

PLANNING COMMITTEE - Date: 24 April 2019

**Report of the Assistant Director of Environment, Housing and Regeneration Directorate**

Ref: DM2018/01667	WARD: D15 – Wallington North	Time Taken: 25 weeks, 2 days
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Site: 1 Belmont Road, Wallington SM6 8TE  
 Proposal: Change of use from A3 (café) to A5 (Hot food takeaway) together with the installation of an extractor fan and canopy, cycle and motorcycle parking.  
 Applicant: Dr Svetoslav Petkov  
 Agent: Mr Roger Lieberg

**Recommendation:**

**GRANT PLANNING PERMISSION**

**Reason for Report to Committee:** More than ten letters of objection have been received from separate addresses.

**Summary of why the application is acceptable:**

- The proposed change of use from an A3 (café) use to an A5 (Hot food takeaway) use would be acceptable in land use terms.
- The design of the proposal is acceptable and would not result in harm the character and appearance of the building, streetscene or the Park Road/Melbourne Road Area of Special Local Character.
- The proposal would not result in unacceptable harm to the residential amenity of neighbouring occupiers.
- The proposal would not result in harm to any nearby trees of amenity value.
- The proposal would not adversely impact parking provision or highway and pedestrian safety.

**1.0 BACKGROUND**

**1.1 Site and surroundings:**

1.2 The application site comprises a two storey end-of-terrace building located on the northern side of Belmont Road located in close proximity to the junction with Manor Road to the west. The building comprises a vacant A3 (café) use at ground floor level with a C3 (residential) use at first floor level.

1.3 The site is located within the Park Road/Melbourne Road Area of Special Local Character which abuts and is partially incorporated into Wallington District Centre and features a variety of architectural styles including good quality Edwardian and Victorian architecture.

1.4 The site falls within the Wallington District Centre and the surrounding built form incorporates a variety commercial ground floor uses with residential uses above in addition to detached and semi-detached residential dwellings.

1.5 **Relevant Planning History:**

1.6 None.

1.7 **Site specific designation:**

1.8 The site is located within the following site specific designations:

- Area of Potential Intensification
- Area of Special Local Character
- Area of Taller Building Potential
- District Centre

2.0 **APPLICATION PROPOSALS**

2.1 The application proposes the conversion of the vacant A3 (café) use to an A5 (Hot food takeaway) use together with the installation of an extractor fan and canopy.

2.2 The proposal would incorporate two cycle parking spaces and two motorcycle parking spaces.

2.3 **Significant amendments to application since submitted:**

2.4 None.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 Letters were sent to 11 neighbouring addresses dated 30 October 2018 and a site notice was posted in the vicinity of the site on 16 November 2018.

3.4 **Number of Letters Received:**

3.5 12 letters of objection have been received from the following 12 separate addresses: 1b, Flat 5 no. 2, 2x, 3a, 3b, 5, 7, 9, 10 and 11 Belmont Road; 24 Sandy Lane North; and Kennedy House, 5 Nightingale Road.

3.6 Additionally a petition has been received with 34 signatures from the following 20 separate addresses: 1a, 1d, 3b, 7, 8, 11, 34, 37, 60, 77b and 'B&T Autos' Belmont Road; 77c, 77d, 112 and 112a Manor Road; 12 Gateways Court; 37 Monford Gardens; 16 Harcourt Road; 16 Melbourne Road; and Flat 13 Lesley Court.

3.7 The letters and petition raise the following material planning considerations:

- Increased noise and disturbance.
- Insufficient off-street parking provision.
- Harm to highway and pedestrian safety.
- Opening hours would be excessively late.

3.8 **Official Consultation:**

3.9 Environmental Health: No objection subject to condition.

3.10 Highways: No objection subject to condition.

3.11 Waste Management: No objection.

3.12 **Councillor Representation:**

3.13 None.

4.0 **MATERIAL PLANNING POLICIES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- The London Plan 2016
- The Sutton Local Plan 2018

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) 2018
- National Planning Policy Guidance
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.
- Human Rights Act 1998
- Equality Act 2010
- Draft London Plan 2017

4.3 **Public Sector Equality Duty (PSED) and Human Rights**

4.4 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the PSED. The application proposals are not considered to conflict with the Duty.

