (without a requirement for planning permission), in whole or in part, for any of the purposes set out in Class E. Such uses include, in summary: (a) the display or retail sale of goods (other than hot food), (b) the sale of food and drink (for consumption on the premises), (d) indoor sport, recreation or fitness, (e) the provision of medical or health services and (f) for a creche, day nursery or day centre. In such a potential ‘fall-back’ scenario opening/trading hours could not be conditioned/controlled in planning terms as they can be in respect of the present application.
20. On balance, and subject to recommended conditions, the proposed use would not give rise to significant harm to the environment and general amenity, including to the living conditions of nearby residents, in terms of noise and general disturbance and odour. The proposed use complies with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016) and SPD Hot Food Takeaway (2014).

Highway safety and parking

21. Policy CS18 of the Woking Core Strategy (2012) relates to transport and accessibility and states, inter alia, that development proposals must provide appropriate infrastructure measures to mitigate the adverse effects of development traffic and other environmental and safety impacts and that maximum car parking standards will be implemented for all types of non-residential development, providing that it does not create new or exacerbate existing on-street car parking problems. SPD Parking Standards (2018) sets

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out maximum parking standards for non-residential uses; in respect of A5 Hot Food Takeaways (now *sui generis*) the maximum standard is 1 car space per 6 sq.m although a 50% reduction is recommended for, inter alia, Shopping Parades. Policy DM16 of the Development Management Policies DPD (2016) relates to servicing. Paragraph 111 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.

22. Section 5.3 of SPD Hot Food Takeaway (2014) deals with ‘Highway safety’ and states that:

“The impact of A5 units on traffic flow and road safety is an important consideration when determining planning applications. This type of establishment tends to attract a high proportion of car-borne and short stay customers. This can result in a number of road safety issues if there is a lack of existing or proposed customer parking spaces or dedicated on street parking provision. Delivery vehicles can also create road safety issues, particularly if there is a lack of parking provision close to the premises...

...Proposals located near to busy road junctions, traffic-signal-controlled junctions, pedestrian controlled crossings, bus lanes, bays and stops are likely to be refused planning permission on road safety grounds unless impacts can be mitigated in a satisfactory manner. The County Council will be consulted where it is relevant to do so.”

23. Beyond the red line of the application site Creswell Corner has a parking bay for circa 8-9 vehicles off Anchor Hill. Notwithstanding the relatively accessible location within the Urban Area the highway network close to the site experiences a degree of parking stress. The subject unit is that closest to the junction of Anchor Hill and Barley Mow Lane. If customers are unable to park within the existing parking bay it does appear that indiscriminate parking occurs on the footway. There are some existing bollards and double-yellow lines on the junction of Anchor Hill and Barley Mow Lane it is difficult to enforce double-yellow lines in respect of the short-stay parking which tends to occur when customers are buying takeaway food, particularly during later hours when parking patrols are less regular.
24. Unlike refused PLAN/2021/0542 the present application includes the provision of new bollards (fronting Barley Mow Lane and fronting Anchor Hill). The intention of these new bollards is to prevent indiscriminate parking on the footway fronting Anchor Hill and the area to the side of the premises on Barley Mow Lane. There are no objections from the Highway Authority (Surrey County Council) relating to traffic movements, parking or highway safety although it is considered that the new bollards are required in planning terms and that these should be installed all the way to the end of the double yellow lines (fronting Anchor Hill). The Highway Authority (Surrey County Council) has raised no objection to the provision of new bollards in these locations although the exact location and number of bollards would be the subject of recommended condition 10. The provision of such bollards (which would be at the applicants’ expense via a mini section 278 Agreement with Surrey County Council) goes a significant way to addressing the previous concerns of indiscriminate parking associated with the use.

