

**PLANNING COMMITTEE****21 February 2018 at 7.30 pm**

**MEMBERS:** Councillor Samantha Bourne (Chair), Councillor Muhammad Sadiq (Vice-Chair) and Councillors Jason Reynolds, Kevin Burke, Vincent Galligan, Tony Shields and Graham Whitham

**ABSENT** Councillor(s) Hamish Pollock, Margaret Court and Patrick McManus

**61. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Margaret Court, with Councillor Amy Haldane attending as a substitute, and Councillor Patrick McManus with Councillor Tim Crowley attending as a substitute.

**62. MINUTES**

The Minutes of the meeting held on 13 December 2017 were approved as a correct record, and signed by the Chair.

**63. DECLARATIONS OF INTEREST**

4. APPLICATION NO. A2017/78217 - 27-29 The Broadway, Cheam, SM3 8BJ.

5. APPLICATION NO. A2017/78218 - 27-29 The Broadway, Cheam, SM3 8BJ.

Councillor Amy Haldane, Non Pecuniary, a vegetarian.

Councillor Graham Whitham, Non Pecuniary, a vegetarian.

Councillor Kevin Burke, Non Pecuniary, knows some members of the audience.

Councillor Muhammad Sadiq, Non Pecuniary, had correspondence with residents but doesn't know them personally.

Councillor Tony Shields, Non Pecuniary, has associated with residents due to the proximity of the application to his ward.

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**64. APPLICATION NO. A2017/78217 - 27-29 THE BROADWAY, CHEAM, SM3  
8BJ**

The Chair announced that Items 4 and 5 would be taken together with an independent vote on each application.

The Committee considered a report on the above application for a subdivision of existing ground floor to create two separate units involving the change of use of, 29 The Broadway to Class A5 (Hot Food Takeaway) incorporating alterations to existing shopfront and installation of extract duct at rear.

The Committee also considered application A2017/78217 for a display of an internally illuminated fascia sign and an internally illuminated hanging sign.

The application had been de-delegated by Councillors Mary Burstow and Holly Ramsay.

Following the Officer presentation, Members enquired as to:

- Whether an updated delivery and service plan had been submitted in October 2017 and the Senior Planner confirmed there had not. Any further questions would be directed to the applicant.
- Potential noise levels caused by the condensers and the Environment Health Officer explained that levels were considered reasonable. It was further queried whether a condition could cover biennial testing to which the Officer said that while possible, this was unheard of.
- Concerns over deliveries, collections and a lack of car parking space and the Principal Engineer confirmed that there was no provision in current policy to demand parking levels for deliveries, but any provision could be re-assessed in the future.
- Mitigation of noise from the extractor fan and the Environment Health Officer explained that this was covered by noise nuisance provisions in the Environmental Protection Act. The Head of Development Management and Strategic Planning also referred Members to Condition 4 of the application.
- Opening hours of the application and whether these were later than neighbouring restaurants to which it was responded that they were similar.
- The Local Plan and Class A1/A2 retail units, upon which the Head of Development Management and Strategic Planning elaborated, explaining there was no loss of an A1 unit.

Dave Seditas, Tom Goodliffe and Paul Lincoln objectors, and Councillors Mary Burstow and Holly Ramsay, ward councillors then addressed the meeting under Standing Order 31, and the applicant replied.

The principal issues raised by the objectors were:-

- The detrimental impact of noise and odour to neighbouring properties;

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- A lack of provision for delivery parking and other existing parking issues in the Cheam Village area;
- A potential increase in anti-social behaviour crime;
- Incompatibility with Local Plan policy and 3 Cheam initiatives with permanent damage the character of the Cheam Village area;
- Concerns over public health issues and the proximity of a fast food outlet to local schools.

Members asked whether the objectors were against the use of the site for any A5 unit (hot food and takeaway) or to KFC in particular, to which the former was confirmed. In response to Members, further details were given on parking issues in the area, and in particular, access. Finally, the objectors reported to committee that few signs were illuminated in the village overnight, as Cheam Village is a conservation area, following a question from the Chair.

