Application No: 2017/3672
Application Type: FULL
Case Officer: Aline Goult
Ward: Cobham and Downside Ward
Location: 2 High Street Cobham Surrey KT11 3DY
Proposal: Change of use from A2 (Financial Services) and C3 (Residential) to A2 (Financial Services) and A3 (Restaurant) AND part two/part single storey side/rear extension and alterations to fenestration following partial demolition of existing building.
Applicant: Derandd Investment Partners LP
Agent: Miss Kathy Kutter
CDMS Architects
1st Floor Montpelier House
99 Montpelier Road
Brighton
East Sussex
BN1 3BE
Decision Level: If Permit – Sub-Committee
If Refuse – Sub-Committee
Recommendation: Refuse

Representations: Six letters of objection, including one from Cobham Conservation and Heritage Trust, raising the following concerns:

- An additional restaurant in Cobham is unnecessary
- The loss of the mosaic panel on the northern side elevation
- Increasing strain on public sewerage system
- Loss of a residential unit
- Loss of parking spaces
- Possible impact on the Farmer’s Market on Hollyhedge Parade
- Erection of scaffolding on site prior to the determination of this application
- Future development of the High Street should be comprehensively planned
- Poor pre-application advice given to the developer, and unavailability of this document for public scrutiny
- Streetscene drawings not provided as part of the application
- Loss of business for existing restaurants in the district centre
- Shortage of prospective employees to fill the new job opportunities created by the development
- Narrowness of the pavement on this section of the High Street
- Difficulty siting refuse storage in an accessible location
- Inaccessibility of the site for delivery vehicles
- Likelihood of additional traffic in Hollyhedge Road
- Insufficient toilet facilities provided within the restaurant
- Lack of contribution to affordable housing

One letter of support from Cobham Chamber of Commerce commenting on:

- The retention of the bank against the general trend of financial services withdrawing from the retail environment
- Constructive use of space
- Sympathetic design
- Proposal will encourage footfall along the High Street

This application has been promoted by Cllr Browne if the recommendation is to permit and by Cllr Mrs Mitchell if the recommendation is to refuse permission.
Report

Description

1. The application site comprises a detached part two/part single-storey commercial premises with rooms in the roofspace currently in use as a bank at ground floor, with a residential unit above. The site is located within the district centre of Cobham.

Constraints

2. The relevant planning constraints are:
   - Area of High Archaeological Potential
   - ‘A’ Classified Road
   - Primary Shopping Frontage
   - Potentially contaminated land

Policy

3. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

Core Strategy 2011
CS2 – Housing provision, location and distribution
CS10 – Cobham, Oxshott, Stoke D’Abernon and Downside
CS18 – Town centre uses
CS19 – Housing type and size
CS23 – Employment land provision

Development Management Plan 2015
DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM10 – Housing
DM11 – Employment
DM12 - Heritage
DM14 – Evening Economy

Design & Character SPD 2012
Companion Guide: Cobham, Oxshott, Stoke D’Abernon and Downside

4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
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<tbody>
<tr>
<td>2008/0564</td>
<td>Two internally illuminated fascia signs and two internally illuminated projecting signs</td>
<td>Granted Advertisement Consent</td>
</tr>
<tr>
<td>2008/0307</td>
<td>Internally illuminated ATM signage</td>
<td>Granted Advertisement Consent</td>
</tr>
<tr>
<td>2007/2798</td>
<td>Replacement ATM</td>
<td>Granted Permission</td>
</tr>
<tr>
<td>2006/1357</td>
<td>4 no. mosaic art panels and 1 no. name plaque to side wall</td>
<td>Granted Permission</td>
</tr>
<tr>
<td>2000/1867</td>
<td>Illuminated fascia and projecting signs</td>
<td>Granted Advertisement Consent</td>
</tr>
<tr>
<td>1999/1234</td>
<td>Elevation alterations following the replacement and relocation of cash machines</td>
<td>Granted Permission</td>
</tr>
<tr>
<td>1987/1712</td>
<td>Erection of canopies over windows</td>
<td>Granted Permission</td>
</tr>
<tr>
<td>1986/1168</td>
<td>Alterations to shop front and installation of automatic cash dispenser</td>
<td>Granted Permission</td>
</tr>
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Proposal

5. Planning permission is sought for change of use from A2 (Financial Services) and C3 (Residential) to A2 (Financial Services) and A3 (Restaurant).