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25. It must also be borne in mind that, whilst letters of representation indicate that the use is resulting in anti-social parking there is little substantive evidence to link such anti-social parking directly to this use. In the event the present application were to be refused, some of the potential alternative uses of the subject unit within Use Class E (which would not require planning permission), could include, for example, (b) the sale of food and drink (for consumption on the premises), (d) indoor sport, recreation or fitness, (e) the provision of medical or health services and (f) for a creche, day nursery or day centre. Such uses would also exert additional parking pressure within the immediate area which would likely be similar to that exerted by the use in this instance.
26. With regards to the comings and goings of delivery and service vehicles, there is no potential for off-street servicing to take place. However, deliveries and servicing would be capable of taking place from the street and such activities would likely be of short duration, particularly given the size of the premises. The submitted Design and access and planning and heritage statement states (at 5. Assessment) that "*The applicant would ensure that there would be no use of rear refuse/recycling area after 6pm or servicing (deliveries or refuse collection) after this time to ensure no noise to the nearby residents*". Condition 08 is recommended to prevent servicing (i.e., deliveries, loading, unloading and/or refuse collection) past 18:00 hrs.
27. On balance, and subject to recommended conditions, the proposed use would not result in an unacceptable impact on highway safety and any increased pressure for on-street parking would likely be similar to that exerted by potential alternative uses falling within Class E (which could occur without requiring planning permission) in this instance. The proposed use complies with Policy CS18 of the Woking Core Strategy (2012), Policy DM16 of the Development Management Policies DPD (2016) SPDs Parking Standards (2018) and Hot Food Takeaway (2014) and the NPPF.

Local Finance Considerations

28. The proposed use would not be Community Infrastructure Levy (CIL) liable because it does not fall within either Class C3 or Class A1 (now within Class E).

Conclusion

29. In conclusion, the principle of the change of use, and design and appearance impact, is acceptable. On balance, and subject to recommended conditions, the proposed use would not give rise to significant harm to the environment and general amenity, including to the living conditions of nearby residents, in terms of noise and general disturbance and odour. On balance, and subject to recommended conditions, the proposed use would not result in an unacceptable impact on highway safety and any increased pressure for on-street parking would likely be similar to that exerted by potential alternative uses falling within Class E (which could occur without requiring planning permission) in this instance.
30. The proposal is therefore considered to accord with Sections 2, 4, 6, 9, 12 and 15 of the NPPF, Policies CS1, CS4, CS18, CS21 and CS25 of the Woking Core Strategy (2012), Policies DM7 and DM16 of the Development Management Policies DPD (DMP DPD) (2016), SPDs Hot Food Takeaway

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(2014), Outlook, Amenity, Privacy and Daylight (2022) and Parking Standards (2018) and the PPG.

BACKGROUND PAPERS

Site visit photographs

x23 Letters of representation

Consultation response from Environmental Health (WBC)

Consultation response from County Highway Authority (SCC)

RECOMMENDATION

Grant planning permission subject to the following conditions:

01. 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 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 must be carried out only in accordance with the following approved plans numbered / titled:

Location plan (1:1250 scale) titled GU21 2JD, dated 22 Mar 2022 (rec'd by LPA 23.03.2022)

CC-2103-PBP (Proposed Block Plan), dated 21-03-22 (rec'd by LPA 23.03.2022)

CC-2204-PEEPFPES (showing plans and elevations), dated 22/04/2022 (amended plan rec'd by LPA 25.04.2022)

Specification for EMAQ/DEFRA Report prepared by Purified Air (1 Creswell Corner), dated 22nd April 2022 (5pp) (rec'd by LPA 25.04.2022)

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

03. All elements of the commercial kitchen extraction system must be cleaned, serviced, maintained and replaced (including replacement carbon filters) at sufficient intervals, fully in accordance with the Specification for EMAQ/DEFRA Report prepared by Purified Air (1 Creswell Corner), dated 22nd April 2022 (5pp) (rec'd by LPA 25.04.2022) and the manufacturer's recommendations. Records of such maintenance and the effectiveness of the system must be kept in writing and made available to the Local Planning Authority within five working days upon their request to demonstrate compliance with the requirements of this condition. Flue ductwork must be supported using mountings fixed in such a way that any vibration or noise associated with mechanical ventilation / extraction is reduced to a level which does not cause a nuisance to neighbours.

