

PLANNING APPLICATIONS COMMITTEE 14 NOVEMBER 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
19/P2168	04/06/2019
Address/Site	61 Approach Road, Raynes Park, SW20 8BA
Ward	Dundonald
Proposal:	APPLICATION FOR CHANGE OF USE FROM A1 (RETAIL) TO A5 AND A3 (RESTAURANT AND TAKEAWAY)
Drawing Nos	Proposed Ground Floor Plan amended, Existing Ground Floor Plan, Section A-A, Proposed Rear Elevation, Proposed Front Elevation.
Contact Officer:	Frances Haines (020 8545 3112)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION.

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 9
- External consultations: 1
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Applications Committee for consideration in light of the number and nature of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The site is located at 61 Approach Road, which forms part of a short shopping parade along Approach Road. There are a number of uses along this short shopping parade such as A3/A5 at the adjoining site no.59 and other A1 uses. There are flats located above the application site.
- 2.2 To the west of the site is Raynes Park Train Station. The surrounding area is mixed, with Raynes Park core shopping area located to the north of the railway line and residential areas located behind the application site.

- 2.3 The site sits within the designated 'town centre' of Raynes Park but does not fall within the designated 'Core Shopping' frontages and 'Secondary Shopping' frontages. The row of units which this site belongs falls outside of both these designations and falls under the 'Other Shopping' frontages.

3. CURRENT PROPOSAL

- 3.1 The application seeks planning permission to:
- Planning permission is sought for the change of use from Use Class A1 (Retail) to Use Class A5 and A3 (Takeaway and Restaurant).
 - Internal and external alterations are proposed to accommodate for the restaurant and takeaway, including installation of new windows on front, and installation of extractor flue chimney.
 - The front elevation will include an illuminated sign with the name of the takeaway (this would be subject to a separate Advertisement Consent Application)

4. PLANNING HISTORY

No planning history in respect of this site.

5. CONSULTATION

- 5.1 Consultation letters were sent to the occupiers of 9 neighbouring properties and site notice erected.

- 5.1.1 In response to the consultation, 5 letters of objection have been received. The summary of objections are as follows:

5.1.2 External

- The building block is largely residential with most units containing loft rooms with Velux windows or dormer windows. These means that any extract flume will cause almost direct discharge into these spaces and have a significant impact on air quality and cause discomfort for residents. The odours released could also be considered under "Statutory Nuisance' (Environmental Act 1990)
- The sewers at the rear of the block do not have the capacity for the high level of discharge required to run the restaurant/takeaway
- The takeaway would attract anti-social behaviour and noise which would disturb residents
- Another A3/A5 use is not necessary and there are already loads of takeaways in the area, some of which are struggling due to the over saturation of this type of unit.
- Elevations are not correct
- The floor plan is very small and not suitable for a large plant. This poses a fire risk with close confinement of equipment and electrics. There is no allowance for hygiene and cleaning areas.
- More commercial bins would be needed which will attract foxes and rodents
- Further odour and waste will be created from another takeaway which will upset all neighbours
- Another extraction chimney would create smelly and toxic air
- The opening hours would impact local amenity
- this proposal would not be in accordance with DM R5(a)(iv) & (v), (c), potentially (d) and (f).

5.3 Internal

5.3.1 Environmental Health

- An Environmental Health Officer was consulted. The following comments were made:

Further to the submission of the revised document submission, provided the scheme proposed is installed to that standard then I have no objection to the application. I would recommend that suitable conditions are attached to the decision notice, should approval be given, requiring the implementation of the scheme presented:

- 1) Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the external boundary with any noise sensitive property not associated with the development.
- 2) The odour control measures contained in the revised documents submitted with the application shall be implemented and retained to that standard or higher.
- 3) The proposed noise mitigation measures to ensure the ventilation and extraction system does not increase the noise levels or vibration in the upper floors of the property and neighbouring properties not associated with the development shall be fully implemented prior to the premises first trading and thereafter retained.
- 4) Drainage serving the kitchen in commercial part of the premises shall be fitted with an adequate grease separator.

Reason: To protect the amenities of the occupiers in the local vicinity.

6. POLICY CONTEXT

- 6.1 Adopted Merton Core Planning Strategy (2011)
Policy CS4 (Raynes Park Sub-Area)
Policy CS7 (Centres)

- 6.2 Sites and Policies Plan (2014)
DM R1 (Location and scale of development in Merton's Town Centres and neighbourhood parades)
DM R4 (Protection of shopping facilities within designated shopping frontages)
DM R5 (Food and drink / leisure and entertainment uses)
DM D2 (Design Considerations in all developments)
DM D3 (Alterations and extensions to existing buildings)
DM EP2 (Reducing and mitigating noise)
DM T3 (Car Parking and Servicing standards)

- 6.3 London Plan 2016 Policies:

Policy 4.7 Retail and town centre development
Policy 7.4 Local character

6.4 NPPF 2019

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the change of use from A1 retail to A3 and A5 use in this location, design/visual impact considerations, impact on neighbouring amenity and refuse servicing.

7.2 Principle of A3/A5 use

The site sits within the designated 'town centre' of Raynes Park but does not fall within the designated 'Core Shopping' frontages and 'Secondary Shopping' Frontages. The row of units which this site belongs falls outside of both these designations and falls under the 'Other Shopping' frontages.

