 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	04 October 2017
	REPORT OF:	HEAD OF PLACES AND PLANNING
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AGENDA ITEM:	13	WARD: Kingswood and Burgh Heath

APPLICATION NUMBER:	17/01588/RET	VALID:	20 July 2017
APPLICANT:	Mr David Brown	AGENT:	Aspect Planning
LOCATION:	NUMBER 12 RESTAURANT, 12 WATERHOUSE LANE, KINGSWOOD		
DESCRIPTION:	Retention of outdoor seating area including decking and screen		
All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.			

This application is referred to Committee by Councillor Parnall due to the potential loss of parking and the impact on the on street parking in Waterhouse Lane.

SUMMARY

The proposal is for the retention of a recently constructed outdoor seating area with approximately 20 covers to the side of the restaurant including decking and screen.

Whilst there would be a reduction in the available parking spaces to the side and rear of the property, Surrey Highways has raised no objection to the application and it is considered that there is sufficient on road parking on Waterhouse Lane. There are other places for customers and staff to park, with defined parking bays along both sides of Waterhouse Lane in the vicinity of the shopping parade, which are subject to time restrictions. This would not result in any highway safety issues, given that there are double yellow line waiting restrictions on Waterhouse Lane in the vicinity of the site, to prevent on street parking from taking place in locations where it would be considered dangerous.

Consequently, it is considered that there would be no material harm to the character of the area, or to neighbouring amenities from the retention of the outside seating area. The proposal is therefore considered acceptable.

RECOMMENDATION

Planning permission is **GRANTED** subject to conditions.

Consultations:

Highway Authority: 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.

Kingswood Residents' Association: Objects due to the impact on the surrounding parking and goes against a previous appeal decision.

Representations:

Letters were sent to neighbouring properties on 28 July 2017 and a site notice was posted on 02 August 2017. Representations have been received from one local resident siting the following concerns:

Issue	Number	Response
Inadequate parking	1	See paragraph
No need for the development	1	Not a material planning consideration

1.0 Site and Character Appraisal

- 1.1 The application site comprises a largely single storey restaurant with a yard and kitchen to the rear and an outside seating area (the subject of this application) to the side of the property.
- 1.2 The surrounding area is characterised by the Kingswood Local Shopping Centre on the northern side of Waterhouse Lane. To the south is an open field within the Metropolitan Green Belt. There is a café adjoining the property and a car park for the local public house to the east and the north. The site is relatively flat although it is built into the hill to the north.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The opportunity did not arise because the applicant did not approach the Local Planning Authority before submitting the application.
- 2.2 Further improvements could be secured: A condition will be placed on the grant of permission to submit details for cycle parking to the front of the outside seating area.

3.0 Relevant Planning and Enforcement History

- 3.1 00/04050/CU – Proposed change of use from A1 retail to A3 food and drink – refused – appeal allowed

- 3.2 02/00258/DET - Details of parking layout and air filtration equipment pursuant to conditions 3 and 5 of RE 00P/0405/CU – approved.
- 3.3 02/00481/F – New shopfront and windows to side elevation as part of work associated with the conversion to restaurant – approved with conditions

4.0 Proposal and Design Approach

- 4.1 This is a full application for the retention of the existing outside seating area. The decking measures the full width of the previous driveway, 3.1m and is 14.55m in depth.
- 4.2 The outside seating area is screened from the highway by a 1.8m high and 3.1m wide lattice screen on top of the 200mm high decking.
- 4.3 The existing parking along the side of the restaurant has been lost but there is space between the screen and the highway for bicycle and motorbike parking.
- 4.4 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:
- Assessment;
 - Involvement;
 - Evaluation; and
 - Design.
- 4.5 Evidence of the applicant's design approach is set out below:

Assessment	The statement assess that the local area is a local shopping centre in a number of different uses, including a café with outside seating adjacent to the application site.
	No site features worthy of retention were identified.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The statement explains that the retained proposal would enhance the character of the site.