6. Permission is also sought for a part two/part single storey side/rear extension and alterations to fenestration. The proposal would necessitate the partial demolition of the existing building.

Consultations


8. Environmental Services: Noise and Pollution – no objection subject to conditions.

9. Environmental Services: Contaminated Land – no objection subject to informative.

10. Surrey County Council (Transportation) – Based on the information supplied without site inspection, the Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objections to the proposal. The development is considered to be in accordance with policy DM7 of the Development Management Plan 2015.

Positive and Proactive Engagement

11. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

12. Pre-application advice (ref. PreApp1243045) was sought prior to the submission if this application. At that time, the applicant proposed both A2 (Financial Services) and A3 (Restaurant) uses at ground floor level, with the provision of five residential units at first floor level. The residential use has subsequently been removed from the scheme.

Planning Considerations

13. The main planning considerations in the determination of this application are:

   - The principle of the development
   - The design of the proposal and its impact on the character of the area and the streetscape
   - The impact on the amenities of neighbouring properties
   - The impact on highway safety
The principle of the development

14. The proposal would result in the loss of a single residential unit. Policies CS2 and DM10 state that development resulting in a net loss of housing will be resisted unless it can be demonstrated that it would result in benefits that would outweigh the harm.

15. The unit to be lost is a three-bedroomed flat and is located in a sustainable district centre location. In their Planning Statement, it is suggested by the applicant that the loss of the residential unit is justified by the benefits of the scheme, which are cited as “visual improvements, economic development, support for the vitality of Cobham as a district centre”. Whilst support for economic growth is an important facet of planning policy, it should not be at the expense of residential units. It is not considered that the need for an additional restaurant in the district centre outweighs the loss of a residential unit.

16. The loss of a residential unit must also be considered in light of the Council’s targets for housing provision over the plan period. It has been acknowledged that there is not a five year land supply to meet the identified housing needs. In light of this, any justification for the loss of units would need to be thorough and robust to justify the loss, particularly given the site’s sustainable location within the urban area.

17. The applicant has further argued that the residential unit could, in any case, be converted to A2 floorspace under Permitted Development rights. The date on which the residential unit came into being is unknown: records show that Council Tax has been paid since the onset of Council Tax on 1993. It is not possible to know which General Permitted Development Order was in force at the time of the creation of the residential unit, but it has likely become lawful by virtue of the passage of time in any case. The lawful use of this area of floorspace is therefore considered to be C3 (residential).

18. The General Permitted Development Order 2015 (as amended) (Part 3, Class H) provides for a change of use of a building from a mixed use for any purpose within Class A2 and as up to two flats to a use for any purpose within Class A2. An internal inspection has confirmed that the building is indeed in mixed use. Whilst there is provision within the General Permitted Development Order to allow the conversion of mixed use A2 and up to two flats into an alternative A2 use, this would not allow for an A3 use. This is not considered to be a fall-back position to which we would attribute significant weight which would justify the loss of a residential unit.

19. It is not considered that the benefits of the scheme proposed by the applicant or the permitted development fallback position outweigh the loss of the residential unit. It is therefore considered that the proposal would conflict with the fundamental aims of Policies CS2 and DM10.

The design of the proposal and its impact on the character of the area and the streetscene

20. The proposal would see the existing building extended and enlarged so that it would fill more of its corner plot. While the extensions would see the building increase in scale and proximity to the pedestrianised area between Hollyhedge Road and the High Street, it is not considered that it would result in an incongruous feature within the streetscene; indeed, the rear elevation of the property would be rationalised by the proposal. The design would have regard to the existing roofscape of the locality, which is notable for the frequent usage of gable-ends. It is not considered that the proposal would result in harm to the host building, the character of the area or the visual amenities of the streetscene.