Reason: To protect the environment and the residential amenities of the occupants of neighbouring properties from noise and odour in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the

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Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

04. The commercial kitchen extraction system must incorporate a carbon filter system with a minimum 0.2 second residence/dwell time. The commercial kitchen extraction system must be permanently retained for the lifetime of the use hereby permitted.

Reason: To protect the environment and the residential amenities of the occupants of neighbouring properties from odour in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

05. ++ Within three months of the date of this decision technical details of the silencer to be installed to the commercial kitchen extraction system, including calculations across the frequency bands and attenuator selection, must be submitted to and approved in writing by the Local Planning Authority. The silencer must be installed within one month of the details being approved and must thereafter be permanently retained and maintained for the lifetime of the use hereby permitted.

Reason: To protect the environment and the residential amenities of the occupants of neighbouring properties from noise in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

06. Other than shown/specified on the approved plans/documents listed within condition 02 of this notice fixed plant and/or equipment associated with air moving equipment, compressors, generators, condensers or plant or similar equipment must not be installed externally to the building envelope without planning permission first being obtained from the Local Planning Authority.

Reason: To protect the environment and the residential amenities of the occupants of neighbouring properties from noise in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

07. The use hereby permitted must not be carried on outside of the following hours:

12:00 to 22:00 on Mondays to Saturdays (inclusive); and
14:00 to 22:00 on Sundays.

Reason: To protect the environment and the residential amenities of the occupants of neighbouring properties from noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

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08. Servicing of the use hereby permitted including deliveries, unloading and loading (including refuse collection) must only be undertaken between the following hours:

10:00 to 18:00 on Mondays to Saturdays (inclusive); and
12:00 to 18:00 on Sundays.

Reason: To protect the environment and the residential amenities of the occupants of neighbouring properties from noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

09. Other than for the purposes of means of escape in the case of fire use of the 'Rear Yard' (as this is shown on the approved plan numbered/titled CC-2204-PEEPFPEs (showing plans and elevations), dated 22/04/2022) must only occur between the following hours:

10:00 to 21:00 on Mondays to Saturdays (inclusive); and
12:00 to 21:00 on Sundays.

Reason: To protect the environment and the residential amenities of the occupants of neighbouring properties from noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

10. ++ Within three months of the date of this decision full details of the new bollards fronting Anchor Hill and Barley Mow Lane (including positioning, height and design) must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise first agreed in writing by the Local Planning Authority the new bollards must be installed within two months of the details being approved and must thereafter be permanently retained and maintained for the lifetime of the use hereby permitted.

Reason: To prevent indiscriminate vehicle parking in the interests of highway and pedestrian safety and the amenities of the area in accordance with Policies CS18 and CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

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 the NPPF.
02. The applicant's attention is specifically drawn to the planning conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to observe these requirements will result in a contravention of the terms of the planning permission and the Local Planning

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Authority may serve Breach of Condition Notices (BCNs) to secure compliance. The applicant is advised that sufficient time needs to be allowed when submitting details in response to planning conditions, to allow the Local Planning Authority to consider the details and discharge the condition(s). A period of between five and eight weeks should be allowed for.

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.
04. The planning permission hereby granted must not be construed as authority to carry out any works on the highway. In respect of the new bollards fronting Anchor Hill and Barley Mow Lane the applicant is advised that a 'mini' section 278 Agreement will need to be entered into between the Highway Authority (Surrey County Council) and the applicant and that the new bollards will incur a commuted sum of £350/bollard which will be payable to the Highway Authority (Surrey County Council).
05. The applicant is reminded that the fascia signage on the front of the premises is subject to a separate Advertisement Consent under ref: PLAN/2022/0265. For the avoidance of any doubt this grant of planning permission does not grant Advertisement Consent.