5.0 Policy Context

5.1 Designation

Urban Area
Kingswood Local Shopping Centre

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)
CS10 (Sustainable Development),
CS11 (Sustainable Construction),

5.2 Reigate & Banstead Borough Local Plan 2005

Shopping Movement	Sh1, Sh2, Sh12 Mo5, Mo7
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5.3 Other Material Considerations

National Planning Policy Framework Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide
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Other	Human Rights Act 1998
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6.0 Assessment

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development and where the principle of such development is acceptable in land use terms.

6.2 The main issues to consider are:

- Impact on local character
- Neighbour amenity
- Highway and parking matters

Impact on local character

6.3 The outdoor seating area is to the side of the property. It has been setback from the front of the property and is bordered to the front by a 1.8m lattice fence and to the side by the retaining wall and fence of the car park of the Kingswood Arms.

6.4 In addition, a planter to the front and side of the seating area has been constructed. The applicant argues that the appearance of the site from a driveway leading to a rear yard has been improved. It is considered that the proposal Would not materially harm the appearance of the site when viewed from public vantage points.

Neighbour amenity

6.5 Due to the nature of the proposal, being within a commercial area, and being more than 50m from the residential properties to the north, it is not

considered that the proposal would cause a significant loss of amenity to neighbouring properties. There are no residential units above the premises and there is a reasonable separation distance between the proposed café seating area and the properties to the rear fronting Furze Hill. Consequently, the additional traffic movements in the evening would not result in an undue loss of amenity by virtue of noise and disturbance, given the separation distance.

Highway matters

- 6.6 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.
- 6.7 The County Highway Authority has acknowledged that local concerns have been raised in relation to the retention of the outdoor seating area. These concerns relate to the removal of existing parking spaces and there not being enough parking spaces available on street for users of the shops. However, the existing parking is shown on the plan as being owned by the applicant so the CHA consider that it is acceptable to now use this as a seating area, with space for bicycles and motorbikes. There are other places for customers and staff to park, with defined parking bays along both sides of Waterhouse Lane in the vicinity of the shopping parade, which are subject to time restrictions. If there was insufficient parking spaces available for customers and staff as a result of the reduction in on-site parking, the CHA considers that this would not result in any highway safety issues, given that there are double yellow line waiting restrictions on Waterhouse Lane in the vicinity of the site, to prevent on street parking from taking place in locations where it would be considered dangerous.
- 6.8 The planning history does include details submitted under application 02/00258/DET that approved parking to the side and rear of the site and that condition 3 of planning permission, Ref: 02/00481/F, stated: "No outside seating shall be provided without the prior written consent of the Local Planning Authority". The reason for the condition was stated as being: "To accord with the terms of the application and maintain planning control in the interests of the general amenities of adjoining residents." The development proposed was therefore restricted by condition to enable the Local Planning Authority to maintain planning control in the interests of amenity only.
- 6.9 Having viewed the approved plans on 02/00258/DET, it is clear that in practice the parking relied on one car following another and there being limited space to the rear to accommodate these cars. It would mean that if one car wanted to leave, all the other cars behind them would also have to exit which is impractical. In addition, the cars would have to exit onto Waterhouse Lane, a B road with parked cars either side of the driveway which would be potentially hazardous.

- 6.10 It is considered therefore that the loss of the parking would not cause such harm as to warrant refusal. A condition will be placed on the permission requiring the space in front of the seating area to be marked out for bicycles and motorbikes.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans.

Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

Plan Type	Reference	Version	Date Received
Location Plan	unnumbered		07.07.2017
Block Plan	unnumbered		07.07.2017
Floor Plan	2017/P/003		07.07.2017
Floor Plan	2017/P/004		07.07.2017

2. Within 6 months of the date of the permission, bicycle and motorcycle parking bays should be marked out and maintained to the front of the outdoor seating area for the use of clients using the restaurant and should be maintained as such as long as the business is in operation.