4.5 The application has also been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

4.6 **Material Planning Policies Considered in Determining this Application:**

4.7 **London Plan 2016:**

- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions

- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture

#### 4.8 **Sutton Local Plan 2018:**

- 1 Sustainable Growth
- 6 Distinctive District Centres
- 17 District and Local Centre Development
- 18 Shopping Frontages and Town Centre Uses
- 28 Character and Design
- 29 Protecting Amenity
- 30 Heritage
- 31 Carbon and Energy
- 32 Flood Risk and Sustainable Drainage
- 33 Climate Change Adaptation
- 34 Environmental Protection
- 36 Transport Impact
- 37 Parking

#### 4.9 **Supplementary Planning Documents:**

- SPD14 Creating Locally Distinctive Places

#### 5.0 **PLANNING CONSIDERATIONS**

5.1 The principal considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Principle of Development**
- **Design Quality**
- **Impact on Neighbouring Amenity**
- **Trees and Landscaping**
- **Highway and Parking**

#### 5.2 **Principle of Development:**

5.3 The application proposes to change the use of the ground floor of the site from an A3 (café) use to an A5 (Hot food takeaway) use.

- 5.4 In accordance with policy 17 of the Sutton Local Plan 2018, the council will enable the delivery of approximately 5,000m<sup>2</sup> of gross food and beverage floorspace in District and Local Centres.
- 5.5 In accordance with policy 18 of the Sutton Local Plan 2018, the council will grant permission for development within District Centres that is suitable to the scale, role, function and character of the centre; provides a suitable use; and provides an active frontage at ground floor level.
- 5.6 Additionally, in accordance with policy 18 the council will support applications for A5 (Hot food takeaway) uses within Primary and Secondary Shopping frontages provided that the number of A5 units within a frontage does not exceed two.
- 5.7 The proposal would provide an active ground floor frontage reactivating the existing vacant unit and would contribute to the variety and mix of District Centre uses in the local area. Furthermore, the application site is located on Belmont Road and does not form part of the designated Secondary Shopping Frontage of Manor Road to the west. As such, it is considered that the proposal would be acceptable in terms of policy 18 of the Sutton Local Plan 2018 and would be acceptable in land use terms subject to compliance with all other relevant planning policies and material planning considerations.
- 5.8 **Design Quality:**
- 5.9 In accordance with policy 28 of the Sutton Local Plan 2018, the council will only grant permission for development providing it maintains and enhances local character and the appearance of the surrounding area. Policy 30 of the Sutton Local Plan 2018 requires developments within an Area of Special Local Character to conserve and enhance those elements that contribute to the particular character and appearance of the Area of Special Local Character.
- 5.10 The application proposes to change the use of the site and does not propose to enlarge or extend the existing building. The application would incorporate an external extract duct and flue to the eastern flank elevation measuring 15m in height. The proposed extract duct and flue would be set back from the principal elevation of the building and would not feature prominently in the streetscene or significantly alter the character or appearance of the building.
- 5.11 In light of the above, it is considered that the proposal would be acceptable in terms of its design quality and would not result in harm to the character and appearance of the Park Road/Melbourne Road Area of Special Local Character, or the streetscene.
- 5.12 **Impact on Neighbouring Amenity:**
- 5.13 In accordance with policy 29 of the Sutton Local Plan 2018, the council will not grant planning permission for any development that adversely affects the privacy, outlook or daylight and sunlight of adjoining occupiers, or would unacceptably impact on the surrounding area.
- 5.14 The proposed opening hours would be 8:30 to 23:30 Monday to Sunday including Bank Holidays. The proposed A5 unit would employ 3 full time and 2 part time members of staff, equivalent to 4 full time employees.