On the subject of anti-social behaviour, the Head of Development Management and Strategic Planning clarified which aspects would comprise material planning considerations.

In response to individual Members' comments regarding the Local Plan, the Head of Development Management and Strategic Planning confirmed its validity and that consultation had been carried out as required.

During the questioning of the objectors, the Chair gave a first formal warning given to Councillor Tony Shields for disorderly and inappropriate Conduct under Standing Order 14.

The principal issues raised by ward councillors were:-

- The detrimental impact of noise and odour to neighbouring properties;
- A lack of provision for delivery parking and other existing parking issues in the Cheam Village area;
- Increased anti-social behaviour following the opening of KFC elsewhere in the borough;
- The proximity of a fast food outlet to local schools; and
- A duty to protect the conservation area

Members discussed with the Ward Councillors their view on the appropriateness of a KFC under planning policy relating to town and local centres (DM35). The Ward Councillors responded that more litter bins would be required in the area due to the application being a hot food takeaway.

The principal issues raised by the applicant/agent, Adam Beamish and Laura Fitzgerald, were:-

- The district centre location and conformity with existing policies and regulations;

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- The 20% threshold of A5 units would not be exceeded;
- The application met local targets for proximity to schools and the proposal meets the target;
- A lack of objection from the Police with regards to anti-social behaviour;
- Free on-street parking in the vicinity, with the area well served by buses and trains, and rear service access;
- Most of the plant would be contained internally to the unit with ducts of greater significance existing in the area;
- No material planning considerations on the basis of which an application could be refused.

In response to Member questions, the applicant/agent answered that:

- The service and delivery plan remained valid and could be carried through;
- Committee could impose conditions it felt necessary on the application;
- No analysis of traffic had been carried out due to the nature of the application as a change of use and that it was not required;
- Motorcycle deliveries were not commonplace at KFC.
- Some KFC stores do not have illuminated signs.

It was confirmed by the Head of Development Management and Strategic Planning that the delivery plan had been discussed with the agent and the applicant's highways consultant.

The Head of Development Management and Strategic Planning reminded Members that committee could either agree with the officer recommendation on each application, or, refuse on material planning considerations or where relevant material was lacking. Deferral and appeal procedures were also explained.

During debate, Members raised concerns over parking, the service and delivery plan, an over-intensification of A5 units, the illuminated sign, and odours that would emanate from the unit.

At the close of debate Councillor Graham Whitham motioned a vote to refuse the application on the grounds that:

1. Parking servicing deliveries including waste would be detrimental to the local neighbourhood amenity.
2. Potential of the site to increase anti-social behaviour to the detriment of local residents.

Councillor Shields seconded the motion on the above grounds.

A poll vote on refuse planning permission was held in accordance with Standing Order 31.4, when there voted:

To grant (0)

Against (9) Councillors Bourne, Burke, Crowley, Galligan, Haldane, Reynolds, Sadiq, Shields and Whitham

Abstained (0)

**Resolved:** That planning permission be refused for application No.A2017/78217 , subject to the conditions, reasons and informatives set out in the Planning Schedule for this application.

**65. APPLICATION NO. A2017/78218 - 27-29 THE BROADWAY, CHEAM, SM3 8BL**

The application was debated in conjunction with the previous item. Following debate, the Chair motioned a refusal on the grounds that the illuminated sign was not in character with the current built environment, leading up to a conservation area in a village location. The motion was seconded by Councillor Tony Shields.

A poll vote to refuse the application was held in accordance with Standing Order 31.4, when there voted:

To grant (0)

Against (9) Councillors Bourne, Burke, Crowley, Galligan, Haldane, Reynolds, Sadiq, Shields and Whitham

Abstained (0)

**Resolved:** That planning permission be refused for application No. A2017/78218, subject to the conditions, reasons and informatives set out in the Planning Schedule for this application.

**66. ANY URGENT BUSINESS,**

No urgent business was raised.

The meeting ended at Time Not Specified

Chair: .....

Date: .....

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