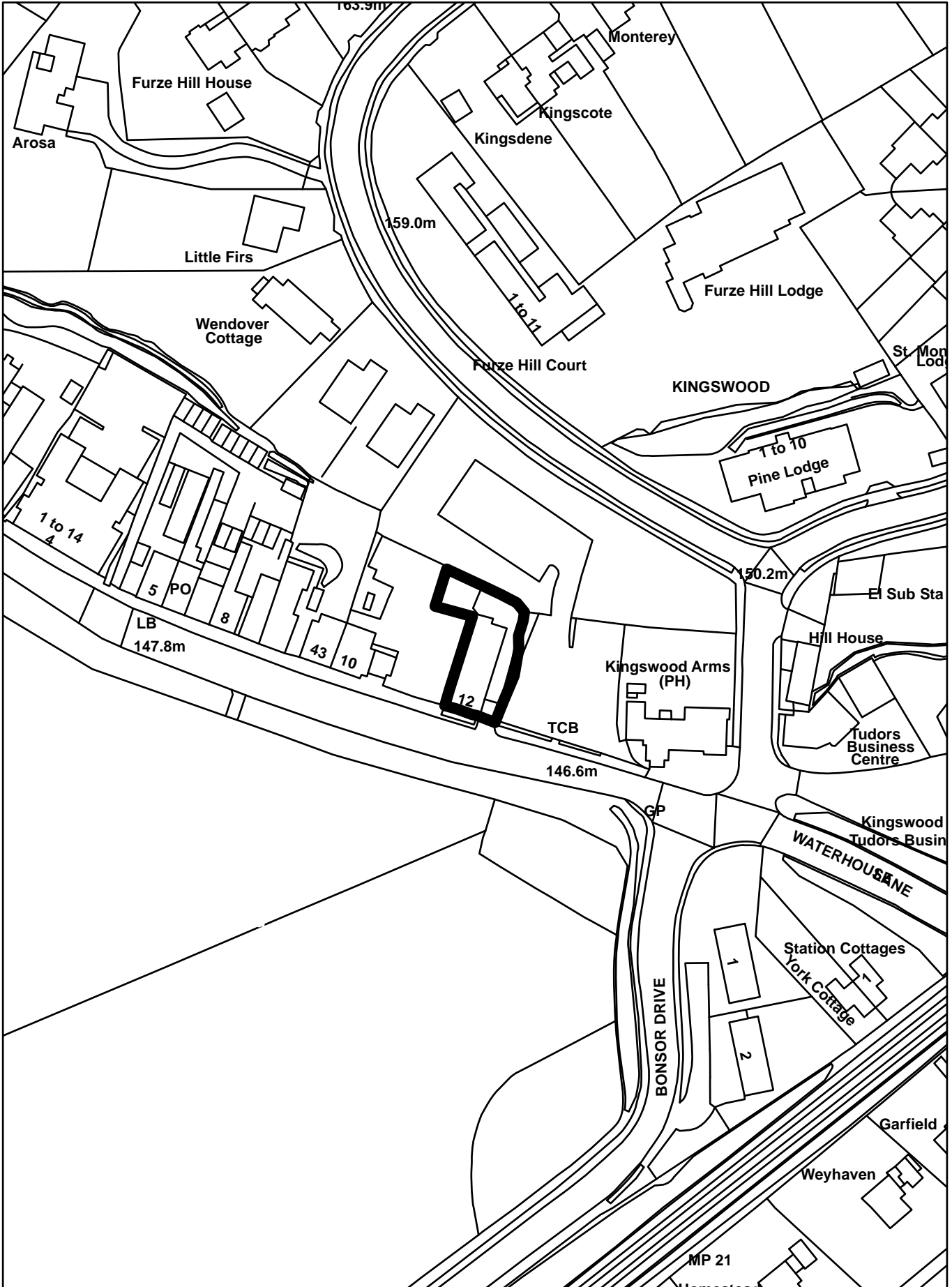
Reason: In order to mitigate against any increase in off-site parking and to comply with policies Sh2 and Mo5 of the Borough Local Plan.