The impact on the amenities of neighbouring properties

21. The neighbouring properties most likely to be affected by the development are Nos. 1 and 6 High Street, located to the north-west and south-east of the application site respectively, and No. 1 Hollyhedge Road, to the south-west.
22. The windows located on the newly-created first floor northern elevation would serve the kitchen and staff areas of the restaurant. All but the easternmost of these windows could result in loss of privacy for the neighbour at No. 1 High Street. As these windows would not serve habitable rooms, a condition requiring that they be obscurely-glazed and non-opening would be appropriate. The easternmost of these windows would offer views of the High Street, which is acceptable.

23. Additional first floor windows are also proposed at first floor level on the southern elevation, offering views of the side/rear of other commercial units along this side of the High Street. Two of these neighbouring properties benefit from north-facing side dormer windows, but in both cases these are mostly obscured by chimney stacks. It is not considered that the south-facing windows included in the proposal would result in loss of privacy.

24. The Design and Character SPD indicates that the 25 degree angle test can be applied to assess the impact of proximity to habitable windows on daylight received. The proposal would result in a minor breach of the 25 degree angle test taken from the eastern-facing side windows at No. 1 Hollyhedge Road, one of which is obscurely glazed. However, due to minor nature of the breach as well as the location of the proposal to the north-east, it is not considered that the proposal would result in harm in terms of loss of light or overbearing impact to this neighbour.

25. The site is located south of the neighbour at No. 1 High Street. On balance, it is considered that the impact of the introduction of the first floor over the existing ground floor projection on the provision of natural light to this neighbour is mitigated by the distance of the first-floor element away from this neighbour (ranging from 17-20m due to the angled siting of the buildings) and the relatively low maximum height of the roof over this element at 8.2m.

26. Following their review of the proposal, the Council’s Environmental Health Officer recommended a condition that would require the submission of a scheme for the control of noise, vibration and odour from any plant arising from the restaurant use to submitted for the approval of the Council. This would safeguard the amenities of neighbouring occupiers in terms of noise and pollution.

The impact on highway safety

27. The scheme would result in the loss of three off-street parking spaces. The County Highways Authority has been consulted on the proposal and raised no objection to the development: it was noted that the site is in a relatively sustainable location. It should also be noted that the development is located in close proximity to the Hollyhedge Road public car park. Whilst the neighbour representations indicate that this car park is often busy during the day, it is anticipated that the restaurant use will attract most of its customers in the evenings.

Matters raised in Representations

28. The material planning considerations have been addressed within the above report.

29. Representations commented on the loss of the mosaic panels and interpretation panel located on and adjacent to the northern side elevation of the existing building. These were granted permission in 2006 and required the permission of the landowner. If the current proposal were granted permission they could not stay in place, but the applicant has stated their intention to carefully remove and package the mosaic tiles so that they can be relocated or stored by their owner, which is understood to be the RC Sheriff Trust.

30. Representations also commented on the impact on Hollyhedge Parade if an external seating area for the restaurant was permitted. An external seating area has not been included on the application form or plans, and so it is not taken to be part of the current application. One drawing featuring an external seating area has been included in the Design and Access Statement, but this would not form part of the approved details and express permission would be required if such an area were proposed in future.
31. The scaffolding erected around the application site has been observed, although no works to commence the proposed development appear to have started. The erection of scaffolding is not a planning matter.

Conclusion

32. The proposed change of use would result in the loss of a residential unit. It is not considered that sufficient evidence has been provided to demonstrate that the economic benefits of the proposal would outweigh the harm caused by the loss of the residential unit. The proposal is therefore contrary to Policy CS2 of the Core Strategy 2011, Policy DM10 of the Development Management Plan 2015 and the National Planning Policy Framework 2012.

Recommendation: Refuse Planning Permission

Reasons For Refusal

1. The proposed change of use would result in the loss of a residential unit. It is not considered that sufficient evidence has been provided to demonstrate that the economic benefits of the proposal would outweigh the harm caused by the loss of the residential unit. The proposal is therefore contrary to Policy CS2 of the Core Strategy 2011, Policy DM10 of the Development Management Plan 2015 and the National Planning Policy Framework 2012.