- 5.15 The Environmental Health Officer has reviewed the application and the clarifying details provided by the applicant on 11 November 2018, and has raised no objection to the proposal subject to a condition to control the level of noise from the extract duct and flue to prevent noise and disturbance to neighbouring occupiers.
- 5.16 Given the District Centre location of the site, it is considered that the proposed opening hours would be acceptable and would not give rise to a significant increase in noise and disturbance above that of the existing situation.
- 5.17 The proposal would not extend or enlarge the existing building and would not result in a loss of privacy, daylight or sunlight, or outlook to neighbouring occupiers.
- 5.18 In light of the above, it is considered that the proposal would be acceptable in terms of its impact upon neighbouring amenity.
- 5.19 **Trees and Landscaping:**
- 5.20 In accordance with policy 28 of the Sutton Local Plan 2018, new developments will be expected to respect and retain existing landforms and natural features of application sites, including trees of amenity value, hedges and other landscape features, and make suitable provision for high quality additional landscaping.
- 5.21 It is considered that the application would not result in harm to any remaining nearby trees of amenity value.
- 5.22 **Highways and Parking:**
- 5.23 Policy 37 of the Sutton Local Plan 2018 requires development proposals to provide the appropriate amount of car parking and secure cycle storage in accordance with the council's restraint-based maximum car and cycle parking standards and to ensure the safe and efficient operation of the transport network.
- 5.24 The proposal would incorporate two cycle parking spaces for employees and a scooter delivery driver waiting area adjacent to the eastern flank elevation in addition to two cycle parking spaces for customers to the frontage of the site.
- 5.25 The Senior Highways Engineer has reviewed the application and has raised no objection to the proposal commenting that off-street parking and public car parks are available nearby. The Senior Highways Engineer has recommended that a condition to secure a Construction Logistics Plan is attached, however, given that the application proposes a change of use it is considered that the nature of the works would be limited and that such a condition would not be appropriate or necessary.
- 5.26 It is considered that parking provision would not be adversely affected by the proposal and the proposal would not cause harm in terms of highway and pedestrian safety.
- 6.0 **CONCLUSION AND RECOMMENDATION**
- 6.1 The proposed change of use from an A3 (café) use to an A5 (Hot food takeaway) use would be acceptable in land use terms. It is considered that the design of the proposal is acceptable and would not result in harm the character and appearance of the building, streetscene or the Park Road/Melbourne Road Area of Special Local Character. Furthermore, it is considered that the proposal would not result in

unacceptable harm to the amenity of neighbouring occupiers. Additionally, it is considered that the proposal would not result in harm to any nearby trees of amenity value or adversely impact parking provision or highway and pedestrian safety.

- 6.2 In light of the above the proposal is considered to be acceptable and it is recommended that planning permission is granted.

**G**

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DM2018/01667

**DRAFT**

**WARNING:** It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

1 BELMONT ROAD WALLINGTON SM6 8TE

Erection of a single storey rear extension, extend and recreate a new first floor with roof accommodation to include two rear dormers and roof lights. Alterations to the front elevation and porch.

SECOND SCHEDULE

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 181014/01, 181014/02, 181014/03 A, 181014/04 B, 181014/05, Email from agent dated 11<sup>th</sup> November 2018.

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

(2) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

(3) All external facing materials, treatments and finishes shall be similar to those of the original building and maintained and retained thereafter. This applies unless differences are shown on the drawings we have approved.

Reason: To ensure that the extension harmonises with the existing building and to ensure compliance with Policy 28 of the Sutton Local Plan 2018.

(4) The rating level of the noise from the kitchen extract system hereby permitted shall be at least 5dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential façade. Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To safeguard the amenity of neighbouring occupiers in accordance with policy 29 of the Sutton Local Plan 2018.

(5) The development hereby approved shall only operate between the hours of 8:30 -23:30 hours Monday to Sundays and Bank Holidays.

Reason: To protect the amenity of the neighbouring occupiers and to comply with Policy 29 of the Sutton Local Plan 2018.

#### INFORMATIVES.

(1) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 5000 before proceeding with the work.

(2) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

(3) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

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