Statement of reason for grant of planning permission (Article 31 of The Town And Country Planning (Development Management Procedure) (England) Order 2010):

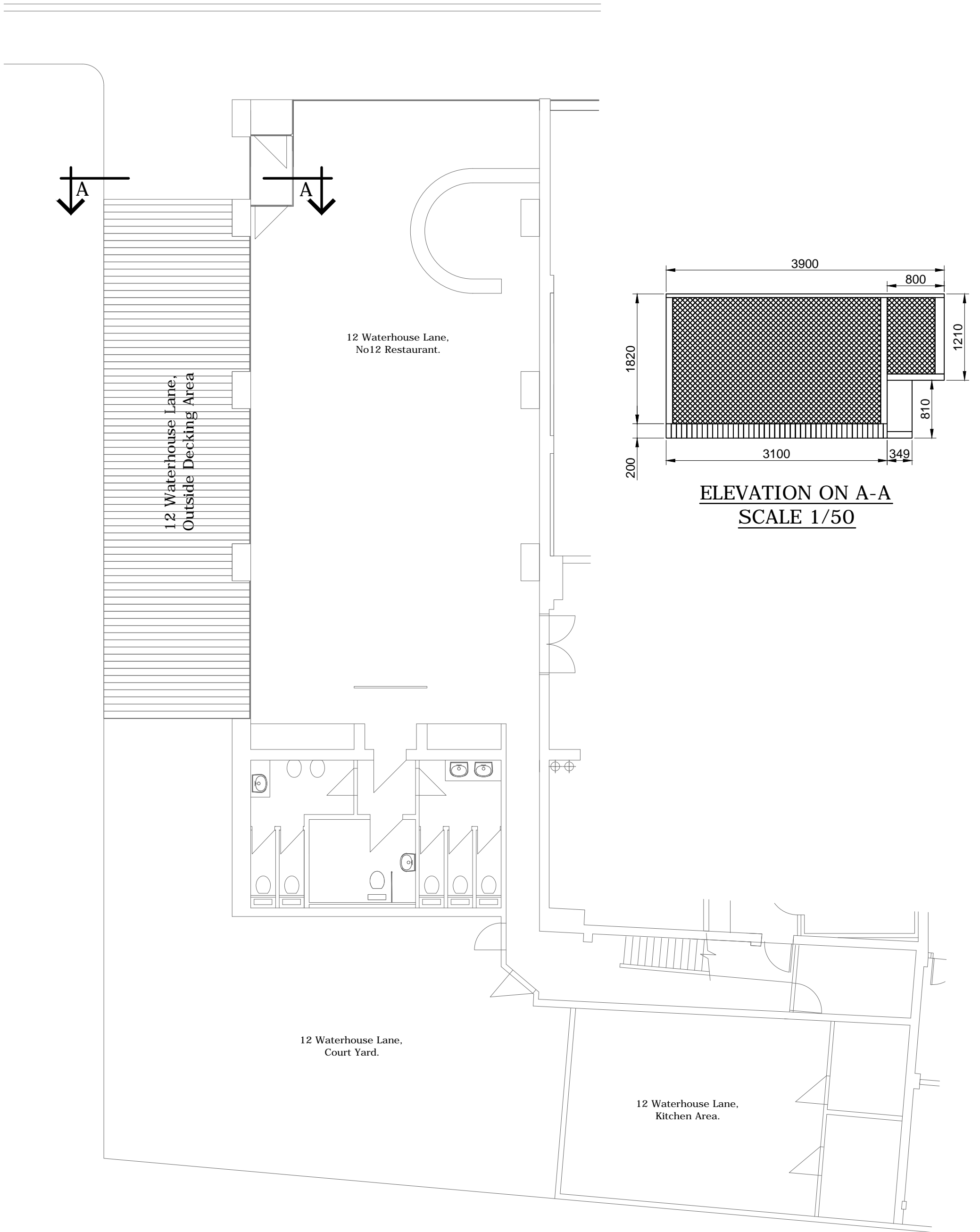
The development hereby permitted has been assessed against development plan policies Sh1, Sh2, Sh12, Mo5 and Mo7, and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

17/01588/RET - Number 12 Restaurant,
12 Waterhouse Lane, Kingswood



Waterhouse Lane,



ELEVATION ON A-A
SCALE 1/50

Client. Mr David Brown.