Policy DM R4 of Merton's Sites and Policies Plan (2014) states that Other Shopping Frontages within town centres should have a wide range of town centre type uses including shopping, leisure, entertainment, cultural, community and office uses. As such, the council will support proposals which contribute towards the vitality and viability of town centres.

The designated 'Core Shopping' frontages and 'Secondary Shopping' frontages for Raynes Park are the shops/parade to the north of the railway line.

A1 Retail units are protected within the Core Shopping frontages and Secondary Shopping frontages, but are not protected in the Other Shopping frontages. This means that in principle the proposal from A1 retail to A3/A5 restaurant/takeaway can be accepted in this location as the proposed A3/A5 uses are acceptable town centre uses.

Furthermore, Policy DM R5 of Merton's Sites and Policies Plan (2014) states Proposals which results in an over-concentration of hot food takeaways (A5 uses) will not be permitted as this would detract from the ability to adopt healthy lifestyles. Paragraph 1.79 of the supporting text to the policy outlines that generally an 'over-concentration of hot food takeaways (A5 uses) would be the development of more than three hot food takeaways in a shopping parade of 10 consecutive shops. On this shopping parade (numbers 57-69 Approach Road), there is one other A3/A5 use. It is not considered that the proposal would result in an over concentration of takeaways in this area.

7.3 Design Considerations

London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D2 and DM D3 require well designed proposals that are of the highest architectural quality and incorporate a design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings, thus enhancing the character of the wider area.

The proposed takeaway frontage is considered to be of a scale and design that would respect the surrounding area. The alterations to the front elevation would

provide an enhancement over the existing shop frontage with use of new larger glazed windows and new door. This is considered a suitable alteration to the unit and would be acceptable in the streetscene. The proposed rear flue would be tall but would be sited adjacent to an existing one at the neighbouring property. Although it would be an artificial addition to the rear of the site, it would be viewed in the context of the rear of the units and it being immediate adjacent to the existing one. The proposed flue would be of similar scale, height and design as the existing one and it is not considered to cause visual harm to the local area.

It is noted that the applicant would need to apply for further advertisement consent for the approval of the shop front signage.

Overall, the proposal is considered to be visually acceptable and would not cause visual harm to the surrounding area.

7.4 Neighbouring Amenity

SPP Policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

The key issues with the proposal are the opening hours and the noise and odour emissions from the extractor kitchen ventilation system.

The Council's Environmental Health Officer has reviewed the information provided and deemed the application and supporting information suitable on Environmental Health grounds, providing the scheme is implemented to the standard given in the supporting documents. Suitable conditions will be attached to the permission to protect the amenity of neighbouring occupiers with regards to noise and odour.

The Environmental Health Officer reviewed the sound proofing system that is proposed and considers this to be acceptable to mitigate potential noise concerns for the flats above and other neighbouring occupiers.

The ventilation system was also considered to be of a size, location and specification that would not have a detrimental impact on the amenity of neighbouring occupiers. The height of the flue is proposed to be taller than residential windows above the ridge line of the building so as to mitigate the odours. Environmental Health officer has not raised objection to the siting and design of the flue in relation to surrounding residential occupiers.

The proposed opening hours would be 11:00am to 23:00pm every day. Conditions would be attached to the application which would restrict the opening hours of the takeaway. Officers note that the adjoining takeaway has opening hours which vary during the week from 12:00pm to 22:00pm Tuesday to Wednesday, 12:00pm to 23:00pm Thursday to Fridays, 12:00pm to 22:00pm Saturdays, 10:00am to 16:00pm Sundays, and 17:00pm to 22:00pm Mondays. The Council's Environmental Health Officer has not raised objection to the proposal and subject to the proposal being implemented in accordance with the submitted details, this would appropriately mitigate the impact on surrounding residential occupiers. The opening times would be broader than the adjacent takeaway but are not considered to be unreasonable for the proposed use.

7.5 Refuse and Servicing

A servicing access road is present at the rear of the site which serves the site and neighbouring units. The bin storage would therefore be stored at the rear of the unit in the rear yard and then collected from the access road.

8. **CONCLUSION**

A1 Retail units are protected within the Core Shopping frontages and Secondary Shopping frontages, but are not protected in the Other Shopping frontages. This means that in principle the proposal from A1 retail to A3/A5 restaurant/takeaway can be accepted in this location. Officers are satisfied that there would not be an overconcentration of takeaway units in the parade.

The proposal would contribute towards the vitality and viability of town centre without causing material harm to surrounding residential amenity, and therefore would comply with the principles of policies Policy DM R1 and DM R4 of Merton's Sites and Policies Plan (2014).

9. **RECOMMENDATION**

Grant planning permission, subject to the following conditions:

1. Time limit commencement of development
2. Drawing numbers
3. Materials as submitted
4. Opening hours
5. Refuse/recycling management plan
6. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the external boundary with any noise sensitive property not associated with the development.
7. The odour control measures contained in the revised documents submitted with the application shall be implemented prior to first use of the A3/A5 Use hereby permitted and retained to that standard or higher.
8. The proposed noise mitigation measures to ensure the ventilation and extraction system does not increase the noise levels or vibration in the upper floors of the property and neighbouring properties not associated with the development shall be fully implemented prior to the premises first trading/use and thereafter retained permanently.
9. The drainage serving the kitchen in the commercial part of the premises shall be fitted with an adequate grease separator.

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