Title: 12 Waterhouse Lane,
Existing Ground Floor Plan showing
New Outdoor Seating Area

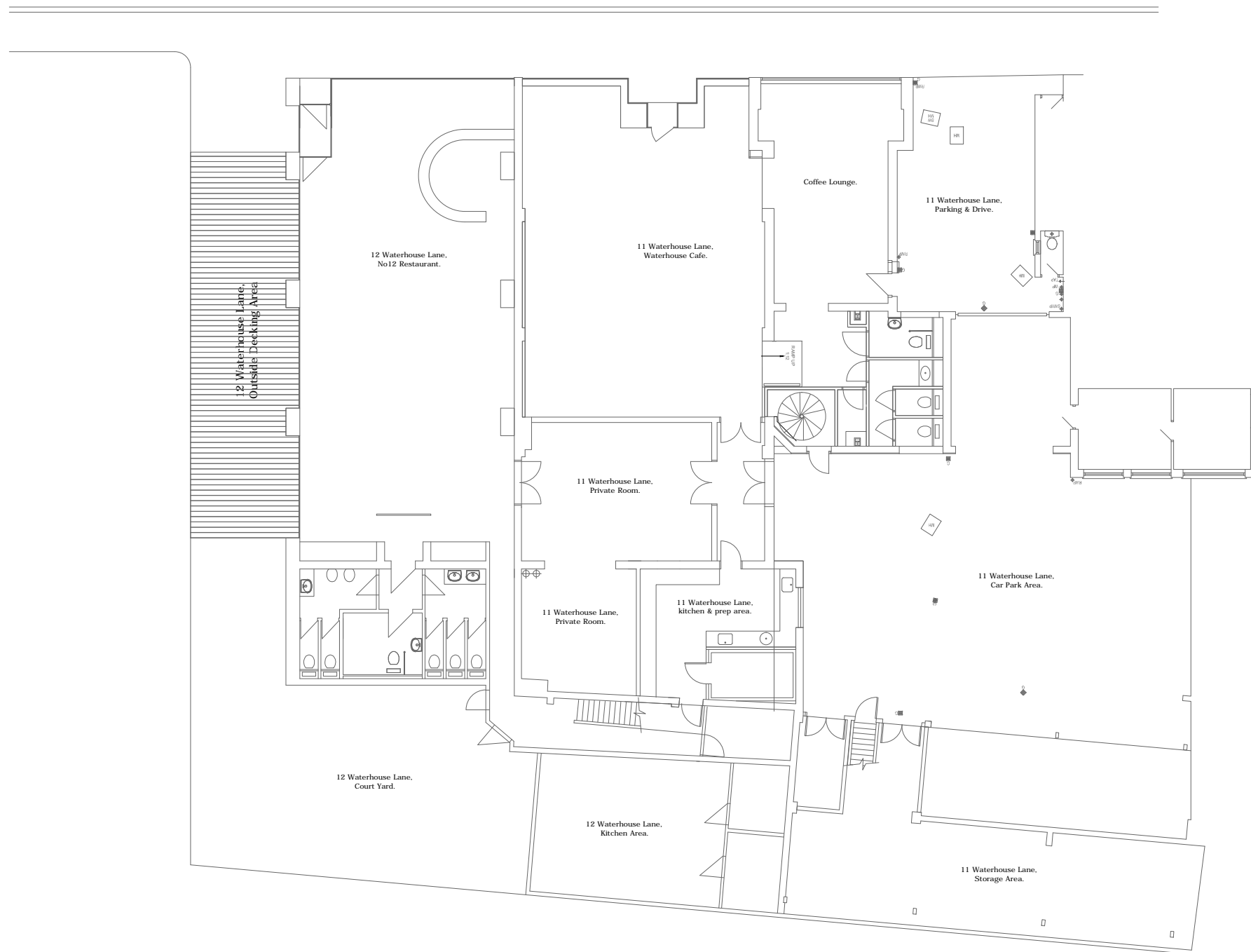
Date. 5th July 2017

Status. Issued for Planning.

Scale 1/100 @ A3

Drg. No. 2017/P/004 Rev 0.

Waterhouse Lane.



Client. Mr David Brown.

Title: 11 & 12 Waterhouse Lane,
Ground Floor Plan.

Date. 5th July 2017

Status. Issued for Planning.

Scale 1/200 @ A3

Drg. No. 2017/P/003 ²²¹ Rev 0.

